

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

44th Legislative Day

4/27/2007

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off cell phones, laptop computers, and pagers. And we ask the guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Father Jim Swarthout who is the Pastor of St. Paul's Episcopal Church in McHenry, Illinois. Father Swarthout is the guest of Representative Jack Franks."

Father Swarthout: "Let us pray. God of history, loving God, we gather this spring day to recreate in sound and imagery those memorable years, days, months of our past. They inspired us with the bright promise of a new frontier and challenge us with what we can do for our cities, towns, state, and world. Let our legacy today ignite the enthusiasm of a new generation, that with courage and optimism we may meet the challenges that trouble... in our troubled and test our times. God of wisdom, You have told up through Your inspired Word that anyone among you who aspires to greatness must serve the rest and whoever wants to rank first amongst you must serve the needs of all. Help us, we pray, to achieve this greatness, to serve the needs of all by commitment to public, community service and healing ourselves. Then our families, united with our state and nations, ills of both body and spirit, may we promote peace and justice amongst all Your people, wherever they may be. As we know, all this will not be finished in the first one hundred (100) days, nor will it be finished in the first one thousand (1,000) days, nor even perhaps,

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in our lifetime on this planet, but we must begin. God of love, with Your gracious assistance and captivating spirit enshrined within these walls, let us go forth from this time and place as families. Bound together as a state and united as a nation. Let us begin. Amen."

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

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

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

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

Speaker Madigan: "Mr. Bost."

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

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

Clerk Mahoney: "Committee Reports. Representative Chapa LaVia, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on April 27, 2007, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #2 to House Bill 3086. Representative Lang, Chairperson from the Committee on Gaming, to which the following measure/s was/were referred, action taken on

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April 27, 2007, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #2 to House Bill 480. Representative Jakobsson, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on April 27, 2007, reported the same back with the following recommendation/s: 'recommends be adopted' is Floor Amendment #1 to House Bill 2353."

Speaker Madigan: "Representative Howard. Did you wish to call House Bill 754? Mr. Clerk, what is the status of House Bill 754?"

Clerk Mahoney: "House Bill 754, a Bill for an Act concerning telecommunications has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments have been approved for..."

Speaker Madigan: "Mr. Clerk... Mr. Clerk, I am advised that there are Amendments still assigned to the Rules Committee."

Clerk Mahoney: "Floor Amendment #2 has been referred to the Rules Committee."

Speaker Madigan: "We'll take this out of the record. Get those Bills... those Amendments out of the Rules Committee and then come back to you. Representative Chapa LaVia."

Chapa LaVia: "Tha... Thank you, Speaker. If I could please have House Bill 1977 moved back to Second Reading and please table Amendment #1 to House Bill 1977. Thank you."

Speaker Madigan: "Representative Chapa LaVia, could you state again your request? Representative..."

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Chapa LaVia: "Yes... yes, Speaker, of course. Please move back House Bill 1977 to Second Reading and table Amendment #1 to House Bill 1977."

Speaker Madigan: "All right. Mr. Clerk, what is the status of House Bill 1977?"

Clerk Mahoney: "House Bill 1977 is on the Order of Third Reading."

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

Clerk Mahoney: "Floor Amendment... Committee Amendment #1 has been adopted to the Bill. And Floor Amendment #2 has been adopted. And Floor Amendment #3 was filed today."

Speaker Madigan: "Mr. Clerk, Amendment #1. What is the status of that?"

Clerk Mahoney: "Committee Amendment #1 was adopted to this Bill."

Speaker Madigan: "Representative Chapa LaVia."

Chapa LaVia: "Amendment #1, Speaker... and Members of the Assembly, adds in House... a new school district down in Representative... Smith's area. The line... let me get the right... proper..."

Speaker Madigan: "Representative."

Chapa LaVia: "Yes, Sir."

Speaker Madigan: "Is your plan to move to table the Amendment?"

Chapa LaVia: "Table Amendment #2. It was filed... it was written incorrectly."

Speaker Madigan: "What is your desire on Amendment #1?"

Chapa LaVia: "#1 is to proceed. To have it adopted."

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Speaker Madigan: "Mr. Clerk, has Amendment #1 been adopted to the Bill?"

Clerk Mahoney: "Amendment #1 was adopted in committee. Floor Amendment #2 was adopted on the floor."

Speaker Madigan: "All right."

Chapa LaVia: "So, what we're doing, Speaker and Members, is moving the Bill back to Second because we've just put in the proper language on Amendment #3 and next week we'll be dealing with that. And maybe we'll need to file an extension?"

Speaker Madigan: "Right. And so, what is your desire on Amendment #2?"

Chapa LaVia: "#2 is to have it tabled. A Motion to Table."

Speaker Madigan: "All right. Representative Chapa LaVia moves to table Amendment #2. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted and the Amendment is tabled. Mr. Clerk, are there any further Amendments?"

Clerk Mahoney: "Floor Amendment #3 was just filed today and has not been approved for consideration."

Speaker Madigan: "So, take the Bill out of the record. Mr. Clerk, what is the status of House Bill 825?"

Clerk Mahoney: "House Bill 825 is on the Order of Third Reading."

Speaker Madigan: "Read the Bill."

Clerk Mahoney: "House Bill 825, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Madigan: "Mr. Phelps."

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Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 825 is an initiative of the IBEW, and what happened in the recent ice storms in the winter of... in southern Illinois and Metro East and other parts of Illinois. Where... this Bill will require the ICC to conduct a work force study and analysis of each electric utility to determine the adequacy of the in-house staffing and contractor employees that are critical to maintaining reliable service in restoring service to Illinois customers. I also met with Representative Sullivan on this and I think this is an agreed Bill and I ask for your support."

Speaker Madigan: "Mr. Sullivan."

Sullivan: "Thank you, Mr. Speaker. I just want to commend the Speaker... the Representative for working with us on this side of the aisle to make this not a mandate. And just a study to see what should be done in regard to staffing and in response to the ice storms. And I rise in full support."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1847. Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "House Bill 1847, a Bill for an Act concerning education. Third Reading of this House Bill."

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Speaker Madigan: "Mr. Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1847... We also, if you remembered it yesterday, had an Amendment drawn up for cleanup language for the State Board of Education. I believe this is an agreed Bill as well. It's an issue of the IEA, IFT, SEIU. All it says is if you have a school district that is going to consolidate with another school district, seniority plays in who gets hired. And I ask for your support."

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

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

Speaker Madigan: "Sponsor yields."

Eddy: "Representative, you and I have talked about this Bill and I... support the Bill."

Phelps: "Right."

Eddy: "Your intention here is to actually help in situations of reorganization, define... if there's a reduction in force due to the reorganization, this method would simply determine by seniority, if there were only, say, five (5) custodial positions and there used to be eight (8), how those five (5) would be determined by seniority?"

Phelps: "Correct, Representative Eddy."

Eddy: "Yeah... your intention isn't to in any way limit the district's ability to treat the employee as an employee at will or to dismiss by cause or any of those issues. You're just trying to provide something that actually could help in those situations."

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Phelps: "Just like the seniority plays in teachers, be just the way with the support staff. Correct."

Eddy: "Okay. Thank you very much."

Phelps: "Thank you for working with that, too, Representative Eddy."

Eddy: "All right. Thank you. To the Bill, very quickly. Mr. Speaker, I think this actually... would help in situations where there could be determinations necessary for the transfer of school support personnel to a reorganized school district. And I would urge a 'yes' vote."

Speaker Madigan: "Mr. Rose."

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

Speaker Madigan: "The Sponsor yields."

Rose: "Representative... a minute ago you said that is was an agreed Bill. Our analysis indicates that the School Management Alliance is still opposed. I just wanted to be clear on which it is."

Phelps: "They... and I appreciate that, Representative Rose. Let me take that back. I have talked to Deanna Sullivan about that. They were not really in a lot of negotiations on this. They just decided just to be against it, but just in principle."

Rose: "Just... Okay. But they are opposed?"

Phelps: "They are opposed, Representative Rose. Correct."

Rose: "Okay. Thank you, Representative."

Speaker Madigan: "Mr. Miller. Miller. Mr. Miller."

Miller: "Oh, there we are. Okay. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

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Miller: "Just one quick question, Representative. In terms of disciplinary action, how is that handled under this Bill?"

Phelps: "Actually, Representative Miller, we have not discussed that... on that. This is... just says that if you have consolidated school district that wants to consolidate with another school district, instead of the superintendent and the school board being able to pick who and where this people are and who gets the jobs. It just goes on the seniority just like the teachers do."

Miller: "Okay. So, still the school district that's being consolidated can still look under any... like in any other appointments... disciplinary actions, you know, things that have been a credit to their career, whatever it is?"

Phelps: "Correct."

Miller: "Is that correct?"

Phelps: "Correct."

Miller: "Okay. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Representative Kosel voted? The Clerk shall take the record. On this question, there are 112 people voting 'yes', 4 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 1263, read the Bill."

Clerk Mahoney: "House Bill 1263, a Bill for an Act concerning revenue. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hannig."

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Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This Bill would first of all create a checkoff for autoimmune disease on the Illinois State Income Tax. It would also provide language that would become standard that would say that every checkoff would need to establish at least a hundred thousand dollars (\$100,000) in receipts in order to stay on. Typically, we do that but from time to time one of those slips by the Revenue Committee or perhaps it goes to another committee. So, this would just make this the standard. And it would also set a limit of fifteen (15) of these checkoffs. Right now we have thirteen (13). We are running out of room on the... on the form. And so it would set up a maximum of fifteen (15) and a mechanism whereby we can regulate that. So, that's what the Bill does. I'd be happy to answer any questions. And I'd ask for your 'yes' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1347, Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1347, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hannig."

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Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This Bill deals with the noncertified personnel that work at our school districts around the State of Illinois. It's an initiative of the Illinois Education Association, the Illinois Federation of Teachers, AFSCME and SEIU, and recently the Teamsters actually signed onto the Bill as well. It's a Bill that actually... is a fairness Bill and a Bill of process. So it spells out a process in the law, a fair process, that would be required when a school district determines that they wish to privatize some of the noncertified personnel. It does not prevent them from doing so and in cases where they've already made that decision, well, that's just water under the bridge, and this Bill would not affect that. So, they could continue to do so. But it does spell out the parameters that I believe are only fair. It certainly creates some public input and requires some public input. And I think helps in many ways for the community to have a say in what is the final outcome for these positions in our school districts. So, as I said it's a major initiative amongst the IEA, the IFT, SEIU, AFSCME, and the Teamsters. But it... beyond that, I also believe it's a very good Bill for all of us. I'd be happy to answer any questions and I'd ask for your 'yes' vote."

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

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

Speaker Madigan: "The Sponsor yields."

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Eddy: "Representative, first thing I want to do is sincerely thank you for your... your work on making this Bill a little bit better. Obviously, the changes that have been made... that you've helped with... and allowed input on, I think make the process less onerous than the original Bill. However, having said that, I do have some questions regarding the Bill, because I believe there are still some components to it that would make it very, very difficult. I know the proponents of the Bill claim that it levels the playing field. Unfortunately, I think if we don't get to the bottom of a couple things, that that playing field may be straight up and down. One of those has to do with the portion of the Bill that deals with comparable benefits. Under the language in this Bill, school districts who would try to contract out private services would have to... well, excuse me, the private service company would have to provide 'comparable benefits'. Could you explain what your understanding of comparable benefits means as it relates to this?"

Hannig: "Yes. Representative, I think what we would say is that when you look at the package of benefits, if the school district offers a pension plan and the privatization... the private company offers a pension plan that's generally comparable in dollars, and if they offer health care in the school district and the private firm offers health care. Again, those are... those are comparable things."

Eddy: "So, for instance, is providing a retirement plan considered a comparable benefit?"

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Hannig: "Yes, Representative. I understand the unique nature that the school districts have with the pension systems and it's different from... and I think we recognize that it's different from what a private company would have."

Eddy: "So, if... if there's a... a 401K that's offered by the private company that's comparable to, as far as your concerned, the IMRF system on the front end... the amount on the front end."

Hannig: "Yes, Representative. That can be."

Eddy: "Further, would you say that the total comparable benefits package could be health insurance, other type of pension perk... whatever that comparable that... your intention is that... that it doesn't have to be a defined contribution versus a defined benefit, that just a pension system is fine."

Hannig: "That's correct. It does not have to be exactly the same benefits."

Eddy: "Okay, appreciate that. Also, I appreciate the fact that you put in the language that in emergency situations school districts could bypass this entire process and take care of problems."

Hannig: "Yes. Representative, in fact, let me acknowledge that you've did a lot of good work in trying to make this a better Bill. I understand some of the objections that you still have, and I respect the differences that you and I have on the Bill. But you were very helpful and the management group that met with us was very helpful. And so, we did make some improvements and this is one that I

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think you can take credit for. And indeed, Representative, that's exactly what we meant."

Eddy: "Okay. One other area, and I will try to get through this very quickly, however, it's tremendously important. When we talk about existing contracts related to school services, no matter what the existing contract is... I'll give you an example. A school district that may now contract for busing. If their contract has an end date on it, perhaps in that situation that school district doesn't have a bus fleet at all. Now, in that case, 1) if they're beginning to go in it, your intention is not for them to have to... buy a bus fleet."

Hannig: "That's correct, Representative."

Eddy: "Okay. So, any existing contract is grandfathered?"

Hannig: "That's correct."

Eddy: "Any school district that has an existing service contract as of the date of this Bill, they're exempt from this? Existing contracts only. Not if they have, you know..."

Hannig: "For that type of service. They're exempted."

Eddy: "For that type of service? Okay. Thank you very much. To the Bill, very quickly. Mr. Speaker, the Sponsor has worked very hard with various groups. He's right, I still have some philosophical problems with this. There are some things we need to work out. I think, before this Bill gets passed onto the Senate, we should work those out. I'm asking you to vote 'no' or 'present' on this Bill until all of those things get worked out. Having said that, though,

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I appreciate your intent and reading some things into the record this afternoon. Thank you."

Speaker Madigan: "Mr. Rose."

Rose: "Thank you, Mr. Speaker. I do have a question of the Sponsor. But I want to make sure from the Clerk that House Amendment #1 has been added. And I think that is what we're considering here. Is that..."

Speaker Madigan: "Mr. Clerk, what is the status of Amendment #1?"

Clerk Mahoney: "Floor Amendment #1 was adopted to the Bill."

Rose: "Okay, thank you. May I ask a question of the Sponsor?"

Speaker Madigan: "Sponsor yields."

Rose: "Thank you. For purpose of legislative intent, Representative, on page 4 of the Amend... House Amendment #1, line 8, which is where subsection (c) begins, this is the part that deals with contracts that are already in place. And I think it's fairly clear and I think would be your opinion that any contracts that are in place when this is adopted and becomes law are... are off the table. Is that accurate?"

Hannig: "They're grandfathered in."

Rose: "Correct."

Hannig: "That's correct."

Rose: "Then when those contracts expire and they go to rebid that sector of services is still off the table. Correct?"

Hannig: "That service is still grandfathered in."

Rose: "Correct. So, forever, essentially. Let's take an example of school busing. If school district 'X' has a contract for busing with a third party, when that busing

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contract expires this does not then kick in. They're still free to let bids to third parties."

Hannig: "That's correct."

Rose: "Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. Both my wife and I, while we were teaching years ago, remembers the IEA, I have an affinity for that organization, but on this issue I think they're wrong. And I rise in opposition to the Bill. Once again, this Bill will put many of you in a position as to whether or not you really put education as your first priority or do you put the wishes of the teacher unions as your first priority? If I could have your attention, I want to quote from a letter from a... high school that I think frames this argument and puts it in the situation that it really exists. This high school district says, and I quote, 'House Bill 1347 is really very simple. We can save one million dollars (\$1,000,000) of local property tax dollars by hiring private companies to do noninstructional work. Without this savings, we could not afford to hire twenty (20) teachers.' Now, should this Bill become law, then you're going have to find school districts who have to make the decision, do they take that million dollars (\$1,000,000) in property tax money? Do they pay that money to private companies or do they pay it to certified staff? The money comes from the same source. There is no magical source of money. There's no appropriation in this Bill. There's no additional money. There's some vague promise

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that by the end of the Session the schools will come in for a windfall. I've been here a long time and I've never seen that windfall come to fruition. The idea behind this Bill is simple and short-sided. There isn't anything that a union organization can't already do. My home school district contracts with a school bus company. That school bus company was just unionized by the Teamsters Union. All of these things can be worked out and you don't have to insert the IFT, and the IEA, as members or bodies that have a first position in the decisions that should be made by locally elected school boards. If you believe in local control and if you believe in saving money, and here's one high school that says they can save one million dollars (\$1,000,000) by hiring out noninstructional staff. Now, that might be custodial workers. It might be plant services. It might be a lawn service to cut the grass, so that the school custodian can take care of keeping the school clean. It can be any number of things. It can be an electrician... an electrical company who comes in and works on electrical problems on the school or a computer service company that does service on the computer instruction, hardware and software. Now you're going to have to make a decision. What are we really all about here? Are we really all about putting the unions... and I thanked the union, I thank the IEA. My first teaching contract was for four thousand four hundred dollars (\$4,400) a year. What's scary is that I had money left over at the end of the month. Where did those good ol' days go? So, I have no bone to pick with the IEA or the

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IFT. They've done many good things when it comes to... teachers, benefits, and many good things when it comes to instructional improvements in quality. But this does not have anything to do with instruction, innovative programs for children. It has to do with what union decides whether or not you can enter into private contracts with outside vendors. We ask school districts to live within property tax caps. We ask school districts to live within an ever diminishing amount of support from the state. The Constitution says we should be providing 51 percent, we struggle to provide 36 percent. So, how do you want your money spent? How do you want your locally elected school boards to make decisions? And here it is in black and white. This one high school can save a million dollars (\$1,000,000) by outside contracting. That's a million dollars (\$1,000,000) that they can put into instruction, to quality programs, to hire more teachers, to starting up innovative programs. That's where I want the money spent. I don't want to sit here and argue about who cuts the grass, who washes the windows, who maintains the computers. I'd rather sit here in the future and argue about hiring more teachers, doing more in-service, ensuring that our students can meet the Illinois ISAT exam. And that reminds me, if we want to be really on the ball and make education our number one priority, why don't we find out why ISBE can't get tests delivered on time, scored on time and reported to the school districts on time. Last year was the absolute epitome of incompetence and malfeasance where the Illinois School Achievement Test Program was concerned.

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And that's an outside vendor. Obviously they picked a bad one. But a forty million dollar (\$40,000,000) contract is a forty million dollar (\$40,000,000) contract. And you ought to look into that contract. There are some interesting articles about that. It boils down to a simple equation. I think the more money you can put into teachers, the more money you can put into instruction, the more money you can put into quality educational programs is where you should put your emphasis not on who represents the people who cut the grass, the people who keep the floors and the restrooms clean, the people who clean the blackboards, not that they use them anymore but they still have them in most schools... that's the issue. I see no reason for this Bill to pass. This is some kind of a dispute between locally elected school boards and their unions. Let the unions and the locally elected school boards work it out. And they generally work it out quite well. We don't need to mandate this. There's no crisis. There is no reason for us to continue to erode local control. That's what this all boils down to. I urge a 'no' vote."

Speaker Madigan: "Mr. Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen of the House, I consider myself a friend of the IEA, the IFT, the CTU. My wife's a teacher. She's a member of the IEA; in fact, she's a local president. But quite frankly, in this situation, this Bill is going to cause a lot of problems at the local level. Everything that the former speaker said is absolutely true. But the

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problem that we really have is that attorneys for school boards are interpreting this Bill totally different from attorneys that are with the IEA, the IFT. If we don't work these problems out here, before we pass this Bill on, then it's going to be in arbitration in almost every district in the State of Illinois. And from arbitration, into the courts. And that, my friends, is going to take more money away from education because school districts will fight for the rights that their attorneys say that they should have. And this entire matter will be settled in the courts, taking more money away from kids at a time when we've got school districts out there that are struggling to keep the doors open. We haven't been able to reform the way we fund education. We haven't been able to do anything different except add a few dollars to the foundation level, kick a little money into Chicago, add a little bit of ADA money to the suburbs and everybody's hurting. Why in the world would we do something like this that's going to cause money to come out of the classroom? It absolutely will. I'm a former superintendent. I've been in districts where we had the buses and where we had private contracts for the buses. I saw no difference in the ability. I'm... I just can't believe we're going to give up the local control or the local rights of school districts in order to make sure that they have a union-type contract every time. And I respect what the IEA does, and tries to do in the classroom with the kids and with teachers, but this goes way too far. And Mr. Speaker, if this gets the requisite number of votes, I'd request a verification."

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Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed... the Chair recognizes Mr. Franks."

Franks: "Thank you. Be very brief if I may, your honor... Mr. Speaker, your honor. Your honor, I think I am in court. If I may ask the Sponsor some questions?"

Speaker Madigan: "Sponsor yields."

Franks: "Thank you. Felt like I was in court there. I wanted to ask questions specifically for legislative intent, because we heard the prior speakers, and I want to make sure that we all understand what the intent is here. Could you please describe to us what the meaning of a 'comparable benefits package' is?"

Hannig: "Representative, it simply means that if the school district offered a pension or health care package that there would be the same type of offering on the private side."

Franks: "It wouldn't have to be the exact same offering?"

Hannig: "Absolutely not. In fact, we understand that the school districts pay into a... a fund, IMRF and that's not available to private concerns. So, it clearly cannot be identical."

Franks: "So, a defined benefit plan similar to IMRF need not be offered."

Hannig: "That's correct."

Franks: "Okay. And what if the employee elects not to participate in a retirement plan offered by the third-party sub... subcontractor?"

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Hannig: "The Bill only requires that there be an offer, Representative. The employee can make his own... his or her own choice."

Franks: "So, if there's a 401K plan and the employee chooses not to be part of that, that the employer would not be penalized."

Hannig: "That's correct. You're correct."

Franks: "Thank you."

Speaker Madigan: "Mr. Franks, have you finished? Okay. Thank you. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 76 people voting 'yes', 37 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3131, Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3131, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. And thanks to Members of the committee where this Bill was originally... where this Bill originated. This is a Bill that deals with drinking by teenagers, specifically minors. As we all know, the law says if you're under 21, you cannot drink in the State of Illinois. This Bill provides that in the event of a court supervision, which I think is a good concept, and/or a... and a conviction for the offense of unlawful consumption of alcohol by a minor, that you would lose your driver's

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license for a period of three (3) months. That has not been the case when someone receives court supervision. We had a rather tragic incident in Oswego, a couple of months ago, where five (5) young children lost their lives. Alcohol was involved. This is an attempt to address that issue and it has unfortunately been a problem around the state. One of the things we have provided in this Bill is a restricted driving permit and we've worked that out at the request of the committee. And I would appreciate an 'aye' vote and be certainly glad to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion... the Chair recognizes Representative Monique Davis."

Davis, M.: "Monique Davis is the only one that has questions? Okay."

Speaker Madigan: "Yes. But you may bring on a spirited discussion in debate and there'll be more questions."

Davis, M.: "I should hope so, Mr. Speaker, on such an important issue. You know, Representative Cross, we all agree with you on any attempt to stop young people from driving and drinking or having... doing... having the consumption of alcohol. But in Amendment #2, you're asking that we suspend or revoke the driving privilege of anyone twenty-one (21) or under who's on court supervision for consumption of alcohol. Now, suppose that kid has to go to work. Or in Chicago, he might just have to go to school and it's not safe to take public transportation."

Cross: "It's a... the legitimate question and we talked about that... in the committee we talked about this. There's the

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ability to get a restricted driving permit to allow you to go to work, for things that you mentioned... in fact, one of the things we did in the Amendment is to hold off the suspension for a period of thirty (30) days so the minor would be able to get that restricted driving permit. 'Cause that is a very legitimate point whether you're in the City of Chicago or downstate Illinois. We worked with the Secretary of State's office, Jesse White's office was exceptionally helpful and the thought was, let's... the suspension would not go into effect for that thirty-day period, so the restricted driving permit could be issued. And I think... I hope that answers your question 'cause it was a... it's a legitimate point."

Davis, M.: "Well, I do appreciate that you did recognize that that is serious. Now what procedure will be used for the... for the individual to get their waiver, I guess? What would they have to do?"

Cross: "There is a procedure now, we have what's known as a restricted driving... restricted driver's permit and that is something you need to do through the Secretary of State's Office. And you would have to make an application. And once that application is in, the Secretary of State's Office makes the decision whether or not to give you the restricted driving permit."

Davis, M.: "Okay."

Cross: "That... the issue has not in our research... have it not been an issue of whether or not they're going get the restricted driver permit, it's more of a timing issue. As

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again, that's why we held off for the thirty (30) days, Representative."

Davis, M.: "And what happens if an individual has a commercial driver's license, a CDL? What happens if a person has a CDL and..."

Cross: "Well, I'm not sure. I don't know how old you have to be to get a CDL. So, if you could hold on one sec... that's a good question, also. I'm just not sure of the answer, Representative. We don't believe you can get a CDL until you're eighteen (18) or nineteen (19), Representative. So, for the sixteen- or seventeen-year old, probably doesn't apply. For the CDL holder we don't change the law, with respect to that, there are provisions in the law for CDL holders, if they... if they are convicted of drunk driving. Now, there are federal guidelines that apply for those that have a CDL and... again, I don't think... we don't change that under this Bill."

Davis, M.: "I also notice, Representative Cross, that the Secretary of State is in support of your legislation. And I do appreciate your candid and succinct answers to my questions and I support your Bill. Thank you."

Cross: "Thank you."

Speaker Madigan: "Mr. Mautino."

Mautino: "Thanks, Speaker. Leader Cross, I have just..."

Speaker Madigan: "The Sponsor yields."

Mautino: "Had a couple of questions. In the situation now, if I'm reading the Bill correctly, there's been no correlation on the ticket having to do with driving itself. So, twenty-year-old, home from the service, is at a keg party

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or something, gets a ticket, he loses his driving license, driver's privileges, although there is no vehicle that's involved or... Is that..."

Cross: "That's the way the... that's"

Mautino: "How long does the suspension last or how does this...?"

Cross: "Three (3) months. And it... three (3) months and for that period of time he would be eligible for the restricted driving permit to get to work, medical, school."

Mautino: "Does then that show up on his permanent Secretary of State's file? I mean, we give those over to the insurance companies..."

Cross: "We talked about this in committee. It was a good question at the time. Once the suspension is over, it's removed from the record."

Mautino: "So, it's automatically... it's automatically expunged from the record?"

Cross: "Yeah."

Mautino: "Okay."

Cross: "And this came up in committee, Representative. And a number of people and rightly so had a question and it's... it's taken off."

Mautino: "Okay. Is there a reinstatement fee that goes along with it..."

Cross: "No."

Mautino: "...in the course a court fee, an education fee..."

Cross: "Other than if you go through an RDP process, you're going to have to apply to that and that's eight dollars (\$8). It's eight dollars (\$8). But if you don't get the restricted driving permit, there's no cost, other than what

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the court may have fined you. But in terms of once the suspension's up, your eligible and it's over and there's no cost to... to get it. There's a distinction, as you know, between suspension and revocation. Revocation, you got to go before Secretary of State's Office, apply to get your license back. Once the suspension's up, it's up and you go on."

Mautino: "Does the judge have discretion to not impose the driver's license portion? Can he say, 'okay, here's your... here's your fine, you know, you were out in the backyard with your dad, you had a beer, we're not going to take away your driver license.' Can the judge...?"

Cross: "Well, there are, again... there are religious and are exceptions under the unlawful consumption. But the law currently allows some exceptions, Representative, for instance, being at home is one of them. But... the discretion is fairly limited in what a judge may do with the suspension. People are creative. The court system is creative. I guess another charge could be issued against the child if in the... there was a unique situation and the state's attorney and the defense attorney thought the suspension was onerous, they could, you know, perhaps find another charge, but the discretion is fairly limited for the judge... to the judge."

Mautino: "Okay. I appreciate you... answering the questions on it. I'd... I just wonder that we won't have... I don't know whether it be intended or unintended consequences down the road with these... in those situations where... and I always use the serviceman as an example. He's home from his tour

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of duty in Iraq and he's at his family picnic, he's at a ball game or something with some friends and... and we have made a tie to a driving privileges for a nondriving offense. So I just... I just have those concerns and I wanted to say... I appreciate your answers, though."

Cross: "Yeah, and... and... again, I think with discretion... I didn't say this, police officers, as you know, have a great deal at the scene for a lot of cases. And hopefully, in a situation that you're describing that discretion will be used properly. Thank you."

Speaker Madigan: "Mr. Cross to close."

Cross: "I would appreciate a 'yes' vote. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 1 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, do you have a report from the Rules Committee?"

Clerk Mahoney: "Rules Committee Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on April 27, 2007, reported the same back with the following recommendation/s: 'approved for floor consideration' is Amendment #2 to House Bill 754."

Speaker Madigan: "Mr. Clerk, what is the status of House Bill 754?"

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Clerk Mahoney: "House Bill 754, a Bill for an Act concerning telecommunications has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered Representative Howard, has been approved for consideration."

Speaker Madigan: "Representative Howard on the Amendment."

Howard: "Thank you, Mr. Speaker. House Amendment #2 is a combination of the Connect Kentucky model that Representative Hamos has been very in the forefront of championing and the Universal Access to Broadband Services Act. It guts and replaces and this is the result. The Amendment would create the High Speed Internet Service and Information Technology Fund, which shall be subject to appropriations. It would be used by the Lieutenant Governor's office to provide grants to the nonprofit organization which would be named under this Act. The nonprofit organization would be able to apply for federal grants and to raise funds in relation to this Act. I will take questions."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. The Chair recognizes Representative Mulligan. Mulligan. Rise and shine there, Mulligan."

Mulligan: "Oh, it's so wonderful to see you this morning, Mr. Speaker. Thank you."

Speaker Madigan: "Thank you. Thank you."

Mulligan: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative, how would they do the grants? Would they have to either go to Rules and come up with a grant

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proposal that would be uniform for anyone that wanted to use them or is there something in place already so that they would have... people that were applying would have equal opportunity and would know where to go and how to fill out a grant form?"

Howard: "That would be up to the organization. They would make the rules. Obviously, that organization has to be organized. That has to be developed first. So, that I am... I have no knowledge of how they would proceed with doing their business. But certainly, the kind of suggestions that you have or the thoughts that you have could be input into the process."

Mulligan: "So, would that organization be considered such as a state agency in order to do that. They would have to promulgate rules for the grants and then go through JCAR?"

Howard: "No. That is not the case."

Mulligan: "So, they would be strictly on their own in how they give the grants out and to who would get them."

Howard: "As a not-for-profit entity, they would form and adopt rules as to how they would do their work."

Mulligan: "And is the fund's current balance three million dollars (\$3,000,000)?"

Howard: "We're talking about initially five million dollars (\$5,000,000)."

Mulligan: "So, there will be an extra appropriation over and above what was currently in the fund?"

Howard: "There is... as we understand there's five million (\$5,000,000) in the fund at present. Is there something that you know that we don't know?"

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Mulligan: "No, it might be just our analysis is not updated. But our analysis said that it was... oh, the State Comptroller's Office Web site list it as three million fifty-one thousand six hundred and sixty-six dollars (\$3,051,666) is what's in the fund. So, if you are looking at..."

Howard: "As I said, we were under the impression that there was five million (5,000,000), but the... the point is that whatever is left in the fund, we would want that to be transferred."

Mulligan: "Is it possible that they swept two million (2,000,000) out of there?"

Howard: "I certainly... I'm certainly not privy to that. But if it was swept... it's gone. And we would want whatever is left to be transferred to this organization."

Mulligan: "Did some of the grants hinge on federal legislation this pending becoming law?"

Howard: "I have been very fortunate in having received the verbal support from Congressman... or I'm sorry, Senator Durbin. And so, I do expect that we're going to get substantial assistance from that... from him."

Mulligan: "So, you invest... you're envisioning that what Senator Durbin is doing at the federal level will benefit Illinois and that this is a fund that would receive money or the ability to do grants in this area?"

Howard: "I do envision that. Yes."

Mulligan: "All right. My seatmate tells me this is a good Bill and since she is the tech person that I often talk to, thank you very much."

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Speaker Madigan: "Representative Hamos."

Hamos: "Thank you, Ladies and Gentlemen. I stand in strong support of this Bill. It was worked out not only with Representative Howard and Representative Munson, but also the private sector and we thank them for all of their input. And as Representative Howard said, also Senator Durbin. This is a very important initiative that really does follow an existing model that is working very successfully. Senator Durbin's legislation pending at the federal level is premised on... on states and State Legislators... State Legislatures doing this exact kind of thing. Setting up a not-for-profit with this kind of board governance structure as spelled out in the federal legislation. We were mindful of it; we tracked that and we incorporated that. And what's really important about this is that the private sector is a strong partner as we know in broadband deployment. And the very first sentence of the duties and powers says that this new not-for-profit, Connect Illinois, will seek and distribute private, state and federal funding including grants, loans, and general appropriations. If I am looking at the right thing here, wait. So, the whole goal here is to really bring this private sector into it and hopefully, with not only their expertise, their partnership, but also with their resources. And we envision as we go forward that this will not require state appropriations, but instead that we can do this combined effort. I... again, this is an important initiative. It brings together a couple year's work in

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thinking about how we're going to make the state truly a broadband... a full broadband access state. Thank you."

Speaker Madigan: "Mr. Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Meyer: "Representative, I agree with your desire to bring high speed Internet to all areas of the state. I support that. My one (1) concern, and we had talked about this in committee before, I don't know if this relates to that discussion or not, so I'm just going to ask you a couple of questions if I could. The high speed broadband that you are looking for to bridge the digital divide is... what is the speed of that that you would require through your legislation?"

Howard: "This legislation does not speak to that."

Meyer: "It... it has nothing to do with that, then? And the reason why..."

Howard: "This legislation does not speak to the issue of how fast the speed is."

Meyer: "Okay. My concern is that when we do legislation we always are trying to achieve the level of high speed that's necessary to develop business. I find you can't listen while your staff is talking. But what my concern is is that the speed that we should be looking to bridge that digital divide with would be a speed that would be conducive to developing businesses in that area so that... and the speed that they need to communicate for a business structure is quite a bit different than what we need to have fun on the computer at home and to look up homework

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assignments. And I don't have a quarrel with having fun on the computer and looking up homework assignments, it's certainly something we need to do also. But as long as we're making an effort to move into high speed and bridge that digital divide, I just think we ought to do the whole bite at the same time."

Howard: "As you are aware, this Bill came from a very cooperative effort between the state and the businesses. And these businesses have indicated that they would like us not to specify within the legislation the speed. But you can rest assured that because they are so involved in this process that they will make certain that whatever we do is going to meet their needs, as well."

Meyer: "Okay. Well, I thank you for your response on that and we can have some private conversations later on. But that's very much an issue that I would like to work with you on and from that perspective. Thank you."

Howard: "I welcome it."

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

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

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

Clerk Mahoney: "House Bill 754, a Bill for an Act concerning telecommunications. Third Reading of this House Bill."

Speaker Madigan: "Representative Howard."

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Howard: "Yes, thank you, Mr. Speaker. We have... I think, probably adequately debated this and I ask that my colleagues please give me 'green' votes. Thank you."

Speaker Madigan: "The Lady has moved for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1798. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1798, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The first thing I'd like to do is thank my friend and colleague, John Fritchey, for his leadership on this issue. John was gracious enough to let me carry this Bill and I just want to thank John. I really owe you one, John. So, House Bill 1798, it amends the Wrongful Death Act to allow for the consideration of grief, sorrow, mental anguish in wrongful death cases. Now, I've heard from some Members on this Bill. I've heard from some of the opponents on this legislation. They've indicated that this is a way that we're trying to circumvent the cap on medical malpractice cases relating to non economic damages and that is simply not true. Pain, suffering, mental anguish, these are non economic damages. In no way are we trying to circumvent the legislation that we passed in 2005 that put

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a cap on non economic damages in the medical malpractice cases. What this Bill is about is fairness to victims. Fairness to a... a young couple who lost a young child because someone's actions. That's what we're trying to do here. We're not trying to get around the cap at all. What this Bill is about... is about saying that the worth of a human life can't just be determined by lost wages or future wages, something more than that is involved. We are talking about... there are non economic damages: grief, mental anguish, suffering. This isn't such a huge step that the opponents want you to believe that it is. Because the Illinois Supreme Court has already indicated in the 1980s that under the Wrongful Death Act you can recover for non-economic damages. You can already recover for loss of consortium. You can already recover in a wrongful death case for loss to society. We are simply saying that the jury should also be able to award damages based on grief, suffering, and mental anguish. And what I wanted to do before we go to questions... I have a Roll Call in my hand; we passed a Bill May 31, 2001, the Humane Animal Care Act. And the Roll Call was 117 'yes', 0 'noes'. This is what the Bill that we passed in this Body in 2001 stated. It provides that any owner of an animal and that animal was either killed or was subjected to aggravated cruelty can bring a civil action. Damages may include but are not limited to the monetary value of the animal, any other expenses incurred by the owner in rectifying the effects of the cruelty, pain, and suffering of the animal and emotional distress suffered by the owner. So, if we are

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going to allow a pet owner to recover damages for emotional distress when his pet is killed, how can we as a Body in good conscience then say to parents who lost a young child that we're not going to let a jury decide the damages for the emotional... pain, suffering, the mental anguish that you went through when you lost that child. So, again, I'd be happy to answer any questions, but I would certainly ask for an 'aye' vote."

Speaker Madigan: "Mr. Meyer."

Meyer: "Thank you, Mr. Speaker. First, Mr. Speaker, may I request that if this Bill passes that verification take place?"

Speaker Madigan: "The answer is yes. Mr. Meyer."

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

Speaker Madigan: "Sponsor yields."

Meyer: "Representative, would this Bill allow for a new class of non economic damages to be awarded in wrongful death suits?"

Brosnahan: "It's going to allow the jury to now consider grief, suffering, and mental anguish. And that is a non economic damage that presently under the law a jury cannot hear. So, we are adding that to the wrongful death statute."

Meyer: "Will these damages be capped?"

Brosnahan: "Well, in a medical malpractice case they are already capped. So this does not affect the cap on medical malpractice awards, we're not trying to circumvent the cap. The cap still applies. These are simply non economic damages."

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Meyer: "But for any other suit.. case excluding medical malpractice, there would be no cap and the sky'd be the limit?"

Brosnahan: "It does not change existing law. There's not a cap right now, when we're talking about wrongful death cases. The cap applies only to medical malpractice cases. It doesn't change anything other than that."

Meyer: "Have these types of awards ever been... in previous years, have they ever been awarded for these types of cases?"

Brosnahan: "Well, I can tell you that 23 other states in the country provide for the same damage awards. The juries are allowed in twenty (20) other states to consider grief, suffering, mental anguish."

Meyer: "But in the State of Illinois they have never been awarded before, correct?"

Brosnahan: "Not these particular damages, but the Illinois Supreme Court has allowed non economic damages to be collected in wrongful death suits starting in the 1980's, I believe. They allow loss of consortium, which is a non economic damage. They also allow loss to society, also in the 1980s. So the State of Illinois has allowed non economic damages in the past for wrongful death suits."

Meyer: "Well, if that's the case, why are you seeking this Bill, then?"

Brosnahan: "Well, because we're adding grief, suffering, mental anguish. But they.. those are new non economic damages. But the Illinois Supreme Court has already allowed juries

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to hear other non economic factors that'd be loss of consortium and loss to society."

Meyer: "In the... with your legislation does it in any way affect the medical malpractice litigation?"

Brosnahan: "No."

Meyer: "If this Bill should pass, would it in any way negate the 2005 cap on non economic damages?"

Brosnahan: "Absolutely not."

Meyer: "What do you think will happen if your Bill is passed to insurance premiums?"

Brosnahan: "I really don't know, Representative Meyer. I couldn't give you an answer on that. Maybe someone from the insurance industry can tell you, but I don't have an answer."

Meyer: "My concern is that for all other people, besides physicians and hospitals, it would have an increase in their insurance premiums."

Brosnahan: "And Representative Meyer, the only thing I could tell you, I mean, I don't think this is going to result in a large increases. I can't say that for sure. Who knows what the future holds. But I think this is more about fairness to the victims that lose a loved one at the actions of another. I think it is only right and fair to allow a jury to hear these non economic damages for pain, grief, and mental anguish. I think it's more about fairness for the victims. And I don't know what's going to happen with the insurance. I can't give you an answer on that."

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Meyer: "Well, if you don't think that it's going to increase awards then why do we need this? If we can already do it and..."

Brosnahan: "Well, I mean, it depends on each individual case. What we are doing, we are adding a new area where a plaintiff can recover. So, they couldn't recover for these non economic damages before, now they will be able to recover them if this legislation is passed and signed into law."

Meyer: "Would you consider caps on this... on these types of damages?"

Brosnahan: "As I stated before, this does not affect the 2005 legislation for caps for non economic damage of medical malpractice cases."

Meyer: "Well, I understand that, but there are caps on that type of damage. Would you consider caps on this type of damage? And if not, why not?"

Brosnahan: "Absolutely not. That's not before us today and quite honestly, I didn't agree with the 2005 legislation on those caps, so I certainly would have no interest in putting caps on other areas in this Bill."

Meyer: "Who has given testimony against this Bill in... in committee?"

Brosnahan: "I did not carry the Bill in the committee, but I know in our... in our analysis the Insurance Defense Counsel were opposed to it, but I believe they became neutral when we passed Floor Amendment #1. The Illinois State Medical Society is opposed to this. I am not aware whether they testified against this legislation or not in committee, but

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I know they are opposed to it. I believe the Hospital Association is opposed to it, but I'm not aware of who testified in committee."

Meyer: "Well, can you tell me why the trial lawyers are supporting this legislation?"

Brosnahan: "Because they believe this is the right thing to do. I think the present law, quite honestly, is illogical. That we're going to let a jury decide non economic damages for loss of consortium, loss to society, but we're not going to allow them to consider other non economic factors like grief and suffering. So, I think it is the right thing to do. And again as I stated, we passed legislation that allows a pet owner to recover for emotional distress when their pet is killed. I think this really remedies a wrong that's going on right now."

Meyer: "Let me ask you this in terms of the jury instruction. Currently, the jury is instructed not to award money for grief and sorrow, and don't you believe that if you're now instructing the jury to consider grief and sorrow that it's going to increase the number of lawsuits and the jury awards on lawsuits and it's going to cause an impact on the economy because of those increased awards?"

Brosnahan: "No."

Meyer: "Well, Representative, I stand in strong opposition to your legislation. I believe that you can already accomplish what... as you've given testimony here... that you can already accomplish what you wish to accomplish. That we don't need to increase the relevance of... these jury awards in terms of the trial lawyers seeking to increase

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the payouts from defendants and I believe that the current law should be allowed to stand as it is and people should be protected by it. Thank you."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, I found it very interesting that you quoted the Animal Rights Bill that passed some time ago. Has there been any case law under that law? Have there been any decisions under that law?"

Brosnahan: "I'm not aware."

Black: "I'm not either. But if there was, what would you suspect the jury might award somebody for the loss of companionship and... for their dog or their cat?"

Brosnahan: "I'd really have no idea. I guess it would..."

Black: "A million?"

Brosnahan: "Honestly, I would not have the slightest idea."

Black: "All right. I wouldn't think it'd probably be anywhere near the six (6) figures but, you know, and it was a little different... as I can recall that Bill was portrayed in a little different vein when it passed. Let me just ask you a question. What does the current law not allow to be recovered?"

Brosnahan: "In a wrongful death suit under the current law, a jury is not allowed to hear non economic damages for grief, sorrow, and mental suffering. But they are allowed to hear non economic damages for loss of consortium or loss to society."

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Black: "And such damages would include... correct me if I'm wrong, deprivation of love?"

Brosnahan: "Yes."

Black: "Deprivation of care?"

Brosnahan: "I believe so. I don't have a list in front of me but..."

Black: "Okay. Well, the current law requires... not requires, excuse me, allows for recovery for deprivation of love, care, comfort, protection, guidance, advice, and affection of the deceased. And substantial sums are and have been awarded in such cases. So, what you want to add is grief... and what else?"

Brosnahan: "Sorrow and mental suffering."

Black: "Mental suffering? What would be the standing of someone who had filed an action for grief, sorrow, or mental suffering? Would I have to be a spouse or direct member of the family?"

Brosnahan: "I believe you'd have to be a spouse or..."

Black: "What does the Bill say?"

Brosnahan: "Surviving spouse or next of kin."

Black: "All right. Does the Bill specifically say that?"

Brosnahan: "I believe that's already in the Wrongful Death Act."

Black: "Okay. Yeah, you're right it is. So, even though I may feel mental anguish if a friend of mine or an athlete that I respect and admire dies suddenly and wrongfully because of a drunk driver, I would have no standing to file such a lawsuit?"

Brosnahan: "That's correct."

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Black: "Okay. I am often subjected to mental anguish when I walk in here every day. Sometimes it's the Speaker. Sometimes it's the real Speaker, generally it's not the real Speaker, but I can't file any claim to recover. In such a... unless... unless I get so mad that I simply keel over and die. Would my spouse be able to file a wrongful death claim for mental anguish because, while in the midst of arguing an important parliamentary point that the Speaker's Chair often puts me in, I suddenly drop dead on the floor. 'Cause I've told my wife if I drop dead on the floor I want her to file a suit for as many things as she can."

Brosnahan: "The only thing I can suggest is maybe Illinois Trial Lawyers Association would be able to sit down with you and they'd recommend a lawyer you can talk to. I don't know. I'd say consult a lawyer and they can let you know if you have an action."

Black: "I've given my wife the business card of their liaison. And I said if I die on the House Floor, I want you to sue everybody who has harassed and angered me and created my mental health problems over these many years. It may be too late for me. My mental anguish may be nontreatable. When you spend nineteen (19) years in the Minority in this chamber, if that isn't mental anguish I don't know what is. But let's get back to your Bill for just a second. If the jury awards full damages to the extent of the cap for all of the things that I have mentioned, then as a part of the lawsuit for mental anguish that would then be a separate judgment, correct?"

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Brosnahan: "My understanding is it would still count as non-economic damages. In a medical malpractice case those are... the cap is still in effect."

Black: "Oh that's... the caps are in effect or not?"

Brosnahan: "When we're talking about non economic damages..."

Black: "Okay."

Brosnahan: "...in a medical malpractice case, the caps are still in effect. This legislation does not change that at all."

Black: "Okay. But it adds three (3) more instances where I can seek recovery to the limit of the cap."

Brosnahan: "That's correct."

Black: "All right now. What if it isn't a medical malpractice case?"

Brosnahan: "Then under the present law there is no cap on that."

Black: "Okay. So, if somebody runs into my car, as almost happened last night in beautiful downtown Springfield, and I'm killed in a wreck, then my spouse can recover unlimited damages for all of the causes of wrongful death, right? Or at least ask for unlimited damages. The jury will decide what she gets..."

Brosnahan: "Yes."

Black: "...right?"

Brosnahan: "That's correct."

Black: "Okay. All right. So, in your mind you think this is simply a fair extension of what the current law is and you're adding three (3) categories?"

Brosnahan: "That's correct."

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Black: "What defense can one offer for mental anguish... what were the others? Loss of... mental anguish..."

Brosnahan: "Grief, sorrow, and mental anguish... mental suffering."

Black: "That's right: grief, sorrow, and mental anguish... what defense could an attorney offer? I find those rather vague. So I'm not sure what... how would you defend that? And say no, no, no, we don't believe that this a half of a million dollars (500,000) worth of grief and sorrow and I mean, I don't know how you defend that because I don't know how you define it."

Brosnahan: "Well, I guess there's really two (2) parts. I mean, you have your defense so that, I guess, the liability portion of the cause of action in the first place. So you could defend whether you are responsible or not. And then you get into a separate area where we're talking about damages and that's really depends on the evidence that's presented by the plaintiff and any evidence that the defense chooses to present as well."

Black: "All right. As always, Representative, I appreciate your honesty. Should you lose this Bill, you're not going to later in life charge me with grief, suffering, or mental anguish, are you?"

Brosnahan: "It is a possibility."

Black: "I thank you for the warning. I'll call my insurance agent and increase my liability. Thank you very much."

Speaker Madigan: "Mr. Fritchey."

Fritchey: "Thank you, Speaker. To the Bill. Ladies and Gentlemen, for all the discussion about insurance premiums,

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insurance coverage, et cetera, I think something may have been lost on what the Sponsor has said before. The insurance industry is neutral on this Bill. You can go ask them. They are all around. They have no position on the Bill. They were opposed to the Bill. And the provisions that they were opposed to were reviewed. Their opposition was taken into consideration; those provisions were removed via an Amendment by the Sponsor. The insurance industry has no position. This is about the fact that it hurts to lose a loved one. We compensate people for loss. That's what we do. And we allow a jury to go and do that. As the Sponsor of the Bill said, my God, we allow compensation for grief and loss of a pet. And you're going to say that an individual cannot be compensated 'cause they lose a child, a sibling, a parent? My gosh. This isn't about trial lawyers and doctors. This isn't about insurance policies and insurance premiums. This is about doing what's right and doing what is fair and allowing a jury to set these amounts. Again, I've had it with the scare tactics down here. It's about a compassionate policy. It's about doing what half the states in this country do and that is saying let the jury put themselves in shoes that, God forbid, any of us find ourselves in, that someone that we love, somebody that we care about was wrongly taken away from us. This isn't about having your uncle have a heart attack and die and you feel bad about it and want to sue. This is about losing a loved one because of wrongdoing. And it's only if it was found to be a wrongdoing that you even get to the damages. If a defendant is not found to be liable

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for the underlying death, there's no damages, Ladies and Gentlemen. The presumption here that exists in every case is that there will only be a judgment if there was found to be wrongdoing. All this Bill is about at the end of the day then is, when you have an individual or an entity that was found guilty of wrongly causing the death of somebody that those surviving family members are entitled to compensation for the insurmountable grief and loss that they suffered. Truth be told, I don't know that any of us would be willing to put a dollar amount on losing a loved family member. But what this simply says is let the jury decide if compensation is due to that mother or that father, to that son or that daughter, to that sibling for the wrongful death of a family person. Don't get caught up in the politics. Don't get caught up in the hype. Look in yourself and ask what you would do if it was you and what you would think is right and what you would think is fair. Please vote 'aye'."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative, after amending... from pulling it up and looking at it... looks to be rather archaic. Someone must have looked long and hard to figure out which one to amend here. This is very interesting. One of the new goals from what I see on the ads on television right now from trial lawyers is going after nursing homes. If dad had bed sores and this happened and that happened, we can get you three million dollars (\$3,000,000). Nursing homes

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in Illinois are put under a big constraint right now. They're not part of the law that we passed on medical malpractice. And they've come to the state actually to ask for us to help them with the fact that the... their liability insurance has gone up so much. And so they've asked for considerations, which is an expense that's passed on to the consumer, which is the expense that's passed on to the taxpayers. It's an expense that I think your Bill will increase threefold. I don't understand why you would not take that into consideration. Instead of standing up on the House Floor and portraying something that can be put out in a mailer, that so and so was not for you to have some compensation for the death of a loved one, which I've had that happen to me and my family and nothing compensates you for the death of a loved one, nor your children for the death of a parent. I don't know how you can adequately put this and change it into the law. And when some of the previous questioners asked you, you have never said it is the legislative intent of this Bill not to change the medical malpractice or not to start down the slippery slope."

Brosnahan: "Okay. I'm sorry."

Mulligan: "You are not saying it is the legislative intent not to go after nursing homes."

Brosnahan: "I don't want to interrupt you, but you raise a good point. So, for purposes of legislative intent, this legislation by adding grief, sorrow, and mental anguish when it comes to non... I believe they are non economic damages... and as it applies to a medical malpractice case,

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this does not affect the cap. The cap is still in place. I'm not trying to circumvent the cap. So, I'm not trying to change the law in 2005 tort reform Act."

Mulligan: "So..."

Brosnahan: "That's legislative intent. I'm trying to clarify. I've said it when I... when I spoke first about the Bill. This is not a way around the cap."

Mulligan: "So, characterize how this is going to impact my local nursing homes."

Brosnahan: "Quite honestly, I'm not sure how it's going... it depends on how many cases are brought. It depends on the evidence presented at a trial. I can't..."

Mulligan: "Obviously, more. If trial lawyers are advertising on television late night this particular category since the cap went on medical malpractice, obviously this is the type of business they are seeking. And obviously, since the rate has gone up on nursing homes, and they have come back to plead their case to the state and to the Human Services Appropriation Committee, obviously there is some concern over that they're not included in what was the medical malpractice. And if this is a big area that trial lawyers are seeking business in, they're going to be impacted by this negatively which impacts the taxpayer, impacts the person that's helping the nursing home, impacts Medicaid."

Brosnahan: "The only thing I can tell you, Representative, we didn't present this Bill to this Body in an attempt to produce a whole lot of frivolous lawsuits. We're trying to do this to be fair. The Illinois Supreme Court has already allowed non economic damages in wrongful death suits.

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We're adding another section: grief, sorrow, mental anguish because it's fair. To me it's illogical that we don't let a jury consider those... those damages."

Mulligan: "Well, I think that what you do is you chip away back of what we've changed in order to try and make it a little fairer. I can't understand why is the insurance industry now neutral on your Bill. Is it because they have other concerns this year? And so this is the lesser of the three (3) evils?"

Brosnahan: "I believe... no. After they saw the Amendment that we did which removed the part about the contributory negligence, they looked at this Bill and I... I can't speak for them, but they're neutral on it. I must believe they're neutral because they don't think it is going to have a negative impact on their industry. That's why... I mean..."

Mulligan: "Don't you think the insurance industry in Illinois is under assault in a couple of areas? And don't you think that in what you describe one of the typical things of..."

Brosnahan: "They're not going to be under assault because of this Bill. I don't believe that they'll be under assault because of this Bill."

Mulligan: "Well, wouldn't you think that one of the typical ways you might have a lawsuit under this Bill is losing a child in an automobile accident, where the insurance company would then be liable for their insuree?"

Brosnahan: "Is... you know, if that was a question, I'm sorry, I missed it."

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Mulligan: "So, if there's other Bills out there... if this is the lesser of two (2) evils in the litigation area and then they also are under some kind of assault in health care plans, your Bill may be the lesser of all evils, so they're going to be neutral. I can't believe the insurance industry is really neutral on this."

Brosnahan: "I can only tell you that they're neutral on the Bill. They didn't bring those other concerns to me. The reasons why... I am just telling you what I think, why they're... they don't think it is going to have a negative impact on their industry."

Mulligan: "Well, perhaps they're neutral because they're going to raise the rates on nursing homes and auto insurance, people that have auto insurance and other things like that. This... this, I really believe, chips away at a really long hard-fought area and will then go back down the slippery slope if it goes back to the medical malpractice. I don't see how it can't. And if you discount... and my big concern is because I work at Human Services and I see what's happening in nursing homes. It always amazes me when I see the late night ads that people can get the kind of settlements that are being portrayed in the ads and that the nursing homes are under such assault with their medical malpractice, which just drives the cost right over the top. I certainly can't support your Bill for that particular reason. And I don't think that there's any exemption in your Bill for them. So, I would urge a 'no' vote."

Speaker Madigan: "Mr. Winters. Winters."

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

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Speaker Madigan: "Sponsor yields."

Winters: "Representative, this afternoon, if we ever get out of here, I'm going to head home to the farm. And I hope to have some good weather when we get home so I can actually engage in some farming activities. I'm not from the City of Chicago. Never have lived there, never lived in the environs. I believe that... that is your home stomping grounds, as the saying goes. Could you tell me why the City of Chicago signed in in opposition to this Bill?"

Brosnahan: "No, I don't. The City of Chicago did not contact me."

Winters: "Are they signed in under opposition?"

Brosnahan: "On my analysis, they show that they're opponents. But again I was not in committee. I didn't present the Bill in the committee. And I can just tell you that I have not been contacted by the city before running this Bill."

Winters: "Well, I guess I have been contacted... through the popular press where I read a quote from the mayor saying this is one of the worst pieces of legislation he's seen. That's a paraphrase. That's my understanding of what Mayor Daley said. I would like to speak to the Bill, however. The Sponsor has mentioned in debate that this is adding a new area of recovery in this state. It's a new area of recovery in jury cases. There's going to be a new line on the jury form that will... after you've looked at the other recovery that you can get for deprivation of love, care, comfort, protection, guidance, advice, and affection of the deceased, there will be a new line for grief and sorrow. Now, the loss of society, those elements that I have

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already talked about, already are defined through court history... court cases by the Illinois judiciary. There is no definition in this Bill and there's no definition obviously by the courts of what grief and sorrow is. There is no objective way for a jury to arrive at what these damages are but it is an emotional pitch to the jury to say there was a wrongful death here and let's make this person whole by adding one more element. And believe me, if there's an empty line there with a figure to be filled in, the juries will be filling it in. There will be monetary damages. And they will be higher than before we passed this Bill. There's no objective way for a jury to do it, they'll be running on emotion. The people of Illinois, believe it or not, they actually pay attention to what we do here in the General Assembly. On this House Floor the debate that we have and the votes that we take are real. People back in our districts pay attention. The ones who will be impacted by this Bill this morning and what we're doing is sending signals throughout the state. Now, we got a lot of others signals such as the Gross Receipts Tax that says to business we don't want you to stay in Illinois. We don't prefer our own companies when they buy products to buy it from a company out of state. So, when we send those signals, businesses comply. They're going to be moving out of our state. Truckers did it three (3) years ago when we raised their license fees. We lost twenty thousand (20,000) trucks. Well, believe me, this is another example, a signal that we are sending as a General Assembly to the businesses of this state. We're going to open it

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up. Your financial liability, your legal responsibility is being widened. Juries can give larger awards in these horrific cases. But we're expanding what has been allowed in the past. We're simply sending more signals to business in this state that we are not interested in protecting your rights. What we're doing is expanding the rights of trial lawyers to get into your back pocket. The back pocket of business is already slim. They are on the edge. They're always competing with other companies in other states and in other countries. We add one more burden on their back, it may be the proverbial straw that broke their back. And they'll say the heck with it. Illinois, through the signals that we're sending, is not a place where we're going to expand. It's not a place where we'll add new employees. It's not a place where we can continue to exist. We're going to look for greener pastures someplace else. This is one more element, one more brick on their back. It's not a straw, it's a brick on their back. And we're going to be driving them out of this state. I urge a 'no' vote."

Speaker Madigan: "Mr. Lang."

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

Speaker Madigan: "Sponsor yields."

Lang: "Representative, I support your Bill. I just thought we'd talk about it for a little bit, if that is all right with you. So, my understanding is that as crafted now, this Bill is substantially different from the original Bill. Is that correct?"

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Brosnahan: "That's correct. And with that Amendment we did remove the opposition of the insurance industry. So they are now neutral on the Bill."

Lang: "Now, with the original Bill, you and I and everyone else on the floor got all kinds of e-mail and correspondence and faxes from all kind of hysterical doctors and hospitals and insurance companies and that was all about... really in its core, it was really all about the portion of your Bill that you've taken out, relative to contributory negligence. Isn't that correct?"

Brosnahan: "Well, to be fair, I think they had concerns about both parts. So I don't want to characterize this as this as that is something they don't have a concern with or a problem. But I do think by Floor Amendment #1, by removing the opposition of the insurance industry, I certainly think we've made this maybe a less controversial Bill. I think it probably made it a better Bill, easier to understand, because the Bill that we have today is pretty straightforward. That's the way I believe."

Lang: "Now, it appears to me that some of the opposition we're hearing today is really based on your original Bill, even though they are not saying that, because they've heard from certain interest groups that might be opposed to the Bill, or certain interest groups that may have been opposed to the Bill that are no longer opposed to the Bill. Are you hearing what I'm hearing? Do you hear that some of this opposition is coming from folks that really haven't paid much attention to the fact that the Bill's different?"

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Brosnahan: "I think you certainly have a point. And I also think maybe some of the opposition is based on maybe a misunderstanding of the Bill. I mean, some people thought that when, you know, we call this Bill that somehow we're trying to circumvent the caps that were put in place in 2005 in med-mal cases for non economic damages. And this Bill does not do that at all. And as I've stated in response to another Representative's questions for legislative intent, I'm not trying to do that."

Lang: "So, even with these new jury instructions, et cetera, it doesn't change the cap in the Bill that we had passed and the Governor signed into law. Is that correct?"

Brosnahan: "That's correct."

Lang: "So, also my understanding is that there are something like twenty-three (23) other states that have this in their law today."

Brosnahan: "That's correct. Twenty-three (23) other states in the country provide... lets the juries award damages in wrongful death cases for non economic damages that would include pain, grief, and mental suffering."

Lang: "Has anybody looked at the impact of that law in those other states to determine whether it's raised awards or whether it's hurt doctors or whether insurance companies have... have suffered as a result of those state laws?"

Brosnahan: "I'm not aware of any studies that were done. No one has presented to me with any studies, as far as that."

Lang: "But I think we could probably presume that if there was evidence that it was painful for those insurance companies,

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they'd probably would not have removed their opposition here in Illinois. Wouldn't you think?"

Brosnahan: "I would certainly tend to agree with you."

Lang: "Now, there may be those who are opposed to this who think that your plan is to... your plan was to whittle this Bill down to a smaller Bill and send it to the Senate and change it. Is that any part of your plan, Sir?"

Brosnahan: "No, not at all. My plan, my hope for this legislation, is that it goes to the Senate, they vote on the Bill the way it's presently drafted, it gets passed and sent to the Governor's desk in the form that it is in today."

Lang: "And so you're not aware of anyone in the Senate who's planning to take this from you and create some mischief that would create a big hub-bub on the floor of the House. Is that correct?"

Brosnahan: "That's correct."

Lang: "So you don't expect to see this back on concurrence?"

Brosnahan: "I certainly hope not."

Lang: "Do you have a Senate Sponsor lined up?"

Brosnahan: "You know what, I am not sure if someone pre-signed for it or not, but I'm not aware of one."

Lang: "Thank you for your answers, Sir."

Brosnahan: "Thank you."

Speaker Madigan: "Representative Osmond."

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

Speaker Madigan: "Sponsor yields."

Osmond: "Representative, the previous speaker was talking about those who are against this Bill. Does your Amendment

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remove the opposition from the City of Chicago and Mayor Daley?"

Brosnahan: "No. I don't believe so."

Osmond: "Does it remove Cook... county of Cook and President Stroger?"

Brosnahan: "No."

Osmond: "Illinois Hospital Association?"

Brosnahan: "No."

Osmond: "Or the Med Society?"

Brosnahan: "No."

Osmond: "When you talk about increasing... not increasing or awarding damages... not increasing the awarded damages, how... when you give jury instructions... and I'm not a lawyer, so I'm trying to fact find here... when you give the jury instructions do you still give a jury instruction for pain and suffering?"

Brosnahan: "Yes."

Osmond: "Then would you give a separate jury instruction for grief?"

Brosnahan: "I think they would probably be all in grief, sorrow, mental anguish would be one jury instruction. I know right now there's a jury instruction that says they cannot consider grief, sorrow, or mental anguish. So, I am assuming there'd probably be one that would allow them to consider it."

Osmond: "So, you would be looking at a recovery for pain and suffering in one area, and then another for grief..."

Brosnahan: "Grief, sorrow, and mental anguish."

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Osmond: "...grief, sorrow, and mental suffering in another area. I guess I'm, being a nonlawyer, I need to understand better how grief and sorrow is different from suffering."

Brosnahan: "Well, I guess there is a reason in the Bill why there's no definitions. Because it is hard to define what a person's grief, what a person's suffering, what a person's mental anguish is when they suffer a loss. So, there isn't a definition. I can only tell you that probably as they do in the twenty-three (23) other states, the plaintiff, they would present evidence to a jury that... the attorney presenting the case would have to, you know, I guess, make the case: what is grief, what is suffering, what is mental anguish, what is sorrow. So, that is why there is not a definition. I guess there is not an easy answer to give you on that. That would be up to each individual case. It would be up to the juries to determine what those damages would be, if any."

Osmond: "When my husband died four and a half years ago, he died of a heart attack. What if he was hit in an auto accident and a wrongful death cause incurred? In this particular case that you're talking about, I would have the right of recovery as his spouse. My children would have the right to follow... file a suit on their behalf as his children. And then this next of kin is very puzzling to me. Does that mean his brother and his sister, who are not really active in his life but definitely... I mean, at this point in his life they were nowhere around. Would they have the right of recovery because they were... felt sorrow or had grief for his loss?"

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Brosnahan: "Representative, I know in this Bill we have not changed that, as far as who is eligible for the recovery. So, that's presently in the wrongful death statute as it is. We're not changing that at all."

Osmond: "But you're allowing them to recover for grief, right?"

Brosnahan: "Yes. We're allowing grief, sorrow, mental anguish to be considered as non economic damages."

Osmond: "So, you're not expanding it as to who can apply for it?"

Brosnahan: "No, we're not."

Osmond: "When a person is going to settle... when you have a jury going to make the determination and your policy limits are a million dollars (\$1,000,000) on a policy, when you break this down into grief, and sorrow, and suffering, are you going... I guess what I am trying to get at, is this always going to be within that million dollars (\$1,000,000) or is this above what a policy would be covering?"

Brosnahan: "I guess and I haven't tried civil cases, but I think if this is your question you would have to... the jury, the finder of fact, would have to delineate between what is economic damages and what are non economic damages."

Osmond: "Right."

Brosnahan: "So there would be a breakdown."

Osmond: "Okay. So, some of this can very well come out of a person's pocket?"

Brosnahan: "I guess that depends. It's like any other damage award. So, I guess that would depend... on each... each case."

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Osmond: "All right. I'm getting in a gray area where I really don't understand, but thank you very much for your answers."

Speaker Madigan: "Hamos... All right. We have no one else seeking recognition, so we are prepared to go to Roll Call. There has been a request for a verification. And so the Chair would ask everyone to take their seat. Mr. Hoffman, if you could take your seat. Again, we're prepared to go to Roll Call. There is a request for verification. Representative Chapa LaVia, if you could take your seat. The question is, Shall this Bill pass? Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. Now, if everyone can remain in their chairs and Mr. Scully, if you could take your seat. Mr. Granberg, take your seat. Mr. Meyer, did you want us to read the names of those voting 'yes'?"

Meyer: "Yes. I see a lot of empty chairs over there, Sir."

Speaker Madigan: "It might help if I were to tell that there are only two (2) Democrats voting 'no'. They're in the back row. Mr. Holbrook and Mr. Beiser. All the other Democrats except Collins are voting 'yes'."

Meyer: "Well, I see empty seats in some of those that voted 'yes'."

Speaker Madigan: "You want to name them? Do you want to name them?"

Meyer: "I don't see Representative Burke in the chamber."

Speaker Madigan: "Burke. Is Mr. Burke in the chamber? Remove Mr. Burke from the Roll Call."

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Meyer: "Representative Granberg was just down here. I saw him. Is... my bifocals aren't working here real well, Sir. Representative Fritchey is..."

Speaker Madigan: "Mr. Fritchey is down in the well. Right here."

Meyer: "Okay. I was looking for that empty chair. Okay. Thank you, Sir."

Speaker Madigan: "You're welcome. Again on this question, 63 'ayes', 52 'noes'. This Bill, having received a Constitutional Majority, is here by declared passed. House Bill 928. Mr. Clerk, what is the status of that Bill?"

Clerk Mahoney: "House Bill 928, a Bill for an Act concerning employment. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is an initiative of the firefighters organization. The Bill provides that any condition, or impairment, or health of a firefighter or emergency medical technician, or paramedic that results directly or indirectly from a bloodborne pathogen, lung, or respiratory disease or condition, heart or vascular disease or condition, hypertension, tuberculosis, or cancer that results in disability in the workplace, that with regard to a workers' compensation action, there would be a rebuttable presumption in favor of it happening and being a result of the work activity. The reason that we need a rebuttable presumption as these are the types of medical conditions that happen over a long period of time. And sometimes it's difficult to point to the exact cause. This would be a

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rebuttable presumption that then the employee... employer could come in and attempt to rebut. I ask for an 'aye' vote."

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

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

Speaker Madigan: "Sponsor yields."

Mathias: "Representative Hoffman, I remember there were a couple of issues in committee dealing with this Bill. And one you just addressed, dealing with the issue of rebuttable presumption, which I assume from your comments, you did amend on the Bill?"

Hoffman: "Yes."

Mathias: "And there was another issue to that had to do with pensions, and..."

Hoffman: "Yes. And that would have been... that was dealt with in House Amendment #3, which was adopted. And it specifically clarifies that the rebuttal presumption only applies for the specific provisions within the subsection and not any other provisions. So the presumption only applies to the described Bill analysis and not any other provisions in the subsection. In other words, only for the purpose of the workers' compensation determination."

Mathias: "And do you know if because of your Amendments, because obviously looking on my computer there's a lot of entities that are opponents of this Bill. Do you know if your Amendments have reduced any of those opponents to being neutral or in support of your Bill?"

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Hoffman: "I recall in committee addressing some of these issues with the opponents and I remember them indicating that it certainly would make them more comfortable with the Bill. I've not heard from any of them that they've changed their position. But I've also not heard from them that their position remains opposed. I'm not... I just haven't heard. But in the committee I think if I remember correctly and I believe you were there, Representative, I think that I remember correctly when we talked about the issue of rebuttable presumption and making sure that this only applies in the Workers' Compensation Act, that that would have made them much more comfortable. I don't know if that turned them to neutral. I don't recall."

Mathias: "Well, I appreciate the fact that you did make those changes as I and some other Members requested of you. And I appreciate that and thank you very much."

Hoffman: "Thank you."

Speaker Hannig: "Representative Hannig's in the Chair. Representative Mulligan."

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

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

Mulligan: "Representative, could you explain the legality of the two (2) terms, changing it from... as it's still in there, conclusively presumed to rebuttably presumed? Does that mean that you can rebut it by saying, gee, if the guy has always been overweight, or he smokes, or you know, to bring out other information that would presume that maybe there were other reasons that he was disabled? Then..."

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Hoffman: "Yes. It was never my intention to not allow the employer to come in and provide evidence that maybe this didn't occur as a result of the activities at work. And the drafting of the original Bill had a conclusive presumption if they... if they were a firefighter and they suffered from some of these illnesses that would have been conclusively presumed. However, conclusive, conclusive that it was worked related. That was not my intention. So what we did, and because of the very nature of these illnesses, we said that if you suffer from one of these and you're a firefighter and you come in and you have a workers' compensation action that it would be presumed that it happened as a result of your activities at work and that the employer could then come in, as you can in any type of adversarial proceeding, and could prove that that was not the case. In your example, that there may be some other reason that the individual firefighter is suffering from this type of an illness. So, that's how it would work."

Mulligan: "So, would this be more likely to put them on a paid disability or what do you envision for this type of legislation?"

Hoffman: "Yeah. This is only dealing with the workers' compensation issue for compensation of the Illinois Workers' Compensation Act. This Bill does not deal with the pension disability issue."

Mulligan: "And how much do you think this would raise the award that a local community would be liable to have to pay? Because it's not like we're talking about... we're talking about taxpayers of local communities who underwrite the

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cost and we're always very generous... I mean, I always hear from my municipalities. We are always very generous in what we do with firefighters and policemen as far as their pensions and what they get. And so, now we are adding another category that local communities would have to underwrite but it is not really local communities. It's the property tax, so the taxpayers of those local communities."

Hoffman: "Well, we are not... we're not adding another category. We're simply discussing the burden of proof for a firefighter who may have a bloodborne, or lung, or respiratory disease that most times came about as a result of the fact that they're fighting fires over a number of years. Many times in buildings that may have had asbestos or other types of buildings that have asbestos or other types of material that causes these respiratory disease. When they're... when the firefighter breaths them in while they are fighting this fire. So, we're not adding any additional cause of action. We are simply talking about the burden of proof that if the firefighter who has served for over... I believe it's five (5) years... has any of these diseases, then with regard to the workers' compensation action that you would presume that they were a result of work-related activity and the employer, which in this case would be the fire district of the municipality, could come in and prove that that was not the case. But we're not adding any additional cause of action."

Mulligan: "I understand they would have al... already had this cause of action, which is an apparent cause of action for

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the line of work that they do, but changing the burden of proof sometimes means you're shifting it to... rather than the person that is saying I have this problem, you're shifting it to the municipality, which makes it much more difficult to defend against a claim like this. So, instead of being more of a straight-up negotiation, you have shifted the burden of proof which is a big issue. It is not a small issue because it makes it much harder to defend a case for a local municipality and much easier for a lawyer or whoever is going to do this. If it's a union, I am not quite sure who all, but it would be a workers' comp claim, which is a workers' comp lawyer or a review board, or however you would envision it happening. But changing the burden of proof is a big issue."

Hoffman: "I'm not... I'm not trying to say that it isn't a significant issue. It's significant in that the firefighter, who has spent a life fighting fires for us, is dealing with lung and respiratory diseases that you can't just point your finger to this one occurrence. It really is a lifetime of ingesting and breathing in these types of materials. So, it's a unique situation that this is attempting to address, so that they can be compensated if, indeed, it happened on the job. If it didn't, you can bring in other evidence to the contrary."

Mulligan: "So currently, is it very difficult for a firefighter to prove this? Is that why you're changing the law? What would be your reason for doing this?"

Hoffman: "Well, I think the current law, what would happen is a firefighter who has these diseases has to come in and the

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Workers' Compensation Act only covers you for work-related injuries. So you have to prove that the injury was a result of activities on the job. Many times that's very difficult with these types of diseases to prove. Yet we know over, and over, and over again that it's more likely than not that they were a result of the activities of the firefighter while on the job, because there's a higher incidence of these types of illnesses as a result of that type of employment. So, what this does is if you have it you could bring your action, it doesn't mean you're going to get compensated, it doesn't mean you're going to win, it doesn't mean that you have proven beyond any doubt or conclusively that this happened on the job, it only means that the employer can then come in and bring contrary evidence as to whether or not it happened on the job."

Mulligan: "Okay. Representative, I do see that you exclude someone that's not been on a job for five (5) years, under this particular type of burden of proof. Let's say a new firefighter was called out... in our area we have multiple train crossings and it's always an issue that perhaps there will be an accident or something in our area where they might be called out to look at a chemical spill or something like that. They have not had the same high standard of burden of proof that they would not be barred from a claim for a similar situation even if it happened over only one (1) or two (2) incidences."

Hoffman: "Right. So, if the person had not worked for the... as a firefighter for five (5) years, then the current law

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would still apply, where they could bring a action. They would have the current burden of proof."

Mulligan: "So, what happens if Jim Smith works for one (1) community for ten (10) years and then he changes jobs and works for another community and particularly what he does for the second community is more of a... say, he's the assistant fire chief or the fire chief and he's really not out there on the front lines all the time and the injury might have happened when he worked for the first community. So who would they go after? What would the cause of action be against... which community or how would they work that out? Would he go after his original community or would the second community that hired him in good faith to be a, you know, a fire chief or change jobs... maybe from a firefighter to a EMT that's not on the front lines. He's just transporting to hospitals. Who would they go after?"

Hoffman: "This does not have any effect... this does not have any effect on who would be the ultimate defendant. I believe that the time that you got... I don't do this type of law but my understanding is at the time the injury or the problem takes place, where you're working at that time would be the defendant."

Mulligan: "Some things don't appear such as asbestosis, different types of lung diseases, don't appear for numerous years and so what happens then is... are we... am I getting one step too technical for you? Okay. Some things don't appear for a number of years."

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Hoffman: "I'm nearly 100 percent sure that I'm right. But I don't want to say that I am 100 percent sure that I'm right."

Mulligan: "I'm sure that your legal background is... mine is only minor compared to yours. So, but I think I'd have a few questions, having worked in municipal law, that are interesting for this. And so, what I'm trying to figure out is if local municipalities... I mean, who is the person if it happened twenty (20) years ago and it's not diagnosed 'til down the line... what community would have the liability?"

Hoffman: "Under your scenario, I believe, generally the community when the problem manifests itself would be the defendant. I'm not sure as to whether or not the... all of them would be the named employers and then the workers' compensation judge would determine who would have to pay the compensation."

Mulligan: "So, wouldn't the current law..."

Hoffman: "But I apologize for not... having that."

Mulligan: "But wouldn't the current law be better because you have to prove where it happened?"

Hoffman: "No..."

Mulligan: "I mean, it would be... it seemed to me it would be to protect local municipalities and it would also protect a longtime firefighter that wants to switch to maybe be a chief in another community from having that community look at what his past history is because they may not want to be liable."

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Hoffman: "Well, I think this attempts to address the nature of these diseases that may manifest themselves after a lifetime or after... even five (5) or six (6) years of working as a firefighter. That's what this attempts to address. Because the nature of these diseases, a lot of times you can't... it's not like when you fall down and you break your arm. You know when you fell down and you broke your arm. If you're ingesting or breathing in these toxins when you're fighting fires, many times the disease doesn't manifest itself for many years. All this is saying, is if you are doing that for an employer you can bring an action. And then the employer would come in and say, look, he has these other health problems, it didn't happen on the job. We're not trying to compensate someone who didn't... doesn't deserve to be compensated."

Mulligan: "Okay. But I think that sometimes legislation has unintended consequences. And one of the unintended consequences of this is that it may put a damper on employees who are getting older, who have more seniority, who may want to move to another community, may be in line for a promotion. I just think that there's a lot of unintended consequences in your Bill."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Inquiry of the Chair."

Speaker Hannig: "Yes. State your inquiry."

Black: "Would you have the Clerk review what Amendments are on the Bill?"

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Speaker Hannig: "Certainly. Mr. Clerk, would you provide for us the Amendments... the status of the Amendments."

Clerk Mahoney: "Floor Amendment 1 and 3 were adopted to the Bill."

Black: "Okay. Thank you. Will the Sponsor yield?"

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

Black: "Representative, in Floor Amendment #2... that evidently has been withdrawn. Did Amendment #3 add the language of 2 or correct some of the language in Floor Amendment 2?"

Hoffman: "Yes."

Black: "Okay."

Hoffman: "It's my understanding that we adopted 1 and 3."

Black: "Okay."

Hoffman: "And what 3 is... 2 was misdrafted, is my understanding."

Black: "All right. Let me ask you a question. There's reference that our staff put in, that we're making no change to the case law that is set forth in the decision Krohe v. City of Bloomington. Do you know what that case decided? I don't have it in my records."

Hoffman: "I recall in committee a discussion of an issue of pension disability liability. That may be the case. I don't know for sure. But we put in Amendment #3 because there was a concern by the fire departments and I believe the police chiefs... or the fire chiefs association, in particular, that this somehow would change... a determination in the workers' compensation case would then be able to be carried over and be used and in the pension disability case."

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Black: "Okay."

Hoffman: "So, what we did is we was very specific in Amendment #3 and said that this Bill is simply for workers' compensation determinations, not for pension disability determination."

Black: "That brings up then a question that I think requires an answer. Can a firefighter be drawing a disability pension and workers' compensation?"

Hoffman: "I'm sorry. I was correct in the case..."

Black: "That's why we have staff, Representative."

Hoffman: "Go ahead, I'm sorry."

Black: "All right."

Hoffman: "I was listening to staff."

Black: "So, given the case law and the way your Bill is structured, would it not be possible for a firefighter who is on a disability pension to also file and receive workers' compensation benefits?"

Hoffman: "I believe that the law is if... if an injury is work-related, happened on the job, you have an action under the Workers' Compensation Act. If you become disabled, you also could apply for disability benefits. That's... this doesn't change that at all."

Black: "Okay. All right."

Hoffman: "As a matter of fact, we're very careful so that one didn't bleed over into the other, that there would be separate determinations for the workers' compensation injury under this law, and any disability you may receive under your pension disability."

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Black: "I'm not aware of any... maybe you can enlighten me. I'm not aware of any specific prohibition that you couldn't draw both. I've often thought maybe we should have a prohibition, but I'm not sure there is. That you could draw a disability pension and then file for workers' compensation saying that, in fact, you're disabled because of a workplace injury; therefore, you should also be qualified for a workers compensation benefit."

Hoffman: "Yeah, and I believe that there then would be a set-off statutorily."

Black: "Well, yeah, an offset."

Hoffman: "An offset, probably..."

Black: "Okay. All right."

Hoffman: "Where the workers' compensation carrier would probably pay into the pension disability..."

Black: "Okay."

Hoffman: "...or have to pay them some back."

Black: "And I would think that not only would be fair, I think... I hope that's the case because otherwise you can see where we could put a municipality in a very precarious financial position if one could draw full benefits from both."

Hoffman: "And this doesn't change that..."

Black: "Okay."

Hoffman: "...as it currently exists."

Black: "And I didn't think it did. Actually Representative, what I'm doing is stalling for time until we hear from some people about their positions. So, if you'll just bear with me. We'll do the best we can."

Hoffman: "Well, you're doing a good job of stalling."

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Black: "All right. And I have years of practice. Let me ask you a question, though, that does come to mind. Of the conditions listed in the underlying provisions of your Bill, such as hypertension and the one that I find most interesting cancer. Now, you've made those conditions rebuttable, right?"

Hoffman: "Yes. So, if you have one of these conditions and you have worked as a firefighter for more than five (5) years, you could bring your action... the problem is, as staff has indicated to me, the... when you file a workers' compensation case you have to put down the date of occurrence, the date of the accident. As I indicated earlier, if you fall and break your arm, you know what day you did it. These type of illnesses many times manifest themselves as a result of being around a particular substance over a long period of time. So therefore..."

Black: "Let's just take..."

Hoffman: "...it's hard to say..."

Black: "Sure."

Hoffman: "...it occurred on this date."

Black: "But a firefighter with twenty (20) years of service, who was six (6) foot one (1), two hundred (200) pounds when he or she began service... now that'd be a pretty good female firefighter... firefighter, I shouldn't probably say that. But average height and average weight when they went on the force at the age of twenty-three (23), and twenty (20) years later at forty-three (43) they are fifty (50) pounds heavier, I would assume that you could certainly make a rebuttable presumption that your hypertension wasn't caused

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by your job. In fact, it may be caused by your weight gain and lack of exercise."

Hoffman: "Right. And so, what would occur under this law is you would bring... you could bring your action, which you probably would have brought anyway, but you could bring your action and then the information would come in regarding your health problems, regarding your current condition, and regarding the fact that those... that being overweight, being a smoker, other issues, have really contributed or caused your illness, as opposed to the fact that you went into ten (10) burning buildings that... without any type of mask..."

Black: "Right. Okay."

Hoffman: "...and breathed asbestos."

Black: "Now, under current law and I don't think your law changes it, but maybe you can refresh my memory. A retired firefighter who served thirty (30) years, and I know a couple of those, and they started when the air mask was not really available and when they first became available many firefighters thought it was kind of a sissified thing. They prided themselves on going into burning buildings without the air pack and many of them served before the air pack was even readily available or invented. And they retired and let's say they'd been retired twenty-five (25) years and they developed lung cancer. Can they file a workers' comp after being retired twenty (20) years, saying that the cancer was caused by their prior service?"

Hoffman: "I believe we haven't changed the statute of limitations issue."

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Black: "Okay."

Hoffman: "So, that probably, under current law, would be barred under the statute of limitations."

Black: "Okay. And the rebuttable presumption on lung cancer in your Bill would be... again if the department and the municipal... municipality that employs the firefighter, if they can document was a three-pack a day smoker for thirty (30) years, then obviously they have a rebuttable presumption."

Hoffman: "Right. The initial Bill... the initial Bill, I thought was... I wasn't exactly for. But the way it was drafted... it was drafted incorrectly, where there wouldn't... you wouldn't have that ability. It would have been conclusive."

Black: "Right. Okay."

Hoffman: "And we..."

Black: "All right."

Hoffman: "...went back and adopted Amendment #1..."

Black: "Okay."

Hoffman: "...in order to address that issue."

Black: "Let me just ask you one last question. And I mean this in all due respect to all Members of the chamber, workers' compensation is an issue that the Legislative Body is going to have to address in the State of Illinois in the immediate future. I have had companies leave my district because of workers' comp costs. I have also seen companies that have worked at Illinois sites, again, some in my district, who simply tell us on their exit interview... I would say I'll save four hundred thousand dollars (\$400,000) by locating my manufacturing facility in Indiana

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vis-à-vis Illinois because of workers' compensation costs. I can remember a former Member, Frank Giglio and I at one time had the transcript. In the '74 rewrite of the Workers' Compensation Bill, as good a Democrat and as fine of a Legislator as he was, said that he thought we had gone too far. And I think we are experiencing a noncompetitive status with our neighboring states on our workers' compensation costs. I'm not suggesting that we be like Indiana or that we considerably downgrade our protections, but we're going to have to look at this. And I guess my question to you is, we used to do any Workers' Comp Bill on an agreed Bill process. Have we just completely gotten away from that? Or do we just say well, if it's workers' comp in a specific area, we don't do an agreed Bill process anymore."

Hoffman: "I helped lead the negotiations for the first agreed Workers Compensation Bill that you voted for. And Representative Brady, I believe, was your Caucus's Representative in the negotiations with business and labor. In that legislation which really was monumental, although some would say didn't go far enough, it was monumental because it was the first agreed Bill we passed in nearly thirty (30) years. It provided for items like a fee schedule for medical, business was for that. It provided for upgrading some of the funeral benefits. It provided for the first time in Illinois a fraud unit, where if you believe fraud is occurring you can call in an 800 number and they'll look at it. During that negotiations the AFL-CIO and the firefighter were at that... at the table and it

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was very specific that we were going through the agreed Bill process; however, we were not... we were not prohibiting ourselves from dealing with this issue.."

Black: "Okay."

Hoffman: "...separate and apart."

Black: "Well, because it wasn't dealt with in the reform Bill, as I recall."

Hoffman: "And we couldn't... I'll be quite honest with you. We couldn't get an agreement."

Black: "Okay. All right."

Hoffman: "And so, we said... everybody said with regard to this issue, we'll deal with it.."

Black: "Yeah."

Hoffman: "...on a different basis."

Black: "And I do... I'd be remiss if I didn't thank you for those efforts. I might offer a suggestion that it's time I think we convene that working group and we again look to see... given the highly competitive fight we always have to keep jobs in Illinois and attract jobs to Illinois and so many plants list workers' comp and unemployment insurance costs as a reason for leaving or a reason for not coming... it may be time to look at an agreed Bill, workers' comp reform Bill in the future. And I would certainly be more than happy to join you in that effort. And as always Representative, thank you for your answers."

Hoffman: "Thank you, Representative."

Speaker Hannig: "We have one more individual seeking recognition. Representative Rose, you're recognized and then we're going to close. So, Representative Rose."

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Rose: "Thank you, Mr. Speaker. Representative Hoffman, as I am sitting here reading this... a bizarre scenario comes to mind. Just let me run this past you, see what your response is. If a firefighter who's also a smoker and smokes for twenty (20) years, commensurate with his career, at the end of his career as a firefighter, he suddenly gets lung cancer. Under this Bill, the rebuttable presumption is, it was his career as a firefighter that caused the lung cancer. Is that... am I misreading this?"

Hoffman: "It... by its very nature, the presumption is rebuttable. Therefore, the issue of smoking would be brought in and you would be rebutting that presumption."

Rose: "Well, that's after you're at trial."

Hoffman: "You would be in the workers' comp... not trial. It would be a workers' compensation hearing. But you would..."

Rose: "At the hearing?"

Hoffman: "Yeah. And so you're there. The problem that we have by its very nature these illnesses, if you're a nonsmoker and you're a firefighter and you have lung cancer, you have to, under the Workers' Compensation Act, be specific with a date of occurrence. Okay? And these illnesses occur as a result of breathing in the toxins over a period of time."

Rose: "I understand that. And I guess my thought is why are we making a presumption for anything, why don't we just say, this is what happened to me. Over a period of time I was exposed to these chemicals, these compounds and I've got lung cancer because of it. Why are we making a presumption

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in favor of one side over the other side? That's... and I understand you're here today with the Bill..."

Hoffman: "Because as I indicated... as I indicated, the problem with these types of illnesses is they manifest themselves after years of exposure. It's not like when you fall down and you break your arm or you fall off a ladder and you hurt your back. You know when it occurred. And under our workers' compensation laws currently, currently, you can't as a result of the nature of these illnesses necessarily say they occurred on this date. What we know, because medical evidence tells us, that firefighters are susceptible to these types of illnesses because of the risk that they're put in. And this is... so what we've tried to do is not say it's conclusive. So don't think it's conclusive that simply because you have lung cancer, you're going to get compensation of the Workers' Compensation Act. What we're saying is, we'll get you to the hearing. Then the other side can bring in evidence that you smoked for thirty (30) years and therefore, it wasn't a result of the actions taken at work."

Rose: "And I don't have any problem with getting to the hearing. I think what you said makes a great deal of sense, in that you should be able to put on evidence that over a long period of time you've been exposed to these substances and that is the direct and proximate cause of your injury, but what I have a problem with is making the presumption. I think that's... even if it is a rebuttable presumption, I think the scenario I just outlined makes zero sense, that someone who smoked their whole life should

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receive a presumption that it's something other than that. I don't think they should get a presumption and frankly that it was the smoking their whole life. That's why we have an independent trier of fact, in this case, the Workers' Compensation Review Board. With that Representative, I'll not be voting for your Bill and thank you for allowing me to ask you some questions."

Speaker Hannig: "Representative Hoffman to close."

Hoffman: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is not really that complicated and it only applies to a certain type of occupation, and only applies to certain types of diseases that manifest themselves after years of people doing their jobs for us. Working as a firefighter, working as an emergency medical technician, working as paramedics, these people are doing our job... our jobs for us, putting themselves in harm's way. We should make sure that the law's fair with regard to them being compensated, if they tragically get one of these diseases as a result of working in those positions. I ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Pritchard and Black, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 70 voting 'yes', and 46 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative

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Acevedo, would you like us to read House Bill 1557? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1557, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "We're going to use the rules of debate and I'm going to run the clock. And so, Representative Acevedo, you're recognized for 5 minutes."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1557... currently drug dealers, drug traffickers, and gunrunners sentenced to the Illinois Department of Corrections are statutorily entitled to receive same, day-for-day good time credit as defendants sentenced to imprisonment for simple possession of a controlled substance and aggravated unlawful use of a weapon. Under the present sentencing statute, defendants sentenced for trafficking firearms or multiple kilograms of narcotics are authorized to serve only 50 percent of their actual sentence, just as those defendants sentenced for possession of one (1) firearm or possession of less than one (1) gram of cocaine or heroin. This legislation would limit the amount of good time credit drug runners... gunrunners, Class X felony drug violations, and Class X felony money laundering receive to 25 percent rather than 50 percent of their sentence. I'd be happy to answer any questions."

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

Molaro: "Yes. Unfortunately, I have to rise in opposition. But if people are going to vote 'yes', I hope they stick to

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it. But I just have to point out, Representative... Representative Acevedo, I've talked to him about this. The problem we have is that the way we have the law now, in the State of Illinois, we have truth in sentencing. So, if you commit a violent crime, you have to serve 85 percent of your sentence. If you don't commit a violent crime, then you... whatever your sentence is you go to the penitentiary and they have all their things for good time and credit, which the Department of Corrections uses so if you behave yourself in prison and we pass laws, Representative Turner, everybody passes laws here, and get your GED, all kinds of good things that you could do for prisoners, who are convicted of nonviolent crimes. So, to make that clear, nonviolent crimes. If it's a violent crime, you're doing 85 percent and that makes sense. So now one of the Bills he has here, one of them listed, is a Class X felony for possession of a controlled substance with intent to manufacture or deliver. So, let me tell you what the law is. You got these kids out there that are nineteen (19) to twenty (20) years old, they're not deliverers, they're not main dealers, they're not all these drug dealers, and all these horrible guys. They'll buy an ounce of cocaine and they'll sell thirteen (13) grams so they can get a free three (3) grams because they're bust outs. They're not deliverers. They're not manufacturers. They're not these big drug dealers. They're... half of them are living on the street or some flop house that have this dependency. So now when they're arrested and they're convicted, it's a Class X felony and they must go to jail for six (6) years.

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That's what we decided. That makes sense to me. You're going to go to jail for six (6) years because you did have it and you did intend to sell it. It's a six-year sentence. But we don't say 85 percent or 75 percent because it's nonviolent and when you go to the Department of Corrections and you got six (6) years, if you turn yourself around, if you're good in jail, if you do the right thing, right, and you do that, then you might get out in three (3) years. And all those programs that you have, you do have it where you get out in three (3) years. So you're sentenced to six (6), you get out in three (3) years. That's the law in the State of Illinois. Everybody knows it. If you are convicted of a crime of violence, you're doing 85 percent. If it's nonviolent, even though it's drugs, you can get out in three (3) years because there is good time credit. If you take away the good time, there is no incentive to be good in jail. There's no incentive to turn your life around. There's no reason to take away the good time. So, now if the Representative would like to say manufacturers, or all these people he talked about, but I'm just asking him and I am asking you to look at the Bill and it does say possession with a controlled substance with intent to deliver. And I submit to you, that if you ever go to 26th Street, these are not these big-time gangbangers that are making millions of dollars, or the guys that sit in the Caribbean and all these... the Madien Cartel. These are kids that are out there selling this dope because they can't afford it. So if the Representative says hey, these are the kids that I

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want to make do 75 percent, well then vote 'yes' on the Bill. But if you're in there and saying good conduct and good credit is okay for nonviolent offenders, then you have to vote 'no' on the Bill. Thank you."

Speaker Hannig: "Representative Lindner."

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

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

Lindner: "Representative, I note that there is a fiscal impact over the ten (10) years of one billion (\$1,000,000,000) is that or one million (\$1,000,000)."

Acevedo: "No. I believe with the House Amendment #2 it's thirty-three million (\$33,000,000) over ten (10) years Representative."

Lindner: "Thirty-three million (\$33,000,000)?"

Acevedo: "Over ten (10) years."

Lindner: "Is that in the Department of Corrections budget?"

Acevedo: "That was the estimate that the Department of Corrections gave after they filed a fiscal note."

Lindner: "That was after they filed the fiscal note?"

Acevedo: "Yes, and we came down with thirty-three million (\$33,000,000) over ten (10) years."

Lindner: "All right. Now, in the situation which the last Representative spoke of, if there was a minor who did what he said, would that normally be reduced, do you think, by the state's attorney?"

Acevedo: "Representative, I'm glad you asked me that question because the last speaker, he was speaking under original intent of the Bill. With Amendment #2, this does not have no impact whatsoever on anybody who's selling illegal drugs

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on the street corner. We're talking about a person who deals with multi kilograms or kilos of heroin or cocaine. And we're talking about people who transported through... out of state."

Lindner: "All right. And you know the CLEAR Committee has done a lot of work on sentencing. And did you talk to them at all about this Bill?"

Acevedo: "I'm sorry. Can you... can you repeat that?"

Lindner: "The CLEAR Committee, did you speak with them? You know, the committee that was rewriting and reorganizing the criminal laws, has done a lot on sentencing and has done a lot on Class X felonies. Did you speak with them at all before you filed this Bill?"

Acevedo: "I did not personally, Representative. I don't know if the State's Attorneys Office did or anyone at... or DOC, but I did not personally."

Lindner: "All right. Well, the state's attorney was on the committee, so I am going to assume that this would be all right with that committee. All right. I think you have a good Bill and I'd urge an 'aye' vote."

Speaker Hannig: "We've had two (2) in favor and one (1) in opposition. Representative Black, you're recognized for 5 minutes. Representative Black, you have 5 minutes. We're running the clock."

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

Speaker Hannig: "Indicates he'll yield."

Black: "Representative, it looks to me by the Amendments, and I think you just referred to this, those people involved in

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maybe some minor street transactions will still be eligible for good time credit, day-for-day, right?"

Acevedo: "Absolutely, Representative."

Black: "Well, it appears to me that what you and the Cook County State's Attorney are after those who are involved in the big time trafficking, who get involved in some of the more violent aspects of the drug trade and the manufacturing of these illegal drugs, are going to spend longer times in jail. They're not going to get day-for-day good time. They're only going to get seven and a half days, right?"

Acevedo: "Exactly. Yes."

Black: "Thank you very much. Representative, I commend you on what you're trying to do here. And I know they'll be plenty of people who don't agree with us. But I just want to give you a case that recently happened in my hometown of Danville. And I know a lot of things are going on in the City of Chicago. The Chicago Housing Authority are tearing down thousands of units but only replacing them with hundreds of units. And so, many of these people have migrated to other cities: Kankakee, Danville, I think Peoria. This one specific case. One man comes to Danville, gets involved in some kind of illegal drug activity and it turns violent, someone is killed and we find out the person involved in this and probably the cause of the trouble had been sentenced in Cook County for murder and he served ten (10) years. And then he migrates to Danville and is within a matter of months involved in another violent crime. I think you go back home and you

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talk to any of your constituents, the average man and woman on the street who sees somebody sentenced to four (4) years in prison for drug activity that may have resulted in violence or ruined a young person's life, or perhaps under the influence of drugs, gets killed in an automobile accident. And then somebody tells them, that individual will not serve four (4) years. That individual will serve a little less than two (2). And they... they're not only incredulous, they're angry. And I don't see this as just a typical knee-jerk reaction, get tough on crime. I think the Gentleman has crafted a Bill that takes some of the egregious offenders of the various laws we rely on to keep all of us safe and tell these people, if you're going to be involved in this at a certain level and you could be involved in a level that turns violent, and you're trafficking large amounts, that's fine, but you're going to serve more of the time. So, there's a consequence for your actions. And I've heard many ex-felons tell me, 'I can do day-for-day good time standing on my head.' And I think your Bill is crafted correctly. It addresses the more serious offenders and offenses. And I think we need to send a message. And not everyone will get it, unfortunately. But until we pound in people's heads, you will be held responsible for your actions that violate the law, who knows? Maybe somebody will read this. And I hope they do and decide it isn't worth it. It just isn't worth doing that kind of time. And if that in fact saves somebody's life or somebody from a horrible period of time where they're addicted to drugs and their life ends

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prematurely, well, at least I can take some comfort in that individual is going to spend more time behind bars. I think the Gentleman has crafted a Bill that is reasonable. It is aimed at those who literally thumb their nose at the law. And he is simply telling them, you want to thumb your nose at the law, you want to get involved in some serious offenses, you're going to do some serious time. And I think it's time that message be delivered. I hope you vote 'aye'."

Speaker Hannig: "Representative Acevedo to close."

Acevedo: "Thank you, Mr. Speaker. One of my colleagues spoke previously about this Bill. This legislation goes after the small-time drug dealers who are selling the dope to provide some for himself. This is not what we're trying to do. This is not the intent of the legislation. I believe Representative Black put it correctly, that we're going after the big-time drug dealers. The individual who wants to transport between state lines kilos amongst kilos of heroin and cocaine. We're going after the big-time drug dealers who are pouring these illegal drugs into our neighborhoods, into the streets not only in the City of Chicago but throughout the State of Illinois. And these are the people we're trying to go after. We are not trying to get the individuals who are the small-time dope dealers. This does not have no impact on them whatsoever. I ask for an 'aye' vote."

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

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all voted who wish? Mr. Clerk, take the record. On this question, there are 107 voting 'yes' and 5 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Bellock, you have House Bill 2808. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2808, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. And House Bill 2808 is providing for the issuance of the Autism Awareness license plates and creates the Autism Awareness Fund in the State Treasurer's Office to give off money for research, education and raising the awareness of autism in Illinois. I know there are some people that are opposed to license plates in general, but we've learned recently that the veterans received over two and a half million dollars (\$2,500,000) from... oh no, I'm sorry, that was from the lottery. But anyways, they're hoping to raise money and this is a way of giving awareness to it, especially. And there are thousands of parents throughout the State of Illinois that are supporting this Bill. And they'll all be coming down. I wanted to remind all of you that the Autism Awareness Day is May 16."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 1 voting 'no'. And this Bill, having

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received a Constitutional Majority, is hereby declared passed. Representative Chapa LaVia, you have House Bill 1977. Mr. Clerk, read the Bill. Out of the record, Mr. Clerk, at the request of the Sponsor. Representative Chapa LaVia."

Chapa LaVia: "Speaker, earlier today I wanted that moved back to Second."

Speaker Hannig: "Okay. So, that's why it's on the list."

Chapa LaVia: "Yes. Thank you."

Speaker Hannig: "All right. So, Representative Dunn, you have House Bill 3649. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3649, a Bill for an Act concerning gaming. Third Reading of this House Bill."

Speaker Hannig: "Representative Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill was brought to me by the Jewish Federation and they're working with the Illinois Department of Revenue. It's really a reorganization of the Charitable Gaming Act. There's no substantial... no real substantial changes and there's no expansion of gambling. It is something that most of the charity organizations want and the Department of Revenue. I ask for an 'aye' vote."

Speaker Hannig: "This is on Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative... Mr. Clerk, take the record. On this question, there are 87 voting 'yes' and 29 voting 'no'. And this Bill, having received a

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Constitutional Majority, is hereby declared passed. Representative Crespo, you have House Bill 876. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 876, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Hannig: "Representative Crespo."

Crespo: "Thank you, Speaker, Members of the House. House Bill 876 will amend the Highway Control Act of 1971 to allow for relocation of billboards in a specific location in Hoffman Estates in compliance with the Federal Highway Beautification Act of 1965. The purpose is basically to allow the relocation of three (3) existing billboards and add a fourth one in Hoffman Estates. This will allow the park district in Hoffman Estates to lease two (2) billboards to the Chicago Wolves and in turn will generate over one million dollars (\$1,000,000) to the park district. And the proceeds will then... the proceeds are intended for programs for seniors and low-income residents in the area. I brought this Bill up roughly three (3) or four (4) weeks ago. There were some concerns that were brought up by Representative Black in terms of potential loss of revenue or potentially having to reimburse the Federal Government if we were noncompliant. It was a very good issue. At that moment I voluntarily decided to take it back. I had staff look into the issue and we did talk to IDOT. And I can state that IDOT's position after analysis of Federal Laws, national standards and contracts between the Federal Government and the state is that this Bill and the erection of the billboard in this area will not force the state to

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repay the Federal Government. I should also add that there is a bonus agreement signed in 1965, which I have a copy of and it does state that Illinois is entitled to receive an additional one half of one percent of highway construction cost as long as it regulates advertising in a manner consistent with one or more... consistent with or more restrictive than the Federal Laws and rules. We also found out that this stretch in Hoffman Estates did not benefit from that half of one percent. So, the law wouldn't apply. But in the event... in the event that there were some issues, the agreement signed in 1965 does state that they do give us thirty (30) days to correct the problem. And the park district is more than willing to bring down the fourth (4) billboard if that were the case. Be happy to answer any questions."

Speaker Hannig: "On that question, the Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Speaker. To the Bill. I was one of the individuals that had raised issues the first time he had called this Bill up. And even though he's a newcomer, he kept his word to me and worked diligently with staff to try to address those issues. While the Amendment that we sought may not be feasible and is not on this Bill, I believe he has a workable solution to a legitimate issue up in his area. I appreciate the work that he has put into this and the work that staff put in on this, as well. Is it a perfect Bill? It's not a perfect Bill but is it one that deserves our passage, yes it is. Thank you."

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

Black: "Thank you Mr. Speaker. Inquiry of the Chair."

Speaker Hannig: "Yes. State your inquiry."

Black: "Yes. Would you ask the House Clerk to inform the Body if any Amendments have been added to the Bill."

Speaker Hannig: "Mr. Clerk, what is the status of the Amendments on this Bill?"

Clerk Bolin: "Floor Amendment #1 was referred to the Rules Committee. So, no Amendments have been adopted to the Bill."

Black: "Thank you very much, Mr. Speaker and Mr. Clerk, Ladies and Gentlemen of the House. Nothing has changed from the first time this Bill was introduced. There is no Amendment. And while I was very pleased to work with the Sponsor of this Bill yesterday, on a Bill that I think he did an excellent job on, I must stand in opposition to his Bill today. The... most of you here and probably including the Sponsor... see you're too young to remember how we got into this situation. Under a Democrat presidential administration in Washington, President Lyndon Johnson's wife helped pass federal legislation called the Bonus Agreement and the Highway Beautification Act that was adopted by the State of Illinois, in fact, I think was adopted by all of the states in the country. And now we're coming to allow an exception to that Act. I think it's extremely unfair to pass this Bill that will allow one (1) party and one (1) party only to be exempt from a law that the entire rest of the state, including my district, is

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mandated to follow. And the outdoor advertising industry is mandated to follow the Highway Beautification Act. The outdoor advertising agency simply says you have to maintain uniformity in this Act. In the forty-two (42) years since Illinois signed on to this Federal Law, the State Legislature of Illinois has never made a specific exemption from this law for the benefit of one private business owner and I don't think we should set that... a precedent now. Because if this passes there will be a full employment day for contract lobbyists when this Bill goes to the Senate. There will be lobbyists hired to fight the Bill and there will be lobbyists hired to support the Bill and there will be outdoor advertising companies that say if we don't have to follow the HBA in this area then we shouldn't have to follow it anywhere in the State of Illinois. And we'll get back to the days before Lady Bird Johnson, when we had billboards at every conceivable location, and you couldn't see anything when you were driving down the interstate highways years ago because all of the billboards that were up and most of them were removed by the Federal Act. Last but not least, and I think IDOT has made it very clear, there is a penalty if we violate this Federal Law. And that penalty, should this Bill become law, and I doubt seriously whether it could become law in the next thirty (30) days, the State of Illinois, the Department of Transportation, must pay a penalty to the feds in the amount of 3.7 million dollars (\$3,700,000). IDOT has said repeatedly they do not have the money to pay that judgment. They don't know where they'll get the money to pay that

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judgment. Well, I know where they'll get the stet money, it will come out of highway road fund dollars. And I am not ready to stand here and tell you that we can afford to give up \$3.7 million from the Highway Road Construction Fund. Furthermore, and I'm not an attorney, Mr. Speaker, but I really.. I really think that this Bill flies in the face of a restricted Federal Law. It will be challenged in court and I think.. I'll let the lawyers get their two cents in.. but it appears to me since we are in abject violation of Federal Law, this will be challenged in court and we will probably incur legal expenses and the law will, in fact, be found unconstitutional. I urge a 'no' vote."

Speaker Hannig: "Representative Dugan."

Dugan: "Yes. Speaker, will the Sponsor yield?"

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

Dugan: "I just have a question just so I can understand it. Representative, the land that you want to put this on, the billboard, who decides on the state highway whether or not that land is considered business or nonbusiness? Who makes that determination?"

Crespo: "Well, IDOT would have to look at the zoning for that particular area. The zoning was established by the Village of Hoffman Estates back in 1959 when it was incorporated. I should also add, Representative, there are currently three (3) billboards right there, right now. It is clearly an industrial business zone area. It's not even near a residential area. We're just basically asking to relocate three (3) to accommodate the fourth one. But it is zoned

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by the Village of Hoffman Estates and IDOT does recognize that as well."

Dugan: "So, again, my question is, they can be put up on business... land that's considered business, but not on land that is considered nonbusiness, which would make sense to me."

Crespo: "Right."

Dugan: "But in this particular case, whoever has classified it as business, we're assuming that it's misclassified. That it... because of the zoning in the area it really should be considered business instead of nonbusiness. Is that... am I understanding what we're trying to..."

Crespo: "Correct."

Dugan: "Okay. So, I just wanted to make sure it is allowed on a business strip of land. For some reason, maybe years ago, this was not considered a business area. It was considered a nonbusiness, but now the village itself with their zoning process has made it now a business area. So it should be allowed."

Crespo: "That's correct."

Dugan: "Thank you."

Crespo: "Thank you."

Speaker Hannig: "Two (2) in response and two (2) in support, Representative Molaro. You're next on the list. Which side would you like to be on?"

Molaro: "Well, I'm in support."

Speaker Hannig: "Okay, proceed."

Molaro: "And I'll tell you why. We have in this chamber all the time. We've had it where the... these old historic

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buildings that maybe a school will be built next to it or within a couple hundred feet and what we wind up doing is, we come here and we exempt that particular location from the liquor law of that particular city because we don't want to change the entire liquor law. We don't want to do that. But because of a historic city in somebody's district we vote to allow that particular historic restaurant to keep or get their liquor license. We do that all the time. That's all we're doing here. I want to make this perfectly clear. If you read the Bill, the Bill is absolutely 1,000 percent specific to this little ten-foot area that they could put the imprint of this billboard. Now, the village is 100 percent for it; the park district, it's going to build an ice rink for the park district in this area. If any other State Rep says we need this special little piece of legislation to bring three... a hundred thousand dollars (\$100,000) a year to our village, we would of course help them. As far as that little red herring about the preempting Federal Law, in case it does, there's a provision right in the Bill, if anybody cares to read it, that says this Bill does not become law if it costs any federal dollars. It couldn't be clearer. The Representative's comes here and here's what he says, 'Help my little town in this area that's not considered business. I don't want to change the law of Illinois. I don't want to change anybody or affect any other city, any other village. I want to do nothing except get me this ten (10) feet so I can build this billboard and allow my park district, the kids in my community, to gain three hundred

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thousand dollars (\$300,000) a year from the most economic development for a fifteen-year period.' That's all it says, nothing else. We do this all the time for liquor licenses. If it cost us one (1) penny, we're not going to wind up in court because the Bill says if it cost us one penny of federal dollars, the Bill does not become law and will be automatically repealed. It will be repealed. So, if it cost anything, it's repealed. If a court says it's going to cost us money, it's repealed. But none of us are constitutional lawyers. Let's try to do this for this village. If there's any problems, it'll not cost us a penny. Thank you."

Speaker Hannig: "We've had three (3) in support and two (2) in response. And the rules provide for one (1) more in response or in opposition. Representative Mulligan would you like to take that last position?"

Mulligan: "Yes."

Speaker Hannig: "Okay. You're recognized for 5 minutes."

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

Speaker Hannig: "Indicates he'll yield."

Mulligan: "Representative, if Representative Black asked this question, I apologize. But this Bill automatically repealed if it costs us federal dollars? Federal... the Road Fund, 3.7 million or is it not?"

Crespo: "Representative, I'm sorry. I know you asked about 3.7 million and you... I think your question is, will this be in violation of the agreement of '65?"

Mulligan: "Our analysis says that this Bill will cost us \$3.7 million in Road Funds. Is that true or not?"

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Crespo: "No, that's not true. And when the Representative... Representative Black brought it up three (3) weeks ago, I was even concerned myself 'cause our analysis doesn't go that deep to find out. Since then we have talked to IDOT. We did get a copy of the agreement... the bonus agreement of '65. They clearly state that the state is entitled to half of one percent in reimbursement from the Federal Government if that particular section during the construction did get that. This particular section never got the half percent, so it wouldn't apply. However, just in case... just in case if it were, and IDOT has told us it's not the case here, according to the agreement, the Federal Government will give us thirty (30) days to cure the issue... cure the problem. And the Hoffman Estates Park District has gone on record saying that they will take it down, if that were ever to happen. So, there is no risk of losing or having to return any, any money to the Federal Government."

Mulligan: "Our staff is disagreeing with you and I'm... you know, I'm not sure. I'm not in support of this because of billboard issues in my own community and I don't think this is just a small little change. Billboards are big bucks. And so there's more to it than just what's on the apparent face of it. So, I guess there's a substantive disagreement over whether this actually will cost us Road Fund money. For what your community is making on it, I think there is a distinct difference in the worth. And also, for the precedents it's started. So, unfortunately, I won't be supporting your Bill, once again."

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Speaker Hannig: "We've now had three (3) in favor and three (3) in opposition and the rules provide Representative Crespo, you're recognized to close."

Crespo: "Thank you very much, Speaker. And I want to thank again all the colleagues who talked to the issue. When I brought this up last time... this is a... by the way, I firmly believe that this is the right thing to do. Let's keep in mind what this does is allows the Hoffman Estates Park District to fulfill its agreement with the Chicago Wolves and in return then we get over a million dollars (\$1,000,000), which they're going to take back to their programs for seniors and low-income folks. I know there is some concerns about other businesses and the lobbying efforts out there. This is limited in scope only to local and State Government. They're the only ones who could benefit. The Beautification Act does what it's... it does say; it's supposed to beautify the area. Folks, I already have three (3) billboards there. I'm not cutting down any trees. It's not near any homes. So, yes, we are relocating three (3) to put the fourth one and in return folks in Hoffman Estates would benefit from this. Yes, also for the record, the Village of Hoffman Estates has endorsed this Bill. The Chamber of Commerce in Hoffman Estates has endorsed the Bill and the Illinois Association of Park Districts has endorsed the Bill, as well. When I first got here, I'll tell you, I've seen a lot of Members who come here and talk about needs for their district. And I'm a proud Member to know that we do respect that. And I'm asking you to respect this. It is important for my

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district; it is important for my park district. And I please ask for your 'aye' vote. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Gordon, Schmitz, Yarbrough, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 60 voting 'yes' and 53 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Coulson, you have House Bill 3764. Representative Coulson? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3764, a Bill for an Act concerning government. Third Reading of this House Bill."

Speaker Hannig: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker. House Bill 3764 prohibits a constitutional officer or Legislator from attaching their name or image to a billboard or electronic message board that displays a public service announcement regarding a state administered program. And I would encourage an 'aye' vote."

Speaker Hannig: "This is on Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Rita, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', and 0 voting 'no'."

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And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Washington, for what reason do you rise?"

Washington: "Personal privilege. Thank you, Mr. Speaker."

Speaker Hannig: "State your point."

Washington: "Mr. Speaker, I was asking the Body would they join me today in wishing a happy birthday to our parliamentarian, Gwen Drake. Today is her birthday."

Speaker Hannig: "Representative Golar, you have House Bill 1398. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1398, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Golar."

Golar: "Thank you, Mr. Speaker. After examining the Bill, I would like this Bill to be returned to Second Reading, please."

Speaker Hannig: "Okay. So, we'll return this to the Order of Second Reading at the request of the Sponsor. And Representative Durkin, you have House Bill 448. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 448, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Durkin."

Durkin: "Thank you, Mr. Speaker. House Bill 448, I can say is a work in progress, but I'm trying to bring some procedures and standards to our forensic labs, which has been missing for decades. Really, we're doing three (3) things. I'm setting up... streamlining the process for discovery procedures within our forensic labs and also establish

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standards on the types of laboratories we could treat and use in our courtrooms and lastly, it sets procedures for the forensic labs and how they can administer the workup of the DNA samples and sets guidelines for how we subcontract out private forensic labs to be used within the criminal justice system. This was heard in the Judiciary Committee just the other day and it passed unanimously. And I'd be more than happy to entertain any questions."

Speaker Hannig: "This is on the Order of Short Debate and in response the Gentleman from McHenry, Representative Franks."

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

Speaker Hannig: "Indicates he'll yield."

Franks: "Representative, I don't know much about this issue. And I wanted to ask you a couple of questions. Is it required by prosecutors in Illinois to use a lab that is based in the State of Illinois?"

Durkin: "No."

Franks: "So, this would just apply to labs in the State of Illinois?"

Durkin: "I don't think that we have the authority to place restrictions or standards... let me back up a little bit. Here's the situation is that we have forensic labs in the state. We have three (3) state or government labs. The issue which we're trying to address is how we... how the Illinois State Police subcontracts out to private labs. Many of them are out of state. So, what has been the problem..."

Franks: "Let me stop you for a second."

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Durkin: "Yep."

Franks: "Why do we allow out-of-state labs to do the analysis? And I'm not talking about jobs. Here's what I'm talking about. How can we compel someone from out of state to come to Illinois to testify on the chain of title and the others things they're doing?"

Durkin: "Exactly. That is what I'm trying to do in this. 'Cause this was a problem which was brought up about a year ago, is that the Illinois State Police had a practice of doing... of sending out the live case work, the cases that are in the system. And they've been using Cellmark labs, Bode labs. They're all over the place. It sets up serious chain of custody issues but also a substantial burden upon the prosecution to bring those people in. Sometimes... some of them may be subject to depositions. So, what I'm trying to do is state that if the State Police is going to subcontract its work out it must be done with the written permission of the state's attorney. So they understand exactly what the chain of custody issues. But I know what you're saying. How can we compel?"

Franks: "I don't think this Bill goes far enough."

Durkin: "I think that's why I say it's a work in progress. I would like to give preference to state labs, not only to our private labs 'cause I know there's ones in the state who would like to be able to do this work. And I agree with you, Jack."

Franks: "Because, we just had a horrible thing happen in McHenry County. A mother was killed by a driver who was allegedly high on cocaine. They sent the specimen to an

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out-of-state lab. It went to Missouri. They had a problem with the chain. They could not compel anyone to come and testify. The prosecutor had to drop the charges and it was a travesty of justice. The victims were victimized again. And I think that we may need to not allow that these type of specimens be sent out of state, so we can always have the ability of subpoena power because without that subpoena power, we can't bring anybody to court."

Durkin: "I'm not quite sure. I think there is a mechanism which you can compel these labs from out of state. I've tried cases where we've had... we brought in people from out of state. There is..."

Franks: "But they've come voluntarily."

Durkin: "Well, these in..."

Franks: "In this case, they wouldn't come."

Durkin: "Well, that's a unique situation. But I agree and that is why first of all, we got to reverse this process which has been existing within our labs. 'Cause these are the cases that need to be addressed and it is for the very reason that we have the chain of custody problems but also compelling this testimony. I agree with you. And I think that... you know... like I said, this is a work in progress. But that's something I need to look at it a little bit further to see what mechanisms we have within the law to compel testimony on a lab that's been contracted out by the Illinois State Police or any... or the DuPage crime lab system. I agree. No... no complaint there."

Franks: "We'll have to figure out some way pos... if you're willing and you say it's a work in progress to have this

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amended in the Senate. Possibly, that if they do accept work they'd also be consenting to the jurisdiction of the State of Illinois. And would also open themselves up to acceptance of the service of process and would have to be... and would have to make themselves available to be subpoenaed."

Durkin: "Absolutely. I agree with you 100 percent. And I think that... you know, we're two-thirds of the way there. Just setting up what the priorities are when you are going to select the lab that 1) you have the written permission of the prosecuting agency if you're going to go out of the state 'cause these guys know exactly what they have to... the burden that they have. As I said earlier to meet the chain of custody requirements but also for the logistics of bringing people in who are going to have to testify at trial. But I will put that in... I will have that amended in the Senate."

Franks: "Great. I appreciate it. As we do have the carrot here. I understand what you're trying to do, but we need the stick."

Durkin: "Yes, Sir."

Franks: "So, thank you."

Durkin: "All right."

Speaker Hannig: "Representative Sacia."

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

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

Sacia: "I'll be very brief, Ladies and Gentlemen. I know for a fact Representative Durkin has been working on this for well over a year. I also know that from a law enforcement

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perspective there is nothing more important than professional analysis. Nothing is more disheartening than to have a case work through the system, get a conviction or a dismissal or whatever on someone that deserved just that and then to find out that evidentiary items that were submitted to a lab were not handled properly. What Representative Durkin is trying to do here is get consistency and quality in our labs. It's a very, very meritorious Bill. And I stand in strong support. Thank you."

Speaker Hannig: "Representative Durkin to close."

Durkin: "Thank you very much. Yes, I have been working on this a little bit and the reason I wanted to address this issue is that when we had the massive death penalty overhaul a few years back, one thing which we did not address was our crime labs. And I think particularly how DNA is being used significantly in our courtrooms, we need to set standards, because the Federal Government does not give us any type of guidance. So, I believe that this is a start. And I appreciate Representative Franks' comments. And I will amend that when... if I'm fortunate to have this pass out of the House. I would ask for your 'yes' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Saviano and McAuliffe, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional

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Majority, is hereby declared passed. Representative Granberg has House Bill 1496. Out of the record. Representative Hamos, on House Bill 1331. Out of the record. Representative Harris, on House Bill 147. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 147, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Hannig: "Representative Harris."

Harris: "Thank you, Mr. Speaker. Thank you, Ladies and Gentlemen. This is the clinical breast exam legislation which expands the requirement for coverage for clinical breast exams for younger women in Illinois for whom mammograms are not currently indicated. This year over seven thousand (7,000) Illinois women will be diagnosed with breast cancer and about one thousand seven hundred and fifty (1,750) women in the state will die of this disease. Medical research shows that for younger women and women with denser breasts the clinical breast exam is the best way to guarantee early protection. It's a very moderately priced procedure around a hundred dollars (\$100) and by detecting cancer early, before it spreads, you're saving hundreds of thousands of dollars in medical costs plus the anguish for women and their families. This Bill was brought to me by the Susan G. Komen for the Cure Breast Cancer Foundation, the Asian Human Services and Lesbian Community Cancer Project of Chicago. We've worked substantially with the Department of Healthcare and Family Services to answer some of their concerns and while they're listed still in... at least my analysis, is in opposition, I

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am told they are now neutral to it. I'd be happy to answer any questions. And I would ask for your 'aye' vote."

Speaker Hannig: "This is on Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mitchell, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Hernandez, you have House Bill 1641. Out of the record. Representative Holbrook on House Bill 1724. Representative Holbrook, do you wish us to read 1724? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1724, a Bill for an Act concerning revenue. Third Reading of this House Bill."

Speaker Hannig: "Representative Holbrook."

Holbrook: "Thank you, Speaker. House Bill 1724 applies a recap rate at 7.75 percent on the property that the leaseholders now have at our Air Force base down in Scott Air Force Base. This is identical to what we've did at the Great Lakes Naval Facility up north. These are the only two reservations we have in our state that have housing under a lease agreement. I will tell you that we are still accepting data from the government. You are working with our two (2) other levels of government, both the county and the Federal Government, with Senator Obama and Senator Durbin's office and our Congressman... Congressman Costello. This rate may get changed over in the Senate. I got to

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tell you that because we're still trying to get information. It's very slow getting it out of the Pentagon. But we... initial review of it appears to be pretty accurate to what they did up at the Great Lakes Station. And I'd ask for an 'aye' vote. Take any questions."

Speaker Hannig: "This is on Short Debate. And in response the Gentleman from Lake, Representative Sullivan."

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

Speaker Hannig: "Indicates he'll yield."

Sullivan: "Representative, we did this exact type of legislation last year. Did you just indicate that this is exactly the same as last year?"

Holbrook: "This is the exact same recap rate, 7.75."

Sullivan: "Certainly the recap rate is the same, but is there anything else in the legislation that is different than the previous year?"

Holbrook: "There is a situation there where they own property off the base. And we will assess that the same as we do all other property within our county."

Sullivan: "Well, I want to get more specifically into how you're computing the taxes that will be paid in the end of this. Are you using gross income, or gross receipts, or are you using net operating income?"

Holbrook: "We're looking at both of those as they calculate them through my local assessor's office."

Sullivan: "Looking at the Bill, it looks like you're using gross receipts. Is that correct?"

Holbrook: "We take into other accounts, other issues."

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Sullivan: "Could you point that out in the Bill for me? I'm looking at it right here and it says 'U.S. Air Force lease must be classified and valued under income capitalization approach, under which the income attributable to the property is capitalized at the rate of 7.75'. Now I realize the 7.75 is the exact same rate as last year, but it says the 'income attributable'. I read 'income attributable' as gross receipts."

Holbrook: "Right. We have other issues that our county took into account as they developed the property off base. Now, the stuff on base... yes, we took that... the gross receipts in. They're actually two (2) animals here. The on-base and off-base facility."

Sullivan: "Is the off-base facility portion any part of this legislation at this point?"

Holbrook: "Yes."

Sullivan: "Can you point that out in the Bill for me? I'm... I literally have the Bill in front of me."

Holbrook: "In paragraph B."

Sullivan: "Right."

Holbrook: "They have for private nonexempt property that the U.S. Air Force leases through its housing allowance program. I believe that covers that."

Sullivan: "Right. And under..."

Holbrook: "The leasing that property."

Sullivan: "Under leasehold law in the State of Illi..."

Holbrook: "It's not on the reservation. That is, it's not on the air base itself. It adjoins it and they bought it and

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they have... they're buying that property and using that as leases back for the facilities they're building."

Sullivan: "Well, I guess... Mr. Speaker, to the Bill. At this point and I do realize that the speaker or the, I'm sorry, the Representative is continuing to work on this, but at this point this Bill is not the same as the Bill we passed last year. When you value property under the income capitalization approach you're allowed to take your expenses out, thereby reducing the tax burden that you would pay. Under this Bill, you're using gross receipts. In essence, this is a gross receipts tax. You're not allowed to take out the expenses associated with this lease. In the previous legislation that we did last year, they were allowed a 42 percent expenses recapture. You were able to take it out before you capitalized income to come up with the value of the property. By not giving an entity the chance to take out their expenses, you're capitalizing their exp... their income on the gross end, which is the same exact thing as a gross receipts tax. This Bill as written and I realize the speaker says he wants to work it, is on the House... in the Senate, or to continue to work on it, is a tax increase on the property because of how they've written this right now. This is not the same as last year. They do not allow for the expenditures to be taken out. I urge an 'aye' vote... I'm sorry. I urge a 'no' vote."

Speaker Hannig: "Representative Holbrook to close."

Holbrook: "Yeah. This work may be a work in progress in the Senate, it may not be, depending on what the information

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the Federal Government provides us on these lease holdings. These are private, fifty-year no-bid contracts that they received to maintain this housing. We've taken into account, we feel in the capitalization rate, their cost out there now already. And I think, I think, this, to the best of my knowledge, represents what we did at Great Lakes. It may not be exact and Representative Sullivan may be correct, but to the best of my knowledge, it is. I'd be more than willing to change it in the Senate, if that's not the case. But for the purpose of the deadline, we need to move this on over to the Senate. I'd ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Crespo, Flowers, Ford, and Mitchell. Representative Ford and Mitchell. Mr. Clerk, take the record. On this question, there are 45 voting 'yes' and 69 voting 'no'. And the Bill fails. Representative Howard, you have House Bill 1021. Do you wish us to read that? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1021, a Bill for an Act concerning finance. Third Reading of this House Bill."

Speaker Hannig: "Representative Howard."

Howard: "Thank you, Mr. Speaker. House Bill 1021 amends the Illinois Procurement Code to provide that a state agency may purchase technology goods and services of any amount without any method of source selection currently required

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by the code from a vendor in a current contract with a unit of local government, school district, or a community college. I'm just... this is a piggybacking Bill. It pertains to vendors in a current contract with a municipality of five hundred thousand (500,000) or more population, therefore limiting the pool of vendors that may avoid the competitive bidding process in these situations. I will answer questions."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Representative Miller, in response?"

Miller: "Yes, just to the Bill, briefly. I want to commend Representative Howard, Representative Colvin, and others on this piece of legislation. This is really to try to help those disadvantaged businesses to try to help streamline some of the procurement problems they've had historically of being left out of contracts. I urge a favorable vote."

Speaker Hannig: "Representative Fritchey, did you wish to speak on this? Representative Fritchey."

Fritchey: "Representative Howard, so I understand this. If you have an existing IT contract with the state, you would then be exempted out from the bidding process going forward?"

Howard: "If you have an existing contract with the city, then you would be able to then automatically become eligible and qualified to do business with the state."

Fritchey: "Solely eligible? But you would still be required to go through the bidding process, et cetera."

Howard: "No, you would not. That is the point. That all too often the playing field is just not even and this is an

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opportunity to attempt to make certain that everybody gets a fair shake as we're going through the process."

Fritchey: "But isn't the bidding process part... I'm... I don't think I have a problem. I'm just trying to make sure I understand this. Are you saying that you automatically become contract... that you're eligible for the contract?"

Howard: "This legislation would allow the vendors who currently have a contract with the state to bypass the bidding process."

Fritchey: "If they currently have a contract with the state..."

Howard: "Yes."

Fritchey: "...they could bypass the bidding process?"

Howard: "The bidding process. That's..."

Fritchey: "That doesn't level the playing field, that puts them on a playing field that nobody else is on."

Howard: "Well, the problem is that, historically, minorities have not been able to get a fair share of business."

Fritchey: "I wholeheartedly agree with you that that is the case. And I wholeheartedly agree with you that it's wrong. And I wholeheartedly agree with you that something needs to be done about that. But saying that we're going to allow somebody that has a... an existing contract to no longer have to bid to get other contracts... I sincerely... I don't get what one has to do with the other. Let me shift gears for a second. Two (2) days ago this Body unanimously passed House Bill 1 that has to do with pay to play. And it's saying that if you hold a contract from the state in excess of twenty-five thousand dollars (\$25,000), that you are prohibited from making contributions to the office that let

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that contract. Would these vendors be subject to that pay-to-play legislation?"

Howard: "They would not when it is not in the best interests of the state."

Fritchey: "No. But what that legislation says is that they could not make campaign contributions to the officeholder that put the contracts out to bid. If these contracts were no longer out to bid, by virtue of having a contract with the city, you no longer have to go through the bidding process with the state, which means you would have no prohibition to making a hundred thousand dollar (\$100,000) contribution to whatever agency it was or to whatever executive officer it was that was letting that contract. Is that correct?"

Howard: "There is... there are certain restrictions and obviously one of them is what you just described."

Fritchey: "Representative, with all due respect and with a certain amount reluctance, I would submit to say that you're wrong. There is nothing in this legislation that would subject them to the pay-to-play restrictions which we have all acknowledged we want to see."

Howard: "The intended contract must have been let pursuant to competitive selection procedures, reasonably comparable to procedures used by the State of Illinois. The purchase must be for substantially similar supplies or services, and under the same or better terms and conditions."

Fritchey: "I understand that. But..."

Howard: "I'm not sure that I'm understanding what you're asking me."

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Fritchey: "What... that statement is correct. That statement though, and I'm not saying you did it intentionally, that statement has absolutely nothing to do with what I said."

Howard: "Repeat your question."

Fritchey: "I wish I could. I've got twenty-five (25) seconds. I have often stood by this woman happily and proudly and with the Members of the Black Caucus in their support of this legislation. To exempt... to level the playing field is one thing. This puts people that have existing contracts in a playing field all to themselves, it takes them out of having to competitively bid. It sets up a door, albeit unintendedly..."

Speaker Hannig: "Could you bring your remarks to a close, Representative?"

Fritchey: "The reality is that people that are going to abuse this system are going to do so whether they are white, black, brown, male, or female. This takes away any type of checks and balances on that system. It lets them out of the competitive bidding process. It takes them out of the pay-to-play restrictions that we're hopefully going to have in law in this state. You are nothing but well-intentioned in doing this. I get it. I think that there's a lot of drafting changes that need to be made to this Bill. And I very reluctantly, on a personal level, stand here in objection to this. But what you are trying to do, it's a very broad attempt to deal with a very legitimate issue and I would hope that it could be narrowed down somewhat. Thank you for hearing me out, though."

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

Black: "Thank you very much, Mr. Speaker. Excuse.. I'm sorry for the delay. Inquiry of the Chair."

Speaker Hannig: "State your inquiry."

Black: "Would you have the Clerk tell me if Amendment #3 has been adopted?"

Speaker Hannig: "Mr. Clerk, what are the status of the Amendments on the Bill?"

Clerk Bolin: "Two Amendments have been adopted to the Bill. Committee Amendment #1 was adopted and Floor Amendment #3 was adopted."

Black: "And could you clarify that Amendment #3 becomes the Bill?"

Speaker Hannig: "Representative, I don't think the Clerk can say that."

Black: "Okay. You're right. I'm sorry."

Speaker Hannig: "Why don't you ask the Sponsor."

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

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

Black: "Representative, it's... it appears to me that Floor Amendment #3 becomes the Bill, correct?"

Howard: "That is correct."

Black: "All right. Let me follow up on some of the questions from the previous speaker. I find this to be a very interesting Bill. It... I'm looking on line 12 of Amendment #3, and I... it basically says, 'each chief procurement officer may authorize, when in the best interests of that

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state, a state agency that procures supplies and services, including but not limited to technology supplies and services, without any'... this is line 12, 'without any method of source selection, otherwise required by this Code.' Then line 13, 'from a vendor with a current contract with an Illinois municipality of five hundred thousand (500,000) or more population.' Well, the only municipality that fits that definition is the City of Chicago, correct?"

Howard: "That's correct."

Black: "I... then let's go up to line 11... 10 and 11. Or excuse me, 11 and 12. 'Without any method of source selection otherwise required by this Code.' I don't understand why that's in there."

Howard: "The initial contract was subject to source selection."

Black: "And why isn't this one? Why wouldn't subsequent contracts be, you know, but there may be somebody else out there... technology moves so fast today, somebody may have a new product at a far better price."

Howard: "Representative Black, there are certainly a number of various scenarios that can be brought up regarding problems that exist. This one is speaking to one problem that persons who are in the communities that I represent have faced. And we're attempting to deal with and address that problem with this legislation. The fact of the matter is that there has been in many instances unwillingness to allow minority contractors to have a fair share. We are attempting to get a fair share for that group of people."

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Black: "And I don't disagree with that. And as well you should. But the business concern back on page 8 of the Bill, 'the business concern of business means the business that has average annual growth sales over the three (3) most recent calendar years of less... of not...' excuse me, 'of less than thirty-one million four hundred thousand dollars (\$31,400,000) as evidenced by the Federal income tax return', et cetra, et cetra. Are you not limiting participation by having that amount of money as the cutoff, no more than thirty-one million (31,000,000), even though it would be adjusted?"

Howard: "The current law, Representative Black, is twenty-seven thousand (27,000). And we're attempting to include more persons by talking about the average of three (3)... of a three-year period of time."

Black: "All right. Representative, I... Mr. Speaker, to the Bill. I can certainly appreciate what the Sponsor is trying to do. And I remember former Representative Charles Morrow jeopardizing his political career when he insisted, as well he should have, on minority business participation in Soldier Field. And I think he put his political career at risk. In fact, he is no longer here by doing something that he had every right to do. And I think from knowing Mr. Morrow, he had an obligation to do and he did that. And it wasn't very popular. But I think this goes far beyond trying to insure that minority- and women-based enterprises get a modicum of state business. And I think what a previous speaker said, this appears to be drafted

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just a little too broadly for my taste. Because it... you can bypass the bidding procedure..."

Speaker Hannig: "Representative, could you bring your remarks to a close, please?"

Black: "Yes. It would appear the way it's drafted you could bypass the bidding procedure, which is a safeguard and I think is in the best interest of the state, by simply saying that if a company has a contract with the City of Chicago, that is currently enforced and being used, then you don't have to go out for bids. You can use the same supplier. And the basis, from what I can understand of this, the basis for giving the business to that supplier is that they have an existing contract with the City of Chicago so one is to assume that they meet all of their requirements. But I think anytime we reduce the reliance on the competitive bidding process, I think we're putting ourselves at greater risk and not doing... Trying to do what the Lady wants, I support that. I think this Bill goes a little bit too far and would allow for a bypass of basic procurement systems. And I stand in opposition to the Bill."

Speaker Hannig: "Representative Howard to close."

Howard: "Yes. Thank you very much. I just want to make certain that it's understood that the whole purpose of this is to streamline the process. Obviously, the agency still makes a decision regarding who gets the bid. And I certainly hope that my colleagues will all vote 'yes'. Thank you."

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Speaker Hannig: "The question is, 'Shall this Bill pass? All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Cultra, Jefferies, May, Mitchell, Ryg, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 42 voting 'yes' and 71 voting 'no'. And the Bill fails. Representative Jakobsson, you have House Bill 1453. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1453, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Hannig: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. This Bill amends the Insurance Code, the Health Care Purchasing Group Act, the Health Maintenance Organization, Limited Health Services Organization, Voluntary Health Services Plans, by adding a definition of summary health information. And it requires that a group health plan disclose the summary health information to plan sponsors with fifty (50) or more employees, if the sponsor requests the information for the purpose of obtaining premium bids from health plans for providing health insurance coverage under the plan or modifying, or amending, or terminating a plan."

Speaker Hannig: "This is on Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 2 voting

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'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Jefferies, you have House Bill 2734. Okay. Out of the record. Representative Jefferson, on House Bill 1141. Do you want us to read this Bill, Representative? On Third. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1141, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Jefferson."

Jefferson: "Thank you, Mr. Speaker, Members of the House. This Bill basically says that when there's a situation where there's a school that is hard to staff, teachers will be able to go to the school and be paid a stipend over a five-year period of four thousand (\$4,000) dollars a year to teach in these hard to staff schools. It's a good Bill and I would answer any questions."

Speaker Hannig: "This is on Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Mathias, you have House Bill 1638... 1638. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1638, a Bill for an Act concerning the environment. Third Reading of this House Bill."

Speaker Hannig: "Representative Mathias."

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Mathias: "Thank you, Mr. Speaker. House Bill 1638 deals with the requirement, it's going to be known as the Illinois Prescribed Burning Act. And it really is there to protect the... and set up the requirements for conducting controlled prescribed burns. It provides for the IDNR and the State Fire Marshal to develop minimum standards for someone to be a certified prescribed burn manager. And it still protects the right of a private landowner to conduct burns on his own property. Now, this is basically a Bill that's... was presented by the Nature Conservancy. And I ask for your 'aye' vote."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative... Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Miller, you have House Bill 1723. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1723, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Hannig: "Representative Miller."

Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1723 amends the State Employee Article of the Pension Code. The Bill provides for automotive mechanics employed by the Illinois State Toll Authority...

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Highway Authority who has been assigned to retrieve and to repair state vehicles, or state highways, or toll ways, and certain sign hangers. This Bill had passed in the last General Assembly. It's just a correction. I ask for a favorable vote."

Speaker Hannig: "Well, this is on Short Debate, but it looks like we'll move it to Standard Debate. And Representative Black, you're recognized for 5 minutes."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. I'm sure the Sponsor is well intended and no one would ever question his motives for any Bill that he would sponsor. However, I think it's time we begin to back up what we often said in the last campaign out on the trail. We know our pension systems are in disarray. We rank dead last. Number fifty (50) in the unfunded liability of our public pension systems. I can't quote the Speaker of the House, but I... as I recall, I think the Speaker said publicly a year or two (2) ago, that he was going to put the brakes on pension enhancements and pension emoluments until we figured out a way to either reform the pension system for new people coming into the system, or that we would have to stop moving people to higher levels of pension payments that originally didn't qualify to be in that particular pension system. And further, if I recall accurately, he warned all of us that this has to stop. That we cannot continue to come down here and add people to a little better pension emolument than they had by simply changing the law and say while you didn't qualify for this or you didn't qualify for this

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level under the terms of the original employment, we're going to change those terms and now you will be eligible for a higher pension payment by virtue of the change in Illinois law. Now, we can continue to do this and I'm sure we probably will, but we have to face reality. The pension debt situation in this state has now grown to what is an impending crisis. We don't have another five (5), or ten (10), or fifteen (15) years to face this situation. We have to in the next two (2) or three (3) years figure out a way to get a handle on our pension debt and a reasonable plan to reduce it over a number of years. Failure to do so will simply render this state impotent in its ability to fund vital services. Our debt service on the pension system and the increased borrowing that we've done in the last four (4) years have put this state in a very precarious financial situation. I'm not questioning that these people may be worthy and deserving of a better pension, but they were hired under an existing pension system, to move them now into a higher level by legislative action would tend to me to say we are continuing to ignore the pension debt crisis. And I think it's time and it's not easy to do. I'm sure that many of you have friends of yours or associates or people or families who are... who are known to you that want this done. People have come to me. I know what it's like to have somebody ask you to, after forty (40) years they should be in SLEP or they should be this, or they should be that. And we tended to do that. So, we are the responsible party who has gotten ourselves into this multibillion dollar pension debt. We cannot

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continue to go down the road we've done and ignore the problem we've created that we now must face and is going to require some very difficult budget decisions this year for FY 08 and future. I reluctantly rise in opposition. Again, it's certainly not aimed at the Sponsor. It's not aimed at any of the workers who would qualify for the enhanced pension. I'm sure they're all decent and hardworking people. But enough is enough. We can't continue to do this unless we are willing to make the tough decisions on how we're going to fund those pensions. If you vote for this, then I would say you need to be prepared to vote for whatever revenue enhancement or borrowing may be on the table in the next five (5) or six (6) weeks in order to stop the ever growing pension deficit that threatens to bankrupt the State of Illinois if we continue down this path. I urge a 'no' vote."

Speaker Hannig: "Representative Molaro."

Molaro: "Thank you, Mr. Speaker. This is pretty strange. I absolutely agree with everything that the previous speaker said. However, I have just an opposite, total opposite, conclusion as to those agreements. If we start talking about the fact that what we want to tell the rest of the state, let's make it clear. Obviously, I and many people in this room voted for many, many budgets that underfunded the pension system. Remember how we used to gild benefits years ago? We would actually not pay for the benefit and we would make it go to the underfunding of the pension system. Now, what this benefit does, we passed Senate Bill 27, and it was the smartest Bill we ever passed. And

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here's what Senate Bill 27 said, under no circumstances ever are we going to give a benefit increase ever again in the State of Illinois unless it's funded at the time we give the benefit. No more unfunded liability, no more debt. The previous speaker talks about the position we're in right now and the position we're in right now is because we gave benefit increases without paying for them. We didn't do the funding. That was our fault, that was my fault, I voted for many Bills. I have to thank the wisdom of the Speaker. And I'm pointing him out not because I got a Bill later that I want called. It's not for that reason. I'm pointing it out that he was smart enough to know that we have to pay for the benefit increase at the time we give the increase. That's exactly what this Bill does. That's exactly what we should have been doing for the last thirty (30) years. What this Gentleman's Bill does is exactly... if we would have done this for the past thirty (30) years, we'd be 90 percent funded. What his Bill does is say we're going to give a benefit and the employee is going to pay for it. Every single dollar is going to be paid for by the employee when he gets into this. So, therefore, as we do this, yes, they will get a benefit, but they're paying for it. These people should have been in when we put the other Teamsters in years ago. It was an oversight. We're making do with that oversight but because of the Senate Bill 27 and the wisdom of our Speaker... and I am waiting for a Bill to be called, Mr. Speaker... and because of that we are doing this right. It's the right way to do this. And this is the way that shows that now we have our House in order.

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The exact opposite of what the previous speaker says. This shows that we're doing the right thing. What we should have been doing for thirty (30) years."

Speaker Madigan: "Mr. Miller to close. Speaker Madigan in the Chair, and Mr. Miller to close."

Miller: "I request 'aye' votes."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'yes'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 76 people voting 'yes', 39 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, if we can have your attention. Sometime this afternoon I shall send a letter to the Clerk, which will extend the deadline for all House Bills until the close of business next Thursday. Again, sometime this afternoon I shall send a letter to the Clerk extending the deadline for all House Bills to next Thursday. And with that in mind, our plan would be to now prepare for adjournment. Mr. Clerk, do you have anything else? The Adjournment Resolution. Clerk..."

Clerk Bolin: "Senate Joint Resolution 49, offered by Representative Currie.

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, April 26, 2007, the Senate stands adjourned until Tuesday, May 01, 2007 at 12:00 noon; and the House of Representatives stands adjourned until Friday, April 27,

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2007, at 9:00 a.m., and when it adjourns on that day, it stands adjourned until Tuesday, May 01, 2007, at 12:00."

Speaker Madigan: "The Clerk has read the Adjournment Resolution. Representative Currie moves for the adoption of the Adjournment Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Mr. Clerk, do you have any Agreed Resolutions?"

Clerk Bolin: "Agreed Resolutions. House Resolution 343, offered by Representative Currie. House Resolution 345, offered by Representative Granberg. House Resolution 346, offered by Representative Jakobsson. House Resolution 347, offered by Representative Moffitt. House Resolution 348, offered by Representative Cross. House Resolution 349, offered by Representative John Bradley. House Resolution 350, offered by Representative Chapa LaVia. House Resolution 351, offered by Representative Reitz. House Resolution 352, offered by Representative Smith. And House Resolution 353, offered by Representative Reis."

Speaker Madigan: "The Clerk has read the Agreed Resolutions. Representative Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. And for all Democrats... for all the Democrats, let me remind you that there will be a Democratic Caucus on Tuesday morning at 10:00 a.m. in Room 114. And the purpose is to receive a presentation from the Governor's Office concerning the Governor's plan for universal health care. So, 10:00 a.m. Some of you Republicans may wish to linger

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outside the room and maybe the Governor will come along and you can greet him. Get to know him a little better. With that in mind, Representative Currie moves that the House stand adjourned until next Tuesday at 12:00 noon, providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until 12:00 noon on Tuesday, providing perfunctory time for the Clerk."

Clerk Bolin: "The House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 344, offered by Representative Cross. House Joint Resolution 53, offered by Representative Smith. House Joint Resolution 54, offered by Representative Coulson. These Resolutions are referred to the House Rules Committee. First Reading of Senate Bills. Senate Bill 1409, offered by Representative Mendoza, a Bill for an Act concerning transportation. Senate Bill 1452, offered by Representative Molaro, a Bill for an Act concerning revenue. First Reading of these Senate Bills. There being no further business, the House Perfunctory Session will stand adjourned."