

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

166th Legislative Day

7/24/2004

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off cell phones, pagers and laptop computers. And we ask our guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield."

Pastor Crawford: "Let us pray. Father God, most precious Lord in heaven. Father, we pray according this day to the words of Your most precious servant, Saint John when he spoke these most precious words that this is the confidence that we have in You that whatsoever we ask You according to Your will, You promise that You will hear us. Father God, we pray today that You would hear us as we petition You for peace. Father, we ask You for love and joy. Father, we ask You for comfort and compassion. Father, we ask You for wisdom and understanding. Father, and above all we ask You for guidance this day in all of our ways, this day in all of our decisions. Lord, we ask these special blessings in the name of Your precious Son. Amen."

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

Molaro - 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. Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Kosel is excused today."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representative Steve Davis and Granberg are excused today."

Speaker Madigan: "Mr. Clerk, take the record. There being 115 Members responding to the Attendance Roll Call, there is a quorum is present. Mr. Clerk."

Clerk Mahoney: "Referred to the House Committee on Rules: House Resolution 1130, offered by Representative Moffitt. House Resolution 1135, offered by Representative Poe. Representative Boland, Chairperson from the Committee on Elections & Campaign Reform, to which the following measure/s was/were referred, action taken on Friday, July 23, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to Concur with Senate Amendments 1 and 2 to House Bill 629. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or Joint Action Motions was/were referred, action taken on Saturday, July 24, 2004, reported the same back with the following recommendation/s: 'approved for floor consideration' House Resolution 1130, offered by Representative Moffitt."

Speaker Madigan: "Mr. Clerk, on the Order of Third Reading there appears Senate Bill 73. What is the status of the Bill?"

Clerk Mahoney: "Senate Bill 73, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Delgado."

Delgado: "Yes. Thank you."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "Okay, Mr. Delgado, one second, please. Mr. Clerk, take this out of the record. Mr. Clerk, on the Order of Third Reading there appears Senate Bill 1046. Representative Currie."

Clerk Mahoney: "Senate Bill 1046, a Bill for an Act concerning finance. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This Bill as amended does one thing and one thing only. It corrects a drafting error that happened last year when we merged all of the financing authorities. In that legislation a prohibition was picked up that applied only to the educational facilities finance authority, prohibiting the use of state financing for religious higher education institutions like seminaries and cultural institutions. That prohibition never did apply to financings offered by the Illinois Development Finance Authority. And all this measure does is to take that prohibiting, restricting language out of the Development Finance Authority's statute so that those kinds of projects will be eligible for state financing again as they had been until the statutory change last year. I know of no opposition and I'd appreciate your support for passage of this Bill on Third Reading."

Speaker Madigan: "The Lady moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this... Mr. Parke.'"

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

Speaker Madigan: "Sponsor yields."

Parke: "This Bill was heard in committee, Representative?"

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

166th Legislative Day

7/24/2004

Currie: "Yes, it was."

Parke: "Did anybody put a slip in opposition to the Motion?"

Currie: "Not to my knowledge."

Parke: "So, you know of no opposition to this?"

Currie: "I know of no opposition to this."

Parke: "Thank you very much."

Speaker Madigan: "Again, the Lady moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill, having received a Supermajority... Excuse me. This Bill, having received a Constitutional Supermajority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1070, 1070?"

Clerk Mahoney: "Senate Bill 1070 has been read a second time, previously. A Motion to Table Committee Amendment #1 is offered by Representative Jakobsson."

Speaker Madigan: "Mr. Clerk, one more time. The Bill is on the Order of Second Reading and a Motion has been filed by Representative Jakobsson to do what?"

Clerk Mahoney: "A Motion's been filed by Representative Jakobsson to table Committee Amendment #1."

Speaker Madigan: "Representative Jakobsson. Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. Senate Bill 1070 is the graduate employees' bargaining rights. It amends the Illinois Education Labor Relations Act to include graduate students employed by public universities in the definition of 'educational employees'."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "The Lady moves to table the Amendment. The Chair recognizes Mr. Black."

Black: "Thank you very much, Mr. Speaker. Simply have an inquiry of the Chair. I... I can't hear. The... is the Lady's Motion simply to table Amendment #1, at this time?"

Speaker Madigan: "Mr. Clerk."

Clerk Mahoney: "The Motion is to table Committee Amendment #1."

Black: "Could we expand the Motion on its face to table the entire Bill? I don't think that's in order. Well, we certainly have no objection to the tabling of Amendment #1. Thank you, Mr. Speaker."

Speaker Madigan: "The Lady moves to table Committee Amendment #1. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Rose voted? Has Representative Dugan voted? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. The Motion to Table Committee Amendment #1 is adopted. Are there any further Motions or Amendments?"

Clerk Mahoney: "No further Amendments have been approved for consideration. However, notes have been filed but not yet received."

Speaker Madigan: "Representative, there have been requests for notes. And so the Bill shall remain on the Order of Second Reading until the notes have been filed. Representative Jakobsson."

Jakobsson: "Yes, please keep it on Second Reading for now. Thank you."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "Thank you. Mr. Clerk, on the Order of Consideration Postponed, there appears Senate Bill 1737. The Chair recognizes Mr. Molaro."

Molaro: "Thank you, Mr. Speaker. This... this Bill was presented yesterday and it was presented very early in the morning. Just so everybody understands this. This has to do with the Village of Skokie, Bridgeview, Rochester Township, Ottawa, Oakbrook Terrace, Plainfield, Ogle County, City of Mount Vernon, Village of Palestine(sic-Palatine) and East Peoria. So, everybody's aware, we passed House Resolution 454 which says that before any of this legislation can take place local government must comply with all of our procedures. The local government that... we make clear that none of the properties involved here has anything to do with home ownership or displacing anybody whatsoever. Our rules do not allow that and this certainly follows the rules. So these are strictly for public use, for public property and for widening roads and things like that. Nobody's being displaced. No homes are involved. And it's a simple, straightforward, quick-take eminent domain. And I'd ask for a favorable Roll Call."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Representative Pankau."

Pankau: "Thank you, Mr. Speaker. To the Bill. This Bill in its various forms with its various Amendments came before the Executive Committee. Each one of the Amendments dealt with a different area. I would urge your 'aye' vote on these quick-takes. They're... the pile of paperwork backing up the reasons why these particular areas are being taken is

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

166th Legislative Day

7/24/2004

phenomenal. I have a stack on my desk 'yea high' of all the paperwork, the approvals and all that sort of stuff. I would also like to commend the staffs on both sides because where there were questions about exactly what property was going to be taken, the staffs went to the extent of including the legal descriptions of property so that is was very exact what it was gonna be taken for and what the uses were for. I ask you to vote 'yes' on this Bill."

Speaker Madigan: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of the Bill. Representative Pankau is exactly right. The peop... the municipalities that now wanna do quick-take have to jump through lots of hoops. Because of the Resolution we passed, these municipalities have to do much more than they ever have. And they've had to be successful in convincing staff and the Members of the Executive Committee that these are meaningful and purposeful and that they pass through this vetting process, if you will. Each of the communities involved here needs this right away and cannot wait. And each of the communities involved here represent could be our... my constituents for sure, but someday it's gonna be your constituents. These are Republican and Democratic districts. And I would urge those of you who did not vote for this yesterday to help out these communities who very much need this legislation to pass today. Thank you. Vote 'aye'."

Speaker Madigan: "The question is 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who

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

166th Legislative Day

7/24/2004

wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 77 'ayes', 37 voting 'noes'. This Bill, having received a Constitutional Supermajority vote, is hereby declared passed. Mr. Clerk, on the Order of Concurrence there appears House Bill 714. Representative Gordon. Gordon."

Gordon: "Thank you, Mr. Speaker. House Bill 714 is on the... excuse me, Order of Concurrence. It was... this is the rolling stock Bill. It repeals the rolling stock exemption. And... I'm sorry, puts in place the rolling stock sales tax exemption. The comer... and repeals the commercial distribution fee. It'll go down to a level of 14.35 percent of what it was originally. I ask you for an 'aye' vote."

Speaker Madigan: "The Lady moves for the passage of the Bill and that the House concur in the Senate Amendment. All right, Ladies and Gentlemen, the Motion is that the House concur in Senate Amendments #1 and 3. Those in favor of that Motion signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. The House does concur in Senate Amendments #1 and 3. And this Bill, having received a Constitutional Supermajority, is hereby declared passed. Mr. Clerk, on the Order of Concurrence there appears House Bill 629. Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Many of the provisions in this election Bill are provisions that we have seen earlier. This is a streamlined form. Many of the provisions have to do with schedule changes because of

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

166th Legislative Day

7/24/2004

provisional voting. There are several other substantive changes, some which we've seen before and some which we haven't. For example, one of the new ones is that... that notices for public questions may include a 'plain language' explanation and Senate Amendment 2 clarifies that that explanation shall be written by the public body that is proposing the referendum question. In addition, in respect to campaign-free zones, where a church or a private school is serving as a polling place, that entity can decide whether to ban all electioneering or vote solicitation on any of its property. Were it to say 'no', of course, that 'no' would apply to all electioneering not just one piece of the... of... one side in an electioneering activity and there is also a clarification that when there's a private business is the polling place that the 100-foot marker, with respect to campaign activities, will begin at the exterior of that business property. I'd be happy to answer your questions. And I'd appreciate your support for this version of election changes for this current Session."

Speaker Madigan: "Mr. Fritchey."

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

Speaker Madigan: "Sponsor yields."

Fritchey: "Representative, one of the provisions in this has to do with polling and so-called 'robo' calls. And my reading of the legislation is that with respect to polling and automated calls that the source of funding for those calls, even though it needs to be disclosed today, would no longer be disclosed should this become law."

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

166th Legislative Day

7/24/2004

Currie: "All this is is a clarification of the original language. It was never the intent to require specific disclosures of polling and this just clarifies that that is not required."

Fritchey: "All right. I'll respect your answer, the answer that came from counsel on this, but 9.9-5 was very clear that these types of political activities should disclose the source of funding for those activities. Especially, when it comes to the advent of automated calling and polling with... with the advent of the negative calls, push polling, these types of things, I think it's very relevant that people know where these are coming from."

Currie: "I think... I think the distinction is this, if it's actually polling done for purposes of an attack activity for a campaign activity, to get my name out there and to get people to vote for me, then that is not covered by this... this that says you don't have to disclose. So, it's only... it's only when you're doing a real poll, a scientific poll. Let me read you the... the actual language, 'Nothing shall require a disclosure using random sampling or other scientific survey methods to gauge public opinion for or against any candidate or question of public policy.' If you're doing push polling, you'd be required to disclose it. If you're using telephoning in order to press a particular candidate, you'd have to disclose it. But if you are doing background polling, it never was the intent that that would have to be disclosed at the time of the call. You're trying, in that case, to get a... a real understanding of where the public is. If you were required to make that

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

166th Legislative Day

7/24/2004

disclosure when you're making the call, you might, in fact, skew the results. So, it would not make sense to require that disclosure if you're doing a random sample, legitimate scientific survey, trying to find out what the people think."

Fritchey: "Thank you very much."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, let me come back in a second to pursue some questioning that Representative Fritchey brought up. But on another issue, it seems to me that there is a contradiction in this Bill. If a church or a private, religious-oriented school, I think those are the definitions, wants to be a polling place, but at the same time says nowhere on my property even though you would meet all the electioneering rules, you can't put any poll sign on our property, period, no exceptions. That seems to me to be and I, again, that I know it's subject to judicial review, but that seems to be on the one hand we're saying, we wanna participate in the electoral process as a polling place, but we will deny any and all candidates their basic freedom of speech to put up a polling sign. I... That just seems to be a contradiction to me I don't understand."

Currie: "I... Let me just tell ya, this is not my proposal."

Black: "Right."

Currie: "This came from the Minority Leader in the Senate and I'm not sure what circumstances led him to propose it, but

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

166th Legislative Day

7/24/2004

apparently it was important enough to him that this is part of the final elections Bill. I guess I would say this, first of all, if the church is there and they say, no electioneering, you can always cross the street and try to catch the voters on their way."

Black: "All right."

Currie: "And second, maybe boards of election commissioners would be reluctant to turn to churches or private schools that plan to prohibit electioneering on their total property. Maybe a board of election commissioners would think twice about hiring that site as a polling place and maybe they would be concerned that there could be a challenge on grounds of free speech were they to use that institution..."

Black: "Okay."

Currie: "...as the place for polling."

Black: "Under this language, and I realize it isn't your language, I'm trying to envision a scenario where the church might say, 'No electioneering, no signs on our property, however, John Doe is a member of our congregation and therefore, John Doe signs can be on our property.'"

Currie: "Yes."

Black: "Now, to me, I would think that would be absolutely illegal."

Currie: "Absolutely inappropriate, wrong and I would think unconstitutional."

Black: "All right. I..."

Currie: "So, I think it has to be a blanket prohibition or a blanket willingness to..."

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

166th Legislative Day

7/24/2004

Black: "Okay."

Currie: "...let people have their signs within the appropriate hundred-foot markers."

Black: "Oh, that... that to me would certainly make sense and I... I echo what you said. I'm not sure where this language came from. I shouldn't say where, we know where it came from. I don't know what precipitated the language and perhaps... I'm sure there will be a judicial review. Let me follow up on what Representative Fritchey was talking about. If... if you... if a candidate engages a firm to do some push polling, which I think is an abhorrent practice, but it happens. And so you get a call at your home, would you be... 'This is Scientific Research, Inc., we wanna ask you some questions about the... about the candidates. Would you be more or less inclined to vote for a person who kicked their dog?' And on and on they'd go. Are you telling me that that firm now would be exempt from saying, 'this message is paid for by the State Democrat Committee, the State Republican Committee.' They wouldn't have to identify themselves?"

Currie: "If it is a scientific random sample, if the questions are, on their face, neutral, yes, you would not have to say so and in fact, I would argue that you would undercut the neutrality of that very poll if you were required to say, 'this is paid for by Citizens for Currie or Citizens for... for your good self.' So, if it's push polling, if it's a poll pretending... it's pretending to be a poll, but it's really designed to convince voters to vote for..."

Black: "Right."

Currie: "...Mr. Black, then you would have to disclose."

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

166th Legislative Day

7/24/2004

Black: "And..."

Currie: "But if it's a legitimate..."

Black: "Okay."

Currie: "...scientific, random sample trying to find out where public opinion is today on this contest or on this referendum question, then you would not have to disclose."

Black: "And I... I trust that, in fact, will be the case. Who would... who will be the arbiter... the arbiter of whether or not... people might say it's a scientific poll, you and I have been at this long enough to recognize a push poll in the first 15 seconds..."

Currie: "I would... yes."

Black: "...if... if we wanted to complain..."

Currie: "I would imagine such."

Black: "...does the State Board of Education(sic-Elections) the one who will make that judgment?"

Currie: "I would imagine you would complain to the State Board of Elections and they would investigate the complaint and if it turned out it was a push poll or a poll intended to convince people to vote for candidate 'x', then disclosure..."

Black: "Okay. All right."

Currie: "...would be required and fines would apply."

Black: "Fine. Thank you very much, Representative."

Speaker Madigan: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. To the Bill. I would just like to join the previous speaker. I also have some very grave concerns about the provision in this Bill that will allow churches, I assume it's religious institutions as well and private schools, to act as polling places and yet

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

166th Legislative Day

7/24/2004

prohibit any political electioneering on any of their property. I know in the area where I live if... if someone wanted to approach the polling place there's a million... a million access points and there's no way that someone wanting to contact a voter could walk... could... could walk... simply go across the street and engage in that activity. So, in essence, I believe their First Amendment rights would be denied and I think this is a very serious concern for this Bill. And I would ask for your 'no' vote. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Rose."

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

Speaker Madigan: "Sponsor yields."

Rose: "Madam Majority Leader, is there anything in here regarding timeliness of return of absentee or excuse me, motor voter cards to the clerk's office?"

Currie: "No. I had recommended that we include that language, but for whatever reason, it didn't make the final cut."

Rose: "And is there anything..."

Currie: "So, let's work on that next year."

Rose: "And then the final question, Madam, is there anything in here about copying the personal information that's contained in those cards?"

Currie: "No."

Rose: "Okay."

Currie: "And..."

Rose: "And to the Bill, Mr. Speaker. I'm going to vote for this 'cause I believe strongly in it, but I also believe just as strongly that there are two critical components missing. As

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

166th Legislative Day

7/24/2004

a citizen, if you fill out your motor voter registration card, you would like to think that that information is kept confidential, that it's between you and the local county clerk and the State Board of Elections. Unfortunately, however, nowhere in current law that I know of and apparently not in this piece of legislation is there anything that protects your motor voter form from being photocopied and disseminated to various parties. I look forward to working with the Majority Leader on that in the future. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you. Will the Sponsor yield for legislative intent?"

Speaker Madigan: "Sponsor yields."

Lang: "Thank you. Representative Currie, for... for purposes of legislative intent, may I ask you two questions, please?"

Currie: "Certainly."

Lang: "What changes does this Bill make to provisions governing electioneering on polling place property?"

Currie: "Two... two changes. First, if the polling room is located in a private business and the 100-foot campaign-free zone ends in the building's interior the markers designating where you can't campaign can go outside the building at its entrances that are used by the voters. Second, if a church or a private school is used as a polling place, the church or the private school may elect at its option to prohibit electioneering on its total property."

Lang: "Now, let's focus on the second change. I know this has been asked before, but I... we need to make this clear. So,

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

166th Legislative Day

7/24/2004

are you saying that under the language of the Bill churches and private schools have an option to prohibit electioneering on their polling place property or is it a mandatory prohibition?"

Currie: "The answer is that it's not. It is an option, it is not a mandatory prohibition. If this Bill becomes law, each church and private school used as a polling place will be able to choose to prohibit electioneering on their private property. However, if the church doesn't choose that preclusion then the electioneering is allowed as... as long as it's not within a hundred feet of the campaign-free zone. And let me just underscore the point that a church or a private school cannot permit electioneering from one side in a contest and prohibit it for the other. So, it has to be a neutral decision, either it prohibits or it doesn't."

Lang: "Thank you, Representative. I do have another question that's not for legislative intent. This Bill re... the section we just talked about about churches and private schools, what is... is there any change in this relative to whether electioneering can go on inside of a public school?"

Currie: "There's no change... no change in the current law. And my understanding is that there is a zone outside the school building, the marking of the hundred feet today and that stays the same."

Lang: "Thank you."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

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

166th Legislative Day

7/24/2004

Mulligan: "Representative Currie, in the definition on electioneering communication it adds a section to the definition of local political and state political committee to say a committee must... means, 'a candidate himself or individual trust, partnership, committee association, corporation or other organization.' Would that include a committee that uses a name that does not include the candidate's name or a party name? Such as 'Friends of the Forest' or something that would make someone be able to hide campaign contributions under a name that is not closely related to what the candidate would be identified by?"

Currie: "I think the intent of this section is to make sure that if you are taking a position on a referendum question, a ballot initiative, then the same kinds of disclosure requirements apply to that organization."

Mulligan: "But there's nothing here that states there's a way of identifying them as being either in favor of or contributing to something other than just the name. Does this definition change that, that would make it more..."

Currie: "The effort is..."

Mulligan: "...easily identifiable?"

Currie: "...the effort is to make sure that if there is an organization that meets the dollar threshold that is taking a position for or against a public policy question, that organization would be treated for disclosure purposes just the way a candidate committee or a committee supporting a candidate would be treated."

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

166th Legislative Day

7/24/2004

Mulligan: "All right. So, they would disclose. But that doesn't necessarily mean unless they're identifiable other than by a name that may not really reflect the issue..."

Currie: "That's right."

Mulligan: "...that you could fine them."

Currie: "That's right."

Mulligan: "So, that's still a problem then. They may have to disclose, but if their name is more covert of the issue that they're trying to influence you would still have to go hunt for them."

Speaker Madigan: "Representative Slone."

Currie: "Right. So, the idea is to cover those that do not use a name in the... in the organization's group that is clearly identifiable with a candidate or with a particular side of a ballot question. So, if a third party came in to support you, but they didn't have the name 'Mulligan', it wasn't 'Citizens for Mulligan', if they met the other threshold requirements they would have to report."

Mulligan: "Right. But you'd just have to go hunt for it."

Currie: "Pardon me?"

Mulligan: "You'd have to hunt for it, basically."

Currie: "Yes."

Mulligan: "I mean you wouldn't know that they're supporting me by their name."

Currie: "That's right."

Mulligan: "Okay."

Currie: "But if you received a communication from them that said, 'vote for Rosemary Mulligan because she stands tall for whatever, wildflowers', then you might be able to trace

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

166th Legislative Day

7/24/2004

back the organization that sent that mailing and let them know that they'd be required to disclose under Illinois law."

Mulligan: "In our area, polling places receive money to be a polling place that day. And my understanding, 'cause we have argued with public schools in our area, some school districts have no problem, they leave the signs out past the hundred feet, others routinely sweep them. City hall in one of my areas swept the signs. But you're being paid to have a polling place there and actually that's one of the least expensive ways a candidate can make sure that people know that they're running that day and that they're going to be on the ballot. So, the way it works now, because I don't think this Bill is very definitive, I would... I would not like to see that happen. I would like candidates to still be able to put their signs a hundred feet plus. If you're an... a local private school or a church and you're accepting money you should become a polling place for that day and be covered under that law. Because if we change this all we're doing is adding to the expense of running for office. Where it should be ready visible that you as a candidate should be able to say past that hundred feet have your signs there to notify people that you're... ya know, you're running. So, by changing this don't you think that is not a good thing?"

Currie: "Well, first of all, Representative, not all election jurisdictions pay for polling places. Second, as I said in response to Representative Black, this is not my language, this is not my proposal. This comes from the Minority Leader in the State Senate who says that in rural areas it's

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

166th Legislative Day

7/24/2004

very difficult to find polling places and churches are one place you can find, but some churches don't want people electioneering from either party or for or against individual candidates on their property. So, apparently there is a difficulty in finding places that will agree to serve as polling areas in some rural parts of the state and that's why this language is proposed."

Mulligan: "The third point that I'd like to make and other Members have made this, I thought one of the better things in the Bill that we passed earlier was having to disclose in, say a telephone poll, who was paying for that poll. The exemption there bothers me a lot. Because I think it takes away what I would consider a little openness in election and I think that's a really bad provision of this Bill. The problem when we have a Bill like this is people feel their voted... forced to vote for it. Once in a campaign, my opponent used a 'no' to cut off debate on an election reform Bill as a 'no' for the Bill, when I had voted 'yes'. So, what this does by putting bad provisions in an election type Bill, forces people to put a vote on a Bill that is not necessarily a good Bill. And if you vote 'no' then it's open for cannon fodder of, ya know, an election piece. I think that these should be scrutinized more closely. And when we spend a lot of time on provisions, such as mandatory disclosure, on say a push poll, which you're gonna have a hard time proving, because a lot of people don't remember the questions after they get off the phone. We're diminishing things that we've done in the past that were good reforms."

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

166th Legislative Day

7/24/2004

Currie: "Well, just in response, Representative, I would say that there is a big difference between a push poll and a real one. And if you were to disclose during the telephone call of the real one you might in fact skew the results. And just on the other point about the churches being able to prohibit electioneering on their property, we have asked the State Board of Elections to monitor what happens under that provision during the November elections. Perhaps you would wanna come back and revisit the issue if it turns out that there are real problems of communication as a result."

Mulligan: "Well, I think it will be very hard to assess for the simple reason that 'a' number one on the polling, most people get a poll and they don't remember all of the information on it afterwards, so it'll be hard to prove whether it was a push poll or not. And depending on your ideology, you may think something is or isn't a push poll. And the other issue is you can't tell if it impedes a candidate in the amount of money they spent or if they were elected because the signs weren't out in front of that polling place."

Speaker Madigan: "Representative Slone."

Slone: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Madigan: "The Sponsor yields."

Slone: "Representative Currie, I'm sure you're not aware of this, but we do not have the text of either Amendment, or the engrossed Bill on our computers and for those of us who don't have the hard copy it is very difficult to see what it actually says. Would it be possible to take the Bill out of the record until we can have a look at it?"

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

166th Legislative Day

7/24/2004

Currie: "May we ask the Clerk whether these are on our laptops? Perhaps the Clerk could inform us whether these Amendments are on our laptops. They're on mine. Representative, the Amendments are on... Senate Amendments 1 and 2 are on the laptops."

Speaker Madigan: "At this time we're gonna go to Mr. Giles, and we'll come back to Representative Slone. Mr. Giles."

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

Speaker Madigan: "The Sponsor yields."

Giles: "Representative Currie, I just need a little clarification of a couple points, in I believe, Amendment #1. When you speak of rights to be restored before an individual... for an individual can run for ward committeeman, exactly what rights are we talking about?"

Currie: "Well, were talking about the... the right, for example, to vote. Right now, in... under Illinois Law, as I understand it, if someone has been convicted of a felony and is serving time in the state slammer that individual does not have the right to participate in elections."

Giles: "So that's..."

Currie: "But... when that... when that term... when that sentence has been served, then the right to vote is restored."

Giles: "And that is restored immediately, not with any holding period? Immediately..."

Currie: "That's my understanding."

Giles: "...during the process, if there's a process of maybe I would say probably a process in which they during probation period, as long as the rights are restored."

Currie: "That's right."

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

166th Legislative Day

7/24/2004

Giles: "Okay. The second question I have is dealing with... the second question that I have is dealing with the one-year ward residency requirement for aldermen. What happens in a circumstance, and maybe you have addressed this particular question. What happened in the circumstances which we just had redistricting and so there are some individuals that may be caught in between and may not meet that one-year requirement."

Currie: "It will work the same way it works for us. If you live in any part of the new area... if you had... if your old address was include... included any part of the new... new ward designation, you'd be allowed to run, just as we are allowed to run. My house may not be in the district that I had represented but if I had lived in a district that included portions of the new territory I'd be allowed to run and so would you."

Giles: "Sure, you know those lines sometimes just cutting a line on one side of the block cuts a line and so individuals will be concerned about having the ability to be able to run and that particular situation. Could you... could you... could you tell me, prior to this legislation, what is the actual... what is the requirement right now for an alderman to run? Do they have to have a certain number of years of residency in the ward? Is it something like four years? Or are we reducing the requirement or are we increasing the requirement?"

Currie: "My under... my understanding is that there is no specific period of time during which an alderman has to live in the

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

166th Legislative Day

7/24/2004

ward, but they have to live in the ward when they run. This would say you've got to live there for a year."

Giles: "Okay. And so, currently, there is no resident... residency

requirement currently."

Currie: "No ward requirement."

Giles: "No... no... I'm sorry, no ward requirement. So... so why are we putting a one-year requirement right now? What is the benefactor(sic-benefit) of doing this right now?"

Currie: "I think the proponents of this particular part of the legislation would argue that people running for alderman should also have, as we do, a residency requirement in the community that the opportunity for carpetbaggers to hop onboard is one that should not be..."

Giles: "Thank you."

Currie: "...countenanced by our law."

Giles: "Thank you, Representative. I think the answers are forthright. I see there are some other measures but I think it's a good piece of legislation. Thank you."

Currie: "Thank you."

Speaker Madigan: "Representative Jakobsson."

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

Speaker Madigan: "Sponsor yields."

Jakobsson: "I have a question about the campaign-free zone, item #11. If a church or a school owns property, owns an apartment building let's say, that it could be next to the school or the church or it could be several blocks or even miles away, can the church preclude electioneering on that property?"

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

166th Legislative Day

7/24/2004

Currie: "The intent of the legislation is that the church property, not the rental property, not the apartment property, but the church property could be excluded as a campaign opportunity."

Jakobsson: "So, in other words, the block around it the..."

Currie: "Right. It would only be the..."

Jakobsson: "...the lawn."

Currie: "...the part of the property that is owned and used for nonsecular purposes."

Jakobsson: "Thank you."

Speaker Madigan: "Mr. Washington."

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

Speaker Madigan: "The Sponsor yields."

Washington: "To the Bill. I think this... I don't see a way I can vote for this Bill because of one thing in particular, is item #11. And I know in my community there are a lot of shenanigans that go on that seem like they try to dilute the minority participation in terms of voting as it is. And I think to give a... to create a problem where there was none as far as being able to share your literature within a certain footage, unless I'm misunderstanding, I think that has been a positive thing, but if now we're giving carte blanche to the schools or the churches to be able to say whether one could or could not and put too many restrictions... because a lot of times the people are who are working inside the school, they have political points of view that sometimes differ with the people who are outside. So, unless the Sponsor can give some type of clarity to that, I don't think this would be in the best interests of my community."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "Representative Monique Davis."

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

Speaker Madigan: "Sponsor yields."

Davis, M.: "Could you explain item #1 in Amendment #1, please?"

Currie: "Yes, what this means is that for example if you were to send a newsletter, and you wanted to send it to all the people who are on the voter rolls in your district, then you would be able to get that list from the State Board of Elections. It just clarifies that you would be able to do that through the House of Representatives."

Davis, M.: "So you could do it if you were a government official. Is that correct?"

Currie: "Yes. If it's a governmental agency."

Davis, M.: "Okay. Thank you."

Speaker Madigan: "Representative Slone, are you seeking recognition? You're... are you seeking recognition, Slone? Okay. Representative Currie to conclude."

Currie: "I ask concurrence in Senate Amendments 1 and 2 to House Bill 629."

Speaker Madigan: "The Lady moves that the House concur in Senate Amendments #1 and 2. 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 question, there are 101 people voting 'yes', 13 people voting 'no'. The House does concur in Senate Amendments #1 and 2. And this Bill, having received a Constitutional Supermajority, is hereby declared passed. On the Order of Third Reading there appears Senate Bill 2287. Mr. Cross."

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

166th Legislative Day

7/24/2004

Clerk Mahoney: "Senate Bill 2287, a Bill for an Act concerning courts. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Clerk for an announcement."

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

Speaker Madigan: "Mr. Hassert on Senate Bill 2287."

Hassert: "Thank you, Mr. Speaker. Senate Bill 2287 is a cleanup. We passed the Bill, Senate Bill 75 last spring. This is a cleanup to allow Lake County to maintain their level of associate judges in 2006. In McHenry County upon splitting in 2006, they would receive eight. In Will County the judges would receive... they have two associate judges that were supposed go to subcircuit, they'll remain associate judges at this time. And... for the next... they would be able to fill those associate judges at the position... at this time. I hope I can answer any questions."

Speaker Madigan: "Mr. Franks."

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

Speaker Madigan: "Sponsor yields."

Franks: "Thank you. Representative, I'm looking at the... this is House Amendment #1 that we're discussing, correct?"

Hassert: "Yes."

Franks: "Okay. I see in here that the associate judgeships in the 19th Judi... Judicial District will not... which will now be Lake County only. They will have the same number of judges as they do right now, correct, by your Bill?"

Hassert: "Yes."

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

166th Legislative Day

7/24/2004

Franks: "Now, the 22nd Judicial Circuit which will be newly created which is only in McHenry County, I don't see any provision on the number of judges that they are going to have. Is there anything in the legislation indicating how many judges we will have in McHenry County?"

Hassert: "My understanding they have six now. When they split in 2006 they will go to eight."

Franks: "So, your understanding is that McHenry County will receive an additional two judges by this Bill?"

Hassert: "Not by this Bill but under the Bill that was passed last year, they'll receive the additional two judges."

Franks: "I just wanna be clear for legislative intent that this Bill will compliment a previous Bill and insure that McHenry County will... will get an additional two judges by 2006."

Hassert: "That is correct."

Franks: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 people voting 'no'. This Bill, having received a Constitutional Supermajority, is hereby declared passed. Mr. Clerk."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or Joint Action Motions was/were referred, action taken on Saturday, July 24, 2004, reported the same back with the following recommendation/s: 'approved for floor consideration' a Motion to Concur with Senate

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

166th Legislative Day

7/24/2004

Amendments #1 and #2 to House Bill 759; 'approved for floor consideration' is a Motion to Concur with Senate Amendment #1 to House Bill 766."

Speaker Madigan: "The Chair recognizes Representative Currie."

Currie: "Thank you, Speaker. I move to suspend the post... the notice requirement so that the Motions to Concur with Senate Amendments on House Bills 759 and 766 may come to us for immediate consideration. And also, suspend the posting requirement so that House Resolution 1039 can be heard in the Committee on Transportation."

Speaker Madigan: "You've all heard the Lady's Motion. Is there leave? Leave is granted. On the Order of Third Reading, there appears Senate Bill 73. Mr. Delgado. Mr. Clerk, read the Bill."

Clerk Mahoney: "The Senate Bill 73, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. Senate Bill 73 will do the following: it modifies the Administrative Procedure Act to provide that if JCAR objects to a proposed rulemaking, there will be a 6-month period for discussions of that proposed rulemaking, potential modifications thereof and possible withdrawal of JCAR's objections thereto, provided that the General Assembly may pass a Joint Resolution within the 6-month period to support the rulemaking and overrule JCAR. The second thing this Bill will do: it exempts for 2 years the construction of the State Emergency Operations Center for the Illinois Emergency Management Agency from provisions requiring separate bids

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

166th Legislative Day

7/24/2004

for specified components of a construction contract exceeding the value of \$250 thousand if the majority of the funding for the construction of the Emergency Operations Center for the Illinois Emergency Management Agency is from federal funds. And I would ask for your 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Representative Hamos."

Hamos: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Hamos: "Representative Delgado, I... this was one of those significant Bills that actually never went through the legislative process, so we haven't had a chance to debate it. I understand it surfaced yesterday for the first time. Can you please explain again what happens if eight members of JCAR decide to block a rule?"

Delgado: "Please, repeat your question, please?"

Hamos: "Can you please explain what happens if eight members... eight members of JCAR decide to block a rule?"

Delgado: "Right. That period then for a 6-month period the rule would be suspended."

Hamos: "And what happens after the 6-month period?"

Delgado: "After that 6-month period... well, that 6-month period would be used for discussions and possibly modifications or a possible withdrawal of JCAR's objection. And after that, at that point, the General Assembly would play a role and would have to pass a Joint Resolutions within that 6-month period to support the rulemaking or overrule JCAR."

Hamos: "What happens at the end of the 6-month period if the Legislature, both Houses, has not passed a Bill, I guess it

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

166th Legislative Day

7/24/2004

would be a Bill, on the rule? What would happen after that 6-month period if the Legislature did not act?"

Delgado: "Right. At that point, the rule would be barred and no action would be taken at that point and they could resubmit at that... at their earliest opportunity."

Hamos: "Okay. Ladies and Gentlemen, this is, based on that answer, this is a fundamental change in the relationship between the Executive and the Legislative branches and we have not had a chance to fully debate it. We have not had a chance to really understand it. We are so caught up in the personalities of the Governor and the Legislature that we're not even seeing straight about the relationship between these two branches. Now, on any issue that possibly passes around here by a close vote, if it's an environmental issue, if it's a predatory lending issue, if it's a consumer issue, if it's a telecommunications issue, if it's a utility issue. If it passes by a close vote and it requires rulemaking, which many of our laws do, it would have to come back to the Legislature. If eight Members decided to block it, it would have to come back to the Legislature for basically a second bite at the apple by this special interest, a... a rule to take effect, would then require an affirmative vote of both Houses all over again. This is a huge change in the way we do business and just because some of the leaders don't like the person who is sitting in the Executive right now does not mean that we should wander into making such serious, dramatic changes in the way we do business. And if you care about the little people who have a hard time here anyway

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

166th Legislative Day

7/24/2004

with the special interests, then you should be voting 'no' on this Bill."

Speaker Madigan: "Mr. Holbrook."

Holbrook: "Thank you, Speaker. You know, we, as Legislators, pass a lot of Bills in this chamber, every year we take several thousand votes and I can tell you the devil is truly in the details of those Bills. Those Bills, many times, say that a department shall make regulations on how this'll be applied or rules on how this'll be applied. I've set on JCAR for almost a year now and I can tell you that we need this input, we need this type of clarification on what are intent is. Many times we come in and find directors that have no concept of what the issue that we debated on this floor, and how we were trying to apply the subject matter. It's my understanding that both the Governor's Office and all the four Leaders have agreed to this language. This is the same language that we've talked about in JCAR many times about what we need. Right now, if they go ahead and make a decision... a department does and we object, they can continue with it. We have to come to this floor and pass a Resolution to stop it. That's not the way it should be, it should be the way this Bill is written; it should be the way that's the intent of this Legislature. This empowers you as a Legislator to have your constituents heard in how the bureaucrats establish those laws, and you're a fool not to vote 'yes' for this. Thank you."

Speaker Madigan: "Mr. Leitch. Leitch."

Leitch: "Thank you very much, Mr. Speaker. And thank you specifically for your leadership on this important Bill. In

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

166th Legislative Day

7/24/2004

my view, this is the most important Bill we'll pass this Session, and I am very strongly in favor of it. Mr. Speaker, will the Gentleman yield?"

Speaker Madigan: "Sponsor yields."

Leitch: "Representative, for clarification and legislative intent with respect to the separation of powers issue in the Constitution, is it not your understanding that by virtue of the passage of this Bill, the General Assembly will be empowering its Representatives on JCAR to act on behalf of the General Assembly?"

Delgado: "That is correct and that's a true force of democracy. Yes."

Leitch: "Well, thank you, and I think that that is a very important distinction to have clarified and to make part of this record because by virtue of having the adoption of this Bill the General Assembly is empowering the Members of JCAR who are appointed to serve on that body, to act on their behalf, as their representatives. Ever since the creation of JCAR this has been an issue, and a contentious one. This has been an issue I think that is long, long overdue and it's very gratifying to see that the administration and the other Legislative Leaders, the Members on both sides of the aisle, have come to understand how critically important this issue is to be able to serve the citizens of Illinois and to provide the appropriate oversight that this Body should have as a coequal branch of government. So I would commend you, and I would urge every Member in this House to put on a 'green' light. This is a very, very outstanding Bill.

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

166th Legislative Day

7/24/2004

Again, a Bill that's long overdue and congratulations to the Sponsor."

Delgado: "Thank you. Thank you."

Speaker Madigan: "Mr. McKeon."

McKeon: "Thank you. Thank you, Mr. Speaker. Very briefly, to the Bill. I'd like to join with my other colleagues here that serve on JCAR, as I do. I've been on JCAR for a relatively short period of time, but I'm... I'm really amazed the extent to which some proposed rules by various departments exceed the legislative intent of the original Bill. JCAR serves as your watchdog. Currently, under the existing rules there are circumstances where regardless of JCAR's position these rules can go into effect. This Bill will change that. This Bill will, in fact, enhance the ability of JCAR to be your watchdog over these pieces of legislation, to monitor the agencies, insure that the agencies' policy, procedures, and their interaction with the general public is consistent with the intent of the original legislation. I urge an 'aye' vote on this Bill. And I concur with Representative Leitch. This is probably one of the most important Bills or one of the most important Bills that we've heard this year. I urge your 'aye' vote."

Speaker Madigan: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. To the Bill. I totally agree with the last three speakers. And if people want examples of this, when if you recall when we passed the school Bill under the Edgar administration. It was very important to my district 'cause my district is a growth district. The second criteria in the statute for growth for getting the

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

166th Legislative Day

7/24/2004

construction bond program was growth. And the agency which will remain unnamed that was given the authority to promulgate the rules for that Bill just decided arbitrarily that growth would not be a criteria and this was the second thing in the statute. So, this is what we are facing. And certainly, right now we have an example of this with the Department of Public Health affecting our fire districts and requiring the testing for the EMTs and the paramedics. And I think in order to fight for our citizens we need a chance to do something about this. So, I strongly support this Bill and would ask anybody else to also."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, in Section or Article 4 of the Illinois Constitution, Section 8, it clearly states, 'that be it enacted by the people of the State of Illinois represented in the General Assembly' and it goes on with language that's... that's how a law... that's how an idea becomes a law in Illinois. It must be enacted by the General Assembly, correct?"

Delgado: "That's correct... that's correct."

Black: "And I... I think one of the little known facts that they don't tell you about in the civics and government text books, you could pass a relatively simple law here. And by the time the agencies promulgate the rules you don't recognize the law, correct?"

Delgado: "Very, very true, Representative."

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

166th Legislative Day

7/24/2004

Black: "In fact, that... that happened to me several years ago. We... we enacted and certainly with the help of staff and Members on both sides of the aisle and in the Senate a very simple law that would enable daycare to take place in single-family residence homes in rural areas. Because we don't have the population density for corporate daycare centers, KinderCare, et cetera."

Delgado: "Mhmm."

Black: "A very simple Bill. There are now 54 pages of rules..."

Delgado: "Damn."

Black: "...that outline what somebody has to do to be a home daycare provider. And the rules are to the point where we can't attract anybody anymore. For example, you cannot have any alcoholic beverage in your home. If... if your spouse comes home and wants a cold beer you better have a refrigerator out in the back yard because you're not supposed to have any alcohol in the home, period, no exceptions. The reason that I stand in strong support of your Bill is that that was never the intent of the legislation. Yes, we had inspection language and we insp... we... we expect the agencies to be reasonable and rational. And the only way to address some of these ridiculous rules, like one of them required a provider in my district to have a smoke detector in the attic. Now, you couldn't hear it if it went off but nonetheless if you didn't put the smoke detector in the attic you wouldn't get a license."

Delgado: "Yeah, that's right."

Black: "The only way, as you said earlier, to... to redress your grievance is to come back and pass another law or a

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

166th Legislative Day

7/24/2004

Resolution to clarify the law. That's cumbersome and not always easily done."

Delgado: "That's right."

Black: "So I... I think it's long past due..."

Delgado: "Thank you."

Black: "...that the Legislative branch simply be given the extra powers to it to make it a coequal partner..."

Delgado: "Absolutely."

Black: "...with the Executive branch. That's all this does."

Delgado: "Thank you, Sir."

Black: "It doesn't give us strict veto power, there are ways to get around this. But it does prevent what has happened. Not just in this administration. I have no argument with this Governor and the... and the process. I've had arguments with Governor Thompson."

Delgado: "Mhmm."

Black: "I've had arguments with Governor Edgar. I've had arguments with Governor Ryan over the use of the rulemaking authority."

Delgado: "Mhmm."

Black: "So, it's not just this administration. The Joint Committee on Administrative Rules needs this additional authority to make certain that we follow the Constitution, that laws are enacted by the General Assembly. Yes, there is a rulemaking process, but if the rulemaking process flies in the face of the law then we should have the ability to make our voice heard through our representatives of the Joint Committee on Administrative Rules. So I commend you for that..."

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

166th Legislative Day

7/24/2004

Delgado: "Thank you."

Black: "...part of the Bill. And I stand in strong support. I would like to ask you a que... there is a second part of this Bill that has caught my attention. And I'm not sure that I understand it. It looks to me that we're saying if we build an emergency operation center in the State of Illinois a project largely financed by our federal tax dollars..."

Delgado: "Right."

Black: "...are... are we... are we saying that we don't have to bid or we can collapse bids or we can take one bid and assume all the subs are in it? It seems like we're changing the bid requirements for this one project."

Delgado: "Right. Well, this will basically deal with that provision. I appreciate the question, Representative, is that the Capital Development Board will be able to operate with just one major con... one particular contractor to make sure that we... it's not as convoluted and that those dollars that are spent and spent well. And that's what the... the onus of that would be. So, it'd be actually a question of timing and that's something that's very important to this process."

Black: "Okay. So, if I understand this process then, rather than have bids submitted by subcontractors there will be a base bid?"

Delgado: "Exactly."

Black: "Now, in other words, that's the figure, the subs cannot later come in and say, well, wait a minute we didn't give a bid on the heating, ventilating and air conditioning, the general did that. He was \$30 thousand short..."

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

166th Legislative Day

7/24/2004

Delgado: "Yeah."

Black: "...and we want \$30 thousand more or we're gonna pull off the job."

Delgado: "That's an excellent example of an al... a good example of exactly what we're trying to prevent from happening."

Black: "All right. So... so, the bid submitted by the general is the bid and if a subcontractor accepts work from the general that subcontractor will know this is what you're gonna do the work for."

Delgado: "Right. It would be at that point just between the job... the sub and the general."

Black: "Okay. So, if the general hires an electrical contractor then the electrical contractor if he accepts that subcontract knows exactly what he will get out of that job? It is not subject to later negotiation."

Delgado: "That is correct."

Black: "Okay. All right. I... let me just ask a question for my own edification."

Delgado: "Absolutely."

Black: "I assume, it isn't in the Bill, but I know it's an underlying law. I assume this will be an open bid for the... for the general and... and a prevailing wage statement, correct?"

Delgado: "That is correct."

Black: "Okay. All right. Okay. But thank you very much, Representative."

Speaker Madigan: "Mr. Fritchey."

Fritchey: "Thank you, Speaker. Inquiry of the Chair. If this Bill... well, let me just cut right to it. Does counsel see a

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

166th Legislative Day

7/24/2004

germaneness question on this piece of legislation? I... I... I...
I'm looking at what tends to be a rewrite of capital bidding
requirements coupled with a JCAR revision."

Speaker Madigan: "Mr. Delgado."

Delgado: "Right, the title of the Bill is an Act of State
Government and both components address State Government.
And I will be... I'll... addressing that in my closing as to its
germane."

Fritchey: "One... one second. Thank you."

Speaker Madigan: "Representative Monique Davis."

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

Speaker Madigan: "Sponsor yields."

Davis, M.: "Representative Delgado, first I'd like to commend
you for bringing this legislation forward. But let me ask
this question. Sometimes do we as Legislators pass a law,
appropriate the dollars, only to find the dollars were
unspent because of rules and new administrative requirements
that the Legislature did not intend have been put into
place?"

Delgado: "Yes, unfortunately that occurs too often around here."

Davis, M.: "Yeah, I was quite disturbed, Representative, to find
that in home care services \$14 million was sitting there
when we had intended that senior citizens who were indigent,
those who were in temporary need of care to stay out of
nursing homes, who needed those home care workers and those
dollars were just sitting there because of some rules that
someone made up that did... that actually violated the intent
of the Legislature. I support this legislation and I do
believe that when the Legislature... For example, when

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

166th Legislative Day

7/24/2004

KidCare was developed in the Federal Government and we had to implement rules in order to carry it out in the State of Illinois parents were asked to fill out a 14-page application to get KidCare in the State of Illinois. At that time I was chair of Human Service Appropriation and we had to encourage the director to reduce those pages. We... I think we got it down to 4 or 5 pages from 14. And then they wondered why people were not applying. They were not applying because the burdensome requirements that had been placed on them, not by the Legislature but by administrative rules. Therefore, I do encourage all of us to support this legislation and hopefully, this will help the intent of the Legislators to take effect and frequently on a timely basis. I urge an 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?'
Chair recognizes Mr. Delgado. Mr. Delgado."

Delgado: "Thank you, Speaker. For my... for closing. The good news is... Actually, I wanna commend the Speaker's Office and the Governor's Office, 'cause the good news is that this is agreed language and I like to carry legislation that is by consensus. It also maintains the... allows us as a Legislature to have oversight. We are the legal representatives of our community and we should know what's going on, on a day-to-day basis. And as I said in my earlier remarks, there are two parts to this Bill, both of which will improve the operations of State Government. And I ask for your 'aye' vote. And at this point I would once again ask for a 'yes' vote."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "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 question, there are 110 people voting 'yes', 4 people voting 'no'. This Bill, having received the Constitutional Three-fifths Majority, is hereby declared passed. Representative Currie."

Currie: "Thank you, Speaker. I move to suspend the posting requirement so that Amendment 2 to Senate Bill 1070 can be heard in the Executive Committee."

Speaker Madigan: "You've all heard the Lady's Motion. Is there leave? Leave is granted. On the Supplemental Calendar, there appears House Bill 759. Representative... On Supplemental Calendar #2 there appears House Bill 759. Representative Lindner. Lindner. Let's go to House Bill 766, Representative Munson. On the Order of Concurrence."

Munson: "Thank you, Mr. Speaker. I move to concur with House Bill 766. This Amendment broadens the... the number of schools that can participate in the fast growth funding formula from 10 percent to 7.5 percent. ...Provisions as implemented in the budget. I ask for your support."

Speaker Madigan: "The Lady moves that the House concur in Senate Amendment #1. And on that question, the Chair recognizes Mr. Miller."

Miller: "Will the Sponsor yield?"

Speaker Madigan: "Mr. Miller."

Miller: "Will the... will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

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

166th Legislative Day

7/24/2004

Miller: "Representative Munson, we received something from the analysis from the State Board of Education. This is a fast growth Bill that I believe passed the chamber before..."

Munson: "Correct."

Miller: "...that you're referring to. And I believe this analysis and I'm sure you probably have it, indicates which districts chance to... has an opportunity to gain from... from this... this... this new grant?"

Munson: "Correct."

Miller: "Okay. And could you just really describe the criteria that is... was indicated by... the definition? I couldn't quite hear you earlier."

Munson: "School districts that are experiencing rapid growth that meets the requirements of districts that are over 10 thousand students experiencing 1.5 percent growth and any other district experiencing, now 7.5 percent, it originally was 10 percent."

Miller: "Now, the indication is... is because there's been proliferation of people moving to these communities. Okay? And you realize in the State of Illinois here the way we fund edu... education is primarily... there's been many discussions about this through property taxes. So, some of the... the areas, that I have listed here, do you know... or the home values of... of those houses that are... ya know, communities that are being developed. Do you know on average on... or has there been any discussion on this that th... that... that the grant will be issued towards either... either those communities that have fast growth but yet have

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

166th Legislative Day

7/24/2004

poor property value or just regardless of how much property...
how much home... value their homes have?"

Munson: "Th... there is no limitation on the value of homes."

Miller: "Okay. To the Bill. I truly respect the Sponsor and what she's trying to do. I mean, I would never try to argue against anybody who's trying to get additional dollars towards education to their communities. But I have to rise in... in reluctant opposition to this Bill because of the way we fund schools in the State of Illinois. And there are really two points here and one is for my City of Chicago colleagues here. If you look at the analysis nobody from the City of Chicago gains from this... this Bill. And yesterday I was in the Senate and I heard this Bill being argued and Senator del Valle had mentioned that some of his school districts are overcrowded, while other school districts that are... other schools that he have are... are very few and growing. And so this grant, the way it's written and this... this funding, the way it's written, those schools and those problems of overcrowding in the City of Chicago will never simply never be addressed. And so... and so that's something to be considered with this legislation. The second point, when we look at the list, for those who have not had the analysis, some communities gain quite a bit of money, while others gain some money. Some school districts have affluent areas. And I'm not gonna sit... and it's not to point out those districts, but these developments that have occurred are because of people wanna move to these communities. These homes on average... some of these homes average a hundred and ninety-eight thousand dollars per

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

166th Legislative Day

7/24/2004

home, the average value of these communities. While others in the City of Robbins value fifty-two thousand per home. There's clear a disparity here. The way we fund education in the State of Illinois as we all know is a problem here. We have those districts that are funded by fourteen thousand dollars per child, while others still struggle at six thousand dollars per child. It's simply not fair. And although I can... extensively argue for having additional dollars for specific problems through this state, what this Bill does, as far as fast-growth does, is give those who have privilege to live in good communities and those who have excellent home values and those... and once those communities flourish, additional dollars. And the arguments that I heard in certain communities were that these kids would get... these students would get eight hundred additional dollars. It's simply when we have a budget crisis in the State of Illinois and limited dollars towards education and truly a structural funding problem, that we end up proposing a new grant for those community of affluence. I just don't think it's right. I just don't think it's fair. I just don't think that's the direction that we need to go. There's been many arguments here increasing the foundation level. The two hundred fifty dollars that Governor Blagojevich has argued for came out of EFAB recommendation at it... as it's ramped up. In addition to we've had... with EFAB's recommendation a host change in structural funding in the State of Illinois. There are solutions that are on the table. House Bill 750 is one of those solutions on the table. And so when we start doing these special grants for

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

166th Legislative Day

7/24/2004

those communities that may be in need, unfortunately, with very limited educational dollars it affects the entire state. I would have rather see this money towards... towards... go towards fully-funding mandated categoricals, or towards the additional dollars toward foundational level. This really hurts those downstate districts, it really hurts those communities of the south suburbs and when you look at it in totally. And it really, really just contradicts where we need to go in the State of Illinois towards educational funding. Thank you."

Speaker Madigan: "Representative Slone."

Slone: "Thank you, Mr. Speaker. To the Bill. This Bill has bad precedent. It sets, really, resources in the wrong direction. I certainly agree with what Dr. Miller said. By providing extra funding for districts whose tax bases are growing it really sends the wrong message about where our very valuable public resources should be used. Even with the lower growth requirements that have been put into this version of the Bill it only serves, I think, 35 school districts statewide. And it really encourages new school construction on greenfield sites where a lot of other public infrastructure is gonna be needed and new tax dollars are gonna have to be raised on everybody in the area to help pay for that. It really encourages sprawl development on our prime farmland in this state. And it is publicly overall not the best use of public dollars. I would urge a 'no' vote."

Speaker Madigan: "Representative Hamos."

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

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

166th Legislative Day

7/24/2004

Speaker Madigan: "Sponsor yields."

Hamos: "Representative Munson, I'm not... I'm not questioning, I mean other people have spoken about the policy of this and that's... I don't... you know, people will ha... make up their minds differently. I'm questioning how the amount will be determined. So, how much per pupil is going to... how is this going to be computed?"

Munson: "This is a budget amount, so whatever is appropriated will be prorated among all of the students that qualify."

Hamos: "Okay. So, for example, what's been on the table, I believe, is \$10 million?"

Munson: "Correct."

Hamos: "So, if you divide it by the number of students, I understand that the amount was something like \$800?"

Munson: "Correct."

Hamos: "So, what is the relationship between the... are any of the schools that are fast growth schools actually also flat grant schools?"

Munson: "None of the schools that qualify are flat grant, presently."

Hamos: "Okay. So, are there any of the schools that actually receive less than \$800 from the state currently for their other children?"

Munson: "Is this a question about GSA?"

Hamos: "Yes."

Munson: "There are schools in the state that do, but they are not on this list that qualify."

Hamos: "Okay. Okay. So, I... I guess what I... if this... this Bill might have been drafted to say that schools who receive..."

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

166th Legislative Day

7/24/2004

fast... who receive these fast growth dollars per child would receive as much as the state gives them already for their other children up to a certain limit. What I'm concerned about and I guess this is what I'm thinking about in terms of the future, right this minute, we're passing a law on the books. Right this minute, we have a list of schools, but it could be that next year there's a different group of schools and it could be that for some of the children in those new schools next year, they're only receiving \$215 flat grant for their children except for these group of children they're receiving much more. And I guess that doesn't seem like an appropriate way to do public policy on something as important as this."

Munson: "Representative Hamos, I would be willing to look at that at a future date and how we could accommodate that."

Speaker Madigan: "Representative Cross. Representative Cross."

Cross: "Thank you, Mr. Speaker. I just wanna... I will address this issue in a short manner. And I wanna applaud Representative Munson. I understand Representative Churchill spent some time on this last year and I appreciate his initiative on this and his concern 'cause I know Representative Churchill is in an area with growth and knows the need for this. But perhaps more importantly, this particular Bill is part of the overall education agreement that was discussed bef... between the four caucuses and the Governor. This is part of the overall agreement that deals with \$230 million in the foundation level, an increase, \$30 million in early childhood, \$2 million plus in bilingual, \$12 million in ADA block grant money and \$30 million in

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

166th Legislative Day

7/24/2004

early childhood. This, I believe, not I believe, simply provides for \$10 million in fast growth districts. It is part of the overall education agreement. It should have been and ideally would have been part of a 'bimp' Bill. It is not. We were trying to accommodate one of the other Leaders. And so, it is out here before the House on its own. The fact that it is part of the overall agreement, I would hope that it would cause those of you that are a little concerned about voting for it to recognize the other positives of the education package, well over 350, almost a little, I guess, approximately 370 new dollars in education. We have a very good package for education. We have a package that tries to address the upstate and downstate needs of this state, that recognizes the differences that exist in this state regionally. And Representative Munson has done a lot work on this. And on behalf of her, I would appreciate an 'aye' vote and I'm hopeful that we can get this passed today. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Fritchey."

Fritchey: "Thank you, Speaker. To the Bill. With due respect to the previous speaker and I agree with him, there is a lot in here for a lot of different people. The underlying issue here is bigger than this Bill. The underlying issue is what we're going to do with education and what we're going to do for the school children in Illinois. We all talk about education being a priority. We talk about closing the gap, but then we put a Bill out here that does just the opposite. It heightens that gap by rewarding affluent areas, by rewarding people where they're going and saying we have new

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

166th Legislative Day

7/24/2004

areas, we have new families coming in, we need more money for these schools. What the hell about... about the schools that have been out there all these years and already they're falling behind, what the schools in the south suburbs, what about the schools downstate, what about schools in my district and my colleagues' districts that need more money for their kids? It's not just that you go out into the collar counties and these kids deserve it because they're building more homes there. We have a responsibility as Legislators to every child in this state. We are shirking that responsibility. By saying that we're doing more for some, that's great for those some. What about the others? We need to step back and look at what we're doing here. We cannot go back to our constituents, we cannot go back to our districts and say that we made education better for everybody, we fixed the system. We made education better for some, we're turning our back on others. Ladies and Gentlemen, before I've been here, before most of us have been here, the debate on how we fund schools has gone on and everybody has said that it is the primary debate that we are dealing with. We cannot shirk this issue anymore, how we fund our schools. We cannot qualify and quantify the education that a child is entitled to based on the value of the dirt that... in the community where they live. We cannot say that the child in Dixmoor is not entitled to the same education as the child in Flossmoor. But that's what this Bill does. It says in those communities where you have growth, in those communities that people are moving into, we'll reward them by improving those schools. Well, ya

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

166th Legislative Day

7/24/2004

know, where's that money coming from? That money's coming from the districts of all you also where you... you don't have growth coming in, you don't have new schools being built, you're trying to get textbooks for your kids, you're trying to get classrooms, you're trying to get teachers, but we're rewarding the ne... but we're rewarding the new schools. Representative, as the Sponsor of this Bill, for your district you are doing what is right for your district. It is not right for the State of Illinois, it is not good policy, it is not right for our school children. Thank you."

Speaker Madigan: "Mr. Flider."

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

Speaker Madigan: "Sponsor yields."

Flider: "Representative, I saw in the analysis of this legislation that there is a formula for school districts to determine whether they would receive this. My question is, is there some sort of a test to determine whether there's a need for these kinds of funds?"

Munson: "There is not a test, but I think when a school district is experiencing 600 new students or a thousand new students or 2 thousand new students, I think you could say there would be a need when these school districts are not reimbursed from property taxes for more than 2 years or do not get funding from the state for over a year. So, there's this lag time in which the schools receive no money for a large number of new students."

Flider: "Okay."

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

166th Legislative Day

7/24/2004

Munson: "And so that would be the need just because there's huge growth."

Flider: "Okay. And I can certainly appreciate that. I think many of the districts... school districts in my area would certainly like to have the problem of increased enrollment, increased growth. Unfortunately, from my standpoint where I have... I take issue with this legislation is from a policy standpoint. And from a policy standpoint, we began this legislative Session with great hope, with great hope that there would be a new program called Project Success, for example, which at one time was funded by this Legislature which funding had cut... been cut out for and we had hoped that it would be brought back. And Project Success is the kind of program that's designed to keep kids in school, to bring families together, to encourage them to do better and to help stem the dropout rate. I also did... noticed that in part of the funding plan for our schools this year that alternative schools will be receiving a reduced amount. And that is troublesome to me as well because the alternative schools also help fill a gap in my community where kids who are on the brink of dropping out can be saved and can... be... and kept in school. And so while I... I certainly commend you and all the others who would benefit from this proposal for helping your schools in a positive way. Unfortunately, I believe, from my standpoint, from a policy standpoint, these funds would be better spent keeping kids in school and helping stem the dropout rate and doing everything we can to ensure that more kids finish school who are currently enrolled. And thank you, Mr. Speaker."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "Representative Kurtz."

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

Speaker Madigan: "Sponsor yields."

Kurtz: "I have heard the reference to growth that Dr. Miller mentioned and several others on the other side of the aisle, and growth is like water, it is good. And Representative Flider mentioned that, that they would give anything for growth. But when you have growth that's affecting us in McHenry County, and Kane County, Will County with 44 children in a classroom, this is breaking all of our rules for good education. We have sat in committees and the State Board of Education has drawn up a policy, and we also have. And we've all agreed that 30 is a lot in a class, but 44, and that is what is happening. We... the fast-growing districts are handicapped with the double whammy. It's the tax cap and if... if our assessed valuation is too much, we can... no matter what we cannot tax on that. And so, this is like a BAND-AID and what we need is a change in the school formula. For instance, the school formula in New York allows for fast growing. It goes... the money goes with the child, and that's the whole thing, that's the democratic way to be. Certain amount of state money that each child in this whole state is given, so that those 44 children in... as an example, in that classroom of mine, they're not really being treated equally. We have a lot of state rules and laws right now that prevent us from treating them equally and it is difficult. Americans do move, go where they want. And a lot of us would like to see a stop to the sprawl, but the point is we have the problem now. I strongly urge that

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

166th Legislative Day

7/24/2004

you vote for this one-time Bill, and with the promise that the people like me and the folks at home in all these different counties will work to change our formula so... and a less emphasis on property taxes and... some... and a big emphasis on a raise in the income tax. I urge your 'aye' vote."

Speaker Madigan: "Mr. Washington."

Washington: "Thank you, Mr. Speaker. Representative Munson, I just got a few questions. And in my understanding of everything I've heard and what I understood to be with this legislation, which by the way I am in favor of, but... and especially because it will affect my district. In Waukegan we have a very diverse student population and it is sad whether children be documented or undocumented, they're children and they need to be educated. So, it is irrelevant to me whether that's a factor, but the fact is that we have an obligation, whoever is in the borders of America, to educate the young. And being that Waukegan has grown in so much leaps and bounds, that it is called new problems which represent a different challenge. I think that the legislation, if I understand it right and you correct me. The way the school systems are funded naturally we wanna see a change in terms of the property tax owner but until we get to that day the school will be funded the same way, to my understanding, but districts who have shown tremendous growth that outpaces the resources, they will get additional money to take care of those students and make sure that they can stay on level playing field and have some of the things

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

166th Legislative Day

7/24/2004

that's needed to educate them. Am I right or wrong on that?"

Munson: "Correct."

Washington: "That is correct?"

Munson: "You are correct. Yes."

Washington: "And see, that is why I am encouraging the reconsideration that we do pass this. Because the need is greater in some districts and based on the documentation here, it said 35 school districts in the state have been identified as the pace of growth is outgrowing the formula of resources to make sure that those children do not become dropout and not become future criminal, and I would urge that we pass this Bill. Thank you."

Speaker Madigan: "Representative Eddy. Eddy."

Eddy: "Thank you, Mr. Speaker. To the Bill. Want to... want to remind folks that there are a lot of different ways to look at the state aid formula and try and make a case for resources for your district. There's absolutely no question that if you put money in the foundation level, certain school districts benefit. There is money that's been put in the foundation level. I could stand and ask, along with a lot of districts that there be more money put in the foundation level, but the unique problems that occur to those districts who need money in the foundation level, also occur to districts that have EAV. In this case, fast growth districts do not benefit from the accelerated EAV for a couple of years. Fast growth districts do not benefit from the increase in average daily attendance until a year has gone by and then only after 3 years of averaging do they

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

166th Legislative Day

7/24/2004

feel the full effect of the resources. The previous speaker is absolutely right. Children in fast growth districts deserve the resources to be educated just like children in downstate districts, where there is slow growth. There have been adjustments made in the foundation formula to allow for averaging of daily attendance over 3 years because of unique problems in districts where growth is slow. This Bill simply brings resources to districts at the time they need it because they do not receive either the property wealth upfront, the resources from property wealth nor do they receive anything from the ADA... the foundation level grant upfront, it always lags at least a year. There are districts in this state that have been able to afford to build buildings because of impact fees that allow for capitol projects that cannot afford to staff the buildings because the impact fees also or do not include the money to hire teachers. This Bill provides those school districts with that money. And this Bill provides it to any district in the state that happens to meet a criteria of growth that would result in the resource being slim. It's good legislation. I'm from a downstate area. My 22 school district, in the 109th District receive zero of these dollars. However, in the... in the agreement many of my school districts receive consideration in other areas, including sixteen and a half million dollars in hold harmless for poverty grants, fifteen million of which goes to downstate districts. This is good legislation, it helps children. It helps children in a part of the state where many think things are much better than they actually are. I

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

166th Legislative Day

7/24/2004

would encourage you to remember that this budget should, as the previous speaker said, remember every child in this state and I encourage an 'aye' vote."

Speaker Madigan: "Mr. Churchill."

Churchill: "Mr. Speaker, Ladies and Gentlemen of the House. Criticism of this Bill is basically criticism of how we fund education in Illinois. But that criticism, although it may be correct or maybe it's not doesn't relate to this specific problem. And this is a specific problem that is being addressed in this legislation. And the previous speaker used the word 'lag' and that's exactly what it is. It's lag time. What happens in high growth areas is that you'll have an area that is undeveloped and all of a sudden developers will come in and they're gonna put houses in the area. The minute the house is built, the closing has taken place those kids go to school. Schools are built with impact fees, and so you have a school that's up and running. You've got the kids coming into the school but you don't have the value from those houses being translated into tax dollars and given to the school district. After the houses come in, then the commercial development finally follows. First usually, it's retail then perhaps you'll have industrial or light industrial that will come in that provides a solid tax base. So that after some lag time, maybe it's 5 years or 6 years or whatever, the area settles out and you have a good mix of taxes that provide a basis for the operation of your schools. The problem is, is what happens at the leading edge of the lag when you first get the schools up and running but you don't have the money to run those schools

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

166th Legislative Day

7/24/2004

because you don't have the development that's gonna eventually support the schools. This Bill settles that problem. So, I don't care if you want to talk about the overriding viewpoint of how we fund education in Illinois, whether it's good or bad or indifferent, as long as you have any real estate base component to funding education this is gonna be a problem. This Bill solves that problem. And I applaud the Sponsor for working on this issue. And I thank you very much and I ask for you to vote 'aye' on the Bill."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, there... maybe there's some misunderstanding because there seems to be this... a elitist attitude about the school district that your concerned about being some kind of a rich, affluent area. Do you have a lot of minorities in your... in the school district that you serve?"

Munson: "I serve two school districts. One is the second largest school district in the State of Illinois located in Elgin and there's close to 50 percent minority population."

Parke: "So, you have... you have almost 50 percent minorities and what you're trying to do is you're trying to help them during a period of growth that is necessary to provide funding for these... for these schools. And let me ask you another thing Representative. Is your school district gonna benefit from this legislation?"

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

166th Legislative Day

7/24/2004

Munson: "One of the two school districts will benefit this year and it's thought that in previous years and hopefully in future years my other school district will benefit."

Parke: "And so, it's gonna benefit you. But one... your major school district it's not going to. Then why... what are you introducing the legislation? What are you trying solve? What is the dilemma that your school districts are faced that this is necessary?"

Munson: "In the past districts U46 has grown huge numbers of students, 2000 new students a year, 1700 new students, 1200 new students. Last year they cut \$40 million out of their budget. Much of it had to do with not getting reimbursed or being able to catch up with this new growth. Last year they did not grow and so would not qualify for this grant this year but would qualify perhaps next year or the year after that. The other school district is on our western boundaries and is based in Carpentersville. It too has a large minority population, has a large poverty population but more importantly has huge growth and will be continuing to grow out into the future."

Parke: "Okay. To the Bill. Ladies and Gentlemen I rise in support. This is a matter of fairness. I mean, I don't want some people voting against this legislation strictly because they think that the Sponsor of this legislation or the people supporting it are from affluent school districts exclusively. She represents a minorities... a large amount of minorities in her school districts. What she's trying to do is just simply take care of the gap so that there's some fairness, so that there's enough money to provide a quality

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

166th Legislative Day

7/24/2004

education for the families that she represents and not just her there are 20 other schools districts of... of your colleagues that are gonna... be benefited by this legislation. Again, this is good legislation, something that is necessary and as far as I'm concerned it's a matter of fairness. I would ask the Body to support the Lady's legislation."

Speaker Madigan: "Mr. Jerry Mitchell."

Mitchell: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, we need to have a little bit of sense about this Bill. We've worked long and hard and I've done it now for 10 years on a deal that benefits the children in the State of Illinois. Fast growth was a part of that deal. Let me give you a couple of... of scenarios that may or may not exist. First of all, this is a very diverse Bill. You could very easily have in a small community downstate contractors that come in and build low-income housing that has very little tax base, but can have families with many, many children. If you're a small district and this happens to you, you're gonna qualify for fast growth money and you're never gonna get the real estate value. You're never gonna get the business to come in. You're never gonna catch up. But at least it's some relief. There are downstate districts that get some of this money because the percentage is set and the percentage is fair. These kind of scenarios are the kind of things that this particular Bill may or may not do. The second scenario is, is that if, in fact, we did not go ahead and agree to fully fund the hold harmless for the those districts that are losing on the new poverty formula we would have some downstate... state districts in dire

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

166th Legislative Day

7/24/2004

jeopardy. They would lose 33 percent of their money. We chose not to do that for some districts, not all districts. We have a Gentleman that spoke that has Decatur. God help us if the poverty grant had not happened. We would have all kinds of problems with Decatur. The changes in the way we're gonna fund special education is going to help all districts and God help us if we hadn't changed that. Another scenario is the fact that if you were caught and do a good job for special education, folks that have children with special problems move to that district and they do it in this state and there's some suburban schools that have huge special education populations because of the great job they're doing. You get no added benefit from that, you get added cost. We have a budget deal in place. We have an agreement that we've all worked extremely hard on. Representative Mike Smith himself as Chairman of Approp worked extremely hard on this Bill as well. But let's not put it in jeopardy because we're concerned about \$10 million that may go to help some students that's districts honestly need the money. Now, vote your conscience and make sure that we stay on track with what we've agreed to. Let's not get greedy over a small amount of money that's not gonna make a whole lot of difference percentage wise in the overall picture. But it certainly will mean a lot to a few districts. And some of them are not affluent. Contrary to what one of the previous speakers said about how this only benefits the rich, that is simply not the case. Think about it. Vote 'yes' and let's get on and get out of here. Thank you, Mr. Speaker."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "Representative Will Davis."

Davis, W.: "Thank you, Mr. Speaker. To the Bill. Part of this... most of the reason we're having this debate is because in the State of Illinois we have some significant problems on how we fund education. And this Bill, unfortunately in my opinion, just illustrates that in the State of Illinois we have the 'haves' and the 'have-nots' and... and I respect the previous speaker. But essentially, most of the districts that will benefit, I'm sorry, almost all of the districts that will benefit from this money could be considered part of the 'haves' in my opinion. One of the previous speakers spoke about the average costs of the homes in various areas. There's no doubt that in my district and in some of the South Suburban districts the average cost of the homes are significantly less than the average cost of homes in some of the districts that will benefit from this money. One of the other speakers spoke about how... how these... how these areas will grow and probably will continue to grow with industry and business probably 'cause of... because of where the areas are located. And I can... I can certainly understand that. But when you're faced with a situation like ours where our districts don't grow, where our taxes are... are... are outrageous in some cases and unfortunately, our schools are spending significantly less per pupil than some of the other... some of the other districts, we din... we then have to look at what benefits our districts better than anything else. And it's clearly that this piece of legislation does not benefit our districts as well as it benefits other districts. It's very clear, based on what I've seen and the

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

166th Legislative Day

7/24/2004

numbers that I've seen that this legislation does not benefit our districts as well as some other districts. So, this again, this is just illustrative of the fact that we have a fundamental education funding problem in the State of Illinois. Now, because those districts are growing, probably will continue to grow, business and industry will probably come to those areas, they will have significant tax base to be able to sustain themselves, then they need to look at maybe some creative financing ways in which they can build their schools based on the property wealth and based on what's in those areas. And look at some creative ways to finance building of those schools. That money that could... that will be possibly set aside for this piece of legislation, if it should pass, should be put into the foundation level and benefit in my opinion, those schools that need help more than others. Many of our schools benefit greatly from the foundation level as well as some other schools. But because of your areas and what you have and that's taking nothing away from those areas, you have the ability to add so much more in terms of what you spend per pupil that we don't have the ability to add in our areas and we're simply looking for fairness. We're looking for parity and we can appreciate your willingness and your desire to help those students that are in your districts because again, that is what we are here to do. But we have to look out, of course, for what is in the best interests of the students that we represent. And of course, the best interest of those students will be considering the EFAB recommendations and the increases that have been proposed in

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

166th Legislative Day

7/24/2004

the foundation level. That's something that will be fair for all students. But currently we're looking at a situation where this piece of legislation unfortunately will only benefit some. It's not something that will benefit the entire State of Illinois as was indicated by one of Representatives who indicated that his districts will not receive any of this money as will many of districts that are located in downstate and particularly in the South Suburban part of the State of Illinois. So, we simply ask that... that, of course, you have to vote your district and you have to vote for what's best for your students. But again, we feel that this is something that will not benefit the entire State of Illinois. And if we, as a Legislature, want to do something constructive then we need to look at how we can fix the fundamental problems that exist with our state funding formula, something that will benefit the entire State of Illinois and not just a certain portion of the State of Illinois. So, I... I respectfully would have to request that we vote against this piece legislation. With our respect to the Sponsor, I appreciate what she's trying to do. But again, this is something that will benefit only a part of our state and not the entire state and that's what we need to be looking at. Thank you."

Speaker Madigan: "Mr. Giles."

Giles: "Thank you, Mr... thank you, Mr. Speaker. To the Bill. You know, I... I think I voted for almost every initiative that have come before this Body when it comes to funding for education. And, you know... you know, once again, we play a lot of games here and... and... and this piece of legislation is

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

166th Legislative Day

7/24/2004

just so happen here it is the last day of... of Session, hopefully, and... and we... we're voting on a measure such as this. We have had all Session to deal with this piece of legislation, to deal with an initiative such as this. Let's look at what this really is. This is truly a political issue. This is... this is the business at hand. What this is, is truly a situation, a deal that was cut to get certain amount of resources in order to put votes on a piece of legislation. That's what this is about. That's truly what this is about. You know, someone mentioned, well, this money is not going to go to rich districts, well it may not go the rich district but it's gonna go to districts that are 'have'. It's not gonna go the 'have-not' districts. Let's be real about it. You know, this was... this was truly a compromise and... and so, you know, I can appreciate that. But, you know, if we was... if... if we would have gotten out May the 29 or 30 we would not be entertaining this type of legislation. So, you know, once again, this piece of legislation it is simply is a deal. You're gonna vote for that deal. I think everybody in here believe in funding education across the board throughout the whole state not to leave no child behind. And so... so therefore let's... let's not be fooled about what this is. This is simply a... if you will, it's educational as someone says 'pork'. It's educational 'pork'. And... and so, therefore, vote your conscience as someone spoke."

Speaker Madigan: "Representative Mulligan, we've all been waiting for you."

Mulligan: "I'm sorry. What did you say?"

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

166th Legislative Day

7/24/2004

Speaker Madigan: "We've all been waiting for you."

Mulligan: "Oh, I'm sure. Thank you, Mr. Speaker. To the Bill.

And the Representative who gets very little money in my district from the new money in education, I wanna point out a couple of facts here. There is nothing about education in Illinois depending if you're in the Mijor... Majority or the Minority that is not somewhat political for the simple reason it's sometimes a downstate up iss... downstate-upstate issue, sometimes it impacts certain people more than others. In my area, we pay income tax and we pay high property taxes and get very little school money. That does not mean when some deal is struck that people know what's going on in my district. Someone says to me, oh, we had to put bilingual money in. They don't realize that bilingual money impacts my district. A lot of my new students are bilingual students that put a great deal of pressure on the school district to meet the needs to put on early childhood. No one really knows my district. One of my high schools has 88 percent minority and immigrants. That puts a big impact on my district. People don't know how my district covers that. It isn't necessarily out of the state budget, but it puts an increasing impact on homeowners. This deal gives 1 percent, less than 1 percent, of a \$9.1 billion education budget to solve a problem on a one-year basis that could be in your district another year. I came in with Representative Doug Hoeft in the same class. When we were working on education reform in those years, and Representative Munson has taken Doug Hoeft's seat in the Elgin area, we toured the Elgin area and the bus driver that took us around out of their

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

166th Legislative Day

7/24/2004

school district was from the area and pointed out in those years which was maybe 10 years ago all the new homes that had gone up, these were not luxury houses. They were modest homes that put a big dent in that school district's budget and have continued to do so. Creative financing? What does that mean when you never have the money to catch up. When your school district goes into a deficit spending to cover the huge growth, you never catch up. If we put money in early childhood grants, it may benefit bilingual students, parents in your district. If we put money in other areas of the budget, let's face it, the new money in this budget for education probably shouldn't even have gone there. It is new money. The Human Service budget which impacts many of our districts is cut. This is new money and of this new money we all made a deal. When we made the deal to come in and give extra dollars for new growth, it cut money that went to my districts that were getting damn little to begin with. So, why can't we occasionally, which we do every year, go along with these programs. When I vote for free breakfast or free lunch in that committee, I don't necessarily vote for my district, I vote for the children of this state. So, to get up and complain and some of the Representatives that have complained on this budget get money in their district and they're still gonna vote against it. So, why don't we just go along with this 'cause this was part of the deal. Let's take the vote and let's recognize the fact that every year we go along with something new to try and help a select group. This benefits a wide variety of people. Eventually, some of them may be

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

166th Legislative Day

7/24/2004

'have', some of 'em will never be, they'll always be 'have-nots'. But quite frankly, take a look at this list and look at the fact that for once it is less than 1 percent of a total budget that has problems. Remember, when we voted for extra poverty grant money and the new poverty grants was going into effect and the old poverty grant is staying in effect. That doesn't benefit a lot of our districts who are gonna vote for this. So, let's get real, move this Bill out, get it through. It's not that bigga deal, it's \$10 million."

Speaker Madigan: "Mr. Black. Mr. Black."

Black: "Well, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. I'm somewhat shocked and appalled at some of the debate that I've heard. You... if you listened carefully, you had two downstate school superintendents who spent most of their adult life in education dealing with the educational formula, the general state aid formula, which is so complicated that most of us... our eyes roll when we're asked to read it. They told you why this is necessary and they're downstate school people. What would you do in your district if one of your school districts suddenly had an influx of 1 thousand students? How would you take care of that? As Representative Eddy explained to you, the average daily attendance takes more than a year to catch up. The EAV is always 1 year behind and you get this sudden influx. This isn't anything new. For years the Federal Government gave many of your districts impact aid if you had a military base in your school district. I used to have Chanute Air Force Base, there was

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

166th Legislative Day

7/24/2004

Glenview, there was, of course, Scott is still downstate. But... but we don't have the military bases that we used to and the feds quit doing that. And why did they give impact aid? Because the dependents of military personnel assigned to that base would be an influx of students that you normally wouldn't have in your school district. I don't know why the feds ever gave it up, but they've done so and we've had to help some of those districts. My good friends on the other side of the aisle, how far do you wanna take this argument that some of you have made? That it doesn't have any direct input or impact on your district, so I'm not gonna vote for it. It doesn't have any impact on my district, either. Well, how far do you wanna go? Categorical funding doesn't help my district a great deal. What helps my district is the general state aid formula. Then maybe we shouldn't support the education budget because it puts a lot of money in categorical funding. I mean, how far do you wanna take this? We could be here forever and not agree to an educational budget which we're gonna get to if we ever get through with the Lady's Bill that's before us now. Some of you wanna get up and talk about changing the fundamental way that we fund education. I don't talk about it, I've tried to do it. I was a cosponsor of the '92 Constitutional Amendment, a cosponsor of the '97 Bill brought forth by Jim Edgar to change it. I have a Constitutional Amendment on the Calendar, HJRCA 27, that would change how we fund education and not one Democrat who spoke against this Bill has joined me in sponsorship of that proposed Constitutional Amendment that would change how we

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

166th Legislative Day

7/24/2004

fund education in the State of Illinois, not one of you have asked to get on that Bill. Not one of you have gone to your side of the aisle and said, let that Amendment out of Rules so we can discuss how we fundamentally change the funding of education. I don't talk about it, I've been there before, I'll be there again. This wasn't a Bill that came up today. It was part of the education budget and someone in the Senate decided yesterday that it shouldn't be part of the budget, it should be a stand alone. It isn't the Sponsor that brings this to us today, it's the Senate who decided at the last minute that part of the education funding package that we had agreed to, suddenly wasn't agreed to on this Bill. That's why it's here. So, don't... don't give me any more headaches about how much you're gonna change the funding of education. Sign on to the sponsorship of my Constitutional Amendment, ask that it comes out of Rules in November and then you can vote on it. I voted on it twice, I'll be prepared to vote on it the third time. This Bill is a reasonable attempt to address a problem I wish I had in my district and that is a huge influx of students. Unfortunately, I don't have it, but I intend to vote 'aye' because it's all part of educating children. And if you turn your back on a child that just happens to be one of 15 hundred new students who show up at certain school districts in three and a half weeks, then you turn your back on everyone. Vote 'aye'."

Speaker Madigan: "The Chair would like to make a suggestion. I think we've had a rather full debate on this matter. There's one other persing... person seeking recognition, Mr.

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

166th Legislative Day

7/24/2004

Morrow. I would suggest that we recognize Mr. Morrow, but nobody else. Mr. Morrow to end the debate."

Morrow: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You know, I guess this is gonna be one of my last talks before I leave this Body. And everybody talks... everybody talks about how they for this and how they are for that, but I remember when, I forget what year it was, it was under Governor Edgar, I think it was 1996, we passed a Bill that would have made education funding in this state more equitable. It was an income/property tax swap. Some of you remember that. A lot of you guys ain't been around long enough. And the Black Caucus stood up and passed that Bill. It got to the Senate and one person who happened to be President of the Senate at the time decided he didn't want that Bill called. He didn't want that Bill called. To hell with every other hundred and seventy six other Legislators. If he had called that Bill, we wouldn't be havin' to deal with House Bill 786. Well, I need my glasses checked, 766. Maybe it should be 666. But if you're gonna stay in this... in this august Body, you gotta understand the history of this General Assembly. We had an opportunity to make education funding equitable. We oughta be rather than considering this Bill, we should be considering the same Bill that we passed in 1996. That's the language that should be in this Bill. If that Bill had been called in the Senate, we wouldn't have to discuss this. But I'm gonna tell ya what happened when it went to the Senate, because the President of the Senate didn't call it, we got jumped on by all kinda groups. Lou Jones, you remember. Charles, the

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

166th Legislative Day

7/24/2004

Black Caucus, you all need to take half a loaf rather than a full loaf and I told him, I wanted my kids to have a full Happy Meal, not half a Happy Meal. So, when I'm gone, you all need to take that issue up again, otherwise you're gonna keep comin' up with Bills like this that rather unites us, divides us. Did ya hear me? Unites us rather than divides us. This has already been a divisive Session, one of the most divisive Sessions I've gone through in my 18 years of being in this chamber and I'm ashamed and embarrassed to be a Legislator from the State of Illinois this year. Now, I'm not gonna ask you to vote 'yes' on this Bill or 'no' on this Bill. I gave you a historic perspective of education funding. If we don't deal with the income/property tax issue, we're gonna piecemeal educational funding forever and ever. Thank you, Mr. Speaker."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendment #1?' 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 question, there are 92 people voting 'yes', 20 people voting 'no'. The House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Three-fifths Majority, is hereby declared passed. Mr. Giles."

Giles: "Thank you, Mr. Speaker. Could the record reflect that that would've been a 'no' vote?"

Speaker Madigan: "The record will reflect your request. House Bill 759, Representative Lindner."

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

166th Legislative Day

7/24/2004

Lindner: "Thank you, Mr. Speaker. I move to concur with the Senate Amendment #1. And this is a Bill that passed the House on April 29. The Senate just passed this 47-3. It allows the Yorkville School District to increase their debt authority to ask for schools in one referendum rather than going to referendum several times. I would ask for an 'aye' vote."

Speaker Madigan: "The Lady moves that the House concur in Senate Amendments #1 and 2. There being no discussion, the question is, 'Shall the House concur in Senate Amendments #1 and 2?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 85 people voting 'yes', 30 people voting 'no'. The House does concur in Senate Amendments #1 and 2. And this Bill, having received a Constitutional Three-fifths Majority, is hereby declared passed. Senate Bill 1070. Mr. Clerk, what is the status of the Bill, 1070?"

Clerk Mahoney: "Senate Bill 1070 has been read a second time, previously. Amendment number... a Motion to Table Committee Amendment #1 was approved. It remains on Second Reading. Notes have been requested but not yet received on the Bill."

Speaker Madigan: "Mr. Clerk, have you received a communication relative to the request for notes?"

Clerk Mahoney: "The notes filed on Senate Bill 1070 have been withdrawn by the... the filer."

Speaker Madigan: "Put the Bill on the Order of Third Reading and read the Bill for a third time."

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

166th Legislative Day

7/24/2004

Clerk Mahoney: "Senate Bill 1070, a Bill for an Act in relation to educational labor relations. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. Senate Bill 1070 amends the Illinois Education Labor Relations Act to include graduate students who are employed by public universities in the definition of 'educational employees'. The current law is silent in regarding the status of graduate employees employed at universities. And students in general are excluded from the coverage under this Act. And this would make those who teach as part of their duties as graduate students to be covered under this."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, you filed this Bill a year ago, did you not?"

Jakobsson: "I believe so. Yes."

Black: "And what has transpired in that year?"

Jakobsson: "Representative, are you referring to the agreement between the university and graduate employees?"

Black: "Your... your Bill acts as if there is no agreement in place and it's my understanding that, in fact, there is. I... I think your Bill is about 8 months behind the curve."

Jakobsson: "There is agreement in place. And this codifies the agreement to make sure that the graduate students who are teaching are covered under the law."

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

166th Legislative Day

7/24/2004

Black: "In other words, the University of Illinois recognized the graduate student association, negotiated a contract with them as collective bargaining process... calls for. They have a contract in place. They... the university recognizes the association and they're affiliated with a... with a... a union. And now you want to... you want to codify a collective bargaining agreement?"

Jakobsson: "That's the intent of this."

Black: "Why? Can you give me an example of one collective bargaining agreement that we have codified into State Law?"

Jakobsson: "I don't have the answer to that, Mr. Black."

Black: "I'm sorry, what?"

Jakobsson: "I don't have the answer to that, Representative."

Black: "Mr. Speaker, I simply can't hear. I can't... I can't hear."

Jakobsson: "I don't have the answer to that, Representative."

Black: "All right. Why... well, would you agree that the answer is most likely, no, we do not make it a practice to codify a collective bargaining agreement? Well, why... I don't understand, Representative. In... in... in my years here and on county government, I have never run across an attempt to put into state statute the fact that there is a collective bargaining agreement in place with an employer and employees. I'm not aware of any such law. And why are we doing it in this case?"

Jakobsson: "This is an issue that the University of Illinois students have experienced. But it isn't limited to those it's... should... it will take in all university students to make sure that they're protected under the bargaining."

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

166th Legislative Day

7/24/2004

Black: "Representative, how can this be an issue when they have bargained and they have agreed to a 3-year contract? How can it be an issue? The university recognized their association. They bargained for months and they have agreed to, beginning in this fiscal year, a 3-year contract. What's the issue?"

Jakobsson: "This is a long-term approach, it doesn't end after the 3 years."

Black: "Oh, come on, Representative. For heavens sakes, we don't codify collective bargaining arrangements. Either tell me the... the real reason behind this, 'cause I'm not gonna buy any good reasons. This is absolutely ludicrous. If... if... if you do this then you open the door for me or anybody else next year to file legislation to abrogate the collective bargaining agreement. I mean, this... this... this puts the General Assembly in a terrible position. What are you going to do when somebody files legislation to codify the collective bargaining agreement the Governor has recently signed and AFSCME agreed to? Why don't we codify that agreement into State Law?"

Jakobsson: "We should afford the graduate student at other universities the same opportunity that those at the U of I have gained."

Black: "Well... is... is there..."

Jakobsson: "And this will do that."

Black: "Give me an example that they don't have this opportunity. The University of Illinois has a collective bargaining agreement in place. Are you telling me the graduate student associations on the University of Illinois

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

166th Legislative Day

7/24/2004

Campus, Springfield, Chicago, SIU, your... is... is there an... is there a legal impediment to a collective bargaining agreement on those campuses?"

Jakobsson: "There's no law that specifies that they can do what this Bill says they can do."

Black: "What does this Bill say they can do?"

Jakobsson: "The engrossed version of the Bill provides that graduate student research assistants aren't covered by the Illinois Education Labor Relations. It provides that graduate assistants, teaching assistants, are covered by the Act."

Black: "What... what page is that specific language on that says they have... they will then have an absolute right to be recognized as a bargaining unit?"

Jakobsson: "Bear with me, Representative, please. I'm trying to get that reference for you."

Black: "Representative, I have no place to go. Although if we don't pass the higher ed budget pretty soon your Bill would be moot, but whatever. Representative, in the... in the interest of time, while you read your Bill, could... could you take it out of the record so we could go to committee and maybe come back and get to it?"

Speaker Madigan: "We can take it out of the record. Unless you're... are you prepared to proceed, Representative?"

Jakobsson: "I'll take it out of the record for now."

Speaker Madigan: "We'll take it out of the record."

Black: "Thank you very much."

Speaker Madigan: "Mr. Black, we have two or three other things to do."

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

166th Legislative Day

7/24/2004

Black: "Do you have another Bill that you need to act on, Mr. Speaker?"

Speaker Madigan: "There's a Rules Report right now."

Black: "All right. Be... before we go to recess I... I'd like to make an inquiry of the Chair if I could. But af... after you're through with your... your Calendar and just before we recess."

Speaker Madigan: "Yeah. Fine."

Black: "I'll... I'll wait. All right."

Speaker Madigan: "We know where to find you."

Black: "Okay. Thank you."

Speaker Madigan: "Mr. Clerk."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or Joint Action Motions was/were referred, action taken on Saturday, July 24, 2004, reported the same back with the following recommendation/s: 'approved for floor consideration' is a Motion to Concur with Senate Amendments 1 and 3 on House Bill 4200."

Speaker Madigan: "On page 9 of the Calendar, on the Order of Concurrence, there appears House Bill 4200. Representative Currie."

Currie: "Like to make a Motion that we suspend the posting requirements so that the Motion to Concur with Senate Amendments 1 and 3 can be heard immediately."

Speaker Madigan: "Representative Currie, did... did you move to suspend a rule?"

Currie: "I made the Motion to suspend the rule so that we could immediately consider the concurrence Motion."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "You've all heard the Lady's Motion. Is there leave? Leave is granted. Representative Currie."

Currie: "No, actually it's Mr. Moffitt's Motion."

Speaker Madigan: "Okay, Mr. Moffitt."

Moffitt: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. The Motion to Concur on House Bill 4200 is really... this is the result of about 2 years of work. Just a little bit of history. We passed the Genetic Privacy Act in 1997, was signed by Governor Edgar. And we were one of the first states in the nation to do that at that time and this is a natural next step. The genetic counselors in the State of Illinois would like to become licensed. They would like to have a standard set that they would... would apply to them. So, it was the counselors themselves asking to be... be licensed. This is an agreed Bill. There are no opponents. There are a long list of proponents. The use of genetic information is going to become... play a bigger and bigger role in all of our lives in the years ahead. When the genetic... when the Human Genome Project was completed that provided a lot of information that will be useful to all of us in being proactive about our own health and health care and health concerns. There are even issues that are of concern to particular segments of the population that genetic information will be especially important. Licensed genetic counselor really is... is consumer protection. It's saying to the public, if you go to a genetic counselor, you know that it's going to be a qualified individual. We license a lot of other things in the state like barbers and beauticians and plumbers and roofers and realtors and

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

166th Legislative Day

7/24/2004

teachers and auctioneers and then other professions, doctors and dentists and nurses. The genetic counselors are just wanting to assure the public that they've met a... can assure the public that certain standards have been met. And that when you go to someone says they're a genetic counselor, you can rely on the information that they provide. Again, it's an agreed Bill. No opponents. I would urge your support of this. We'll... we'll be one of the first states in the nation, again, to license our counselors at their request. Be happy to entertain any questions that you might have."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of the Gentleman's Bill. First, let me congratulate and compliment Representative Moffitt on some very hard work for a very long time to put this piece of legislation together and make sure it's an agreed piece of legislation. And the Representative is correct it's important as we find more out about the cause of disease, this... this genetic counseling is critical for the health care of Illinois and the health care of our country. I know in my community there are several diseases that would be considered to be genetic diseases and certainly it is very, very important for my community but I think for all of Illinois. And to put these counselors in a position where they are licensed so that people can feel free to go to a good practitioners and get the appropriate reimbursements, I think is very important for the future of health care in our state. And I would urge your 'aye' votes."

Speaker Madigan: "Representative Lindner."

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

166th Legislative Day

7/24/2004

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

Speaker Madigan: "Sponsor yields."

Lindner: "Thank you. This is the result of a negotiation so the Illinois State Medical Socie... Society does support this Bill, is that correct?"

Moffitt: "That's correct, Representative. When... when the Bill left the House it was not an agreed Bill and the Med Society technically listed... registered as an opponent but said we're gonna keep working and felt it would be worked out. Then there was a while it was agreed and then they became neutral. And we checked today and they are officially a proponent now, the Illinois State Medical Society. But it's a long time agreed process and yes, they're onboard."

Lindner: "And to go to a genetic counselor this would act like any other medical referral or there would have to be a referral from a doctor or nurse to get this?"

Moffitt: "Correct."

Lindner: "And could you tell us what type of training is required?"

Moffitt: "Yes, to be a genetic counselor, a masters degree in genetic counseling and a national certification by the American Board of Genetic Counseling is required."

Lindner: "Thank you. I would ask support for this Bill too. I think certainly, ya know, genetic counseling and genetic research is a very important part of our health care system and hopefully will help us fight disease."

Speaker Madigan: "Mr. Miller."

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

Speaker Madigan: "Sponsor yields."

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

166th Legislative Day

7/24/2004

Miller: "Just one question in regards to what the former speaker... speaker asked. When genetic counselors are licensed, will they have to go through a recertification pro... or certification like every 2 years? We have to have a certain amount of continuing education credit to renew our license or some kind of educational aspect of that?"

Moffitt: "Representative, you're... you're correct or I guess you were actually asking if... if the license... as the Bill is written it's for 2 years. And there'll be some ongoing training, I believe that will be required, that would be spelled out. So, yes, it's every 2 years. They would have to apply and then renew it every 2 years."

Miller: "Okay, that... that... my only comment is on that would be it would just add it in accordance to other, I believe, other medical disciplines, any... any type that they'd have to have a certain amount of credits, so even if it's not in this, ya know, clearly it should be. To the Bill, Mr. Speaker. I stand in strong support of this and just want to add one little aspect to Representative Moffitt who is to be commended to this. My... myself and many others... many of these genetic diseases that occur could be from cystic fibrosis to sickle cell anemia. And it's very important for those who are married or consider married or consider having children that you have this information possible and you know about it because of the prevalence that it may be spread to a child or to a loved one... in that... in that regard. So, it's very important that we have these type of counselors available to us. And I believe that it's a step in the right direction in terms... in terms of having good and

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

166th Legislative Day

7/24/2004

quality... quality information in terms of health care in the State of Illinois. Thank you."

Speaker Madigan: "Representative Eileen Lyons."

Lyons, E.: "Thank you, Mr. Speaker. I rise in strong support of this legislation. I really want to commend the Sponsor. As was mentioned, this Amendment is the result of negotiations between the Illinois State Medical Society and the Illinois genetic task force. There are genetic counselors already in other states, California and Utah license genetic counselors. And there are now approximately 22 hundred genetic counselors performing genetic counseling nationwide. We have a host of advocates of this legislation. And I really want to commend the Sponsor for his hard work and for his forward vision as far as the new technology of the future and how important this legislation is. Thank you."

Speaker Madigan: "The question is 'Shall the House concur in Senate Amendments #1 and 3?' 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 question, there are 100 people voting 'yes', 15 people voting 'no'. The House does concur in Senate Amendments #1 and 3. And this Bill, having received a Constitutional Three-fifths Majority, is hereby declared passed. On page 12 of the Calendar there appears House Resolution 933. Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I would urge the passage of this Resolution despite the fact that it's... the date has passed but it's just a congratulatory Resolution. Thank you."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "The Lady moves to adopt the Resolution. The Chair recognizes Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "I know you know what that is but we don't know what that is. Can you just tell us what we are recognizing there?"

Flowers: "I don't have it in front of me, but it's a special type of ceremony that they have."

Parke: "Who's they?"

Flowers: "The Chinese."

Parke: "Chinese. Is that part of a Chinese religion of some sort?"

Flowers: "Yes, and they were down here during Session in the rotunda."

Parke: "Okay. Thank you."

Speaker Madigan: "The question is, 'Shall the House adopt House Resolution 933?' Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. On Supplemental Calendar #1 there appears House Resolution 1130. Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker. House Resolution 1130 urges the Department of Public Health to immediately take all steps necessary to develop a new emergency medical technician examination. A lot of you are aware of this, probably your local ambulance or fire department or rescue unit has talked to ya. We're just urging the department to move as rapidly as possible. They had announced back in June that they were gonna possibly quit giving the test and require everyone to take the National Registry Test. Our

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

166th Legislative Day

7/24/2004

concern is that if every... EMT had to take that test it's less accessible to test sites, would be added costs. And especially downstate, we've got a concern as many of our ambulance services are volunteers. This... this is a concern to everyone in the State of Illinois. You many live in a metropolitan area. You might have outstanding ambulance service but as you travel the State of Illinois, the response will be whatever pro... whatever department provides the service along that stretch of highway. We're finding downstate and I know many of my colleagues downstate could attest to the fact, more and more problems and difficulties in getting volunteers to be in these... EMTs and our ambulance service. If we make it more difficult for them to test and certify and going to the National Registry would jus... do just that, added costs and less accessible test sites, then we're making it more difficult. This is just urging the department to develop a new test. And the reason they nud... needs to develop a new test is that their old one had been compromised that someone had gotten a copy of it. Initially, it sounded... the department sounded like it was gonna take quite awhile to develop a new test. The director, and I really appreciate the director calling me last week, I believe it was. They are moving rapidly on the paramedic test. But the basic EMT test, their plan is to still have it be a national test. My position and I know all the rescue units that I represent would like for the state to continue to give the test. This simply encourages them to move as rapidly as possible to develop and offer that new test. Be happy to answer any questions."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "Representative Monique Davis."

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

Speaker Madigan: "Sponsor yields."

Davis, M.: "Representative, once the EMTs have taken an exam, does someone else make a decision about them working in different counties?"

Moffitt: "Wou... would you repeat the question, Representative?"

Davis, M.: "Are you gi... giving autographs? I said, once the EMTs have taken the exam and passed the exam, does a medical physician decide whether they can work in that county or not?"

Moffitt: "I believe it is the loc... even though they have the test... the local policy can determine who can practice there. I believe that's correct."

Davis, M.: "Okay... okay. I'm gonna support your... your Resolution. However, I think we need information and I have obtained the following information. First of all, I would urge the Department of Public Health to be as vigilant as possible because we are talking about the health of the citizens in the State of Illinois. We're talking about paramedics and emergency medical technicians who go to assist people who've had an accident or who has an emergency. My understanding is the... the test was compromised through no fault of the Illinois Department of Public Health. Once that compromising situation took place, another test does have to be developed. But they cannot just extrapolate items that were used on previous tests because people can and do memorize questions and answers. My understanding is that the EMT and paramedics could take

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

166th Legislative Day

7/24/2004

this test once per month and if they're taking the same test once per month, they can memorize the questions. It is not simply a matter of extrapolating test items but it is trying to gear the test to health needs of today. For example, years ago if a person had a heart attack and a paramedic was called or an EMT was on hand, I think they would place a pill under the tongue. I believe today they would use what Daniel Burke has helped us to pass here, the defibrillator. The defibrillator would be used. Therefore, on the new test this information would have to be available on the test and this EMT or paramedic would have to pass that information. Now, they're not required to take a National Registry Exam but they are allowed to take that exam if they don't want to wait until a new state test is developed. I believe that the national exam should not be that difficult if you're really prepared to treat the ill or those who are in an emergency situation. You know, a heart attack or an accident in New York can be just like one in downstate Illinois or in Chicago. A diabetic coma is the same thing you have in Washington, D.C., as you would have in Springfield, Illinois. So, if you know how to treat a person in a diabetic coma in an emergency situation in Springfield, then you should also know for New York. So, I don't think a National Registry Test should frighten anyone. They're not required to take that. They are given the opportunity to take it until the state test is developed. I do support your Resolution but I also encourage the Illinois State Board of Education to continue to be vigilant, to continue with their diligence and to continue to put the

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

166th Legislative Day

7/24/2004

health of the Illinois citizens foremost rather than hurry up and gather a test so some people can become EMTs. I think you would agree with that that our objective is to make sure people are prepared to serve the public with the best knowledge they can possibly have. When I graduated from college, I had to take a national teachers' exam and make a particular score on that. So, I really think that the national exam will not hurt anyone. And I understand about the downstate having a problem but I think if we remove those physicians from having a say on who gets accepted, we would also get people who could be more portable. They could work in different counties and different states. And I urge an 'aye' vote on this legislation. Thank you."

Speaker Turner: "Representative Turner in the Chair. The Gentleman from McLean, Representative Brady, for what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Brady: "Thank you very much. Representative, I, too, stand in support of your Resolution and will join you in cosponsorship. But when... when this particular issue became more public, I had a meeting in Bloomington with the individuals within the Department of Public Health responsible for the move towards the National Registry Test and it was clear to me that's the way the department wanted to go. And now, it's my understanding the bigger picture is we don't have a test in place for those particular classes,

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

166th Legislative Day

7/24/2004

EMT classes or paramedic classes coming out. Is that correct, as of right now?"

Moffitt: "Representative, I believe there were 5 different tests offered by the department for all... all 3 classification of EMTs. So, there were 15 different tests. Now, I've heard that one test was compromised. If there are more than that, if someone knows there were more than that, but all that I've heard was that one test was compromised of those 15 or 1 of the 5 in the... in the... in any one class. So, there were others there but I think it was concern by the department that others might have been compromised and that's what they wanted to assure that any test that they gave was not a compromised test. That's what led to this. And so, we're urging the department to move as fast as possible to develop new tests so they can continue to give it. The... it's just... I know it's gonna create problems if people have to go to the national test. I think it's fine that... that they have that option. I know EMTs who on their own even though... prior to this time would take the state test but also take the national. Keep in mind, many of EMTs downstates are volunteers, we're not talking people earning their living this way. We're talking ones that are just doing community service because they feel this is an important contribution they can make to improve the public safety. So, it's... we don't wanna compromised test, none of us in here do. We're just urging the department to move as fast as possible and to continue to give the tests at the basic level, also."

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

166th Legislative Day

7/24/2004

Brady: "So, the department has not in its entirety stopped testing right now, is that correct? Just in one particular level of testing, would that be the EMTI?"

Moffitt: "Representative, I believe temporarily... I believe all the tests were suspended. They've agreed to go ahead and continue to give the paramedic and I believe... I believe intermediate. They're gonna have paramedic tests ready by sometime... and they hope by the end of August."

Brady: "Back to my... my original point then. There certainly has been a change in the testing. There's some testing that is not going on. There's classes coming out that really have no where to go. And coming from McLean County which happens to be the largest county per square mile in the State of Illinois and having about 19 different towns and municipalities in there that the EMTs who struggle as you said on a daily basis to try and find coverage. This is extremely important that those who go through this process take the classes, have the proper testing, whether that be the National Registry or whether that be a different test. So, I join you and I really ask that we work together and we keep this caucus informed and the General Assembly informed as to what's going on. Thank you very much."

Moffitt: "Thank you."

Speaker Turner: "Representative Moffitt to close."

Moffitt: "Thank you, Mr. Speaker. In the interest of public safety and concern for citizens traveling the entire state, whether it be Chicago or downstate, I would urge you to vote 'yes' for this so that we're encouraging the department to... continue to give the test and have a new test prepared as

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

166th Legislative Day

7/24/2004

soon as possible for all three levels, all three certifications. It's important to the public safety of all residents of the State of Illinois. I'd appreciate a 'yes' vote."

Speaker Turner: "The question is, 'Shall the House adopt House Resolution 1130?' All those in favor should vote 'aye'; all those opposed 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. And this Bill... this Resolution, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Rules Report."

Clerk Mahoney: "Referred to the House Committee on Rules is House Resolution 1145, offered by Representative Rose. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or Joint Action Motions was/were referred, action taken on Saturday, July 24, 2004, reported the same back with the following recommendation/s: 'referred to Human Services' is a Motion to Concur with Senate Amendment #1 to House Bill 7307."

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

Currie: "Thank you, Speaker. I move to suspend the posting requirements so that the Motion to Concur with Senate Amendment 1 to House Bill 7307 can be heard immediately in the Committee on Human Services."

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

166th Legislative Day

7/24/2004

Speaker Turner: "The Lady asks for leave to suspend the posting requirements. All those in favor shall say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the requirement(sic-leave) is granted. The Lady from... On Senate Bill 1070, we have Representative Jakobsson. Read... What's the status of the Bill, Mr. Clerk?"

Clerk Mahoney: "Senate Bill 1070 is on the Order of Third Reading. A Bill for an Act in relation to educational labor relations. Third Reading of this Senate Bill."

Jakobsson: "Thank you, Mr. Speaker. This, as I said before, amends the Illinois education labor relations to include graduate students employed by public universities. I believe I have some of the answers to your questions, Representative. The issue is uniformity for all graduate students in all universities. And you had asked about codifying this. Last year we did a very similar Bill for court reporters. And I think it's important that we do this for all of our graduate teaching assistants across the state."

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

Black: "Thank you very much, Mr. Speaker. I'm... I'm still just trying to understand this piece of legislation. Was that the opening?"

Speaker Turner: "I believe that she gave her opening."

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

Speaker Turner: "She indicates she will."

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

166th Legislative Day

7/24/2004

Black: "Thank you very much, Mr. Speaker. Representative, has any institution of higher education in the State of Illinois absolutely, flatly refused to bargain with their graduate students?"

Jakobsson: "Not that I'm aware of."

Black: "I would be somewhat surprised if an institution of higher education would simply refuse to bargain in good faith with a organization, a graduate student organization that, in fact, had the right number of cards signed and filled out and then was recognized as... as a bargaining unit. And is... is it not true that the University of Illinois without benefit of a State Law entered into that negotiation with their graduate student organization and, in fact, now have a contract, right?"

Jakobsson: "The graduate employees at the University of Illinois fought for nearly 6 years to win this right. And I believe it's necessary. This legislation would help us to avoid future legal battles regarding the rights of graduate employees."

Black: "Representative, again I ask you, in... in the Bill, give me the line number where this Bill absolutely, positively, unequivocally states you have an inalienable right to bargain and the university must recognize you and then must bargain in good faith for a contract."

Jakobsson: "Under the definition of 'graduate assistants' who are covered, this takes in employee rights in Section 3 of the Act."

Black: "What... what page is that on?"

Jakobsson: "It's in the Educational Labor Relations Act."

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

166th Legislative Day

7/24/2004

Black: "Where is the language in this Bill that states unequivocally that graduate students will have an inalienable right to bargain collectively with the university?"

Jakobsson: "This Bill expands who is covered under the Act, Representative."

Black: "So, this Bill doesn't really give anybody any rights at all, does it?"

Jakobsson: "Yes, it does."

Black: "Now, where does it say that?"

Jakobsson: "The definition now... the definition now goes into the Act as to who is covered under the Act."

Black: "And... and who is covered under that?"

Jakobsson: "Educational employees. In particular, those who are graduate teaching assistants."

Black: "What's the... what is a definition of an 'educational employee'?"

Jakobsson: "That's in the Bill. The Bill cites a current law in the new... the term 'student' includes graduate students who are research assistants primarily performing duties... who are teaching assistants involved with delivery and support of instruction and all other graduate assistants."

Black: "I think you misread that. That's on page 2, line 1 through 8. It appears to me that that language specifically excludes graduate students who are teaching assistants primarily performing duties that involve the delivery and support of instruction and all other graduate assistants."

Jakobsson: "No. It's ex..."

Black: "Do... do you mean to put that in there?"

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

166th Legislative Day

7/24/2004

Jakobsson: "It's excluding them from already those who are excluded. So they are now the ones who would be covered."

Black: "I... I'm sorry, Representative, you didn't answer my question. Graduate students on line 5 would appear to be excluded from the bargaining provision, as they are defined in line 6, 7, and 8."

Jakobsson: "Well, I think you need to go back and start reading the paragraph before that. It's a double negative, Representative."

Black: "Well, yeah, there's... there's... this... this Bill is a triple negative. But again, Representative, you filed this Bill before the university and the graduate student organization had a contract. They now have that contract. They are having difficulty, as I understand it, at the University of Illinois-Chicago Campus even getting a majority of the graduate students to sign the necessary cards indicating that they want to be represented by a union. So, the Bill doesn't have a great deal of impact to the University of Illinois which is what it was aimed at a year ago. Now it seems to be aimed at the University of Illinois-Chicago. Would that be a fair assumption?"

Jakobsson: "I think the right assumption to make is that it's for uniformity throughout the entire state."

Black: "U... uniformity of wha... of what? Uniformity of wages?"

Jakobsson: "For all graduate students to have the opportunity."

Black: "Graduate students to do what? Just simply bargain?"

Jakobsson: "To organize and to bargain."

Black: "To organize and... and then bargain?"

Jakobsson: "Yes."

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

166th Legislative Day

7/24/2004

Black: "And the university then also has a concurrent right to refuse to ratify a contract, correct?"

Jakobsson: "In negotiating for a contract, both parties come to the table and work towards reaching an agreement."

Black: "But that isn't what I asked you. I said the university then has a concurrent right to refuse to agree to any contract, correct?"

Jakobsson: "I believe... I believe that's... ya know, what I said but I chose different words."

Black: "Oh. And then the option would be that the graduate students go on strike, correct?"

Jakobsson: "I don't wanna to predict what the graduate students are going to do."

Black: "You don't want to what?"

Jakobsson: "Predict what graduate students in a new situation are going to do."

Black: "Well, Representative, at some point down here you have to take a stand. This is your Bill. I assume you know what it does. And all I ask you is this: if you carry this Bill out to its conclusion, if the university refuses to sign an agreement, is it not then reasonable to expect that the only option left to the graduate student union would be to strike? I mean, that may not be the only option, but it's an option they would have and would very... perhaps exercise, right?"

Jakobsson: "I would not agree that it's the only option."

Black: "Well, I... I said not the only option."

Jakobsson: "It's a possibility for something they could carry out."

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

166th Legislative Day

7/24/2004

Black: "I changed that. But it would be an option, correct?"

Jakobsson: "That's a hypothetical situation and I would like to just get on with the Bill."

Black: "You would like to what?"

Jakobsson: "Get on with allowing people to vote for this Bill."

Black: "Well, Representative, that's... that's wonderful. And I would like to do the same thing. It has taken you 20 minutes of consultation with the staff attorney to answer four simple questions. I'm not trying to impede progress on the Bill. My job here, whether I like it or not, is to try and get at what the Bill actually does. Now, if you're uncomfortable with that and you don't wanna answer any questions I suggest you take the Bill out of the record and assign it to someone else. I mean, you... you... you've given some rather sharply-worded answers to me. I've been calm. I have asked you questions about trying to understand the Bill. I've asked you about sections in the Bill. I don't get any answers. I... I don't... I don't understand it. You're either fully committed to this Bill, understand it and will use all of your energies to pass it. Or then there's another... there... there must be another alternative."

Speaker Turner: "Are there any further questions?"

Black: "I... I give up, Mr. Speaker. I can't get answers to any questions. Ladies and Gentlemen of the House, to the Bill."

Speaker Turner: "To the Bill."

Black: "The University of Illinois is opposed to this Bill. I stand in opposition to this Bill. You know what this Bill is really is attempting to do, it's attempting to codify into law a bargaining unit that may not exist because of a

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

166th Legislative Day

7/24/2004

recent National Labor Relations Board ruling. Now, I'm sure that that ruling will be appealed as... as well it should. But the National Labor Relations Board in a recent ruling clearly stated that students are not to be considered employees. So, you see, that would make it very difficult to enter into a collective bargaining agreement given that definition of a National Labor Relations Board ruling. Now that will be appealed and it may very well be overturned. But until that decision is final, I am not comfortable codifying into State Law mandating that all institutions of higher education and I assume that that... that a definition includes community colleges but I... in... in all honesty I'm not certain of that. We are mandating that all universities or all institutions of higher education must bargain and recognize a graduate student organization or a student organization for the purposes of collective bargaining if they have the proper number of signature cards. The University of Illinois has done this without a State Law. They bargained. Did they... did they take a long time to do it? Absolutely. That's... that's the right of the people seeking to represent students and it's the right of the university seeking their... exercising their responsibility to exercise all due caution to the stakeholders at the university and that is primarily taxpayers' money. It was estimated that this contract that was signed about some... some months ago for the University of Illinois, over the life of a contract will cost \$40 million. I don't have a problem with that. They collectively bargained and that's the contract. All... there are people that have a problem

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

166th Legislative Day

7/24/2004

with that \$40 million cost. And it's certainly subject to discussion. All I stand in opposition to, Ladies and Gentlemen, is this. It is not necessary to codify collective bargaining agreements in State Law. And once you start doing that, where does it end? Where does it end? The University of Illinois, the largest university in the state, yes, they took their time, yes, there were a... a great... there was a great deal of give and take and bargaining and upset people on both sides of the issue but they finally reached an agreement. They settled a contract and that contract is in place for the next 3 years. All of this done without any State Law or mandate. My understanding is that the University of Chicago, they're doing... they're trying to organize and things aren't going as smoothly up there as they had hoped, primarily not because the university is... is making some of the same ar... arguments that they made at the Urbana-Champaign campus, but because the graduate students are having difficulty getting the proper number of... of representation cards to be certified as a bargaining unit. In light of the National Labor Relations Board ruling, we do not need a statutory reference and a mandate on our institutions of higher education all of whom who are suffering and taking hits in the budget telling them what to do. They are very capable people. They can figure out how to negotiate a contract. They can figure out what they can afford to pay. The graduate student organization can certainly figure out whether or not they want to accept the contract. You know, the collective bargaining process works fairly well. It's when we get involved in it and we

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

166th Legislative Day

7/24/2004

mandate and we codify that it gets to be just a little bit more difficult and then they have to turn to a Educational Labor Relations Board comprised of people who make about 90 some thousand dollars a year to decide who said what or who did what. When all is said and done, this Bill set on Second Reading last year the entire Session and never moved. It was on, in fact, Second Reading Short Debate. It was never called. And on the last day... the last day, I hope the last day of Session, after the contract at the university has been settled, now all of a sudden the Bill is resurrected. You heard... you... I leave it to you. I was trying to get answers to my questions. There was 7½ minutes between one question and one answer. Either the Bill is more complicated than I think or the Sponsor hadn't looked at it since she placed it on the Calendar a year ago. This Bill, there is no emergency. There is no reason why this Bill needs to be passed at this time. There is no reason to put additional mandates on institutions of higher education. There is no reason to codify who will bargain and who will not bargain. I urge you to vote 'no'."

Speaker Turner: "Representative Jakobsson to close."

Jakobsson: "Thank you. It's my understanding that the University of Illinois has been neutral and as far as I know they have not changed that position. We want to make sure that we have uniformity across the state for our graduate students who are teaching assistants. And we want to make sure that these graduate students are included in the Act. And just as we did for the court reporters a year ago, I

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

166th Legislative Day

7/24/2004

would like to make sure that our teaching graduate students are included. I urge an 'aye' vote. Thank you."

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

Black: "Thank you very much, Mr. Speaker. The... the honorable Representative mentioned my name in her close. I... I wish she hadn't done that. Let... let me make... let me make two things, one thing very clear. The University of Illinois, in talking with their representatives at length yesterday, are not neutral on this Bill. They oppose it. It isn't necessary and they oppose it. The second thing, the Governor... I heard the Governor yesterday on public radio saying that education, higher education in this state is still a bloated bureaucracy and needs to be cut. And the way they may be cut is to have a 4 percent reserve. This Bill flies in the face of what the Governor said. This Bill may mandate additional expenses to higher education. In all due respect..."

Speaker Turner: "Bring your remarks..."

Black: "...to the Sponsor of the Bill I still stand in opposition. And let me make it very clear, the University is not neutral on this Bill."

Speaker Turner: "The question is, 'Shall Senate Bill 1070 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there's 79 voting 'aye', 33 voting 'no', 3 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby

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

166th Legislative Day

7/24/2004

declared... Supermajority, is hereby declared passed. Speaker Madigan in the Chair."

Speaker Madigan: "All right, Ladies and Gentleman, if I could have your attention. First of all, we have distributed a committee schedule which provides that the Transportation & Motor Vehicles will meet immediately to consider HR 1039. Human Services will meet immediately to consider House Bill 7307. That's number one, that there will be committees immediately. Next, our plan is that we will return to the floor at 2:45, 2:45 to be in a position to receive messages from the Senate where we might want to send a matter to committee before the end of the day, before 5:00 this afternoon. So at 2:45, I will be here and anybody else who wants to be here can be here. But I'll tell you now we're not going to do any voting on the floor at 2:45. Our purpose at 2:45 is to be here in the event that the Senate sends some messages between now and then where we'd want to send a matter off to committee. And then our plan is to come on the floor at 5:00 and we'll be in a position to call the 'bimp' Bills that implement the budget and the budget itself. So from the House perspective, we oughta be finished today. I'm only speaking for the House. There's that other group over there. There's that other group over there and there's many of them that we love very dearly. That's now the plan for the House. After that why... we want to recognize Mr. Black. And then... and then we'll finish with Mr. McAuliffe."

Black: "Thank you very much, Mr. Speaker. Pursuant to House Rule 51 under the decorum of the House, I would like to... let

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

166th Legislative Day

7/24/2004

me give you the background and I would ask for a ruling by the Chair. Mr. Speaker, you, like I, read all of the Chicago papers every day. I know we hang on every word. I have... it's... the papers are full of... most disturbing information about one of the great shrines in the City of Chicago, one of the great old ballparks, the 'grand dame' of baseball parks, Wrigley Field. Now, you and I know that the mayor of Chicago is a White Sox fan and I... Mr. Speaker, I believe you are as well. I, on the other hand, unlike some politicians who are Cardinal fans when they're down south and Cub fans when they're up north and Indianapolis Indian fans when they're in central Illinois, I'm a Cub fan have been for years and years and years. But Mr. Speaker, the mayor has people swarming over Wrigley Field, some small pieces of concrete have fallen, a result probably of Cardinal fan vandalism while during the recent Session. But it has come to my attention that the mayor has mandated that the people attending the Cub games and the Cub players and visiting players must wear a... a new hat. And... I would ask under the decorum... Rule 51 decorum, would it be all right if I wear my... the new Cub hat that the mayor's mandated while I sit on the floor of the House? Let me... let me demonstrate to you, Mr. Speaker. It's my understanding this is being mandated by the mayor for those people who go to Wrigley Field and who play at Wrigley Field. But I don't wanna wear it on the House Floor if it upsets the decorum of the... of the chamber. I see your..."

Speaker Madigan: "I... we have no objection."

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

166th Legislative Day

7/24/2004

Black: "No... you're... you're... I'm sure I look very good in it too. I see you're smiling. But it's very kind of you as a White Sox fan to give me this privilege. And before we're outta here I may put it on a different part of my anatomy but for the time being I think it looks quite dashing. And thank you for letting me share this with you."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. You had previously stated that you thought that we would be done tonight with the Bills that are before us. Is there any opportunity that if the Senate sends us some Bills later in the evening that we will be required to be here tomorrow to act upon any of that legislation or do you see us actually adjourning for the summer and fall and not coming back 'til Veto?"

Speaker Madigan: "Mr. Parke, about a half an hour ago I talked to the office of Senator Jones an... and they told me that they would not be sending any further messages that would require action by the House. They... they sent one maybe an hour ago. So, in response to my inquiry, the statement was there'll be no further messages. However, just in an act of caution I decided to come in here at 2:45 in the event that something develops in the Senate which sends another message. Okay. Therefore, it's my anticipation as we see it now that we will finish tonight. Okay, that... that's how I see it but, Mr. Parke, you've been here for a while you know that things can change."

Parke: "Yes... What time... and I know... I'm not holding you to a specific time, but do you think early evening might be able

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

166th Legislative Day

7/24/2004

to wrap it up if things were to move quickly? Six, seven, eight?"

Speaker Madigan: "Just depends on the amount of debate. Okay?"

Parke: "Yes."

Speaker Madigan: "There was a Bill here earlier today that we debated for well over an hour and it got well over a hundred votes."

Parke: "Okay. Before you adjourn tonight would you think about giving us some idea what the Veto Session might look like so that we can our plan our schedules for November. Because if we are going to turn over to the Veto Session many of the bonding and other Bills, maybe we might have an idea of how long we might be in or whether or not we'll be in around Thanksgiving or will we be moving into December? So, if you could think about that before we adjourn, I'd appreciate it."

Speaker Madigan: "Okay. Thank you. Mr. Poe."

Poe: "Yeah, Mr. Speaker, just for a purpose of an announcement. If anyone's wanting to kill some time this afternoon, the Taste of Springfield is in downtown Springfield. The streets are blocked off and everybody be welcome to wander down and tie... try some of the finer food of Springfield. Thank you."

Speaker Madigan: "All right now, Ladies and Gentlemen, if we can have your attention. We're gonna recognize Mr. McAuliffe on a very sad note.

McCarthy: "Thank you, Mr. Speak..."

Speaker Madigan: "Representative McAuliffe."

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

166th Legislative Day

7/24/2004

McAuliffe: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. While we stay here and optimistically debate our budget and hopefully pass that and go back to our lives in the summer, one of our fellow colleagues is gonna have a harder time doing that. I just got word that Senator Sullivan's nephew who is a Marine... Dave Sullivan... who's a Marine in Iraq was killed today in the line of duty. So, if we could all stand and remember Senator Dave Sullivan and his nephew, Vincent, a United States Marine and keep them in our prayers. Thank you."

Speaker Madigan: "Thank you. We will see you later in the day."

Speaker Madigan: "The House shall come to order. The Rules Committee shall meet immediately. Mr. Clerk."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or Joint Action Motions was/were referred, action taken on Saturday, July 24, 2004, reported the same back with the following recommendation/s: 'referred to the House Judiciary Committee' House Resolution 1145."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. I move to suspend the posting requirements so that House Resolution 1145 can be heard in the Judiciary I Committee immediately."

Speaker Madigan: "You've all heard the Lady's Motion. Is there leave? Leave is granted. The committee will meet immediately, so if any Members of the Judiciary I Committee are listening to this, please go to room... again, if any Members of the Judiciary I Committee are listening, please

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

166th Legislative Day

7/24/2004

go to Room 114 immediately. The House shall stand in recess until 5 p.m."

Speaker Madigan: "The House shall come to order. Mr. Clerk."

Clerk Mahoney: "Representative Delgado, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on Saturday, July 24, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to Concur with Senate Amendment 1 to House Bill 7307. Representative Scully, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on Saturday, July 24, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' House Resolution 1145. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measure/s was/were referred, action taken on Saturday, July 24, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' House Resolution 1039. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or Joint Action Motions was/were referred, action taken on Saturday, July 24, 2004, reported the same back with the following recommendation/s: 'approved for floor consideration' Amendment #3 to Senate Bill 2205, Amendment #2 to Senate Bill 2206, Amendment #2 to Senate Bill 2207, Amendment #2 to Senate Bill 2208, and Amendment #1 to Senate Bill 3340."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "Mr. Delgado. On the Order of the Supplemental Calendar #3 there appears House Bill 7307. Chair recognizes Mr. Delgado. Chair recognizes Representative Currie."

Currie: "Thank you, Mr. Speaker. I move to concur in Senate Amendment 1 to House Bill 7307. This is the measure that reforms and restructures the Illinois Health Facilities Planning Board. The Senate added an Amendment expanding the Lobbyist Registration Act which has a current prohibition against contingent fee contracts for lobbyists that payment is only made if legislation is approved or defeated. What the Senate did was to expand that prohibition against contingent fee contracts to include act... activities involving administrative and executive as well as legislative acts. The question came up in committee, what's the penalty for violation? The penalty is that it's a business offense punishable by a \$10 thousand fine and the prohibition against lobbying for 3 years. In addition, I would anticipate that the contract itself would be held contrary to public policy and not enforceable. This Amendment is the only change in the Bill that we sent the Senate some weeks ago. I'd appreciate your support for the Concurrence Motion and I'd be happy to answer your questions."

Speaker Madigan: "The Lady moves that the House concur in Senate Amendment #1. There being no discussion, 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 question, there are 115 people voting 'yes', 0 voting 'no'. The House does concur

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

166th Legislative Day

7/24/2004

in Senate Amendment #1. And this Bill, having received a Constitutional Supermajority vote, is hereby declared passed. Mr. Moffitt, House Resolution 1039."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 1039 directs the Auditor General to conduct a study of the relative costs of state employee travel during fiscal year 2004 between Chicago, Springfield, Bloomington, Macomb, Champaign-Urbana and compare it to air and automobile traffic. This is supported by Amtrak. We think it might be more efficient to use Amtrak. This is just a study to put those figures on paper. It'd be good for the passenger rail industry, could save the state money. And if we can encourage ridership, we could actually work toward better service. Be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. The Chair recognizes Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, is your intent of this Resolution to ask the Auditor General to compare and contrast the various means of travel? Would this only be a commercial airfare or would it include the direct and indirect cost of flying on the state air shuttle?"

Moffitt: "The intent would be all air travel versus using Amtrak."

Black: "Okay. ...I, ya know, I think that's... I would vote for it anyway. But I... I think it's time that we might have an

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

166th Legislative Day

7/24/2004

updated cost/benefit ratio on the state shuttle flight. So, I certainly intend to vote 'aye'. Thank you."

Moffitt: "Thank you."

Speaker Madigan: "The question is, 'Shall the Resolution be adopted?' 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 question, there are 115 people voting 'yes', 0 voting 'no'. The House does adopt House Resolution 1039. House Resolution 1145, Mr. Rose. Mr. Rose, 1145."

Rose: "Thank you, Mr. Speaker. Let me say this has absolutely nothing to do with guns. This is not the gun Bill. House Resolution 1145 is cosponsored by myself and Representative Flider who represent the majority of the state's Amish population. There's a new show premiering on the 28th of this month on UPN called Amish in the City. The early press accounts of Amish in the City essentially lead us to believe that this is gonna to be done to exploit the Amish religion. To quote Leslie Moonves the Chairman of CBS, 'This pro... this show is to have people who don't have television walk down Rodeo Drive and be freaked out by what they see.' This is purely exploiting a religious population in my district and Representative Flider's district. All we're saying is that while we respect the First Amendment, we respect UPN's right to put this show on the air, we just think it's in poor taste. And we'd like to send this Resolution to UPN as a... as a message that we as a General Assembly and the people of State of Illinois feel that this new TV show is in poor taste."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "Mr. Flider."

Flider: "Yes, thank you, Mr. Speaker. To the Resolution. I wholeheartedly agree with Representative Rose. And I join him in cosponsoring this Resolution although my name is not on there, it should be on there and it shortly will be on there. But... believe that it's highly approp... inappropriate that a... the background of people, their religious background or ethnic background, where a nationally renowned communications company would use that background as a means to profit. It's highly inappropriate. I represent a very large portion of the Amish community. I'm sure that many of those people in the community, they do not even necessarily vote but they certainly have a right to practice religion as they see it without being taken advantage of by a national communications company. So, I join Representative Rose in asking you to support this Resolution and send a signal to this company that this is just not right. Thank you."

Speaker Madigan: "The question is, 'Shall the Resolution be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. House Resolution 1145 is adopted. Senate Bill 2205, House Amendment #3. Mr. Clerk, what is the status of Senate Bill 2205?"

Clerk Mahoney: "Senate Bill 2205 has been read second time, previously. Amendments #1 and 2 were approved in Committee. Floor Amendment #3, offered by Representative Cross has been approved for consideration."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker, for a Motion. I move to suspend the posting requirements so that we can immediately consider

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

166th Legislative Day

7/24/2004

House Amendment 3 to Senate Bill 2205, Amendment 2 to Senate Bill 2206, Amendment 2 to Senate Bill 2207, Amendment 2 to Senate Bill 2208 and Amendment 1 to Senate Bill 3340."

Speaker Madigan: "You've all heard the Lady's Motion. Is there leave? Leave is granted. Mr. Clerk, again, Senate Bill 2205 is on the Order of Second Reading. There's a House Amendment #1. All right, on House Amendment #1, who is the Sponsor of the Amendment? Chair recognizes Mr. Cross, Senate Bill 2205."

Cross: "Thank you, Mr. Speaker. This Bill deals with the education portion of the budget. The 'bimp' portion..."

Speaker Madigan: "Mr. Cross. Mr. Cross, we're on House Amendment #3 to Senate Bill 2205. House Amendment #3 by its language will replace Amendments 1 and 2. Mr. Cross."

Cross: "Thank you, Mr. Speaker. I would have at the appropriate time asked for the adoption of Floor Amendment #3. This 'bimp' (Budget Implementation) Bill deals primarily or does deal with the issue of education for fiscal year '05. And I think most everybody by now knows at least the spending side of education and that will be... perhaps be spent more detail in that issue spending wise in the appropriation Bill. But just to reiterate what we're talking about from an education standpoint to at least under... put this in context. We are increasing the foundation by \$230 million and what that means is 154 million... \$154 per student increase to the foundation level. This particular 'bimp' Bill sets in statute that foundation level representing the increase of a hundred and fifty-four dollars per student. And it says that the foundation level shall not below \$4,964 per

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

166th Legislative Day

7/24/2004

student. At one point... prior to this year, it was at 4,810 which reflects again the hundred and fifty-four dollar increase. It also takes into account the issue of transitional assistance. And transitional assistance holds schools harmless by raising the foundation level to the extent we did to \$230 million. We need less money for foundation... for transitional assistance but nevertheless transitional assistance is recognized in this portion of the 'bimp' Bill and in the spending side. It also provides that the poverty grant that schools receive or that the school districts will be held harmless with respect to the poverty grant money they re... they receive. So, whatever they received last year, they will receive at a minimum the same amount this year. The issues... other issues around education that you've heard about with respect to the 30 million in early childhood, the ADA money of 12 in the fast growth are contained in separate Amendments and separate Bills. This in the implementation or the execution, if you will, of what we're doing money wise. It also does two other things. It establishes three separate funds so we can capture federal funds that will go into the State Board of Education. And for purposes of legislative intent it's... I want to make sure it's clear, Mr. Speaker, that that money will be earmarked for the State Board and not higher education. The final thing this implementation Bill does is require that we will meet at a minimum... minimally meet the requirements set out for testing as outlined by the Federal Government in No Child Left Behind. This... is what's in... that's what's

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

166th Legislative Day

7/24/2004

contained in this particular Amendment. And I would appreciate the adoption of Floor Amendment #3."

Speaker Madigan: "Mr. Cross moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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

Speaker Madigan: "Put the Bill on the Order of Third Reading and read the Bill for the third time."

Clerk Mahoney: "Senate Bill 2205, a Bill for an Act in relation to budget implementation. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Cross."

Cross: "Again, Mr. Speaker, and I will try to narrow this down. Floor Amendment 3 became the Bill. So everything I described in Floor Amendment 3 will... would pertain to this Bill on Third Reading. We... implement the foundation level language from 4810 to 4964 per student. We provide the transitional assistance area that the schools will be held harmless. Same with the hold harmless language in the poverty grants that schools receive. Testing requirements would be that we would follow at a minimum for what the Federal Government outlines in No Child Left Behind. And we establish three different funds in this Bill where we could capture federal money that would go only to State Board and not to higher ed. I'd be glad to try to answer any questions but I think it's fairly straightforward."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Giles."

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

166th Legislative Day

7/24/2004

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

Speaker Madigan: "Sponsor yields."

Giles: "Representative Cross, you just got through givin' an outline. You... you emphasize that we will... this piece of legislation will allow us to have matching federal dollars. Could you briefly go over the exact summation of the federal dollars and what programs allow us to match and get those dollars?"

Cross: "They already at this point, Representative, have six different funds that they utilize to match with federal money. They just haven't statutorily implemented those federal funds so they're existing federal or they're existing funds they already have and they just haven't statutorily put them together. So I can out... I can outline them... Hold on one second, Calvin. There are... the ones that we're talking about would be the State Board of Education Federal Department of Education Fund, the State Board of Education Federal Agency Services Fund and the State Board of Education Federal Department of Agriculture Fund."

Giles: "Okay."

Cross: "Again, these have been there but they just haven't set'em up statutorily."

Giles: "And do we have maybe a general aggregate figure amount how much all of this... that's together... what is that? Do you know? Do staff know?"

Cross: "Representative, this... this would... all this Bill does is set in place the creation of these funds. Numbers wise would be outlined... the numbers that would be associated that

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

166th Legislative Day

7/24/2004

would be in the spending Bill, Representative. This just... we... I'm told and again that this will be outlined in the... in the spending Bill. There's approximately 2 billion of federal... federal money we will be able access."

Giles: "Representative Cross, I think you stated clearly that this... this appropriation Bill does not contain the early childhood and the actual grant program that you just passed previously. Those are in separate Bills and separate appropriations. Is that correct?"

Cross: "Right. And I... I had mention those just because in the context of education we've talked about numbers. This is really just the statutory creation or the raising of the foundation level and the spending Bill actually put the money in, as you know, Calvin, into the... into the foundation level."

Giles: "Thank you, thank you, Representative Cross. Just to the Bill. I think this is... this is something we have to do. I think it meets all the guidelines and I urge an 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Three-fifths Majority, is hereby declared passed. Senate Bill 2206. Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "Senate Bill 2206 has been a read a second time, previously. Amendment #1 was approved in committee. Floor

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

166th Legislative Day

7/24/2004

Amendment #2, offered by Representative Currie, has been approved for consideration."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Amendment 2 contains the finance changes required for budgtim... budget implementation purposes. I would suggest that we adopt the Amendment then I would be happy to explain it on Third Reading."

Speaker Madigan: "The Lady moves for the adoption of 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 Mahoney: "No further Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Read the Bill for a third time."

Clerk Mahoney: "Senate Bill 2206, a Bill for an Act in relation to budget implementation. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. Again, this is the finance changes required for budget implementation. It provides for additional sunlight on questions of facilities closures through the Economic and Fiscal Commission and the same with respect to changes in employee health care plans. The fund sweeps are all in this Bill. The... which I think amount to about \$210 million. We reform the way in which the state engages in debt activities requiring that 75 percent of new debt issuances are negotiated, 25 percent go to competitive bid and all of the bidding is subject to the goals of the

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

166th Legislative Day

7/24/2004

Minority, Female and Disadvantaged Person Business Act. There are changes in... in various of the Governor's initiatives to reorganize how departments... which departments are responsible for which activities. There are continuing chargebacks but only for a 2-year period. The Road Fund diversion to the Secretary of State's Office is listed here, the \$130 million. And again, that is a short-term authority. There is also language permitting a bonus program to encourage retirement of middle management state workers. This would apply to the first 3 thousand workers who take advantage. The first part of the program would enable people to take their retirement savings plus the employer contribution plus interest out of the pension system. They would then not be entitled to pension payments in the future. If that doesn't garner enough workers, there is a second proposal which would enable people to add 25 percent of a month's salary for every year of employment. The Governor's office anticipates that 3... 2 thousand of the 3 thousand jobs would not be filled but that there may be new hires for the remaining thousand. There are other items in the Bill but I'm sure we've all not only read them because this has been on the system for sometime, but discussed them in various caucuses. But I'd be happy to answer any specific questions you have. And I would appreciate your support for passage of Senate Bill 2205 (sic-2206)."

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

The Chair recognizes Mr. Miller."

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

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

166th Legislative Day

7/24/2004

Speaker Madigan: "Sponsor yields."

Miller: "In regards to... Representative Currie, in regards to the Debt Responsibility Act as you know that I ra... some issues I raised in caucus in re... in regards to the sale of bonds by the state. Just wanted you to reiterate some of the salient points with that. My understanding is that... is that... is that the GO bonds and the Illinois Future fon... Fund Bonds will go from... a portion of it will go from competitive... negotiated bid to competitive bid? Is that..."

Currie: "Well, I believe some bids are competitively bid today. This would say that a quarter of new bond issuances should be let by competitive bid, leaving 75 percent to the opportunity for negotiation. And also, for any kind of bidding, bond bidding... that the Governor's Office of Management and Budget does the Minority, Female and Disadvantaged Business Act goals of participation will apply."

Miller: "And those goals, I believe... goals are not anything specific in dealing with what can actually happen. So for instance, you know, we could say we can try to have a minority and women outreach... however, if we don't reach the goal, there is no penalty involved in this process. Is that..."

Currie: "That is... that's true for every state agency, Representative. But with the goals, it is possible to track the success of various departments in meeting the goals that are described in that Act. Clarifying that that should also be the goal for debt issuant... issuance, I think, is definitely a step in the right direction."

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

166th Legislative Day

7/24/2004

Miller: "And that... that 10 percent... well, I would argue with that to some degree and I'll say that in my closing. But in... and that 10 percent is not just delegated to the 25 percent of competitive bid but however, it's... it's in the entire bond. And also, when will that end up being evaluated that you're trying reach women and minority-owned firms as it being a part of it?"

Currie: "And my understanding is this would cover competitively bid bonds as well as negotiated bonds. And in the appropriations process annually, we check to see how agencies met the goals that are under the MFDB Act and I should imagine that those same questions will be directed to the Office of Management and Budget. Now, I know that in the last 4 or 5 years the... this State Government has done a much better job encouraging the participation of minority-group firms in bond lettings. I think that is a good thing and I certainly anticipate that continued progress on that front will be made. I think clarifying that MFDB applies will help and I don't think that we'll see a diminution in the participation of minority, women and disadvantaged business firms in bond programs organized by the State of Illinois."

Miller: "Last question. Where did this initiative come from? I mean, I know through a very tenuous budget process, ya know, that there has to be compromise of some sort. Some of my under... what I've heard was that we... there were one of the caucuses wanted to go back to a hundred percent competitive bid. Do you know where this originated?"

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

166th Legislative Day

7/24/2004

Currie: "My... my understanding is that the Senate Republican Caucus made reform of the way we engage in debt a high priority for this Session. And their argument was that competitive bids might save taxpayers money. Now, we also understand that negotiated bids make it easier to insure participation by minority- and women-owned firms that at least seems to be the experience, not just of the current administration but of the Ryan administration that preceded it. However, the goals will apply to the 25 percent of the bonds that under this Bill will be competitively let. So, we anticipate savings for the taxpayers at the same time we expect an increase in pat... in participation by minority, women and disadvantaged business firms."

Miller: "Thank you. To the... to the Bill. I know that this is very complex Bill and it's got a lot of pieces to it and I actually wanna commend the speaker... the speaker and those Leaders who worked on it in the regards to debt responsibility. I think the initiative was that we as a state are not forced to deal with our future generations to pay these big balloon payments and stuff. However, there is some concern with this piece of... of... this part of... this part of the Bill. For those who may not know, prior to 1999, all the Bills... all the bonding issuance was competitively bil... bid. At that time, it was essentially 0 percent minority and specifically women-owned business in the state of dealing with this type of business. Now, we're talking about opening up the process to those. Under Governor Ryan's administration which in it... changing it from... from a competitive bid to a negotiated bid. It opened that process

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

166th Legislative Day

7/24/2004

up more. Under Blagojevich' administration, it's opened it up even greater. The greatness of this has been only 15 percent of all bonding pieces have been delegated to minority pieces or have been able to be negotiated under each piece under... under... to what it is now. Only 15 percent have been able to be negotiated when before when it was competitive bid, a hundred percent... 0 percent went to minority- and women-owned businesses. And so, my concern is the fact that if we take even only at 15 percent and take it into a competitive bid part, it'll only eliminate the women-owned firms, the Hispanic-owned firms, the African-American-owned firms and try to get a piece of that... piece of that business and piece of that pie. And so, we're talking about good and honest government and open government, I can definitely understand those arguments for a competitive bid. It definitely suggests the fact that there will be lower prices and lower... lower bidding through a bidding process. However, in this type of environment where you got 'good ol' boys network' that these... the largest and the biggest owned Hispanic firm, women-owned firm or African-American firm cannot compete with the J.P. Morgans of the world that are just long-term and old money. And so, although it may sound like good government, I would argue the fact that good government is opening the process up to those who've been left out traditionally and particular dealing with the financial piece in the State of Illinois. And so, although there's some minority issues in regards to goals set aside, however, that's still just a goal. It is not saying that these firms will be awarded. It's not saying that we'll

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

166th Legislative Day

7/24/2004

reach it. And in fact, by saying only 10 percent minority- and women-owned firms, that it's actually lowering the level in which we are currently at, which is 15 percent. And so, I do wanna just at least on record say that this... this issuance of opening government up and it's particularly to old financial networks that have been... to those individuals that have been exclusively left out, be watched, be considered by the Body that we... that we and the people that we represent. Thank you very much."

Speaker Madigan: "Representative Hamos."

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

Speaker Madigan: "Sponsor yields."

Hamos: "Representative Currie, I'm looking at a new agency that we are creating with this Bill which is called a Procurement Policy Board which is actually a new agency with staff. So, first of all, have we appropriated money for this new agency to hire staff?"

Currie: "First of all, Representative, this is not a new agency. The Procurement Policy Board was created some years ago. Currently, it is housed within the Department of Central Management Services. Under this legislation, the Procurement Policy Board will become somewhat more independent so that it can better accomplish its oversight responsibilities. My understanding is that the budget Bill does provide for staffing for this board on its own rather than requiring it to rely upon Central Management Services for its daily bread and butter. So, is... there is money in the budget so that they can do their job. Some presumably of their job was being done with money provided by the

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

166th Legislative Day

7/24/2004

Department of Central Management Services. But if they are to do adequate oversight, we thought it was important for them to have the... the cloak of independence rather than just being reliant upon the agency they're watching to provide them with their food and drink."

Hamos: "So, how much are we appropriating for this agency at... this year?"

Currie: "I believe about \$270 thousand. Again, some of that money presumably would have been included in Central Management Services in the past. But in order to insure accountability and an adequate sunshine on state contracting practices, it seems important to give this board some clear independence."

Hamos: "Okay. So, this is the first time that we've had a chance to look at the actual language of the Bill. And it says and it's kinda broad, so I'd like to just ask you a few clarifying questions so that we can establish by legislative intent what this board is all about. It does say, 'the board may review, study and hold public hearings concerning the implementation and administration of this code.' And we now know that they also have some staff that will help them do that. If there is a bid on a specific issue, can a disgruntled loser, somebody who didn't get the bid, appeal to this Procurement Policy Board for any kind of redress?"

Currie: "This board does not have a veto power over any contract decision made by other state agencies. We already have the board in place. The issue here is to make sure the board has the opportunity consistent with its current authority to review state contracts above \$10 thousand and shu... shine a

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

166th Legislative Day

7/24/2004

little bit of light through the possibility of public hearings and can make recommendations to an agency. But there is no veto power. The agency can continue down a path even if the policy... the Procurement Policy Board recommends otherwise."

Hamos: "Well, so in this... this is the second in a series of what I call, changing relationships between the Executive and Legislative branches because four of the five members of this board are selected by the Leadership. And this is this... this pentarchy, as Rich Miller calls it. Is the Governor under this program required to submit every single contract over \$10 thousand to this board for review?"

Currie: "The... the... all of these contracts above \$10 thousand would appear on the bulletin... the CMS bulletin, the website, as they do today. The Procurement Policy Board could then ask to in... to look carefully at any of the contracts that are there listed. I don't think there's a chance in the world that they're gonna wanna to look at all of them. And in answer to I think the import of your question, yes, the Governor is on board with this proposal."

Hamos: "So... is the... are the contracts identified... the 10 thousand or more contracts identified before they are bid or at the moment that they're about to be awarded or when in the process?"

Currie: "This... this would be after the bid has come in, so you know what ther... what kind of price people are talking about. So, they put a contract letting out on the web or their... their print bulletin. And then when bids come in and they think they're going to select a contractor, a vendor, that

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

166th Legislative Day

7/24/2004

that point you know what the price is, you know if it's more than \$10 thousand, that information goes on to the website and it goes on... into the print bulletin as well and at that point the board can ask for additional information. Now, emergency contracts are not included in this provision for the reason that this may slow things up if the Procurement Board is going to have a chance to look carefully at the letting of the contract."

Hamos: "Well, so you're saying that after the bids come in and before they awarded, this five-person board is going to review all the bids... of any of the contracts which... in which they decide they're going to do that?"

Currie: "No, this will happen after the bid... the bid is awarded, after the contract is awarded."

Hamos: "Okay."

Currie: "But... they... they can certainly ask for materials related to other vendors, other options. But this will be after the agency has decided to award the contract to a particular vendor but before... before they sign on the dotted line."

Hamos: "So, Representative Currie, what do you think then is the change that you are trying to... to effectuate here? If we already have this board, what do you see that it will do better or differently by setting it up as an independent agency of State Government?"

Currie: "Two changes, and I think they're both important. One is that this Procurement Policy Board will have clear independence from the agency that is letting the contracts. I think that will give them a greater capacity to get the information they want. They'll have staff that belongs to

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

166th Legislative Day

7/24/2004

them to help them analyze specific contracts. I am hopeful that these changes will mean that there will be more sunshine on state contracting practices. We had a situation earlier this year with Health Alliance, a contract let that caused a great deal of consternation among many thousands of people. Maybe if there had been a slower path, an opportunity to look at the details of that contract offering, maybe we would not have thrown so many state employees, university employees and their dependents into such a tizzy as has happened."

Hamos: "And this will be subject to the Open Meetings Act, correct?"

Currie: "Yes, except to the extent that the... yes, I'm sorry, the whole thing is subject to the Open Meetings Act."

Hamos: "Okay. Thank you."

Currie: "In fact, that's the point. We want the public to be able to participate, to see what's really going on."

Speaker Madigan: "Mr. Colvin."

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

Speaker Madigan: "Sponsor yields."

Colvin: "Thank you. Madam... Madam Chairperson... when... I appreciate a lot of things that are... in this Budget Implementation Act Bill but there's still a few concerns that my colleague, Representative Miller, brought up with it relates to the competitive bid process with respect to the bond deals the state puts out. Now, just so that I'll understand, we're talking about 25 percent of the state's overall bond business in... in a calendar year?"

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

166th Legislative Day

7/24/2004

Currie: "Of the... yes, of the... the times we go to market to sell debts during a calendar year. And remember, there are competitive bids today, not all bids are negotiated."

Colvin: "Do we know what that percentage is?"

Currie: "I think it varies. It would depend on which issuance, but I think the 25 percent share that would be competitively bid, 75 percent negotiated, was acceptable to the Office of Management and Budget."

Colvin: "But we don't know or do we know currently, in the calendar year, what percentage of the bond business that the state lets is competitively bid?"

Currie: "For... for the GO, Build Illinois Bond debt, that was negotiated but I don't have information on other debt issuances. So, I can't give you the specific percentages."

Colvin: "But you would think right now that something less than 25 percent, is that fair to say?"

Currie: "I think... I don't think I can answer the question because it depends on when... how often we go to market. I know that when there are refundings, those generally are negotiated. But new offerings, depending on the size, could be competitive or could be negotiated."

Colvin: "As a matter of competitive bid... as a matter of process, we talk about... a government contract that's competitively bid, typically we're talking about a sealed bid that's submitted to the GOMB in this case, where obviously those who are charging the lowest fees would be able to, probably would more than likely win the bid for these... these projects. Is that correct?"

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

166th Legislative Day

7/24/2004

Currie: "That would generally be true as long as they were responsible bidders."

Colvin: "And... I guess the real problem in all of this, is that with the competitive bid process and with the strength in that omnipresent word in this business, the capacity of the large brokerage firms that more than likely are not even in our region, are more than likely located on the East Coast, would take a certain percentage of this business and take it outside the State of Illinois giving those big brokerage firms in New York a decided advantage in that 25 percent that's competitively bid."

Currie: "Well, first of all, I'm not sure the premise is accurate. I think we've got some pretty competent, capable bond people in... in Illinois. But I think that's something we'll wanna watch. If it turns out that is the effect, we can revisit this issue in a year's time or less. But it is my view that the agreement that this 75, 25 percent represents with the caveat that the Minority and Female and Disadvantaged Business Act applies, I think is a good agreement. The Senate Democratic language with respect to MFDB, the Republican proposal that we save some money with competitive bids, I think it's important for our appropriations people to track, to see, what the actual effect is whether the... whether there are changes in minority and female participation and my sense is that they... there will be. My sense is they will go up, that they will continue to go up."

Colvin: "Over the last year and a half it seems like we've paid an awful lot of attention with different issues that we've

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

166th Legislative Day

7/24/2004

dealt with here, the \$10 billion bond issue that happened last year, what have you, and a couple of other things that Mr. Filan and his staff have come into our caucus meetings and talked to us about. And it almost seems to me that the negotiated bid process tends to be more competitive in particularly givin' the state the ability to react to market favorabilities in a much faster way and it seems like with the competitive bid process, obviously there'll be an implementation of rule at some point which means there's a process where maybe we can't react to market conditions as fast. Is that also a concern? Do you think that could be a concern? It sounds to me that it... it absolutely could be a concern in some circumstances."

Currie: "And that's I think why the percentage negotiated is as high as 75, so the vast majority will continue to be negotiated. A smaller portion will be competitively bid, I think for the very reasons you stated. But in addition, this was an agreement among the Governor's Office, the Office of Management and Budget and the four caucuses. And I think it's important for us to track, to see, what the real effect is, both in terms of minority and female participation and in terms for opportunities for Illinois businesses."

Colvin: "Madam Leader, I think ya... I would agree with your premise that we can't say that all of the largest brokerage homes... firms will be in New York, perhaps there are one or two right here in the region, perhaps even here in Illinois. But the fact of the matter is one thing we do know is that none of them are women-owned, African-American-owned,

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

166th Legislative Day

7/24/2004

Hispanic-owned or by any minority group, not just in Illinois but in the country. Which, in effect, shuts off 25 percent of this business for any of those firms trying to compete and grow their capacity. And what's even more troubling in all of this, is that it doesn't preclude those major brokerage firms from bidding and negotiating..."

Currie: "Right."

Colvin: "...on the other 75 percent. So in a zero-sum game of negotiation and competitive bid that pot for minorities in effect becomes a lot smaller. It can become smaller by set... 25 percent. And if we look at it from a relative perspective, you can almost... you can almost count on the percentage of what African-American and minority firms have done in the last year or two will probably shrink accordingly as well because just, quite frankly, if it was a billion dollars total and now it's 750 million, it's a very good... it's a very much likelihood that their percentage in relation to the size of the pot that's available is gonna shrink, too."

Currie: "Well, let me just say that the Governor's Office remains committed to the idea of full participation in bond activities. I think that with these percentages we have every opportunity to hold the Office of Management and Budget's feet to the fire and I anticipate they will go out of their way to make sure that even within that competitively bid 25 percent, there are real opportunities for minority- and female-owned firms. And I'm counting on you, Representative, to make sure that we keep careful track..."

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

166th Legislative Day

7/24/2004

Colvin: "Oh, we will be keeping track."

Currie: "...and we find out what really happens here."

Colvin: "And... thank you, I appreciate that, the advice as well.

In... in fact to that issue, the Governor's Office and the Office of Management and Budget will have to become overaggressive in terms of finding ways to help minority firms participate in this business. The Governor in the last year and a half has done a tremendous job making sure that minority- and women-owned firms got in this business. We've had conversations with people in the Office of Management and Budget in terms of helping minority firms and they've heeded those calls. But when we by law shut off part of that business to firms who simply cannot compete, it's not as if we're leasing or it's not as if we're selling concrete or with as one product and it's basically the same price. In bids like this, highly complex issues like this it'll be very difficult for those firms to make it up without the Governor and his... and the Office of Management and Budget and us here in the Legislature being very diligent and aggressive in making sure that those minority concerns are met."

Speaker Madigan: "Mr. Colvin, could you re... bring your remarks to a close."

Colvin: "But... to that end... and I think what you said in your last point in terms about us here in the General Assembly being, ya know, more aggressive, making sure that oversight increases on this issue. There are some things here in State Government we have to live with. This maybe one of them. But there is ways to still be fair and promote

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

166th Legislative Day

7/24/2004

activity for all of Illinois citizens and all of these firms who participate and depend on this business for the survival of their firms. Thank you."

Currie: "Thank you."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. First of all, let me thank the appropriations staff on both sides of the aisle for the ability to have committee hearings yesterday, for the ability to have a lengthy caucus, for the ability to look at all of this and be able to ask some questions rather than have it thrown on my desk and expect me to vote on it in an hour. This is considerably... 48 hours is almost a luxury around here at appropriations time and I appreciate that. Will the... Will the Sponsor yield? Representative, on page 45 through 48 in the Bill... and it's... I'm sure it's in your synopsis. We're... we're appropriating funds from the State Pension Fund to SURS, judges retirement and General Assembly. I just want to make sure we are appropriating every dollar to the five public pension systems that the law requires us to do, correct?"

Currie: "Every single dollar, Representative, but for the dollars in the most recent Early Retirement Incentive Program."

Black: "And that... that would be the early retirement initiative which I understand is not covered under the law, I believe we passed in '94."

Currie: "That is correct."

Black: "Okay, fine."

Currie: "That is correct."

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

166th Legislative Day

7/24/2004

Black: "All right. The only other question that I have just for my own edification and some of the other Members, on page 247 of the Bill, there is authorization for the Economic and Fiscal Commission to hold closed meetings. I was under the impression that any... any Body of the General Assembly is not subject to the Open Meetings Act?"

Currie: "Well, I believe this commission is and the reason for the change is only with respect to a... an oversight by the Economic and Fiscal Commission of health care contracts. The reason... the reason for this shift is that there is a risk that trade secrets, bidding information, through an open meeting could become available to a competitor to the disadvantage of the winning bidder. And that is not the reason for giving Economic and Fiscal Commission renewed oversight over the letting of health care contracts."

Black: "All right. Now, let me ask you a question. Do we need statutory authority to give them the ability to go in to a closed session or are we utilizing language already in the Open Meetings Act that they can reference when they go into closed session?"

Currie: "I'm checking that, Representative, if you have another question maybe you'd go to that while we..."

Black: "All right. That... that's the last..."

Currie: "By the time I got to page 247 on my laptop, the Senate probably will've gone home. So... so ask..."

Black: "That's... that's the last question that I have. It was my understanding that we're not covered anyway. But I don't want to get into a... a fight... no, that's not the right word. I don't want to get into a disagreement with the Illinois

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

166th Legislative Day

7/24/2004

Press Association and others who rightfully want sunshine in the process. If... if we already have the right to close a meeting, I assume that Ec and Fisc would not need statutory authority because it appears that the reason they would go into closed session may not be currently covered under the Illinois Open Meetings Act."

Currie: "Right. You're right. Under the Constitution, they're a Legislative Body. They would be subject to openness. This does not amend the Open Meetings Act..."

Black: "Okay."

Currie: "...but it does give them the opportunity to close a hearing if they are looking at health care contracting information that may be... would otherwise be a violation of the privacy and the trade secrets provisions."

Black: "Okay, just a procedural question then. Would they have to follow basically the same rules that a school board or any other government entity does: state why they're going into closed session, keep a record of the closed session, no vote can be taken in closed session."

Currie: "As it is not an Amendment to the Open Meetings Act, I do not believe they would."

Black: "All right. Thank you very much, Representative."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor... Chair recognizes Representative Currie."

Currie: "Thank you, Speaker. Just to... just to reiterate, this Bill contains a number of provisions that all work to implement the fiscal '05 budget, the level of appropriations contained in that budget and the means by which these appropriations are made to all of the agencies and programs

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

166th Legislative Day

7/24/2004

that depend on state funding. These are the finance changes required to adopt the budget for fiscal year '05 and I urge your 'yes' votes."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 104 people voting 'yes', 11 people voting 'no'. This Bill, having received the Constitutional Three-fifths Majority, is hereby declared passed. Senate Bill 2207. Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "Senate Bill 2207 has been read a second time, previously. Amendment #1 was approved in committee. Floor Amendment #2, offered by Representative Cross, has been approved for consideration."

Speaker Madigan: "Mr. Cross."

Cross: "Mr. Speaker, if I could, for one moment before I go to this Bill, recognize one person. The mayor of Vandalia is with us tonight and he has been through quite an ordeal. This Session, Ricky Gottman and I... Minority Leader of the Senate, Frank Watson, is here right now and he's done a lot and I'm sure he will spend some time with the mayor tonight over in the Senate, Ricky Gottman. But the mayor of Vandalia has handled himself, I think throughout this Session with the utmost of dignity and class as he has come to this Springfield community and to our... the State Capitol and expressed the concerns of his community in a very professional, as I say, dignified way. Explained to us the significance of the Vandalia Prison. Explained to us what

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

166th Legislative Day

7/24/2004

would happen if we lost Vandalia and he did it, as I said, in a very professional way. And Mr. Speaker, I want to thank you for offering him the opportunity to testify in a committee 'cause he did... he handled himself in that committee, I think, very well. I know that many people know that Senator Watson was involved in this and did what he could. But I also want to acknowledge a Member of our side of the aisle who spent a great deal of time on this issue, was in my office almost on a daily basis or talking to me someway on a daily basis and that is Representative Ron Stephens who has been very, very concerned about this issue. And Ron, I appreciate what you've done on behalf of Vandalia. We have... we have a rather unique document that has now been signed along with not only Senator Watson but John Jones, Roger Eddy and Ron Stephens, a memorandum of understanding, something I haven't seen in my 12 years here or at least that often. And Ron, it's because of your hard work and Senator Watson's and others that we have that. So, Mr. Speaker, thank you, for giving me the time to acknowledge Representative Stephens and also Mayor Gottman. Thank you, mayor."

Speaker Madigan: "Mr. Cross, on Senate Bill 2207 Amendment #2."

Cross: "Thank you, Mr. Speaker. And obviously, at the right time I'd appreciate the adoption of Floor Amendment #2, as this becomes the Bill. Mr. Speaker and Members of the General Assembly, Floor Amendment #2 to Senate Bill 2207 deals with several revenue issues, some that reduce or repeal things we did last Session and then also enacts some fee increases or that... that you'd... that I think most all of

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

166th Legislative Day

7/24/2004

you have heard about at some time or another over the past few months. None of these are new. None of these are surprises. But I will go over them, nevertheless. The ones that I want to focus on first are the things that we're backing away from, from last year are repealing or reinstating. Last year we increased the workers' comp premium and that money was used to fund the Industrial Commission's operation. What we will do now under this Bill and it deals with the Industrial Commission fee is stop the diversion to GRF of that money. This will be a positive to the business community and hopefully save them approximately \$19 million on an annual basis. One of the other areas where we heard as Members of the General Assembly a great deal of confusion or a consternation on people in small business was in the printing community. This Bill will reinstate the graphic arts tax credit which will allow business to be exempt from sales tax on pur... purchases of graphic sarts... graphic arts machinery and equipment. This will save those in the printing industry approximately 4 million. The other area that we will reinstate credit is in the area of manufacturers, when they purchase equipment we will reinstate the manufacturers' purchase or credit... purchasers' credit. You have heard from those... probably many of you heard from your manufacturers that purchase big equipment. This will save Illinois businesses approximately \$20 million. We also will reinstate the R & D income tax credit that will help our businesses to the tune of approximately \$15 million annually. And then also, we will extend the sunset clause by one year tax... one tax year until

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

166th Legislative Day

7/24/2004

2006, the film tax credit. And the final thing that we do in this Bill, with respect to helping out or reversing what happened last year, was make some changes in the area of the NPDES and what we're gonna do there is scale back. We'll have a sliding scale discount of 56... 50 to 66 percent, depending on the sewage rate flow for communities or entities that provide service to populations of less than 5 thousand. On the revenue producing side, there are a few things in this Bill that generate income. In the area of the Secretary of State's Office where we will see ongoing revenue to the tune of \$29 million. We will increase the fee imposed by the Secretary of State's Office upon identification cards. Again, within the Secretary of State's Office we will increase fees where a penalty fee will be assessed when a past due or a lapsed due registration... registration fee is paid. We will also fine those convicted of DUI from 100 to 500 dollars on the first offense. On the second or previous conviction we would go up to a thousand dollars from 200 dollars. We would also add a fee of \$39 for a pair of duplicate plates when they are lost or destroyed. The other revenue... the other revenue-producing generator in this Bill will generate \$6 million on watercraft... watercrafts on sales made between private entities. Now I want to stress that this sales tax will not apply to canoes or kayaks or boats owned by governmental units. The goal here is to avoid a tax on the common boats or the boats that we so commonly see including I believe, if I'm not mistaken, small fishing boats, which was the goal of this. The last area that generates revenue

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

166th Legislative Day

7/24/2004

is in the area of foreign tax havens and offshore... offshore businesses and tax shelters that people believe have been a bit too creative or pushed the envelope. In working... the Governor's Office along with the four caucuses and Members of the... this General Assembly, we have worked with the Illinois chamber and I appreciate the Illinois chamber's support in helping us solve this problem. We have their language where we attempt to stop or shutdown illegal business activity with these fees. The combined revenue estimate of these three... revenue generators is approximately \$145... \$145 million. Finally, this Bill and I say this for legislative intent this Bill contains a number of provisions that all relate to the implementation of the FY2005 budget. These provisions provide for the new revenues and other revenue adjustments that are necessary for the state to make the appropriations that are contained in this budget. I'd appreciate the adoption of Floor Amendment #2 and will be glad to answer any questions if you have any. As I said, Mr. Speaker, I don't think any of these are new. We've been discussing these since we went into overtime and I'd appreciate an 'aye' vote."

Speaker Madigan: "Representative Monique Davis."

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

Speaker Madigan: "Sponsor yields."

Davis, M.: "Representative, I, too, would like to commend the negotiators on the work they have done and the completion of a budget that has been very tenuous at best. But could you explain to me why we've chosen to increase the

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

166th Legislative Day

7/24/2004

identification cards from the Secretary of State? I think currently the fee is \$4 and it's going up to 20."

Cross: "Representative, I... it's a good question. This... my understanding and... and correct me if I'm wrong, is that the... this particular portion of this Amendment in this Bill came to us from the Governor's Office and I believe the Secretary of State's Office. This has been something that has been on the table since the Governor's budget address. I don't know how the Secretary of State's Office arrived at this figure or the Governor's Office did. But they..."

Davis, M.: "I... I think it... I think it might be because that's what we pay for license, is that correct? Is that what a driver's license cost?"

Cross: "I... it may be, Representative, again I don't know their rationale, but it could be."

Davis, M.: "Yeah, my concern was just sometimes people that don't have driver's license or people who are not working would be those who would be required to have that identification card."

Cross: "Could you re... I'm sorry, Representative, could you repeat that?"

Davis, M.: "Representative, what other fees will be increased for the Secretary of State's Office?"

Cross: "Well, we're... we are... have a section with... where there are delinquent registration fees paid. We also have a... when you lose or when you have a lost or destroyed license plate or you have a past due or lapsed vehicle registration then as I said earlier the driver's license, or the DUI

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

166th Legislative Day

7/24/2004

conviction fine goes up from 100 to 500 dollars on the first fee(sic-offense)."

Davis, M.: "Senior citizens, excuse me, senior citizens or disabled people, will their cards also be increased?"

Cross: "I'm told at this point that they already get 'em for free, Representative, so there wouldn't be an increase."

Davis, M.: "I'm sorry."

Cross: "I'm told they get 'em for free already, so they would not be subject..."

Davis, M.: "So, that will not change..."

Cross: "...not be subject..."

Davis, M.: "...the senior citizens or the disabled would get the dis... the identification card free?"

Cross: "That's what I'm told."

Davis, M.: "Okay. I thought it was a discount. Okay, I know that some of the funds already collected by the Secretary of State go into GRF. Do you know what this increases that amount to?"

Cross: "Well, this group of... this group of fee..."

Davis, M.: "This..."

Cross: "...increases generate 29 million into GRF."

Davis, M.: "...so now they will be collecting an additional 29 million that goes into GRF. Is that correct?"

Cross: "Yes. Correct."

Davis, M.: "Okay. To the Bill, Mr. Speaker. I do support this legislation and I know that the prison industry Bills are not in this legislation, Representative, but I think as Legislators we better be sure of what prisons are built for. Prisons are to incarcerate people who have done wrong and

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

166th Legislative Day

7/24/2004

they should not ever be considered as the economic engine for any community, because if we do that then we want to keep people longer than they should be imprisoned because we now are using that to employ people rather than just to lock up those who have done something wrong. I wanted to just get that out to you. Thank you."

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

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

Speaker Madigan: "Put the Bill on the Order of Third Reading and read the Bill for a third time."

Clerk Mahoney: "Senate Bill 2207, a Bill for an Act in relation to budget implementation. Third Reading of this Senate Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor... Mr. Cross, did you seek recognition for the purpose of legislative intent? Mr. Cross."

Cross: "I will. And just to confirm on that... just for the record I wil... I wanna read this again. I did it on the Amendment but for purposes of Third Reading and legislative intent the only thing I want to add is this Bill contains a number of provisions that all relate to the imp... the implementation of the FY2005 budget. These provisions provide for the new revenues and other revenue adjustments that are necessary for the state to make the appropriations that are contained in this budget. Thank you, Mr. Speaker. And I'd appreciate an 'aye' vote."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Lang voted? The Clerk shall take the record. On this question, there are 86 people voting 'yes', 29 people voting 'no'. This Bill, having received the Constitutional Three-fifths Majority, is hereby declared passed. Senate Bill 2208. Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "Senate Bill 2208 has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Hannig, has been approved for consideration."

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

Hannig: "Thank you, Mr. Speaker, Members of the House. I would ask the indulgence of the Body that we adopt this 'bimp' Amendment and then we could debate the Bill on Third Reading. So, I'd move for the adoption of the Amendment."

Speaker Madigan: "The Gentleman moves for the adoption of 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 Mahoney: "No further Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on Third Reading and read the Bill for a third time."

Clerk Mahoney: "Senate Bill 2208, a Bill for an Act in relation to budget implementation. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hannig."

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

166th Legislative Day

7/24/2004

Hannig: "Yes, thank you, Mr. Speaker, Members of the House. This is the Human Services budget implementation Bill. It provides for some limited emergency rulemaking authority for the Executive Branch, something we do each year. It has some additional federal Medicaid reimbursement for community mental health services and for community developmentally... developmental disability fee-for-service conversions. It allows payments relating to the implementation of Public Act 93-0495, the Children's Mental Health Act. It... it transfers to GRF a hundred and sixty million dollars that we hope to realize from the hospital provider assessment. It allows for disclosure of income tax, information to the Department of Aging for the Circuit Breaker Program. It eliminates the Department of Public Health's technical advisory council so that we may... so that we may permit generic drugs to come to market sooner. It continues the general freeze for long-term nursing homes, but it does provide for a 3 percent increase starting January 1, 2005. It also clarifies that there'll be an additional 3 percent increase should the Federal Government approve the hospital assessment proposal that's pending in Washington. It restores the bedhold for the long-term care Medicaid reimbursement facilities that have 90 percent or more Medicaid residents and a 93 percent occupancy rate. It provides... it allows recoupment over 2 years of advanced payments to DHS medical providers converting to fee-for-service. And it allows that Section 25... that the Section 25 exemption for public... for the Department of Public Aid apply to substance abuse as well. And it also has some other technical provisions and federal

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

166th Legislative Day

7/24/2004

requirements that I don't believe to be controversial. And I'd be happy to answer any questions."

Speaker Madigan: "Representative Mulligan. Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative Hannig, on the provision about the Mental Health Trust Fund, the Mental Health Medicaid Trust Fund. In the memorandums of understanding that Representative Currie and I worked on, we put a sunset of that provision as 2 years, only FY05 and FY06. And this... it's supposed to be revisited in FY07. So, I just... although this did not make it into the Budget Implementation Act, for legislative intent I'd like that acknowledged."

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

Mulligan: "Okay. The Community Developmental Disability Services Medicaid Trust Fund that did not... was not in a memorandum of understanding but it's a separate issue that was brought through under this Budget Implementation Act, so this is what... it creates the so-called DD Trust Fund. Is that correct?"

Hannig: "Representative, I'm advised that is was referenced."

Mulligan: "Pardon me?"

Hannig: "I'm advised that it was referenced in the agreement, in the memorandum of understanding."

Mulligan: "It might have been referenced but the specifics were not... put on. On the SASS payments, they're coming out of the FamilyCare Fund which is a fund that was set up under George Ryan's administration which is an extension of KidCare that has been sitting there pretty much not totally

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

166th Legislative Day

7/24/2004

used and so, they're going to allow SASS providers to tap that or to get their payments out of that trust fund... out of that FamilyCare Fund?"

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

Mulligan: "On the Hospital Assessment Program, the one... the one that applies to the waiver, you're just updating the dates on that or the amounts so... because we would... anticipated getting the waivers sooner and we have not received that yet? So, what you're doing is you're updating the language in order to accept those funds?"

Hannig: "Absolutely correct, Representative."

Mulligan: "On the long-term care rate increase, isn't that made up of two components? Part of it will not go into effect unless the waiver... the hospital waiver go... gets passed or is allowed by the Federal Government, which adds 2.9 increase?"

Hannig: "That is correct, Representative."

Mulligan: "And the other part of it allows for a straight 3 percent increase?"

Hannig: "Yes, that's... that would be GRF and matchable by federal Medicaid."

Mulligan: "The 3 percent long-term care rate increase won't go into effect until January 1 of '05, is that correct? So, it's a half year?"

Hannig: "That... that's correct, yes."

Mulligan: "Okay. One provision in this that I... the one provision that I am a little concerned about is the Pharmacy Practice Act Technical Advisory Council which is being abolished and the whole ability to oversee those drugs is going to Department of Public Health who does have, I'm

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

166th Legislative Day

7/24/2004

trying to think of his title, a chief pharmacist that will... and people that will oversee the way those drugs are... or generic drugs are considered and that will be through the Department of Public Health now?"

Hannig: "I think we're recognizing that with the Federal Government and FDA if they're approved to go to generics we're trying to... we're trying to accelerate that process and save money to the state."

Mulligan: "I understand that, but there should be someone that oversees that if it goes to the Department of Public Health. I just wanted to make sure that people understand that they have a pharmacist who is an executive pharmacist for the state that oversees a lot of the things that happen through Medicaid and wha... and how we do drugs in Illinois."

Hannig: "Yeah, the companies will still have to provide data to show that this is... that this is a substitution of a relia... that there's reliable reason to believe that this substitution is... is valid. So, Representative, I... I'll grant you that it's a way that we believe we can save money and work with what exists at the federal level and that is really the genesis for the proposal. But..."

Mulligan: "The provision about the circuit breaker Medicaid discount enrollment card, is that... isn't that a Federal mandate that we have to access that program?"

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

Mulligan: "Also, because the Department of Aging was taken over the Circuit Breaker Program, is that why we have put the provision in that allows the Department of Revenue to share information on income and income tax with the department."

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

166th Legislative Day

7/24/2004

Hannig: "That's correct. That's correct."

Mulligan: "All right. Thank you very much."

Speaker Madigan: "Representative Bellock."

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

Speaker Madigan: "Sponsor yields."

Bellock: "I just wanted to say thank you to Representative Feigenholtz and Representative Mulligan for fighting so hard for the people for the Human Service budget for reinstating some of the exemptions that people in the State of Illinois need. And to Speaker Madigan for doing the fee-for-service committee that addressed the issues that were so concerning to so many of us. Thank you."

Speaker Madigan: "Mr. Hannig, did you wish to read some legislative intent into the record? Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. As I said earlier, this Bill contains a number of provisions that relate to the implementation of the FY05 budget. The level of appropriations contained in that budget and the means by which these appropriations are made to all of the agencies and programs that depend on state funding. So, I'd asked for your... 'yes' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Three-fifths Majority, is hereby declared

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

166th Legislative Day

7/24/2004

passed. Senate Bill 3340. Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "Senate Bill 3340 has been read a second time, previously. Amendment #1... Floor Amendment #1, offered by Representative Madigan, has been approved for consideration."

Speaker Madigan: "Mr. Hannig."

Hannig: "Thank you and again, Mr. Speaker, this is the budget for FY05. I'd ask that we adopt the Amendment and debate the Bill on Third Reading."

Speaker Madigan: "Gentleman 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 Mahoney: "No further Amendments. No Motions filed."

Speaker Madigan: "Put the... put the Bill on Third Reading and read the Bill for a third time."

Clerk Mahoney: "Senate Bill 3340, a Bill for an Act making appropriations. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hannig."

Hannig: "Thank you, Mr. Speaker and Members of the House. First, let me thank the respective Chairmen of the Appropriations Committee: Representative Smith, Representative Morrow, Representative Feigenholtz, Representative Monique Davis and Representative Slone and the Members of the appropriation committees who worked so very hard along with our appropriations staff, John Lowder and all the young men and women on both sides of the aisle who worked so very hard to get us to this moment.

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

166th Legislative Day

7/24/2004

Representative Beaubien, as well, my counterpart of the Republican side of the aisle, we attended many meetings together and I thank him for his cooperation and help as well. Well, this is the... this is the moment we've all been waiting for. The opportunity to pass a FY05 budget. This proposal in it's final form would appropriate 23,543,000,000 and some change. That's an increase of about \$265 million over last year's funding level. It's about... it's also about 4 hundred and some million dollars less than what the Governor had proposed. Some of the highlights that exist in this budget that I think need to just be touched on very quickly is that education funding increases \$364,000,000. When you look at what happened last year where we were able increase per pupil spending by \$250 per student where we were able to change the poverty count and then looking at what we were able to do this year with some additional increases in the foundation categoricals at approximately the same level, with the hold harmless for the poverty, I think we've done very good in a very difficult situation for education over the last 2 years. Higher education is at last year's level. Oftentimes when we talk about an agency or a program being at last year's level, we think that would be bad news. But in this case after 2 years of reductions, it's good news for higher ed to be at last year's level. For those of us here in the House who worked so very hard in keeping facilities like Vandalia or St. Charles or Pontiac open, I'm happy to say that no facilities will close under this budget. The pensions will be fully funded and we will continue to meet our obligations there. And there will be

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

166th Legislative Day

7/24/2004

some measured cuts along the lines... between 2¼ percent to 4 percent on various state agencies with exemptions that wer... that were well thought out after much discussions with Members on both sides of the aisle. So, the Governor brought us his proposal in the dead of winter and here we are in the heat of summer. And I'm asking you to approve this proposal for the FY05 budget. And I'd be happy to answer any questions."

Speaker Madigan: "Mr. Morrow."

Morrow: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of Senate Bill 3340. This Bill doesn't have everything that I would like to see in it but before I get into the merits on the Bill, I, also, as Leader Hannig has said before, I want to thank John Lowder. John, John Lowder, turn around. I wanna thank John Lowder for all his work on the appropriation. I also wanna thank my staff for Caryn Stoeven, who's up there with the Speaker. Caryn, I want to thank you for all your help. But I specifically want to thank the Members of the Appropriation of Public Safety, the Minority Leader, yeah... (kiss, kiss, sounds) I'm doing all that today, yeah. I want to thank Representative John(sic-Tim)Schmitz and before John(sic-Tim) Schmitz I had Carol Pankau. Or Jim(sic-Tim) Schmitz, whatever... Hey man, I got all these guys in the back of my ear messin' with me. I wanna thank Carol Pankau before she goes to the Senate. My committee has always been a bipartisan committee and I want to thank the Members on that side of the aisle that are on the Appropriation Committee for making me a helluva

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

166th Legislative Day

7/24/2004

chairman. Now, thank you Mr. Speaker. Vote for the Senate Bill 3340. I thank you very much."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative Hannig, we spent a lot of agonizing hours over this budget. And there are several things that I would just like to call to the Body's attention, that I think eventually will need a supplemental at some point. And that there are... a I have a little concerns about. Particularly, the community care line in the Department of Aging which was cut \$3.5 million. That is under a federal mandate to serve all people. And if you cut it, all you do is you cut back overall services. Both Representative Feigenholtz and I would hope that the director would continue to provide those services and that come November, we would pass a supplemental so the services can be continued on the basis which they should be. If you don't provide enough community care services in a home, a resident goes to a nursing home which is a bigger cost to the state. So that 3... 3.5 cut was too much and will probably need a restoration. Also, the guardianship and advocacy budget was cut 4 percent. They had cut themselves last year and they cut again this year. And they are provide... they must provide service... they're obligated by law to provide those services. They will not be able to do that in a timely fashion with that cut. And they should also be looked at in November for a possible increase with a supplemental. There are probably other areas which we will identify as we go

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

166th Legislative Day

7/24/2004

along, with a particularly difficult year in hur... human services. And I, too, would like to thank Kent Gaffney and all the human service people that work for us on both sides of the aisle and Representative Feigenholtz. Also, Representative Currie on the memorandums of understanding and the Speaker for doing the... the task force. This was a terrifically, difficult year for the Human Service budget. We spent a lotta time on it, going over and over, arguing for the hopes that we would be able to provide services to the people of Illinois in a continuing fashion. And our staff has spent a lot of hours going over and over these budgets to try and make them better. So, we would like to thank them and we'd like to be... have everyone be vigilant to watch as the time goes on and where we may need a supplemental. And I certainly would like to thank Representative Feigenholtz, my counterpart, who is always most generous in that committee. Thank you."

Speaker Madigan: "Representative Slone."

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

Speaker Madigan: "Sponsor yields."

Slone: "Representative Hannig, can you please tell me what the very large increase in the Department of Public Aid is for?"

Hannig: "Representative, one of the biggest increases that the department faced this year and really faces every year is the Medicaid cost that we provide to poor people and the fact that that grows at 10 and 12 percent a year. So, I... I think it was about \$725 million the Governor asked us for new money just to try to deal with the health care costs of

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

166th Legislative Day

7/24/2004

the Medicaid program in the State of Illinois in that agency. So, that's primarily where the money goes."

Slone: "Thank you."

Speaker Madigan: "Mr. Molaro."

Molaro: "Thank you. Will the Sponsor yield quickly?"

Speaker Madigan: "Sponsor yields."

Molaro: "Thank you. We just passed the revenue portions before we did this. I was kinda listening but maybe I forgot it. We didn't do any income tax increase in any of those revenue Bills, did we?"

Hannig: "That's correct. No income tax."

Molaro: "We do... we didn't do any sales tax increase?"

Hannig: "No sales tax increase."

Molaro: "Did we do a big gaming Bill?"

Hannig: "No, we didn't do that one either."

Molaro: "And we... we did... did we... we did major borrowing, right, to pay borrowing? We did no major borrowing?"

Hannig: "We didn't do any borrowing."

Molaro: "And we stopped the undue burden that originally was there for business? That's now all off the table? That was hurting business, all those things that business was against? We stopped that?"

Hannig: "I think... I think there were a number of items that in the end that we passed, I think that business could be essential."

Molaro: "Right... but they agreed to?"

Hannig: "That they agreed were okay."

Molaro: "And there were no boondoggles or gimmicks, what you would call gimmicks to balance the budget?"

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

166th Legislative Day

7/24/2004

Hannig: "That... that would be my view, Representative."

Molaro: "And it was a deficit year, am I right?"

Hannig: "It was a very difficult year. Spending increased, but by a very small amount, Representative."

Molaro: "And yet doing none of these that every state in the nation has done and every Legislature has done across the country, we were able not only to balance this budget, but you're telling me we also were able to increase spending for education and do none of what every other state in the nation had to do. And we still were able to balance our budget? Is that possible? And you're telling me not only was it possible but we actually did it?"

Hannig: "It only took two months of overtime."

Molaro: "Well, I don't care if it took 18 more months. We were able to do it. For all I can say, it... it's a miracle here in the State of Illinois that it was done. And in all candor and all kidding aside, it is absolutely amazing. 'Cause I gotta tell you, I, for one, never thought we would be at this point. I thought there was gonna be a sales tax. I thought there was gonna be major increase or major borrowing. And I thought even if they got together, we would have to get to that point. And the fact that we were able to do it, even if it took this crazy 8-week Session, I just think that not only... the staff was absolutely unbelievable but everybody in this state and everybody should be appreciative of what the Governor and the Leaders of the General Assembly did. And what... even though it took 8 weeks, finally got together and passed this budget in a deficit year. It was amazing. Thank you."

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

166th Legislative Day

7/24/2004

Speaker Madigan: "The last speaker will be Mr. Black."

Black: "Thank you, Mr. Speaker. Could Representative Molaro repeat his comments? They seem to be... all right. I didn't understand much of it but I'm sure what you said was right on target. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Black: "Representative, I... I commend everybody and I've already said that publicly on the record and again, I'd like to thank the opportunity that we had to go to committee. We've discussed all of this. If any of you tell me there's a surprise in here then that's... that's a problem you're gonna have to deal with. If... if you took advantage of the committee meetings, if you took advantage of caucuses, if you took advantage of the staff that's done an excellent job on both sides of the aisle, I don't think there are any surprises in here. That doesn't mean that there's every... any... everything in this budget I like and that's what I just want to comment on. And... and Gary, if you would help me through... a 4 percent across the board cut is not something that I like to see happen. But I've looked at this budget from every angle and when you don't have the money, you can't spend it. I think we've done a good job of addressing the priority needs. But I am concerned about cuts. I have a prison in my district. Those people are overworked, double shifts. We are too understaffed. We've had a lockdown just recently. We hadn't had a lockdown in years. Gary, do you have any reasonable assurance that when the Department of Corrections has to figure its budget cut that, please Director Walker, the last place we should cut is

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

166th Legislative Day

7/24/2004

correctional officer staffing. Do we have any reasonable assurance that that will be absolutely the worst case scenario?"

Hannig: "Well, Representative, that... that was one of the first questions that I asked and others asked as we begin to talk about these cuts. And... and as I said in my introduction, there... there's levels of cuts that exist between 2¼ and 4 percent. That's because when we talked to the respective agencies we did not wish to push them beyond where they felt that they could manage. So, we didn't tell agencies, you have to take 4 percent. We asked them, what could you live with, manage your budget, do the things that your agency needs to do, not layoff people and these were the numbers where the respective agencies felt that they could be. So, in the... in the discussions that I had, we were assured that there were not going to be layoffs, that they could manage at these... these numbers. And... and that's... and that's why we have different levels of exemptions in the respective budgets, are different levels of reductions and why we've also put certain exemptions in from the cuts as well, Representative. So, we tried to make a measured and calculated effort to reduce spending. It... it's not... and not just cut everything across the board."

Black: "Gary, and I know the effort that you've put into it and that the people on our side of the aisle have put into it. I am extremely happy that Vandalia stayed open, Pontiac stayed open, I wanted to see St. Charles stayed open. And those are not insignificant amounts of money. I'm extremely pleased that for the second time in 3 years, we have

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

166th Legislative Day

7/24/2004

persuaded the department as we did... the former Governor, quit fooling with food service in the Department of Corrections. If it ain't broke, why do you keep trying to fix it? So, we've done a pretty good job all and all. But would it be a fair assumption on my part that if the Department of Corrections does not sharpen their pencil and if they begin to layoff correctional staff... correctional officer staff, short staffed all around the state, that we might be with the sense of this Body might be that we'll come back here in November and say, hey wait a minute, we don't like the way you're cutting... we don't where you're cutting?"

Hannig: "Representative, if you look at the schedule that was passed out to us between now and the Veto Session, you'll see that we're here for a lot of perfunctory days. The truth is the Speaker could call us back on very short notice if he felt that there was something that we needed to address immediately. So, I think that we don't even have to wait until November. We could come back at... on very short notice if we find that there's a problem either that we did not anticipate or that something's happening that is contrary to what we believe. So, I... I think that and I... so I agree with you, Representative."

Black: "All right. I thank you very much. I certainly intend to vote for this Bill. There are things in it I don't like. There are things that I do like. That's the process. I... I don't think there was... I don't think there are anybody... is anybody gonna get up and claim that they were big winners in this 50-day overtime Session? I hope not, because I don't

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

166th Legislative Day

7/24/2004

think there are any winners. I think it was a learning experience for people that were involved in it. I would hope that we never have to go through this again. And if we continue to be as fiscally sound as we can and the economy picks up, maybe next year or at least the next fiscal year after 2005, perhaps we can get back to a number of things that've been talked about. One of the most critical, is making sure we continue to prioritize our use of dollars. And in all honesty at some point, many of you don't agree with me, but at some point, we're gonna have to after 34 blue ribbon commissions and 25 years of putting it off, at some point we're gonna have to tackle the very difficult issue of how we fund education in Illinois. And once we do that, I think you're gonna see that we can free up a few dollars for other necessary services. Again, I thank everybody involved in the process. I intend to vote 'aye'."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 105 people voting 'yes', 9 people voting 'no'. This Bill, having received the Three-fifths Constitutional Majority, is hereby declared passed. If everyone could give their attention to Mr. Flider for a brief statement. Mr. Flider."

Flider: "Yes. Thank you, Mr. Speaker. And as we move forward on our budget, I also, this evening want to inform the... Members of the Body of a... of a loss to our state. It's with sadness that I let you know that the chairman of the

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

166th Legislative Day

7/24/2004

Moultrie County Democrat Party, Richard Purdue, passed away yesterday. He was a great man and a great leader. And he served as the county clerk in Moultrie County for three terms and he was a member of the county board for two terms. And I would like... like it if you would please join me in extending condolences to his family and the many friends of this great public server. Thank you."

Speaker Madigan: "Thank you everybody. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "Agreed Resolutions. House Resolution 1129, offered by Representative Franks. House Resolution 1131, offered by Representative Turner. House Resolution 1132, offered by Representative Daniels. House Resolution 1133, offered by Representative Currie. House Resolution 1134, offered by Representative Washington. House Resolution 1136, offered by Representative Cross. House Resolution 1137, offered by Representative Rich Myers. House Resolution 1138, offered by Representative Granberg. House Resolution 1140, offered by Representative Hoffman. House Resolution 1141, offered by Representative Rose. House Resolution 1142, offered by Representative Rose. House Resolution 1143, offered by Representative Rose and House Resolution 1144, offered by Representative Rose."

Speaker Madigan: "You've all heard the Agreed Resolutions. Representative Currie moves that the Agreed Resolutions be adopted. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Please remain in the chamber for just a few more minutes. The Chair recognizes Mr. Washington."

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

166th Legislative Day

7/24/2004

Washington: "Thank you, Mr. Speaker. And I don't want to rain on this joyous parade but I just got a call when we were voting on the Bill. And a gentleman by the name of Al Coleman in the Chicago area who worked for Metra as the yard master and the first black to ever hold a lot of positions on the railroad, passed of a massive heart attack. And he was a very, very dear friend. And I'm asking this Body in lieu of a Resolution that I will put together in memory of this great man, if you would join me in a few minutes of silence for him and his family. Thank you."

Speaker Madigan: "Thank you everybody. Please remain for a few minutes. All right, Ladies and Gentlemen, please. I would like to thank all of the Members, all of the staff. As you all know, this has been a very arduous process. We can debate until the cows come home as to why it happened and whether it was needed, but it happened. We're fortunate. We now have a sound budget, well-thought-out, that is as responsive to state needs as we can afford, given the financial condition of the state. And so, I would like to thank all of you for your hard work, your patience, tolerance, your understanding and your... your good-faith efforts to work together, because clearly this Body distinguished itself this year in terms of its ability to work together among all of us. So, thank you very much. Have a great vacation. Representative Cross."

Cross: "Briefly, Mr. Speaker. I wanna say thanks also to all our Members and our Leaders and our staff and thanks to you. I haven't been in many coalitions in my life. But... I think this summer and this overtime Session has... I would be in

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

166th Legislative Day

7/24/2004

agreement with you, it turned out that strange things happen, strange coalitions come together. I think we had a good coalition this summer along with Senator Watson and made things... good things happen for this state and for this budget. You're talk... you've heard about cuts, you've heard about education dollars, you've heard about \$4 hundred... 400 million below the Governor's level, not easy decisions, but things that happen as a result of going into overtime. So, I wanna say thanks to all the people that I've worked with this summer. It has been a summer I'm not sure I wanna repeat but a summer that's been productive for the people of the State of Illinois. So, again, Mr. Speaker, thanks for the opportunity to work with you as well. And have a good after... good summer."

Speaker Madigan: "Ladies and Gentlemen. Please be advised that in terms of the Special Sessions, they will be adjourned tonight by the Clerk. And therefore, they will not continue in the Perfunctory Session schedule that has been distributed. Relative to the regular Session, we will now adjourn into the Perfunctory Session schedule which has been distributed. And Mr. Clerk, do you have a Resolution?"

Clerk Mahoney: "House Joint Resolution 96.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn the Regular Session on Saturday, July 24, 2004, the House of Representatives stands adjourned in Regular Session to the Regular Perfunctory Session Schedule established by the Speaker of the House; and the Senate stands adjourned until

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

166th Legislative Day

7/24/2004

Friday, November 05, 2004, in Perfunctory Session, and when it adjourns on that day, it stands adjourned until Monday, November 8, 2004 at 12:00 noon."

Speaker Madigan: "You've all heard the Adjournment Resolution. Representative Currie moves for the adoption of the Adjournment Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. Mr. Black. Mr. Black."

Black: "Thank you very much, Mr. Speaker. Your plans are to stand at ease until we know what the Senate does or adjourn or what... what are the plans of this evening?"

Speaker Madigan: "Our plan is to adjourn. I... I've spoken to Senator Jones and I've advised him, we've finished our work. I've advised him that we plan to adjourn. I asked him if he had any objection and he said, 'no'."

Black: "Mr. Speaker. I... I... that's good news and I... all of you if you're leaving for home tonight, please drive safely, many of you are very tired. Mr. Speaker, I have a suggestion. I... I don't think any of us want to go 51 days in overtime ever again. Would you look into the possibility of having the Democrat National Convention meet every year in the first week in June?"

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. I... I'll miss our daily discussions. I know you won't, but I will. Ya know, I sorta felt like we bonded, so it was really nice. But Mr. Speaker, can you give us an idea of where we're gonna go with the Veto Session, especially when we know that... some legislation has been... put off to the Veto? Do you think

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

166th Legislative Day

7/24/2004

that we will be... in December for some special days because of the additional work or do you think we can get it all done in the 6 days of Veto?"

Speaker Madigan: "Mr. Parke, the current plan is to have a 6-day Veto Session as is normal. Now, what happens once we get here is impossible to predict. But I would say in terms of your planning, we're thinking of a 6-day Veto Session."

Parke: "Okay. Thank you, Mr. Speaker. Have a great summer."

Speaker Madigan: "Thank you. Representative Currie moves that the House stand adjourned pursuant to the Adjournment Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned."