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Speaker Lang: "The House will be in order. We shall be led in prayer today by Lee Crawford, the Pastor of the Cathedral of Praise Christian Center in Springfield. Members and guests are asked to refrain from starting their laptops, turn off all cell phone and pagers, and rise for the invocation and Pledge of Allegiance. Pastor Crawford."

Pastor Crawford: "Let us pray. Gracious God, our Father, who art in Heaven, it is because of Your divine and tender mercies that we are not consumed. It is because of Your precious compassions, they fill us not. Father, we're thankful this day for Your mercies, for they're new unto us, even this morning. I pray now sovereign and most gracious God in Heaven, today that You would invoke Your blessings upon this august assembly, Your blessings upon the Speaker of this House, Your blessings upon its Leader, as well as its Members. Father, may they be empowered with Your wisdom, with Your insight. May they be empowered with Your strength and with Your might. May they be empowered today with Your spirit and with Your guidance. I pray that they have a heart, that they have a mind, and that they have a will to do that which is good, to do that which is the perfect will of God, to do that which is precious in Your sight. This we pray and ask in Your most precious Son's name, Amen."

Speaker Lang: "We will be led in the Pledge of Allegiance today by Representative Nybo."

Nybo - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands,

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one nation under God, indivisible, with liberty and justice for all."

Speaker Lang: "Roll Call for Attendance. Leader Currie. Leader Currie."

Currie: "Thank you, Mr. Speaker. Please let the record reflect the excused absences of Representatives Hernandez, May, and Yarbrough."

Speaker Lang: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Coladipietro is excused on the Republican side of the aisle today."

Speaker Lang: "Thank you, Mr. Bost. Mr. Clerk, take the record. 113 Members present, there is a quorum and the House is ready to do the business of the people. The Chair recognizes Mr. Jackson for a point of personal privilege."

Jackson: "Mr. Speaker, personal privilege. I would like to introduce the replacement for Mr. Thomas Holbrook of the 113 District, my new seatmate, Mr. Scott Penny."

Speaker Lang: "Welcome to the House of Representatives. The Chair recognizes Representative Penny."

Penny: "I'm very honored to be here. My background is law enforcement and village administration. I've had a wonderful experience so far this morning and I look forward to working with everyone in the room. Thank you."

Speaker Lang: "Thank you, Representative. Welcome aboard. Mr. Winters."

Winters: "Thank you, Mr. Speaker. I rise, also, on a point of personal privilege and..."

Speaker Lang: "State your point, Sir."

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Winters: "The point is that Representative Karen Yarbrough is not here today and I thought it was appropriate that we all understand what she is doing. I talked to her earlier this week and as one of the residences of R2D1, one of the greatest apartment buildings in Springfield, I wanted to make sure that my tenants were there. Karen will be in Rome for a week, at the compliments of the Vatican and the Italian Government to honor her role in ending the death penalty in Illinois. The ceremony will be done at the ancient Roman Colosseum, be lit up at night. And I think that this is a very high honor. I was on the opposite side of the fence on the issue, but I do honor, and I think we all should honor Karen for her great accomplishment in... in passing that legislation."

Speaker Lang: "Thank you, Representative. The Chair recognizes Mr. Unes."

Unes: "Thank you, Mr. Speaker. I rise for a point of personal privilege."

Speaker Lang: "Please state your point, Sir."

Unes: "Mr. Speaker, while we were adjourned, one of our colleagues was presented with a very special honor in the Peoria area. The Tom Connor Service Award was presented to Representative David Leitch and it's a award that's very well known in the Peoria area and gives recognition to a community volunteer who has for years worked diligently to make a difference in our community. And I just wanted to recognize and congratulate our colleague, Representative David Leitch."

Speaker Lang: "Congratulations, Representative. Mr. Clerk."

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Clerk Bolin: "Agreed Resolutions. House Resolution 627, offered by Representative D'Amico. House Resolution 628, offered by Representative D'Amico. House Resolution 629, offered by Representative Jerry Mitchell. House Resolution 630, offered by Representative John Bradley. House Resolution 631, offered by Representative John Bradley. House Resolution 632, offered by Speaker Madigan. House Resolution 633, offered by Representative Kay. House Resolution 634, offered by Representative Reis. House Resolution 636, offered by Representative Saviano. House Resolution 637, offered by Representative May. House Resolution 638, offered by Representative Brown. House Resolution 639, offered by Representative Brown. House Resolution 640, offered by Representative Nekritz. House Resolution 641, offered by Representative Feigenholtz. House Resolution 642, offered by Representative Lang. House Resolution 643, offered by Representative Tracy. House Resolutions 644, and 645, and 646, offered by Representative Brauer. House Resolution 647, offered by Representative Verschoore. House Resolution 648, offered by Representative Cavaletto. House Resolution 649, offered by Representative Cavaletto. House Resolution 650, offered by Representative Connelly. House Resolution 651, offered by Representative Lilly. House Resolution 652, offered by Representative Lilly. House Resolution 653, offered by Representative Will Davis. House Resolution 656, offered by Representative McAsey. House Resolution 657, offered by Representative Riley."

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Speaker Lang: "Leader Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. The Motion is adopted. Mr. Clerk, on page 4 of the Calendar, under... Mr. Clerk, Committee Report."

Clerk Bolin: "Representative McCarthy, Chairperson from the Committee on Personnel & Pensions, to which the following measures were referred, action taken on November 29, 2011, reported the same back with the following recommendations: recommends be adopted Floor Amendment #2 to Senate Bill 1762."

Speaker Lang: "On page 4 of the Calendar, under the Order of Senate Bills-Second Reading, appears Senate Bill 1609. Please read the Bill."

Clerk Bolin: "Senate Bill 1609, a Bill for an Act concerning State Government. The Bill was read for a second time on a previous day. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Currie, has been approved for consideration."

Speaker Lang: "Leader Currie."

Currie: "Thank you, Speaker. I move adoption of Amendment #2 to Senate Bill 1609. This would change the date upon which the Governor presents to us his budget address for the coming fiscal year from the third Wednesday in February to the fourth Wednesday in February. This change was not requested by the Governor. It was requested by us because we're not going to be here the third Wednesday in February and if we don't approve this change, the odds are good the

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Governor will have to call us in. So, I encourage adoption of the Amendment and passage of the Bill on Third Reading."

Speaker Lang: "The Lady moves for the adoption of the Amendment. On that question, the Chair recognizes Mr. Biss."

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

Speaker Lang: "The Lady yields."

Biss: "One quick question of clarification. In House Amendment #2 on page 3 and line 17, the Bill inserts the words 'budget statements' in a Section on reporting requirements. Could you explain the... the role of this insertion?"

Currie: "Yeah. It's a technical change. It doesn't make any substantive changes to reporting requirements, doesn't impose any new requirements. It's just to reconcile some conflicting changes that were made by several different Public Acts. So, it's a technical correction only."

Biss: "Thank you very much."

Speaker Lang: "David Harris."

Harris, D.: "A question please of the Sponsor?"

Speaker Lang: "The Lady yields."

Harris, D.: "Representative, you mentioned that if we weren't here the Governor would have to call us in. Could the Governor give his message to an empty chamber?"

Currie: "I suppose that would be his alternative."

Harris, D.: "Thank you."

Speaker Lang: "Those in favor of the Amendment say 'yes'; opposed 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk."

Clerk Bolin: "No further Amendments. No Motions are filed."

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Speaker Lang: "Third Reading. Please read the Bill for the third time."

Clerk Bolin: "Senate Bill 1609, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Lang: "Leader Currie."

Currie: "Thank you, Speaker. The Bill was thoroughly explained on Second Reading. I appreciate your 'aye' votes."

Speaker Lang: "Those in favor of the Bill shall vote 'yes'; opposed 'no'. The voting is open. Representative Chapa LaVia and Franks. Have all voted who wish? Please take the record. On this question, there are 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Moving down the page, Senate Bill 1830. Mr. Clerk."

Clerk Bolin: "Senate Bill 1830, a Bill for an Act concerning regulation. The Bill was read for a second time on a previous day. No Committee Amendments. Floor Amendments 1 and 2 have been adopted. No further Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Please read the Bill for a third time."

Clerk Bolin: "Senate Bill 1830, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lang: "Leader Currie."

Currie: "Thank you, Speaker and Members of the House. In early 2010, in response to a... a terrible disaster at the Burr Oak Cemetery in Alsip, Illinois, the General Assembly made significant changes to our cemetery and funeral requirements. Those changes, however, have created some

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significant problems for some of the particularly small cemeteries, especially in downstate Illinois. Legislation has passed this chamber previously, and also the Senate. And so, what this measure does is to take agreements between the Senate and the House, does not change the basic, regulatory frame work that we adopted in... in response to the Burr Oak problem, but it does make changes that will make it possible for those small cemeteries to continue operating. I would appreciate your support, and I would be happy to answer your questions."

Speaker Lang: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. Moffitt."

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

Speaker Lang: "The Lady yields."

Moffitt: "Representative, it sounds like a lot of work has been done to come to an agreement. Certainly that was not the case at the start. I mean, it... there were still a lot of people opposed. So, are there any opponents at this point?"

Currie: "There are no known opponents."

Moffitt: "Okay. And on the small cemeteries, are there some... the smaller ones some that have a very..."

Currie: "Are they what?"

Moffitt: "...limited number of burials, do they have to have any license or any... would they have to have a license to operate or will there be an annual fee?"

Currie: "Yeah. And you will... you will. You'd have to be licensed unless for some other reason you were exempt. But I... I think the important thing here is that a lot of these



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small cemeteries, under the Bill that we originally passed, are going to find it financially impossible for them to continue their work. And part of the point of this Bill is to ease financial requirements on those very small operations so that they don't turn the cemeteries over to us. We have enough financial problems of our own."

Moffitt: "And we have... what would be the definition of one that would not have any financial burden now from... added to them from this? Is it based on number of burials or... what's it based on?"

Currie: "The... the exempt... the current exemptions are based on the... on the number of burials also the size."

Moffitt: "And what... what would that number be?"

Currie: "Could... could you repeat that question?"

Moffitt: "What is that number? What's the threshold of number of burials where they'd have to be..."

Currie: "Yeah."

Moffitt: "...would not be exempt?"

Currie: "Under three acres would be one of the grounds for exemption. And if you haven't done a burial in the last 10 years, you would be exempt, as well. Now, there are many small cemeteries that will continue to be licensed and regulated under this measure, and that was true under the Bill that we... that already is law. But we are trying to ease the financial and regulatory burden for those smaller operations."

Moffitt: "And... and you feel you have done that with this Bill."

Currie: "I do."

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Moffitt: "And... and I appreciate that because that's been my concern. I did not vote for the other Bill, that it was undue regulation, undue cost on those. And I know some of the small cemeteries downstate where they'd have a board, that the board was going to resign..."

Currie: "Exactly. Exactly. And..."

Moffitt: "...and there was going to be no one. So, we would not have accomplished anything with that."

Currie: "Exactly. And as I say, we have enough fiscal problems of our own. I don't think we want to be picking up the fiscal responsibilities of all those smaller downstate and rural cemeteries. And I believe without passage of this Bill, we run the risk that that's exactly what will happen."

Moffitt: "Yeah. Initially, it was like one size fits all. This is recognizing that's not the case."

Currie: "That's exactly right."

Moffitt: "Thank you."

Speaker Lang: "Mr. Brady."

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

Speaker Lang: "The Sponsor will yield."

Brady: "Leader Currie, I think in... in page 77 of the legislation you're speaking to, there's a change in the definition of the means of cremation allowing for what is referred to, for those not in the industry, is green cremation. For those in the industry, it is referred to alkaline hydrolysis."

Currie: "This is... yes."

Brady: "Can you... can you explain to me that..."

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Currie: "And it was..."

Brady: "...particular change?"

Currie: "Could you restate the last part of your question, Sir?"

Brady: "Sure. If I'm not mistaken, in the Bill on page 77, and I hope my colleagues... even though this is an issue that many of us wish we weren't having to deal with again... in that legislation, I believe it was page 77, it refers to as a change in the means of cremation from what is referred to as tort cremation to green cremation, for those not in the industry, or alkaline hydrolysis, which is using a water alkaline base for cremation. And that... that's going to, if I understand it correctly the way it's written, allow that process to begin in the State of Illinois. Is that correct?"

Currie: "I believe this is identical language to language adopted with a very significant... a majority by the House last year under your own sponsorship."

Brady: "And so, what... what I missed in the Bill was... where... where's the Illinois EPA... departments, or any other agencies when we're talking about making a significant..."

Currie: "Yeah."

Brady: "...change from the way the means of final disposition of cremation is carried out to this means now of a new process commonly referred to as green cremation."

Currie: "The Environmental Protection Agency would still have to do permitting under... under this language just as it would've under the language you... you offered last year."

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Brady: "Okay. Well, in the Bill it says that the department... the Department of Professional Regulation would still have the rulemaking authority that... not the Illinois EPA."

Currie: "No, but the I... IEPA would still have to... to deal with any kind of effects with respect to air pollution, so they would continue to have that authority."

Brady: "Well, this... this wouldn't be air pollution. This would be contamination possibly of our soils."

Currie: "Right. Okay. Soil. Right."

Brady: "So, I hope, Ladies and Gentlemen, heard that concern that I think the Bill is not... not very clear on, to say the least. Next, I... I wanted to share with my colleagues on both sides of the aisle that many times we have legislation here, Ladies and Gentlemen, that has some good in it, has some bad in it. Once again, we're faced with that in... in this particular piece of legislation because, quite frankly, it has a number of good initiatives that I helped write dealing with small cemeteries and exempting them out of areas that they never should have been put into in the first place. But that being said, there is still some troubling things for me and the manner, and I know many of us have issues with the manner of things down here once in a while, the process, but I think many of you know obviously my background as a funeral director, former cemetery employee, and coroner, and the list goes on. I think many of you know my involvement with my legislation of task force. Many of you probably know and some have served with me on the Governor's task force after the situation that occurred at Burr Oak Cemetery. But what

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happened prior to Thanksgiving, the best I can put together, is secret meetings occurred and some individuals in wolf's clothing covered themself... themselves in sheep's clothing and they all got together and they decided that they would push for using the cover of small cemeteries so the larger, for-profits in the State of Illinois, much whom have been responsible for our problems in this industry in the State of Illinois, could use those small cemeteries and say we're working to get exemptions made for them. We're going to implement some of Representative Dan Brady's ideas, but on the backside we hope nobody pays attention to some of the things we're going to change. And one of those things that's... that's troubling is the change that in the Senate Bill, and Representative... or Leader Currie, correct me if I'm wrong here, we are going to have a change to allow the Comptroller to regulate crematories in the State of Illinois."

Currie: "Representative, that's current law. And under an agreement between the Comptroller, the Department of Professional and Financial Regulation, and the Governor's Office, the decision was made to retain that authority within the office of the Comptroller. Our Comptroller has a very good track record in this respect. And following some tragedy in Georgia..."

Brady: "But wait. Wait a..."

Currie: "...a lot of other states are following precisely our model."

Brady: "Well, let me back up here, Leader, if I can for just a minute to take your comments. I believe the Cemetery

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Oversight Act law had the change implementing from the Comptroller's Office to the Department of Professional Regulation, the enforcement Act for cremations."

Currie: "But... that is correct, but the point... the point I'm making is that there had been then... since then, an agreement between the Comptroller's Office, the Governor's Office, IDFPR to re... to leave that regulation within the hands of the Comptroller whose track record is excellent. And as I say, following a disaster in Georgia, a lot of other states are following this model when they are crafting new legislation to avoid that kind of tragedy."

Brady: "Could... could you point to me where the track record is excellent for the Comptroller in this area? 'Cause I know you're not referring to Comptroller Hynes who previously was involved in regulations of cemeteries in this authority in the State of Illinois."

Currie: "So, I haven't..."

Brady: "So, I know you can't be referring to him. So, you must be referring to our present Comptroller."

Currie: "Yeah. And we don't know. It's not been long enough for us to know, but no one has..."

Brady: "Well, wait a minute. You just said they had a great track record."

Currie: "Nobody... no... well, we've seen no problems with the regulation of crematories. The problem that led us to that Bill in 2010 was a problem with, as you will recall, a cemetery, not a crematory."

Brady: "So, in approximately..."

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Currie: "And the auditing and investigative functions currently performed by the Comptroller's Office have, to my knowledge, been performed adequately, appropriately. There's no reason to duplicate those activities someplace else. And as I say, the track record to date looks pretty good. If over time we develop a problem, I'm sure that you and I can work together to make a change."

Brady: "Leader, I always look forward to working together with you. Unfortunately, I wasn't allowed in the last few meetings working with those individuals who have crafted what stands before us and some results. It would've been nice to have been in those meetings. And you know, just to back up for just a minute, and I want to make sure I just clear the air on this. So, the over roughly 1500 complaints, largely about for-profit cemeteries and crematories in the State of Illinois has come to the Comptroller's Office, the Attorney General's Office over the last several years. That is setting up that we haven't had any problems in the crematory industry. Is that correct, in the state?"

Currie: "Well, all I can tell you is there are 33 stand-alone crematories, 56 that are affiliated with funeral homes, 17 that are affiliated with and located in cemeteries. And again, I have not been privy to information suggesting that what the Comptroller's has done through its audit and investigative staff is not adequate to the task."

Speaker Lang: "Mr. Brady, can you bring your remarks to a close, Sir?"

Brady: "Actually, I was just warming up, Mr. Speaker."

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Speaker Lang: "Well, Mr. Brady, we have other people that want to speak to this Bill."

Brady: "Good. Thank you. And... and I will and do that here very shortly. Ladies and Gentlemen, to the Bill. I want to just point out a couple things. And I know that many of us are in... between a rock and a hard place on this Bill because the help that it gives to local cemeteries, and I know that small cemeteries 'cause I wrote that or a lot of it, but I... I do want to share with you a lot of work that was done by a task force that the Governor put together. And quite frankly, the Governor's going back on what he had been supportive of in the recent agreements, from what I understand, but the number one recommendation was consolidation of the Regulatory Authority of Funeral and Burial Practices and the Department of Financial and Professional Regulation. That was the number one recommendation from that task force that hold... held many hearings and had many people working on it. So, in the end results, what we have, to try and bring things to a close, is deals that were cut and made a few weeks before Thanksgiving here, excluding Representative Monique Davis, who actually had the first trailer Bill on this, was not even invited by her own to be at that meeting, which should be troubling to me. Secondly, we're going to change the authority and we're going to say that we're going to investigate and respond to problems in cemeteries with the Department of Professional Regulation, but we're going to have the Comptroller's Office regulating the crematories. Some of the largest crematory facilities sit on the



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cemetery grounds across the State of Illinois, as the Leader just alluded to. We're also going to do that, and one of the means we're going to raise revenue is we're going to raise the cost of death certificates in the State of Illinois, to have split agencies trying to enforce some of these Acts. Now, to me, trying to grow government that way is not a very sound Republican measure in which to do practice, but I will simply close with this. It's unfortunate that I have to stand here and tell you, after all the work that I've been involved with and my background, that ideas are put forth to protect and help small cemeteries who are doing things by the book all while they're being used for cover for the larger for-profits who have a very questionable history in this state, some of them, and how they serve the general public. I would ask you to be very careful, Ladies and Gentlemen, about this legislation. I wish we didn't have to do this today. I wish there was more time to have some open dialogue that we all talk about, more open process here in Springfield, but that's not going to happen. Therefore, I'm going to be voting 'no'. And I do that reluctantly because an Amendment that I asked to be part of the Bill was not considered to be part of the Bill that would've helped resolve a couple of these areas. Thank you very much, Mr. Speaker."

Speaker Lang: "Members, there are still six of you that wish to speak on this Bill. It's on Short Debate. I have not used the timer, but please be as brief as possible in your questions and comments. Mr. Pritchard."

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

Speaker Lang: "The Leader yields."

Pritchard: "Leader, this Bill, and we've been talking about small cer... cemeteries that were exempted from this provisions. What about those cemeteries that have more burials, a few number, but certainly some burials, how are they treated in this legislation?"

Currie: "They are not exempt if they've had burials within the last 10 years, but we... in under this Bill, we have reduced fees, we have shortened regulations, and we have also reduced maximum monetary penalties. That is why the..."

Pritchard: "And if they have more than 25 burials in each of the last 2 years, would they be treated then as a large cemetery?"

Currie: "Yeah. They would be regulated. Abso... that doesn't change under this Bill, except that there have been some reductions in fees and some reductions in... in maximum penalties."

Pritchard: "And that was part of my question. Is it the fees are going to be larger for those that have a small number, but more than 25. This Bill also talks about a waiver of fees. Do you know on what basis the department would waive fees?"

Currie: "The department will... can... under this legislation, the department has the authority to offer a waiver, and I assume that that would happen when you have a small cemetery run by a volunteer board; a cemetery that doesn't have any real resources."

Pritchard: "I would..."

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Currie: "And those, of course, are the very cemeteries that brought these issues to our attention. There seemed to be a suggestion that a lot were going to just plain go out of business and leave their cemeteries for us to manage. And I don't know that from a fiscal perspective or a management perspective, that the Illinois General Assembly wants to say that our state, because we didn't set the right framework, is going to have to take care of all these cemeteries that otherwise were in good hands."

Pritchard: "Well, and... and I agree with you and I hope that doesn't happen. And I hope it also doesn't happen that the cemeteries dissolve and require the townships to pick up the... that responsibility."

Currie: "Well, and in fact, the Township Association does support this measure because that, of course, was the other risk."

Pritchard: "Well, I appreciate many of these changes that have been made. To the point about crematoriums though, you mentioned that the current Comptroller has a... a good record at managing, but didn't we have the problem with Burr Ridge under the former Comptroller?"

Currie: "But that was not a crematorium. That was a cemetery. The... the distinction that I'm making is between crematoriums and cemeteries. My point is that the crematoriums have traditionally been regulated by the office of the Comptroller, both in terms of audits and investigations. The tragedy at Burr Oak was not about a crematorium that had not been adequately regulated, it was about a cemetery. And in this Bill, ceme... the... the

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structural framework we set following Burr Ridge has not been changed, not altered, under this Bill."

Pritchard: "Well, but my point is that we had a problem with the Comptroller regulating this issue..."

Currie: "We did not..."

Pritchard: "...even though it wasn't crematoriums, but they were regulating this issue. And... and I fail to see the logic of not including crematoriums under this... under the regulation of the Department of Professional Regulations."

Currie: "Again, I can only point to the fact that there was not a problem with the Comptroller's regulation of crematoriums. And an agreement between the Comptroller's Office, the Governor's Office, IDFPR, a witness support of all these groups that... like the Township Officials says let's leave that where it has traditionally been. If problems develop down the road, Representative, I know that you and I will work closely together to make sure we fix them."

Pritchard: "I would be happy to. And I also would make the final request that in the spirit of cooperation and a bipartisan collaboration, that in the future, people that have a vested interest be included in the negotiations of our final Bill language. Thank you."

Currie: "I appreciate your comment."

Speaker Lang: "Mr. Franks."

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

Speaker Lang: "The Lady will yield."

Franks: "Thank you. Representative, why do we need this Bill?"

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Currie: "We need it because there are a variety of small... a large number of small cemeteries, primarily downstate, that are finding the new regulations, and fees, and fines so difficult to manage that they're about to go out of business. They're about to... volunteer boards are about to turn their backs on cemeteries. Some of... many of which... most of which have been in existence for well more than 100 years. They have come to us and they have said, we're going to walk away. And when they walk away, either the township or the State of Illinois is going to have to manage and pay for those cemeteries. So, responding to those issues, we have not made a... a structural change but we have said, yes, we can relieve some of the fees and fines. We can relieve you of some of those regulations that are so burdensome you can't manage."

Franks: "Is this is response to the Bill that we had passed last year with the crisis in Chicago?"

Currie: "This is a trailer to that. That was in early 2010, and actually this House did pass follow-up legislation in, I believe, the spring. This measure before you now is a little bit different. It tries to... tries to... to work with a different... a slightly different measure that passed the Senate. So we looked for areas of agreement between the House and the Senate, and that's what you see in Senate Bill 1830. The Catholic Conference, the Township Officials, the Illinois Funeral and Cemetery Association all stand in strong support of this measure."

Franks: "Let me ask you specifics. Are there any fee increases in this Bill?"

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Currie: "There is one fee increase and that has to do with death certificate. There are 52 fee reductions."

Franks: "Okay."

Currie: "So, you know, on balance... on balance the fee structure is lower, but there is one specific fee that goes up."

Franks: "Okay. And I noticed that you are limiting the amount of the criminal penalties. You're actually reducing those from 10 thousand to 8 thousand. I'm... like to know the rationale for that."

Currie: "Again, this was a negotiation between the cemeteries, the Department of Financial and Professional Regulation, the Governor's Office and, again, this has the support of the department that is charged with the regulating."

Franks: "Well, no, I... I understand. I just don't understand why we'd ever reduce a criminal penalty when we had such outrageous occurrences in Chicago."

Currie: "It isn't a criminal penalty. It's a disciplinary action, and it may be that we overreached when we set it at \$10 thousand, especially since... and that could mean someone left the grass too high."

Franks: "Oh. Well, that's a different issue."

Currie: "You know, you can be disciplined for leaving the grass too high. Well, if you didn't get your mower sharpened early enough in the spring, it's a little harsh to hit somebody with a \$10 thousand fine."

Franks: "And I... I also noticed that it looks as though we had deleted... or this Bill would delete fingerprint requirements."

Currie: "For some..."

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Franks: "What's the rationale?"

Currie: "For some because some of the people that continue to be regulated are the managers and the customer service representatives. The guy who cuts the grass, you know, we didn't think that person needed to undergo a fingerprint background check. So, there are costs associated with.. with imposing that kind of requirement. People who have nothing to do with the relationship between the customer and the cemetery, people who are ancillary employees, we don't see any reason why we should have said in the beginning that they need to be fingerprinted."

Franks: "But the other ones who would have direct contact with the deceased..."

Currie: "Yeah."

Franks: "...would still have to be fingerprinted."

Currie: "Anyone who has contact with the family will still have the fingerprint check, and these other ancillary employees, the guy who's mowing the lawn, we'll still be doing a background check, just not the fingerprint check."

Franks: "Thank you."

Speaker Lang: "Representative Monique Davis."

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

Speaker Lang: "The Lady yields."

Davis, M.: "Thank you. Leader Currie, you do know the reason for the original legislation was to protect those who use cemeteries from being violated at their neediest time. You do know that Burr Oak occurred because of the total lack of regulations in the State of Illinois of cemeteries. Now, I

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know they don't want to be regulated. It's one of the few businesses in the State of Illinois that just don't want any regulations. And I really find it hard to swallow, hard to swallow, that the only fee increase goes to the families of the people who have died. There's no increase for the cemetery to monitor what they should be doing. Now, the purpose of this legislation, the original piece, was to prevent another Burr Oak. And personally, no... nothing against you, I see absolutely nothing in here that will prevent another Burr Oak. All I see that we have done is increase the fees, for people who have died, on their families. And I... I don't like that. Why didn't we charge the cemeteries the \$2 per burial?"

Currie: "Well, in fact..."

Davis, M.: "Why didn't we make them have to pay?"

Currie: "In fact, we're reducing 52 fees that ultimately are paid by the family in this Bill. And when it comes to a strong, regulatory framework, when it comes to preventing future Burr Ridges, this is going to be... Burr Oaks, this is going to be as far as I can tell, after passage of 1830... Senate Bill 1830, Illinois will have the strongest regulatory structure in this country. Our state regulation will be stronger than cemetery regulation in any other state. I believe that in the wake of the tragedy, we may have overreached. We may have created some problems that mean that smaller cemeteries are just going to walk away. That is not good public policy."

Davis, M.: "Let me ask this question."



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Currie: "So, this effort is not to undercut the ability of our regulatory agency to prevent future tragedies, but it is to make sure that it's a reasonable proposition that the regulation is not so heavy-handed that people are pushed out of the business."

Davis, M.: "Leader Currie, let me ask this question. If I go into a cemetery and I want to know where my person is buried, what are the protections that are left in your legislation to help these people identify where their loved ones are buried?"

Currie: "And under the legislation adopted in early 2010, we have created a database, a database that is kept by the state that means every cemetery has to identify where every body is buried. And that was the right response, absolutely the right response, after that terrible tragedy. That is in place and nothing in this Bill... nothing in this Bill undercuts the responsibility of every cemetery to make sure that we know where the bodies are buried."

Davis, M.: "Well... Thank you, Rep... Representative. To the Bill, Mr. Speaker. I just think we're leaving cemeteries, once again, unregulated. Maybe that's what we want to do. My question, and my final question, to this Body is, are we afraid the cemeteries will leave and take their stock with them. Maybe they'll take that property that they have with them if they leave our state. Maybe that's why we're fearful of putting in strong regulations against cemeteries. There are over 27 cemeteries in my district and I want them to be responsible for the... to the people who use them. I'm not going to urge a 'no' vote, because I

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think perhaps people are kind of tired of meeting, and some are tired of being excluded from the meeting, so maybe we ought to let the Bill pass."

Speaker Lang: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker. I think we're... we're making a lot more of this than it really is. This... this thing has been a work in progress for a couple years. This trailer Bill is in response to the hard work that JCAR did in deliberating the rules and trying to fit the rules into... to the previous law that we passed, which was somewhat burdensome. This trailer Bill brings some common sense to the law, to the rulemaking sense, in that this will allow the Bill... the... the law to be enforced. Talking to people at DPR, some of the enforcer provisions were so burdensome and so not cost effective that it was ridiculous to try to overstep the bounds, as the Sponsor said. We overstepped to the point where the law wasn't worth the paper it was written on. This is a commonsense trailer Bill which was promised to us over at JCAR. I strongly urge your support. We will continue to look at this as it progresses, and probably have to fine-tune it, but this is necessary. It's a necessary piece of legislation to clean up some things that were in a previous law that just didn't make sense. And I would ask for an 'aye' vote on it."

Speaker Lang: "Mr. Dunkin. Mr. Dunkin passes. Mr. Eddy."

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

Speaker Lang: "The Lady yields."

Eddy: "Rep... Representative Currie, I remember the... the difficulty that small cemetery, especially voluntary,

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religious, and township cemeteries had with the Bill that we passed. I had lots of calls. And in fact, the biggest concern I had was that these cemeteries, in some cases, were going to be abandoned."

Currie: "That's exactly right, and that... that was the fear that lead to the drafting and the offering of Senate Bill 1830. The townships don't want to have to take responsibility. They can't afford it. Neither does the state. We can't afford it."

Eddy: "So, when..."

Currie: "But we have small volunteered..."

Eddy: "Yeah."

Currie: "...cemeteries who told us that under the Bill that we passed in 2010, they were going to walk away."

Eddy: "And... and I had multiple calls like that, and I think the Farm Bureau and other organizations got involved and they said, hey, we really have to do something for these small cemeteries. Now, as I read this Bill, I understand that many of the concerns of those small cemeteries have been addressed, and I appreciate that part of the Bill. The part of the Bill that I'm... and... and I'm not sure why we're doing it this way... that I'm concerned with this that a group met, there were multiple meetings related to oversight problems at, especially large for-profit operations, and they came up with a lot of changes, a lot of regulations. Now, the previous speaker mentioned that maybe there was an overreach, and you had mentioned maybe there was an overreach. My question is, there wasn't any real disagreement about what we needed to do for small

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cemeteries. Everybody... but there still seems to be at least some concern that maybe some of the regulations we're pulling back are necessary. Why... why are these two seemingly different problems rolled up into one Bill?"

Currie: "So, I... I would say that for even the larger cemeteries, the licensure requirements for the guy who's mowing the lawn may have been excessive. The fines that could be allocated by the department, whether you're a little cemetery or a big cemetery, 'cause the grass is too high, might be excessive. To me, the important thing is that there is a strong regulatory structure within the Department of Professional and Financial Regulation, there is. To me, it is critical that there continues to be, at the state level, a database; a database of where and who is buried in what plots. And in fact, there's an improvement in this Bill because the cemeteries are going to have to provide maps, not just the raw information, but the maps. Now, I can tell you that a lot of cemeteries never liked the database. But if you want to prevent the tragedy that we saw at Burr Oak, if you want to make sure that we have a strong regulatory structure, to me, that is key and critical. And I would say requiring that they provide us with maps is equally important. So, I would say that in many respects this measure strengthens what was already on the books, but it does recognize that you don't have to special licensure for everybody in a cemetery area."

Eddy: "Well, and... and I don't disagree that perhaps there was some of that. Here's a sufficient financial resources requirement that was in the original Bill I think came out

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of the fact that we're still struggling today with families being reimbursed or... or having some way to have compensation provided based on what happened at... at Burr Oak. So, the... the reform Bill had a licensure requirement that they had to demonstrate sufficient financial resources to comply. This eliminates that. Shouldn't..."

Currie: "Only..."

Eddy: "...we have something for sufficient financial resources that has teeth in it?"

Currie: "Let... let me just say that that will continue to be a requirement for any newly created cemetery authority. The preexisting ones, most of them have been around for a century or more, and what we are going to do is to let... make sure that we can find out what resources they have available actually to do the job. But to establish this new sufficient financial resources is one of the reasons all those small cemetery volunteer boards said we are out of here, we are walking."

Eddy: "But... but for large cemeteries, for-profit cemeteries, to remove the good moral character requirement, the Code of Conduct, an ethic requirement that was in the original Bill, seems to me like that's debatable that maybe some of those things should remain in and this would be much easier to look at if we were separating those that really have the problem from those who are the large for-profit."

Currie: "They're going to have to show us what their assets and liabilities are. In effect, they're going to have to show us their finances. They are not, not, out of any

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responsibilities of showing about ethical conduct or good conduct. That is not in this Bill."

Eddy: "Who... who do they show their statement of assets and liabilities?"

Currie: "To the Department of Professional and Financial Regulations."

Eddy: "So, they're still in charge of that portion."

Currie: "Yes."

Eddy: "It's just written differently. What's the difference then between sufficient financial resources requirement and simply showing someone a statement of assets and liabilities?"

Currie: "I think..."

Eddy: "Will the department be able to determine based on the showing of assets and liabilities? Do they still have the authority to say, you don't have sufficient financial resources?"

Currie: "They can... they can deny an application for that reason, or for a bunch of other reasons."

Eddy: "What about good moral character requirement or the Code of Conduct and ethics? Why... why would we remove those? I... To the Bill. Representative, I... I think that this contains a lot of the things that are necessary, and I've heard from Farm Bureau that this is something they support. There's a... there's a variety of organizations that support this and I understand why, the Township Officials of Illinois... But what... what I would rather see is the opportunity to vote for a Bill that satisfies the real concerns of those who had legitimate... real legitimate problems managing the

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onace... onerous problems with the original Bill rather than to see this rolled this way so that some of the regulations that seemed reasonable on the larger for-profit cemeteries wouldn't be eliminated. We're kind of in a trick bag. If you vote against this, you're in a situation where you're voting against your small cemeteries. If you vote for this, you're voting to allow some regulations that, at the time seemed to be the right thing to do, to be eliminated. It's a difficult vote. I'm not sure how I'm going to vote on the Bill, but I certainly have some concerns if we throw all this stuff together, and the appearance of this just isn't right. Thank you."

Speaker Lang: "Mr. Kay."

Kay: "Thank you, Mr. Speaker. Does the Sponsor yield?"

Speaker Lang: "The Lady yields."

Kay: "Leader Currie, one quick question. We are collecting a \$2 fee as I understand it with this particular Bill, and..."

Currie: "We are establishing a \$2 fee for the death certificate to provide..."

Kay: "Right."

Currie: "...resources for the department to regulate the industry."

Kay: "Correct."

Currie: "We are also reducing or eliminating 52 fees..."

Kay: "Correct. Now, I... I..."

Currie: "...that were in the Bill as originally adopted."

Kay: "Yes. I... I understand that. My... my question is this. I'm looking favorably at your Bill; however, my question is this. Of the fee collected, would the aggregate of that

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fee be used to help cemeteries that go bankrupt wherein cemeteries no longer can maintain their facility or open graves?"

Currie: "First of all, this is an increase and this increase, the \$2 increase, would go to the department. Of the money that already is required, there is a special fund that is supposed to help precisely those cemeteries you described. That does not change under this Bill. So, the fund that will have helped the distressed, the cemeteries without resources will still be available for that purpose."

Kay: "So, your... your answer is yes with respect to those cemeteries that may for some reason fall on hard times, they can't provide services. The money then that is... that's taken in, the \$2 in the aggregate, could be used to help boot-strap these..."

Currie: "No."

Kay: "...cemeteries back up and make them..."

Currie: "Yeah. Well..."

Kay: "...operational."

Currie: "...except the fee that's already in place would... has a fund that is available precisely for that, and the additional \$2 on top is... is really for the enforcement of the program."

Kay: "Okay."

Currie: "So, there will be money available, but it isn't a directly... this extra \$2."

Kay: "I think you're saying yes to my question."

Currie: "I'm saying there's money available for the distressed cemeteries. You got it."



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Kay: "Thank you, Representative."

Speaker Lang: "Mr. Sacia."

Sacia: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Brady."

Speaker Lang: "Mr. Brady, do you need more time, Sir? You don't have to take it. It'd be all right if you didn't take it."

Brady: "Thank..."

Speaker Lang: "I guess you do."

Brady: "Thank you, Mr. Speaker. I'll be brief. Thank you. Will the Sponsor yield?"

Speaker Lang: "The Lady yields."

Brady: "Leader Currie, are cremations recorded in the database?"

Currie: "I don't know if the Comptroller keeps that information or not."

Brady: "But under this legislation, we're going to allow the Comptroller to enforce cremations. Is that correct?"

Currie: "The... the Department of Public Health, I believe, keeps information about... about crematory deaths."

Brady: "Okay. Actually, it'd be the cemetery itself, and then it'd be transferred to a local registrar, and then eventually, the Department of Vital Records. Which illustrates my point. The various agency regulat... responsible for regulating cemeteries, should be responsible for regulating crematories that sit on cemeteries. It only makes sense. Many others on the task force itself, the same. Ladies and Gentlemen, I just want to, again, emphasize one thing. You're hearing a lot here

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today, and much like a sales pitch in the industry, the death industry, you don't know exactly who to believe. What I can only try and once again articulate is the fact that what I simply ask for after being locked out of ongoing negotiations, what anyone of you would simply ask for after being blocked out of negotiation meetings of something you worked on for years, is the simple courtesy to have an Amendment at least heard by my colleagues on both side of this aisle as it pertains to this Bill. With that Amendment, I think the common ground would've been there allowing me to be supportive of the very things that I crafted for small cemeteries in the State of Illinois. Republican or Democrat alike, I don't think... I don't think, Ladies and Gentlemen, it is too... too much to certainly ask. This Bill doesn't have to be voted today. Let the Amendment go back to a committee, have a hearing, and be brought back to you, Ladies and Gentlemen. I don't think that's anything you wouldn't ask if it was an issue that you had worked on..."

Currie: "What do you..."

Brady: "...and then part of. I simply, therefore, again, have to vote 'no' in the manner in which this Bill is being pushed through on this, the last day now of an extended Veto Session, when there's a more comprehensive and correct way to do this and bring it back to us in a very short period of time, thus protecting the small cemeteries, but clearing up some areas of regulatory authority in cremation and cemeteries. And while it doesn't matter to you on the House Floor, I'm sure right now, if it was your family

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involved in one of these situations, having the proper authority to go to for regulatory relief and help, it might matter then. Again, I reluctantly at this stage will vote 'no' on the Bill."

Speaker Lang: "Mr. Morthland."

Morthland: "Thank you, Mr. Speaker. Briefly, and to the Bill. This Bill has warts. It has imperfections. They have been illuminated, and elucidated, and spoken about during this debate today. However, while perhaps cemetery reform does need to be an ongoing work, certainly the existence of a Body like this that continues to meet shows that the code of this State of Illinois is an ongoing work. I really want to log the hard work by JCAR working with the Department of Financial and Professional Regulators. The Farm Bureau has gotten behind this because this is a crushing situation for small, rural cemeteries. The Township Officials have gotten behind this Bill because it is a crutching situation for local government. We need to pass this Bill. I thank the Speaker, and I urge the Body to pass this Bill."

Speaker Lang: "Final speaker is Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. And I just want to commend the Sponsor for working together on the compromised legislation with a lot of the groups. I've heard from the... I know that the Comptroller's in favor of it, the Department of Financial and Professional Regulation, the Cemetery and Funeral Home Association, Farm Bureau, Township Officials, Catholic Conference, and the Service Corporation International. When we first did the original

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Bill, it created a lot of problems downstate with the... the smaller cemeteries. And we've had the situation actually in my area where cemeteries have been abandoned because of some of the trouble getting trustees, the number of checks that were required. And inside of the Bill, those requirements have been made manageable for a small, family-run, or mun... like a small municipal cemetery, and can help avoid some of the situations where they've actually, as in... as in two within my area, have been just abandoned because there's no one willing to take these volunteer, nonpaid spots, a lot due to the overkill that resulted in a Bill that was necessary to correct some very serious problems, but the solution created a great many downstate problems. And so, I wanted to say thank you for your work and the staff's work on addressing that portion of the issues. And for that, I'd also stand in support of the Bill and ask for an 'aye' vote."

Speaker Lang: "Leader Currie to close."

Currie: "Thank you, Speaker. Just a couple of points: first of all, restoring to the Comptroller's Office the authority to oversee an audit, crematoriums, was in a Bill that was passed overwhelmingly by this House in the spring of 2011. This is not a new issue. Secondly: providing for the legitimacy of an alternate kind of cremation, that too, although apparently a red flag today, was in a Bill that passed this House overwhelmingly during the Spring Session. Thirdly: people have raised questions about whether there will be ethical conduct requirements of cemetery managers, owners, and customer service representatives. Let me read

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you some of that Code. They would have to treat all human remains with proper care and dignity, honoring known religious, ethnic and personal beliefs, protect all confidential information, carry out all aspects of service in a competent, respectful manner, fulfill all written and verbal agreements and contracts, and so on, and so on, and so on. The reality is that the ethical requirements and the background checks for the owners, the managers, and the customer service representatives will make sure that the regulatory program we adopted in 2010 continues to be the strongest regulatory program for cemeteries in this... in the United States of America. This Bill does have the support of the Farm Bureau, the Township Association, the Illinois Funeral and Cemetery Association, the Catholic Conference. I urge your 'aye' vote."

Speaker Lang: "Those in favor of the Bill shall vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Record yourselves please, Members. Have all voted who wish? Representative Tryon and Winters. Please take the record, Mr. Clerk. On this question, there are 6... 91 voting 'yes', 22 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Brown."

Brown: "Point of personal privilege, please."

Speaker Lang: "Please state your point, Sir."

Brown: "Thank you, Speaker. I rise to recognize, joining us in the House gallery today from Mount Zion, the Class 1A

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champions in boy's cross country. Congratulations. House Resolution 639 to recognize you today. Thank you."

Speaker Lang: "Congratulations. Congratulations. Representative Flowers, would you like to introduce your guest to us?"

Flowers: "Thank you, Mr. Speaker. I would like to introduce to everyone in the House of Representatives my granddaughter, Madison Jolie Perry. She's at... in the front with Representative Connie Howard. Would you please give my granddaughter a hand? Thank you."

Speaker Lang: "Thank you. Welcome. Ladies and Gentlemen, on page 9 of the Calendar, under the Order of Concurrence appears House Bill 3813. Mr. Cross."

Cross: "Thank you, Mr. Speaker. This is a Bill that, even by Illinois standards, is addressing an issue that I think was rather shocking for a lot of us by our standards with respect to pensions and the abuse on them. There are two issues facing Illinois government: one is the abuse of pensions and the utilization of pensions and in a pretty aggressive way and then, of course, the underfunding problem that is even more significant for the folks of this state. We are attempting, in this Bill, to address a variety of problems that came about as a result of some news articles in the Tribune, and WGN, and of course some other media outlets that have addressed pension abuses, as well. We are attempting, in this Bill, to address the issue of double dipping that has gone on with some regularity in certain parts... in certain segments of the pension world, fraud and the other one that's still... is still mind-

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boggling to at least me, maybe not to the rest of you, the ability to substitute teach for a day while working for a nonstate organization... to be able to substitute teach for a day and not working for a state organization and after one day, have the ability to become a full-fledged member of TRS is another example of the abuses that have gone on and I think we need to address and will address in this Bill. So, there are four key points to this Bill, Mr. Speaker. You know, I'm going to wait until it quiets down, Mr. Speaker. This is probably..."

Speaker Lang: "I don't blame you, Mr. Cross."

Cross: "Yeah."

Speaker Lang: "Ladies and Gentlemen, can we give Mr. Cross your undivided attention, please. It's an important piece of legislation. Ladies and Gentlemen."

Cross: "The first issue revolves around the problem of people working for... and I use the City of Chicago as an example because this is one... one example that was... we saw a variety of different examples... people starting out working for the City of Chicago, taking a leave of absence, going to work for a union for an extended period of time, 15, 20 years at least, and coming back and taking a city pension based on the higher union salary. So, this Bill attempts to address that by saying, going forward, you will be able to take a leave of absence, but you will not be able to earn pension credit during that leave of absence. Participants currently earning pension credit for the union work are grandfathered in, are grandfathered in, if you're currently participating in it, but participants who have not yet earned credit,

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either on a leave of absence or working for a union, are now prohibited from doing so. The second issue involves some potential fraud... at least in the stories we saw in some of the investigating we did, as well... where people who are coming back to the city and attempting to collect two different pensions and filing the paperwork, wherein they said that they were not collecting two pensions, the pension boards did nothing other than to say, no problem, we caught your mistake even though the documents had clearly been misrepresented and allowed them to go their merry way and collect their pensions. This Bill says... and this is a little different version of the Bill that passed, it's a little more restricted... restrictive... it says if you're a board member or director of any pension board and you suspect any of fraud... any fraud, you have a responsibility to go to... to go to your local State's Attorneys Office to investigate. The third issue involves a Bill that was passed in... back in the 19... the 2006-2007 era where this... and it was not... it's more than one person... we're afraid the universe might be broader than just a couple people, but we had a six-month window where people were allowed to go and literally work for a day as substitute teachers and not have been involved in TRS and started out as a teacher, then going to work for a union, but had been working with this union the whole time. They go to work for the school district for a day as a substitute teacher, that got them in TRS. So, this Bill repeals that six-month window retroactively, repeals that six-month window retroactively. The last component of this



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Bill... this is a little different version than what passed out of here originally... attempts to address the... attempts to address the problem of a 1991 law that said you could not have... you could not have two pensions specifically in the area of a... working with the local union. Only in the State of Illinois, of course, do we interpret things in a very aggressive manner. And people were saying, well, I'm not in a local union, I'm in an international union or I'm in a regional union or I'm in something other than a local union. So, what happened was we had, in effect, people retiring, getting a pension from the city, a pension from this nonlocal union for in essence, the same amount of work for doing one job. So, this Bill says and it's a pretty broad saying that you are... it's clarifying that '91 law and we're saying that the original intent of that law is that you are only entitled to one pension. You're only entitled to one pension. It also applies, not to retirees, but people currently in the system, the way the Senate drafted it. So, you're going to have to make a decision whether or not you're going to take your union or the city pension. If you take the union pension, you're entitled to a refund according to this... to this Bill. So, those are the four points in this Bill. A couple of other things maybe I'd like to hit on, but I'll wait until I do my closing. I know there are some questions and I know there's some legislative intent. Thank you, Mr. Speaker."

Speaker Lang: "Mr. Schmitz."

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

Speaker Lang: "Gentleman yields."

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Schmitz: "Leader Cross, for the purposes of legislative intent. With respect to the changes House Bill 3813 makes to Articles 8 and 11 of the Pension Code for the two Chicago public pension funds, am I correct that these changes are not intended to apply to persons who are already retired prior to the Bill's effective date?"

Cross: "Representative, your understanding is correct. Having conferred with the Senate Sponsor and for purposes of legislative intent, the changes made by HB3813 to Article 8 and 11 of the Pension Code are not intended to apply to persons who are already retired prior to the Bill's effective date. This statement of intent confirms the existing rule of statutory construction set forth in Section 1-103.1 of the Pension Code that legislative changes to the Pension Code are, as a default rule, inapplicable to retirees."

Schmitz: "Thank you. Leader Cross, as a follow-up, am I correct that then the changes made by House Bill 3813 to Articles 8 and 11 prohibit persons who are currently on a leave of absence from the City of Chicago and working for a labor union on the Bill's effective date from receiving a public pension based on a laborer union's salary?"

Cross: "Correct. As specified in the Bill, the pensions for these persons would be based on their relevant average municipal salary before they took the leave of absence to work for the labor union as a justice for inflation."

Schmitz: "Leader, am I also correct that the changes made by House Bill 3813 to Articles 8 and 11 prohibit persons who are currently on a leave of absence from the City of

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Chicago and working for a labor union on the Bill's effective date also from receiving a pension of any type from their labor union?"

Cross: "That is correct."

Schmitz: "Leader Cross, am I further correct that the changes made by House Bill 3813 to Articles 8 and 11 forecloses the ability of future City of Chicago employees and current employees not yet on leaves of absence from earning public pension service credit while working for a union?"

Cross: "Correct."

Schmitz: "Finally, Leader Cross, revisions made to Section 16-106 along with the new Section 97 to Senate Amendment #1 pertaining to service credit obtained during a six-month period following enactment of Public Act 94-1111 retroactively repeals the provision of Public Act 94-1111 is the retroactive repeal intended to be construed narrowly specific to the six-month provision... period provision only?"

Cross: "Yes. The retroactive repeal is intended to address the specific time, limited situation pertaining to the Teachers' Retirement System of Illinois and is intended to be narrowly tailored to address that specific system's six-month period."

Schmitz: "Thank you, Leader Cross. Thank you, Speaker."

Speaker Lang: "Leader Currie."

Currie: "Thank you, Speaker, and Members of the House. This... my remarks have very much to do with legislative intent and I hope that you will all be willing to bear with me. There are very significant differences between the Bill we sent

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the Senate and the Senate version that's in front of us today. I think there are some significant changes that could significantly affect current members on the current... public employees who are on a leave of absence and current retirees who took, at some point in their careers, a leave... a leave. The Pension Code requires that people who are on a leave of absence from a municipal or whatever job to make contributions when they're on a union job based on their salary at the labor organization, but the Code doesn't say whether for... whether they're supposed to use the salary earned as the public employee or as the union official when figuring out what the final average salary is for purposes of pension benefits. Now, without that direction, the pension systems have traditionally used the salary received at the labor organization in order to calculate what the final average salary is. Under the Bill we sent the Senate, contributions and final average salary for these public employees who are currently on a leave of absence serving the union would continue to be based on the salary they got at the labor organization. Under the Senate version, current members who are on a leave must make their contributions based on the salary they get from the labor group but their final salary would be based on the salary they actually got as a state or municipal employee with a cost of living adjustment for each year they're on leave. As well, the Senate version says that only the salary that's received as a state or municipal employee can be used to calculate the final average salary and that this change is 'a declaration of existing law and shall not be

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construed as a new enactment'. Okay. The pension systems use the salary earned from the union during the leave of absence when they're figuring out final average salary. The Senate's language seems to say that the pension systems can't use the union salary in the future and in fact, should not have used the union salary in the past. Under this language, the pension systems have to use the members' salary as a state or municipal employee and only that salary when they're figuring out the final average salary. So, current employees on a leave of absence expected that their final average salary would be determined based on their union salary. But the change to the salary used to calculate the benefits that is under the measure, House Bill 3813 Senate Amendments 1 and 2, that is used to calculate the benefits will significantly change their anticipated pension benefits. Further, by saying that this change is declared of an existing law, the General Assembly is telling the pensions that they've been miscalculating benefits for years. Representative Cross told us, for purposes of legislative intent, that the changes in this Bill are not intended to apply to those who retire before the effective date of the Bill or those who are already retired. But given the plain language of the Bill, it's reasonable to assume that the pension funds will need to recalculate the final average salary of any retiree who took leave. This could result in a substantial reduction in benefits or even no benefit for those current retirees. I'd like to point out another change in the Senate version. Under current law, a member cannot simultaneously get

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pension credit in a public system and a local labor organization pension plan. The House version tried to close an additional loophole by clarifying that the prohibition applies not just to a local labor organization but also to national and international labor pension plans. The Senate version of this lang... does the same thing but adds language stating that this 'is a declaration of existing law and shall not be construed as a new enactment'. Just as with the earlier provision, with this language the General Assembly is telling the pension systems that they have been miscalculating benefits. Again, I would suggest that this could mean a significant reduction in benefits, an end maybe to benefits for individuals who have already retired. One final point, and that is that the Senate version, unlike the House version, only applies the changes, the changes for current and retired... for current employees with respect to how you calculate final average salary and the prohibition on participation in national and international labor pension plans, it only applies these two changes to two Chicago public pension funds. Members of those two funds will be different... treated differently from members of all the other pension funds, teachers, SURS, et cetera. And I think there's a question whether it makes sense to single out two pension plans from all the others in making such significant changes as these. Thank you, Speaker and Members of the House for your indulgence."

Speaker Lang: "Representative Will Davis."

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

Speaker Lang: "Gentleman yields."

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Davis, W.: "Leader Cross, as I'm reading the analysis that was provided for us and maybe I'm mincing words, but let me read something to you very quickly. In terms of Senate Amendment #1, a part of our analysis says going forward it effectively shuts down the ability of a member of any state pension fund to continue to earn credit in that pension fund if they take a leave of absence to represent a labor organization. So, it kind of reads that if you take the leave of absence from one pens... from that employment, that you might be able to represent another type of labor organization other than one that's relevant to where you're taking the leave from. Like in the instance when we're talking about the teacher issue, we're talking about a leave of absence or teaching then representing a teacher's union, but what about if the employment and the labor organization aren't two that we would generally think are compatible in that respect?"

Cross: "Representative, that's a good question. The bottom line is no one in this... the intent is not to prohibit the leave of absence. So, you could go to a kind of with the nontraditional route and go take another leave... a leave of absence with somebody we wouldn't associate you normally doing, teacher, IFT. The gist and the point of that line is just to say, you can take that leave of absence but while you have that leave of absence, you cannot earn pension credit or time in that municipal or state system, whichever one you happen to be in."

Davis, W.: "Right. So, no matter where you go, you can't earn..."

Cross: "Right."

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Davis, W.: "...that time. And I... and I fully support what you're attempting to do or wanting to do with this and certainly plan to vote for it. I'm just hoping that this isn't another 'loophole' since we're talking about that versus any."

Cross: "Okay. Let me... good point. There is at least, from our perspective, Representative, from our drafting of the Bill on the House Republican side, there is no intention to create any loophole; it's to close them. No mischief going on, no creativity going on. I don't believe that the language you're referring to creates that, but I can assure you there is no intent whatsoever to do that. This is very simple. You're going to take a leave of absence, simply said, you cannot earn pension credit while you have that leave of absence regardless of where you go on the leave."

Davis, W.: "Thank you very much, Leader. Very briefly, to the Bill, Mr. Speaker. Obviously, this is one situation where we're trying to correct something that was very well publicized in the news and I think if any of you saw the news story, I think your interpretation of it would be the exactly the same as mine. If you could have heard the conversation that my wife and I had when we saw this, you know, jokingly, she was like, well, how can I get one of those jobs if it's as easy as to do these kinds of things, but... but the reality is that these types of things should not be allowed to happen. If you're going to have a job, take a leave of absence for that job to go do something different, certainly that person, in my opinion, should not accrue credit and then for only one day of work for



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something of that nature. So, I appreciate what the Sponsor is attempting to do and encourage all Members to support this particular piece of legislation. Thank you."

Speaker Lang: "Mr. Tryon."

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

Speaker Lang: "Gentleman yields."

Tryon: "Representative Cross, I thought I understood everything until Representative Currie spoke and then I got kind of confused there. And I want to just clarify, when we're talking about pension benefits, I support wholeheartedly what you're doing I... that when we look at pension systems in general and we look at reciprocity, normally if in the five state pension systems if I go to one pension and... and... system and I earn credit, then I leave employment in that unit of government and then go to another pension system, I get reciprocal time. And when I mean reciprocal, I start earning in that other pension benefit on an annual basis based upon whatever year of service I'm in. So, I just want to clarify that in your Bill you can't go to a union and even get years of service credit as you accumulate time going forward. So, this Bill really divorces any credit of any kind of service, correct?"

Cross: "It deals within the context of leave of absences. When you're talking about reciprocity between systems, it doesn't apply to that..."

Tryon: "Right."

Cross: "Michael."

Tryon: "So, I can't go and work for the union and not calculate any benefits in the system and then come back and get, you

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know, start accumulating my time in an accelerated level like I had three years of service in the union so I now start accumulating at three years higher than where I left. So, no reciprocity even on years of service. I think you have a good Bill and I'm going to support it and I thank you for bringing it forward. Thank you."

Speaker Lang: "Mr. Mautino."

Mautino: "Thanks, Speaker. Will the Sponsor yield?"

Speaker Lang: "Leader Cross will yield."

Mautino: "Leader, in looking at the Bill and I understand and I heard your legislative intent, but in the language of the Bill itself, it would appear that you are or whoever these people may be, and I'm not sure it doesn't apply to current employees or current retirees, they would be paying in at a higher level than the value of the benefit that's going to be received after this Bill becomes law. Was that your... your impression? Is that your understanding of the Bill?"

Cross: "Representative, can you repeat that question one more time?"

Mautino: "Sure. For those who are paying in, once we cap the benefit at a lower level the contributions are being paid in at a higher level for a benefit that is worth less than that normal level of contribution would equate to. Is that correct?"

Cross: "Yes. I just wanted to make sure I was..."

Mautino: "Sure. It's..."

Cross: "...getting the... No..."

Mautino: "...basically you're paying a higher level in for a benefit you will never receive at that high of a level. So,

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under that, doesn't that fall outside of the IRS Code right now for qualified pension plans? I mean, I like the Bill that we passed originally. What I'm just wondering is in this Bill are we now setting ourselves up for, one, a ruling that it is not qualified as a pension fund because of that."

Cross: "Representative, you and I would both agree that the Bill that left the House, I think was..."

Mautino: "Is much better."

Cross: "...was well drafted. The Bill that returned is rather aggressive in its approach. The one thing that... I guess, two points that I would say why we're moving forward. One is we have some very strong severability language in this Bill that is very clear about the ability to sever the issues and I think it needs to be in. Two, I think the fact that we're not here for several more months and the fact that this could continue is some... some... a reason for us to stop it immediately, but you and I are on the same page in terms of how it left and how it returned."

Mautino: "Okay. And I guess that's, you know, we deal every day here with the law of unintended consequences and in looking at this, I respect the Bill that you worked on that left this chamber, I do believe that this piece of work came... that came back has some serious, serious flaws, one of them being just it's not a qualified pension plan if you're paying more than the benefit received. So, you're out of line with the entire IRS Code."

Cross: "I..."

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Mautino: "So, I mean, that's... that to me is big, but also in the language within the Bill, what I fear is people who have retired, because this provision has been in law and has been legal for quite a long time, who have retired will find the benefits that they had, though properly attained, reduced while in their retirement and I think that's... that's a big fear. I think both of our counsels have talked to the Senate about that potentially being a big problem with this Bill and an unintended consequence regardless of the language that we say versus what's in the Bill."

Cross: "I guess I have two points. We've been... tried to be as clear as we can on legislative intent with respect to retirees. I would offer this, that if... if we feel like a trailer Bill is appropriate on some of these issues, we're committed to that and I think it... I think our two sides could agree to some additional language to... if we didn't think the legislative intent was enough."

Mautino: "Well, I know we have two separate... and I appreciate that, Leader, and I know your work on this issue. I think the May Bill that went through on the first round, the original Bill, crafted properly, it dealt with things going forward and it could withstand constitutional challenges. But also, I fear that just in the language of the Bill that we're also going to take some folks and give them a surprise in which the pensions they've been working for and living on may all of a sudden be reduced by this action. So, I just caution that."

Cross: "Hey now, look, I don't want anybody to think we're advocating an unconstitutional Bill. We think it's

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aggressive. We like the fact there's a severability clause. We've said in legislative intent this does not apply to retirees. But the reality is, it's hard to be sympathetic and I want to... there's a fine line here between being sympathetic and being realistic about the Constitution... but we're talking in cases where we've got some individuals that are getting not one but at least two if not more pensions. And it's hard to be sympathetic for a fellow that goes and substitute teaches for a day; it's hard to be sympathetic for somebody who has a very aggressive interpretation of a '91 law that retires with a city pension and a union pension for the same amount of work. So, I'm not interested in and neither are you, and I'm not suggesting you are, violating the Constitution..."

Mautino: "Okay."

Cross: "...but before we get too worried about some folks, they've done a pretty good job taking advantage of some very liberal interpretations of a 1991 law."

Mautino: "And I understand that and I understand in both of those situations, but there's a... there's a potential impact on... on thousands of other people who taught for 30 years, did everything right, went and took a job, maybe working for their union or their association, going out and doing training, whatever. Going forward that 30-year person has now retired at 38 years which a teacher has to go to... I use a teacher as an example although it could apply in other areas. Where I'm concerned on the retroactive is somebody worked for 30 years and legitimately did this, there's a

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potential that because of the two the many can get hurt and that's..."

Cross: "We're not on that program either."

Mautino: "I don't worry about constitutionality, just people."

Cross: "We're not on that program either. And I want to make sure very clear..."

Mautino: "And I know you're not."

Cross: "Yes."

Mautino: "I just think the Bill is."

Cross: "I just don't want us leaving here today with somebody saying we're out to get the 38-year teacher. That's not obviously intended nor is that... it isn't going to do that. But again, if we need to look at trailer language, we can certainly do that and we'll work with you. Our counsel will gladly work with your very able counsel."

Mautino: "Thanks."

Speaker Lang: "Mr. Franks."

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

Speaker Lang: "Leader Cross yields."

Franks: "Leader, I appreciate your efforts on this and I think you've done a very good job on this Bill. I just wanted to reiterate some of the comments that I... of Mr. Mautino and the Majority Leader. And I... he just asked the last question if we needed a trailer Bill and I think you answered in the affirmative that that wouldn't be a problem."

Cross: "If we need one, we're open to that, Representative."

Franks: "I appreciate that and you incorporated one Bill that we had passed just a few weeks ago, a Bill that I helped author with Mr. Morthland addressing the two individuals

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who were able to get into the TRS retirement system though they were neither teachers nor administrators. The way you've drafted the Bill, is it substantially different than the one that we had drafted?"

Cross: "Let me check 'cause that actually was a... one of the additions that came over from our friends in the other chamber. Let me check. Representative, I'm talking to Mike Mahoney here, ours was an outright repeal of that six-month window. I'm not sure if your Bill..."

Franks: "Ours is..."

Cross: "...was more of a forfeiture."

Franks: "Ours is different. And I... and I'm not sure whether the repeat mets... I'm only concerned about the constitutional aspects. So, I guess I'm going to support your Bill and let's hopefully we can get the Bill that we passed two weeks ago and the Senate passed, as well, in sort of a belt and suspenders way 'cause I'm not sure which one would work. So, I'm just concerned that if this Bill passes that they won't call the Bill that we passed in the House. Is there any agreement to that effect that you're aware of?"

Cross: "I'm not aware of one."

Franks: "Okay."

Cross: "I think the good news is from listening to this discussion, at least in this chamber it appears that both sides are willing to work together to make sure that whether it's double dipping, whether it's fraud, whether it's substitute teaching for a day, we're on the same page to get it done in the right way. We... we, again, like the Bill that went over, a little more aggressive coming back."

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I'm... I feel good about the severability clause, but we are committed to continuing to work with you, Representative Mautino and others, the Speaker, Barbara on however we can do it better."

Franks: "Wonderful. Well, I really, again, appreciate your efforts and I encourage an 'aye' vote. And if we need to make any tweaks when we come back, hopefully, we can get to that the first week when we're back at the end of January. So, I encourage an 'aye' vote."

Speaker Lang: "Mr. Cross to close."

Cross: "Mr. Speaker, thank you. And I appreciate... I appreciate the comments on the other side and I'm... they're all meant in their... in the most sincere way and I appreciate that. And we are committed to doing what we can to make this happen in the most constitutional way, but I got to tell you, as we move forward today this is not something we can wait on. It's something we need to move forward on. It is about as abusive and a gross use of the statute as I've seen in this state in a long, long time. And there is a direct correlation... Mr. Speaker, I won't be long, but I would like a little time on this."

Speaker Lang: "Ladies and Gentlemen, please give Mr. Cross your attention."

Cross: "We have a bigger issue than this as we all know with respect to the underfunding of pensions and our caucus, my caucus, is tired of me talking about it. But the reality is, we are going to spend over seven and a half billion dollars next year on a \$33 billion budget solely to pensions. We can't sustain it. It's not going to go away."



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It's affecting our credit rating; it's affecting the job market; it's affecting our budget; it's affecting education funding, human services funding. The list goes on and on and on. It has consumed us as a state and will continue to consume us. It is the worst issue we're going to face. Teachers yell at us, state workers are mad at us, university people do not like us. We've all gotten the e-mails, but if we are going to make sure that there's a pension system down the road for the teachers and the state workers who've done everything they've asked, we need to do something. What I find troubling about some of the abuses we're seeing... have seen over the last few months is the very people... the very people who were supposed to be involved in this process to make sure we had stable pension systems neglected their duties to take care of themselves, solely to take care of themselves. I will never, ever, ever say the state doesn't have responsibility for this problem. About 45 percent of the underfunding is a direct result of the General Assembly not making pension payments. People living longer, pension enhancements, the market has also added to the problem, but when you work for a teacher lobby organization, the head of it, and you come to this General Assembly with an idea in mind and a piece of legislation in mind that lets you retire on a TRS pension system after working one day as a substitute teacher, the minute you cut that deal your ability to negotiate for your union and for your teachers was over, over 'cause in essence you were bought and paid for by this process. You could no longer be an effective advocate for the teacher of the State of

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Illinois. And when they call us and write us, they have every right to be frustrated and angry and confused and say, what are you doing to me? I've done everything you've asked me to do. And they're right. And we've got some skin in the game but so do organizations like that that allow that to happen 'cause you can no longer be an effective advocate for your organization because if you come in and argue with us or the people that run this place about, for instance, not making a pension payment, you run the risk of that little sweetheart deal being repealed. You've lost your ability to be effective and advocate. So, as we move forward in the next few months on an issue that's very, very, very, very difficult but one we have to address, it's okay to lay out all the reasons for this problem on the table and you have to accept our part and the others, but it's a shame that the teachers of the State of Illinois are the recipients of this kind of behavior 'cause it directly affects them. So, Mr. Speaker, thank you for the time and indulging me for going on to the... the other issue which I think is just as important if not more important. This does not relieve our ability to do pension reform on the underfunding issue at all. We're all going to be doing the right thing on this and we can take credit for that. We have other stuff we have to deal with on pensions. So, I'd appreciate an 'aye' vote. And I appreciate everybody's attention. Thank you."

Speaker Lang: "Mr. Cross moves that the House concur in Senate Amendments #1 and 2 to House Bill 3813. This is final action. Those in favor of the Gentleman's Motion vote

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'yes'; opposed 'no'. The voting is open. Have all voted who wish? Please record yourselves, Members. Have all voted who wish? Chapa LaVia, Colvin, Golar. Mr. Colvin, Mr. Go... Representative Golar. Please take the record, Mr. Clerk. On this question, there are 108 voting 'yes', 4 voting 'no', 1 voting 'present'. And the House does concur with Senate Amendments #1 and 2 to House Bill 3813. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Bill Mitchell."

Mitchell, B.: "Thank you, Mr... Thank you, Mr. Speaker. Point of personal privilege."

Speaker Lang: "Please state your point, Sir."

Mitchell, B.: "Ladies and Gentlemen of the House, I would like the girls' cross country team Champions, 1A; they're in the Speaker's Gallery. Would they rise, please? They're from... they're guest of Representative Adam Brown and myself. They won the 1A Championship in cross country. Let's give them a big Illinois welcome."

Speaker Lang: "Thank you, Representative. On page 3 of the Calendar, under the Order of Senate-Bills Second Reading, there appears Senate Bill 274, Representative Watson. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 274, a Bill for an Act concerning State Government. The Bill was read for a second time on a previous day. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Please read the Bill for a third time."

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Clerk Bolin: "Senate Bill 274, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Watson."

Watson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is an agency Bill that removes some language that was in a Bill we did last year. It simply... it... it says we cannot charge fees that... they wanted... we wanted to initially charge fees to students at the School for the Deaf and the School for the Visually Impaired. Found out that that was not legal, so we're pulling that language out. I'm happy to answer any questions."

Speaker Lang: "The Gentleman moves for the passage of the Bill. There being no debate, those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 348, Representative Feigenholtz. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 348, a Bill for an Act concerning finance. The Bill was read for a second time on a previous day. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Please read the Bill for a third time."

Clerk Bolin: "Senate Bill 348, a Bill for an Act concerning finance. Third Reading of this Senate Bill."

Speaker Lang: "Representative Feigenholtz."

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Feigenholtz: "Thank you, Mr. Speaker. Senate Bill 348 is an initiative from the Department of Human Services. It's a technical change that changes the mental health fund language, allowing the department to pay expenses associated with support services that they provide to other state agencies."

Speaker Lang: "The Lady moves for the passage of the Bill. There being no debate, those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Jakobsson. Please take the record. On this question, 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 773, Representative Feigenholtz. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 773, a Bill for an Act concerning public aid. The Bill was read for a second time on a previous day. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Please read the Bill."

Clerk Bolin: "Senate Bill 773, a Bill for an Act concerning public aid. Third Reading of this Senate Bill."

Speaker Lang: "Representative Feigenholtz."

Feigenholtz: "Thank you again. Senate Bill 773, again, another technical Bill, would deposit the federal matching funds for expenditures made from the Public Aid Recovery Trust Fund into PRTF instead of GRF. I'd appreciate your support."

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Speaker Lang: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. Franks."

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

Speaker Lang: "The Lady yields."

Franks: "Why do we need this change?"

Feigenholtz: "Thank you, Representative Franks. The reason we need this change is so we can deposit the federal matching funds into this particular fund. It would decrease pressure and... for the Department of Health and Family Services, which of course you know, we have a lot of bills we need to pay. It would expedite the process."

Franks: "Would this increase the match at all? I'm just still not understanding why..."

Feigenholtz: "No."

Franks: "...we need to do this."

Feigenholtz: "No."

Franks: "When you say decreased pressure, I... I'm not sure I understand what that means."

Feigenholtz: "It doesn't cost any money. It's just putting it into a different fund."

Franks: "But again, why? Why do we need to change the law to do that? Why can't we just deposit where it is and move it over?"

Feigenholtz: "It allows HFS to pay bills more quickly, which reduces the amount of interest we need to pay so that they do not have to stand in a long general revenue fund line."

Franks: "Is this a one time deal or is this going to be from now on that federal matches for expenditures to the Public Aid Recoveries Trust Fund will always go here?"

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Feigenholtz: "This is permanent."

Franks: "Okay. So, it basically makes the lockbox then?"

Feigenholtz: "Correct."

Franks: "Okay. Thank you."

Speaker Lang: "Mr. Eddy."

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

Speaker Lang: "The Lady yields."

Eddy: "Representative, for those of us who aren't well-versed in expenditures related to administration of DHS, what is Part F?"

Feigenholtz: "Public Aid Recovery Trust Fund."

Eddy: "And, is the essence of this that if certain expenditures are posted to a Part F type administrative expenditures, they become eligible for federal match?"

Feigenholtz: "This is a pot of money that collects the federal match."

Eddy: "So, the administrative expenditures that are being transferred or targeted to Part F now are eligible for a federal match? Is that why the technical..."

Feigenholtz: "Yes."

Eddy: "...change is necessary?"

Feigenholtz: "Yes."

Eddy: "So, you're really kind of reclassifying into a fund or a... an accounting Part F that is eligible where some of the general revenue funds are not?"

Feigenholtz: "Ah..."

Eddy: "We... we're trying to recoup more federal money?"

Feigenholtz: "It doesn't change how much federal money we recoup. It just allows us to expend it more quickly out of

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this particular fund, so it doesn't have to wait for a general revenue payout. So the draw on it, the match on it, doesn't change. It's really just a more efficient way of running the department."

Eddy: "So, the money that is now deposited into GRF will be deposited into Part F."

Feigenholtz: "Correct."

Eddy: "And those are federal funds."

Feigenholtz: "Correct."

Eddy: "Okay. And this just enables that to happen. It doesn't create anything."

Feigenholtz: "Yes."

Eddy: "All right. Thank you."

Speaker Lang: "Representative Mulligan."

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

Speaker Lang: "The Lady yields."

Mulligan: "Representative, for years we've received money back from our matching federal funds. We put it in general revenue and then it's spent for anything that comes out of general revenue. Is that not correct?"

Feigenholtz: "Correct."

Mulligan: "All right. So, what we've wanted to do for a long time, and we've had this discussion repeatedly, is we take the matching funds which we get more money back for, and we should put it back into an equal fund that helps us provide for human services, which is a huge part of the state budget. And it would allow us to then reuse the money again to receive matching federal funds, rather than throwing it into general revenue and letting it pay for



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something that does not receive any kind of enhanced payment. Is that not correct?"

Feigenholtz: "That's correct."

Mulligan: "So, doing this would be a wise thing for us to do to maximize our money for human services, and for an area where we only anticipate increased expenditures particularly since, as we go in to say, the federal plan for health care, which is not really going to be paid by the Federal Government but ultimately paid for by us. We will have been building up our money in order to increase the money that we have in Illinois for this because we will reuse it again for matching federal funds."

Feigenholtz: "Correct. And it... it wouldn't surprise me, Representative Mulligan, if we could also avert interest payments because this a more efficient way of paying off some things directly from the department. So, you know, this is one of a... of many initiatives, as you know, that the Medicaid Advisory Committee has been working on that the... our committee, the Approp Committee's been working on with the director of HFS so that we can right our ship."

Mulligan: "I would urge an 'aye' vote for this. This is a reasonable suggestion. We've talked about this in all the years I've been here, that it was kind of a travesty that we get this money back and we put it in the general revenue funds. This will allow us to try and maximize these dollars in an area that is going to be increasingly expensive for the State of Illinois. I think this is a good Bill, and I think it would help us financially. So, I would urge an 'aye' vote."

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Speaker Lang: "Those in favor of the Bill vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Record yourselves. Mr. D'Amico, Mr. Arroyo. Mr. D'Amico. Please take the record. On this question, 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 4 of the Calendar appears Senate Bill 1830, Representative Currie. Please read the Bill, Mr. Clerk. I'm sorry. I read the wrong Bill. Senate Bill 1762, Representative Currie. Please read the Bill."

Clerk Bolin: "Senate Bill 1762, a Bill for an Act concerning State Government. The Bill was read for a second time on a previous day. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Currie, has been approved for consideration."

Speaker Lang: "Leader Currie."

Currie: "Thank you, Speaker and Members of the House. Can we just adopt the Amendment and discuss the Bill on Third?"

Speaker Lang: "Seeing no objection, those in favor of the Amendment say 'yes'; opposed 'no'. In the opinion of the Chair, the 'ayes' have. And the Amendment is adopted. Mr. Clerk."

Clerk Bolin: "No further Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Please read the Bill."

Clerk Bolin: "Senate Bill 1762, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Lang: "Leader Currie."

Currie: "Thank you, Speaker and Members of the House. In January, this Legislature adopted very significant changes

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to the state's Medicaid program. Medicaid reform we called it. It was a bipartisan effort. I was pleased to chair our task force with Representative Bellock. But we set very important challenges to our Department of Healthcare and Family Services in that measure. For example, by a date certain, half of all our Medicaid clients are going to be in managed care. In the meantime, the feds have set... Federal Government has set other challenges and requirements for this very same department. The difficulty the department faces is that it's very hard under the current Personnel Code to hire people who have this special expertise, the special qualifications that will make it possible for that department to meet the challenges we face. So, this measure would give the Department of Healthcare and Family Services, for a two-year period, the opportunity to hire 20... no more than 20 people who meet very specific qualifications, which are detailed in the Bill. I would be happy to answer your questions. If we want our department to make sure that our Medicaid program is responsive and effective, I would certainly encourage your 'aye' vote."

Speaker Lang: "Mr. Eddy."

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

Speaker Lang: "The Leader yields."

Eddy: "Leader Currie, what... there... there's something affected in the Veteran's preference here in... in a manner that still counts it, but it... counts it after a point that we normally now would look at Veteran's preference."

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Currie: "Yeah. Veteran's Preference will continue to apply, but what this will do is to say that first someone has to meet these specific qualifications, and having met those qualifications, if there is a veteran, that veteran will take precedence just as happens under the current Personnel Code."

Eddy: "So the Veteran's Preference points will be added at the point after the initial review takes place. So, the Veteran's Preference is, in effect, there."

Currie: "The Veteran's Preference..."

Eddy: "Okay."

Currie: "...will apply just as it does today."

Eddy: "Our analysis states that the Central Management Services has some concerns. Have they stated what those concerns are related to this legislation?"

Currie: "Haven't heard a thing."

Eddy: "Okay. Now, my understanding of this is... is this will allow us in a more expedient manner to hire individuals necessary for implementation of certain reforms that really everyone agrees need to be made."

Currie: "That's exactly right."

Eddy: "Okay. And... and I can't figure out what CMS would... why they'd have a problem with that. I just..."

Currie: "Neither can I, and I don't think they do."

Eddy: "Okay. Thank... thank you very much. Very quickly to the Bill. These... these have been worked on for a long time. This is an agreement that I think we should support. It will allow us to move forward with some key reforms in a manner that will save us a... a great deal of time, and we

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should all support that... that expedient need. And I would urge a 'yes' vote."

Speaker Lang: "Representative Bellock."

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

Speaker Lang: "The Leader yields."

Bellock: "Oh. Thank you. I just wanted to clarify that, and in discussion about this Bill, that they're... to clarify for everyone that there is no new money for these expenditures. These were already there in the department."

Currie: "Good point, Representative. I'm glad you made... made it clear. There is no change in head count for the department. There are no additional resources in terms of new staffing. You're exactly right."

Bellock: "Thank you. To the Bill, Mr. Speaker. I stand in strong support of this Bill and I want to thank Director Hamos and Representative Currie. We, as the bipartisan Human Service-Approp. Committee last year, worked very hard on reducing the budget that the Leaders asked us to. We also worked in a bipartisan manner on the Medicaid reforms last year and came up with two major reforms. As Representative Cross said today, one of our biggest budgets is pension. One of the other biggest budgets is Medicaid. These areas we have tried to address in major Medicaid restructuring and reform. We're moving forward with the integrated coordinated care, and we asked Director Hamos how could we help, because of our frustration level in not getting those reforms done. She said to us that she needed more people and a way of hiring them, and we came forward

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with this Bill. And I want to thank her for moving forward on this and I would ask everybody to support this so that we can address the \$15 billion we spent last year and that we will be able to implement such things as the recapture audit, and other restructuring and reforms we've worked very hard on in this Legislature. Thank you."

Speaker Lang: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. I, too, rise in support of this. You'll note that many of the committee members of Human Services-Appropriations are standing in strong support of this because we now, when we pass this Bill and it becomes law, have an opportunity to really enact some serious reforms that have been obstacles to HFS. We have an opportunity to hold HFS's feet to the fire. If we don't pass this Bill, we can just all sit around, shrug our shoulders, and say we just couldn't get it done. So, this Bill is the answer to many of the problems that we have had. And I look forward to everyone's supporting it, and encourage an 'aye' vote."

Speaker Lang: "Mr. Leitch."

Leitch: "Thank you, Mr. Speaker. I, too, would like to congratulate the Majority Leader for bringing this Bill forward. For too long, many of us on both sides of the aisle have been beyond frustrated at the inability of HFS to implement upwards of one and a half to \$2 billion in reforms in Medicaid. Fortunately, this Bill should make those reforms possible, and I believe that the time has finally come. And I would strongly urge support. Thank you."

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Speaker Lang: "Representative Senger."

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

Speaker Lang: "The Lady yields."

Senger: "I just have one quick question, and I know there was a question about no additional funds being used to hire people, but some of the titles have names... titles of what the individual's going to be doing has changed. I just want to make sure that that's going to be used for the pension reform process."

Currie: "That the Medicaid reform process. Is that what..."

Senger: "The Medicaid reform process."

Currie: "Yeah, exactly. And for example, one of the positions... one of the identified positions would be manager of Medicare/Medicaid coordination so that dual eligibles, for example, could... we could have a better handle on how we... how... how we deal with those. I think there is another position that would deal specifically with the question of making sure that we have a handle on how to make sure there's coordinate care in the Medicaid program. As you know, our legislation earlier, said that 50 percent of Medic... Medicaid clients have to be in managed care by a date certain, and that date certain comes around pretty soon."

Senger: "To the Bill, if I may. I would like to, also, give Director Hamos accolades for the work she's doing here. She's been given quite a... quite a challenge in regards to implementing these reforms, and I think she's really risen to the occasion to do so. I would ask for your 'yes' vote on the Bill."

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Speaker Lang: "Representative Will Davis."

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

Speaker Lang: "The Lady yields."

Davis, W.: "Representative, does this Bill in any way offer ranking of potential candidates or create lists of potential candidates that the director of HFS would have to systematically work down in order to find the appropriate candidate, or does she have the ability to pick and choose whomever she might want to hire for a particular position?"

Currie: "She would have to advertise these positions, and then people who would come fill out an application would have to show they meet the qualifications. And within that context, anybody who meets the qualifications and who is a veteran would get absolute preference. But the point here is to say that because, under the current personnel rules, she's often offered people who got an A on the Central Management Services very general exam, and who had four years of college, but they may not have any special expertise in information technology, in health care systems, in the Medicaid program. In all of those areas where we have set her, and the Federal Government has set that agency, very significant challenges, she has not been able to hire people who have the qualifications to do the job. So, this measure is intended to identify what those qualifications are that are required to meet those challenges. So anybody who applies, and we hope she can find people who are interested in working for State Government and who do meet these requirements."



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Davis, W.: "Well, I can appreciate that, but I guess ultimately what I'm trying to get at is that if she has the ability to kind of pick and choose... you know, and not saying that they're not qualified candidates, but in terms of who, then to me that gives her the ability to skip over qualified African-American potential candidates if she has the ability to pick and choose. And I can honestly say, and I understand that this is being recorded, and for the record that I don't have any confidence in the director of HFS to select qualified African-American candidates to be quite honest with you. And so, my concern would be if this gives her that ability to do so and she can pick and choose who she wants, that these positions will not be filled by qualified African Americans."

Currie: "Well, my... my understanding is that... that she will have to treat all applicants with respect to gender and race and other... other background qualifications the same. And she would not be able to say, I'm going to choose the white guy rather than the African-American woman."

Davis, W.: "Well, but if... but if she has the ability to... if she has a list, and she can choose from anybody on the list, you're right. She won't have to say that. She can just pick who she wants."

Currie: "My understanding is that if you look at this Bill, right now, today, the Department of Natural Resources, the Department of Transportation, any number of other agencies of State Government have pretty much carte blanche when it comes to hiring people with particular expertise, engineering for example. And there's no specificity about

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what those qualifications are. You haven't been raising questions about whether given that latitude, those agency directors are discriminating against individual applicants. In this... the language in Senate Bill 1762 is not general. It doesn't say, oh, just hire somebody who's got an MBA, and then gives the director of the department to pick and choose among them. It specifies very clear and very stringent qualifications for these 20 positions. So, what you're raising as a possibility, I think under this language, in the real world, is not going to happen."

Davis, W.: "Okay. Well, obviously, that's how you feel about it. Again, that's why I asked if there's a list, if she can pick and choose who she wants from the list."

Currie: "Well, but... Yeah. But minority..."

Davis, W.: "There'll be qualified candidates..."

Currie: "...minority goals... minority goals in state hiring are not undercut by this legislation. So, she has every responsibility to make sure that she is giving adequate attention to members of minority groups, to other underrepresented entities in State Government hiring."

Davis, W.: "Then I guess, Representative, after these positions are hired, I would love for us to take a look and look at the ethnicity of the individuals that are hired..."

Currie: "Yeah. And..."

Davis, W.: "...and hopefully... hopefully, I am indeed wrong. I hope so."

Currie: "And... and..."

Davis, W.: "Thank you very much."

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Currie: "And if I could just make this comment. I think it'd be great if the Members of this chamber, in your news letters and in your press releases, made it clear what kind of people we need in our Department of Healthcare and Family Services so she actually has opportunities to hire people more than one at a time who meet these qualifications."

Speaker Lang: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. To the Bill. Although I would like to make one comment which, I've made repeatedly here. If you take a look at the title up there, it's still... it does not reflect the Bill, it says health care worker sex crime. I've asked repeatedly of this Body, the Senate does it all the time, we don't. To the Bill. We've asked for a while for the department, and we always asked, you know, well, who have you got there that you can work, that you can do the job yourself, you don't have to go outside of the department to hire specialists, probably at an increased cost. They asked for this when we've been working on this. It's... it's too bad that it takes the state to be in crisis for us to do things that over the past 18 years or so that we've tried... that when I've been here, that we've tried to do something like this. I think this is an excellent Bill. I think it defines each position so that there is a job description within the Bill for each position that we need in order to... for this agency to function at the higher level that we need it to do, because it's one of the areas that cost us a lot of money and will continue to do so in the years to come. I

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certainly commend everybody that's worked on this, Director Hamos. I think this is a really good idea. We've asked for this and we're getting it. And so, I would urge everybody to vote 'aye' for it. I think it's going to save us money in the long run, and I think it does... it is pretty specific in detailing what the person's qualifications should be that's hired in each area. And I think that the people that are there, some of the people that we have in HFS have been there for a long time. They're excellent quality people that know what they need in order for that agency to function at the highest level we need them to function at. And I would urge an 'aye' vote."

Speaker Lang: "Mr. Zalewski."

Zalewski: "Mr. Speaker, will the Sponsor yield?"

Speaker Lang: "The Sponsor yields."

Zalewski: "Yeah, Leader, just, you... there had been a mention earlier of Veteran's Preference. What concerns me about the view that this doesn't... this won't in any way violate Veteran's Preference is we're placing this exemption in a portion of the statute that exempts other forms of employees from... from Veteran's Preference. For instance, 43 is a policy-making position, 45 are licensed attorneys. So, I just wanted to flesh out a little bit why, specifically, there's a belief that this won't violate Veteran's Preference... why we're not over... over... overlooking veteran's for these positions."

Currie: "Yeah. Because we put that language back in, in this Section in order to make sure that Veteran's Preference would not be undercut. If you look at..."

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Zalewski: "Is... is that in a sep... I'm sorry, Leader."

Currie: "Yeah."

Zalewski: "Is that in a separate Amendment?"

Currie: "We're looking to see where that is, but it's certainly no intention of this..."

Zalewski: "And I apologize. The analyses don't have the Amendment language as the Bill text, so I apologize for..."

Currie: "So, on page 4 of the Amendment, it talks about when filling positions so designated, the director of Healthcare and Family Services shall cause a position da da da da... after scoring qualified applications, the director shall add Veteran's Preference point as enumerated in Section 8b.7 of this Code."

Zalewski: "So, in your... in your view that requiring her to add the points will effectively..."

Currie: "Yeah."

Zalewski: "...ensures she goes to the veterans' list."

Currie: "But first, you have to meet the qualifications, then you apply the Veteran's Preference."

Zalewski: "Okay. Thank you, Leader."

Speaker Lang: "Leader Currie to close."

Currie: "I appreciate your 'yes' votes."

Speaker Lang: "The Lady has moved for the passage of the Bill. This Bill requires 71 votes. Those in favor of the Bill shall vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Phelps. Mr. Verschoore. Please take the record. On this question, there are 89 voting 'yes', 24 voting 'no'. And this Bill, having received the

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Constitutional Majority, is hereby declared passed. Mr. Clerk."

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

Speaker Lang: "On page 6 of the Calendar appears Senate Bill 2502, Mr. Harris, Greg Harris. Please read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 2502, a Bill for an Act concerning public aid. The Bill was read for a second time on a previous day. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Please read the Bill for a third time."

Clerk Bolin: "Senate Bill 2502, a Bill for an Act concerning public aid. Third Reading of this Senate Bill."

Speaker Lang: "Representative Harris."

Harris, G.: "Thank you, Mr. Speaker and Members of the House. This is another step in our effort statewide to improve mammography and screening for women who go in for testing for breast cancer. What this Bill does is it restricts bonus payments to digital mammography providers to those who only meet certain quality standards so that we're sure that women who we're paying for their mammography through the Medicaid program are receiving qualified, competent and thorough screenings. This will actually save the state some money. And I would be happy to answer any questions."

Speaker Lang: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Franks."

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

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Speaker Lang: "Mr. Harris will yield."

Franks: "Representative, how will this save the state money?"

Harris, G.: "Right now, under existing statute, all those who provide digital mammography are eligible for reimbursement at the Medicare rate, as opposed to the Medicaid rate. This would require those who receive the enhanced match to meet certain quality standards, both for the technology of the machinery and the reading of the test."

Franks: "Well, our analysis indicates that the Medicare rate.. that this would be a bonus of 15 percent above the Medicare rate for digital mammog... mammograms if the provider participates in the quality improvement program, correct? There'd be a bonus payment of 15 percent above the Medicare rate?"

Harris, G.: "No."

Franks: "So, is... you're telling us our analysis is wrong."

Harris, G.: "If the... if you look at the language of the Bill, that 15 percent bonus is stricken. What you're talking about is the current law."

Franks: "I'm sorry. I couldn't hear you."

Harris, G.: "What you're talking about is in the current law. We're striking that and making it the Medicare rate instead of the Medicaid rate."

Franks: "Okay. 'Cause right now, it says HFS reimburses at 30 to 80 percent of the Medicare rate, correct?"

Harris, G.: "Right now, we're saying that there is an enhanced match to all providers authorized under law. What this will do is take away the 15 percent bonus. It will make the enhanced match equal to the Medi... Medicare rate as

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opposed to the lower Medicaid rate, but only, only for those providers who meet certain quality standards. So, you would have to prove a certain level of technical competency to re... receive the enhanced rate."

Franks: "Well, is there a problem with the mammograms that are taken with the... that aren't digital, for instance."

Harris, G.: "There is different kinds of mammography that are indicated for different types of women. Digital mammography is a better resolve for younger women and those with denser breast tissue."

Franks: "Has there been a Fiscal Note filed on this? I'm just trying to... I understand what you're trying to do. I'm just..."

Harris, G.: "It will save about \$2.6 million, potentially."

Franks: "Okay. So, there... potentially, or has there been a note that indicates that's what you're probably saving?"

Harris, G.: "Those are department calculations. There's no note that's been filed to my knowledge."

Franks: "Okay. That's... I was just trying to figure out because... I... and I apologize. I was just confused when I was reading this because of this bonus that we're allegedly able to pay now, but never have. Because you're redoing the Bill..."

Harris, G.: "We're making it more restrictive."

Franks: "Making it more restrictive."

Harris, G.: "To be sure that it only goes to those people who meet the highest quality standards."

Franks: "Thank you."

Speaker Lang: "Mr. Harris to close."



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Harris, G.: "I would appreciate an 'aye' vote."

Speaker Lang: "Mr. Harris moves for the passage of Senate Bill 2502. This Bill requires 71 votes. Those in favor shall vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Will Davis. Please take the record. On this question, 113 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, committee announcement."

Clerk Bolin: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules reports the following committee action taken on November 29, 2011: recommends be adopted Floor Amendment #3 for Senate Bill 1311, and Floor Amendments 2 and 3 for Senate Bill 2412."

Speaker Lang: "The Chair recognizes Representative Soto."

Soto: "Thank you, Speaker. Point of personal privilege."

Speaker Lang: "State your point, please."

Soto: "Can I have everyone's attention here in the General Assembly, please? Can I have your attention? I'd like to make this announcement. John Keigher, our staffer, I think a lot of us know him, today is his last day, along with Dave Ellis. Can you join me in giving them a round of applause for all their hard work? It's been such a pleasure to work with both of you. I know John's not down here, but John, I hope you can hear me. Thank you for all your hard work, and good luck in the future."

Speaker Lang: "Mr. Bost."

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Bost: "Thank you, Mr. Speaker. The Republicans would like an immediate caucus, please."

Speaker Lang: "Can you give us some hint as to how long you expect it to be?"

Bost: "Well... we... it's some pretty serious issues. We were guessing an hour but maybe two, you know."

Speaker Lang: "The House will stand at ease 'til the hour of 2:30. The House will be in order. Representative Bradley on a Motion. Mr. Bradley."

Bradley: "Move to suspend the posting requirements and have an immediate Revenue hearing."

Speaker Lang: "Representative Bradley moves to suspend the applicable rules so that a Motion to Concur on Senate Amendments 7 and 8 to House Bill 1883 may be considered in the Revenue Committee immediately. Is there leave? Seeing no objection, leave is granted and the applicable rules are suspended. Mr. Clerk."

Clerk Bolin: "Attention Members. The Revenue Committee will meet immediately in Room 114."

Speaker Lang: "The House will be at ease. The House will be in order. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Bradley, Chairperson from the Committee on Revenue & Finance reports the following committee action taken on November 29, 2011: recommends be adopted a Motion to Concur with Senate Amendments 7 and 8 to House Bill 1883."

Speaker Lang: "On the Order of Concurrence, House Bill 1883. Representative Bradley."

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Bradley: "Thank you, Mr. Speaker. This is the Bill that just came out of the Senate that would address the tax relief proposal. It uses the framework that the House developed in a bipartisan manner between Representative Harris, myself, the Revenue & Finance Committee. The differences between the House version of this Bill and the Senate version that came to us is that in Amendments 7 and 8 the Senate version increases the EITC to 10 percent which is a \$55 million increase over the House levels in year two of the plan which would be fiscal year '14. There would be an increase in the Live Theater Tax Credit of \$1 million to \$2 million and the personal exemption which we had proposed to increase \$20 million in the first year of the proposal would be indexed in perpetuity. So, those are the differences between the House Bill and the Senate Bill. What this Bill does is it changes the apportionment formula for exchanges within the State of Illinois to create a fair system for the exchanges in Illinois which have been taxed at a higher effective rate than other areas of the country and other businesses, more traditional manufacturing businesses within Illinois. It provides an extension of an economic development authority in the Hoffman Estates area. It creates an EGDE credit similar to what we've done for other companies in the state of Illinois of \$15 million per year over a period of 10 years. In addition, it includes significant relief for working men and women both in the form of personal exemption increases being indexed as well as an increase in the Earned Income Tax Credit from 5 to 10 percent over the course of 2 years. In addition, there's

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significant small business incentives and relief in this Bill. We took roughly \$50 million and we dedicated that money to the net operating loss up to \$100 thousand. So, this will disproportionately help small businesses in the State of Illinois and will be a great relief to as many as 36 thousand businesses in the state. We also would increase the estate tax exemption not to the \$5 million level that the Federal Government uses or was originally requested but to a more manageable and fiscal level of three and half million over 2 years. So, this Bill would also create the acknowledgement and the future creation of a tax tribunal to try to provide relief to Illinois businesses in a more fair process of dealing with tax disputes in the State of Illinois and would extend the sunsets on tax credits that were coming due, where their sunsets were going to would expire over a 3-year period of '11, '12 and '13. So, I would ask for your support and an 'aye' vote."

Speaker Lang: "The Gentleman moves that the House concur in Senate Amendments 7 and 8 to House Bill 1883. And on that question, the Chair recognizes Mr. Eddy."

Eddy: "Thank you. Would Sponsor yield?"

Speaker Lang: "Mr. Bradley yields."

Eddy: "Representative, I just want to make sure of where we are in this process. I know you've worked very long and hard on this. This issue was something that really even a couple of weeks ago was still percolating. This version, I think you mentioned, is coming over from the Senate and except for really one substantial difference... three

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differences and if we could go over those again. One is the Earned Income Credit..."

Bradley: "Yes."

Eddy: "...increased to 10 percent."

Bradley: "Correct."

Eddy: "Okay. Could you go over the other two just briefly, again?"

Bradley: "They indexed the personal exemption. So, in the proposal, in order to keep costs down in the House version, we had capped the proposal at 20 million and then held it. In the Senate version, they would go up 20 million on the personal exemption for the middle class and then they would index that over time."

Eddy: "Okay."

Bradley: "So there'd be additional costs each year of the program."

Eddy: "Okay."

Bradley: "And then the third thing was they had increased the Live Theater Tax Credit to \$2 million..."

Eddy: "Okay."

Bradley: "...from 1 million."

Eddy: "Okay. So, likely, this version of the Bill is something that we're looking at right now, but it's possible that another version of this same type of thought process will be seen at some point."

Bradley: "Well, it depends on what happens with this, obviously. If this Bill passes out of the chamber, then this is it because it's already passed the Senate in a bipartisan manner. I believe, there were 7 Senate Republicans that

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voted for the Bill and it passed out with a strong 36 votes. So, this is a bipartisan Bill coming to us and I think that we owe the Senate the respect to look at this and to have a vote on this."

Eddy: "Okay. Well, I appreciate the explanation, the knowledge for the chamber of what the differences are and your work on this, again. I want to recognize you and Representative Harris both for the work you've done over the last few weeks on this issue. Thank you, Representative."

Speaker Lang: "And before we move on, I want to introduce a former Member of the House, former Deputy Majority Leader, former Secretary of Transportation, Gary Hannig. Representative Will Davis."

Davis, W.: "Mr. Speaker, will the Sponsor yield?"

Speaker Lang: "Gentleman yields."

Davis, W.: "Representative Bradley, when this first Bill came... when this... the idea of this Bill first came out, correct me if I'm wrong, but the EITC was 15 percent?"

Bradley: "Well, the Governor's original proposal was that he would like to go to 15 percent and the cost of that, I've seen different estimates, and the cost of that were anywhere from 200 and..."

Davis, W.: "Two hundred and eighty million dollars."

Bradley: "...225 to 289 million dollars."

Davis, W.: "I... I agree. So, when we talk about the different breaks that are now being given to CME and others, how much do those things cost?"

Bradley: "Right. So, when we were going through this, I tried to break this into three components. And so, we wanted to

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provide... we wanted to retain the Illinois jobs. We were in a difficult position in that regard with the... two or three large companies. That's about \$100 million. We wanted to provide some significant relief to the small businesses, not just the big companies, but the mom and pop shops, the hardware stores, the local restaurants, et cetera. So, the estate tax and the net operating loss are targeted for small businesses. That's why we kept the caps down on that in terms of 100 thousand, three and half million. That's about \$80 million. So, we also wanted to help working folks, people that you and I represent and so we put money both into the EITC and to the personal exemption and that's about 75 million. So, it's not quite proportions of a third, but we were trying to kind of keep it in line within a..."

Davis, W.: "What's up with that? But that's not everything. There's... are the R&D tax credits in here too?"

Bradley: "Well, the R&D tax credit is already in the budget. So, there's no new money being used for that; we never backed that out of the budget. So, there's no new money for that. So, what we were trying to do is take a business tax, which is the bonus depreciation, which comes back on the books next year and use that money as it comes back on the books to create this program. Now, one important piece of this that I left out, and it's my fault, is that there's no fiscal year '12 impact, which means that all the surplus from this year will go to pay the back bills and that's part of this legislation. Then in future years by keeping the \$250 million number and keeping the cost down or least

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keeping near that and this Bill I think it's 300 million. Keeping our cost down, that's going to free up more money in FY13, FY14 to continue to pay our service providers that the state's behind on. So, the more money we put in the EITC or personal exemption we're actually taking it out of General Revenue Fund, potentially, at some point in the future and taking it away from other providers."

Davis, W.: "I'm clear that it costs money. I'm going back to the original proposal cause here's my analysis of what's happened, is that from the original proposal everybody has gotten everything that they wanted..."

Bradley: "No."

Davis, W.: "...except the EITC."

Bradley: "No, that's not correct. So the net operating loss wanted \$275 million, they got reduced to 50. The estate tax wanted \$90 million, they got reduced to 30."

Davis, W.: "Okay."

Bradley: "The personal exemption was going to be indexed. That's still the same as the original proposal and the EITC in this proposal is 10 percent, which is \$110 million, down from 200. So, actually, proportionally, this is proportionally..."

Davis, W.: "But you're... but you're missing the CME portion of it."

Bradley: "The CME portion is..."

Davis, W.: "You're missing District 300."

Bradley: "No, the... the"

Davis, W.: "Aren't those parts of this proposal?"



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Bradley: "Yes. So, District 300... the issues with District 300 were resolved in committee yesterday."

Davis, W: "Of course."

Bradley: "The CME actually gave in because they're paying the full amount of the tax increase this year."

Davis, W: "But they're still getting what they want which is..."

Bradley: "No, not completely."

Davis, W: "Well, they're not getting it this year..."

Bradley: "Not completely."

Davis, W.: "...but over a period of time they are still getting what they want."

Bradley: "Representative, not completely. They wanted it immediately. They're paying the full amount of the tax this year. They're paying..."

Davis, W.: "We're talking about dollars, Representative."

Bradley: "...they're paying the half of it... they're paying..."

Davis, W.: "I'm not suggesting that they're getting..."

Bradley: "I thought you said..."

Davis, W.: "You just said there's no FY12 impact. I'm clear, but if they're still getting, at some point in the next 2 or 3 fiscal years, what they want, all I'm suggesting is that then why can't low-income individuals still get something out of this. Everything we do here costs money, one way or another."

Bradley: "They... can I just... can I just clarify something I did?"

Davis, W.: "All I'm suggesting."

Bradley: "And I understand. I'm listening to what you're saying. Can I just clarify that? So, first of all, they wanted the

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tax reallocation method immediately. They didn't get it. They wanted the full amount next year. They're not getting that either. They wanted to be reduced below 27.54 percent. They wanted to use popula... population data, population data, which would have driven them down further. They didn't get that. The original proposals that were out there was they wanted population data, not census data, which would have given them an additional reduction in taxes. So, not everybody is getting what they want in this. Compared to the original proposal, the EITC has fared better than the other portions of the Bill, particularly NOL, the state tax, proportionally by the reductions that we've made to bring down the cost of the program."

Davis, W: "All right. So, obviously, you're trying to give me all the reason why I should vote for this..."

Bradley: "Well..."

Davis, W.: "...despite the impact on low-income individuals. And I'm just reflecting on the original proposal saying that, at one point, we thought 15 percent was a good number. Now we don't think that helping low-income individuals is as good as it was originally, so that was brought back to... ultimately, to 10 percent over the course of a couple of years, correct?"

Bradley: "Representative, it is less than what was originally proposed by the Governor. I recognize and you and I have worked together for a long time and you have always been a champion of the EITC and to my knowledge this will be one of the biggest bumps, if not the biggest bumps to the EITC

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to working men and women since you and I have been in this chamber."

Davis, W.: "Well... "

Bradley: "And I would hate to let it get away because it's not everything that everybody wanted."

Davis, W: "Well, we all talk about things that we want and I understand that and I wholeheartedly expect this Bill to pass, you know, but to me it's unfortunate that in this case low-income individuals have to suffer as a result. Not that I don't care about CME and other groups like that, but you know, I don't think very people from my district are working there, you know, or places like that. I mean, all I'm simply saying is that my job here, in this case, is to look at the impact on low-income individuals. Again, CME, District 300, okay, those are fine, you know and I don't want to speak against those necessarily, but I just wanted to understand how low-income individuals are impacted by this and what I see, despite what you've said, is the fact that originally we thought that 15 percent EITC was a good thing now we're back to 10, and I understand what you're saying, this will be a bump that they haven't had in a while, maybe the largest... maybe the only bump that they get in the next 10, 15, 20 years, I understand but often individuals here hold out for certain things and to me this is something that we should hold out on. So, again, obviously people will vote their conscience. I'm going to vote "no" on this Bill and leave it at that. Thank you very much, Representative Bradley."

Speaker Lang: "Mr. Franks."

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

Speaker Lang: "The Sponsor will yield."

Franks: "Representative Bradley, first of all I want to thank you for your hard work on this. I know you took a lot of your holiday working on this and you've been extraordinarily diligent and I know you've tried very hard, so I want to start with that and acknowledge your effort."

Bradley: "And first of all, let me just say, whenever you... whenever you begin a statement like that..."

Franks: "I wanted you to know that."

Bradley: "...you're getting ready to drop the hammer. So, just... so just get to it, Representative."

Franks: "That's right. I was wondering, John, do you like every aspect of this Bill?"

Bradley: "I tried to put together a Bill that was as fair as we could put together under the resources that we had. The Senate disagreed with us on a couple of provisions and increased the numbers beyond what I would have originally done but this is democracy and so this Bill passed out with a strong vote, a bipartisan vote out of the Senate. My friend and colleague Senator Hutchinson feels very strongly about this, did a good job. So, I am not emotionally involved with this piece of legislation."

Franks: "Well, I don't... why... I don't mind..."

Bradley: "I'm trying to get a job done here to keep two or three large businesses in Illinois, provide relief for working men and women and to provide significant relief for small businesses. I think this Bill accomplishes that. I

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think it also allows us to pay bills and I think it's a...  
it's a step in the right direction."

Franks: "Well, actually, that was more of a yes or no question.  
But my point is, what I was trying to say is why don't... if  
we're happy with the Bill after the way the Bill is  
drafted, why don't we break it up into different parts and  
run each one individually and let them stand on their own.  
I didn't bring those people."

Bradley: "So, Representative"

Speaker Lang: "Excuse me, Mr. Bradley. Could we get some order  
in the chamber please and order from the gallery or I'll  
clear it. Please proceed."

Bradley: "Representative, if you don't like the way we put this  
together, you can spend your next holiday working on it."

Franks: "Well, that's... I'm not trying... here's my point. I think  
some of these provisions on their own wouldn't stand, so  
that's why they're being Christmas treed together. And I  
think that's a problem that we have in Springfield because  
I believe that each portion of a Bill ought to be able to  
stand on its own. Let me ask you a question. How much  
corporate income tax did Sears pay last year?"

Bradley: "You're asking me how much corporate income tax Sears  
paid last year?"

Franks: "Yes, 'cause we're looking to give them \$15 million  
over... each year for 10 years."

Bradley: "There are... there are representatives of Sears in the  
building. I don't know if that's proprietary information  
or not. I know what I've seen reported. You know the

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answer to that 'cause you're a lawyer and you don't ask questions you don't know the answer to."

Franks: "Well, the answer is they haven't paid any corporate income tax and we're asking to give them \$15 million a year. Do you know how much the CME paid last year in income tax?"

Bradley: "What was the question?"

Franks: "My question was, how much did the CME pay in income tax last year?"

Bradley: "I think the CME number is 158 million for this calendar year."

Franks: "They paid a lot of income tax. Under this Bill, should it pass, how much would they pay this year in income tax?"

Bradley: "One hundred fifty-eight million."

Franks: "So, there would be no net loss to the state for CME?"

Bradley: "Correct."

Franks: "Because some of the numbers I had seen would be they'd actually pay less than before the income tax that we increased."

Bradley: "Well, no, that's when the pro... that's when the apportionment method changes."

Franks: "Okay. Let's assume that..."

Bradley: "So, when it goes to the 27.54 percent apportionment factor, then they would pay less than prior to the income tax."

Franks: "Correct. Correct. So, they would actually pay less in income tax than they paid before the tax increase for all the other... for all the other corporations in the state. Has there been any empirical analysis done by anyone

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independent to determine whether the incentive packages that we are offering are actually a net benefit to the state?"

Bradley: "Well, the EDGE credit regarding Sears is the same tool that's been used by this state and many others for many years. So, I assume that there are empir... there is empirical data at DCEO with regards to that and all the states or many of the states continue to use that."

Franks: "I know that..."

Bradley: "I don't think anybody's dealt with an apportionment factor like we are in this particular case."

Franks: "I agree and I'm concerned. I really don't have as much faith in DCEO as you do."

Bradley: "And I don't think... I don't think we need a study to determine the effects of increasing the EITC on working folks or to determine the gaining of the net operating loss to 100 thousand for small businesses. I think that would be a waste of money to conduct a study on that. We know it's going to be helpful."

Franks: "Well, I would disagree because I don't think that we have a fair playing field in the State of Illinois because what we do is the companies that are really big... First of all, what we do is we raise taxes on everybody, but the ones who are really big who can afford really good lobbyists are the ones who can come and say, you know what, I'm thinking of leaving unless you give me some dough. So then what we do is we give them the money, then they give us their campaign contributions, of course, but then everybody else doesn't get anything. So it's the small and

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medium size businesses that get to pay for the corporate welfare for the larger ones. So I do think that we ought to have some empirical analysis to determine whether it actually is a good deal because... let me... let me use Sears as an example. This is a company that got in... that got a huge tax break under the Thompson administration, correct? And now, they're saying we're not going to stay in your state unless... when they got the tax break last time, remember, they just moved from Chicago to Hoffman Estates; they stayed in the state. But now they're saying, if you don't give us again, we're going to leave, so apparently, we have to subsidize them perpetually to keep them. But this is where it gets interesting. If you look at how this is written, right now, the amount of employees in Hoffman Estates is approximately 6100, correct? About 6100 employees at Hoffman Estates."

Bradley: "I think that's right."

Franks: "Okay. But under this legislation, what we're saying is you owe... what we're saying is, we will give you \$150 million... This is very important, Ladies and Gentlemen. We will pay you \$150 million as long as you don't fire more than 1850 employees. So, basically, we're going to be paying them \$150 million to fire 1,850 employees because in order to retain this incentive they must only keep 4,250 people."

Bradley: "Well, the... and I... and you weren't a party to the negotiations and I wasn't a direct party to the negotiations but my understanding was that there's about 1800 employees out there that are not technically



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classified as employees. They work for other people. And so if we were to put the 6100 employee requirement on them, there's only about 4200 employees out there that they actually have control over. And so that would create a situation where this would not be a tenable... a tenable program."

Franks: "Well, here's my problem."

Bradley: "And you wouldn't have that information, so I don't blame you for not knowing that."

Franks: "Okay. Well, DCEO has recently cut deals with Navistar, for instance and Motorola Mobility."

Bradley: "I'm not here to... I'm not here to defend DCEO or CME or Sears."

Franks: "Okay."

Bradley: "We put together the best package we could under the circumstances with the money we had to try to retain jobs, help working men and women and provide relief to small business. So, you could take, I mean... I'm just, I'm not defending these companies and I'm not defending DCEO and other organizations out of my control."

Franks: "Okay. That's fair. That's fair, but they're the ones who are going to be administrating it and I just... I just don't have a lot of faith in their ability to do it. I always thought that incentives should have been used for start-ups and for companies that are growing. I don't know how we've come to allow incentives for companies that are actually contracting. That's not what incentives are supposed to be. I filed Amendment #4 to your original Bill that would remove Sears from this legislation and I'm not

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sure whether you're going to be calling that Bill and that's why I wanted to know... I guess if this one passes you would."

Bradley: "I think it's still in Rules, isn't it?"

Franks: "My Amendment, but I'm wondering are you going to be calling your Bill?"

Bradley: "I don't know. I mean, if we ... if we get a vote on this tonight, we may not have to."

Franks: "Okay. Okay. I'd like to speak to the Bill for a minute or two, if I may and I appreciate my friend, John. You know, we had a Bill up here a few weeks ago that failed, and this is probably a lot and my fault that I didn't work it well enough, but it was a Bill that would have provided property tax relief for homeowners. We have 46 percent of our homeowners in the Chicago region, the Chicago area, that have mortgages that are underwater, that owe more on their mortgages than their home is worth, yet we couldn't muster the ability to give homeowners who are underwater a tax break. Yet today, we are debating whether we should give multibillion corporations huge tax incentives and in one instance, where they would be able to fire 30 percent of their workforce. And I believe that the concessions for Sears are tragically misguided. The state is not only incentivizing, it's rewarding companies that terminate workers. I can't believe that we would use our tax dollars, money that hardworking Illinoisans paid in, to be used against themselves to be fired. Now you look what happened at Motorola and Navistar and then to allow this with Sears. This just can't happen. These incentive

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packages are devoid of transparency and they lack a proper oversight authority. We don't know whether this is a good deal for the State of Illinois, but we do know that it's politically good for one company. And I don't think that we ought to be giving sweetheart deals for one company based on the political muscle that they have under the dome and doling out tax breaks business by business when they threaten to leave demonstrates the weakness of Illinois's business climate. This practice is politically corrupting and it's shortsighted. It's just.. it's not a good economic development strategy. I and many of my.. of our colleagues here voted against the recent tax hike but we need to make clear that Illinois will not be held hostage by corporations threatening to exit because these.. these actions come at the expense of small- and medium-size businesses that are not getting similar bailouts. If we're serious about keeping businesses in Illinois, what we ought to do tomorrow is repeal the tax hike. That's what we ought to do. We should not be doing incentives one by one. Until then, these incentives must not allow companies to dramatically decrease their Illinois workforce. I'd encourage a 'no' vote on this Bill. Let's go back to the drawing board on this, Ladies and Gentlemen."

Speaker Lang: "Mr. Crespo."

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

Speaker Lang: "Gentleman yields."

Crespo: "Representative Bradley, first, I want to thank you for all the work you've put into this and Representative Harris as well. A quick question for you. Under this version,

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can you tell me how much is this going to cost through 2014?"

Bradley: "Well, 2012 there's no fiscal cost; 2013 it's about 2... Well, it's the Senate's version."

Crespo: "Then tell the Senate's version, Representative."

Bradley: "About 250 million in '13 and then it's going to go up about 75 million in '14."

Crespo: "Let me get to the point. I'm trying to compare the House version with the Senate version. What's the difference in cost to the state?"

Bradley: "In fiscal years... in year two and... in year two of the program, it's a \$75 million difference. In year three, you increase that by 20 million. So, the personal exemption goes up roughly 20 million a year."

Crespo: "Okay. So, it definitely will cost more than your version, correct?"

Bradley: "That's correct."

Crespo: "Thank you. And listen, I, obviously, as many of you know, I've been working on the Sears deal for quite some time, since the beginning of the year, but I've always said it has to be a win-win. We need to be able to afford what we're going to put out there. I don't think this Bill does that. I'm very concerned. As appropriations chair for General Services, we have so many pressure points and I don't think we can afford this version, Representative. So, I might vote 'no'. I'm hoping that you do run your version. And we have a speaker before me who talked about Sears. Listen, folks, they do provide 6100 jobs. The original EDA only require they provide 2 thousand. So,

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they're providing more than what they're required, but more importantly... most importantly, it's not just the direct jobs but there's close to over 9 thousand vendors and contractors and business employing thousands of more folks that provide services to Sears. There are more than 100 people that visit the campus every year that help the local businesses. There's 30 thousand nights per year at nearby hotels and 18 thousand annual airline tickets in and out of O'Hare for Sears associates. We can't blame Sears for the dynamic or what's going on here in the state. They received an offer from another state. Things are what they are and we need to react to that. So, Representative, I'm not sure if I can Sponsor this Bill because of the cost. I hope you get a chance to call your version, which I think was very well put together between you and Representative Harris. And once again, thank you for your support."

Speaker Lang: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Lang: "Gentleman yields."

Flowers: "Representative, first of all, I would like to compliment you and Representative Harris and Members of your committee for all the hard work and the long hours that you put in to craft this legislation, but I have a few concerns and questions. Do all businesses in the State of Illinois pay taxes?"

Bradley: "I... I would guess that the answer to that would be yes in some form. I don't know that everybody pays income tax."

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Flowers: "CME, when they came before your committee, stated that they just wanted to be treated fairly. They stated that they were being overtaxed and some companies wasn't paying taxes at all. So, under this Bill, will CME be treated fairly? Will all other businesses be paying taxes?"

Bradley: "Well, they will be treated more fairly than they are currently."

Flowers: "They'll be treated more fairly, but there will still be some business out there that's not paying taxes. Okay. That's number one. My other concern, there was a recent article in the newspaper in regards to the CME group had bailed out MF Global by pledging \$300 million to their trustees. May I ask you, what will the people of the State of Illinois get in regards to the bailout that we're about to give Sears, the bailout that we're about to give CME? What will we get in return other than... other than a few jobs? And let me just say this, Representative, with all due respect, because I understand about give and take and I understand that we need businesses to stay in Illinois in order to create more businesses so the people in the State of Illinois can have jobs, but the fact of the matter is, I think this is a disservice when you think that we, the taxpayers once again that have had our taxes raised on us, that has had our income drop, some of us have worked and are working without pay. Is it fair that we made sure that the trustees of these companies be made whole while we, the taxpayers, leave with absolutely nothing? After all, this is a free market and the company should be able to fail or succeed on their own. So, what should I go back and tell

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my constituents in regards to the \$3 million that CME, which we are going to try to bail out today, going to give another company \$300 million and they might get \$2.50 in regards to a tax credit. And as some of my other colleagues spoke earlier in regards to their homes being lost and in regards to their jobs being gone and to me this is another way of outsourcing because if... if after CME and Sears leave and other companies come behind them threatening us if we don't give them what they want, they, too, will leave. You know, what is the point in all of this? So, I respect what it is that you've done. I respect what it is that you're trying to do, but I think we still have a long ways to go. And I'm not diminishing the jobs that CME and Sears bring to the State of Illinois, but I think we can come up with a better program and return on the dollars for the people of the State of Illinois. Thank you very much."

Speaker Lang: "Mr. Bradley to close."

Bradley: "This is an immensely difficult issue. This is an immensely difficult vote. This is an immensely difficult situation to be in, but this is the situation we be in. And I would like to say that there was some other reality, but this is the reality of the world economy, of the way that things are going and we have to make the best decision we can in very difficult times under very difficult conditions. I think that the framework of this Bill, regardless of the differences in the amounts of money between the Senate and House version, is a good attempt... is a reasonable attempt to try to address many different issues, not the least of which is working men and women,

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which is small businesses, which is paying down the state's debt and retaining thousands of Illinois jobs from longstanding Illinois companies. I would ask for an 'aye' vote."

Speaker Lang: "The Gentleman's... Gentleman's moved that the House concur with Senate Amendment 7 and 8 to House Bill 1883. Those in favor of the Gentleman's Motion vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. McGuire. Mr. Clerk, please take the record. On this question, there are 8 voting 'yes', 99 voting 'no' and 6 voting 'present'. And the Gentleman's Motion fails. Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 658, offered by Representative Gaffney. House Resolution 659, offered by Representative Morthland. House Resolution 660, offered by Representative Burke. House Resolutions 661 and 662, offered by Representative Cole. House Resolution 664, offered by Representative Ford. House Resolution 665, offered by Representative Bellock. House Resolution 666, offered by Representative Sacia. House Resolution 667, offered by Representative Dunkin. And House Resolution 668, offered by Representative Sente."

Speaker Lang: "Leader Currie moved the adoption of the Agreed Resolutions. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And the Agreed Resolutions are adopted. On page 9 of the Calendar, on the Order of Resolutions, appears House Resolution 590. Representative Pihos. Take your time, Representative."



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Pihos: "I'm ready, I'm ready. Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This particular Bill was done in conjunction with the Alzheimer's Association, working closely with the newly formed Illinois Alzheimer's Legislative Alliance. And we are asking this Body, through House Resolution 590, to recognize the month of November as Alzheimer's Disease Awareness Month in the State of Illinois, so that we can better understand the impact on Illinois individuals, families, communities and the public health system. Thank you very much for your consideration. And I'd be happy to answer any questions."

Speaker Lang: "Lady moves for the adoption of the Resolution. There being no debate, those in favor say 'yes'; opposed 'no'. In the opinion the Chair, the 'ayes' have it. And the Resolution is adopted. House Resolution 610, Representative Ford."

Ford: "Thank you, Mr. Speaker and Members of the House. I move for the adoption of House Resolution 610. First, I would like to thank Representative Kelly Cassidy for... and Representative... Leader Barbara Flynn Currie for supporting House Resolution 610. House Resolution 610 urges support for peaceful exercise of the First Amendment by the Occupy protestors. And I move for the adoption."

Speaker Lang: "Mr. Eddy."

Eddy: "Thank you, Mr. Speaker. First of all, we'd request a Roll Call vote on this Resolution."

Speaker Lang: "Recognized."

Eddy: "Thank you. Well, will the Sponsor yield?"

Speaker Lang: "Gentleman yields."

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Eddy: "Representative, can you kind of, if you could, provide us what... with what your... the purpose is with this Resolution?"

Ford: "The purpose of the Resolution is to simply allow people to exercise the First Amendment."

Eddy: "Well, I think that if you read the Resolution... I'm trying to find in the Resolution where this concentrates on that. I read a lot that doesn't have a whole lot to do with that part. I'm reading a lot of things here that, basically, demonizes corporate America, demonizes job producers. It provides us with a lot of language that, in many ways, supports individuals who are involved in activities that are resulting in arrest. So, I mean, you may be interested in individual First Amendment rights, but in many, many cases what we're seeing with these demonstrations results in individuals breaking the law."

Ford: "That's why I think, Representative, I think that as leaders of this state, I think it's our responsibility to say that we urge peaceful Occupy protests. And that's what this Resolution does."

Eddy: "Well, this... this Resolution, in addition to mentioning in the very end the purpose that you stated, which has to do with exercising the First Amendment, uses the first six or seven paragraphs to basically try to place blame in one part of this country or in one sector of this country. Now, to me, that's not a Resolution that supports the First Amendment. It's a Resolution that demonizes."

Ford: "Well, we know that Occupy protests are happening all over the State of Illinois, correct?"

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Eddy: "I know that individuals are protesting both in a lawful manner and in some cases they're protesting in a manner that is unlawful and they're being arrested."

Ford: "So, would you urge people to protest lawfully?"

Eddy: "I would urge people to always protest and exercise their rights in a lawful manner, but that's not what they're doing."

Ford: "Well, that's what this is saying. We urge you to protest lawfully, and not in an illegal way."

Eddy: "Representative, this is supportive of a movement that results in multiple arrests. Here's what I think they ought to occupy, I think they ought to occupy reality."

Ford: "You know, I don't think that we, as Legislators, have a right to tell people what they should occupy for. They have a right as citizens of this state to occupy, even if you don't agree with it."

Eddy: "Well, Representative, I... I think that if the same amount of energy, time, and motion and effort were used by some of the individuals who are engaged in unlawful activities, on obtaining employment, that they would be far better off."

Ford: "Well, I think that..."

Eddy: "I'd like to see the Resolution..."

Ford: "...you know, I think that people..."

Eddy: "...talk about encouraging those individuals who occupy the reality in this country..."

Ford: "All right."

Eddy: "...and that is that you can work very, very hard. You can get an education, and you can get a J-O-B."

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Ford: "So... so, are you telling me the teachers, the senior citizens, the veterans, and the firemen, and the working everyday citizens that's occupying and protesting are... they have no right to do that? They have no right to stand up for what they believe in?"

Eddy: "Representative, they have a right to lawfully do that."

Ford: "Right."

Eddy: "But in many, many cases this movement has turned into a... an unlawful assemblage of people, a situation where people are being arrested and I, for one, am not interested in voting for a Resolution that supports that kind of behavior and activity. And I will be voting 'no' and I'd urge others to vote 'no' on this Resolution."

Speaker Lang: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Representative, you have every right to put out whatever Resolution you want, but I have every right to disagree with you on it. When you have people that tell you that they're afraid to take their children down to the Christmas parade because of what's going on downtown, that bothers me a whole lot. If those people wanted the extra jobs and those people, some of them need jobs, some of them want to work, but it's a movement across the country that's being fostered on the Internet by who knows who. And the other thing that bothers me a whole lot is there are people that want those Christmas jobs downtown. If you have people that do not come down and do not shop in the loop, what happens is those stores don't hire the extra people for the Christmas time and some of those people might be able to get jobs there. These people

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can do whatever they want, but I don't think it's appropriate for us to honor them on the House Floor. So, I will be voting 'no' once again on your Resolution."

Speaker Lang: "Mr. Sullivan."

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

Speaker Lang: "Gentleman yields."

Sullivan: "Representative, you had indicated that this is in response to allow people to protest peacefully, and in your Resolution on line 19 you say, Whereas the people of all ages... or 18 ...are lawfully protesting the failures of Wall Street. Do you believe that this movement is lawfully protesting or are they raping and pillaging and beating people up and murdering, are they doing some of those things?"

Ford: "I mean, that's why as a leader of this state, I would urge you to support this Resolution that says that we want you to protest lawfully according to the Constitution."

Sullivan: "No."

Ford: "If you believe in the Constitution..."

Sullivan: "Your registra... your legislation is fundamentally flawed because you are saying, we are voting on, that they are lawfully protesting."

Ford: "Well, they are lawful protestors. And we urge that..."

Sullivan: "They are?"

Ford: "Yes."

Sullivan: "Then why are we having news accounts of rapes, and pillaging, and murders and beating people up?"

Ford: "Why do we have corrupt politicians? Why do we have corrupt politicians?"

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Sullivan: "Because you have corrupt politicians."

Ford: "All right. So, in every field of and walks of life you're going to always have bad apples. So, I'm telling you, let's support the Constitution, let's support those that we go knock on their doors and ask them, tell me what is it that you're feelin', what should we be working on? Come to my town hall meeting so that you can tell me what issues we should be dealing with. Right now the unemployment rate in Illinois is over 10 percent. So, I'm telling you now, these are issues that..."

Sullivan: "Why? Yeah."

Ford: "...the people, right now, are talking about."

Sullivan: "Representative, do you believe in the underlying premise that... of what these gentlemen... no, what these people want? Fundamentally, they're looking for what's called a financial transaction tax. Do you believe in that?"

Ford: "Well, you know, if you could pick this and angle it however you want, but I'm telling you there are good people protesting, and I support those good people that are protesting, and you should too."

Sullivan: "Okay. To the Resolution. Ladies and Gentlemen, I just flat out believe that this protest movement is un-American. I'll say it; it's un-American. If you don't believe in capitalism, you don't believe in the democratic philosophy of this state, then vote for this Bill... vote for this Resolution. But this is wrong. These protests are wrong. And I won't stand for it. Please do not vote for it."

Speaker Lang: "Representative Monique Davis."

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

Speaker Lang: "Gentleman yields."

Davis, M.: "Representative Ford, do you believe in democracy in America?"

Ford: "Representative, I do."

Davis, M.: "Do you believe that people have the right to peacefully protest on any issue?"

Ford: "I do."

Davis, M.: "Do you believe that the people who have gone to college and gotten degrees, who have invested money in many failing stocks or what have you, through no fault of their own, do you think they deserve some kind of redress from this country?"

Ford: "Yes, Representative."

Davis, M.: "Do you believe that teachers should be protected, and not constantly attacked and blamed for all the ills of society?"

Ford: "I do. I feel like I'm marrying you."

Davis, M.: "Therefore, Representative Ford, I commend you for this fabulous and very strong piece of legislation. This Resolution shows that many of us, no matter how much it hurts us, we realize that people have a right to protest. These people are out in the cold, some of them are hungry, they're not extremely warm in this kind of weather, and yet they're showing their belief in this country that they have a right to protest. And those of us who believe in democracy will continue to support them, take them some food, drop some dollars by that protest, and let them know that that's what America is all about, the right to

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peacefully protest, and keep this country as a democratic or democracy. Thank you."

Speaker Lang: "Mr. Reboletti."

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

Speaker Lang: "Gentleman yields."

Reboletti: "Representative, how many arrests have been made in the City of Chicago, which you represent, regarding this peaceful protest known as the 'Occupy Chicago Movement'? Do you know how many?"

Ford: "I don't. I know that there are a lot of Occupiers that I've met with that are teachers, police officers, veterans, and they believe that their voices should be heard."

Reboletti: "Representative, let me read to you a part from a... I didn't know Occupy Chicago had a spokesperson, but it does. His name is Joshua Kaunert who vowed, after the protests, that they would continue in the Midwest city. And his quote was this, 'We're not going anywhere, there are still plenty of us.' After 130 arrests, far from peaceful, Representative, which is what your Resolution states, that we... we as a Body, support that. Of course we all support the First Amendment. We support the right for them to peacefully assemble in a appropriate time, place and manner. Not roam around Grant Park at 3:00 in the morning. Not march down Michigan Avenue when they... ever time they feel like it. When people can't get to the train stations because intersections are blocked. Where are you condemning that in your Resolution? Show me what line number it is."

Ford: "Representative, this Resolution calls for peaceful occupy."



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Reboletti: "Who is out condemning the arrests?"

Ford: "You... you could do a Resolution for that, Reboletti."

Reboletti: "I've con... I don't have to. You know what..."

Ford: "I don't either."

Reboletti: "...I saw... I've seen what the media could do to the Tea Party movement when they peacefully assembled, and they were attacked for all the bad things that they were doing. Now we have people who don't want leave a park. And I think some of the quotes here are, at 1 a.m. on a Sunday, take me next, take me next, some shouted as the police began the arrests. Others chanted, we'll be back. And then the police had to use metal barricades. This is not peaceful protesting. This is unlawfulness. This is not what the founders thought about when challenging their government. And also, I would disagree with the fact that your Resolution doesn't only talk about peacefully assembling, it talks a lot about what your beliefs are with respect to the one percent and class warfare. There shouldn't be any type of class warfare. If you don't like... if you don't like how things are run here, Representative, you could file Bills too."

Ford: "Well, I have a Resolution here that speaks to the problems that we have in the state, 10 percent unemployment, that's over 660 thousand people that's unemployed in this state. The poverty rate is more than 14 percent..."

Reboletti: "And why is that?"

Ford: "...1.8 million people living in poverty in this state, right now"

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Reboletti: "Why, Representative?"

Ford: "Eleven thou..."

Reboletti: "Why is it?"

Ford: "Well, you know, we don't know why it is, but I know we need to get to the matter of it. And the people have a voice in this state, and if you want to shut their voices down, then vote 'no'."

Reboletti: "I don't want to shut their voices down. What I want to shut down is the unlawfulness, the arrests, the people who protest on Michigan Avenue..."

Ford: "Well... well, then why don't we stand together today?"

Reboletti: "...blocking average working people trying to get back and forth to their homes. That's what I've been..."

Ford: "Why don't we stand together today, Representative Reboletti, and say that we support peaceful occupying throughout this state because people have a right to exercise the First Amendment. Can you agree that we should stand together and give people the right to peacefully occupy in this state?"

Reboletti: "That's not what your Resolution says."

Ford: "It does say that."

Reboletti: "It does not say that. If it said that..."

Ford: "It doesn't say that I condone..."

Reboletti: "...I would have no problem with it, and we wouldn't be calling for a Roll Call."

Ford: "So, if we make this Resolution say peaceful, will you vote for it?"

Reboletti: "But you... it has nothing to do with that."

Ford: "It's in there."

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Reboletti: "Your Resolution calls about other policy issues, which you have a problem with."

Ford: "No, it calls upon the..."

Reboletti: "I've watched for five years this state go in the tank because we can't get our proper policies in order. We raise taxes on everybody, and then we have problems."

Ford: "You know, I didn't want to bring up the... you know, Representative Reboletti, I didn't want to keep on bringing up the issue of why people are protesting throughout the state. The average after-tax household income of the top one percent of the United States population grew by 275 percent between 1979 and 2007 and the average after-tax household income of the lowest 20 percent of the United States population grew just by 18 percent in the same period. You know, people have a right to protest, they want to protest and I support people protesting, lawfully, in this state. This country has been put together through the Civil Rights movement because people protest and we are a better state, better country because of it. Women's lib... well, I should say the, not women's lib, but the women had their marches and now we're a better state because of the women having their marches. And so..."

Reboletti: "Representative, I have watched..."

Ford: "...this country is better because of protests and demonstrations."

Reboletti: "That's not what your Resolution says."

Ford: "It is. It gives people the rights."

Reboletti: "And that's where you and I disagree. I would urge a 'no' vote. This has nothing to do about peaceable protests."

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This has to do with social engineering and justice however... how else you want to camouflage it as. The issue is, that we have failed policies in this state that have come back to haunt us. That's why we have CME bailouts. That's why we have issues with people not being able to make their mortgages because we chase business out of this state every day. Thank you, Mr. Speaker."

Speaker Lang: "Mr. Ford to close."

Ford: "Thank you, Mr. Speaker and Members of the House. This Resolution did not come to bring division, it was just meant to give the people a voice in this state that cannot afford to have lobbyists come down to lobby for them like the last Bill that we just heard. So, as leaders in Illinois, I urge you to support the First Amendment and to urge peaceful protests in the State of Illinois. Thank you."

Speaker Lang: "The Gentleman's moved for the adoption of the Resolution. The adoption of the Resolution requires more 'yes' votes than 'no' votes. It does not require 60 votes. And a Roll Call has been requested. Those in favor of the Resolution shall vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. DeLuca, Mr. Franks, Representative Sente. Please take the record. On this question, there are 37 voting 'yes', 58 voting 'no', 15 voting 'present'. And the Gentleman's Motion fails. Mr. Moffitt."

Moffitt: "Would you accept a... I'd like to rise to point of personal privilege."

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Speaker Lang: "Please state your point, Sir."

Moffitt: "Well, Mr. Speaker and Ladies and Gentlemen of the House, we just talked about people having the opportunity to express their thoughts, their feelings and do what they feel is right. There's a project up in Moline, I hope you've heard about it, it's called Project 'Can Do and it's where, at the John Deere commons, volunteers have built a full-size combine out of canned food. It's going to be given to food pantries in several counties. This is on display. I'll give you the website you can go visit, but here's an effort of people coming together, volunteers, and doing something very positive, very constructive and helping people. It's Project 'Can To'... 'Can Do'. It was a John Deere marketing department in Olathe, Kansas, that came up with the idea. They built this full-size combine, and the amount of food stacked up. It was built by volunteers, and the can combine is 16 feet tall, 80 feet long, and 60 feet wide. More than 300 thousand cans of food were used to create this 170 ton sculpture that has food that they're going to go to people that need it, needy families. It's going to be... it'll be enough food to feed about 150 families for a year. It took over 450 volunteers working for 64-hour periods and shifts over several days. If you'll go to... if you're interested, go to their website. And you can go to [www.deere.com](http://www.deere.com) and deer as in John Deere, D-E-E-R-E, .com, or you can watch it, a webcam at [www.deere.com/cancam](http://www.deere.com/cancam). It's a... it's a demonstration of people doing something really good, really positive, really constructive. I'd urge you to take a look. It's going to

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help a lot of area people in need of food, so take a look.  
It has a positive demonstration. Thank you, Mr. Speaker."

Speaker Lang: "The House will come to order. On page 4 of the Calendar, under the Order of Senate Bills-Second Reading, appears Senate Bill 1311. Representative Currie. Please read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1311, a Bill for an Act concerning finance. The Bill was read for a second time on a previous day. Amendment #2 was adopted in committee. Floor Amendment #3, offered by Representative Currie, has been approved for consideration."

Speaker Lang: "Leader Currie."

Currie: "Thank you, Speaker. These are pretty technical changes in the budget implementation plan. One would give the Charter School Commission some additional spending authority, that is, they could spend money on certain items that are not in their legislation today. And as well, the State's Attorney Appellate Prosecutor had asked that they also have the opportunity to conduct some training programs with some of the money that they have. So, it's a kind of further detail on how the Appellate Prosecutor's office can spend its money."

Speaker Lang: "Lady moves for the adoption of the Amendment. There being no debate, those in favor say 'yes'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Mr. Clerk."

Clerk Bolin: "No further Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Please read the Bill."

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Clerk Bolin: "Senate Bill 1311, a Bill for an Act concerning finance. Third Reading of this Senate Bill."

Speaker Lang: "Leader Currie."

Currie: "Thank you much... very much, Speaker and Members of the House. Many of the items in this Bill are the substantive language that goes with statutory transfers that we actually made in the budget that we adopted last spring. In fact, most of this Bill is about... gives us the statutory authority to do what we did in the budget Bill, and as I say, much of it is statutory transfers; for example, the Violence Prevention Fund, we always do that, and this just gives us the statutory authority to do so. We create, also, in this Bill a Healthcare Provider Relief Fund, which can be used to bring in federal Medicaid match. So, we put the money in a Healthcare Provider Relief Fund, rather in general revenue, and we also reverse some of the fund sweeps that were not needed and not appropriate. We provide that the audit of the Regional Transportation Authority, by the office of the Executive Inspector General, shall be paid out of public transportation funds rather than General Revenue Funds. There is a \$10 million decrease in the amount of money that we have to transfer to the Workers' Compensation Fund. They need 45 million rather than 55 million. I, also... I'd be happy to answer any questions that you have. As I say, primarily what this does is to give us the statutory authority to spend the dollars as we appropriated them when we adopted our budget in May."

Speaker Lang: "Mr. Eddy."

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Eddy: "Thank you. Would the Majority Leader yield, please, for a question?"

Speaker Lang: "Lady yields."

Eddy: "Thank you. Representative, this... this appears to me to be implementation language for maybe an agreement that we're going to see later in Senate Bill 2412?"

Currie: "Yes, indeed."

Eddy: "So..."

Currie: "So... but this also deals with the budget we already adopted. But further changes, which will come up in another Bill, are also reflected in the statutory changes here."

Eddy: "Okay. So, some of the changes are to items... I think you mentioned the Downstate Public Transportation Fund is reduced, the transfer is reduced by \$6 million?"

Currie: "That's right, the revenue... not the appropriation but the statutory language will go from 175 million to 169 million."

Eddy: "Well, which, in effect, would limit the transfer by \$6 million?"

Currie: "Right."

Eddy: "And other reallocations that would occur related to this would be Conservation, Digital Divide, you mentioned Work Comp, I know, the State Garage Revolving Fund, the Tourism Promotion Line?"

Currie: "Right."

Eddy: "So, this is substantially the accumulation of dollars that we'll see later in the reallocation Bill and this implements those changes?"

Currie: "Yes."



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Eddy: "So, if you're not in favor of the reallocation Bill, you likely would not be in favor of the implementation language that would allow those changes?"

Currie: "Say that again?"

Eddy: "If... if you're not in favor of the reallocation Bill that we're going to see, you're probably not in favor of the implementation language to implement those reallocations?"

Currie: "Yeah. But on the other hand, Representative, there may be a piece of the reallocation Bill that you don't like. This is a many-faceted proposal, and it's hard to me to imagine that you would object to all that is in this Bill, even if you find yourself uncomfortable with one provision. So, I'd encourage a 'yes' vote."

Eddy: "Well, I understand that. What I'm uncomfortable with is the fact that a couple of weeks ago we talked about a reallocation agreement that, when we left, seems to have been abandoned, especially one part of it that was important to school districts, and that was to try to come up with some money for transportation that seems to have disappeared. And I know that some of the reallocations that we're talking about here, when we were talking about agreeing to the reallocation, we specifically felt that that reallocation was going to be used for a specific purpose that was changed."

Currie: "Let me just make this point and that is that we can appropriate but that doesn't mean the Governor has to spend."

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Eddy: "Well, I... I get that part too. Does this... does this particular implementation language do anything with the unclaimed property offset?"

Currie: "That... that's an actual appropriation. That's not in this language."

Eddy: "Okay. So, that's not a transfer that has to be affected by this implementation language? Okay. Thank you, Leader Currie, for the answers. Ladies and Gentlemen of the House, to the... to the Bill. This legislation is necessary to implement the appropriation... reappropriation agreement that is contained in Senate Bill 2412. If you have problems with that reallocation, you may have problems with voting for the implementation. So, I'd pay attention to this. Kind of decide where you're at on the reallocation, so that you have a consistency in the way you vote on the Bill. Thank you."

Speaker Lang: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. I hate to interrupt the debate. I would like to... so the record can reflect that Representative Kosel's excused for the rest of the aft... evening."

Speaker Lang: "Thank you. The record will reflect that. Mr. Franks."

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

Speaker Lang: "Sponsor yields."

Franks: "Thank you. Representative, I'm not sure I understand this Bill yet. This is a Budget Implementation Bill?"

Currie: "It is."

Franks: "I'm not understanding where we're getting the money."

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Currie: "These come from transfers from the General Revenue. And as I say, some of that money we will see in the budget Bill that is about to come. So, for example, we thought we were going to need \$55 million to put in the Workers' Compensation Fund, to keep that program operative..."

Franks: "Wait..."

Currie: "...in fact, we don't need \$55 million. We were able to reduce that sum by \$10 million. So, this provides that we transfer from GRF not 55 million but 45 million."

Franks: "Okay, I get that. But... okay. Let's assume we don't need that 10 million. We only... on that..."

Currie: "Right."

Franks: "...we'll use the workers' comp as the... as the example. I thought that we had passed in the budget that, if we had excess money in a line item, that that would go to pay bills, outstanding bills, but this, is of my understanding, would not go to pay excess bills, it would go to pay for different services."

Currie: "And the problem, of course, in the budget that we passed in the spring is that there were some things that, for whatever reason, did not get funded, that everybody thought were going to be funded, at an adequate level. So, the other really important point is that what we said is we're going to stay within a cap, a cap that the House unanimously agreed was the available revenue. And in this measure, the measure before you right now, Senate Bill 1311, and the budget Bill, the reallocation Bill, we will stay well under that cap."

Franks: "Well, is that..."

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Currie: "So, I think our commitment was that moneys over that cap would then go to pay old bills, but as we are still under the cap, I think that because there were various things that happened during the appropriations process; for example, we did not know exactly how much money the Governor had allocated to programs that are operated through Division of Alcohol and Substance Abuse, the cut that we made was disproportionate, hit very hard programs that had no idea it was coming. It was a timing problem. We didn't know, when we set the allocation levels, that the Governor, in fact, was going to be sending more money to that program. So we're under the cap; that, I think, is the important point about our decision to spend additional revenues paying old bills."

Franks: "But this doesn't say how we're going to spend the money. This is just transferring it so then you can have that pot..."

Currie: "Right."

Franks: "...to spend it as you wish."

Currie: "And much of it... let me just remind you, much of it is statutory transfers. So, for example, the Violence Prevention Fund traditionally gets a transfer from the General Revenue Fund, and that amount..."

Franks: "One point four million."

Currie: "...is 1.4 million. The statutory language didn't happen in the spring. So, in order to make sure they get the allocation that they are accustomed to having, we need to make this language change."

Franks: "Well, how much..."

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Currie: "And that... that's true for the state's surveys. That's true for a variety of other items that are in this Bill."

Franks: "Well, how much of this is the statutory transfer, such as the Violence Prevention Fund and how much are these would be discretionary?"

Currie: "I'm not sure I can answer. I can tell you that the Violence Prevention Fund, Communications Revolving, Professional Service Fund, U of I Income Fund, Digital Divide, Partners of Conservation, Tourism Promotion, those are all in the category of statutory transfers, but without passage of this Bill, there will be no statute to authorize the transfer."

Franks: "Well, how much money are we talking altogether in these transfers?"

Currie: "I haven't added it up."

Franks: "'Cause I'm just wondering how we're going to get... 'cause I presume a Bill we'll be seeing soon will be how we're going to spend these moneys. So, I just was wondering how much we're talking and whether that would trigger the two percent requirement also in the budget where if it's more than two percent in the line item you need... don't you need to have stat... legislative approval?"

Currie: "I'm not sure what you mean about the 2 percent. I would just reiterate that we're under our cap, our self-imposed cap, well under."

Franks: "But... but are these hundreds of millions of dollars, here? That's what I'm trying figure out. I can't tell how much we're doing."

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Currie: "Well, we're doing 202 million for the Governor's reallocation program, 28 million but reflects the fact that we short shrifted department... the Division of Alcohol and Substance Abuse 'cause we didn't know what the Governor's allocation had been. We believe that there was some kind of transcription or other error with respect to community mental health programs, so this would provide 30 million more for that."

Franks: "Okay."

Currie: "Sudden Infant Death... These... those are the budget items, but they are not in Senate Bill 1311."

Franks: "That's what I was trying to figure out 'cause that's... are we putting the cart before the horse? I'm just wondering wouldn't we be better off knowing how we were wanting to spend these moneys? I mean, when are we going to see the Bill on the allocation of the moneys?"

Currie: "I think that's next."

Franks: "Okay. That's what I wanted to see. Okay. Thank you."

Speaker Lang: "Representative Mulligan."

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

Speaker Lang: "Lady yields."

Mulligan: "Representative, did you just say that there will be money for DASA funding in this?"

Currie: "That's not in this Bill, but if... if we finish this Bill and move to the budget Bill, then, I can guarantee you, there will be \$28 million, additional dollars, for services for community-based alcohol and substance abuse programs."

Mulligan: "I..."

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Currie: "But we're not there yet, Rosemary. And we need your vote on Senate Bill 1311, so we can get to the next event."

Mulligan: "Very good sales pitch. My concern is, every year we put money in for DASA, every year we go home and the money disappears. I want to make sure that that does not happen and that there is money there. The Regional Transportation Authority, it says, provides for expenses of the Executive Inspector General to be paid from the Public Transportation Fund. It's \$2 million; it's a subsidy. Is that actually going to go for public transportation or does that go to the office of the Executive Inspector General, and how come it costs 2 million?"

Currie: "So, what's happening here is the Executive Inspector General is doing an audit of the RTA. No. Sorry. He's acting..."

Mulligan: "Is it all going to go..."

Currie: "I'm sorry. He... under legislation we adopted last year, the Executive Inspector General is the Inspector General for the Regional Transportation Authority and its Service Boards. So, it seemed appropriate, because they always have done those activities themselves, it seemed appropriate to use their money to pay for the activities of the Executive Inspector General rather than taking that money out of our scarce resources in the General Revenue Fund."

Mulligan: "For the FY12 Hospital Relief Fund, creates the fund and transfers 140 million GRF. Is that going to generate other money through... for us through Medicaid?"

Currie: "Yes."

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Mulligan: "Do you have an idea of how much money that will generate?"

Currie: "I think it's going to be in... about 100 and... total... total 276, so about 136 million."

Mulligan: "All right. So, you're giving authority... appropriation authority to spend that out of this Bill?"

Currie: "No, the appropriation authority isn't here yet..."

Mulligan: "Will come in the next Bill."

Currie: "...but that money will be able to... because it's in a dedicated fund it can be used to access federal dollars."

Mulligan: "You're transferring 45 million from the Workers' Comp Fund. Do you know how much that's going to leave in the Workers' Comp Fund?"

Currie: "Forty-five million. What we thought initially that they were going to need 55 million as our usual transfer from GRF to that fund, but because they have closed some offices, because of efficiencies since we adopted reforms in the Workers' Comp system, in fact, they only need 45 million, leaving 10 million excess in the General Revenue Fund."

Mulligan: "There was some money in here for the Senior Citizen Real Estate Deferred Tax Revolving Fund. Will that go towards Circuit Breaker?"

Currie: "No, this is the program under which low-income seniors can borrow money to pay their property tax bills. They borrow from the state, and when the property is sold, they pay back the money they borrowed with interest. Generally, of course, that fund is solvent, but in the last couple of years, the receipts have not come in as quickly as we would



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have hoped and expected, so we're putting \$500 thousand into that fund to make it solvent."

Mulligan: "So, it's like a reverse mortgage?"

Currie: "Yeah."

Mulligan: "All right. I'm trying to see what else, here. The Healthcare Provider Relief Fund, 160 million, how is that going to be used?"

Currie: "This also is going to be... enable us to collect federal match and pay Medicaid bills."

Mulligan: "So, is that going to go towards Medicaid?"

Currie: "This is in order to... Pardon me?"

Mulligan: "Will that go towards Medicaid through HFS?"

Currie: "Medicaid."

Mulligan: "All right. Thank you."

Speaker Lang: "Leader Currie to close."

Currie: "I appreciate your 'yes' votes."

Speaker Lang: "Those in favor of the Bill should vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Record yourselves, please, Members. Representative Mayfield, Saviano. Please take the record. On this question, there are 92 voting 'yes', 19 voting 'no', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar appears Senate Bill 2412. Mr. Clerk."

Clerk Bolin: "Senate Bill 2412, a Bill for an Act concerning appropriations. The Bill was read for a second time on a previous day. Amendment #1 was adopted in committee. Floor

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Amendments 2 and 3 have been approved for consideration.

Floor Amendment #2 is offered by Representative Currie."

Speaker Lang: "Leader Currie."

Currie: "Thank you very much, Speaker and Members of the House.

Amendment 2 is most of the bulk of the reallocation of spending from spring of 2011. I'd appreciate your support and if we could discuss the Bill on Third, I'd be particularly grateful."

Speaker Lang: "Those in favor of the Amendment say 'yes'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

Clerk Bolin: "Floor Amendment #3 offered by Representative Currie."

Speaker Lang: "Leader Currie."

Currie: "Thank you. This is a technical change requested by the State Treasurer's Office and so it's technical in nature. I'd appreciate your support and again, I'd like to discuss the Bill on Third Reading."

Speaker Lang: "Representative Mulligan."

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

Speaker Lang: "Lady yields."

Mulligan: "Representative, this is actually the spending for the supplemental to the FY12 budget, correct?"

Currie: "Amendment 3 is a technical Amendment requested by the Treasurer's Office so as to..."

Mulligan: "Allow them to..."

Currie: "...correct a problem with the appropriation for the Charitable Trust Fund."

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Mulligan: "And will the DASA money be in here since there is a mistake on it..."

Currie: "Only if we get to Third Reading. If we don't..."

Mulligan: "All right."

Currie: "...get to Third Reading, it's not there."

Mulligan: "All right. Then I'll wait and come back at the Third Reading."

Currie: "Thank you."

Speaker Lang: "Those in favor of the Amendment say 'yes'; opposed 'no'. The 'ayes' have it. The Amendment is adopted. Mr. Clerk."

Clerk Bolin: "No further Amendments. No motions are filed."

Speaker Lang: "Third Reading. Please read the Bill."

Clerk Bolin: "Senate Bill 2412, a Bill for an Act concerning appropriations. Third Reading of this Senate Bill."

Speaker Lang: "Leader Currie."

Currie: "Thank you, Speaker and Members of the House. This is the reallocation that we discussed to a degree when we were talking about the budget implementation plan. It deposits that 140 million that we discussed into the Hospital Relief Fund that will churn and bring in an additional 136 million federal moneys. And the Governor's reallocation plan at 202 million, what that does essentially is see to it that those facilities for the developmentally disabled, the mentally ill, and those who are incarcerated in the state correctional facilities will not close during the current fiscal year. That will enable us to create a sensible, reasonable, responsive and effective plan for moving people from state-operated facilities into the community. It also

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will make sure that there are not excessive numbers of layoffs in departments like Human Services, the Human Rights Department, the Guardianship and Advocacy Commission, the Department of Revenue. So that's the Governor's allocation as part of this proposal, 202 million; in addition, 28 million dollars is offered in grants to community-based agencies that provide services to people in need of help with alcohol and substance abuse addictions. There is an \$8 million add-on for funeral and burial expenses. Community mental health, we had discussed this earlier. We believe there was an error in the measures that passed the House and Senate and were signed by the Governor. This provides that additional \$30 million to community-based mental health services that you all have been hearing about all summer long. It also provides \$200 thousand for SIDS, sudden infant death syndrome, programs. And finally... finally, it provides \$4.7 million in grants for homeless and homelessness prevention. I'd be happy to answer your questions. As I said when we discussed the earlier Bill, the total spending in this proposal is well under the cap unanimously approved for the current fiscal year spending by the Members of the House of Representatives. I'd be happy to answer your questions. And I'd appreciate your support for this spending measure."

Speaker Lang: "Mr. Eddy."

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

Speaker Lang: "Lady yields."

Eddy: "Representatives, first, I want to... I want to make sure everyone understands regarding the cap, the spending cap

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that we had agreed to in House Resolution 110. The total allocation... reallocation budget stays at that cap?"

Currie: "Under, under the cap, \$136 million under the cap that we set..."

Eddy: "Okay."

Currie: "...and we're going to use that \$136 million to pay the old bills, right, Jack?"

Eddy: "So... well, the agreement was anything over the cap went to the old bills, right? So, even though..."

Currie: "Yeah."

Eddy: "...this is under the cap, we're going to use that for old bills because..."

Currie: "Well, we may. That will depend on how the Comptroller deals with this money and how our revenues actually come in."

Eddy: "Well, let me ask..."

Currie: "As you know, the revenue estimates vary during the course of a fiscal year. We've had different estimates to date from the Economic and Fiscal Commission. and from the Governor's Office of Management and Budget. So..."

Eddy: "Okay."

Currie: "...we don't know at this point what the actual final will be, but in terms of the cap we set, we know that with the spending we are still well under the target that we provided for ourselves."

Eddy: "Okay. So, since we're under the cap by 136 million, or whatever the number is, there's a potential there for spending on items related to, for example, school transportation."

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Currie: "Well, let me just point out that we may know better when we come back in January what revenues really will be available. By that time, we may have newer estimates from the Commission on... from our own COGFA and also from the Governor's department... Office of Management and Budget."

Eddy: "Okay."

Currie: "At this point, it looks like we're 136 million to the good, but if revenues begin collapsing over the next several months..."

Eddy: "Okay."

Currie: "...we're going to have a problem."

Eddy: "I understand that. I just... I'm holding out some hope that we'll fulfill the promise we made to school districts when we mandate that they do certain things and transport students 'cause that doesn't seem to be a priority of the administration, or the General Assembly at this point, but we do continue to expect every single mandate related to transportation to be carried out, and I think there's something a little bit unfair about that and hopefully that's something we can revisit. I got a question about the raises, the raises that were built in by the Governor... to the they're not ...there's not money in here to fulfill the raises. Is that correct?"

Currie: "No, this is right, no."

Eddy: "Okay. But all of the facility closures that had been threatened by the Governor's Office, he has stated that if this amount of money is made available that during this fiscal year none of those closings will occur?"

Currie: "Absolutely."

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Eddy: "How do we know that that's going to be the case?"

Currie: "Well, you know, you never know anything from one day to the next, I don't."

Eddy: "That's been my..."

Currie: "But when the Governor says..."

Eddy: "...that's been my... that's why I'm asking."

Currie: "...when the Governor says publicly that this money will make it possible for him to avoid closing any of these facilities during the current fiscal year, I think he knows he can do it, and I think he means it. And should he not have meant it, I know I can count on you to hold his feet to the fire."

Eddy: "Well, I hope... I hope this time we don't see the typical flip-flop down the road because if we do, I know there's going to be a number of people in here who'll be very upset that what they thought was a... was a deal related to those closures we don't want to see that happen and hopefully this time it won't. I have a question though about the numbers that were thrown around during discussions. At one point the Governor's Office said they had to have \$234 million or these closures had to take place. And then later I heard \$223 million or these closures had to take place. And then in this Bill, it appears that there's \$202 million. It looks to me like it was kind of a reverse auction almost."

Currie: "I don't think so, and I don't think numbers have been thrown around here during this discussion. I would say this, that in order to meet the revenues we believe are available the Governor's Office had to go back, they had to

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pare down, they had to find ways to be more efficient, they had to accept layoffs they hadn't hoped to have to accept. So, there's been some real pain and some significant belt-tightening because instead of the 223 or the 236 all that is available in this reallocation... reallocation for the Governor, including keeping open those facilities, is 202 million."

Eddy: "Okay. So, at this point, from the Governor's negotiators, we can be assured that any of the difference between the 234, the 223, and now the 202 comes from other operational belt-tightening that the Governor's Office all of a sudden over a period of time could find thirty-some million dollars."

Currie: "Well, as I say, there will be some layoffs. It's not going to be easy, it's not going to be without pain..."

Eddy: "Okay."

Currie: "...but they were able to do the essential task of keeping open the facilities and avoiding even more layoffs by coming in at 202 million."

Eddy: "Thank you, Representative. Ladies and Gentlemen, to the Bill. I think that the one thing that we can agree on, whether or not we like this process, I feel a little bit like there was... there was some pullback on an agreement that was made related to some of this money. I'm going to... I'm going to tell you, a couple of the line items that I'm concerned about, specifically, that downstate Members in the negotiating committee supported moving, that we thought were going to be used for another purpose, including tourism money, money related to downstate transit, that



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money wasn't used exactly the way we thought it was going to be used. Now I realize there has to be give and take, and there has to be a resolution to this, but I think that this points out the difficult work that we have ahead when we start looking at the budget next year. This is difficult. It took us a long time to go into dozens of line items to assemble enough money to keep these facilities open. Chances are that these facilities are going to be under review for closure in next year's budget. Hopefully, it'll be done in a very well-thought-out manner, one that is... is a lot different than what we saw this year, but at some point or another, these types of decisions are going to be commonplace here. And it's going to start in the spring with another strained budget. I realize how difficult that is for all the Members in here, and it's going to get even more difficult. I just hope that when we do that we can prioritize the things that matter to all corners of the state, and we can take another look at school transportation because those expenses are real and schools have to be reimbursed for those mandates."

Speaker Lang: "Mr. Franks."

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

Speaker Lang: "Yes, she will."

Franks: "Thank you. I knew we'd get here. How much money are we talking?"

Currie: "I got it... the total... the total... the total is 270 not counting the 140 million that's going into the Hospital Provider Relief Fund. That money is not being spent, but it

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is going into a dedicated fund so as to bring in another \$136 million from the Federal Government."

Franks: "I... no, I understand the... the match. I think that's one good portion in this Bill. That does make sense, but my question is the source of the funds. I understand approximately \$270 million, if I'm correct, was funds that were allocated because the Governor's Vetoes. Would that be correct?"

Currie: "That's right."

Franks: "Okay."

Currie: "But... but again, of that... of the 276 million we're really putting a lot of that money back into the Hospital Provider Relief Fund. So, we're... we're not treating it as funny money. We're..."

Franks: "Right and like, I get that."

Currie: "We recognize we're going to have to pay those bills, and we've put money into this fund. We will gather a Medicaid match and we will then not find ourselves owing quite so significantly the Medicaid bills in the next fiscal year."

Franks: "No, I think... think that makes sense because you'd be... you'd be getting the federal match, but I guess my question would be somewhat more technical. When a... when the Governor has vetoed the funds, would that then trigger the requirement that excess funds be used to pay bills because the Governor cannot amendatorily veto a dollar amount. I mean, if he wants to do that he ought to run for the General Assembly. But I'm just saying if he had vetoed the

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amount, would that then be a sup... be excess that should be used for..."

Currie: "I don't think so."

Franks: "...back bills?"

Currie: "I think that our commitment was to stay within the money we believe will be available. We don't know that it all will be available, but we're sticking with that number, and given that number, the allocations we are describing and about to vote on today are still under that number. And remember... remember, also, that one of the... one of the Vetoes was the 276 million in Medicaid funds. Well, that wasn't a real Veto in the sense that we're still going to owe that money."

Franks: "Right."

Currie: "We would owe that money in the next fiscal year, and this reallocation says let's take 140 million, put it into a dedicated fund, bring in the federal match so we can pay the bills. So, that really isn't part of the equation."

Franks: "Okay, okay. I... I think there's some good things in here for sure. I... I think that the office of Inspector General, for instance, needed the additional money because of the RTA."

Currie: "Right."

Franks: "I am concerned, however, when we're giving DCEO \$4 million for assistance for funds for grants and contracts and administrative expenses, when we've seen such abuses in the moneys that these guys are supposed to be watching and they... they're asleep at the switch."

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Currie: "Those are other state funds, Representative, that's not money out of General Revenue, and it is money that they are supposed to be generating through their tourism activities. I'm not saying that means it's okay, but it's not part of the cap that we set for purposes of General Revenue expenditures."

Franks: "Okay. Well, I... I appreciate your answers. Thank you."

Speaker Lang: "Representative Bellock."

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

Speaker Lang: "Lady yields."

Bellock: "I just wanted to ask, number one, specifically, what is the amount of money that is being reallocated to the... keeping the institutions open?"

Currie: "Two hundred two is the total gubernatorial reallocation. I don't have that specific, but let me see if somebody else does. Yeah. I... I don't know that they gave us a specific number. They said at 202 million they could avoid some, but not all layoffs, and they could keep the facilities open through the remainder of this fiscal year."

Bellock: "Okay. Can somebody get back to us a little bit later with that amount even after the Bill?"

Currie: "Yeah. If they... if they have it to give us. They... what they said was that they need money for operations which is part of the... the money that keeps the facilities open. So, it's not a simple subtraction or addition program."

Bellock: "Well, I was just wondering if that was the amount of money that the Governor had, and remember how we had phase 1 and phase 2. Because what was phase 1, the money that is

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going to be given to the raises, I'm not quite sure if that was 36 million or 56 million because that is not..."

Currie: "Seventy-five..."

Bellock: "...included in the budget..."

Currie: "Seventy-six..."

Bellock: "...correct?"

Currie: "...and that money, the money for raises is not included in this reallocation."

Bellock: "Right, Okay. My second question is regarding, I wanted to thank everybody that served on COGFA, for traveling around the state for the last eight weeks to all the hearings and I know those of us that were so involved are very engaged in this Bill, in making sure that we keep the institutions open for the time being, but working on a comprehensive plan that Roger Eddy just spoke about. And I want to make sure that at the last COGFA meeting, Mike Gelder handed out a list or a 2- or 3-page document that would... their suggestions are some type of new plan, but it was not a complete comprehensive plan. And I want to make sure that that is not connected to this, that if we vote on this that that has to be the plan because..."

Currie: "No, my understanding is that if they... that they... they can keep the fac... with this money they can keep all of the facilities open through the remainder of this fiscal year. They understand as you understand as we all understand, that there has to be a sensitive, efficient, responsible, plan in place to move people from state facilities into the community, and that plan is not yet final. And I know you will be engaged in working with the administration on

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putting appropriate touches to the plan so we are responsive and responsible to the people who are in these facilities today."

Bellock: "Thank you very much. Mr. Speaker, to the Bill. I think it's an extremely important Bill at this time when we have worked so hard on the reallocation. I know there's a lot of contentiousness about money from transportation being taken out, I agree. There's problems with some of the other parts of the Bill, but overall, this is the Bill that we have worked on with the appropriation chairs, to keep the institutions open for a while longer, especially in the downstate areas, and to work on a comprehensive plan over the next year to do this transition that Illinois knows we have to do but in a compassionate, comprehensive way. It also restores the money to DASA, which we know is extremely important for the substance abuse, that got cut last year, and cut the year before. And it restores the \$50 million for the... or I think it's 50 million for the mental health, which is extremely important to the community settings especially if we're to move forward with the restructuring of the institutionalization of Illinois in a comprehensive way. So I ask you to support the Bill. Thank you."

Speaker Lang: "Mr. Sacia."

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

Speaker Lang: "Lady yields."

Sacia: "Leader Currie, first of all, like all of the previous speakers, I'm very appreciative that the seven facilities are going to remain open. A question if you would, please. Tax Administration Operations has \$15,702,000. I understand

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that the Governor wanted that in there to hire 200 auditors for small business. Is that correct or could you..."

Currie: "He wants to retain employees currently employed by the Department of Revenue who undertake an audit function. He didn't get all that he wanted back, but he did get some opportunity to keep those... all of those layoffs from happening, which also is true in the Department of Human Rights, the Department of Human Services, I believe Children and Family Services as well."

Sacia: "Thank you, Leader Currie. Is it fair to say, then, it is not to hire new auditors?"

Currie: "No. It is absolutely correct to say this is not to hire new auditors, nor new people. This is to retain people who otherwise were scheduled for layoffs, and not all of them, just some."

Sacia: "Thank you Leader."

Speaker Lang: "Mr. Dunkin."

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

Speaker Lang: "Sponsor yields."

Dunkin: "Representative, can you clarify the amount that is going to the Monetary Award... Program? How much were we restoring?"

Currie: "Oh. Thirty-three point five million that is not from General Revenue; that's other state funds."

Dunkin: "Yes. That's... that's from the Student Loan..."

Currie: "Yes."

Dunkin: "...Operating Fund."

Currie: "That's exactly right, Student Loan Operating Fund."

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Dunkin: "Thank you. To the Bill. Ladies and Gentlemen, this is a... a very solid piece of work coming from our colleagues on both sides of the aisle, certainly in this chamber, but also in the Senate chamber where you had Members meeting for a number of hours, a number of days, going through line by line items as it relates to your appropriations, and subtraction of some appropriations as well. This final piece of legislation that we have here really takes into consideration of a number of items that we all feel so very passionate about, and I think it's a great Bill in that... it's not a great Bill, but it's a good bill given where our current state of economic affairs are. I mean there are 165 thousand students, for example, who are dependent on the Monetary Award Program. But for this grant opportunity, many of these students, who are in all of our districts, would not have the opportunity to participate in finishing their college career. And so, what we're doing is being very responsible with seeing to it that our state keeps its commitment to educating and investing in our youth, so they can take things to the next level and not be a part of the other side of our society. They're actually going to add value once they finish and complete their academic programs. So, again, I want to commend the Sponsor, and all of our colleagues who... who sat long mornings, long hours in the evenings to see to it that we were holding all of us responsible, specifically, with us restoring dollars back towards the Homeless Veterans Youth Programs, the Child Protection Services, Human Rights, Mental Health Services, the deaf and hard of hearing, Women's Health Operations.



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This is a responsible budget at this point in time, given where we are financially. Pretty soon we'll be out of our financial debt in short order given the... the positive returns on our sales receipts and our corporate taxes that we've been receiving over the last several months, from July 1 until now. And so, this is, again, a great step forward. I'm looking forward to having those services restored. The citizens here in the state, many of them who cannot afford to have lobbyists down here, are looking upon us and doing the right thing in sustaining the services and keeping our doors open, and seeing to it that some of our most vulnerable citizens are protected. So again, Speaker, and Madam Sponsor, thank you for presenting this... this responsible Bill."

Speaker Lang: "Representative Mulligan."

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

Speaker Lang: "Lady yields."

Mulligan: "Representative, this was an unusual year with this budget where so many people met. I worked on two of these, Education and Human Services and I think what we had was the four caucuses at the table plus the Governor's people. And in the end we had former Representative Hannig who used to be one of your chief negotiators, who was at the table speaking for the Governor and going over these. So, I'm hopeful that the money that we put back in, if things go well for the state and we have the money, will actually be spent in the line items that we put there and that the Governor understands that all the people here really worked hard on this to come up with something in a very tough year

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that the state could be proud of, to try and make things go at a certain point. So, I'm hopeful that people will vote for this and that the Governor's Office and I thank very much for former Representative Hannig to be there for us to actually spend this money in the coming time while we start working on a new budget for FY14 or 13... that this will work out. So, thank you for putting the Bill out there. There's a lot of people in... on the floor that need to be thanked for all the many hours they put in on this and that we all agree to a lot of these issues. So, I hope people will vote for this and I hope the Governor's people will actually go ahead and spend it the way we all committed."

Speaker Lang: "Representative Will Davis."

Davis, W.: "Thank you, Mr. Speaker. Does Sponsor yield?"

Speaker Lang: "Leader yields."

Davis, W.: "Representative, one thing that I didn't hear just want to make sure that we're clear on something that's important to my community, to certain business owners in my community is with regard to indigent burials."

Currie: "Yes."

Davis, W.: "How is that impacted in this Bill?"

Currie: "That is in this reallocation and it would increase the funeral and burial expense line by \$8 million."

Davis, W.: "Okay. So, what will be the total amount then for indigent burials?"

Currie: "About 10, close to 10 million."

Davis, W.: "Close to \$10 million?"

Currie: "Yes."

Davis, W.: Thank you very much, Representative."

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Speaker Lang: "Representative Feigenholtz."

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

Speaker Lang: "Lady yields."

Feigenholtz: "Representative Currie, I've been asked by a couple of providers who have concerns about this Bill whether or not there is a rate cut in this Bill of any kind or if there is going to be enough pressure on the budget that cycling will increase for Medicaid lines?"

Currie: "There is not... there is no rate cut in this Bill; there's not a rate increase either."

Feigenholtz: "Well, that's fortunate. Representative Currie, I'd like to... I'd like the Body to stop for a moment and give the Budget Committees and our staff on both sides of the aisle including the newly minted Gary Hannig a hand for doing yeomen's work on putting this together."

Currie: "And I'm happy to lead the applause."

Feigenholtz: "And we had a very, very difficult spring when we made an inordinate amount of cuts to some very, very significant programs. There were a few hiccoughs in the road. We... the math was wrong on mental health. The intent to cut substance abuse was certainly not what the Human Services Appropriations Committee wanted. We wanted to fully fund community mental health, fully fund substance abuse providers so that we can lay the groundwork to safely deinstitutionalize people in these DD and mental health facilities. I've got a commitment from the Governor's Office that that is also their intent. I know that we will all be looking at the Governor's commitment to do that very carefully. I'm also delighted to know that we've been able

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to avoid the increases in wages in this because I know that we really want to drive this money into services. And, that's exactly what's happening here, Representative Currie. Is that accurate?"

Currie: "Yes."

Feigenholtz: "Okay. Well, thank you very much for your hard work and I, too, encourage an 'aye' vote."

Speaker Lang: "Leader Currie to close."

Currie: "Thank you, Speaker and Members of the House. My hat indeed is off to the Minority and Majority Members of our five Appropriations Committees and to our excellent staff. They had a very challenging spring. They met the challenge and this fall they had the opportunity to go back and do some reallocations, another challenge, but again, they met it very well. Unfortunately, we were not able... we didn't have enough money to fund everything that they set as a priority, but I think we did a pretty good job. And I can tell you that the people who are served by our community mental health and community alcohol and substance abuse programs, our homeless programs will be very grateful for you when you vote 'yes' on Senate Bill 2412."

Speaker Lang: "Those in favor of the Lady's Bill shall vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Please record yourselves, Members. Have all voted who wish? Please take the record. On this question, there are 92 voting 'yes' and 20 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, for committee announcement."

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Clerk Bolin: "Attention, Members of the Revenue Committee will meet upon adjournment in Room 114."

Speaker Lang: "The Chair recog.. Mr. Clerk, please read the Adjournment Resolution."

Clerk Bolin: "House Joint Resolution #53, offered by Representative Currie.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two houses adjourn on Tuesday, November 29, 2011, the House of Representatives stands adjourned until the call of the Speaker; and the Senate stands adjourned until the call of the President."

Speaker Lang: "Representative Currie moves for the adoption of the Resolution. Those in favor say 'yes'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Resolution is adopted. The Chair recognizes Mr. Bradley on a point of personal privilege."

Bradley: "Thank you, Mr. Speaker. If I could have the attention of the Body, please. For the last several months the Revenue Committee has been working on the issue of reforming the tax system in Illinois. As a result of that work in conjunction with the Senate, Representative Harris and I put out an agreed proposal which passed out of our committee yesterday in a bipartisan manner. As you know, the Senate sent us something very similar to what we had proposed here in the House using the same framework but with some different numbers, which passed in a bipartisan matter in the Senate but which was voted down here in the

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House. At this point in time we have reached a temporary impasse. This is not going to happen tonight. There are 35 Democrat votes to put on the Harris-Bradley Agreement. That's not sufficient to pass this Bill. We are prepared to come back as soon as there is an agreement, as soon as we are able to work this out, in order to save the two companies that have threatened to leave in order to try to provide relief to working families and relief to small businesses in Illinois. Unfortunately, that day is not today. So, whether it's tomorrow, the next day, the next week, we are prepared to come back as soon as this is settled. So, at this time, we're going to continue to work diligently, but it's not going to happen on November the 29."

Speaker Lang: "Mr. Mathias."

Mathias: "Yes. Thank you, Mr. Speaker. Yes, on Senate Bill 2412, I had been trying to press my 'yes' button but apparently the Clerk had cut off the vote right in the middle of your saying to take the record. So, I just want to... for the record that I wanted to vote 'yes' on Senate Bill 2412."

Speaker Lang: "The record will reflect your intentions."

Mathias: "Thank you."

Speaker Lang: "Mr. Eddy."

Eddy: "Thank you, Speaker. A point of personal privilege."

Speaker Lang: "State your point, Sir."

Eddy: "Ladies and Gentlemen of the House, I understand that there is a impasse in the negotiation process related to the Bill that contained a number of proposals related to tax cuts, exemption increases; it became a pretty large

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Bill. I'm not sure we need to characterize whether or not the negotiations resulted in an impasse based on the number of votes any side has or doesn't have on the Bill. I think it's inappropriate to discuss it that way. We have Members of both sides of this aisle who have worked very, very hard over a number of weeks. Representative David Harris worked a tremendous number of hours on his own time over a holiday season. Now, I don't care how many votes you have. The fact of the matter is every single vote on an income tax and corporate income tax increase that put us in this situation where corporations have to come to the General Assembly and ask for relief so that they compete with states around us, that's the real issue here. That's what put us in this situation. This isn't the first time corporations have had to come to us and say we cannot compete with neighboring states because Illinois has a tax structure that's unfriendly to business. You want to talk about the number of votes on something, talk about the number of votes on the Bill that caused this situation and causes us to have to be here. That's what this is about. Two weeks ago, we lost a plant in my home county because it cost \$600 thousand more for them to do business in Illinois for workers' comp, something we supposedly took care of. Come on, let's get serious about economic development in this state. Let's get serious about jobs. Our problem is we can't compete with the states around us and we can't do it because of a vote that was taken last year because of irresponsible budgets that were passed for seven years before that. That's the truth; that's the fact. I don't

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care if you got 35 votes, 34 votes, 37 votes. The votes that mattered were the bipartisan votes, all Democratic last spring, that made this state very difficult to do business in. That's the fact."

Speaker Lang: "Leader Currie now moves that the House stand... there allowing perfunctory time for the Clerk this House stand adjourned to the call of the Chair. Those in favor say 'yes'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does stand adjourned."

Clerk Bolin: "The House Perfunctory Session will come to order. Committee Reports. Representative Bradley, Chairperson from the Committee on Revenue & Finance, to which the following measures were referred action taken on November 29, 2011, reported the same back with the following recommendations: do pass as amended Standard Debate for Senate Bill 400 and Senate Bill 1900. Second Reading of Senate Bills. Senate Bill 400, offered by Representative Currie, a Bill for an Act concerning revenue. Second Reading of this Senate Bill. Senate Bill 1900, offered by Representative Bradley, a Bill for an Act concerning revenue. Second Reading of this Senate Bill. Introduction of Resolutions. House Resolution 635, offered by Representative Brown. House Resolution 654, offered by Representative DeLuca. House Resolution 655, offered by Representative Ford. House Joint Resolution 51, offered by Representative Chapa LaVia. House Joint Resolution 52, offered by Representative Bill Mitchell. Introduction and First Reading of House Bills. House Bill 3889, offered by Representative Ford, a Bill for an Act concerning revenue. House Bill 3890, offered by



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Representative Bellock, a Bill for an Act concerning transportation. House Bill 3891, offered by Representative Bellock, a Bill for an Act concerning regulation. House Bill 3892, offered by Representative Osmond, a Bill for an Act concerning local government. House Bill 3893, offered by Representative Golar, a Bill for an Act concerning health. First Reading of these House Bills. There being no further business, the House Perfunctory Session will stand adjourned."