

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

301st Legislative Day

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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 laptop computers, cell phones and pagers. And we ask the 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 pastor of the Cathedral of Praise Christian Center in Springfield."

Pastor Crawford: "Let us pray. Most gracious and sovereign God, the author and the finisher of our faith. Father, we pray Your most precious blessings upon this august Assembly. We pray that Your blessings will be upon the Leader of this House as well as its Leadership. I pray Your blessings will be upon all of the Members as well as their families. I pray today, Father, that they would ask You for guidance and ask You for direction. We end this with Your word that simply said that we're not to lean toward our own understanding but rather in all of our ways we should acknowledge You and that You would direct our paths. So, it is that spirit of direction that we ask for this day in Your Son's name, Amen."

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

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

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

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Currie: "Thank you, Speaker. Please let the record reflect the excused absences of Representatives Rich Bradley, Collins and McCarthy."

Speaker Madigan: "Mr. Bost."

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

Speaker Madigan: "The Clerk shall take the record. There being 112 Members responding to the Attendance Roll Call, there is a quorum present. The Chair would like to welcome and introduce a new Member of the House. Replacing Representative Wyvetter Younge is Representative Eddie Jackson of East St. Louis. Mr. Jackson, please rise."

Jackson: "I was approved to take the vacancy created by Representative Wyvetter Younge. Representative Wyvetter Younge was a trailblazer. East St. Louis has loved her and she loved East St. Louis. She is an icon for East St. Louis. I plan to represent the 114th District and I will receive and accept all the help I can get from any of you. Thank you."

Speaker Madigan: "Mr. Clerk."

Clerk Mahoney: "Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on January 12, 2009, reported the same back with the following recommendation/s: 'approved for floor consideration', 'recommends be adopted' is a Motion to Concur in Senate Amendments 1 and 2 to House Bill 5494; referred to the Order of Resolutions, 'recommends be adopted' is House Joint Resolution 131.

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Referred to the Order of Senate Bills-Second Reading is Senate Bill 171 and Senate Bill 243."

Speaker Madigan: "Mr. Scully. Mr. Scully, on page 4 of the Calendar there appears House Bill 5730 under the category of Total Veto Motions. Did you wish to offer that Motion?"

Scully: "Yes, I do, Mr. Speaker. Ladies and Gentlemen, I'd like to... I have filed a Motion to override the Veto of the Governor on a TIF Bill, House Bill 5730 for the Hoffman Estates area. This passed by a substantial margin in both the House and the Senate and we'd ask for your support."

Speaker Madigan: "The Gentleman moves to override the Veto of the Governor. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass, notwithstanding the Veto of the Governor?' 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 105 people voting 'yes', 5 voting 'no'. The House... this Motion is adopted and this Bill, House Bill 5730 is hereby declared passed, notwithstanding the Veto of the Governor. Mr. Froehlich, House Bill 2526. The Sponsor's not ready. There's two (2) days left in the Session. Mr. Clerk, take this out of the record. Mr. Hoffman, on the Order of Concurrence, House Bill 5494. Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 5494, I would move to concur on Senate Amendments #1 and #2, I believe. What this... what this is, is it's essentially the... the annual IDOT land conveyance Bill. This has followed

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all the proper procedures as laid out by Illinois law. All the relevant appraisals have been put forth and it simply adds two (2) parcels of property: one to be conveyed by quitclaim deed to James Stille and releases an easement for highway purposes in Tazewell County to the Old Heritage Landscape. That's Senate Amendments #1 and #2."

Speaker Madigan: "The Gentleman has moved that the House concur... the Gentleman moves that the House concur in Senate Amendments #1 and 2. And on that question, the Chair recognizes Mr. Eddy."

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

Speaker Madigan: "Sponsor yields."

Eddy: "Representative Hoffman, can you tell us how this is different than the... what changes were made in this Bill from the version that was sent over unanimously?"

Hoffman: "Yeah, there... It's my understanding that there are only... there are two (2) parcels that were left out of the original Bill that needed to be conveyed. Once again, it's my understanding that all of the relevant laws have been followed regarding the appraisals. Senate Amendment #1 and #2 allow IDOT to convey land in Madison County by quitclaim deed to Mr. James F. Stille and it releases an easement for highway purposes in Tazewell County to the Old Heritage Landscape. Those two (2) items were added by Senate Amendments #1 and #2 and the others all remain the same as you have actually passed previously this spring by the House over to the Senate."

Eddy: "Okay. Thank you for the clarification."

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Speaker Madigan: "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? The Clerk shall take the record. On this question, there are 111 people voting 'yes', 0 voting 'no'. The House does concur in Senate Amendments #1 and 2. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 6 of the Calendar, on the Order of Motions in writing, there appears Senate Bill 2513. Representative Currie."

Currie: "Thank you, Speaker. I move to reconsider the vote by which Senate Bill 2513 passed the House."

Speaker Madigan: "The Lady moves that the House reconsider the vote by which this Bill passed. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? ...voted who wish? Mr. Bost. The Clerk shall take the record. On this question, there are 112 people voting 'yes', 0 voting 'no'. And the House does reconsider the vote by which this Bill passed. Mr. Clerk, put this Bill on the Order of Third Reading. Mr. Clerk, put this Bill on the Order of Second Reading for the purposes of an Amendment. On page 6 of the Calendar, on the Order of Motions in writing, there appears Senate Bill 1132. Mr. Holbrook."

Holbrook: "I move to reconsider."

Speaker Madigan: "The Gentleman moves to reconsider the vote by which this Bill passed. 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

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record. On this question, there are 112 people voting 'yes', 0 voting 'no'. And the House does reconsider the vote by which this Bill passed. Mr. Clerk, put this Bill on the Order of Third Reading. Mr. Clerk, put the... put Senate Bill 1132 on the Order of Second Reading. On page 3 of the Calendar, on the Order of Senate Bills-Second Reading there appears Senate Bill 2557. Representative Yarbrough. Mr. Clerk, what is the status of this Bill? Mr. Clerk, it's 2757 and what is the status of the Bill?"

Clerk Mahoney: "Senate Bill 2757 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Mr. Clerk, put the Bill on the Order of Third Reading and read the Bill for a third time."

Clerk Mahoney: "Senate Bill 2757, a Bill for an Act concerning health. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Yarbrough."

Yarbrough: "Thank you, Mr. Speaker. Senate Bill 2757, House Amendment #1 to this Bill is a gut and replace Amendment that inserts the provisions of Senate Bill 2707 of this General Assembly. This Bill passed the House with 104 votes and the only difference is a kinder, gentler JCAR writer language. This Bill cleans up some issues that we've encountered with the Smoke Free Illinois Act. Specifically, it deals with the research entity such as labs in Southern Illinois University and others that test cigarettes and cigarette smoking and exempts them from the ban. It also exempts tobacco companies that test their products. This trailer Bill also deals with the liability

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of the owners of an establishment and states that they cannot be ticketed if they take reasonable steps to prevent smoking in their establishment. We further clarify some rules such as the amount of fines. And the Bill is meant to protect the integrity and the original intent of the law. I'd be happy to answer any questions."

Speaker Madigan: "The Lady has moved for the passage of the Bill. The Chair recognizes Mr. Eddy."

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

Speaker Madigan: "Sponsor yields."

Eddy: "Representative, the... the exemptions in this Bill specifically are to allow for research at medical institutions that are part of universities and there is also an exemption in here for certain areas within veterans' homes that are designated for smoking and..."

Yarbrough: "That's correct."

Eddy: "...and are there... are there specifications in here as to how those designated areas have to be filtered or any... anything specific. Is there any language that deals with that indoor space?"

Yarbrough: "As far as the veterans, is that what you're talking about?"

Eddy: "Yeah. In the... in the part of the exemption that deals with the veterans' homes or the veterans' areas, is there specific language as to how that will remain as safe as possible, even though they're smoking?"

Yarbrough: "Yes. Yes, there is. It's... the common smoking rooms where smoking is permitted and the smoke shall not infiltrate other areas of the long-term care facility."

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Eddy: "So... There have been numerous calls to my legislative office requesting that a similar consideration be made for VFWs or American Legions that are nonprofit in nature and that have had a serious decline in revenue at their events since the smoking ban went into effect. Does this only pertain to health care facilities for veterans or does this also extend that exemption to a local American Legion or a VFW..."

Yarbrough: "No, it does not. Just the long-term care facilities."

Eddy: "Okay. Can you clarify why it would be okay in a long-term care facility to allow this exemption, but there would be no consideration given to a similar exemption for an American Legion or a VFW? I'm just asking 'cause I have that question."

Yarbrough: "It's the same... it's the same reason why we've exempted nursing homes. That's where people live. And the veterans' home, that's where people live and that's why we have the exemption in the law."

Eddy: "Okay. All right. That's a... that's a fair answer. At least there's a consistency to that that I can... I can provide my constituents with an answer. What... what is the change or how does this law as amended clarify to local health departments the steps necessary in implementing this because there's a lot of questions that have come from local health authorities who were put in charge of implementing this?"

Yarbrough: "Okay. The Bill speaks to the Department of Public Health and state-certified local public health departments

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and local law enforcement in agencies. They only enforce this Act. They do it through issuing citations to include the following: the name of the offense, the statutory reference, the name... the nature and elements of the violation, the date and location of the violation, the name of the enforcing agency and the name of the violator."

Eddy: "So, someone from my local health department would... would be responsible for issuing a citation related to someone who is violating this... this law?"

Yarbrough: "That would be correct."

Eddy: "Now, I'm con... I'm interested in then if the person wants to challenge that. Is there due process allowed to the owner of the establishment?"

Yarbrough: "No, they go to the Department of Public Health. There are due... That's the due process language in this Bill."

Eddy: "So..."

Yarbrough: "That's who they go to."

Eddy: "...someone in Mt. Carmel would have to go to the Department of Public Health in that county or would they have to go to the State Department of Public Health to..."

Yarbrough: "They would go to the regional office of the Department of Public Health in their county."

Eddy: "Okay. So, that's their due process. They can present their case before the regional office of Public Health that Mt. Carmel or Wabash County would be associated with in order to question or to say, no, I'm innocent?"

Yarbrough: "That's correct."

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Eddy: "Okay. I appreciate the clarifications. I think it's important for those people who are going to be trying to implement this. There's been a lot of questions and confusions regarding this. I'm not sure I agree that the exemptions should have stopped where they stopped, but I do understand the reason and appreciate your explanations."

Yarbrough: "Thank you, Representative."

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

Black: "Yes. Did I hear my name mentioned, Mr. Speaker? Thank you. It's very kind of you, Mr. Speaker. Happy new year. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Black: "Representative, the medical research exemption, only to an enclosed laboratory in an accredited university or government facility, correct? So, if I... if someone was operating a research company... Well, let's just say that RJR formulated a research company in suburban Chicago in which they wanted to test the effects of secondhand smoke. They wouldn't be able to as I read this correctly, correct... right? 'Cause that would be a privately-owned research facility."

Yarbrough: "Are they a tobacco manufacturer?"

Black: "Yes."

Yarbrough: "Yes, yes."

Black: "So, they would not be able to do that."

Yarbrough: "No, they would because..."

Black: "They would?"

Yarbrough: "Yes, they would."

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Black: "Even if it were a stand-alone facility. not in conjunction with a university or a government facility?"

Yarbrough: "There.. there is an additional exemption for the manufacturers. The retail tobacco definition expansion allows entities in the tobacco and tobacco products business to test these products under certain limited circumstances."

Black: "I.. I thought that exemption was.. could be a warehouse where the tobacco manufacturer or distributor was simply trying to quality test their product, make sure that everything was all right, that it had the required consistency, didn't burn too quickly, burn too slowly. But I don't think.. I don't think you're allowing a tobacco company or distributor to operate a research facility the way I read it in your Bill."

Yarbrough: "I'm sorry. It's.. Mr. Speaker, would you ask people to kind of tone it down. I can't hear you, Representative Black."

Speaker Madigan: "Would the Members please give their attention to Representative Yarbrough and Mr. Black. Thank you."

Black: "Thank you very much. Representative, what I was asking about the medical research exemption. That would not include a tobacco distributor or company that wanted to create a laboratory.."

Yarbrough: "No. There's an additional exemption. There are two (2) that.. Those are two (2) different exemptions."

Black: "Right."

Yarbrough: "Right. The one that you're talking about exempts tobacco manufacturers, importers or distributors that test

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the tobacco product under certain criteria, like quality testing..."

Black: "Okay."

Yarbrough: "...not smoking for employees and others in specified areas within the building, not the whole building."

Black: "Okay. And I under... I understand that and I... I'm glad that that's in there. Let me ask you just a question that I've been approached with by Mem... by people in my district. Why would we want to exempt a laboratory in an accredited university or government facility when we were told when this Bill passed the evidence is overwhelming. Smoking is bad for you. So, what are they... what are they studying?"

Yarbrough: "Representative, according to Southern Illinois University, one of the school researchers, a Dr. Gilbert, is in the middle of studying and analyzing the effectiveness of nicotine patches and a drug on smokers who are trying to kick the habit. So, we don't want to interfere with his work."

Black: "Can he invite the public in to his laboratory to wear the patch and see what kind of impact it has on them?"

Yarbrough: "I'm not sure who they're using, but I'm sure they're using people to do this. I don't think he's inviting the public in."

Black: "Well..."

Yarbrough: "I think he's using people that want to participate in his research."

Black: "Okay. All right. Now, I assume that any employee of the university could, under the existing Smoke Free

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Illinois Act, could refuse to work in such a facility, right?"

Yarbrough: "I guess they could, sure."

Black: "Okay. Let me ask you about the veterans' nursing home exemption and Representative Eddy had most of the questions answered that I wanted. But... and this only makes eminent sense to me, but this is a veterans' home operated by the Illinois Department of Veterans' Affairs, not the Federal Government Veterans' Administration, correct? We don't have any..."

Yarbrough: "Yeah."

Black: "...jurisdiction over the federal installations."

Yarbrough: "Yes."

Black: "All right. So, this would be like the veterans' home at Quincy, for example. And so, and what we call a day room and if that veteran wants to go in there and have a cigarette, what kind... Does the Bill specify what kind of air separation must exist in that common room?"

Yarbrough: "It just simply cannot infiltrate other areas."

Black: "All right. What about staff? Would staff go into that room to check blood pressure or to hand out meds or would staff wait until the veteran came out of the common room? I... I didn't think we wanted anybody in the secondhand smoke area."

Yarbrough: "I would think that they would be taking blood pressures possibly in the veteran's room rather than in a day room where smoking is going on."

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Black: "I... Well, I would indicate... Yeah. That's... I would think that would be common sense, but it could be research. What if the veteran's blood pressure went down?"

Yarbrough: "Not in a veterans... not in a veterans' home."

Black: "Well, I mean... But maybe the veteran's blood pressure would go down when he or she was smoking."

Yarbrough: "I'm sor..."

Black: "You might be on to something there."

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

Black: "All right. It's very noisy in here. I... I understand that. Now, in the original Bill..."

Speaker Madigan: "Ladies and Gentlemen, please. We are on debate on a pending Bill. Please stop the conversations and give your attention to Representative Yarbrough and Mr. Black."

Black: "Thank you, Mr. Speaker. You all were so attentive on Friday I was hoping we could carry that forward. The original Bill said that a nursing home resident in a private or government-owned nursing home could smoke in his or her room, correct?"

Yarbrough: "With permission fro... if there's someone else in that room..."

Black: "Right."

Yarbrough: "...with permission of the other person in the room."

Black: "Okay. So, this just, I think, takes care of an oversight in the original Bill. A veteran then could go into what we call a day room where there is a TV or a card game and if he or she and their band of brothers and sisters wanted to smoke, then it's fine. It's okay."

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Yarbrough: "That's correct."

Black: "I wish we could do that, as Mr. Eddy said, for VFW halls and American Legion, but maybe that's sometime in the future. My last question would deal with the enforcement which has been very, very confusing. If I understand the part of this Bill, the chief enforcement people would be employees of the Department of Health. Is that..."

Yarbrough: "Yes, the Department of Public Health."

Black: "Could a police officer also do the citation?"

Yarbrough: "Yes, they could."

Black: "Okay. The reason I ask is that the amount of imposed fine and location where the violator can pay, if they have no objection, is an employee of a County Department of Health authorized under law to levy and/or collect a fine? I didn't think they were."

Yarbrough: "Yes."

Black: "Aren't we putting..."

Yarbrough: "Yes."

Black: "...aren't we putting non... you know, they're not investigative people, they're not police officers and yet we're saying that an employee of the Department of Public Health can come into a facility and say, ah, hah, you... you are allowing smoking in here and I'm going to fine you a hundred dollars (\$100). Wouldn't that be subject to a court challenge?"

Yarbrough: "They can levy the fine, but they cannot collect the fine."

Black: "Okay. All right."

Yarbrough: "The department... the department collects the fine."

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Black: "That... that makes sense. My last question, then, if the Health Department official comes in and informs, either by mail or in person, the owner of an establishment that you were allowing smoking in this facility, do they have to act on what they saw or what they heard? I mean..."

Yarbrough: "They have to act on what they see."

Black: "All right. 'Cause I think that is a critical distinction, because what's been going on in my area is that the Health Department gets a number of anonymous complaints, then the Health Department goes up with a warning or two (2) and then finally says, look, we have five (5) complaints, you are not enforcing the Act, therefore, we're going to fine you. So, they have the ability to levy the fine even though they may not have personally witnessed anyone smoking in that facility."

Yarbrough: "Representative, we... this trailer Bill came forth because we wanted to clarify some of those issues and certainly somebody smoking in the bathroom, the owner wouldn't necessarily know somebody was smoking in the bathroom."

Black: "Correct."

Yarbrough: "So, you know, they're not a omniscient, so they shouldn't be ticketed for those types of violations."

Black: "Okay. I ...but again, I think... I think that may eventually wind up in court as to whether or not you can levy a fine on something through hearsay, rather than I saw the act. I think... And I thank you for your work on this, Representative. As you know, I am a nonsmoker, don't like to be around cigarette smoke, but I'm still not comfortable

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with the fact that we're telling private business how to conduct their business. But the law's in effect and at least you're trying to, as I understand it, trying to clarify some of the confusion and for that I think it merits an 'aye' vote."

Speaker Madigan: "Mr. Brady."

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

Speaker Madigan: "Sponsor yields."

Brady: "Representative, just a couple questions and maybe you went over some of this, but I was having trouble hearing myself. First off, in the nursing home, the long-term care facilities, the private facilities, we know what's in existence in the law right now about the room and the roommate consideration of having a smoking room. We're not... we're not creating any special common smoking rooms within those private paid facilities... those privately-owned facilities. Is that correct under this legislation?"

Yarbrough: "Did you say we are not creating private rooms?"

Brady: "Common place areas to smoke within private facilities."

Yarbrough: "If there is a... if there is a room in a long-term care facility that's created, it won't be created by us. It'll be created by the facility."

Brady: "But what I'm getting..."

Yarbrough: "For those... for those folks who want to smoke in a day room or a room set aside for smoking."

Brady: "Okay. So... just so I'm... I'm clear. We're creating in a veterans' homes, the long-term care facilities for our veterans, a common smoking area. Is that correct?"

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Yarbrough: "No. We are not creating anything in any veterans' home. In the veteran homes, if they want a day room, they can have a day room where people who smoke can smoke in that day room."

Brady: "Okay. So, maybe creating... let's go to the word allowing... we're allowing under this for that room to be..."

Yarbrough: "Yes. If..."

Brady: "...designed. How's that?"

Yarbrough: "Yes."

Brady: "Okay. So, but we're not affording the same to a private facility. In other words, we're not allowing them to create a common space, if you will, to go and smoke in, other than maybe a private room that's already been signed off on by the two (2)..."

Yarbrough: "In a veterans' home."

Brady: "...the two (2) members."

Yarbrough: "Okay."

Yarbrough: "Yes, a long-term care facility."

Brady: "So, we have a distinction between the veterans' home and the private facilities of where a common area..."

Yarbrough: "The vet... the..."

Brady: "...they can go."

Yarbrough: "This... the veterans' home and a nursing home, the reason why we created this exemp... to really to clarify, because the veterans' home was already... had the exemption. We wanted to clarify it in this trailer Bill."

Brady: "Okay. So, with the trailer Bill, they can have a common area and smoke if they wish. Is that correct?"

Yarbrough: "In a veterans' home, yes."

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Brady: "Thank you. Secondly, with our institutions of higher education, were... are there specific programs ongoing outside the University of Illinois that are doing smoking research?"

Yarbrough: "I don't understand your question."

Brady: "Okay. Let me rephrase it."

Yarbrough: "Did you want to know whether other universities that are doing the same kind of thing?"

Brady: "I just wanted to know if there's other universities..."

Yarbrough: "Yes, there are."

Brady: "...that are doing research?"

Yarbrough: "Yes, there are."

Brady: "And so, the catalyst for this is that without this occurring, those universities can't continue on with their research about the harmful effects of smoking, one would guess?"

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

Brady: "Okay."

Yarbrough: "There are studies at Northwestern, University of Chicago and University of Illinois. They're conducting similar studies and research."

Brady: "So, on one hand in this legislation we're allowing research to occur for the negative effects..."

Yarbrough: "We're exempting... we're exempting the research that currently is occurring."

Brady: "Okay. If I may finish, Representative. We are allowing the universities to conduct their research on smoking and its effects. Is that correct?"

Yarbrough: "Yes."

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Brady: "Okay. While we're allowing common place areas for those to smoke in veterans' homes. Is that correct?"

Yarbrough: "That's correct."

Brady: "Okay. On the one hand we're... we're trying to get at how bad smoking is for you; on the other hand, we're allowing smoking to occur in common places in our veterans' home. Is that correct?"

Yarbrough: "Yes."

Brady: "Good. Thank you. One other question, in the section dealing with the Health Department and the Health Department having more of a role in enforcement, which is my understanding of this particular trailer, if that's correct, are we... are we empowering the local County Health Departments with any type of statutory authority that they have not had before in regards of enforcement? I know they can issue a fine, I'm aware of that, but there's nothing else. We're not... we are not enforcing them with the ability to be a sworn peace officer or carry a firearm or anything along those lines. Is that correct?"

Yarbrough: "No. We're... No."

Brady: "So..."

Yarbrough: "They're just... they're just giving citations."

Brady: "So, to get peoples' attention, if they violate this, they will be armed with a ticket book, if you will, the ability to write a citation."

Yarbrough: "Yes."

Brady: "Okay. Thank you very much."

Yarbrough: "Thank you."

Speaker Madigan: "Representative Yarbrough to close."

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Yarbrough: "Thank you, Mr. Speaker. And thank you to all of my colleagues who asked the questions. I want to be very clear on this trailer language. I think it's really important that the university language is there so that they can continue the studies that they're doing. And I simply ask for 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? Have all voted who wish? The Clerk shall take the record. On this question, there are 101 people voting 'yes', 12 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 2 of the Calendar, on the Order of Senate Bills-Third Reading, there appears Senate Bill 1985. Mr. Mautino. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1985, a Bill for an Act concerning public employee benefits. Third Reading of this Senate Bill."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1985, this was... this Amendment became the Bill and it removes the Social Security offset for widow and survivor annuities beginning January 1, 2009. The Amendment reserve... removes the offsets for the annuitants who began receiving widow or survivors annuities prior to 1998. I know of no objection to this Bill. And... and there is no cost to the pension system. Employees in the service on the effective date of the Act may, at the time of retirement, elect to reduce his or her retirement by 3.825 percent in exchange for not having the offset

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apply to his or her widow's annuity. Appreciate an 'aye' vote."

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

Froehlich: "Thank you, Mr. Speaker. I just rise in support of the Bill. This is the way we should deal with pension issues by making sure there's a source of revenue to pay for any... any benefits that are increased. According to COGFA's revised analysis, this Bill is cost neutral to the SERS system. So, I encourage an 'aye' vote."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, just a couple of questions because I'm having a difficult time trying to really figure out the potential impact. If that annuitant opts out of the offset, do they then opt out of their Social Security benefit, as such?"

Mautino: "No, they don't."

Black: "So, they would not be opting out of, say, Medicare?"

Mautino: "Correct."

Black: "All right. Let's do a hypothetical. Let's say you get a... a SERS pension of a thousand dollars (\$1,000) a month and you get a Social Security check for eight hundred dollars (\$800) a month. If you take advantage of what this legislation lets you do, what's the net result on your eighteen hundred dollars (\$1800) a month pension and Social Security benefit?"

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Mautino: "It'd be a thirty-eight dollar (\$38) reduction from the thousand dollars (\$1,000) from the state pension fund and then... and then a corresponding increase from the Social Security side. And it..."

Black: "So, probably no net loss."

Mautino: "No, no net loss whatsoever."

Black: "All right. When you say there's no opposition, has the federal Social Security Administration taken any position on this offset?"

Mautino: "No, they haven't."

Black: "I'm surprised. Only because I would think they would not want to increase your benefit on Social Security because that, obviously we know that system is having financial difficulty."

Mautino: "And it's... there would be no effect on... on the Social Security side. It's SERS that would reduce the annuity. And so, they... I would doubt they would have any problem with this at all because it doesn't have that impact."

Black: "All right. Because I... I'm trying to figure out what the difference is and I know, Representative, you've had the same concerns expressed to you as I have. The Illinois Teachers' Retirement System, the teachers would love to have that offset."

Mautino: "Here... here's the difference and it's a big difference and it's the most important difference in this, is on the SERS, we're already offset. So, our Members get a double offset."

Black: "Okay."

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Mautino: "This will eliminate the double offset. That doesn't occur with the teachers; it only occurs within this system itself."

Black: "Does this occur for..."

Mautino: "We are coordinated with Social Security under these systems."

Black: "Okay. Does... does this happen to future annuitants or only past annuitants? What's the... where's your beginning date or cutoff date?"

Mautino: "It's... it's got provisions for both and at the time of retirement you have to make a one-time irrevocable election..."

Black: "All right."

Mautino: "...on there. So, at the time you retire, you would have to make that choice then."

Black: "Okay. Now, when... when this gets out, what then is my response to teachers who have contacted me over the years because teachers who started years ago did not have to worry about this, today they do and they wanted to... they wanted to get out of this Social Security offset of their teachers' pension. So, what do we tell them?"

Mautino: "Well, then they're... in the situation we have here, we have a double offset for this group. The teachers' pension fund is not coordinated with Social Security."

Black: "All right. Right."

Mautino: "They would have to become coordinated with the Social Security system. It'd be a different process..."

Black: "Okay."

Mautino: "...and structure for them."

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Black: "All right. So, if I'm following you then, there's... there should be no net increase in pension costs."

Mautino: "That is correct."

Black: "In fact, there might be a slight reduction. Would that be a reasonable thought?"

Mautino: "They just mentioned that that was according to the actuaries, so take that as you will."

Black: "Oh, the actuaries."

Mautino: "The actuaries. We usually keep them chained to the furnace in the basement."

Black: "Yes. I... I think Representative Brady is an actuary. No, I'm sorry, he's an undertaker."

Mautino: "Same difference."

Black: "One and the same. All right. Well, I appreciate that, Representative, your answers, because I know some of us are going to get hit with this question. Well, if we can do it for SERS, let's do it for everybody in the public pension systems. I think you've helped me understand that and I appreciate it."

Mautino: "Thank you."

Speaker Madigan: "Mr. Mautino to close."

Mautino: "Thank you. I appreciate the questions from Representative Black. Simply ask for 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? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby

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declared passed. For what purpose does Mr. Black seek recognition?"

Black: "Yes. Thank you very much, Mr. Speaker, for purposes of a Motion, if I could. Thank you, Mr. Speaker. Under House Rule 18(g) I would move for the discharge of House Amendment #2 to Senate Bill 761 from the House Rules Committee. House Rule 54(a) and 2, all Motions are assigned Standard Debate status and I would like to debate my Motion. Upon the conclusion of the debate, I would ask for a recorded vote on the Motion to Discharge House Amendment #2 to Senate Bill 761. Via Rule 49, any vote shall be recorded whenever 5 Representatives shall so request and I'm joined by at least 5 Members on my side of the aisle asking for that. I would appreciate your consideration of my Motion."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. I object to the Gentleman's Motion."

Speaker Madigan: "Given the objection, Mr. Black, you know that your Motion has just failed. Mr. Black."

Black: "Mr. Speaker, I'm shocked. Shocked and appalled that a simple Motion to Discharge an Amendment would fail. This Amendment would simply let the people decide on who the next United States Senator will be from Illinois. A concept endorsed by Speaker Madigan, a concept endorsed by Pat Quinn, a concept endorsed by our senior Senator Richard Durbin, a concept supported by most every editorial writer in the State of Illinois and I daresay about 65 percent of the public, if you read any of the polls on this issue.

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I'm... I'm very disappointed, Mr. Speaker. I think the... I think the... I think the Amendment should... should be released and be debated. All this is is letting the people decide on who the next State Senator would be and I would be remiss if I didn't say, the estimates of fifty million dollars (\$50,000,000) for this election, that is about as much baloney as will be sliced in the next month by Oscar Mayer. There is a way to do this to a total cost of about less than six million dollars (\$6,000,000). Let the people decide. I'm disappointed that we couldn't do that. At the appropriate time, Mr. Speaker, I would move that we vote to overrule the Motion of the... by... made by the Chair."

Speaker Madigan: "Mr. Black, have you moved to appeal the ruling?"

Black: "I will at the appropriate time. I thought there was some people who under Rule 54(a) Section 2, that there might be Members willing to devote... excuse me... debate the Motion to Discharge House Amendment #2 to Senate Bill 761, if you'll permit that."

Speaker Madigan: "Mr. Black, I think your option right now is to appeal, if you wish."

Black: "Yes. Thank you, Mr. Speaker. I wish to appeal the decision made by the Majority Leader in objecting and the decision made by the presiding officer to deny the people of the State of Illinois the right to listen to debate on House Amendment #2 to Senate Bill 761 that would call for a special election... a special election, imagine that... a special election to elect the next United States Senator from Illinois who will replace President-elect Barack

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Obama. I can't understand why anybody would be opposed to that and I appeal the ruling of the Chair."

Speaker Madigan: "All right. The question is, 'Shall the Chair be sustained?' Those in favor of the Chair will vote 'yes'... those supporting the Chair will vote 'yes'; those opposed vote 'no'. The Clerk shall take the record. On this question, there are 62 voting 'yes' and 51 voting 'no'. And the position of the Chair has been sustained. Mr. Stephens, did you wish to rise on a point of personal privilege?"

Stephens: "An inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Stephens: "Mr. Speaker, is the Motion to override the Chair nondebatable?"

Speaker Madigan: "It's subject to debate and it provides that Mr. Black had the appropriate time had the time that's allotted, which is very limited, that's why I asked if you wanted to rise on a point of personal privilege."

Stephens: "I have a question of the Chair. I wanted to make sure we were following the rule earlier. I appreciate that, Mr. Speaker. The... the Motion to override the Chair was requested because we feel very strongly that a special election is not only fair, but it would be a huge step in starting to restore the trust of the people in the elected officials of the State of Illinois, not to mention the fact that on a national, indeed, a worldwide stage, we have been made to look corrupt and foolish. Now, maybe we can't correct for the corruption, but we can stop being foolish. Mr. Speaker, I remind you that I think it was December the

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9th or 10th that you yourself called for a special election. You said that you would bring us back into Session for the purpose of passing legislation for a Special Session. You know, you were among good company. Indeed, President-elect Obama said to us from Hawaii, on his vacation, he said to us, we have to restore the faith of the public and no one appointed by this Governor, referring to Rod Blagojevich, no one should be seated. It's not Roland Burris that we question the integrity of, it is the system. So, we should have that special election. If we can't have the special election, Mr. Speaker, why won't you at least let us debate the merits thereof? I would suggest that the people in your district and my district agree on very little, but they do agree on this. The people in your district, Mr. Speaker, want to have a special election. The people in my district and David Reis's, Tom Cross, from East St. Louis to Cairo to Chicago, all of Illinois wants to clear our good name. We want to send a Senator from Illinois who has been elected by the people not appointed by a Governor whose reputation is not only tainted but it's irretrievably soiled. Your action, Mr. Speaker, in not letting us even debate that issue speaks of the sort of Leadership that you have become accustomed to and that is it's either going to be your way or no way. I beg you, Mr. Speaker, to see the light, let us have this free election, let us have a special election for the temporary replacement of Barack Obama who has left the Senate and is now going to lead our country. It is the

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right thing to do and for that reason alone, you should do it."

Speaker Madigan: "Mr. Reis."

Reis: "I guess I'll ask for a point of personal privilege, as well. We stood on this floor about a month ago and asked for this same thing. At the time the red herring was presented, that it was going to cost too much, we couldn't garner up enough votes because of cost. We've seen some of the most bloated and out of balance budgets blow through here the last few years, so we know it wasn't cost. We were called enablers. Ladies and Gentlemen of this House, the people of Illinois want a special election. We cannot vote on that Bill because of procedural things. So, I guess now we know who is enabling the Governor. He did it. He made a choice that was unwise by all accounts, but we can remedy that. His appointment is temporary. We need this vote. We need it this week so that we can proceed forward with a Primary on the... in the April municipal elections and a General Election in May. I just don't understand with one of the darkest days that we just went through, last Friday, that we can't begin to heal the image of our state and the easiest way to do that is two (2) things: we did the first part last Friday with the impeachment vote of the Governor and we can do it again here today by voting for a special election. It is not fun watching Saturday Night Live and the national comedians make fun of our state. So, I would say that... ask the Speaker to reconsider his decision not to allow us to even debate this vote so that we can move forward with the

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special election. We don't want to enable the Governor anymore."

Speaker Madigan: "And now the Gentleman from Dartmouth, Mr. Winters. Everybody should listen because this is from Dartmouth."

Winters: "I heard the reference. Thank you, Mr. Speaker. I do rise on a point of personal privilege. I missed a lot of excitement in Illinois in December. I was visiting my daughter overseas for several weeks and to our surprise, one night we happened to tune into the international news in New Zealand to find Governor Blagojevich on the lead story for the evening news worldwide. And for the next several days, I had to answer questions about what happened in the Illinois politics. I would say that I was from near Chicago. I wouldn't admit that I was from Illinois. I'd say I'm from near Chicago and most people got that reference. I had some meetings at their parliament building and some of their politicians, like ours, were interested in other forms of government and how things are done. And the idea that an important position such as U.S. Senator would be simply at the whim of the Chief Executive Officer without any kind of counterbalance, any kind of input from the public was surprising to them. And I said, well, what's really interesting is that we don't do that for our U.S. Congressmen. If there is an opening in a U.S. Congressional seat, it either stays open or it is... it goes immediately to a special election, if there's time enough left in that term, but it is not done by appointment. We don't need to continue to make mistakes. It may be too

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late in this current situation to replace the former Senator Obama, but we can try to learn from the mistakes that we've made. And one of the ways that we can improve it is by calling for special elections, when we have a U.S. Senate seat that is open. There is no reason that cost has to be involved when we already have consolidated elections that we can use to fill these terms. It's a very, very minor amount of additional money if you piggyback on existing elections. We should move forward with this.. with this even if we can't get it out in the 95th General Assembly because we already know that our incoming Governor, we all assume that Governor Quinn will be who we'll be dealing with this spring, he's already announced his support. Speaker Madigan, I believe you also did, as did the Senate President and the incoming Senate President and the senior U.S. Senator. What is the problem if.. the initial reaction to the public is that an election is a good thing, then suddenly all changed their minds. They want to keep control in their own hands instead of trusting the public of Illinois. Maybe that's the problem in this state is we don't engage our people. We don't ask them to sacrifice, we don't ask them for their ideas, we simply tell them what's going to happen and we certainly don't want to have them override our choices. Mr. Speaker, we are going the wrong direction by doing the things that we've always done in the past. We need a special election. Let's change it as soon as possible. Thank you."

Speaker Madigan: "Mr. Miller, Senate Bill 1383. Mr. Clerk, what is the status of Senate Bill 1383?"

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Clerk Mahoney: "Senate Bill 1383 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor 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 1383, a Bill for an Act concerning public employee benefits."

Speaker Madigan: "Mr. Miller."

Miller: "Thank you, Mr... thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1383 amends the CTA Division of the Mass Transit Article of the Pension Code. Essentially, this does several provisions, most of them technical and I'll just bullet point these. Pursuant to the previous collective bargaining agreement, the Amendment allows the participant of the retiree health care trust to retire with retiree health care, if the participant has twenty-five (25) years of service regardless of age and were hired prior to September 5, 2001. Number two, any increase in the cost of the retiree health care plan will be picked up by the plan participant either through increased contributions or decreased benefits or other plan changes. Number three, the Amendment allows for the retiree health care trust to offer an HMO plan, which it does not currently do, it clarifies the language. Number four, the Amendment allows the retiree health care trust to refund contributions to the trust if the participant is not eligible for benefits or if the participant waives the rights to benefits. There is no cost to the state or any

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unit of government. This Amendment has been agreed to by RTA, CT... CTA and ATU."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, can you tell me when the next contract negotiation begins on the CTA, the Amalgamated Transit Union and the Regional Transit Authority? When does... when does their next con... when does the current contract expire and the new contract have to be negotiated?"

Miller: "Thank you. I don't have that information regarding when the next contract is... will be collectively bargained."

Black: "I'm going to assume it would be certainly less than three (3) years, maybe even shorter than that, correct?"

Miller: "I wouldn't necessarily make that assumption."

Black: "Ah, it's."

Miller: "I can't make that assumption. I don't know."

Black: "I understand, but it's usually difficult to get a long-term contract these days. And my question is, rather than do this legislatively, why aren't we letting them work this out through their next collective bargaining agreement?"

Miller: "Many of these provisions were in the Mass Transit Bill that was passed... earlier. Was it this year or last year? And many of the points that are made in this Bill sort of clarify some unintentioned (sic-unintended) consequences, like the HMO provision and that's what this does."

Black: "So, are you telling me there were mistakes made in the original CTA, is it fair to say, bailout Bill that passed a couple years ago?"

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Miller: "Well, I wouldn't say mistakes made, but I would just argue that this clarifies some of the language in the Bill."

Black: "Well, it would seem to me, Representative, that if you pass this legislatively, then you have moved the base where you will begin negotiating the next contract. In other words, this will already be included and you will negotiate up from there. It would just seem like it would be more fair to the taxpayers that you negotiate whatever errors were made in the original Bill. If grievous errors were made, I would have assumed the union would have filed a lawsuit, they've not done so."

Miller: "Well, I wouldn't... No, I wouldn't cla... I wouldn't characterize them as grievous errors. I think just having language that is... that clarifies what the... the intent. So, going back to the HMO provision in it, the way the Bill was originally written, was the fact that it would have excluded offering HMOs. HMOs do provide some sense of savings either to the person who signs up for the plan or the overall cost of the plan. Something like that just clearly states that... that the retiree's system can offer an HMO."

Black: "All right. Our staff has information that this is going to cost... cause a 4 percent shortfall in the actuary estimates. The fiscal impact of this change will increase the total projected funding shortfall of the retiree's health care trust by 4 percent. Now, I don't know 4 percent of what, do you? Four percent of a..."

Miller: "I'm sorry, I'm sorry."

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Black: "...hundred million (100,000,000), four percent of two hundred million (200,000,000)."

Miller: "Representative Black, it reduces the funding ratio by 4 percent, so you don't have an actual number."

Black: "So, it... it could be a significant number, correct?"

Miller: "I'm sorry."

Black: "A significant dollar amount then."

Miller: "Well, the cost would be picked up by either... by the person as opposed to the city or state or any unit of government."

Black: "You mean, this will have no fiscal impact on the City of Chicago?"

Miller: "No."

Black: "No fiscal impact on those who ride the CTA, RTA?"

Miller: "That is correct."

Black: "I hope you're right because it's my understanding that the City of Chicago is experiencing some very serious budgetary shortfalls. Is... That's right, isn't it?"

Miller: "Well, that's correct, but this has no fiscal impact on the city or state."

Black: "All right. I guess the only thing I don't understand, Representative, is if you have a 4 percent shortfall in your health care account, I'm not... can you get enough money from the retirees and the current workers? I mean, it would seem to me that you'd either have to raise the amount that they pay or you'd have to go to some tax source to make up the shortfall."

Miller: "Well, that's correct. I mean, when you... when... as I mentioned earlier in my introduction, you either have to

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reduce the benefits or raise the costs to the... to the retiree. So, it's up to... you know, up to, I guess, the plan to decide on which direction they want to go."

Black: "All right. Now, do you know what of those... are they discussing whether they reduce benefits or raise the premium cost? Do you know what's being discussed at the present time?"

Miller: "Yeah. And this... this... There's discussions on both. As the way these plans or any entity comes up with there's a trade-off whether how much they're going to increase..."

Black: "Okay."

Miller: "...the cost versus decrease benefits or both. There are discussions on both and so, we'll see."

Black: "All right. Thank you very much. Mr. Speaker, to the Bill. And Ladies and Gentlemen of the House, I think Representative Miller has done an excellent job of... of discussing the Bill and the potential impact. Not living in Chicago, not being served by the RTA, the CTA, I just have some concerns that the same people who brought us the bailout of the CTA and you'll recall it was one doomsday scenario after another: going to shutdown, wouldn't be prudent to continue operating, wouldn't need an infusion of money from the state or massive fare increases and now they're back saying that we have to do this or their retirees' health insurance account will suffer a 4 percent reduction. I... I would hope that the Representative is correct that they will finance this either by a reduction in benefits or an increase in premiums, neither of which, in my experience, neither option is very attractive to any

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labor union. I... It's not that I'm opposed to what you're trying to do, Representative, I just think as a matter of timing with the state in the most serious financial crisis it has been in in my memory and with Chicago selling off assets, in fact, just sold parking meters in order to raise money to cover their shortfall, I simply can't in good conscience vote for this Bill at this time. I intend to vote 'no'."

Speaker Madigan: "Mr. Sullivan."

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

Speaker Madigan: "Sponsor yields."

Sullivan: "Representative, I'm looking at this Bill for the first time. You sat on the Mass Transit Committee, did you not?"

Miller: "Yes."

Sullivan: "Okay. And I sat on that committee with you. When we originally went through this original RTA bailout, I voted against it, as you know. One of the selling points of that was changing the costs in regard to the pension and health care systems. Was that not part of the overall package to sell this to the General Assembly and to the people of Illinois?"

Miller: "Are you asking to sell what to the General Assembly?"

Sullivan: "To get people to vote for the Bill."

Miller: "There's no cost to the state or..."

Sullivan: "I'm talking about the original... the original Bill."

Miller: "Yeah. I mean... Yeah. We... Yeah, yeah. They contain some of the reforms and retiree health benefits."

Sullivan: "Okay."

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Miller: "To answer the question."

Sullivan: "Well, it was kind of a big idea, it was sold to the General Assembly to bailout the RTA. It went through the committee that you and I are on and yet, this Bill here went through Personnel & Pensions. So, the people that were part of the negotiations, part of the discussions, meaning the people on the Mass Transit Bill... Committee, you and I, why was this Bill not brought back to us to have the discussion, seeing as how we worked on this for many years to try and make it a good Bill?"

Miller: "Well, that Bill wasn't assigned... it was assigned to the Pensions Committee. It's clearly a pension... pension issue."

Sullivan: "I realize that. I'm asking you why... why Pensions and why didn't it not come back to us?"

Miller: "I don't know."

Sullivan: "Okay. Thank you for your candor. To the Bill. Ladies and Gentlemen, one of the reasons that we passed the RTA bailout package this last time was the changes to the benefit and structures of the unions that operate the mass transit systems throughout the state. Here we are, the last day of voting of this General Assembly, and we have not had this Bill vetted properly, in my opinion. The Bill should have gone back to the Mass Transit Committee, which it didn't, and now we're expected to vote on it when we haven't even seen what's truly in it. I think we're being sold a bill of goods and I think we're going to regret this vote down the line. I would hope you could all join me in a 'no' vote. Thank you."

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Speaker Madigan: "Mr. Eddy. Mr. Hannig. Mr. Eddy."

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

Speaker Madigan: "Sponsor yields."

Eddy: "Mr. Speaker, I... I'm having trouble hearing his answers.

I don't know if we can..."

Speaker Madigan: "Mr. Hannig in the Chair."

Eddy: "Thank you. Representative, I remember... and I want to follow up a little bit on Representative Sullivan's questions... because I remember back when the Mass Transit Bill and the crisis was occurring that the union made certain concessions and the union's concessions were to help... help really with the crisis. Are any of these... are any of these changes that are contained within this Bill associated with any concessions that were made at the time that the Mass Transit bailout Bill was passed?"

Miller: "It's a great question. To simply answer, I think that the mere fact that the cost is not shifted to the state or the city was part of that reform package, before benefits were given without a sense of accountability. As you know, Members talked about accountability and for the state and the city not to pick up those costs and in this Bill, in this language and us even discussing this today, reflects those changes. And so, by the mere fact that this is not being put on us as opposed to participants, in some form of either increased premiums or decreased benefits, at least put this in the right direction and an intention... the intent of the original... the passage of the Mass Transit Bill."

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Eddy: "Well, I appreciate that. I guess, let me be a little bit more specific. This Amendment has really five (5) main provisions. One is that it deals with HMO plans and it says that HMO plans may pay out a hundred percent coverage and... in-network service or 70 percent for out-of-network service. To me, that seems to be a specific benefit that is normally negotiated between the union and the Transit Authority."

Miller: "You asked about a specific benefit?"

Eddy: "Yeah. My question is, that this Amendment, does it contain a provision dealing with HMO benefits and PPO benefits? That's the question. And I could go on. There are other references in the actual Bill to benefits and my point is, if these were concessions... or I guess my question is, were any of these specifics contained within the concessions that were made as a part of the agreement? That... that's the question."

Miller: "I think... I think, and going to your HMO point, I think everyone in this chamber knows when you offer an HMO there's typically a cost savings not only to the participant but those administering the plan. That's the purpose of it... of HMO. The way the language was originally passed was the fact that it would exclude a HMO from being offered. What this does is at least provide that... that the plan can offer an HMO to the participant, the participant can just choose whether they want to go to a doctor on that particular list or want to come to somewhere else."

Eddy: "I understand that. And my concern is whether or not that was a benefit that was in place prior to concessions

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or if we here in the General Assembly are reinstating benefits that were supposed to be part of that concession. That's my question. Whether it's this one or let me try a different one, because this one has to do with... there was a provision in the bargaining agreement between the CTA and ATU that allowed employees that were hired prior to September 5 of '01 to retire after twenty-five (25) years of service without an age specification. Now, my understanding was, that was taken away as a concession but this Bill reinstates that provision. That's my concern is that we are reinstating agreements made as part of a bailout and that this should be bargained and negotiated between the union and the CTU... or CT..."

Miller: "Well, I think, first off, I don't think we... I understand your question. I think the... well, the CTA and the RTA and those bodies have agreed off to this... on this."

Eddy: "I understand. Let me get straight to the cost issue then, because you state, and I think accurately, that the cost is not going to be burdened by the state. Is that correct?"

Miller: "That's correct."

Eddy: "If there is a cost, and there usually is with a benefit, I mean, that makes sense in an negotiation there's going to be a cost, we don't know what it is. Your statement, I think, was that the people will pay for this."

Miller: "That's correct."

Eddy: "Who are the people? The workers."

Miller: "The participants in the plan."

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Eddy: "Okay. So, the General Assembly is being put in a position to decide whether or not the people who work for the Transit Authority want this benefit rather than having the benefit negotiated with the members of their association and management. We are instead of allowing their union to bargain this, we're bargaining on behalf of working people."

Miller: "Well, I think... I understand your question... and the collective bargaining unit has come to us to present this. And that's what we're doing."

Eddy: "So... Well, that... and that's an honest answer and I appreciate that. What you're saying is that the bargaining unit is using the General Assembly to bargain their contract rather than taking it to the people that are going to incur the cost. I... Why aren't the people who are going to incur the cost of this in the process? I guess that's the bottom line question. They're the ones that are going to pay for it."

Miller: "Part of the reason is because, as you know, before the RTA Bill was passed, CTA bailout, whatever you want to call it was passed, the health care costs had been underfunded and had problems because of collective bargaining agreements in prior years. This eliminates that, if it's agreed upon and put on the... on the... on statute."

Eddy: "Well, Representative Miller, I appreciate the discussion and the answers. I... and I'm not sure I'm for or against this, I just want some clarification as to whether or not this is bargaining here or if this is something that the people that are going to incur the costs have had some

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input in and if we're just going back on this concession out of an agreement with everyone involved. And if that could be clarified, I'd appreciate it, but I do appreciate your answers."

Speaker Hannig: "The Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker, if we could get some attention. I'd like to address concerns and objections raised mainly on the Republican side of the aisle. This Bill was negotiated by and among the RTA, CTA management and CTA unions. This is a negotiated Bill. Next, at the time that we passed the legislation, this arrangement was modeled on what's called a Vevo (sic-VEBA) trust which was used by the auto companies and the United Auto Workers about a year, a year and a half ago. And what a Vevo (sic-VEBA) Trust says is that items such as the pension and health care are taken out of collective bargaining. And the unions are told there's a certain amount of money made available, put into a trust, and now, you live off of that. And you're going to be called upon to reduce the benefits or raise the premiums. There was an element proposed in this Bill, it was proposed but rejected, that would have lessened some of the pain that they're going to be called upon in terms of lowering benefits or raising the premiums. I objected to that being included in the Bill. It's not in the Bill. But the important point here is that when we did the original piece of legislation we told the CTA management and the unions, health care and pensions are going to be taken away from you. They're going to be taken out of your hands and control of it will be put in the hands of others.

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And at the end of the day, there's an arrangement where there's a tiebreaker and the tiebreaker comes from the RTA. So, the thing has worked pretty well. And in terms of the concession on the lifetime health care for people with twenty-five (25) years of service, the CTA management estimates that that's a very small number of people, which is why they agreed to the inclusion of that in the Bill. So, I would simply recommend to all of you that this has been brought out. I was involved in the original legislation. Those around it will tell you that I was the first one to tell the unions the party's over and going forward they're not going to have control of the pension system. You're not going to have control of health care and we're going to move in a different direction. So, I'd recommend to you that this has been well-thought-out. It's a good Bill. It ought to be passed. Thank you."

Speaker Hannig: "The Lady from Cook... Okay. Representative Eddy, you've spoken in debate. For what reason do you rise?"

Eddy: "If I could, I'd... just a brief question for the Speaker, based on his comment. I just have one brief question."

Speaker Hannig: "He's actually not the Sponsor of the Bill, Representative, but..."

Eddy: "Well, he did an excellent job of explaining all of the other issues that I had and I just had one additional question just to... to clarify something."

Speaker Hannig: "I think the Gentleman... I think the Gentleman will yield, so state your question."

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Eddy: "Okay. Thank you. Mr. Speaker, then if I'm understanding you correctly, whenever there is a health care issue related to the... the Transit Authority, there's going to be this similar type of agreement and legislative action and that guarantees then that the tenets of the bailout, if we call it that, will be upheld."

Madigan: "Yeah."

Eddy: "That's the purpose. So, we're not... we are kind of bargaining here."

Madigan: "Correct. Well, said a little differently, we told them at the time where there are changes you've got to come down here to get the changes done. You can negotiate and you can talk, you can agree, but you got to come back down here because your record in the past was unacceptable... was unacceptable."

Eddy: "So, normally... normally in a case like this if there were to be a memo of understanding for example between the union and management regarding this that might work, but it can't work based on the original tenets of the legislation that was passed. They have to come back here."

Madigan: "They have to come back here."

Eddy: "Okay. Thank you for the clarification."

Madigan: "Thank you."

Speaker Hannig: "Representative Miller to close."

Miller: "I simply request an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

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question, there are 71 voting 'yes' and 42 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 2 of the Calendar, under the Order of Senate Bills--Second Reading, is Senate Bill 381. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 381, a Bill for an Act concerning State Government has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions have been filed."

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

Clerk Mahoney: "Senate Bill 381, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Hannig: "The Majority Leader from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. The provisions of this Bill are identical to House Bill 4212 introduced earlier in the Session, passed unanimously in the House. The Bill provides for special help for people over the age of sixty (60) who are bringing up children who are wards of the Department of Children and Family Services. An increasing number of caregivers are in their older years and this... it just provides... it's called the Lou Jones Grandparents Bill of Rights Bill. The idea is to make sure that legal and social services through the department are available to those seniors who are not able to make all the decisions that come into play when bringing up youngsters to provide that help. The Bill also unanimously passed the Senate, but it got caught up in the rules dispute between the two (2) chambers and between this

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chamber and the Governor. So, the only change in the language in Senate Bill 381 from House Bill 4212 is a gentler version of the rules Amendment than that which we began the Session with and the way the Bill originally passed us. I'd be happy to answer your questions. I know of no opposition. And as I say, it was a unanimous vote in both chambers on 4212."

Speaker Hannig: "The Lady has moved for the adoption of Senate Bill 381. And on that issue, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Indicates she'll yield."

Black: "Representative, the holdup, due to the rulemaking, was the fact that nothing left this chamber without a rulemaking clarification that the Speaker wanted on the Bill to, shall we say, limit the ability of the Governor to change legislation, correct?"

Currie: "That's correct."

Black: "All right. Now, until Wednesday nothing changes in the Senate, so has this been worked out? I mean, how is this Bill going to be better treated in the Senate this time than it was last?"

Currie: "There have been perhaps ten (10) or twelve (12) Bills with language similar to the language in Senate Bill 381 that have been approved in the chamber across the rotunda."

Black: "And you have an agreement that this will be the case with this Bill?"

Currie: "I hope I have that agreement."

Black: "Okay. Fine. Thank you very much."

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Speaker Hannig: "Any further discussion? Representative Currie to close."

Currie: "Please vote 'yes'."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Turner. Okay. Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 2 of the Calendar is Senate Bill 761. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 761, a Bill for an Act concerning elections has been read a second time, previously. Amendment #1 was adopted in committee. Two (2) Floor.. Floor Amendments 2 and 3 have been filed but nothing has been approved for consideration. No other Motions have been filed."

Speaker Hannig: "So, Mr. Clerk, move this to the Order of Third Reading and read the Bill."

Clerk Mahoney: "Senate Bill 761, a Bill for an Act concerning elections. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Fritchey."

Fritchey: "Thank you, Speaker, Members of the committee.. Members of this committee.. Members of this Body. This is a cleanup. We know of no objections. I'd be happy to answer any questions. Otherwise, I'd simply ask for an 'aye' vote."

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Speaker Hannig: "The Gentleman has moved for the passage of Senate Bill 761. On that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Indicates he'll yield."

Black: "Yes. Representative, I... I don't think I'm the only one on this House Floor that's having some difficulty understanding this trailer Bill to the Ethics Bill that you worked so hard on over the last few years. If... if I understand this Bill correctly, Uncle Sam is saying that if we have a restriction on how much money a contractor can give to the official administering the contract... let's just say the Governor. The Governor tells IDOT to issue a five hundred million dollar (\$500,000,000) contract for the rebuild of the Kennedy Expressway. The same contractor then gives, prior to the awarding of the contract, then gives one million dollars (\$1,000,000) to the Governor's campaign fund. Is... is Uncle Sam telling us that it doesn't make any difference how much money the contractor gave to the holder or the overseer of the contract, we cannot deny that contractor the right to bid?"

Fritchey: "You've hit it on the head. Unfortunately, what the Federal Government's position is as such: if there is a contract in which the Federal Government is participating, their qualifications are simply that there is a qualified bidder who is a responsible bidder and they are the lowest bidder. We are not allowed to put any additional burdens on that. Representative, you and I know how much time we put in on the Bill and we put forward that damn good law.

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But at the same time... at the same time that we're continuing to push for a capital Bill, many of the projects in each and all of our districts that we're looking for, are going to ride on a federally-funded component. We would be ineligible for that federal-funding component without language exempting those contracts out of this we're simply precluded from putting additional restrictions on these road contracts over and above those which the Federal Government have. I don't think it is a just outcome; I don't think it's such a logical outcome, especially in light of our history here. However, it's unfortunately the only outcome that we can reach."

Black: "Does... does the Bill only cover a contract for the construction of a road project or a bridge project?"

Fritchey: "It is road... it's road projects... roads and bridges. It's not transit projects. Transit projects are not bid by the... by the state. Those will be bid by the various transit agencies. So, for our purposes, roads and bridges, but when I tell you that that's the only things... excuse me, Bill... the only thing that the Bill... that the Amendment covers. There's an additional component that has to do with letting the Board of Elections essentially get up to speed for how they handle compliance with the Act. It's a separate issue, but I didn't want to misstate and leave the impression that the federal highway component's is the only thing in the Amendment. Do you follow? And then the..."

Black: "Yeah. I... I knew there was some language in there from the State Board of Elections. Could you amplify that just a little bit? The State Board of Elections Bill, which I

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think had no opposition, was for expedited filing. Was that... as I recall."

Fritchey: "Well, what we're going to do is create a temporary filing system that will run through August that will allow for a paper and elec... for a paper and mail filing for a compliance, both from applicants through the board and for the board to respond to them. Simply put, we did something pretty dramatic and historic this past fall. Those changes don't come overnight. The Board of Elections is trying to get up to speed. They're working diligently to get up to speed. I'm not... no one is saying they're dragging their feet. And we've been working with them, but the fact of the matter is, you know, understandably they didn't know that this Bill was ever going to become law. You know, I don't know if any of us did. But now that it's become law, they need to get themselves up to speed. But we needed something to do so we could have compliance. Now, we did not want to simply delay the effective date of the Act; we waited too long for that. So, the Act is in effect, but we're going to have a temporary filing system until the elec... fully electronic filing system's up in place in August."

Black: "And I appreciate and I understand that. I wish we could divide the question, but... but that's... the time to do that is gone."

Fritchey: "Oh... oh, you'll like both parts of it."

Black: "Let me again just... I want to make sure I under... well, I don't understand this federal usurpation above our law at all. But if... if we were bidding a sewer contract that the

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state was a partner in with a local municipality and the state share was going to be fifteen million dollars (\$15,000,000) to build a sewer line and a sewage treatment plant and then that contractor would be barred under Illinois law, would they not, from contribution to the officer who would be administering the contract?"

Fritchey: "Well, Representative, I'm not going to try to skew this. I want to make it exceptionally certain that I answer you accurately. To the extent that the state was a participating party in the contract, yes, it would fall under the exemption. A sewer con... a sewer project in my mind is not going to be a federal highway contract..."

Black: "Right."

Fritchey: "...so that type of project would not fall within, but if you take your same example and have a road project in which the state is a partner with the local municipality for a road project that's getting federal highway funds, then, yes, it would still fall under this exemption. And to further clarify, I think you want to... you may not like what we're doing, I'm not thrilled with what we're doing, but federal preemption being what it is, our reliance and necessity to have a federal partner from a funding source on a number of these projects being what it is, the reality that we have here is if we do not do this, we lose that federal funding potential and we will jeopardize a lot of projects, not only in the pipeline now, but anything that we hope to do for capital projects going forward. I'll tell you it's somewhat of a bitter pill; it's the only pill we're being given, though."

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Black: "But a sewer project would probably be in compli... or trying to comply with the federal Clean Water Act, but if what you're telling me, it doesn't make any difference what the federal applicable rule may be, it's just if we're bidding a road contract, then the federal preemption occurs and the road contractor is then free to make millions in contributions."

Fritchey: "Representative, give me one second because I want to pull a provision out for you. Again, I think it's important not just for me and you..."

Black: "And I appreciate that and Representative, we may also want to look at what if the road building contractor also builds sewer plants and also builds government buildings?"

Fritchey: "But this is not all federal projects. It's those federal reimbursement proj... those projects authorized for federal reimbursement from the Federal Highway Administration only. So, Representative, I want to clarify."

Black: "Okay."

Fritchey: "This is... it's not an exemption for all federal projects. Federal Highway Administration projects only. We tailored this, I assure you, as narrowly to the word as we could tailor this. You and I didn't... neither one of us wants a larger exemption that we're being required to insert here."

Black: "What... You said that this is a rule from the Federal Highway Administration?"

Fritchey: "Yes, Sir."

Black: "Do you know how long it's been in effect?"

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Fritchey: "Oh, gosh. I'm... I'm being informed that it's at least a decade because that was the genesis of this decision."

Black: "All right. Has there ever been a definitive court case on whether the federal preemption could get into well-thought-out ethics, pay-to-play legislation and that we... they don't pay attention to what we're trying to do?"

Fritchey: "Well, how we got here ironically is through a court decision that emanated from a New Jersey case involving the New Jersey pay-to-play ban. They had the foresight to put a pay-to-play ban in place years ago and it wound up being litigated over this exact issue of whether this ran afoul of federal highway compliance requirements. And the Federal Law is very clear and the courts reiterated that, that we cannot add any qualifying criteria to the bidding process other than what the Federal Government has, the Federal Government criteria or says that they are the responsible bidder, they are a qualified bidder and they are the lowest bidder. But now the Federal Government vets those contracts, as well. I... I agree with you, Bill, you and I can go back and forth. We both understand what's going on here. This is not an ideal situation, but we, you know, we're in a situation where if we don't do this it's simply going to wind up in court anyway. We're going to have to come back and do it then."

Black: "I... I certainly share your concern because I... I mean, you could get into a scenario where the brother-in-law of the head of IDOT and... or the father-in-law of the Governor could even be connected with this firm. This doesn't... the

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federal rule doesn't make a lot of sense to me. Did... Has the Campaign for Political Reform taken any stand on this preemption whatsoever?"

Fritchey: "You know, I wish I could lie to you. I didn't hear what you said."

Black: "Okay. I understand what you're saying and about the federal preemption, but this just doesn't make any sense to me. If... if you had a sitting Governor whose father-in-law was a corporate officer of the contractor or you had a secretary of the Department of Transportation whose brother was a corporate officer of the highway contractor, this just doesn't make any sense that they would preempt any appearance of impropriety and then I guess... That was just kind of a statement. The question is, is the Campaign for Political Reform, Cindi Canary, has she talked to you about her feelings on this federal preemption?"

Fritchey: "Yeah. You know, I've worked with them closely from there as you and I did four (4) years ago and on this Bill. Jim Bray, on behalf of the Campaign for Political Reform, came in and slipped in support of this. You know, they were very much in the same mindset that we are. You know, it took us a long time to get where we were; we'd like to stay where we are. This is one of those few times where, I think, you know, we were fortunate enough to maybe be more in tune to the issue than the Federal Government is. Yet, nevertheless, we're going to find ourselves preempted by the Federal Government. They do support it. They understand that we've tailored this absolutely as narrowly

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as we could. And Bill, please, Representative, you've got..."

Black: "No, I..."

Fritchey: "...to remember that at the end of the day, even with this exemption and this narrowly carved-out exemption, we're light years ahead of where we were two (2) months ago."

Black: "All right. Absolutely and we still have a long way to go. Am I imagining something or didn't... wasn't there a court case a few years ago that said the Federal Government could not penalize states for not following various federal mandates? Maybe that was a different kind of case."

Fritchey: "But this is... this isn't a mandate situation. This is a contract eligibility and requirement situation. They do have... they do have authority to supersede State Law when it comes to qualifying..."

Black: "Yeah."

Fritchey: "...for federal reimbursements."

Black: "Well John, as always, I appreciate your forthright answers and I realize that this is not the most comfortable Bill you've ever presented. I just... I sometimes don't understand why government... government at various levels just can't get together and try and close off what you and I know may very well be a scandal two (2) years from now, four (4) years from now, eight (8) years from now. But as always, I appreciate your answers."

Fritchey: "Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Lang."

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

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Speaker Hannig: "Indicates he'll yield."

Lang: "Representative, I want to make sure I understand one part of this and you may have explained it but... This would allow the state board to adopt emergency rules. Is that correct?"

Fritchey: "That's correct."

Lang: "So, you and I both sit on JCAR and we've been familiar with the excesses of state agencies, particularly with the use of emergency and peremptory Bills... rules. Does that concern you at all?"

Fritchey: "No. And it... the point you raise is a legitimate one. This is a situation where there actually was a time of the essence situation. We had a law taking effect January 1. It was a physical impossibility for the board to be in compliance with that law as it took effect. The board was pretty diligent I have to say, as far as working not just with myself but with staff on all sides and with the Campaign for Political Reform, to figure out how best to implement the law as soon as possible. The easy alternative would have been to simply delay the effective date of the law. There was no way that I was going to go along with that, nor would I recommend this Body go along with that. So, what we needed to come up with was a bridge measure by which we could have compliance with the law until such time that they had their operational systems in place. So, we have a way now that we can have well documented compliance with the law. I'll give them a cutoff date that's reasonable, August 1, to get them systemically able to handle electronic compliance with the...

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I don't want to say onerous, but the extensive requirements that we've now put upon bidders and those doing business with the state."

Lang: "So, in the end, though, after the emergency rules are adopted, when they come with a formal and final rule before JCAR, JCAR still has the option just as it always does of reviewing the rule. Is that correct?"

Fritchey: "We still retain our rights and in this case, they may actually listen to us."

Lang: "Well, that would be nice. Thank you, Representative."

Speaker Hannig: "Representative Fritchey to close."

Fritchey: "Ladies and Gentlemen, I appreciate the questions. I appreciate everybody's efforts to just try to illuminate this. Let me be... let me be very clear about one thing. This Body and our colleagues in the Senate did a lot of work to put what was House Bill 1 then House Bill 824 into the statutes. This is an Amendment that I am not exceedingly comfortable with, but it is an Amendment that is of the utmost essence to us to protect the road projects that all of us have in our districts, the capital Bill which I hope will be coming sooner rather than later. We have crafted a very responsible and narrow exemptions both for the highway projects as well as for the Board of Elections. This is a good Amendment. It's a well drafted Amendment for what it is. We still have an excellent law on the books. I appreciate your support. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Representative Stephens, Smith, Durkin, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 77 voting 'yes' and 35 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Lang, you have Senate Bill 2173. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2173, a Bill for an Act concerning insurance. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No... All notes have been filed."

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

Clerk Mahoney: "Senate Bill 2173, a Bill for an Act concerning insurance. Third Reading of this Senate Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill puts state employees on par with other people who have infertility coverage in their health insurance. All this does is put them on an even playing field with them. And I would ask your support."

Speaker Hannig: "The Gentlemen has moved for the passage of Senate Bill 2173. And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Indicates he'll yield."

Black: "Representative, let's make sure that we understand what we're voting on here. Senate Bill 2173, as it started out, had something to do with the All Kids insurance program."

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That's no longer applicable. What we're voting on here is House Amendment #1 that becomes the Bill, correct?"

Lang: "That's correct, Sir."

Black: "And what does House Amendment 1 do?"

Lang: "House Amendment 1 adds a couple of additional optional procedures for a state employee under the state health insurance plan that has infertility issues. This would give them, as I understand it, six (6) opportunities just as they have with private health insurance that is not under ERISA."

Black: "Is it your understanding that as a matter of practice the state insurance plans have already been doing this?"

Lang: "Yes, Sir."

Black: "And you're simply codifying the practice of what has already been done?"

Lang: "Well, no, that's not exactly correct. As I understand it, health policies that are not under ERISA already, that have infertility coverage, cover up to six (6) efforts. Our... the state policies only had up to four (4) efforts, so we're just trying to level the playing field so that state employees have no less benefits than anyone else in the world."

Black: "Did HFS or anyone give us any idea of the additional cost that might be incurred?"

Lang: "I think they... I think by their silence they indicate that the cost is minimal. As you know, Mr. Black, state agencies have been going from committee to committee to committee for the last couple of years, being against anything that costs any substantial dollars and since they

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were neutral on this and chose not to testify, I have to assume that they have no concern about the cost."

Black: "Well, could we not assume that no state agency is doing much of anything in the last four (4) or five (5) months?"

Lang: "That would be correct and I have little else to say about that other than what we've said recently on this floor."

Black: "All right. Let me ask you a question. I don't see it in the synopsis. Is there an age limit at... would if you go to the state insurance plan and you say, look, I'd... I'd like to try this fertility enhancement. Is there a cutoff at which the insurer would say no, no, no, I don't think so?"

Lang: "This is not a function of age, Mr. Black. But it does require that people that want to avail themselves under the policy, have tried other options to... to get to their goal without resorting to the use of the state policy."

Black: "So, if I were to ask my insurance if I or my spouse could go through this, and I think we're out of that business, I'm not sure, but we could try?"

Lang: "I've got an answer that I won't use, Mr. Black."

Black: "I understand. And I have a follow-up question I won't give you."

Lang: "The answer is, I guess so."

Black: "Well, I got a phone call while you were checking with Mr. DeWeese and my spouse said, we're not involved in this in any way, shape, or form, so that closes off that. Well, I... I... as always I appreciate your answers. And I... I think... I must admit to you, when I first read this, I was a little

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concerned. But it appears that you're trying to simply codify and equalize what evidently is already being done. No new mandate, in other words, right?"

Lang: "That... that's correct, Sir."

Black: "Okay. Thank you."

Speaker Hannig: "The Lady from DuPage, Representative Bellock."

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

Speaker Hannig: "He indicates he'll yield."

Bellock: "Thank you very much. Representative Lang, we had a lot of discussion about this at the meeting the other day at Human Services and I think that we all understand the Bill better now. I just wanted to clarify that right now the way it is, is that under the State Insurance Code, it is mandated that people be given the four (4) treatments plus two (2) more. Is that correct?"

Lang: "Yes."

Bellock: "Okay. And right now, in the State of Illinois, it is included under the HMO program, but not under the Quality Care Health Program?"

Lang: "See, you should have had this Bill, Representative. That's correct, too."

Bellock: "Well, I spent a lot of time reviewing it. So, anyways, now we feel that we understand the Bill better than we did the other day and..."

Lang: "Thank you. And I understand it better than I did the other day, as well."

Bellock: "Thank you very much. So, as it stands now, what is here is mandated in the Insurance Code and now it just will

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be reflected in the State Health Insurance Act. Thank you."

Lang: "Very well said."

Speaker Hannig: "Any further discussion? Representative Lang to close."

Lang: "Please vote 'aye'."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mulligan, Lindner, Beaubien, do you wish to be recorded? Mr. Clerk... Mr. Clerk, take the record. On this question, there are 104 voting 'yes' and 8 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 of the Calendar is Senate Bill 2362. Representative Saviano. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2362, a Bill for an Act concerning public employee benefits. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions are filed."

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

Clerk Bolin: "Senate Bill 2362, a Bill for an Act concerning public employee benefits. Third Reading of this Senate Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 2362 as amended would afford firefighters with military service to apply it to their current downstate

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firefighters' pension benefits. This is similar to the provisions which allow this to happen with IMRF and SERS. I know of no opposition. And I would ask for its approval. Thank you."

Speaker Hannig: "The Gentleman has moved for the passage of Senate Bill 2362. And on that question, the Gentleman from Jackson, Representative Bost."

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

Speaker Hannig: "Indicates he'll yield."

Bost: "Representative, now, when they purchase this they actually pay not only for the years but also for the interest occurred at the time that they've purchase this. Is that correct?"

Saviano: "That... that is correct."

Bost: "And it is so... so the weight on any individual and understand this is not Chicago Police and Fire, correct?"

Saviano: "Correct."

Bost: "And it's not IMRF?"

Saviano: "Correct."

Bost: "These are all individual pension systems that each make their decision on their own?"

Saviano: "Correct."

Bost: "That's all I need to know. Thank you. I support the Bill."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Indicates he'll yield."

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Black: "Representative, I... I apologize. I should have just come back and talked to you and I forgot the Bill's going to come up. The twenty-four (24) months military time, does that have to be twenty-four (24) months active duty time?"

Saviano: "Yes."

Black: "In other words, if you spent fifteen (15) years in the National Guard and you only had less than six (6) months of active duty and you were never activated and then you had two (2) weeks of summer camp, I'm going to assume then you could not roll this into a twenty-four-month retirement benefit?"

Saviano: "It doesn't apply to the National Guard."

Black: "All right. So, it would only apply then to active duty service?"

Saviano: "It applies to military service, not National Guard service."

Black: "Okay. Does... Is there a time limit for the member of this pension system to apply? I mean, within ten (10) years of getting out of the service or twenty (20) years or six (6) months. Is there a time limit or can that individual buy in this time at any point in his or her career?"

Saviano: "There's no time limit."

Black: "Okay. Did... Was there any projected cost by the pension system? It may up-front cost. I was just wondering if anybody calculated what the cost might be. It gives them two (2) additional years and let's say, they had

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twenty-five (25) years to work, of what the additional cost might be to the local fire department?"

Saviano: "I've got COGFA's pension impact note. They couldn't come up with a figure. Actually, with this potential candidate for a pension coming up with all the costs upfront, in most cases, number one, they're going to probably overpay according to their prediction, but it also does, obviously, allow a person to retire maybe two (2) years early and that's the only exposure on the back end that the pension fund would have."

Black: "Did... did anyone, when the Bill first went through the committee structure, did any organization actively testify in opposition to the Bill?"

Saviano: "The IML did."

Black: "Okay. Thank you very much."

Speaker Hannig: "Representative Saviano to close."

Saviano: "I would ask for approval of Senate Bill 2362. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Leitch and Cole, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 109 voting 'yes' and 4 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read the Rules Report."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the

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following legislative measures and/or Joint Action Motions were referred, action taken on January 12, 2009, reported the same back with the following recommendation/s: 'approved for floor consideration', 'recommends be adopted' is Amendment #1 to Senate Bill 243; 'referred to the Order of Resolutions', 'recommends be adopted' is Senate Joint Resolution 109."

Speaker Hannig: "On the Supplemental Calendar #1, under the Order of Senate Bills-Second Reading, is Senate Bill 243. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 243, a Bill for an Act concerning regulation has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative May, has been approved for consideration."

Speaker Hannig: "Representative May on the Amendment."

May: "Yes. I move adoption of the Amendment #1. This is a gut and replace. It is exactly the same as House Bill 4390 and House Bill 2285, both of them we passed unanimously. I... It has the new, improved rules Amendment in hopes of getting this Bill moving out of Senate Rules."

Speaker Hannig: "Is there any discussion on the Amendment? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

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

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

Clerk Mahoney: "Senate Bill 243, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Hannig: "Representative May."

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May: "Yes. Thank you. This covers preventative health care for those who are in the CHIP pool. You know, the CHIP pool is our comprehensive health insurance plan for people who can't get private health insurance, provides them with their health coverage. And this is not a mandate on the private insurance industry; it's just for the CHIP pool. As I say, we passed it overwhelmingly twice in this House before."

Speaker Hannig: "The Lady moves for the passage of Senate Bill 243. Is there any discussion? The Lady from Cook, Representative Mulligan."

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

Speaker Hannig: "She indicates she'll yield."

Mulligan: "Representative, what committee did this go through?"

May: "It did not go through committee, now. It previously went through Human Services, I believe. It's been passed twice."

Mulligan: "But it's a... is it the CHIP Bill and ambulatory part is cut out now or what is it?"

May: "Yes. It's a gut and replace. It's the CHIP Bill embodied in former House Bills 4390 and 2285 with the new rules language. The original provision about the ambulatory center is..."

Mulligan: "With or without the new rules language?"

May: "It's with... with the new rules language."

Mulligan: "Would you explain to me how the rules language can be used when it's a CHIP program that changes periodically so that it would have to go through something like JCAR?"

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May: "Representative, normally they wouldn't file rules with JCAR, but in the event that they would, then this language would be there for that purpose."

Mulligan: "All right. Explain it to me, please. What's the rules?"

May: "Would you like me to read it?"

Mulligan: "Well, since you're adding it on to a Bill at the end of Session, which always throws up a little bit of a red flag on these kinds of Bills..."

May: "It's been added to about a dozen other Bills. I think it was first on the..."

Mulligan: "Except we've changed different language on certain parts of Bills about whether it can... has to go through JCAR or not. I'm just wondering what the exact deal would be with this now?"

May: "The exact language is and I believe it's the same that was on the autism Bill that I passed, rulemaking authority to implement this Amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedural Act and all rules and procedures of the Joint Committee on Administrative Rules. Any purported rule, not so adopted, for whatever reason is unauthorized and that's the extent of it. It's really the boilerplate language that has been used, Representative."

Mulligan: "Is this a different boilerplate language than the Speaker was putting on every Bill that came out of the Session this year?"

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May: "At the end or the beginning? This is the same as all of the... I think it's about a dozen now."

Mulligan: "All right. And so, why did this not go to committee? Why did it just be popped on to the Bill now and come..."

May: "Because we passed the exact Bill twice, overwhelmingly. It was, as I say, House Bill 4390, House Bill 2285, which was unanimous."

Mulligan: "So, it hits the floor running and we have to sit here and go through it and make sure that it is exactly the same Bill as passed before because it didn't go to committee and now we have to have this discussion or if I hadn't hit my light, it just would have gone out?"

May: "Representative, the Bill... as I say, the language is the same, the new, friendlier rules language that has been on about a dozen Bills. Representative, I'm sure you've supported this Bill, this language, in the past at least twice."

Mulligan: "As much as I hate to ask you, being since there's no staffer up here and you're throwing it on a Bill without it going through committee, I thought it would be a good idea to ask questions."

May: "I appreciate that. Thank you very much."

Mulligan: "Staff assures me that it is the same Bill and that it's fine."

May: "I appreciate your interest. Thank you."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "She indicates she'll yield."

Black: "Representative, do you know... do you have an approximate cost of what it would cost a family to be covered under the comprehensive health insurance program, currently, monthly cost?"

May: "Okay. I'm told it's 125 percent above cost. I have constituents who say it's about eight hundred dollars (\$800) a month, but I don't know their particular situations..."

Black: "Okay. So, I think all of us could understand that the cost to be insured under the CHIP program..."

May: "Is fairly expensive."

Black: "...is... a very expensive."

May: "Yes."

Black: "We're not talking about coverage here for low-income families, right?"

May: "No."

Black: "Okay."

May: "But they have to be able to afford it. But it does provide them an opportunity to get coverage that they couldn't otherwise have."

Black: "Okay. Why... why did you think it was necessary in your Amendment to delete provisions currently in CHIP that excluded coverage for oral contraceptives or any other temporary birth control measure?"

May: "Yeah. This is lumped together under preventative health care and I am mirroring what is already out there, the law,

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the State of Illinois, for our insurance coverage in all private insurance and indeed, our state health insurance."

Black: "But not for self-insureds, correct? Which is the bulk of what... what insurance we have."

May: "That's true. Any of our Illinois laws, yes. And since the CHIP pool was enacted we changed some laws regarding that for all private insurance."

Black: "So, we're adding a great deal of coverage mandates to CHIP. I would assume that that would have an impact on the monthly cost, would it not?"

May: "It will be a very minimal cost, because these are preventative health care measures. The CHIP pool, as enacted, didn't allow for any routine physical examinations or tests. These are very important tests for screenings: mammograms, Pap smears, digital rectal exams, prostate cancer exams, colorectal cancer exams and screenings. So, these are preventative. It's really good public policy to allow people to have these tests covered so that they can prevent coming down with cancer, perhaps catching it much later when it's much more expensive and it would be a less favorable outcome."

Black: "All right. Excuse me. If I understand this, if someone is insured under the comprehensive health insurance plan and wanted the oral contraceptive often referred to as Plan B, the day after pill, then that would be covered under this plan and this Amendment, correct?"

May: "Representative, that is over-the-counter. Most contraceptives are considered prescription."

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Black: "Well, the language says any temporary birth control measure. I didn't know how that would be..."

May: "It refers to the Insurance Code and the language that is in the Insurance Code for the private insurance, yes."

Black: "All right. And you say it would have minimal impact on the monthly cost, which is a substantial cost right now. So, it would only, in your opinion, this would have minimal cost."

May: "I believe it's being... it's being very fiscally prudent to cover preventative health care screening."

Black: "What does fiscally prudent mean, twenty dollars (\$20) a month, eighty dollars (\$80) a month, a hundred dollars (\$100) a month?"

May: "Representative, I don't have that figured out by... by CHIP. At one point, because this Bill has, as I say, passed several times, I felt that... they felt it could cost about ninety thousand (90,000) a year."

Black: "Okay."

May: "But..."

Black: "All right. Just ask you one additional question. Do you know what the fiscal condition of the CHIP program is right now? Did we lose money last year? Did we break even? How..."

May: "I thought we had a..."

Black: "...how did CHIP do in the last fiscal year?"

May: "Well, we have a member of the CHIP board right here. I thought we did a supplemental appropriation, so that I thought that that was going to help them be on solid footing."

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Black: "All right. Do you have any idea, I don't recall, how much the supplemental appropriation might have been?"

May: "I don't. I think our staff would have that for us."

Black: "Would it be in the millions or hundreds of thousands?"

May: "Representative, it's not on the tip of my tongue."

Black: "Shame on you. Well, I guess the underlying question that I have, it would appear that the more things we mandate on CHIP the greater the possibility that premiums will not cover expenses and so, we just make it up out of general tax revenue, correct?"

May: "But... no, Sir. I think that these... we have to keep in mind that these are all preventative screenings, they're very low cost. As you're probably aware, in health care, once you get to a stage 4 cancer or once you have... you need surgery and other things are when the real costs come in. This is really better for the health of our citizens who can't get private insurance. It assures them the same thing that all of us are getting in our state health insurance and that are getting in the private marketplace. So, why should they be discriminated against just because they're unhealthy? I think these people especially need these preventative health care screenings."

Black: "I don't disagree with you philosophically, Representative. I've never been able to understand why some people are discriminated against and that they get cancer and others don't. You know, it's life. I'm just trying to figure out what the actuarial condition is of the CHIP program."

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May: "Representative, the CHIP program has always been supportive of this Bill..."

Black: "Well, I..."

May: "...because they know that the cost is nominal."

Black: "I don't... I don't have any doubt that they would be, because the CHIP program doesn't make up the shortfall, the taxpayers of Illinois make up the shortfall. And I'm just trying to find out if your staff or somebody that's on the CHIP board could tell me what... what was the appropriation to bring CHIP up so that we could pay our bills last year? Was it a million (1,000,000), ten million (10,000,000) or \$1.95? I don't know."

May: "Well, I... I know it wasn't \$1.95, so."

Black: "All right. Well, I would assume that."

May: "But you know, I... I believe that they are very cognizant of costs and that they have the numbers and if, indeed, it would have been a large amount of money, they've been supportive of this, quite frankly, the last two (2) years even when they were running... when they needed more money out of an appropriation. So, certainly, now that they are supportive of it."

Black: "Now, who's they? You mean, CHIP?"

May: "CHIP, yes."

Black: "Okay. All right."

May: "There is no known opposition to this Bill. There really never has been. No one has ever signed in in opposition in the two (2) or three (3) times we've heard it."

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

May: "Thank you."

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Speaker Hannig: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Speaker. And I just rise in support of the Lady's Bill. This legislation has been before the House on two (2) separate occasions. To give you an idea, it will have a cost. The cost structure is about eighty thousand to two hundred and twenty-five thousand dollars (\$80,000-\$225,000) and it's based on utilization. What currently happens now is if a woman, for example, goes in to have a Pap smear, we pay for the test, but we don't pay for the doctor to do the test. This corrects that. There's some... So, the board is in favor of it. The reason for the JCAR language, I think, is because it's been placed on other Bills, because the... we don't go before JCAR. CHIP does not go before JCAR; it's a quasigovernmental agency. And so, as far as the rulemaking authority, that's... something's been attached to other Bills. A question was brought up as to the amount of funding. This year we appropriated twenty-nine million dollars (\$29,000,000), that's the deficit portion of the funding. We're looking probably at a larger deficit or an increased deficit next year. We're also looking at, on the Section 15 side, an assessment on the industry, that's how it's generally paid for. The Bill is agreed to. The cost is relatively minimal and it does correct some of the problems that we've had within CHIP itself. So, I'd urge an 'aye' vote."

Speaker Hannig: "The Gentleman from Jasper, Representative Reis."

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

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Speaker Hannig: "She indicates she'll yield."

Reis: "Representative, you said that this is the exact same Bill as House Bill 4390, right?"

May: "Yes, 4390, 2285, with the addition of the rules language."

Reis: "Well, House Bill 4390 was stalled in the Senate, not because of rulemaking language, it was found out that.. and I voted for 4390. We didn't have all the details of the Bill, but it was pointed out by the Senate Sponsor that Plan B would be no longer exempted from the CHIP program. And that's why the Bill stalled over there. Does this Bill remove the exemption from Plan B?"

May: "Not specifically. It just allows the use of contraception. All private insurance, including our state health plan covers contraception."

Reis: "Plan B?"

May: "Contraception."

Reis: "Specifically, Plan B."

May: "Plan... Plan B isn't mentioned at all. Plan B is an over-the-counter product; you don't need a prescription. You don't need it for an office visit or anything to get Plan B. So, I think there's a little bit of confusion about that."

Reis: "Well, I think there's a lot of confusion here and you said there's no opposition to their Bill.. this Bill when there was opposition to 4390 once it got over in the Senate and they understood, the prolife groups, understood that the morning after pill would no longer be exempted from CHIP. And that's the concern that they're calling us right

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now on saying, this is the case, Plan B, the morning after pill, will no longer be exempted from CHIP, the way it is now and that, in fact, yes, you can buy it over-the-counter, but now CHIP would have to start paying for it. And I guess I would appeal to you to take this Bill out. We're going to be back later today; we'll for sure be back tomorrow, but this is very important to a lot of people and you may have the support to pas this, but I think that all the prolife voters should know and have time to talk to the various people in their staff if, in fact, this exemption is being removed."

May: "Representative, we've... you know, although this being added on to Senate Bill 243 is indeed..."

Reis: "Which died in the Senate and the Senate Sponsor admitted that this exemption was being removed."

May: "...2285 passed this Session again and it was the rules language that held it up."

Reis: "Representative, we all know what happens these last couple days. Things get sneaked through, we hurry through, we've been focused on impeachment, we've been absent from the Capitol. All I'm asking you is, we'll be back later this afternoon; we'll be back tomorrow. I'll be the first to stand up and say this isn't the case and tell everybody, but the way we're being told now, the morning after pill exemption would be removed from the SCHIP and that's a concern to us."

May: "We are following the Department of Insurance regulations for contraception. For contraception there is no way, no

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way under heaven, that this covers abortion. So, I... you know, there are many, many..."

Reis: "Representative, don't twist... I don't want to..."

May: "Okay."

Reis: "...we're not in that argument. I just want the people to know that don't support Plan B being covered by this, to get in a bad situation... A lot of this Bill is very good. You can argue the merits of this Bill, but if one thing like this is in there, we need to know about it and I'm just asking for an extra couple hours until we can verify it. That's all I'm asking."

May: "Nothing has changed about this from 2285 or 4390. Nothing has..."

Reis: "4390 died in the Senate, for the third time... when Senator Garrett admitted..."

May: "I understand you, thank you."

Reis: "...that Plan B would be exempt. The exemption would be removed. Maybe we should call her and see. I mean..."

May: "This is... this is about preventative health care, preventative health care including contraception."

Reis: "Two hours, Representative, that's all we're asking, please. That's my request to the Sponsor of the Bill. And I hope that the prolife people will ask that question of you in... with further debate until we can get an answer of whether or not this exemption's being removed. Thank you."

May: "Representative, the hour is late and I don't know that I can delay this any longer."

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Reis: "Representative, we're coming back in two (2) hours. I'll be the first to stand up and say that there's a mistake."

Speaker Hannig: "Representative May."

May: "Rep... I mean, to the Chair. I mean, are we coming back? Can we call this again? I mean, I would love to accommodate, but I can't control that, it's above my pay grade."

Speaker Hannig: "We're going to... Representative, just so everyone understands. After this Bill, we're going to break and go to committees. Then we'll return to the floor later this afternoon and we'll take up some additional Bills. That's the plan. What you wish to do with this Bill is your call."

May: "Rep... You know, I just feel that we have debated this in the past and if anyone does not want to vote for coverage of contraception which is the law of the land, the law of the land for people of our state, I should say, of our state, that they have access to having their contraception covered. And if that is the problem, I... I understand. I understand where you're coming from. It's no different than the insurance law that is in place now. For all private carriers, the law has changed. The law in our state has changed since the CHIP Bill was put in... since the CHIP law was put in place."

Speaker Hannig: "The Gentleman from Bond, Representative Stephens."

Stephens: "Well, I wasn't going to speak, but the Lady, I believe, just misspoke. She... she says on one hand that

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this is the law of the land. Well, that's just absolutely not the truth."

May: "Our insurance laws cover contraception. It is true."

Stephens: "We're not talking... we're not talking about private insurance plans or anything else. We're talking about CHIP... the CHIP program and it's not the law of the land. Why I... We can... we can agree to disagree about whether it should be covered or not, but please present it fairly. Thank you, Mr. Speaker."

Speaker Hannig: "Any further discussion? Then Representative May to close."

May: "Yes. Thank you. Thank you for the questions. I am not trying to misrepresent this. This does include contraception. It's part of preventative health care that is covered by all of the private insurance in our state including our state health care plan. Thank you to Representative Mautino who's on the CHIP board for expressing his support on how this is a nominal cost for the citizens of the state. And I ask for an 'aye' vote. There are many of you who are very aware what is in this Bill and you supported it overwhelmingly before. It has not changed. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative... Mr. Clerk, take the record. On this question, there are 78 voting 'yes' and 35 voting 'no'. And this Bill, having received a Constitutional Majority,

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is hereby declared passed. Could I have your attention for a moment now. We're going to recess until 4:00 and Mr. Clerk, would you read the committee hearings that will take place while we're recessed."

Clerk Mahoney: "Two (2) committees will meet: State Government Administration Committee will meet in Room 114, that is a room change, State Government Administration in Room 114. The Executive Committee will meet in Room 118, Executive in Room 118."

Speaker Hannig: "And Representative Lang, you're recognized for a Motion."

Lang: "Thank you. I move to waive the posting notice on House Resolution 1678 to be heard in State Government today."

Speaker Hannig: "There being no objections, the posting notice is hereby waived. So, the House will stand in recess until the hour of 4:00, 4 p.m. The House will be in order. Mr. Clerk, read the Committee Reports."

Clerk Mahoney: "Committee Reports. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on January 12, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #3 to Senate Bill 1132 and Floor Amendment #3 to Senate Bill 2513. Representative Dugan, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on January 12, 2009, reported the same back with the following recommendation/s: 'recommends be adopted' is House Resolution 1678."

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Speaker Hannig: "On Supplemental Calendar #2, on the Order of Senate Bills... Mr. Clerk, read the Rules Report."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on January 12, 2009, reported the same back with the following recommendation/s: 'approved for floor consideration' is Amendment #1 to Senate Joint Resolution 109."

Speaker Hannig: "Okay. On the Order of Supplemental Calendar #2, under Senate Bills-Third Reading, is Senate Bill 2513. And Mr. Clerk, return that to the Order of Second Reading. And are there any Amendments?"

Clerk Mahoney: "Floor Amendment #3, offered by Representative Lang, has been approved for consideration."

Speaker Hannig: "Representative Lang on the Amendment."

Clerk Mahoney: "Actually, Representative Joe Lyons is the Sponsor of Floor Amendment #3."

Speaker Hannig: "Okay. Representative Lyons on the Amendment."

Lyons: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The... the Amendment that just passed the Executive Rules Commission (sic-committee) basically was three (3) parts to it. The Amendment expands the protection of the Mortgage Rescue Fund. This was worked out with the Attorney General's Office to basically protect homeowners from the potential misbehavior from distressed property purchases and distressed property consultants and caps the fees that can be assessed. The second part of the provision asks for a... what's basically Rep... Senator Jackie

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Collins's Bill which, again, extends additional protection for individuals to make into purpose of notification from ninety (90) days down to thirty (30) days and this gives the borrower and the counselor an opportunity to try to work out a payment with something that is in foreclosure. And the third part of it is the Home Equity Insurance Act changes in there which are... affects only three (3) areas in Chicago which basically clears up some language needed to... have... specify the program and how it's intended to carry on. So, I'd be happy to ask any questions or move the Bill to Third and you can ask me any questions on the entire Bill."

Speaker Hannig: "So, Representative Black, could we adopt the Amendment and then we could go to questions. Would that be okay?"

Black: "Well, it'll be all right. I think this is probably the worst Amendment I've seen in twenty-three (23) years down here. But if that's the way you want to do it, I'm used to my rights being violated, Mr. Speaker. And at the appropriate time, I'll have the appropriate comment to make on this inappropriate Amendment."

Speaker Hannig: "Okay. All in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

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

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

Clerk Mahoney: "Senate Bill 2513, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Lyons."

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Lyons: "Thank you, Ladies and Gentlemen of the House. As I just explained, the Amendments to this to help... most of us will understand the underlying Bill which passed out of here last May on the last day of Session. Basically, that was the agreement between the financial industry, the banks, the community banks, the credit unions that had worked out with the... with the Circuit Court judge here in Sangamon County. When the funds sweeps started four (4) or five (5) years ago, the financial industry basically filed suit and had all the increases and their fees put into an escrow account that was... was being held to the tune of about seventy-seven million dollars (\$77,000,000). By agreement through the judge and agreement through the Governor's Office and through the industry, it was agreed to that fifty million dollars (\$50,000,000) of this would be put into a Medicaid fund which would, of course, qualify it for at least 50 percent matching funds from the Federal Government which would be a tremendous help to anybody who's affected by our slow payments problem that we've had in the State of Illinois for longer than any of us want to admit, shamefully. And also seventeen million dollars (\$17,000,000) which would go back to the financial industries who've paid pay these dues that were charged in excess of what was actually needed to run the program. They would also get a reduction, all the affected groups of the financial industry would get a reduction, by 50 percent in the fee that was increased. So, it's a literally a win-win for the industry for the State of Illinois for the Medicaid recipients and along with the additional

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foreclosure issues that we talked about in the Amendment. This is a fabulous opportunity for a lot of people in the State of Illinois and a good piece of legislation. I'll be happy to answer anybody's questions."

Speaker Hannig: "The Gentleman has moved for the passage of Senate Bill 2513. And on that question, the Gentleman from Vermilion, Representative Black."

Black: "Yes. Thank you very much, Mr. Speaker. I'll revise and extend my other remarks. I was looking at the wrong Bill and the wrong Amendment, but I'll withhold my comments. Will the Sponsor yield?"

Speaker Hannig: "Indicates he'll yield."

Black: "Representative, if I understand this correctly, a fund sweep that impacted the banking industry, the banking industry filed a suit. Is that correct?"

Lyons: "Correct."

Black: "And they won. Is that correct?"

Lyons: "Well, at least they agreed to... they had a settlement, Representative Black, that was agreed to through the Circuit Court but agreed to by all the players, the State of Illinois and the financial institutions."

Black: "What was the amount of money that the bankers took umbrage with, the total transfer? Was it fifty million (50,000,000), a hundred million (100,000,000)? What was it?"

Lyons: "Well, at the time, the last numbers I had, now this was from back last spring, was about seventy-seven, seventy-eight million dollars (\$77,000,000-\$78,000,000) of which fifty million (50,000,000) comes to the state, eighteen...

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seventeen, eighteen million (17,000,000-18,000,000) goes back to the institutions, the financial institutions."

Black: "So, the... the fiscal institutions which were, if you... if you read the court case, were wronged, get a very small percentage of the money. Why is that? The state gets more money than the people who were wronged get."

Lyons: "Yeah. This was part of the settlement that they made. The state agreed to all this, Mr. Black, there was no..."

Black: "Well, I..."

Lyons: "And the financial institutions, this was an agreed... this was an agreed resolution... agreed..."

Black: "So, the state gets..."

Lyons: "Everybody signed off on it."

Black: "The state gets fifty million dollars (\$50,000,000) and it goes into what, the Mortgage Rescue Fund?"

Lyons: "No. This is the... this is going to be under the jurisdiction, it's called the Financial Institution Settlement Act of 2008."

Black: "Ahhh."

Lyons: "It's going to be..."

Black: "Ahhh."

Lyons: "...a separate fund in the Treasurer, administered by the Comptroller's Office with receipts turned in by the agencies that are affected by this in the negative way by lack of payments..."

Black: "So..."

Lyons: "...over the last year or so."

Black: "...in effect... in effect the fifty million (50,000,000) goes into a General Revenue Fund account?"

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Lyons: "No. It was a special fund."

Black: "But not under the control of the Governor?"

Lyons: "It's not... it's not in control of the Governor. It's... it's going to be administered by the Comptroller's Office and kept in the treasury."

Black: "Is it a restricted fund?"

Lyons: "Yes."

Black: "Restricted for what purpose?"

Lyons: "What's the question, Mr. Black, sorry?"

Black: "Restricted to what purpose?"

Lyons: "The fund?"

Black: "Yes."

Lyons: "The fund is there for Medicaid payments, to pay, specifically for... that was the Amendment that we put on in May..."

Black: "Okay."

Lyons: "...so that fifty million dollars (\$50,000,000) is there for Medicaid payments which is eligible, again, for the federal match of at least 50 percent..."

Black: "All right."

Lyons: "...of 100 percent, maybe even more."

Black: "So, it cannot be transferred for any other purpose, Medicaid payments only, correct?"

Lyons: "Correct."

Black: "All right. And the banks you said received how much that goes back to what..."

Lyons: "Well, at the time..."

Black: "...they were paying."

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Lyons: "Representative Black, at the time was about seventeen, eighteen million dollars (\$17,000,000-\$18,000,000). It goes back to all..."

Black: "Okay."

Lyons: "...the institutions plus, Mr. Black, they do get their fees reduced by half. So, the increase that went in that started all this, by their agreement, 50 percent is cut off of that... that from this point forward."

Black: "Okay. For how long do... for what period of time are their fees reduced by half? In perpetuity?"

Lyons: "No. I think it's still January of 2011."

Black: "All right. That... that's fair. How much did the lawyers get out of this? Do you have any idea?"

Lyons: "You'd have to ask the financial institutions on what their counselors are entitled to out of this. They... they certainly earn their money on this, Representative Black."

Black: "Oh, I..."

Lyons: "They've been working on it for four (4) or five (5) years."

Black: "I have always maintained that on every lawsuit I've ever seen, the attorneys certainly earn their money, no question about it and are generally paid first, but I digress. Can you explain to me, in part of this Bill as amended, it looks like we're tweaking something that we passed a while ago called the Home Equity Assurance Act. And it would appear to me that the Home Equity Assurance Act is trying to protect home values in certain zip codes but only on the south side of Chicago. Is that right?"

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Lyons: "There's two (2)... there's three (3) districts, Representative Black, two (2) on the south side and one on the north side. They're very... You know, I... specific geographic areas where people decided and voted upon going into this on a voluntary basis."

Black: "Who voted? The homeowners or..."

Lyons: "Homeowners, correct."

Black: "But the Home Equity Assurance Act then has no direct benefit to anyone in my legislative district?"

Lyons: "Yeah. It just... it only affects the City of Chicago and the homeowners in those districts. It doesn't affect anybody else in the county of Cook or the State of Illinois."

Black: "Well, I'll be doggone. Only affects people in the City of Chicago on the south side, correct?"

Lyons: "Well, two (2) areas on the south side..."

Black: "Two areas."

Lyons: "...one on the north side."

Black: "I'm always fascinated by how those things evolve. What does this do? How is this meshed with the federal bailout package of the mortgage industry? How do we make sure that we're not putting money into institutions or mortgages that the Federal Government is also putting money into lenders or mortgage foreclosures? What coordination is there?"

Lyons: "Mr. Black, as far as I understand it, there's no relation to what the Federal Government's going to do monetarily which what this does is to protect the homeowners themselves."

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Black: "Well, you know, I don't know what the Federal Government is putting into an equity position into mortgages, mortgage lenders, homeowners. I lose track, I don't know, a hundred trillion dollars (\$100,000,000,000,000) or something. And you're telling me, we're not coordinating any of this money with the federal funds? I mean, the only reason I ask, Representative, it would seem like there could be an inherent danger that somebody could get help twice, somebody else couldn't get help at all, if there's no coordination."

Lyons: "Yeah. The foreclosure protections here are for the purposes of notification for individuals. The one Amendment basically takes that notification time from ninety (90) days to thirty (30) days, so an individual gets a chance to try to work out an arrangement, if it can be done."

Black: "Okay."

Lyons: "Gives them some protection time."

Black: "Now, I understand."

Lyons: "And there's no... there's no money involved in that, Mr. Black."

Black: "All right. So, there's no direct financial assistance then..."

Lyons: "No, no, no, no, none at all."

Black: "...to the homeowner or to the lender? None of that at all?"

Lyons: "No, this just... it's a... it's the victims of the foreclosure..."

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Black: "Okay."

Lyons: "...opportunity to get help..."

Black: "All right."

Lyons: "...earlier on in the process."

Black: "So, no one could portray this then as a bailout of the Illinois mortgage industry, correct?"

Lyons: "Correct."

Black: "All right. But it does afford some degree of protection to the homeowner..."

Lyons: "Absolutely, that's correct."

Black: "...who may have received a... one of these adjustable rate mortgages, ta, da, da, da, da, so they may get some additional, what, notification and/or is there a... an additional counseling period before they lose their home?"

Lyons: "You know, they have the opportunity to retain counselor and... yes, correct, they have an opportunity to retain counsel."

Black: "So, from what staff was telling me, you're going to get a thirty-day notice..."

Lyons: "Instead of ninety (90)."

Black: "...another thirty (30) day if you go to counseling, if you seek, you know, credit counseling and then if you do that, you get an additional thirty (30) days. So, you could have a ninety-day..."

Lyons: "Up to."

Black: "...window."

Lyons: "Correct. Up to ninety (90) days and hopefully, try to work something out agreeable to the financial institution

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as well as to the homeowner, so maybe they could redo the package..."

Black: "Okay. All right."

Lyons: "...so they can stay in the house and the bank doesn't have to foreclose."

Black: "And the... the lender then expressed no concern to you or the people in support of this... Did the lender say, wow, ninety days, they could destroy the house? I only want thirty (30) or..."

Lyons: "Okay. From what my staff is telling me now, originally it was 45, 45, and a third 45-day period. Now, we've cut it down to three 30-day periods to do this. So that... to address that issue."

Black: "So, ninety (90) days."

Lyons: "Correct."

Black: "And I... to me that... that appears, from some people that I know that have had to go through this horrible experience, it took a lot longer than ninety (90) days. So, we're not limiting... we're not saying ninety (90) days. If it takes a hundred and sixty days (160) days, we're not saying that it can't, we're just saying that it can't take place any faster than ninety (90) days, correct?"

Lyons: "Correct."

Black: "Okay. All right. Thank you very much, Representative, you've been very helpful."

Lyons: "Thank you, Representative. Thank you for your questions."

Black: "And so has your staff."

Lyons: "Absolutely."

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Black: "Mr. Speaker, to the Bill. I... I hope we've learned a lesson from this about transferring money and raiding funds. I know we have another one that we're going to have deal with on federal funds to the Department of Natural Resources. But my initial fear has not proven correct. I... I was afraid that the banks were going to get all of their money back and a part of me says they should. But they have been satisfied by a reduction in their fee and a portion of the money. And the other, as part of the settlement, and I want to make sure that I'm not misspeaking it, this is a settlement agreed to by all parties from what Representative Lyons has told me. And every once in awhile we get things on this floor that once you get into it makes imminent good sense. And every once in awhile I've noticed over the years that when we get a Bill that makes imminent good sense it's generally Representative Lyons who carries it. So, kudos to you on this one. Vote 'aye'."

Speaker Hannig: "Is there any further discussion? Representative Franks."

Franks: "Thank you, Mr. Speaker. I just wanted to announce I have a potential conflict of interest, but I will be voting 'aye' on this matter."

Speaker Hannig: "Any further discussion? Then Representative Lyons, you're recognized to close."

Lyons: "Ladies and Gentlemen, this was a good Bill last spring when I think it passed out of here unanimous. It's a great win-win for the State of Illinois, for the financial institutions, for people desperately waiting for Medicaid

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payments. This is something you can all take back to your districts to all the... the social service agencies that are begging for some help. This is finally starting the ball rolling. With the federal matching this could be over a hundred million dollars (\$100,000,000) for some very worthy causes desperate for help. I certainly ask for an 'aye' vote. And thank you for your good questions on this, Mr. Black."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Harris on Supplemental Calendar #1, you have House Joint Resolution 131. Representative Harris."

Harris: "Thank you, Mr. Speaker. This is a Resolution honoring members of the Sudanese community, especially those who have fled the genocide in Darfur to make Illinois one of their largest adopted homes and to congratulate them on the selection of one of our communities as the site of the United States first Sudanese Community Center which I understand now will be in Naperville in Representative Fortner's district. And I applaud him for winning that great honor."

Speaker Hannig: "Is there any discussion? Representative Fortner."

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Fortner: "Yes. To the Resolution. I want to thank the Member for bringing this forward and working with my office as well. I had the privilege to meet some of the Sudanese immigrants to Illinois and it was a real pleasure because it included among them are some of the Lost Boys, that group of young people who wandered really without the guidance that we would normally expect of adults and managed to make it anyway under extremely difficult circumstances. I do have to correct one thing, however. I was at the opening of the center in Naperville. It's actually not in my district; it's actually in Representative Dunn's district but very close to where my district is. And am pleased that I still have many of the residents of that community in my district and again, thank the Sponsor for this Resolution."

Speaker Hannig: "Any further discussion? Then all in favor of the Resolution say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. On Supplemental Calendar #2, under the Order of Resolutions, Representative Lang, you have House Resolution 1678. Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. The State of Israel is the only democracy in the Middle East and a very reliable friend to the United States of America. As we know there's warfare going on there between Israel and Hamas on the Gaza Strip. This Resolution is simply one that recognizes Israel's right to defend itself in the face of hostility from a terrorist neighbor recognizes that... that both Israelis and the Palestinian residents of Gaza

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are entitled to peace and security and also recognizes that the only meaningful ceasefire is one where no future rocket attacks on Israeli citizens would be taking place. It's an important Resolution of the State of Illinois to let people there know how we feel about what's happening in that area of the world. And I ask your support."

Speaker Hannig: "Is there any discussion? Then all in favor of the Resolution say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. Representative Smith has Senate Joint Resolution 109. Mr. Clerk, are there any Amendments?"

Clerk Mahoney: "On Senate Joint Resolution 109 Amendment #1, offered by Representative Smith, has been approved for consideration."

Speaker Hannig: "Representative Smith on the Amendment."

Smith: "Thank you, Mr. Speaker. This is... this Resolution addresses our semiannual task of... of the school waivers, School Code waivers that come to us from the State Board of Education. This Amendment would take out four (4) of the waivers that had been included in what the Senate sent to us that were objectionable to our committee, but would address the issues that the Secretary of State's Office has raised with regards to the simulators for driver's education. Be happy to answer any questions."

Speaker Hannig: "On the Amendment, is there any discussion? Representative Eddy on the Amendment."

Eddy: "Thank you. I guess, we're not on Third. I'm sorry, Mr. Speaker."

Speaker Hannig: "We will... Why don't you want to adopt..."

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Eddy: "I'll wait... I'll wait 'til we're on Third."

Speaker Hannig: "Okay. So, all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. And so now, Senate Joint Resolution 109 as amended. Representative Smith."

Smith: "Thank you... thank you, Mr. Speaker. Again, this is... this is our semiannual task of addressing the School Code waivers. This Resolution as amended will go back to the Senate and basically all of the waiver requests will go through except for the changes made in this Resolution and those are to those school districts who had asked for a waiver to use the simulators in driver's education. Most of those districts had requested a five-year waiver and at the request of the Secretary of State's Office, we are changing that to be a one-year waiver. That was the case with the Senate Resolution and the Amendment we just approved took out four (4) waiver requests that were objectionable to the House Committee. I'd be happy to answer any questions. I'd move for the adoption of this Resolution."

Speaker Hannig: "And on this question, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Indicates he'll yield."

Black: "Representative, the question that many of us have to ask every year, there are some hefty fee increases in these requests if you want your child to take driver ed. Now, if we vote 'yes', we are approving the fee increases and if we

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vote 'no'... This is one of those situations I wished we'd never gotten into, but I always have a hard time saying what does a 'yes' vote mean and what does a 'no' vote mean?"

Smith: "Yeah. This... this is the case where we have to take basically negative action. We have to disapprove waivers, otherwise they take effect automatically. So, this Resolution simply says all those waiver requests that have come in and have been sent to us would be approved except for the ones having to do with the simulators for driver's education would be altered to be one (1) year only."

Black: "Well, I..."

Smith: "So, the rest of them will be approved as submitted by the state board."

Black: "Okay. I thought the simulators were already denied before they got to us?"

Smith: "No. The school districts had... had made a waiver request to use the simulators, many of them are doing that. And they had asked for a five-year waiver. The Secretary of State's Office has asked us to... to only do one year and there's a task force currently working with the Secretary of State's Office on how to... to use simulators in the classroom and still provide, I guess, the safety needs of the Secretary of State's Office feels we need."

Black: "So, a 'yes' vote means we approve all of the waivers and that would mean we approve a rather hefty fee for driver ed, correct?"

Smith: "That is... yes."

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Black: "And if we vote 'no', we are voting in opposition to the waiver requests or is it just backwards?"

Smith: "Right, right."

Black: "Right, right, what?"

Smith: "Actually, I'm being told that a 'yes' or 'no' would... would allow those to take place. We're not dealing with them in this Resolution."

Black: "What about all of the requested fee increases that's in the... in the Motion? The maximum fee requested for some districts is four hundred and fifty dollars (\$450)."

Smith: "Yes. They're just not addressed in... in this Resolution. Yeah... See... To go back to... and I know this is the confusing part, but to... for a waiver not to take effect we have to say it's not approved. So, we're not really..."

Black: "You know, Representative, could you and I work together this coming spring to get us out of this... this is one of the most confusing things we vote on every year."

Smith: "I would... I would love to do that, Representative Black. I think it's..."

Black: "I... I've never understood why we become the supernumerary school board anyway. I don't have any of these districts in my legislative..."

Smith: "Yeah."

Black: "...district. I don't know what they want to do. I don't know why Geneva School District thinks they ought to get an increase of four hundred and fifty dollars (\$450) to offer driver ed. I don't know what the base figure is. If the increase is four hundred and fifty dollars (\$450), what's the base? If the base is four hundred and fifty dollars

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(\$450), wow. That's a little stiff. So, I want to make sure... you say it doesn't make any difference how I vote on the driver's license fee increase. That's already been approved. So..."

Smith: "That's right. I... I know it's very confusing. I would welcome your input in trying to streamline this process. There are many waivers that are valuable. I'm sure Representative Eddy can attest to that. I think the education community does appreciate many of them, but this process is very confusing and the fact that we have to... we have to take the same action that the Senate takes or else all the waivers take effect."

Black: "All right. Representative, I... I appreciate that and I've had an opportunity to talk to Superintendent Eddy and I... hopefully, we can convince him to work with us. I... I have never understood why we got into this business to begin with and why it is such a confusing system on how you vote. So, I appreciate your indulgence. Thank you."

Smith: "Thank you."

Speaker Madigan: "Speaker Madigan in the Chair. The Chair recognizes Mr. Eddy."

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

Speaker Madigan: "Sponsor yields."

Eddy: "Representative Smith, I think what's so confusing about this is the fact that when we receive a list in the House, the Senate has gone through the entire list of waivers and they've decided which ones shouldn't be allowed based on probably input from the State Board of Education. So, they send us a Resolution to deny certain waivers and if we vote

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'yes' on their Resolution, those schools are denied and all of the other waivers requested are okay."

Smith: "That's..."

Eddy: "Then if we get that list and we vote 'no' and it doesn't pass both Houses, then every single waiver is approved."

Smith: "That is..."

Eddy: "Is that correct?"

Smith: "That's correct. That's..."

Eddy: "So, in this case we had some driver's education issues where the Senate's Resolution approved certain in... or excuse me... fees over two hundred and fifty dollars (\$250), but they decided some others shouldn't be allowed. And our response was to say, if you're going to allow some over two hundred and fifty (250), you should allow all of them or deny all of them. So, our Amendment simply says, as far as those driver ed waivers are concerned, everyone should be treated the same and if they're over two fifty (250), everybody would get that waiver."

Smith: "That's right."

Eddy: "Okay."

Smith: "That's right. That's correct."

Eddy: "So, I think, at least in this case, this has to go back to the Senate now and if the Senate approves our Amendment, then there are... are just a few changes to the waivers and those happen to be, I think, with the... with the blessing of the Secretary of State, while we worked out this issue related to cost and simulators. And I appreciate the Secretary of State working with us and giving us some flexibility there while we worked out that simulator issue."

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I think he's been very fair about it and we may see some funding attempts made for those... those new laws and that's appreciated. But to be clear, when this goes back to the Senate now, if the Senate fails to take up our Resolution, then all of the waivers are approved and those districts that wanted five (5) years on their waiver will get the full five (5) years."

Smith: "That's right."

Eddy: "Okay. Well..."

Smith: "I... I have talked to Senator Lightford, who's the Senate Sponsor of this Resolution and of course, chair of the Senate Education Committee, I'm not sure what her position is yet at this point, but I think we've got to take this action today, send it over there and then the ball basically is..."

Eddy: "When is the deadline?"

Smith: "...in their court."

Eddy: "When is the deadline?"

Smith: "I believe it's actually the 20th..."

Eddy: "Okay."

Smith: "...but obviously, we won't be here."

Eddy: "Okay. So, we need to... we need to do this or if we miss the deadline, then everything's approved as well."

Smith: "That's right."

Eddy: "Okay. Thank you. Ladies and Gentlemen of the House, I think this is a good compromise. I hope the Senate will agree with us that you should treat everyone the same on the driver's ed waiver and also, that we want to work with Secretary White to try to fund those changes that were

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needed and a one-year... I think a one-year waiver on the simulator's a fair thing to do while they do that. I think this deserves an 'aye' vote. Thank you, Mr. Smith."

Speaker Madigan: "Representative Monique Davis."

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

Speaker Madigan: "Sponsor yields."

Davis, M.: "Representative Smith, I see that School District 299 is asking for and receiving a waiver... using the simulator for one (1) year. Is that correct?"

Smith: "Well, actually, Representative Davis, they had requested a five-year waiver and... so, we're... with the approval of this Resolution, we would only be allowing that for one (1) year."

Davis, M.: "So, a five-year waiver could mean young persons... a young person could go through four (4) years of high school or the two (2) years that they're there for the... to take the exam and never have actual driving experience. Is that correct?"

Smith: "If... if this Resolution doesn't pass, yes. So, all we're doing is approving this for one (1) year."

Davis, M.: "If... if this Resolution does not pass, it is a possibility that some children in the State of Illinois will never have an opportunity to get under a wheel as they take driver training in education... in their schools. Is that correct?"

Smith: "That's my understanding, yes. That's why we need to pass this Resolution and hopefully, those differences on using the simulators will be worked out so that this is not an issue in the future."

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Davis, M.: "Representative Smith, excuse me, I don't know if you know the answer to this, but are their funds reduced at all if they're not going to use manned drivers with vehicles to teach driver's ed? Do they get a reduction in their funds if they just use the simulator?"

Smith: "I'm not sure that I... I know that answer for sure, Representative Davis. Our staff believes that that's not the case."

Davis, M.: "So, we could provide dollars for driver's education with a manned vehicle, but the student could end up getting just the use of a simulator. Is that correct, Representative?"

Smith: "Yeah. I think, Representative Davis, I'm not sure if we can answer that or not. I think that would be up to each individual school district that's affected."

Davis, M.: "Thank you. To the Bill. Ladies and Gentlemen, I think we should be really careful and remember next year that we should not allow a consecutive year of simulated driver training. I think all of us have read those articles where young people have had awful accidents, where young people who are still in high school have for some reason lost their lives, even when driver's education is supposed to be provided in their four (4) years or two (2) of those four (4) years in high school. So, remember, because you will be here next year. We're going to get sworn in on Wednesday; you will be here next year. Those schools that have a waiver, those districts that have a waiver this year should not be permitted to have a consecutive year of waivers, because a kid could go through

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school and never get under a wheel and it is not fair.

Thank you. Thank you, Representative."

Speaker Madigan: "Mr. Ramey."

Ramey: "Thank you, Mr. Speaker. I just have a quick question.

Representative, does... what's the status of the task force?"

Smith: "I can't tell you for sure, Representative Ramey, I've not been a party of that... to that. I don't know if Representative Eddy has been involved. I know they had..."

Ramey: "I'm sorry. Representative, who?"

Smith: "Representative Eddy."

Ramey: "Oh, yeah. Roger Eddy."

Smith: "I know they've had meetings. I know Senator Lightford has participated in those, but I can't tell you anymore than that."

Ramey: "So, you wouldn't know for sure if Secretary White wants to have that task force reconvened?"

Smith: "If he wants to?"

Ramey: "Yeah."

Smith: "Oh, I think he very much wants to, yes."

Ramey: "Then why are they holding off on that?"

Smith: "I... I can't answer that."

Ramey: "All right. Thank you."

Speaker Madigan: "Mr. Smith to close."

Smith: "Thank you, Mr. Speaker. Ladies and Gentlemen, I know the waiver process is confusing, but all we're doing with this Resolution is... is saying that we're modifying the request that came to us for driver's ed simulators. We're sending this back to the Senate. Hopefully, they will see fit to approve the Resolution as we've amended it. And..."

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and we can do that before the new General Assembly takes office on Wednesday. I'd ask for an 'aye' vote. Thank you."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Mr. Franks, Mr. Sullivan. The Clerk shall take the record. On this question, there are 99 people voting 'yes', 12 people voting 'no'. The House does adopt SJR109. On the Order of Senate Bills-Third Reading, there appears Senate Bill 1132. Mr. Hannig. Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "Senate Bill 1132 is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Put the Bill on the Order of Second Reading. Are there any Amendments?"

Clerk Mahoney: "Floor Amendments 1 and 2 were adopted to the Bill. Floor Amendment #3, offered by Representative Hannig, has been approved for consideration."

Speaker Madigan: "Mr. Hannig."

Hannig: "Thank you. Yes. This was... this is a supplemental appropriation that came out of the Exec Committee unanimously. I'd ask that we adopt the Amendment and then debate the Bill on Third, if that's the will of the House. So, I'd ask 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?"

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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 1132, a Bill for an Act concerning appropriations. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House.

Many of you will recall that last May we passed an appropriation budget and sent it to the Governor. He vetoed that budget and brought it down significantly. He was sustained on most line items. We gathered after that and looked at some items, primarily in the area of keeping state employees on the job, keeping our parks and historic sites open and as... and some human service agencies paid. And for those three (3) items that we wish to restore, we created a special Budget Relief Fund and swept a number of funds in order to pay for those three (3) items. So, we sent the Bill to the Governor with the sweeps. He signed the sweeps Bill; the money went into our new Budget Relief Fund. We sent him the appropriations Bill, the supplemental, and then he vetoed some of those items, he signed some others. So, what this Bill would do is a number of things. First of all, we found an additional five million dollars (\$5,000,000) that we feel that we can transfer into the fund, so an extra five million dollars (\$5,000,000) will go into the fund. Coming out of the fund, is \$9.25 million (\$9,250,000) in the area of Wildlife and Pheasant Funds. Our thought at the time was that we're transferring this money into this dedicated fund, in part,

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to keep employees over at the Department of Natural Resources on the payroll and that this would be an appropriate place to find the money. Since then, the Federal Government has told us that that's not an appropriate thing to do, in fact, they told us that if we don't put the money back that we could be subject to a penalty of seventeen million dollars (\$17,000,000) and so, we can see that the appropriate thing to do is to simply put the money back into those funds and that's what this Bill would do, in part. We also had the constitutional officers try to make restorations to their offices in our... in our earlier supplemental; the Governor vetoed that. We've tried to restore that money, again, with this proposal. Again, this would go to keep state employees on the payroll. We would also find two (2) additional items that deal with job training grants. We have two (2) items that deal with health care: one is the Illinois Rural Health Care... Illinois Rural HealthNet program, in which we have a twenty-one million dollar (\$21,000,000) federal grant. We need to come up with a match and so this would appropriate two million dollars (\$2,000,000) for that for the grant and three million dollars (\$3,000,000) for costs associated with the health information exchange initiative. And lastly, we appropriated... or we passed substantive legislation earlier in the year to authorize the state to increase the bond indebtedness by thirty-five million dollars (\$35,000,000) specifically for the Coal Development Fund. The Governor signed that Bill and this would appropriate the money so that once they sell the bonds the

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Department of Commerce and Economic Opportunity would then be able to spend the money on funds... or on projects that are... that are helpful to advancing Illinois coal and for the guidelines that exist for that. So, that's what the Bill does. I'd be happy to answer any questions. And I'd ask for your 'yes' vote."

Speaker Madigan: "The Gentleman has moved for the passage of the Bill. Is there any discussion? There being no discussion, 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 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Myers."

Myers: "Thank you, Mr. Speaker. I'd like to announce that the Commission on Government Forecasting and Accountability will meet immediately after Session is concluded in Room C-1 of the Stratton Building immediately after Session."

Speaker Madigan: "There being nothing further to come before the House, the Chair is prepared to adjourn until 9:30 tomorrow morning. Representative Currie moves that the House stand adjourned until 9:30 tomorrow morning, providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until 9:30 tomorrow morning, providing perfunctory time for the Clerk."

Clerk Mahoney: "House Perfunctory Session will come to order. Introduction and reading of House Bills-First Reading.

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House Bill 6734, offered by Representative Krupa, a Bill for an Act concerning business. First Reading of this House Bill. There being no further business, the House Perfunctory Session will stand adjourned."