

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

152nd Legislative Day

11/30/2010

Speaker Mautino: "The hour of 10:00 having arrived, the House will be in order. Members and guests are asked to refrain from starting their laptops, turn off all cell phones, and rise for the invocation and Pledge of Allegiance. We shall be led in prayer today by Father Robert Jallas, who is with St. Agnes church in Springfield, Illinois. Father Jallas is the guest of Representatives Brauer and Poe. Father Bob..."

Father Robert Jallas: "And let us pray. Lord and Creator of all that is good, bless us as we begin this Session. Assist us, so that this gathering will be for us, who attended, an opportunity to learn as well. In the process of dealing with the material issues at hand, may we treat each others ideas with reverence and respect. May we be instructed in the divine truth that in a variety of approaches that in the rich differences among us will come something new what is good for all Your people. May we discover how to reject ideas without rejecting people, and how to share visions, though, we do not share the same means for reaching our desired goals. May this gathering then be for each of us a prayer, a lesson, and an opportunity to be servants to those whom we represent and thus glorify You. We ask this, all in Your gracious name, Amen.

Speaker Mautino: "We shall be led in the Pledge of Allegiance by the Lady from Grundy, Representative Gordon."

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

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

Speaker Mautino: "Roll Call for Attendance. Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representatives... Hold on, I've got the wrong list here. Representatives Mathias, Mulligan, and Myers are excused today. I should have thrown yesterday's... and I wouldn't have that problem."

Speaker Mautino: "Thank you, Sir. Majority Leader Currie."

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

Speaker Mautino: "Mr. Clerk, take the record. 113 Members having answered the Roll, a quorum is present and it's the House... is prepared to do its business. Mr. Clerk, Committee Reports."

Clerk Mahoney: "Representative Howard, Chairperson from the Committee on Judiciary II-Criminal Law reports the following committee action taken on November 30, 2010: do pass Short Debate House Bill 6881; recommends be adopted is Floor Amendment #1 to Senate Bill 3539. Representative Smith, Chairperson from the Committee on Elementary & Secondary Education reports the following committee action taken on November 30, 2010: do pass as amended Short Debate House Bill 6862; recommends be adopted as amended is House Joint Resolution 127. Representative Froehlich, Chairperson from the Committee on State Government Administration reports the following committee action taken on November 30, 2010: do pass as amended Short Debate

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Senate Bill 150, Senate Bill 3383, Senate Bill 3708. Representative Jakobsson, Chairperson from the Committee on Human Services reports the following committee action taken on November 30, 2010: recommends be adopted is House Resolution 1442 and Floor Amendment #2 to House Bill 1512. Representative Bradley, Chairperson from the Committee on Revenue & Finance reports the following committee action taken on November 30, 2010: do pass as amended Short Debate is Senate Bill 2559, Senate Bill 3172; recommends be adopted is Floor Amendment #1 to House Bill 1525. Representative Flowers, Chairperson from the Committee on Health Care Availability and Accessibility reports the following committee action taken on November 30, 2010: recommends be adopted is Floor Amendment #1 to House Bill 1760. Representative Feigenholtz, Chairperson from the Committee on Adoption Reform reports the following committee action taken on November 30, 2010: recommends be adopted is Floor Amendment #1 to House Bill 1445. Representative Monique Davis, Chairperson from the Committee on Insurance reports the following committee action taken on November 30, 2010: recommends be adopted is a Motion to Concur with Senate Amendment #1 to House Bill 5085. Representative Nekritz, Chairperson from the Committee on Elections & Campaign Reform reports the following committee action taken on November 30, 2010: do pass Short Debate is Senate Bill 362. Representative Holbrook, Chairperson from the Committee on Environment & Energy reports the following committee action taken on November 30, 2010: do pass as amended Short Debate is

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Senate Bill 678. Referred to the House Committee on Rules is House Resolution 1517, offered by Representative Colvin."

Speaker Mautino: "The Gentleman from Champaign, Representative Rose is seeking recognition."

Rose: "Thank you, Mr. Speaker, a point of personal privilege."

Speaker Mautino: "State your point, Sir."

Rose: "Ladies and Gentlemen, if I could have your attention... if I could have your attention, Ladies and Gentlemen. We are honored today to have some heroes with us in the gallery. Behind me, is Sergeant First Class Jim Spencer. Sergeant, if you'd stand. Sergeant Spencer is in the Army Reserve, 15 years, a veteran of Bosnia and Kuwait. Joining with him is his grandfather, Franklin. Ladies and Gentleman, if we could have some attention, please. Mr. Cloyd standing next to Sergeant Spencer. Staff Sergeant Cloyd is a veteran of World War II. He left the states for England where he was transferred into the Light Equipment Company, 608 Engineer Battalion. He was 'volunteered', I like that term, to participate in Operation Overlord and landed on Omaha Beach on D-Day, where he was tasked with taking a bulldozer ashore to clear the beaches of debris so the troops could move inland. After D-Day, Mr. Cloyd's unit was attached to the Third Army, which was under the leadership of General George Patton. His job was clearing roads and debris in order for the Army to advance. He was present at the liberation of the British troops... by the British troops of the concentration camp at Bergen-Belsen on April 15, 1945. One month prior to that date, Anne Frank and her sister

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passed away at that very location. He has earned the American Campaign Medal, the European-African Medal, a Middle Eastern Campaign Medal, Silver Service Star, Normandy Campaign, Rhineland Campaign, World War II Victory Medal, among many others. He, after World War II, remained... in the... actually then enlisted into the United States Air Force. And worked in the... England as part of the United States Air Force, a member of the 567th Missile Squadron, where he married his wife Helen, who is an English woman, and they have 3 daughters, a son, and 10 grandchildren and... 6 great-grandchildren. He'll be 90 in March and is a resident of Mattoon. We also have from Charleston, Holly Easter, who is a World War II veteran. Mr. Easter, if you'd raise your hand, there. He's a... Marine Corp veteran, drafted in 1945, he completed boot camp in San Diego, California. He was in Okinawa on June 11, 1945, when a tank... he's a member of the First Tank Battalion Company in the First Marine Division. And on June 11, 1945, his tank was blown up. After two years of hospitalization and several injuries from that incident and service to our country was discharged in June of 1947. He married Violet. They have 6 sons, 2 daughters, and 60 grandchildren. I might add that one of his sons was a teacher of mine in high school. And I went to high school with a number of his grandkids. He was a car salesman for a number of years in Charleston, loves to tell stories and entertain people. He left as a Corporal having earned the Purple Heart. And finally, Ladies and Gentleman, many of you may know and I didn't know until Veteran's Day, many of

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you may know that I didn't realize this is my constituent, but many of you may have heard the poem, 'One Lucky Guy.' Well, it turns out that 'One Lucky Guy' was written by a guy by the name of Lee Ballard from Mattoon, Illinois. And Mr. Ballard would you raise your hand there, Sir. Would you raise your hand, Mr. Ballard. Thank you, Lee Ballard from Mattoon. It was inspired as you watched as three brothers serve and one night after a family reunion, one of his brothers saw a picture of 126 American GIs attempting to take a hill during combat in Italy. And only 7 of those 126 GIs survived, which prompted one of his brothers to comment that he was one lucky guy. Mr. Ballard, that night then, took pen and to paper and scribed what has become a very famous poem about our men and women in service 'One Lucky Guy', and was eventually put to artistry here by Mr. George Pollard, and is seen around the country and around the world. And if I could, Mr. Speaker, just take a moment to read a couple versus. 'Now get that sad look off of your face. Don't act like you want to cry. 'Cause standing right here for the whole world to see is one proud American guy.' Another verse concludes, 'I'm going to take what's left of this body of mine, with my wife holding the gimpy side. And I'm going to walk right up to all of them flags and look them square in the eye. There ain't nothing wrong with my voice, as yet, and the whole world's going to hear me cry. I was born in the United States of America and I'm a doggone lucky guy.' Let's give them all a big round of applause, can we."

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Speaker Mautino: "Gentlemen, thank you for your service. Welcome to the House of Representatives. On the Calendar, page 2, appears under House Bills-Second Reading, appears House Bill 1512. 1512, Mr. Watson. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1512 has been read a second time, previously. Floor Amendments 1 and 2 have both been approved for consideration."

Speaker Mautino: "Representative Watson on Floor Amendment #1."

Watson: "Thank you, Mr. Speaker, Members of the House. This is merely... Floor Amendment #1 is merely an agency Bill to clean up some... some audits. One has to do with the Illinois School for the Deaf and a College Memorial Fund, which was made with private funds. And the other has to do... based on a lawsuit with Pfizer and how the agency spends that money for diabetes programs. And I would appreciate your support for adoption of the Amendment."

Speaker Mautino: "Gentleman moves adoption of Floor Amendment #1. Seeing no discussion, all in favor say 'yes'; opposed 'no'. The 'yesses' have it. And the Amendment is adopted. Mr. Clerk, further Amendments?"

Clerk Mahoney: "Floor Amendment #2 by Representative Burns."

Speaker Mautino: "Representative Burns on Floor Amendment #2."

Burns: "Thank you very much, Mr. Speaker and Members of the House. I move for the adoption of House Amendment #2 to House Bill 1512. House Amendment #2 is an initiative of the Cook County State's Attorneys Office. What it does is make a technical change to the existing victim... Violent Crimes Victims Assistance Fund. It now creates a Projects

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Fund within the Department of Human Services to fund nongovernmental organizations that provide services to victims of violent crimes and sexual offenses. I know of no opposition."

Speaker Mautino: "The Gentleman moves adoption of Floor Amendment #2 to House Bill 1512. No one seeking recognition, all in favor say 'yes'; opposed 'no'. The 'yeses' have it, in the opinion of the Chair. And the Amendment is adopted. Mr. Clerk, any further Amendments?"

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

Speaker Mautino: "Third Reading. Mr. Clerk, read the Bill for a third time."

Clerk Mahoney: "House Bill 1512, a Bill for an Act concerning finance. Third Reading."

Speaker Mautino: "The Gentleman from Morgan, Representative Watson."

Watson: "Thank you, Mr. Speaker. I move for passage of the Bill. Thank you, Mr. Speaker. I move for passage of the Bill."

Speaker Mautino: "Gentleman has moved passage of House Bill 1512. No one seeking recognition, the question is, 'Shall this Bill pass?' All in favor vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 114 voting 'yes', 0 voting 'no', 0 voting 'present'. House Bill 1512, having received a Constitutional Majority, is hereby declared passed. The Gentleman from Menard, Representative Brauer, is seeking recognition."

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

Speaker Mautino: "State your point, Sir."

Brauer: "Ladies and Gentlemen of the House, I have one of my hero's in the gallery today. And although, she wasn't in the Armed Services, she fought many a battle, and she did that as principal at St. Agnes. Up here on my right is Sister M. Joan Sorge of St. Agnes School in Springfield. She is the recipient of the 2010 Distinguished Principal Award from the National Catholic Education Association and named one of the 2010 Class of National Distinguished Principals from the National Association of Elementary/High School... of Elementary School Principals. Sister George is joined today by Father Jallas who gave... offered the prayer earlier, Sister Francis Phillip, Dean and Julie Cardosi-Rogers, Kelley Gilmore, Nancy Peterson, and Jean Johnson. Let's give them another warm Springfield welcome."

Speaker Mautino: "Welcome to Springfield. On the Order of Resolutions, House Resolution 1484. Representative Brauer moves to adopt House Resolution 1484. All in favor say 'yes', opposed 'no. House Resolution 1484 is adopted. On the Order of Second Readings, on page 2 of the Calendar, appears House Bill 1445, Representative Feigenholtz. Out of the record. House Bill 1525, Representative Zalewski. Read the Bill."

Clerk Mahoney: "House Bill 1525 has been read a second time, previously. Floor Amendment #1, offered by Representative Zalewski, has been approved for consideration."

Speaker Mautino: "Representative Zalewski on Floor Amendment #1."

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Zalewski: "Thank you, Mr. Speaker. Floor Amendment #1 actually becomes the Bill. It is EDGE Tax Credit for a water purification facility that'll keep jobs and create jobs in Illinois."

Speaker Mautino: "Gentleman moves adoption of Floor Amendment #1. No one seeking recognition, all in favor say 'yes'; opposed 'no'. In the opinion of the chair, the 'yeses' have it. And the Amendment's adopted. Mr. Clerk, any further Amendments?"

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

Speaker Mautino: "Third Reading. Mr. Clerk read the Bill."

Clerk Mahoney: "House Bill 1525, a Bill for an Act concerning revenue. Third Reading."

Speaker Mautino: "Out of the record. On page 3 of the Calendar, House Bill 1760, Representative Jakobsson. Representative Jakobsson, House Bill 1760. Out of the record. House Bill 1935, Representative Rose. Read the Bill."

Clerk Mahoney: "House Bill 1935 has been read a second time, previously. Floor Amendments 1 and 2, both approved for consideration."

Speaker Mautino: "Representative Rose on Floor Amendment #1 to House Bill 1935."

Rose: "Thank you. This is agreed language. Oh... We need to withdraw 1 and we're going to adopt 2. Thank you."

Speaker Mautino: "The Gentleman withdraws Floor Amendment #1. Mr. Clerk, further Amendments?"

Clerk Mahoney: "Floor Amendment #2."

Speaker Mautino: "Representative Rose on Floor Amendment #2."

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Rose: "Thank you. Floor Amendment #2 represents agreed language. It's a trailer Bill. After we passed some language dealing with liens on towed.. personal property liens on contents of a towed vehicle in the spring Session and it's been signed by Governor Quinn. The towing industry, it asks for a couple of changes made in the form of a trailer bill, that's this. And as far as I know it's agreed to by everybody. So, I'd ask for adoption of 2."

Speaker Mautino: "The Gentleman moves adoption of Floor Amendment #2 to House Bill 1935. All in favor say 'yes'; opposed 'no'. The 'yesses' have it, and the Amendment is adopted. Mr. Clerk, further Amendments."

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

Speaker Mautino: "Place this Bill on Third Reading and read the Bill a third time."

Clerk Mahoney: "House Bill 1935, a Bill for an Act concerning transportation. Third Reading."

Speaker Mautino: "The Gentleman from Champaign, Representative Rose."

Rose: "Again, this is agreed language in the form of a trailer Bill. We'd ask for its adoption."

Speaker Mautino: "The Gentleman has moved passage of House Bill 1935. No one seeking recognition, all in favor will vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. McGuire, Representative Hannig, Flider, Feigenholtz, do you wish to be recorded? Representative Colvin. Representative Colvin, do you wish to be recorded? Mr. Clerk, take the record. 113 voting 'yes', 1 voting

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'no', and 0 voting 'present'. House Bill 1935, having received the Constitutional Majority, is declared passed. On page 4 of the Calendar appears Senate Bills on Third Reading. Senate Bill 550. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 550, a Bill for an Act concerning public employee benefits. Third Reading."

Speaker Mautino: "The Gentleman from Cook, Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. Senate Bill 550 is the Floor Amendment that we spoke of yesterday that is basically a cleanup that the systems all requested in order to implement the changes that we all voted for in Senate Bill 1946. These are all of a technical nature. Every system that came to committee did support the changes and the committee passed the Bill out unanimously. There's such things as a rewriting the language to make it very clear that while the pension salary is capped at \$106,800. We wanted to make it clear that no pension donations will be made for any salary above that number. And going into the future years, when that number adjusts higher, once again, no contributions will be made on the money above the cap. We also had to write for some systems they call it 'salary', other systems they call it 'earnings', so all we did was make sure that it matched into the different Articles. Some systems operate by years of service, while others do months, especially when they're talking about penalties, so we made sure that it corresponded correctly to the different things. And also we said that the CPIU would be published in September, that

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would be the number for the following year. So, as I said, all the systems are in support of these changes. They said they would need these changes in order to clearly implement Senate Bill 1946. And I would request your favorable support."

Speaker Mautino: "The Gentleman from Crawford, Representative Eddy is seeking recognition."

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

Speaker Mautino: "He indicates he will."

Eddy: "Representative, one clarification, and you may have covered this, but I think that it clarifies that a person must be a member and not just an employee of a pension prior to January 1. Does that mean, for example, under the Teacher's Retirement System, if a person began working in August as a new teacher..."

McCarthy: "Right."

Eddy: "...are they then a member?"

McCarthy: "Yes, they are."

Eddy: "So, what constitutes the definition or your intention of the definition of member? That a person..."

McCarthy: "There are... there are certain... I've been told that there are certain positions that they hire, like a consultant or something, with the understanding that it's hired on contract and they would never be a member. But for regular positions like a teacher that was hired last August would definitely be a member and would be eligible for the benefits under the current system."

Eddy: "Okay. That... that's a regular full-time teacher. Let's say it's a substitute. Let's say someone gets a sub

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teaching certificate through the Regional Office of Education and is employed for one day prior to January 1."

McCarthy: "You would probably know this better than I. Would that person... would they have pension benefits deducted from their substituted salary?"

Eddy: "Yes. Substitutes do pay the TRS rate. So, in that case, does that person... is that an employee or a member?"

McCarthy: "Yes, if they... if they are in an eligible position before December 31 of this year, they would be considered a tier-one employee."

Eddy: "Okay. All right, just wanted to clear that up 'cause there's a lot of folks out there who are, you know, subbing right now, first time, they're going to be doing it before January 1 and any... that is your definition of a member, not an employee. They'd become a member of the system. Thank you."

McCarthy: "Yeah. If they currently qualify as a member they will be considered a member going forward."

Eddy: "All right. Thank you."

McCarthy: "Thank you."

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

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

Speaker Mautino: "He indicates he will."

Black: "Thank you. Representative, I think you mentioned this in your opening, and again, it's always a little hard to hear. I've been reading, as I am sure you have, the stories in the state media and one over the weekend, I

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found very interesting. It was... I believe that it was a police chief who was given a bonus. Allegedly, a onetime bonus of \$850 and somehow that bonus was extrapolated over his years of service and added, I can't remember the exact figure..."

McCarthy: "It was a ridic... I read that same story last night about 11:30 and I don't remember all of the parameters, but I remember the \$850 that it affected his pension into the future..."

Black: "Correct."

McCarthy: "...at unbelievable. Yeah."

Black: "Now, does this..."

McCarthy: "Unfortunately, this does not..."

Black: "...does this correct that?"

McCarthy: "...this does not correct that. We do plan on having many hearings on things just like that, but well, we would qualify... or what I think most reasonable people would say were abuses of the system. And that would include current employees. This is the Bill that would have to do with all future employees after January 1, and these are just technical clarifications that the different systems requested."

Black: "All right."

McCarthy: "This unfortunately would not stop that, but..."

Black: "Okay."

McCarthy: "...hopefully, in the not to distant future we will have legislation that will."

Black: "Thank you very much, Representative."

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Speaker Mautino: "Seeing no further questions, the Gentleman moves passage of Senate Bill 550. All in favor will vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. 114 voting 'yes', 0 voting 'no', 0 voting 'present'. Senate Bill 550, having received the Constitutional Majority, is declared passed. On Senate Bills-Third Reading appears Senate Bill 3776, Representative Miller. Representative Miller on Senate Bill 3776 on Third Reading. Out of the record. Page 5 of the Calendar is Senate Bill 3776, Representative Miller. Mr. Clerk read the Bill."

Clerk Mahoney: "Senate Bill 3776, a Bill for an Act concerning finance. Third Reading."

Speaker Mautino: "Representative Miller."

Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill... excuse me, Senate Bill 3776 Amendment 1 would require the Governor to issue a written approval for bonds to be issued for the entry, not from Illinois issuance, from a continuing debt for businesses, nonprofit corporation, local government units in Illinois. This passed committee with no opposition. I ask for a favorable vote."

Speaker Mautino: "The Gentleman moves passage of Senate Bill 3776. Seeing no one seeking recognition, all in favor will vote 'yes'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Bost, Representative Beaubien, do you wish to be recorded? Mr. Clerk, take the

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record. 113... excuse me, 114 voting 'yes', 0 voting 'no', 0 voting 'present'. Senate Bill 3776, having received the Constitutional Majority, is declared passed. Page 7 of the Calendar, Mr. Clerk, place House Bill 3677 on the board. Oh, excuse me, House Bill 5085 on the board. On the Order of Concurrences, House Bill 5085, Representative Harris."

Harris: "Thank you, Ladies and Gentlemen of the House. This piece of legislation is a Bill that would protect consumers in health care settings. It's a fairly complicated topic; let me just, you know, briefly explain it. I would be happy to take questions. This Bill deals with the charges that are incurred by patients who are visiting, you know, hospital-based providers, which would include: radiologists, pathologists, emergency room docs, neonatologists, and anesthesiologists. And a case in point would be a person who was going in for surgery, as many of us have done. You make the choice of the hospital to be sure that it's in your network. You make the choice of the surgeon to be sure that the surgeon is in your network. But on the day of the surgery, an anesthesiologist comes to your bedside and the anesthesiologist happens to be out of network. And this has caused patients to receive large bills, which they had not expected, after having done what they thought was the correct thing. This legislation holds the patient harmless as far as just paying their standard copay and deductible and it creates a system then of dispute resolution to resolve these charges between the medical provider and the health insurance companies. There is still ongoing discussion on exactly how the dispute

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resolution mechanism will work, so there will likely be a trailer Bill to this issue. As a matter of fact, at 11:00 today, the insurance industry and the med society and the physician specialists are meeting to try to hammer out languages. I want to thank very much the Illinois State Medical Society, the Society of Radiologists, the Society of Pathologists, the emergency room doctors, the anesthesiologists, Larry Barry, the different insurance companies for working hard to find a dispute resolution, which will allow doctors to be paid fairly and insurers to pay claims fairly without anyone being able to take unfair advantage of the system. But this piece of legislation, as it stands now, will have a trailer Bill but it does protect the patients and hold the patient harmless from this situation. I'd be happy to answer any questions and would appreciate an 'aye' vote."

Speaker Mautino: "The Gentleman has moved that the House do concur in Senate Amendment #1. And on that question, the Gentleman from McHenry, Representative Franks."

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

Speaker Mautino: "He indicates he will."

Franks: "Senate Amendment #1 becomes the Bill?"

Harris: "Yes, these Amendments become the Bill."

Franks: "Okay. I had a very similar Bill last year. I think you were in the committee in which it was with these same provisions. So, I think it's a terrific Bill. And I want to know how did you get everyone to agree on it?"

Harris: "We sang Kumbaya together in a committee room. And thanks to Senator Haine for leading the charge on that."

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Franks: "Okay. Is there... is there any opposition at all to this Bill, now?"

Harris: "There's opposition to the language, as it currently exists. from the Med Society simply because they are, you know, protecting their right to object to this language, which they do not believe fairly advantages medical providers, but the... discussions are ongoing and there's a commitment to do a trailer Bill if there is a mutual agreement between the medical groups and the insurance industry."

Franks: "Thank you. I think this a very strong proconsumer Bill because when you go to a hospital, exactly as you laid out and you checked to make sure it's in your PPO or in your network and your doctor as well, you don't have any control over the ancillary people who they allow to come in. And this will save consumers a lot of money and I think will level the playing field and make things easier for everyone. So, I encourage an 'aye' vote."

Speaker Mautino: "No one seeking recognition, the Gentleman concurs the House... moves the House does concur in Senate Amendment #1 to House Bill 5085. All in favor will vote 'yes'; opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Sommer, Representative Stephens, do you wish to be recorded? Mr. Clerk, take the record. 113 voting 'yes', 1 voting 'no', 0 voting 'present' and the House does concur with Senate Amendment #1 to House Bill 5085. House Supplemental Calendar #1 is being distributed. On Supplemental Calendar #1... The

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Gentleman from Boone, Representative Wait, is seeking recognition. Representative Wait. Representative Wait, you're seeking recognition, Sir? Good to see you. Out of the record. Mr. Clerk, read House Bill 6881."

Clerk Mahoney: "House Bill 6881, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Under Senate Bills-Second Reading appears Senate Bill 362, Representative Gordon. Mr. Clerk, read the Bill."

Mr. Clerk: "Senate Bill 362, a Bill for an Act concerning elections. Second Reading of this Senate Bill. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Mr. Holbrook, on the Calendar appears Senate Bill 60... excuse me, Senate Bill 678. Read the Bill."

Clerk Mahoney: "Senate Bill 678, a Bill for an Act concerning regulations. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Mr. Harris, Senate Bill 2559 appears on Senate Bills-Second Reading. Read the Bill."

Clerk Mahoney: "Senate Bill 2559, a Bill for an Act concerning revenue. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Majority Leader Currie, Senate Bill 3172 appears under Senate Bills-Second Reading. Read the Bill."

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Clerk Mahoney: "Senate Bill 3172, a Bill for an Act concerning revenue. Second Reading. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Mautino: "Third Reading. Representative Smith, under Order of Resolutions appears House Joint Resolution 127. Out of the record. Representative Durkin, House Resolution 1442. The Gentleman from Cook, Representative Durkin."

Durkin: "Thank you, Mr. Speaker. This Resolution, one of many that we do on an annual basis in which we're urging Congress to continue the funding of research and development for cures and for management for type 1 diabetes. This... it affects 15 thousand children per year. My daughter is 1 of the 15 that was diagnosed this year. They've made great advancements in the research and development of cures but also management. From artificial pancreas, which has now gone from clinical studies, it's now in real life... real-time studies out with individuals in the community, to islet transplants, beta therapy transplants. This is not just a research which they're hoping to get a cure, they have made advancements. They are... they're on the cusp of knocking out this... this terrible infliction particularly those affected by type 1 diabetes, which if you know anybody who has it, it's a very difficult disease. It's... it takes a lot of work and a lot of commitment from those who care for children, but also for the children, themselves, who are very special. And this is just telling Congress, we need the money, keep it going. It's \$150 million per year, which is sent to the National Institute of Health, which is distributed to the

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states for research and development on a very promising... promising research that has been conducted by the Juvenile Diabetes Research Foundation. And I would ask for your support."

Speaker Mautino: "The Gentleman moves adoption of House Resolution 1442. And on that Resolution, Representative Monique Davis."

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

Speaker Mautino: "He indicates that he will."

Davis, M.: "Representative Durkin, you do know that sometimes what children are fed for lunch helps to contribute to a diabetic condition."

Durkin: "Depends on who's feeding them and what they're eating. I mean, it depends on... are you talking about type 2 diabetes or type 1? Type 2 diabetes is the type of diabetes which is brought through, I would say, bad nutrition, lack of exercise, which is completely different from type 1 diabetes in which your..."

Davis, M.: "So you want your funding to only go for one type?"

Durkin: "No, the funding... we're asking Congress. This is Congressional. We're asking Congress, which we do on a regular basis, to continue the funding, which they've done year in and year out, to help develop the advancement of management of diabetes, but also for the care."

Davis, M.: "But you're not discriminating between type 1 or type 2?"

Durkin: "Diabetes... I'm not saying discriminating, but there's a big distinction between the two. You can rid of type 2

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diabetes if you exercise and you eat well. But my little girl who was diagnosed in June eats well, she exercises, and she has a chronic affliction for the rest of her life. So I think we need to know that there is a very big distinction between the two."

Davis, M.: "Well, of course, we do know that, and I do appreciate you bringing this forward to this Body. But I think it's a very appropriate time to remind the Body that what children have for lunch, whether children have physical education on a daily basis will, of course, determine whether they will or probably develop this disease or not. I just thought it was an excellent, appropriate time to mention it. I support your Resolution."

Durkin: "No, I think it's great, and I hope that we... our schools and I hope our families do a better job of making sure that our children are eating well, but more importantly, they're exercising because diabetes in both categories, type 1 and type 2, it's been a very large increase. And it's a very debilitating type of infliction. Thank you for your comments. I will take them to heart."

Davis, M.: "Thank you very much, Representative."

Speaker Mautino: "The Gentleman has moved adoption of House Resolution 1442. All in favor will say 'yes'; opposed 'no'. The opinion of the Chair, the 'yeses' have it. And House Resolution 1442 is adopted. Representative Smith. Representative Reboletti. Mr. Clerk, place House Resolution 1524 on the board. Representative Reboletti."

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Reboletti: "Thank you, Mr. Speaker and Members of the House. Today I have the privilege of introducing to you the York High School cross country team who has won their twenty-seventh state championship and will be off to nationals in the next week or so. They're up in the Speaker's Gallery if they'd please rise for recognition. I attended York High School in Elmhurst, graduated there in 1986. We have Coach Dunham there and Coach Joe Newton, who has been on the coaching staff or the coach since 1959. He was a gym teacher for me in 1982, in 1983. And when I first got to York, he asked... he looked at my school ID and said, what sport are you in, Reboletti? And I said, I don't have one. He goes, well, you're in cross country right now. I said, well I don't know if I want to be in cross country. So I joined the soccer team 'cause I thought there was less running involved. But one of the things that Coach Newton has always instilled in his students and in his team is dedication and team work. And I remember him always saying how sweet it is how things are going at York High School and for this cross country championship team. We welcome you to Springfield. Congratulations and good luck at nationals. And also, want to recognize Mayor DiCianni from Elmhurst, another York grad, here today. We also have Representative Ramey who might want to speak and Representative Biggins. So congratulations, good luck to you, and Godspeed."

Speaker Mautino: "Congratulations. Welcome to Springfield. Representative Reboletti now moves the House adopt House Resolution 1524. All in favor say 'yes'; opposed say 'no'.

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The opinion of the Chair, the 'yesses' have it. And the House Resolution is adopted. House Joint Resolution, under the Order of Resolutions, 127. Mr. Clerk, place that on the board. Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen. This is our semiannual Resolution on School Code mandate waivers. And I know this process is always a little confusing so let me refresh your memory. We have to take specific action with this Resolution in conjunction with the Senate in order to deny or approve any waivers, rather. Otherwise, all the waivers that are submitted would be approved. And so, the Education Committee has reviewed the waivers and this Resolution is in consultation with Representative Mitchell on the other side of the aisle and with our counterparts in the Senate, we are recommending specific action on the following waivers. And this Resolution would allow for approval retroactively of the driver education fee waiver for St. Charles School District #303 in Kane County to approve the new fee limit waiver for \$400 from \$200 and this would allow them to do that retroactively. Secondly, it would deny the driver education behind the wheel instruction waiver request by DeKalb School District 428. And finally, it would stipulate that the driver education behind the wheel instruction waiver from Rock Island School District 41 would be approved for one year only and disapproved for the remaining four years that were requested. And this is consistent with what we have done over the last several years. All of the other mandate waivers in the fall 2010

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report from the state board would be approved. So really we're taking specific action on only three. I'd be happy to answer any questions."

Speaker Mautino: "Mr. Smith, have you finished your opening statement? The Gentleman has moved adoption of House Joint Resolution 127. No one seeking recognition? With no one seeking recognition, all in favor will vote 'yes'; opposed vote 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Chapa LaVia, Feigenholtz, Franks, Sullivan, do you wish to be recorded? Representative Franks, Chapa LaVia, Sullivan. Mr. Clerk, take the Roll. 90 voting 'yes', 22 voting 'no', 0 voting 'present'. And the House does adopt House Joint Resolution 127. Representative Durkin, the Gentleman from Cook, is seeking recognition."

Durkin: "A point of personal privilege."

Speaker Mautino: "Certainly. State your point, Sir."

Durkin: "Thank you. I'd like to direct our attention to the Speaker's Gallery. We have joining us today is the River Forest girls U-10 softball team who recently won the Illinois Little League District 10 State Tournament. They won the state championship by beating Peru 5 to 4. They've joined us today and if I can just mention, if you could just give me a moment. I'd like to mention the girls who are joining us: Emily Cekander, Lilly Connelly, Ashley Gerin, Feona Girardot, Katie Girardot, Haley Hamilton, Morgan Hosty, Lucy Jensen, Maeve Levy, Samm Neilson, Maeve Nelson, Catie Parrilli, Mia Ryan, Allison Smart and the team coaches Tim Ryan and Dave Neilson. They're a fine

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group of young ladies. We will expect to hear greater and bigger things from them in the future. If we can just give them a very warm Springfield welcome, I would certainly appreciate it."

Speaker Mautino: "Congratulations, ladies, and welcome to Springfield. Under page 4 of the Calendar appears Senate Bill 1381. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1381, a Bill for an Act concerning alternative treatment for serious diseases causing chronic pain and debilitating conditions."

Speaker Mautino: "The Gentleman from Cook, Deputy Majority Leader Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Could we have it quieter in here, Speaker? Thank you very much. As everyone knows, this is a Bill that would legalize the use of cannabis for medical purposes. Many in this chamber have not read the Bill. Many simply read the title and decided how they were going to be on this Bill for all sorts of reasons that have nothing to do with the language of the Bill. In fact, when this Bill came to the House from the Senate and I started walking around talking to you, only 32 of you were willing to vote for it. After working you and talking to you and explaining the Bill to you, 92 of you... 92 of you told me that you thought it was a great Bill and you hoped I would pass it, but not all 92 of you are willing to vote for it. What does that say about public policy in the State of Illinois? What does it say about being true to our oath of office? Let's not be afraid of a title of a Bill. Let's

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look at what the Bill says. And so, the Bill says if your own doctor provides you a letter saying that you have a debilitating medical condition that provides you significant pain, significant nausea, significant discomfort in your life, if a doctor says you need this product just as a doctor might say you need OxyContin, you can apply to the Department of Public Health for a license. A license which would enable you to have three mature marijuana plants at your home that you take care of, that has to be in a locked and secure facility within your home. Now, the drugs that people take now for severe nausea from chemotherapy or from the pain of MS or from the pain of cancer are not in locked facilities. They're right out there in a medicine cabinet for anyone to take. This product must be in a locked facility in your home. You get your license and you take care of your own product. And for those who would say, well, you know, three plants yields a lot of marijuana, Representative. The truth is, it can under... under optimal conditions, by someone that knows how to grow it, but the fact is that grown in your home. You're not going to get too much out of three marijuana plants. In fact, many would say barely enough for the needs of one person who's sick. Additionally, this Bill is the most controlled Bill in the country. There are 15 other states that allow the use of marijuana for medical purposes, 15 other states, and all of them will tell you this is the most controlled, narrow Bill in America. We did that to get the ball rolling, to help sick people. Finally, the Bill has a three-year sunset. This isn't

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forever. If this works, I'll have to come to the floor or someone else will in three years, and beg and cajole and plead with you to pass it again. And if it isn't working and if all the doomsayers are correct, none of us will vote for it. But how do you turn down the kind of people sitting in the gallery today? How do you turn down people who are sick, people who are in pain, people who have not had the ability to have a quality of life without this health care product? And make no mistake, my friends, this is not a Bill about drugs, this is a Bill about health care. We had a national debate that went on for over a year about health care, long debates, controversial, arguing across this country about health care, and it's a health care plan that will cost America billions of dollars. Be for it; be against it, it's not the point. The point is, this is health care for Illinois under narrowly defined circumstances that will not cost the taxpayers of Illinois one dime. The people who today have to take OxyContin and morphine and codeine just to get through the day have no quality of life. They're bedridden. They can't take care of their kids. They can't take care of their laundry. They can't go to the movies. They can't live their life. This Bill will enable them to legally do that. Now, many of the people in the Speaker's Gallery today take this product. They're not ashamed of it and they're able to get through the day, but what about those who cannot? What about those who don't have the ability to do that? Will we allow them really to live a life of pain or in the alternative to be totally doped up?

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And by the way, what are they doped up on? OxyContin, morphine, codeine, addictive narcotics and those narcotics themselves are killing people. And my friends, no one in the history of the world has ever died from an overdose of marijuana, but every day in this state people are dying from an overdose of OxyContin and morphine and codeine. And we must do something to help the people of Illinois live a quality of life. We cannot just be afraid of the word 'marijuana'. In fact, I was the guy who in college would never go near it. When I sponsored this Bill, I had friends from across the country, who hadn't seen me since high school and college, say to me, you have this Bill. You're the guy who's sponsoring this Bill. They couldn't believe it. But I'm not here because it's about drugs, my friend and I'm not here because I want to legalize marijuana. I'm here because there are sick people in this state who demand and need, and should insist upon our attention. Now, there are at least 30 or 40 of you in this room who know you should vote for this, who have told me you hope I pass this Bill, and you have been unwilling to commit to vote for it. I'm hoping that this debate today will convince you that public policy must always trump all other things, otherwise, why be in this chamber at all. Do the right thing. Help these people. I'd be happy to answer your questions."

Speaker Mautino: "The Gentleman has moved passage of Senate Bill 1381. And seeking recognition is the Gentleman from Bond, Representative Stephens."

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Stephens: "Thank you, Mr. Speaker. First of all to clarify for the Body, in case there was confusion, I was not one of those 92 who said that this is a great idea. There were at least 26 of us, according to the Gentleman's own remarks, that are true to our word. Now, I don't know if this Bill's going to pass or fail, but Ladies and Gentlemen, the Sponsor just questioned the very word of the Ladies and Gentlemen serving in this Body as to their integrity and their honesty in having conversations whether they support the Bill or not. I just don't think that's appropriate, first of all. Now, to the Bill. I'm... I happen to be a registered pharmacist and so I have some knowledge of... of why we have medicine to begin with. Certainly we have it to provide cures and care for the... for those who are ill, those who are injured and those who have diseases that are intractable. And I... I would think that if the Gentleman were serious in his title of the Bill, Medical Marijuana, if this was about medicine, we would be going through the normal channels. Ladies and Gentlemen, we have 5 thousand years of history that have developed in... in the world today a way to deliver medical care and a way to deliver medicine and if the benefits are for the truly ill, the truly pain-stricken individuals that he refers to, we would be handling this like we do aspirin. We would get it approved by the FDA for those diseases. We would have it channeled. It is a drug. It is... it does have properties that are addictive and it should be controlled. So, you would dispense it, where? Maybe through a pharmacy, not through a doctor who says I am now your doctor and you need this

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drug and only this drug and only this drug will cure you or shrink your ailment. We would do it otherwise. We would do it under the system we have. In states that have legalized medical marijuana, evidence shows us clearly, clearly, that it is not about treating disorders and ailments. It is about making marijuana available. This drug should be called the medical... the marijuana possession law because that's what it calls for. It calls for allowing the possession of marijuana. It doesn't restrict the use in any one way... in any way. One of the... the wonders of... of our society today, not a wonder but one of the accomplishments of society, in the... in the use of what could be dangerous drugs, we monitor the amount that is used. This drug doesn't... this Bill doesn't call for that. It calls for allowing possession. You can have three plants, and three plants, and three plants, and three plants, and three plants, and three plants again, day after day, after day. It doesn't say they have to be the same plant. It doesn't say how you identify them. It doesn't say how you monitor use and abuse. It just says you can have them if some doctor, who now becomes your doctor, says it's okay. If we are serious about using marijuana for medical purposes, it should first be used in a controlled environment where we can see if it really does work compared to placebos. The normal testing that you would give if aspirin were invented today, if we went out into the jungles of... of South America and found this wonderful drug called aspirin and we brought it to America, we would want to test it that way. That's not what this Bill calls

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for. We would want to monitor the behavior of those who use it. That's not what this Bill calls for. We would want to talk about distribution channels, controlled distribution channels. Why is there nowhere in this Bill does it call for the intervention of an addictionologist? Why would you do that with a controlled substance like marijuana? Obviously, you would want that considered. Ladies and Gentlemen, you can vote for this, you can vote against it, but please understand this is about the possession of marijuana. That's all it's about. It's not about medical treatment. If we're serious about medical treatment, I welcome that debate. I welcome those trials. I welcome the information because I... I have always supported and will always support the advancement of medical science. That's not what this Bill is about. Shame on anyone who tells you it is. And I'm keeping my word. I was opposed to it, Representative, from the beginning. For those reasons, I stand opposed to it today and none of us have misled you in our... in our opposition. Thank you, Mr. Speaker."

Speaker Mautino: "Further discussion? The Lady from DuPage, Representative Bellock."

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

Speaker Mautino: "Indicates that he will."

Bellock: "Thank you. I, first of all, want to say thank you and I respect the Sponsor. He's worked very hard on this Bill. We've been back and forth about this Bill for the last couple of years and neither one of us has changed our

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stand on it. So, I just want to speak today on a few facts that I think the last Representative, Stephens, has mentioned, but I think if you really did a lot of research on the Bill, which I have and have read the Bill thoroughly, that when you get back to some of the other states that have had.. passed the Bill, there have been a lot of problems recently. And I know the Sponsor has worked to address those issues, but I think that the Bill is still extremely loose. When the Bill went through Colorado, we looked up the research on the glaucoma issue, which is the main part of the reason for the Bill. The American Glaucoma Foundation said medical experts believed that marijuana could actually prove harmful to glaucoma patients because it only lasts for three hours. The pressure behind the eye builds up and goes down, so you have to continually smoke it; whereas, there are other products on the market that will not put the pressure on the eyes as much as using the marijuana. The American Cancer Society, on its Web site, has quoted studies which show marijuana smokers have two to three times the cancer risk of nonsmokers and said that patients should not use marijuana, especially since safer medications are available. Now, I know that there is contention about that issue, but this is what is on the American Cancer Web site. The National Multiple Sclerosis Society currently is conducting research trial and states that additional research is needed on this subject, especially related to other side effects and not perceived effectiveness of using marijuana. There are trials on MS patients, but they have

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not come forward, full forward to support the Bill. Above all, the Institute for Medicine, which is a nongovernment entity, conducted the most complete review of marijuana and concluded that marijuana is not a medicine and stated that there may be potential, but there is not yet enough evidence on this. So, in conclusion, on some of those medical aspects, I do not... I do not think there is proof, at this point, to go forward. Even though, I know there are people that feel it is necessary for their treatment, I think the medical groups which we all respect do not back that up. I don't see anything in the Bill that actually regulates the actual product itself. There are rules on the dispensing of the product, but not on the actual product itself. The enforcement issue is extremely problematic at this time too. I don't know if Public Health would be able to enforce it. Local police throughout Illinois are totally opposed to this Bill. They still believe that marijuana is a drug and that it is a gateway drug. They do not believe that it is a medicine. Recently, Time Magazine, if any of you saw it last week, their entire six-page editorial was on the mainstreaming of marijuana in America as a drug. There were several issues that were brought up in that magazine, but especially about the states that have seen it go out of control in the enforcement of the issue. I look to all of you today. We know that there are people that want this drug, but now, Obama, who had said recently a year ago, that he was for leaner, lighter legislation on marijuana, now has gone forward, brought back President Bush's drug czar, who a

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month ago when all the marijuana usage was up in adolescents throughout the United States of America, has now said that she points that specifically to the medical marijuana laws in the United States. Recently, we had a town hall meeting in my area on heroin. Every single person that testified and especially those that had almost committed suicide, of which there were four of them, every one of them said marijuana was the gateway drug. That is how they got into the usage of heroin and every one of them was opposed to this Bill. So, I am asking you all today, I know that there are people who feel this is necessary medically for them, but the FDA, the main organization that we look to; the DEA, another main organization that we look to, the glaucoma group; the American Cancer Society; the National Multiple Sclerosis Society; the Institute for Medicine; none of them are pushing for this Bill. I ask you to oppose this Bill at this time. Thank you."

Speaker Mautino: "Further discussion? Representative Yarbrough."

Yarbrough: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Mautino: "Indicates that he will."

Yarbrough: "Representative Lang, how many states offer this provision in the United States?"

Lang: "Fifteen."

Yarbrough: "So, Illinois would be the sixteenth state?"

Lang: "That's correct."

Yarbrough: "Representative, I go into schools and speak to groups in my district as I suppose that you do as well and

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I found an interesting phenomenon. When I go into nursing homes, they know about this Bill. They told me that this Bill has been around this chamber for a very long time and there have been noble Representatives and Senators that have introduced the Bill and with varying dis... results. Obviously, they didn't get it passed. I go in the schools and I listen to some of the young people and they want to know do any young people work here and I told them absolutely. I sit next to the youngest person in the General Assembly, right next to Jehan Gordon, and she's a young person. But they wanted to know what the big deal was and why we couldn't get this passed. So, I'm looking at both ends of the spectrum, the young people and the seniors. And I can tell you what the seniors told me 'cause they were very clear. They want to know when are we going to get this done. They're tired of being in pain. They're tired of people talking about gateway drugs when alcohol is the biggest gateway drug there is and it's legal. So, Representative, I'd like to go back to my district and go back to Oak Park in particular to a nursing home that will remain nameless, so I can tell them that we finally did something about this, finally after all of these years. Now, they tell me, these people are in their nineties, some of them... a hundred and one-year-old lady told me, you people are stupid. Take care of our business. Representative, I intend to support your Bill. Let's take care of the peoples' business here today. Thank you."

Speaker Mautino: "I would remind the folks in the gallery that we don't allow demonstrations during debates on there. So,

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please be respectful of the speakers so all can hear.
Further discussion? Representative Nekritz, the Lady from
Cook."

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

Speaker Mautino: "Indicates that he will."

Nekritz: "Representative Lang, I've been trying to... to peruse
the Bill a little bit. This... your Bill does require a
treating physician to issue the permit to use the medical
marijuana?"

Lang: "Thank you for the question, Representative. Yes, a
treating physician must not only certify that the person
needs this product, but certify what the previous efforts
have been to eradicate the pain and the nausea, and certify
the specific debilitating illness that requires the
product. So, it just can't be a general notion of pain or
a general notion of nausea. The physician has to certify
in writing the exact debilitating condition."

Nekritz: "And how do you define 'treating physician'?"

Lang: "Well, the Bill has a definition. I don't have it in
front of me."

Nekritz: "Does it have... just as a definition of a physician or
is... or does it define with a relationship at all between
the patient and the physician?"

Lang: "Bear with me a moment."

Nekritz: "No problem."

Lang: "The Bill defines 'physician' as any doctor licensed to
practice in any branch of medicine, but I..."

Nekritz: "But it doesn't define the relationship..."

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Lang: "I would like to... I would just simply like to add that regardless of who that physician is, and regardless of how long the relationship has gone on between the patient and the doctor, the doctor must certify in writing that the patient needs this product, what the debilitating condition is, and risks his or her license if they lie on this document."

Nekritz: "Okay. Does... and does the legislation allow for reciprocity between Illinois and the other states that would have... that would allow medical marijuana?"

Lang: "The department would have to create rules to determine whether people coming in from other states with proof that they're allowed to have marijuana in those states. However, it does allow a short grace period from coming into Illinois for that purpose. The department would have specific rules to follow."

Nekritz: "So, if you come in from Colorado or California, you'd have some... some period of time which you could get the medical marijuana dispensed, but then that would have to be reviewed by the department?"

Lang: "Yes. And I want to go back to your last question, Representative, about the physician-patient relationship. The Bill says a written certification shall be made only in the course of a bona fide physician-patient relationship after the physician has completed a full assessment of the qualifying patient's medical history."

Nekritz: "And do you think the rules will define that better? Is that... would that be typical?"

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Lang: "I think the rules will certainly define the last question you asked me before that relative to people coming in from other states."

Nekritz: "Okay."

Lang: "I think the Bill's pretty clear about the responsibilities of physicians and they run the risk of losing their license if they're not truthful."

Nekritz: "Just do... and what is the... what is the relationship between someone using the medical marijuana and an employer? Can an employer still operate what they would, you know, if they're... if they're operating a drug-free workplace? Can they still do that? How would... how does that work?"

Lang: "Bear with me."

Nekritz: "My five minutes are ticking, Representative."

Lang: "We'll give you more time, I'm sure."

Nekritz: "I'm sure the Speaker will do that."

Lang: "All of your normal workplace rules regarding Smoke Free Illinois and drug-free workplaces would apply, Representative."

Nekritz: "Okay. And would it... is it still unlawful then to operate a vehicle while you'd be under the influence of the medical marijuana?"

Lang: "Yes. Those rules haven't changed. This... this does not give someone carte blanche to be high on marijuana or any other product and do things that are dangerous to the general public."

Nekritz: "And what is the situation with Home Rule on this legislation?"

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Lang: "It... the Bill does not mention Home Rule in any way."

Nekritz: "Does it... does it allow municipalities then to control where the dispensaries would be located?"

Lang: "The Bill does not control Home Rule in any way."

Nekritz: "Okay. And what... if someone applies, does it... is there a grace period when someone applies with the Department of Public Health before... so that they could start to use the medical marijuana before the department has the opportunity to actually review their application?"

Lang: "The department has to review the application, review the doctor's..."

Speaker Mautino: "The Gentleman will be permitted to answer and we'll grant an additional minute to the Lady."

Lang: "The... the department would require to review the letter, to review the patient history and to determine whether a person was entitled to the license. And the patient would not be entitled to have the product until they receive the license."

Nekritz: "Okay. So, there's no... there's no pre thing that says or like a grace period, again, where you could have it and then... and... while the department's reviewing the license?"

Lang: "There is no such provision."

Nekritz: "And... and do we have... what is the... what is the expense to the department on this?"

Lang: "The department has not given me a fiscal note on this. I can't imagine that it would be very costly. There aren't that many people that we expect are going to apply for this."

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Nekritz: "Okay. I appreciate your... your responses to my questions. Thank you."

Lang: "Thank you."

Speaker Mautino: "Further discussion? The Gentleman from Cook, Representative Dunkin."

Dunkin: "Thank you, Mr. Speaker. I, too, rise in support of this legislation. And I'd like to commend the Sponsor for doing his homework and his due diligence for quite some time now. I, too, have heard from a number of individuals in my district who have discussed the rationale... trying to figure out the rationale, at least, as of why this is still an issue here in the State of Illinois. Given the fact that we have all different brands of aspirin, but they work differently on different people. We have all different brands of pain medicine, but they have different effects on different people. This Bill simply allows a physician to have the option, the choice, a patient to have the option, a choice to help subside some of their chronic pain. And if we read just the second Amendment to this Bill, it says very specifically, a debilitating disease or medical condition or its treatment that produces intractable pain which is severe, debilitating pain that did not respond to other reasonable medical efforts for a reasonable period of time, including in cases where other treatment options produced serious side effects. People, we're talking about cancer, we're talking about glaucoma, HIV/AIDS. We're talking about hepatitis C, agitation of Alzheimer's disease, nail patella or the treatment of other conditions such as: wasting syndrome, severe pain, severe nausea,

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seizures, including, but not limited to those characteristics of epilepsy and/or severe and persistent muscle spasm, including, but not limited to those characteristics of MS. We can come up with as many arguments against this legislation, but I think the real tale is when you know or when you talk to someone who has tried most of the over counter drugs that has been described or prescribed by their respective physician. Unless you know and have talked to someone who wakes up every day or goes throughout their day in severe and abject pain, we should be supporting some form of palliative care. Marijuana in its natural form has been studied by the DEA, by the State of Mississippi, by 15 states and they found reasonable arguments to support and fund this type of legislation. This is the 21st century, 10 years in and we're just now having this medical marijuana conversation, debate, on whether we help people or not who are in severe pain. If there were medicines that could help people, this wouldn't be an issue, but the fact of the matter is, every drug is not for every person. And if a... if people are trying or using medical marijuana today and it's helping them, what's wrong with that? There's not a problem with helping someone who has a terminal illness who is looking for some form of relief. I think this is a grand opportunity for us to come into the 21st century by giving patients an option, an option to help save their life, the option to help make their lives a little bit more manageable and to do the right thing for those people who expect us to use common sense and to make sure that we're

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helping people all across this state. I would ask and encourage an 'aye' vote."

Speaker Mautino: "Further discussion? The Gentleman from Cook, Representative Miller."

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

Speaker Mautino: "He indicates that he will."

Miller: "Representative Lang, there was some comments that were made earlier in terms of... of restrictions and process. Representative Nekritz had went through sort of a deliberative process in terms of restriction. Could you elaborate on the fact... on some of those restrictions and go... and purposes of who would regulate the... the prescription process? It still would be under the Department of Professional Regulations?"

Lang: "Actually, this would be regulated by the Department of Public Health, Representative. So, the Department of Public Health would accept the applications for license, the doctor's recommendation, along with the patient histories, along with the specific debilitating disease or... or malady that's trying to be addressed. The department would then be under the responsibility of determining whether the person, under the law as we pass it, and the rules as the department themselves will pass it, is entitled to the license. There will also be created a panel of 14 people, most of them physicians, who will advise the department before they create their rules so that we make sure that the rules address the needs of the patients, but also the needs of... the public to be protected."

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Miller: "So, in terms of when you say rules, it would go through a JCAR process?"

Lang: "Yes, it would, Sir."

Miller: "All right. In terms of... there was conversation about who could prescribe. As you know, I'm a licensed doctor in the State of Illinois. I could, by what you said, could prescribe medical marijuana. Is that correct?"

Lang: "Well, you could if the disease or malady that you had put in the patient's history were sufficient to qualify under the statute and under the rules."

Miller: "Also, I don't know if you knew, I could also prescribe Viagra; I could also prescribe Coumadin, which is a blood thinner. I can also prescribe a litany of things that do and have this scope outside of dentistry. However, the Department of Professional Regulations would wonder and have a question on why would I be prescribing Viagra in my dental office, why would I be prescribing Coumadin, or drugs outside particularly the scope of dentistry. So, would that regulation, with that oversight for a physician or a dentist or... whoever, still be in place?"

Lang: "Yes, simply because you, as a physician, have recommended to a patient that they use marijuana for medical purposes and simply because the Department Public Health acts does not make a doctor immune from violating other statutes or other rules that the Department of Professional Regulation may have. And so, if you over prescribed, if you abused your authority, your license would be at risk."

Miller: "So, in terms of the process in which... that would happen, would it go towards the normal process finding out

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possibly I'm over prescribing or the department looks at the fact that there's some scope outside of dentistry and go through that regulatory process with the Department of Professional Regulations?"

Lang: "Well, you have two processes here: one by the Department of Public Health, one by the Department of Professional Regulation, relative to your medical license."

Miller: "Okay. Earlier it was talked about that you had said that this Bill, compared to the other states, was most restrictive. There was some discussion that it wasn't, and I wanted to sort of focus on that a little bit to determine how do you feel that this Bill is more restrictive than in other states compared to some of the earlier comments?"

Lang: "That's a question I appreciate. Let's take the worst-case scenario, the State of California. The State of California has a very broad Bill. And so, there are cannabis dispensaries on corner after corner after corner, like Starbucks or 7-eleven; they're all over the place. And the... though the statute is written in a very loose way, so that just about anybody can find a way to get a letter from a doctor indicating that they need the product. In our Bill, you have to go jump through a lot of hoops to get your license. And we think it's the most narrow Bill in the country and so do people from outside of this state who have... who have commented to me about the way this Bill is written."

Miller: "Representative, I think there's some concern about the fact that I could have an ingrown toenail and all of a sudden say that I need medical marijuana for it. I could

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just find a doctor down the street, here in Springfield. There... as you know, there are people in this chamber who've had toothaches and have asked me for my professional advice, some I've treated in the nurse's office. There is some perception that that could happen with this legislation..."

Speaker Mautino: "The Gentleman can bring his remarks to a close."

Miller: "Can I ask for a little bit more indulgence?"

Speaker Mautino: "You'll have the ability for someone else to yield time."

Miller: "Okay."

Speaker Mautino: "You'll be granted an additional minute."

Miller: "So, in terms of there's... there's a lot of perception that somebody could have, could come in at anyplace, at anytime and anybody, prescribe medical marijuana for that person?"

Lang: "That cannot happen under this Bill. It has to have a bona fide physician-patient relationship, you have to describe the patient's history, and you have to be able to say that the patient has a serious condition that's referred to in the statute, otherwise, the patient can't get the license."

Miller: "Okay. In the length of time in which that person comes into a physician's office and says that... 'cause usually these patients with chronic illnesses have been seen for a while. A patient came into my office the other day that I'd seen a few years ago. He was on a different blood thinner; he's now seen at the V.A. with a different physician. The mere fact of the matter... he could be under

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med... what is the process in which... in the length of time in which this can occur that someone can receive medical marijuana?"

Lang: "Well, as you know, Representative, the rules haven't been written yet by the depart..."

Speaker Mautino: "Further dis... The Gentleman... Representative Lang, you may answer the question."

Lang: "Thank you."

Speaker Mautino: "And then our next speaker, we'll move on to."

Lang: "Thank you. The... the rules haven't been written yet, but if a person's got a long-standing relationship with a physician, once the bill is effective, the person could go to their doctor. The department will determine what the rules are, but because they have to be very careful with these medical records and very careful with these requests, it certainly isn't going to happen overnight."

Speaker Mautino: "The Gentleman from Cook, Representative Carberry is seeking recognition."

Carberry: "I yield my time to Representative Miller."

Speaker Mautino: "Representative Miller will be granted five minutes."

Miller: "Thank you. I won't be that long. And so... Thank you, Representative. So, in terms of somebody who could not be able to come into any physician, get any prescription for this, it has to be a chronic illness and not necessarily any chronic illness, since we talked about diabetes earlier. It could be something that the physician themselves, with the consultation of the patient, to decide on this is the last course or a course of treatment."

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Lang: "This is the decision between a doctor and a patient, but since the doctor must certify a medical condition outlined by the statute, since they have to have a bona fide doctor-patient relationship, the possibility for abuse is very, very slim."

Miller: "Okay. Thank you, Representative. To the Bill. I support this legislation. I've heard a lot about the terms of... and I think the discussion needs to focus on some of the processes. I understand that we talked about it in terms of a gateway drug. The mere fact that there are many youth without this legislation, is using medical... marijuana for out... without medical purposes. I do believe in the advances of medicine, and whether we think this is part of it or not, I believe it is a step in the right direction, because I have seen patients with debilitating diseases that this is the choice of last option. It's not the first choice, as Representative Lang has talked about, there are checks and balances in place. And I believe we do need to move forward as a state to make this legal, restrictive to those patients that have no other option. And so as a medical provider, as a health care provider, I believe this Bill and legislation should pass. Thank you everybody for listening."

Speaker Mautino: "Further discussion? The Gentleman from Jasper, Representative Reis."

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

Speaker Mautino: "Indicates that he will."

Reis: "Representative Lang, I wanted to follow up on some questioning from another Representative about the

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application. It's my understanding when reading the Bill that if someone has this serious, bona fide condition and the doctor writes a recommendation for this, they apply for this license, that if after 20 days they do not have the license, the application becomes the license."

Lang: "Hold one second, Sir. We're looking that up. Can you move on and we'll get you that answer, Sir."

Reis: "Okay. Well, my concern is, is that they apply for this. The doctor says okay, Mr. Jones, you have this serious, bona fide condition. I'm going to recommend that you apply for this. But it's still up to the department to issue whether or not they're accepted or not. We're going to have these reoccurring applications that go on, when the application becomes the license and it's..."

Lang: "Well, Representative..."

Reis: "I think that's a legitimate concern that..."

Lang: "It should not be a concern. If a patient is sick enough, and has waited long enough for this health care product, the department surely ought to be able to look at the application in 20 days and make a decision, and so the purpose..."

Reis: "Michigan's taking 90 days."

Lang: "Sir?"

Reis: "Michigan is taking 90 days, so..."

Lang: "Well, we're not going to let that happen in Illinois, because the people in that gallery are sick and they need the help of the State of Illinois."

Reis: "No."

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Lang: "And we're not going to let a 20-day deadline get in the way of that."

Reis: "Well, you and I agree on many issues and we disagree on many issues, and the fact that the State of Illinois is doing its job in many of the regulatory issues in a timely and efficient manner is something that we probably both agree on that they're not doing. The next issue is will we have a reciprocal agreement with other states. Use California or Colorado, if someone has a license there, can they come here and use their medical treatment, as you called it?"

Lang: "No, but the Bill does allow for a grace period if you have a valid card from another state. It requires you to get a new license from Illinois within 30 days."

Reis: "So, if you're from California and you're here visiting family for two weeks, you cannot smoke marijuana while you're in Illinois?"

Lang: "No, you misunderstood me, Sir. If you have a valid license from another state, you have a 30-day grace period. So, you could do it for 30 days, but then you have to get a license."

Reis: "To be fair, do they have that grace period now without your legislation? If someone tomorrow comes from California, could they smoke marijuana in Illinois?"

Lang: "No, I don't believe they do, Sir."

Reis: "Okay. So it's not just the message we're sending by legalizing this in Illinois, it's the fact that we're opening up a whole lot of people that could be using this in Illinois. You mentioned a public place, that they

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cannot utilize marijuana in a public place. Does that count streets?"

Lang: "Yes."

Reis: "Streets is a public place?"

Lang: "Yes."

Reis: "A park?"

Lang: "Yes."

Reis: "So where can they smoke this legally?"

Lang: "Where can they smoke it legally? Or use it legally?"

Reis: "Yes."

Lang: "Because it isn't always smoked. Sometimes it's baked into food."

Reis: "Okay."

Lang: "Sometimes it's ingested in other ways. Home is the place they would do it, Sir."

Reis: "Only home?"

Lang: "Yes, I believe so."

Reis: "So, that's very restrictive. Okay. To the Bill, Ladies and Gentlemen... Excuse me, one more question. On landlords, it says that they cannot deny occupancy based on this. If a landlord now has apartment rentals and they have a no smoking, no pet policy, will they still be able to have the no smoking policy?"

Lang: "If they have a no smoking policy that's legal under city law, then they have a no smoking policy, Sir. I think they'd be shortsighted. I think it'd be kind of silly to say to a cancer patient, who may be dying, you can't live here because once a day you may light a cigarette in this

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unit. But if that's what they choose to say and it's legal under that municipality's local ordinance, so be it.

Reis: "Okay. Thank you. To the Bill. Ladies and Gentlemen, this concept goes way... well beyond medical use, medical treatment. This is about the legalization of marijuana. I mean, most of the medical treatments that have come about, have come about in the last 50 years. Why wasn't this legalized years ago? I mean, they tried so many things. We have the drugs today, we have the ability to do this, but we're sending the wrong message to our chi..."

Speaker Mautino: "Grant the Gentleman an additional minute."

Reis: "Okay."

Speaker Mautino: "Please bring your remarks to a close."

Reis: "Like many of the Bills that we may be discussing today, as to what... what is the message that we're sending our children? It's not just people from Illinois that are going to be smoking on... using this product on our streets; it's going to be from other states. And I think that we need to take a look at the message that we're sending our children. This has been illegal for a reason, and I think it should continue to do so. I urge a 'no' vote."

Speaker Mautino: "Further discussion? The Gentleman from Winnebago, Representative Sacia."

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

Speaker Mautino: "He indicates that he will."

Sacia: "Representative Lang, you and I would agree that alcohol has a .08 tolerance. What is the tolerance for marijuana?"

Lang: "I don't believe there is a standard, Sir."

Sacia: "My point exactly."

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Lang: "Excuse me, excuse me. The Bill defines it as being intoxicated."

Sacia: "Okay. So, in other words, if a law enforcement officer were to stop an individual and runs a breathalyzer and gets nothing, they would simply go through the walk test or whatever to come up with a determination if there is intoxication. Is... is that a valid statement?"

Lang: "I didn't hear your whole question, but I think the answer is yes."

Sacia: "Well, I don't want a, I think the answer is yes, Sir."

Lang: "Well, then if you'd repeat your question, Sir."

Sacia: "All right. I sure will. My question is, then the law enforcement officer, if he gets, you know, a negative result on the breathalyzer, he would go through the other procedures that are normally acceptable in courts of law, and utilized by law enforcement officers. Is that a fair statement?"

Lang: "That is correct, Sir."

Sacia: "It takes me right to my point. Ladies and Gentlemen, there is not a law enforcement agency that is in support of this legislation. They are all in opposition: as is... the Illinois Department of Health, the Illinois Association of Chiefs of Police, the Illinois Sheriffs Association, the Illinois Fraternal Order of Police, the Illinois Police Association, Illinois Municipal League, Illinois Chamber. I could go on and on, there's about 20 more in opposition. Ladies and Gentlemen of the House, this is legislation articulated so well by a pharmacist on this floor, when he pointed out, why hasn't the FDA acted on this. Marijuana

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is known to have over 400 different carcinogens and other... 400 chemicals, many of which are toxic, many of which are very, very unsafe to your health. The law enforcement community is adamantly opposed to this legislation. I'm not going to get into the whole gateway drug issue. I'm simply going to state that without the FDA approval, by trying to push something through in legislation, we are doing a huge, huge disservice in Illinois. And I request your 'no' vote. Thank you, Ladies and Gentlemen."

Speaker Mautino: "Further discussion? The Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Speaker. To the Bill. Ladies and Gentlemen, you know I was not supposed to be back down here anymore. I came back down here for some of the Bills that we are taking up today, because the reason that all of us do this job is to try to impact the lives of the men and women of the State of Illinois. There are few Bills that we will deal with that have the opportunity and ability to more directly impact the lives of people than this one. Are there reasons that people could have for opposing this Bill, I suppose there are. I think many of the reasons that people have are not legitimate ones, and I say that with all due respect. But whether it's fear of political ramifications, and like the Sponsor of the Bill, I've talked to a number of people that said they support this Bill wholeheartedly, but they're afraid of the political fallout from voting for it. When we talk about people raising the demon of marijuana being a gateway drug, Ladies and Gentlemen, this Bill is not about 16-year-olds looking

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to get a cheap, quick high. This is about people who are in debilitating pain, people that have minimal quality of life, people that are terminally ill looking for compassion, not a high, looking for relief, not a cheap high, looking for us to give them the ability to get some type of quality of life back again. While this debate was going on, I received an e-mail from a gentleman that I used to practice with at the Attorney General's Office. A two-time cancer survivor, who while going through chemo, was told by his nurses that he should go find a connection for pot. So, rather than us offering compassion to terminally ill people, to people that have debilitating illness, rather than offering them compassion, we're looking to close the door on them and trying to criminalize them by forcing them to go through backdoor channels in order to obtain relief. We have the ability, not to play doctor, not to play God, we have the ability to create a very defined, rigid framework under which people can find relief from pain, under which people can do something to get an appetite back again, under which people can do something to try to sleep, something to stop aching. I find it hard to believe that anybody in this chamber can look in the eyes of a suffering patient, and listen to their plight when they tell you why they want to have access to medical cannabis, and say no to them. We have the ability here to truly make a difference in their lives in a very safe way. This Bill... and your vote on this Bill should not be driven by fear of a mail piece, should not be driven by fear of an e-mail campaign against you. If there's an issue that

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should not be a partisan issue, there's an issue that should not be a regional issue, it's the issue of improving the quality of life of people that are suffering. We talk about again, you know, the previous speaker talked about the various chemicals in marijuana, another speaker talked about marijuana being a gateway drug. Ladies and Gentlemen, we've all seen a far greater toll being taken on individuals and their lives and their families' lives by alcohol than by cannabis. We've seen more people get in trouble and have health issues from tobacco than from cannabis. One of the speakers talked about the possibility of somebody smoking long-term, maybe developing lung cancer as a result of using medical cannabis. Talk to somebody who has months left to live, talk to somebody that doesn't know what it's like to wake up or go to bed without being in pain, developing cancer 20 years down the road, potentially is the furthest thing from their mind, being able to get out of bed the next day is what's on their minds. Ladies and Gentlemen, this is not about legalization of pot, this is not about opening up the door to gateway drugs for young kids or casual users. It's about our ability as Legislators to improve the quality of life of people in Illinois. I ask you very sincerely, just to look deep within yourself and do what you believe is right on this. I think if you do, you will vote 'aye'. Mr. Speaker, should this Bill get the requisite number of votes, I request a verification. Thank you."

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Speaker Mautino: "Representative Lang, you're seeking recognition I believe to answer a question from a previous commenter."

Lang: "Thank you. A previous Legislator asked me about an issue that he thought he read in the Bill that said that if an application was in for 20 days and not approved or denied it became approved automatically. The Gentleman misread the Bill. The Bill says that if the department has not adopted rules within 140 days of the time they are supposed to and applications are coming in, the applications are deemed approved after 40... after 20 days. The fact is that if we pass this now, the Bill does not become effective until July, the department will have many months to create rules, so this provision will not come into effect."

Speaker Mautino: "Further discussion? The Lady from Brown, Representative Tracy."

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

Speaker Mautino: "Indicates that he will."

Tracy: "Representative Lang, I had a call from a constituent who is an employer, and he employs varieties of workmen and work ladies in his workplace, among them, accountants, forklift drivers, and he had read the Bill. I have read the Bill, and it looks to me that there are about three different areas that refer to employers and how this Bill effects them. And this constituent posed questions to me about the Bill and I didn't exactly have the answers and I... and so I pose them to you because this employer is worried about his rising workmen's compensation rates. He's also worried about his rising liability insurance rates and he

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poses the same questions to his liability insurer; how will this Bill affect me? Because as I see it, it says that no employer may prohibit the use of the medical marijuana, not necessarily at the workplace, but by one of the work people. And he says, so, if I have a forklift driver, and let me preface this saying that he... they do random drug testing at this workplace, and if a forklift operator has Crohn's disease or one of these debilitating illnesses, how am I to treat him? Am I to allow him to operate a forklift?"

Lang: "Is that a question?"

Tracy: "I mean, just for his... I mean his liability insurance is saying no you cannot. So, does he have to then find different work for this employee other than his regular work as a forklift operator? Because why... how do we define impairment. When they randomly drug test, they may find these metabolites in the blood, but it says that just so they aren't in concentrations to reduce impairment. So my question is, is what am I to respond to an employer who is worried about how this affects him in the workplace and employing people who now could be under the medical marijuana influence?"

Lang: "Representative, today under the law, an employer can refuse to allow a person to use that forklift if they think they're under alcoholic impairment or medical impairment or medication impairment. The same patient who we're talking about in this Bill, who might use marijuana for medical purposes, if this Bill were to pass, can today come to work having taken 12 codeine, 10 Vicodin, 8 OxyContin. Nothing

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changes. The employer still has the opportunity, the power and the right to refuse to allow an employee to work under an impaired state; nothing changes, it's the same law."

Tracy: "But let's look at... the three different places that we talk about in this Bill, the employer's rights and obligations in regards to this. No employer may refuse to employ or otherwise penalize a person solely because of his status as a registered, qualifying patient. Nothing... and on page 21 of the Bill, nothing in this Act shall be construed to require an employer to accommodate the ingestion, et cetera, in any workplace, of any employee while working under the influence of cannabis provided that a qualifying patient shall not be construed to be under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment. How do we define that? What is that?"

Lang: "It's no different than the current law, Representative, regarding alcohol at the workplace or other drugs or medicines people ingest and go to work."

Tracy: "But we have a... but is it..."

Lang: "The Bill says that an employee may not be disciplined... the Bill says an employee may be disciplined for coming to work in an impaired state. Whether it's alcohol or marijuana or OxyContin or Vicodin, or any other impairment, the law hasn't changed.

Tracy: "But we have a breathalyzer to monitor the alcohol; we have a legal limit."

Lang: "Do employers have breathalyzers on their locations?"

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Tracy: "Certainly they do. They have random drug testing all the time."

Lang: "And they make..."

Speaker Mautino: "Please grant the Lady an additional minute to bring remarks to a close."

Tracy: "Yes, I believe actually they do when dealing with forklift operators and the like, they do, but we have a qualifying..."

Lang: "There is nothing in this Bill that prohibits an employer from continuing random drug tests."

Tracy: "But how does he determine that there is or is not impairment under this?"

Lang: "The same way they determine now. I don't know why we're not communicating, Representative. If a person comes to work and the employer thinks they're drunk, they can hand the breathalyzer to them and say breathe into this. If someone comes to work and the employer knows that the person has a medical cannabis license and they believe that that person is under impairment, they'll say, here's a bottle. Go to the men's room and do what you need to do in there and we'll do a little test right now. Nothing changes in the law."

Tracy: "But there, again, they will test positive, and then we have to determine... I mean, it... it is a risk for the employer with a liability situation because what..."

Speaker Mautino: "Further discussion? The Gentleman from DuPage, Representative Ramey."

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

Speaker Mautino: "He indicates that he will."

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Ramey: "Representative, you seem to be going to staff to answer a few of your questions. Is this your first Medical Marijuana Bill?"

Lang: "It is my first Medical Marijuana Bill. By the way, I love when you wear the red jacket, Representative."

Ramey: "I was asking if you would like to wear it now."

Lang: "Yeah. I... I appreciate it."

Ramey: "Very good. I know there was a few questions already answered for me, but there are a couple that I have of my own. You talk in Bill where a person can have up to three mature plants but perhaps six growing. Is that correct?"

Lang: "Yes."

Ramey: "Do not doctors dispense medical marijuana?"

Lang: "Doctors do not dispense medical marijuana in the State of Illinois, Sir."

Ramey: "Can they? In other states, let's put it that way."

Lang: "You're talking about under the Bill, Sir, if we pass the Bill?"

Ramey: "If I might... It's a general question. Cannot doctors dispense medical marijuana?"

Lang: "No, I don't believe..."

Ramey: "Perhaps not in Illinois, but do they in other states?"

Lang: "I... I don't know about other states; perhaps yes, perhaps no. But this Bill will not allow for that to happen because..."

Ramey: "Why not?"

Lang: "...under ...because under Federal Law, a doctor can't even prescribe medical marijuana. So, it'd strain my

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imagination to think that a doctor could hand out medical marijuana."

Ramey: "So, we're going to say all right, here, start growing your plants. Do we give them six..."

Lang: "What the doctor is going to say is Mr. or Ms. Patient, you're sick. I've tried dozens of other combinations of remedies to make you feel better. You have a debilitating illness. Perhaps you're 75 years old and you have fatal colon cancer. The doctor's going to say, this is a product I think will help you. Here's a piece of paper that will enable you to get a license. After you get the license, you go get the plants. You take care of the plants yourself."

Ramey: "Where do you get the plants from?"

Lang: "From a dispensary, Sir."

Ramey: "So, is now Illinois going to have a new agricultural product?"

Lang: "Illinois is going to have a limited number of dispensaries also licensed by the Department of Public Health. They will determine how many dispensaries we will have."

Ramey: "Are we going to subsidize that agricultural product?"

Lang: "I don't think you really want an answer to that question, Sir."

Ramey: "Are there increased Medicaid cost to this?"

Lang: "Not to my knowledge."

Ramey: "Will Medicaid cover it?"

Lang: "Not to my knowledge."

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Ramey: "So, if somebody was on Medicaid here in Illinois and they got their... their license and they went to go get this product from a dispensary, they would have to pay for it themselves."

Lang: "That's correct, Sir, unless there's some insurance policy I'm unfamiliar with that might cover it."

Ramey: "Well, I just... I just want to clarify everything. And one other issue that came up, you answered a previous question. In your legislation, Section 40(b), if the department fails to issue a valid registry identification card in response to a valid application renewal submitted pursuant to this Act within 20 days of its submission, the registry identification card shall be deemed granted and a copy of the registry identification application or renewal shall be deemed a valid registry identification card."

Lang: "Mr. Ramey, you haven't read the whole Section."

Ramey: "I just..."

Lang: "Prior to that, it refers to if the department does not create rules."

Ramey: "Correct."

Lang: "Only if the department does not create rules. That's going to be... this Bill does not become effective 'til July of 2011."

Ramey: "So, if they create a rule..."

Lang: "There will be no gap. The department is going to create rules day one, July 1, 2011, there will be rules. No patient will get a license without going through the department."

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Ramey: "That is correct. So, even if the 20 days pass regardless if these rules are applied or not then the application does not become the card?"

Lang: "That is... no, the Bill says only if the department has not created rules. It's put in there to make sure the department creates the rules..."

Ramey: "Okay."

Lang: "...and they will."

Ramey: "Are you clear on that? Well, that was a dif... somebody else's question. My other questions go on to say, you know, we're talking about the cost. People have talked about carcinogens in the marijuana cigarettes or the... the plant itself. My question was, is it going to drive up costs for the state because now the person has some other disease developed from using this product?"

Lang: "Representative, it's going to reduce medical cost for the state of Illinois."

Ramey: "How is that?"

Lang: "Because there are people out there who let's say, are on Medicare or Medicaid who get OxyContin, get other products. They're going to be getting off of those products and paying for this product themselves and they will feel better and they won't be in emergency rooms and they won't be a burden on the taxpayer."

Speaker Mautino: "The Gentleman will be granted an additional minute if you need one, Sir."

Ramey: "Thank you. To the... to the Bill. I think I'll have to agree with the 26 other people that have said no to the

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Representative and will stay with a 'no'. I ask for a 'no' vote on this legislation. Thank you."

Speaker Mautino: "Further discussion? The Gentleman from DuPage, Representative Reboletti."

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

Speaker Mautino: "Yes."

Reboletti: "Representative Lang, what will happen to somebody if they get this medical marijuana card with the respect of their driver's license. Will their driver's license privileges be suspended?"

Lang: "I didn't understand the question, Sir."

Reboletti: "Well, if you ingest medical marijuana, you would have THC in your system for probably about 30 days. And in the State of Illinois, under the Illinois Vehicle Code, it says you cannot have any amount of any controlled substance including THC in your system when you're driving a vehicle. Otherwise, it's a per se violation of the statute and you could be found guilty of DUI. If a person was to have this medical card, would they be able to maintain their driver's license?"

Lang: "The answer is yes."

Reboletti: "But they would not then be able to drive if they were using the medical marijuana, so wouldn't we want to protect the public from keeping them off the roads because they would be in violation of the DUI statutes?"

Lang: "Sir, it is not my intention in this Bill to allow people who are impaired to drive. So, you can roll that around as many different permutations as you wish, but we are not

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going to allow impaired people to drive in the State of Illinois and this Bill does not allow them to."

Reboletti: "Well, I would beg to differ, Representative, because if you have any amount of that in your system, you would be in violation of the Illinois Vehicle Code 11... Section 11-501. What schedule substance is marijuana?"

Lang: "You talking about under Federal Law, Sir?"

Reboletti: "Yes."

Lang: "Whatever the highest level is."

Reboletti: "Schedule 1?"

Lang: "That would be it, Sir."

Reboletti: "And it's a Schedule 1 substance because it has no medical value is... isn't that true?"

Lang: "No, that is not true, Sir. It's a schedule 1 because years ago when they made it a schedule 1 no one had really studied how well this works for some people and the folks in Congress and the folks at the Food and Drug Administration have not done necessary research to prove otherwise; and therefore, what they thought was true 20 or 30 years ago we know not to be true today."

Reboletti: "Why hasn't Congress acted on that then? I... it..."

Lang: "Well, you know what, I'm not in Congress; you aren't in Congress, we're only here."

Reboletti: "I... I understand that. I... I appreciate that. What about Marinol and some of the other substances that are derivatives. Those have already been legalized; they're already in use. Why... why isn't that sufficient?"

Lang: "It's sufficient for some people and not for others. And for those for whom it's sufficient, a doctor will prescribe

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it. For those... for whom it is not sufficient, we need this Bill."

Reboletti: "Does... does your Bill also state that you cannot deny somebody visitation if they are using medical marijuana, if there's a child custody issue?"

Lang: "Bear with me. The Bill says you can't be denied visitation solely because you're taking medical marijuana. Just like under the law today, you can't be denied visitation solely because you had a few drinks."

Reboletti: "What... what would this Bill do with respect to... a FOID card? Would a person who has this... this medical marijuana card be able to still possess a firearm and have a FOID card?"

Lang: "Yes."

Reboletti: "Is that in the Bill?"

Lang: "It doesn't prohibit in the Bill, so therefore, the answer is yes."

Reboletti: "To the Bill. Ladies and Gentlemen, marijuana has no medical rationale... or basis to be used to treat any type of... any conditions. There are already sufficient medical ways to treat pain, to treat suffering. We have Marinol. There are other substances that are available out there. And I don't know of any other medication that would be prescribed that we... would be ingested by smoking. It... it's almost tantamount to looking at heroin and saying, well, these pain pills aren't working, so I think we should legalize heroin because it's more powerful than the medication that I can get from my doctor. So I would urge a 'no' vote."

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Speaker Mautino: "Representative Lang. Further discussion?
Repre... Representative Cole."

Cole: "Thank you, Mr. Speaker. To the Bill. I think I might be one of the last speakers today. I am the last. And I... I really did intend to stand up and speak 'cause I'm one of the newer people here and... but... but I have to say something that I... I said in caucus yesterday with this discussion. A lot of people know me; I'm one of the moderate Republicans on this side of the aisle, but you know, I'm listening to the other speakers today particularly talking with a selective discussion about disease applications and we're talking about the very serious diseases and some very painful diseases, but this Bill doesn't help them. This is about possession of marijuana: how many plants you can own, how many plants your next door neighbor can grow for you, and how much pot you can have in your possession. It doesn't talk about disease management. It talks about how much dope you can have. And I got to tell you, I really resent this. Please hear me out. I had a parent who died, Representative Lang, from bone cancer. It was not a pleasant thing to watch happen in the last month. If this Bill had nebulized marijuana or vaporized marijuana or had a delivery system for the medical applications of dope, you can talk about people that are suffering and dying, but it doesn't. This Bill is about how many plants you can have, how many plants your neighbor can have for you, and how much dried dope you can have in your possession. I really wish we would talk about seriously how people with Crohn's disease and bone cancer can benefit from different... a

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variety of drugs including the benefits of marijuana, if it were nebulized or vaporized but not smoked in a joint. Thank you."

Speaker Mautino: "Representative Lang to close."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I appreciate the debate on this controversial and difficult topic. I heard some things during debate that I will try to respond to in my remarks. Firstly, I heard some comments about what goes on in other states. Those Bills aren't this Bill. This Bill is more controlled than those states. Next, I heard about certain organizations who... in the medical community who may not be so sure that medical cannabis is a great idea but remember that this Bill requires your doctor to say that you need this product. Your doctor, not some organization in Washington, not some organization in California, not some organization in Puerto Rico, your doctor. If your doctor says you need this product, your doctor thinks you need this product. Who are we to say to a doctor that he or she cannot tell you what you need. Next, I heard more than one person say, well, there's no medical use that we found that makes this product valuable. There's the evidence. Everyone in that gallery, those people are the evidence that this product helps people live a normal life. They're there. The ones that can stand... they can't all stand. Up there is Jim Champion. He's a 44-year-old Army vet, married, two grown sons. He's had multiple sclerosis for 22 years. He's tried all sorts of medications: methadone, Marinol, morphine, Fentanyl, none of it worked. For him the

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cannabis worked by taking his pain away. It lessens his spasms, none of the other medications have done that. It increases his appetite; he can eat. And it allows him to enjoy life with his family rather than spending all of it in bed. In the gallery is Mike Graham, degenerative disk disease since 1999, two spinal fusions. He has got a screw in his back. Pain medications don't work. He was in bed three years; he lost 70 pounds. He was sent home to die and yet, there he is, Mike Graham. He couldn't keep any medication down, he couldn't keep any food down, he had a stroke, he had four heart attacks from prescription drugs which didn't work. Cannabis allows him to function, to keep food down, to enjoy his life, and he tells me he looks forward to dancing at his daughter's wedding. We're not here to worry about what we don't know; we're here and to take care of what we do know. What we do know is there are people that need our help. And for the people that want to raise the issue of what if this person gets into it, what if that person gets into it, what if the employer doesn't like the look in your eye when you come to work. Is that what this is about or is it about the people we represent, is it about the pain and suffering in peoples' lives? Free health care won't cost us a dime and we're going to tell doctors they can't tell Mike Graham what he needs to live a normal life. What about the 75-year-old colon cancer lady who's terminal, who doesn't work, who doesn't drive, who just wants to sit home and not be in pain and have some quality of life for the few months or years that God has given her on this earth. Are we going to take that away

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from her? Finally, finally, ask yourself this question. Don't answer out loud, just answer to yourself this question. You're at home and you get a call from your brother, your sister, your parent, that they have cancer. That they're in pain; they're suffering. You take them to the doctor and the doctor says I have a product that I can get for you but the State of Illinois says you can't have it. Which one of us would say to our parent, sorry mom, sorry dad, you can't have this product because I have a problem with it politically. Every person on this floor, whether you're for this Bill or against this Bill, would go through hell to find this product to give to your mother and there isn't a person in this room who wouldn't say honestly to me, you're right, you would get that product. Everyone of you that spoke against it, you would do anything to help a parent, a sister, a brother, a child. And so those people in that gallery and thousands of others in our state depend on us. They are our parents; they are our families. Vote 'aye'."

Speaker Mautino: "There has been... Representative Stephens."

Stephens: "Thank you, Mr. Speaker. For a clarification of the rules before we proceed, it's my understanding that a Gentleman on the other side had requested a verification. I am..."

Speaker Mautino: "There has been a request for a verification. That is correct."

Stephens: "...and I wonder, I... I need to understand clearly that if you request a verification of the 'aye' vote and then

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vote 'aye' would that... that then nullifies that request. Is that right? Is that the understanding of the Chair?"

Speaker Mautino: "Get that in just one second, Sir."

Stephens: "Thank you."

Speaker Mautino: "Representative Stephens, any Member has a req... has a... the ability to request a verification. Would you request a verification? Is that your request at that time?"

Stephens: "Yes, a verification of the 'ayes'..."

Speaker Mautino: "That will be granted."

Stephens: "...at the appropriate time. Thank you."

Speaker Mautino: "The Gentleman has closed. We've had a... had a debate on the issue and it is now... Yes, Mr. Lang."

Lang: "Point of order. Can a request for a verification be made after the Sponsor closes?"

Speaker Mautino: "Yes, it can. Technically, yes. Senate Bill 1381, the Gentleman moves passage. And all in favor will vote 'yes'; opposed vote 'no'. Please vote your own switches. There has been... requests for a verification. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Durkin. Have all voted who wish? Mr. Clerk... Representative Lang."

Lang: "Request Postponed Consideration."

Speaker Mautino: "We have to take the record on this. Mr. Clerk, take the record. Representative Lang."

Lang: "I would request Postponed Consideration, Mr. Speaker."

Speaker Mautino: "The Bill will be placed on Postponed. Representative Smith is seeking recognition."

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Smith: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Mautino: "State your point, Sir."

Smith: "On a lighter note, I have the honor... I don't think I've seen in my time here in the House, having birthday boys on both sides of me. Representative Tom Holbrook celebrated his birthday last week when we were not here. And today is actually the birthday of Representative Pat Verschoore. So, please join me in wishing them both a happy birthday."

Speaker Mautino: "Happy birthday, Gentlemen. Representative Zalewski, on the Calendar appears House Bill 1525. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1525, a Bill for an Act concerning revenue. Third Reading."

Zalewski: "Thank you, Mr. Speaker. House Bill 1525 creates an EDGE tax credit for Nalco, which is a water purification. The plant would be in the Naperville region. Nalco serves both my region and Naperville region. The tax credit would create 150... or I'm sorry, 150 jobs. It would keep a thousand jobs in Illinois, and it would be worth \$57 million of capital investments to the State of Illinois. I strongly ask for an 'aye' vote."

Speaker Lyons: "Representative Joe Lyons in the Chair. Is there any discussion? You've heard the Gentleman's explanation of House Bill 1525. Read the Bill, Mr. Clerk. We've already read it. Any discussion? No discussion. You've presented your argument, Mr. Zalewski. Excuse me for getting up here in the middle of the debate. Seeing none, the question is, 'All those in favor of the passage

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of House Bill 1525 should vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mike Bost, Esther Golar. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Rules Reports."

Clerk Mahoney: "Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on November 30, 2010: approved for floor consideration, reported to the Order of Second Reading-House Bills is House Bill 1715; recommends be adopted, referred to the floor for consideration is Amendment #2 to House Bill 1365, Amendment #1 to House Bill 6881, and Amendment #2 to Senate Bill 2485."

Speaker Lyons: "Mr. Clerk, what's the status of House Bill 1365?"

Clerk Mahoney: "House Bill 1365 has been read a second time, previously. Amendment #1 was adopted. Floor Amendment #2, offered by Representative Currie, has been approved for consideration."

Speaker Lyons: "The Lady from Cook, Majority Leader Barbara Flynn Currie."

Currie: "Thank you, Speaker. As originally drafted this Bill would have provided that Central Management Services would pay for insurance for our district service offices. As a reality, CMS does not do that even for other state agencies, so the Bill as drafted would, first of all, make

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sure that the insurance plan that CMS proposes, the general insurance plan, is written rather than just being verbally available to state agencies and to Members of the General Assembly. And that second, it would provide that CMS should propose a plan for how we do make sure that our district offices are insured against liability and other kinds of problems. So this is pretty mild-mannered language compared to what the State Government Administration Committee originally approved, but it is something that I think will work, will work well for us and for the administration for Central Management Services. I'd be happy to answer your questions and I'd appreciate your support for the Amendment and the Bill."

Speaker Lyons: "Is there any discussion? Seeing none, all those in favor for the adoption of Floor Amendment #2 signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #2 is adopted. Anything further, Mr. Clerk?"

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

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

Clerk Mahoney: "House Bill 1365, a Bill for an Act concerning government. Third Reading."

Speaker Lyons: "Representative Currie, House Bill 1365."

Currie: "Thank you, Speaker. This is exactly identical to what I just described. The Amendment becomes the Bill. Let's make sure that CMS gives us guidance about how we insure our district service offices, and let's make sure that the overall plan for insurance, promulgated by the department,

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is in fact available in print in hard copy. I'd appreciate your 'yes' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Crawford, Representative Roger Eddy."

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

Speaker Lyons: "Sponsor yields."

Eddy: "Representative, just very quickly. As we stand here today, how are our district offices insured if it's rental property as... how does it work right now?"

Currie: "It depends entirely on the relationship between you, the district office renter, and the landlord. So in some leases, the landlord pays for insurance, in some the landlord doesn't, and then presumably it's the responsibility of the tenant. The way CMS writes... deals with insurance for other state agencies that are not in government-owned buildings, is they require that the person who owns the property supplies the insurance. But not all of us have situations in which our landlords may be willing to provide the insurance. So, I think the answer is I think we want we want some clarity so that going forward we know that we... how we can cover ourselves against accidents, other kinds of liability. And I think that if we pass this Bill, we will get that clarity."

Eddy: "Okay. I appreciate that 'cause I think... I have had questions in my area for the exact same thing. Now, you're going to work with CMS on clarifying the language so that we'll get something at our office at some point."

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Currie: "Yes. So they will give us some advice and we will be able to structure a plan that will work for us at the district level."

Eddy: "Okay. Thank you."

Speaker Lyons: "The Chair recognizes the Lady from Lake, Representative JoAnn Osmond."

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

Speaker Lyons: "The Sponsor yields."

Osmond: "Representative Currie, would this particular policy.. is this a liability policy?"

Currie: "There.. there is no policy in this Bill. All the Bill does is to say that the department should promulgate in writing the plans it already has. And second, the department, now under this Bill, would have a responsibility to give us advice about how we might make sure that we have accident and other kinds of liability protection in our district service offices."

Osmond: "Well, right now, I carry.. I have.. I pay out of my district office.."

Currie: "Right."

Osmond "...a policy for liability and property."

Currie: "And we think you're going to be able to continue to do just that."

Osmond: "So, you're actually.. you're just going to give us, in this Bill, just guidelines of.."

Currie: "That's right."

Osmond: "...what we should have."

Currie: "That's exactly.."

Osmond: "Not nec.. not necessarily do a blanket.."

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Currie: "Right."

Osmond: "...for what we need in our district office, just give us guidelines."

Currie: "Give us guidance. Give us guidelines. Exactly right."

Osmond: "And that's all this... this Bill does?"

Currie: "Yes. Yes."

Osmond: "All right. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Champaign, Representative Chapin Rose."

Rose: "Thank you. Will the Majority Leader yield, please?"

Speaker Lyons: "The Sponsor yields."

Rose: "Thank you. Majority Leader Currie, what kind of a... if this passes will we be required to go within that plan or can we still go with outside insurance?"

Currie: "No. You can go..."

Rose: "Okay."

Currie: "...absolutely, you can go outside CMS."

Rose: "Because we had a claim I had... my district office is right there in eastern and we had a few..."

Currie: "Right. And you'll be able to continue doing just that, Representative."

Rose: "Okay. Okay."

Currie: "But some members don't seem to have a clear idea whether they're required to have insurance..."

Rose: "I understand."

Currie: "...how they get that insurance, whether the landlord should provide it, or if they should provide it themselves."

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Rose: "What CMS is..."

Currie: "So, what this Bill does is to provide guidelines and guidance to us and it also says that as a general proposition, CMS should promulgate its overall plans in writing."

Rose: "...'cause we had the claim based upon the damage from the vandalism damage at our office, it was handled immediately. I'm very happy with the service we had. So, I'll still go..."

Currie: "Yeah."

Rose: "Okay. Thank you."

Currie: "Yeah, and under this Bill you'll be able to keep exactly what you've got, as long as it makes you happy."

Speaker Lyons: "Representative Rose, you've completed your remarks? The Chair recognizes the Gentleman from Lake, Representative Sullivan."

Sullivan: "Will the speaker yield?"

Speaker Lyons: "Sponsor yields."

Sullivan: "I'm sorry. Representative, in reading the Bill, it does say that if the department recommends that insurance be purchased a listing of private entities... so then we could go out on the... on the private market and buy it, but it also then talks about if the department recommends that a system of self-insurance be established that... that we would look into that. So, is... is the potential that the department may recommend that we self-insure all these offices and then we would be required to follow that plan or should they self-recommend that..."

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Currie: "No. Again, this is going to be guidelines, guidance, recommendations. This is not going to have the course of law, recommends, we're talking here."

Sullivan: "Okay. So... so we will still have the ability to self-insure."

Currie: "Yes. Absolutely."

Sullivan: "And... and I apologize. I'm just reading this as I'm speaking, but I did see that portion where it said that a system of self-insurance be established. Okay. Thank you."

Speaker Lyons: "Representative Currie to close."

Currie: "Appreciate your 'yes' vote."

Speaker Lyons: "The question is, 'Should House Bill 1365 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Crespo, Mary Flowers, Lou Lang. Mr. Clerk, take the record. On this Bill, there are 113 Members voting 'yes', 1 Member voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status on Senate Bill 2485?"

Clerk Mahoney: "Senate Bill 2485 is on the Order of Senate Bills-Third Reading."

Speaker Lyons: "Mr. Clerk, move that Bill back to the Order of Second Reading. What's the status?"

Clerk Mahoney: "Floor Amendment #2, offered by Representative Mautino, has been approved for consideration."

Speaker Lyons: "Representative Frank Mautino on Floor Amendment #2 to Senate Bill 2485."

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Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #2 are some technical cleanups to the Bill that I talked about in committee and corrects some drafting error... errors. It places the Bill in the final form that I'd like to call it on Third Reading. So, I would ask for adoption of Amendment #2. And this will put the Bill in its final form."

Speaker Lyons: "The Gentleman's made a Motion for the adoption of Floor Amendment #2. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #2 is adopted. Anything further, Mr. Clerk?"

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

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

Clerk Mahoney: "Senate Bill 2485, a Bill for an Act concerning utilities. Third Reading."

Speaker Lyons: "Representative Frank Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2485 is the culmination of a number of years' work and is the Taylorville Energy Center, the Tenaska Project. Two years ago, under Senate Bill 1987, we put forward a study for a plant which would be the clean coal or one of the cleanest coal plants in the country, cleaner than those in existence, and will provide a great many benefits on many levels to the State of Illinois. The benefits under this Bill is the first step for clean coal to replace old coal power. Just under 50 percent of the Illinois energy today comes from coal and the industry projections are up to 40 percent of the existing plants may

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retire within 10 years. It takes about 5 years to develop and permit and 4 years to build a clean coal project and longer... much longer than that for nuclear. What will replace the retiring coal plants? And what will those effects be as we move forward? Illinois should take this first step with the Taylorville plant. We have federal support for the project and it is the furthest along of any of the clean coal technologies available, at this time, in the country. It would involve carbon sequestration, recapture of SOx, NOx, and be able to utilize one of our greatest resources in the State of Illinois. We have in Illinois the second largest deposits of coal within the country, more BTUs, in fact, than in Saudi Arabia. When I arrived here 20 years ago, Illinois provided about 60 million tons of coal per year. That amount now is about 32... 33 million of Illinois coal is now currently used. This has the opportunity to utilize clean coal, about 2 million tons per year, and to also bring forward technologies and test technologies which will call for and enhance the use of Illinois coal. At the peak in construction of this three and a half billion dollar facility, there'll be 2500 construction jobs and we're talking about 9 million labor hours. In addition to that, there are a number... a great number of other opportunities and options that will be available. Taylorville has worked for 4 years on this project along with Christian Coal and Tenaska. They have invested over \$40 million to bring this structure to the form that I present to you today. So, as far as the... the Bill going forward, it's time to take a

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look at a project that will bring jobs to southern Illinois, will replace old technologies on coal, will utilize about 2 million additional tons of coal per year for the next 30 years, and test those technologies and will bring great benefits to us. There have been a number of safeties that have been placed into the Bill following the ICC reports. First of all, there is a hard cap on residential use for the residential users at 2 percent. So, the cost structure in this cost-plus basis is about six cents per day, about \$1.80 a month regarding the bills themselves. There were concerns under the ICC reports about cost studies. So, we placed into the Bill under the Amendment that we discussed in committee a guarantee that any cost overruns would have to go through a prudency review at the ICC and that Tenaska would take and... and pay for two-thirds of any cost overruns, providing an additional level of protection. Now, this is not only for construction costs, but is also dealing with the cost of sequestration of carbon and that also would have to go through prudency reviews before they could be brought forward. We have the... the support in this Bill. And I want to thank the office of the Attorney General. We wanted to thank CUB for their work as we bring the Bill forward today and ask you to support a program and a new project that will bring and enhance the use of Illinois coal by Illinois business and bring forward the cleanest clean coal plant in the nation. I ask for your 'yes' vote on Senate Bill 2485 and stand ready to answer any questions."

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Speaker Lyons: "The Chair recognizes the Gentleman from Marion, Representative Cavaletto. The Gentleman does not seek the recognition. The Chair recognizes the Gentleman from Winnebago, Representative Dave Winters."

Winters: "Thank you, Mr. Speaker. To the Bill. Some of the assertions made for the necessity of the Tenaska project, include that we are going to be losing a lot of our coal plants over the next 5 to 10 years. That same prediction has been made for the last 30 years and I don't think that it's going to lead to a crisis. I think many of the plants that while they're quite old, have been reinvested in by the utilities and can continue to provide power. The... the answer to where do we go if, in fact, these coal plants do close is from the... extremely large deposits of natural gas that have been found in shale production through fracking, particularly in the Pennsylvania area. Natural gas is almost a glut on the market, at this point, and it is the fuel of choice being cheap and also lower in carbon intensity by 50 percent over coal. The third element that I'd like to discuss in this Bill for the consideration of this chamber is that we have defined a rate cap of just over 2 percent for the residential customers in Illinois, but we have not set a rate cap on the other half of the electrical users namely business. And when we are in an economy that is not creating jobs, we are still hundreds of thousands of jobs lower than we were 5 years ago, and we are not creating them in Illinois. We are in states around us. So, we're in competition to get companies to look at Illinois as a place to expand, either domestic companies

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that are already here or those that would like to expand Illinois, and sending a signal that we're going to protect our consumers of electricity with a rate cap but we're not going to protect business is the wrong signal to send. If we want a rate cap, we should do a rate cap for everybody, and it should be the same or we should expose everybody to the market conditions by not having a rate cap. But I think saying, well, we know consumers are voters so we're going to protect the voters, but the people who generate jobs don't vote so we're not going to worry about them, is the wrong message to send. So, I think this Bill needs to be rebalanced so that we have a true balance between the residents of this state and the job generators of this state. I don't think this Bill does it. I think it's simply another signal to business that we're not friendly to you in Illinois. The State Government sees you as a hapless victim, that we don't need to protect you at all, and with that kind of signal to our businesses and to businesses across the country that explains to me a large part of the reason that Illinois cannot keep up with the states around us. We're not business friendly. We look at them as the easy, the slim pair... or the easy pickings. I simply think that this Bill sends the wrong message and would urge a 'no' vote. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Bond, Representative Ron Stephens."

Stephens: "One of my colleagues advised me to keep talking. I know that excites everybody. Mr. Speaker, I just wanted to point out that there's this anti-movement that's supposedly

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the business community behind, but this is an anti-business Bill, and... and we've got to stop this Bill because it's bad for business, nothing could be further from the truth. We need to look at this in... in... like the rest of America looks at it. Tomorrow morning on page 2 or 3 of the Wall Street Journal there'll be a story about this Bill, and what they're going to point out is that Illinois finally came to its senses. We're sitting on one of the biggest coal deposits in the world, if not the biggest, and the rest of the world looks at us, and the rest of America looks at us and says, is everything loony in Illinois? Do you waste every opportunity you have? Do all of your leaders run around blindly turning their back on what is a solid, conventional idea about long-term power production in a sane way? That's what this Bill is about. It's about a long term commitment at a price that we know will be affordable for generations to use a source of energy that's here in Illinois that will be here beyond our vision. This is a commonsense idea taking into effect, taking into consideration, the... the concerns of all sides. We've worked hard and long on this and it is... its time has come. This Bill will be seen as a herald to a new era in Illinois. An era when we take care of our environment... responsibly, but at the same time provide the economic development, the engine behind the future jobs that the next generation depends on. I rise in strong support of this legislation, which is long overdue. Thank you, Mr. Speaker."

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Speaker Lyons: "The Chair recognizes the Gentleman from Jasper, Representative David Reis."

Reis: "Thank you, Mr. Speaker. To the Bill. As most everyone in this chamber knows, I'm very supportive of jobs and businesses in this state, but I think their... their assertions that this is going to drive business out of the state is a little exaggerated. Ladies and Gentlemen, businesses are concerned about costs, yes. But who says that these costs aren't going to go up anyway? Who says when these power plants shut down that their costs aren't going to rise when competitions is eliminated? We're going to pay the price for... for power in the future no matter how we do this. And I would submit to you that this is a very good test case for the new generation of power plants that are going to be coming to the United States right here in Illinois. It's been stated that Illinois is sitting on the Saudi Arabia of energy, coal. Two hundred and seventy years for the state's uses, but we have to have somewhere where we can burn it. It is a very, very difficult process in this state to permit a new power plant. Only one's been built in the last 35 or 40 years. It's right here in Springfield. It's a very, very small plant. What are we going to do when the other ones wear out? What are we going to do as population grows? The Attorney General's Office has signed off on this to move forward with the permitting process. Is it going to cost a little bit more? Maybe. But with the compromises that came out that was negotiated over break, Tenaska's going to pickup two-thirds of any of the cost overruns that are deemed prudent. That

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is huge at reducing the potential cost. We have to move forward with this technology. This plant will generate 2 percent of the states electrical needs, 2 percent. How can it really drive up the overall cost of electricity in this state when they're only producing 2 percent? As I said, I think this is a very good test model of what could become the standard in new power plants in the United States. The other thing that hasn't been talked about is 80 million tons of our coal goes out of this state, other countries, other states. We're not getting a nickel's worth of sales tax on that coal. Tenaska will pay sales tax on that coal for right here in Illinois. So, it's been said before that this is a Bill whose time has come. I... I agree with that. I think it's something that we need to take a look at. They have given us every indication that if this doesn't pass sometime in the next few days that they'll pull out and go to other states. Indiana's already told them they're welcome. This is for us, Ladies and Gentlemen. This is for Illinois for our energy needs and for southern Illinois coal that is so vitally important to our economic activity. I encourage a 'yes' vote."

Speaker Lyons: "The Gentleman from Macon, Representative Bill Mitchell."

Mitchell, B.: "Thank you, Mr. Speaker. To the Bill. First of all, I would like to thank the Sponsor. Representative Mautino, you've done a great job on this and I know you... you've worked very, very hard on this issue. I don't rise and speak a lot on the House Floor unless it's something vitally important. I have the honor... the honor to

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represent six townships of Christian County. This plant will be built either in my district or right on the line. This is a parochial issue to me. My previous... the previous speakers have talked about it's 100 percent Illinois coal. It's good for the environment. It's good for the economy. I'm here to speak in terms of the parochial issue of the counties that I represent, particularly Christian County, which we had unemployment rates announced last week. In Christian County, we have over 10 percent of the folks unemployed. There's an old saying, it's a recession when your neighbor's out of work; it's a depression when you're out of work. For the people of Christian County who are out of work, it's a depression. This Bill is vitally important to the economy of central Illinois. This Bill is a jobs Bill for central Illinois. I'm pleading with the Members, my colleagues of the Illinois House, to give me a vote, to give Mr. Mautino a vote, to help this area out, and indeed, to help the economy out of the entire State of Illinois. Thank you."

Speaker Lyons: "The Lady from Cook, Representative Elaine Nekritz."

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

Speaker Lyons: "Sponsor yields."

Nekritz: "Representative, is there any discuss... you know, all the discussion is about how this is going to impact rates and it's going to raise rates. Was there any discussion of attempts to lower electric rates in conjunction with this to offset that?"

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Mautino: "In the structure... that's a very good... good question. This is under... built under the utility model which most base-load plants, all base load plants in Illinois have been built under. And in doing this we wanted to make sure that we put in a hard cap at the 2 percent for that impact and that the largest thing driving any cost overruns for this new technology projects would be... any cost overruns would be picked up at a level of two-thirds. So, it was... it was planned and brought to the ICC as a cost-plus project."

Nekritz: "Yes, Representative, and I understand that but there are electric... electricity prices are subject to the same economic models as most other things are when demand goes up prices go up, and so if we can reduce demand, we can possibly reduce the price. There are mechanisms for us to do that. Energy efficiency programs are perhaps the least expensive ways for us to reduce... to reduce demand and thereby increase supply. And we are in a... in a fight right now about whether or not the Illinois Power Authority has the ability to purchase energy efficiency credits in the same way that they do with wind energy and solar energy right now, and that they be required to do under this Bill. Was there any discussion with the IPA about trying to give them that authority to buy the energy efficiency credits?"

Mautino: "Within the Bill itself, under the sequestration penalties that they don't do that there's a provision that those funds will be used for these... for the existing programs that encourage efficiencies and less use, but as

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to the federal program, that's not addressed within the structure of the Bill."

Nekritz: "So, it seems to me, Representative, that one of the best ways we could have done to ameliorate the price impact of this is to do that energy efficiency part of it. And I would hope that we could revisit that, if not in conjunction with this Bill, than certainly next spring, because that's something that's been very difficult to get passed around here and it seems to me that the ability... our ability to... again, if we're going to be... we know that this Bill is going to impact prices in a negative way for the consumers and the businesses of the State of Illinois. We ought to be able to come back with something that would positively impact rates for businesses and consumers in the State of Illinois and that should be a fairly easy sell. As I said, it hasn't been, but I would hope that we would all... for those that are supporting this legislation that you would be willing to work with those of us that are interested in energy efficiency to try to come up with a package that can actually save consumers money. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Ken Dunkin. Is Mr. Dunkin on the floor? His light is lit. The Chair recognizes the Gentleman from Winnebago, Representative Jim Sacia."

Sacia: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen, the area I represent in northwest Illinois is not affected directly in any way by this. However, I really would like to applaud whatever lobbying group it was

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two weeks ago who took the time to get each one of us a copy of the Atlantic magazine. There is a tremendous article in there on the world effects. I'm not talking about the Illinois effect of clean coal, about the world effect. And it goes into great length about the status of conditions in China, the significant growth in China, which is not news to any of us, but more importantly it breaks down and explains in layman's terms, even I understood it. And it was so impressive to learn how this technology works and how they break down the carbons of the coal underground with high pressure air and gases, and they are able to create such a dynamic effort. And yes, all of us are concerned about the cost. We hear numbers all over the board, 4.5 billion. Oh, there's going to be cost overruns. Ladies and Gentlemen, no one in this Body, no one in this state, no one in the nation, no one in the world doesn't recognize the needs for electricity going forward. We are on the verge of... within 20 years seeing numerous electric automobiles on our highways. This is an opportunity that we cannot afford to let get away. The Gentlelady, who spoke just a moment ago, made some very good points, but the reality is whatever kind of energy creation we have in the future will be more expensive than it is today, but we must perfect clean coal technology. We literally cannot afford to lose Tenaska. They have been in the forefront of this fight. They have spent millions; and yes, we the state, have contributed millions to them to get to the point where they are today. This is an opportunity for all of us to make history. And as Representative Stephens

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said, there will probably be an article in the Wall Street Journal tomorrow discussing this very thing. But let us not miss an opportunity to create a future in electricity that is so desperately needed, not only by Illinois, but our great nation, and the world. And if you still have that copy of the Atlantic magazine, take the time to read the article. It truly is excellent. I ask for your 'aye' vote and I ask the Sponsor to add me as a cosponsor. Thank you, Ladies and Gentlemen."

Speaker Lyons: "The Chair recognizes Gentleman from Iroquois, Representative Cultra."

Cultra: "To the Bill. You know, I'm... I agree with Mr. Sacia. I agree with a lot of people that spoke about this Bill on the aspects of clean coal and the need for it, but what... what I don't agree with is the sweetheart deal that we're giving Tenaksa at the cost of the taxpayers of Illinois. I mean, who wouldn't invest in a venture if you knew you were going to get an 11.5 percent guaranteed return for 30 years. You're forcing the 41 retail distributors of electricity to buy at least 5 percent of their electricity from Tenaska at a higher price than they could buy it anywhere else, which means they have to pass that cost on to their consumers. The rate for residential consumers is capped at 2 percent over whatever the market price is, but for everyone else, for our schools, for our nonprofits, for our business there is no cap. So, whatever happened to free enterprise? If this is such a great idea, why can't they risk their own capital rather than having us guarantee them an eleven and a half percent profit. I'm for clean

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coal and I think that's where we need to go, but I think this is to sweetheart a deal at the cost of the users to vote for this."

Speaker Lyons: "The Chair recognizes the Gentleman from Macon, Representative Bob Flider."

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

Speaker Lyons: "The Sponsor yields."

Flider: "Representative Mautino, in your legislation there are consumer protections that were negotiated and built in with regards to prudence, a provision. Would you..."

Mautino: "Including prudence, but also to the point of the last speaker, the rate of return, which that is old... those are old numbers and there's been a formula structured in there, so that previous statement would be incorrect."

Flider: "Now, you've been around here for a long time, have you ever heard of any power plant being built or any utility that tried to build a power plant that they did not try and recover their costs or try... or were that... the cost of that power or that cost of that power plant was free?"

Mautino: "Each of the... each of the plants that have built... have been built under a model of cost-plus with the ability to recover prudent costs. The last two being built in 1970... '78, I believe, in the '70s and the '80s. The last one was built in 1982. That's Newton I and II and there was actually an eleven and a half percent rate increase under that one. Under Newton I and under Newton II was a 22 percent rate increase. The formulas that we put in the Bill after the ICC report will not allow that to happen on either side."

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Flider: "Thank you. You know, one of the... one of the problems that I've had and that we've all seen here in Illinois is that we've had a number of power plants that are built in Illinois that used to use Illinois coal that are now using western coal. So even those power plants that are still in existence today, many of them are using western coal and what a travesty that's been to the Illinois coal industry, and what a travesty that's been to our economy, and we see how it's been devastated.. our economy in downstate Illinois has been devastated by this. And here we are in a new world. Back in the '90s a new law passed in Illinois, we have wholesale electric generation. We no longer have the vertically integrated utility. Utilities no longer are required to go out and build power plants. We are totally dependent... totally dependent on the wholesale market at a time when Illinois coal is still under assault. So, here we are with one unique opportunity to bring online a power plant at a time when nobody's going to build power plants without some incentive, nobody's going to build power plants without some guarantee. Anybody you ever see come to the State of Illinois who wants to build a power plant has their hand out. They want a grant. They want bond money. They want something. But it costs billions of dollars to build power plants, folks, and if we don't take advantage of an opportunity where a company has come to Illinois, pledged to use Illinois coal, look at new clean coal technology, and will not only absorb excess costs that could occur, because we know that typically they have over the years. We've seen the experience of utilities that

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have built these plants and have asked for double-digit incre... increases. If we don't take advantage of this now, what's going to be the answer to our future for Illinois coal? How are we going to power our future economy? There is no planning process in the State of Illinois that requires anybody to build any power plants. So, today we have an opportunity, to take advantage of using Illinois coal and building a power plant that will power our future. If we do not take advantage of this opportunity what will happen next? Who's going to propose the next power plant? Who's going to ensure that we use Illinois coal? How will our future be powered? It will be... it will be... there's no agency in Illinois, the Illinois Commerce Commission cannot mandate a power plant be built. We cannot mandate it unless we pass a law. Our next best step, our next best effort is to utilize incentives that we have to create opportunities to build electric generation that will power our future. And guess what? This will also help rebuild our economy, put coalminers back to work, help rebuild central Illinois's economy, and you know what, at a cost that's far lower to consumers than any other power plant that's ever been put online in Illinois. This is a unique opportunity, folks. We need to take advantage of it. If we do not take advantage of this, shame on us. Vote 'aye'."

Speaker Lyons: "The Chair recognizes the Gentleman from Menard, Representative Rich Brauer."

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

Speaker Lyons: "The Sponsor yields."

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Brauer: "Representative, to me this thing looks like it's about five things. We're talking about jobs. We're talking energy independence. We're talking about research. We're talking about the environment. We're talking about deregulation. Deregulation started in '97. At that time, can you tell me what the electrical rates were for the businesses, for the consumers?"

Mautino: "One more time."

Brauer: "In '97 when deregulation started, do you remember what the rates were for households, for businesses?"

Mautino: "Oh, certainly. After... there was a switch, actually. The heavier portion of the burden is carried by residential. With 2 thousand... and I'll just use today's rates right now just as an example, residential rates are 11.39 per kilowatt, large customers are about 40.5 percent less as it sits today."

Brauer: "And when deregulation started in '97, those two were reversed?"

Mautino: "Yes. That's correct."

Brauer: "So, this isn't about a huge increase to businesses. This is about a very marginal increase to what has happened historically in this state. This is also about the environment. Look how important wind power is today. Can... can you tell me what the cost on wind power is?"

Mautino: "As far... and I've handled a lot of the wind power regulation and structure for both wind and solar, and there... there rates are structured in a manner it's a higher cost power for those new technologies. I don't have the exact kilowatt rate on those. I can get those for you."

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Brauer: "I got it. It's about 10 cents at the base."

Mautino: "But they're about... they're about... Right."

Brauer: "So, each one of those windmills that go up today are done so with subsidies from the government. And those windmills are costing us around 10 cents a kilowatt hour. If you look at these coal fire plants, the new ones will be between two and three cents. Is that right?"

Mautino: "Correct."

Brauer: "That's at the base. That's not the distribution. That's the cost at the base."

Mautino: "That's your supply cost."

Brauer: "That's the supply cost, that's right. So environmentally, clean coal is very efficient. This is about research. When you look at this country, we spend 10 times the amount of research on energy. We spend 10 times the amount of research on our military. When you look at our health care costs, we spend 5 times the amount that we spend on energy research. It's important that we bring this energy research up to a place to where we can make these advancements. When you look at energy independence, who here today thinks energy's going to be lower in the future. When we look at China, their desire, their ability to purchase more and more. This is about energy independence. This is about our infrastructure and finally, jobs. How are we going to have a recovery without jobs. Who wants to vote for a tax increase in this Body? It is very, very minimal, the people that support tax increases. We have to get out of this recession with jobs. This is what will do it. I ask for an 'aye' vote."

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Speaker Lyons: "The Gentleman from Crawford, Representative Roger Eddy."

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

Speaker Lyons: "The Sponsor yields."

Eddy: "Representative, I don't think anybody wants anybody to have rate increases. There's no... there's nothing in that, but let me ask you a question, because I hear these figures and I get the calculation sheets from business about how much they're speculating that rates will increase. Is there any possible calculation that could come up with an accurate figure as to what could happen to the rate for residential or business? I mean, I understand that... that Exelon is going to provide me with a sheet of paper that says it's going to go up this much or... I get that. ComEd... they're going to do that because they're competitors. It makes sense."

Mautino: "Residential under the formulas and structure within the Bill, which we had discussed in committee is about \$20 per year on the... on the residentials, about a \$1.86 and that's if they hit the rate cap each and every structure in there, which is not considered. And I believe the increase on the business side on the uncapped section was about \$86 are the best numbers that I had."

Eddy: "Okay. But... but we're speculating based on the supply and the grids apply from other sources and other possible future considerations related to how much electric supply there'll be on the grid."

Mautino: "Certainly."

Eddy: "There's nothing that guarantees these numbers."

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Mautino: "No, there..."

Eddy: "I think there part of an argument against something that maybe competitors don't want to compete against. I mean that..."

Mautino: "And I would agree. I think that's a very solid statement, but some of those who do oppose this would be competitors and especially, if the legal climate changes and we have changes in the emissions standards that bring about either heavy costs for our current old coal technologies, where we may lose 40 percent of that volume."

Eddy: "And I understand the cost argument and I don't think anybody in here would like to see increased costs for either, but there's no way to calculate it precisely and some of the opposition, I guess, is based on really inaccurate calculations. Ladies and Gentlemen, very quick, to the Bill. You heard it stated in here by several Representatives. If not now, when are we going to take advantage of the coal that we have in Illinois. We are sitting... we are sitting on a virtual gold mine for our state, related to energy, if we can come up with the technologies to use it. This Bill is an effort to provide Illinois, but not just Illinois, other parts of the country with a way to use Illinois coal. This is a competitive advantage that we have. I go to other states and folks can't believe that we haven't been able to figure out a way in this state to use this competitive advantage to create jobs here. This is about jobs, not just for Taylorville. This is about jobs for all of Illinois and it's not just for construction. You have to look at this in the long

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term, not the short term. You can't be afraid of competitors and their claims that in the short term there may be price increases. We should be willing to support this simply because it's going to increase the potential use of Illinois coal and with the amount of coal that we have in Illinois it will increase the potential for jobs here and our place in the economy. It's pretty simple. We're sitting on a competitive advantage that we haven't used. And Representative Flider's comments earlier, if not now, when are we going to take advantage of this? This is our opportunity. Ladies and Gentlemen, the time is now for us to step forward as a... as a Body and say yes, to this industry. Not just... not just for those jobs, but for the future of what this could mean to this state and what it could mean to clean coal power for the country and what it could do for the environment in general. We've done it for wind energy. We've done it in other areas. When we talked about ethanol, we had to help with the ethanol subsidies in this state to start with. We have a competitive advantage in that area; it's increased corn prices. We need to take advantage of the fact that we're sitting on... on this coal and we need to be able to use it. This project is the beginning of that and we can look back on this day years from now as the day we finally took advantage of what we have here in Illinois to improve our economy. Vote 'yes'."

Speaker Lyons: "The Gentleman from Cook, Representative Ken Dunkin."

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

Speaker Lyons: "The Sponsor yields."

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Dunkin: "Representative, clearly this is major legislation here in our state and there are not too many Members here in this chamber or across the hall that would be against job creation, certainly here in this economy and in the future. But there are some inherent challenges that run across some of these job creation mechanisms or major projects and that is that it's devoid of all Illinoisans having the opportunity to participate. Are there any opportunities or any language in this legislation that speaks to allowing Blacks, Hispanics, and others, Asians, who are citizens here in the State of Illinois to participate in such a large-scale project?"

Mautino: "There have been quite a number of discussions as a matter of fact, the Tenaska people and members from their group. I have met with the Members of the Black Caucus, other Members that had concerns, and those are real concerns, should be addressed. There were a couple of outcomes and basically, for the record here and the goal is to ensure that minorities, women, veterans, and disabled persons have opportunities to participate in one of the largest investments in the recent Illinois history. Additionally, the... the Taylorville Energy Center is committing funds to finance aggressive outreach, educational programs and training, other initiatives under the program. They have been discussed. As a matter of fact, I have... amongst the items that the Members have received, we put a summary of all those discussions in there. This should be opportunities here for all."

Dunkin: "So, is that in the legislation or is it the goal?"

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Mautino: "In statute, no, but it's in the record today, as well as all Members have been distributed a copy of the things that we and that Tenaska is willing to go forward and do recognizing that this should be opportunities for all."

Dunkin: "So, it's in the record, but it's not in the Bill. How do we enforce that minorities participate in this particular project?"

Mautino: "And there would be... now because of the structure in our procedure here in the House, this... this Bill was brought... the suggestion of language was brought up to me as I opened the Bill for you. There's no opportunity to amend a Bill that's going over on Concurrence. So, my suggestion would be trailer legislation and I'll help you with that."

Dunkin: "Okay. So, for the record you are amenable to a friendly Amendment or a trailer legislation to see..."

Mautino: "Not Amendment."

Dunkin: "Excuse me."

Mautino: "Not Amendment..."

Dunkin: "...trailer legislation..."

Mautino: "...because structurally that doesn't work, because of the lateness of the ask."

Dunkin: "Okay. The... yes... but the fact of the matter is every single Illinoisan will be on the hook to pay for this plan. There's no discrimination when it comes to taxing people in the State of Illinois at the sales level, at the income level, and potentially if this passes at the utility level. All of us are on the hook for it. And so, I think it's incumbent upon us, Representative, to have all of us have the opportunity to participate, so we can break these

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chains, these long chains that extend from Chicago to Danville, to East St. Louis, to Peoria, to right here in Springfield to give people the opportunity to have a decent... earn a decent living by getting a big union card. That will change their lives forever. And so, what I would like to do is to add a trailer piece of legislation to compliment this here to help ensure that every Illinoisan has an opportunity to participate. Because, frankly, there hasn't been a real track record with a lot of our trade unions with minorities participating in them. And I'm speaking of blacks, Hispanics, and Asians, in particular, or women, for that matter as well. So, that's critically important. So, again, this is not... the caucus has not taken a position. Members can vote... Members of the caucus are voting the way they feel was ordained necessary, but I just want to make sure that we have the opportunity to help all Illinoisans if this passes this chamber and the Senate."

Mautino: "I appreciate your... your comments on it. I also commend Tenaska for reaching out in the first place to make sure that we have opportunities for all because they made the initial contact."

Dunkin: "Thank you."

Speaker Lyons: "Gentleman from Cook, Representative Will Davis."

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

Speaker Lyons: "Sponsor yields."

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Davis, W.: "Representative, very similar to the questions that you just answered from the previous speaker, and obviously you understand what some of the concerns are, particularly the Members of the Black Caucus. I'm going to assume, that possibly Members of the Hispanic Caucus have some of the same concerns with regard to.. I think as Representative talked about jobs. So, and I don't know if this was part of his examination as well. So, in addition to jobs where actual people are working, what about for business owners? What can you speak to regard to this... it was actually for business owners."

Mautino: "That's an excellent point. I'm glad you brought that up because I did not mention that in my opening. You know, we have had discussions with the Tool and Manufacturing Association in the form of giving an Illinois... or trying to work on an Illinois preference through Illinois vendor fairs, through outreach, to utilize not only the coal or the people who transport it there, but manufacturers of the equipments that'll be needed in a \$3.8 billion construction plan. And Tenaska had brought forward the idea of meeting, discussing having vendor fairs where opportunities would be there for all.."

Davis, W.: "Well..."

Mautino: "...which are ancillary outside of the construction."

Davis, W.: "Well, understand, but and.. and I can appreciate vendor fairs. Can you, as a Sponsor of this Bill, guarantee, for lack of a better way of putting it, vendor fairs that will be specifically put together for minority, meaning ethnic minority as well as gender minority business

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interests. Can you guarantee that those types of things will happen or will take place as a result?"

Mautino: "As far as the... for the language of the Bill, my understanding is it would be available for all. And I don't know what your con..."

Davis, W.: "And that's... that's fine... and that's fine. But this is... this is..."

Mautino: "Right. I don't know what your conversa... what the conversations with the caucus were. I will find those out, as well. My thought is, yes, that we should have that, and my understanding is they've reached out on many of these issues. Now, as they come up during the course of debate it's tough for me to say, yes, they will do this. But my assumption is those were probably talked about in those... in the discussions for all minority, women, business members that are there. I can't... I just can't speak to it with certainty because it... that specific question hadn't come up yet."

Davis, W." "Well, I'm just simply saying you talked about vendors' fairs and you spoke like that was what they were going to do. So, whether it's a guarantee or not. So, I'm just asking for vendor fairs that speak specifically to minority and women business interests. I'm just asking for a vendor fair that speaks directly to that."

Mautino: "Okay. And... and I can work with you with, the Tenaska people and if that isn't already the commitment, which I don't... I don't know, they said they're going to do the outreach for in all areas for this. So, I can work with

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you on that as well because I believe you're correct and it should be."

Davis, W.: "Part of the reason why we're being kind of specific with this, Representative, is that you have to understand this is in Taylorville, correct? I don't know what the minority population in Taylorville is, but my guess is that it's probably not very high, which means that these interests are going to have to be drawn in from other parts of the state, Metro-East, Chicago, maybe some communities like Champaign, Decatur... I don't know, but chances are those interests aren't already in Taylorville. So, what we're... what we're trying to guard against is the... well, we tried kind of conversation when they really didn't try to draw in and bring these business interests because they know they don't already exist in this... in those communities and in those areas. So, we just are trying to, for the record, make sure... make sure that this company, as they are trying to move this project forward, does whatever it can do. Now, it's my fault for not suggesting maybe things like this aren't in the language and I understand that and that's fine, because I have been talking about specific interests that I had relative to this. I'm clear on that. But as we're moving forward, because we can't add language at this point, we're just trying to make sure, for the record, that they understand that these are the types of things that we are looking for and that we desire to try to help business interests here in the State of Illinois."

Mautino: "And you have my commitment to work with you towards that goal."

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Davis, W.: "Now, going back to the... to the jobs conversation, as my time is about to run out. Can I have an additional minute, Mr. Speaker?"

Speaker Lyons: "Will, we'll give you one more minute, please. Wrap up your comments, please."

Davis, W.: "Thank you very much. Going back to the... going back to the conversation about jobs. I have a piece of literature here, that Tenaska provided me, that talked about a million dollars in corporate funds to... for an aggressive outreach educational and job training initiative under the program. At the end of the day, how much is this project really worth?"

Mautino: "The construction costs on the program for construction of the facility is 3.5 billion."

Davis, W.: "Three point five billion. So, what they're offering..."

Mautino: "That's not the operational side."

Davis, W.: "...what they're offering..."

Mautino: "That's just bricks and mortar and that stuff."

Davis, W.: "Well, and this is... this facility comes online chances are it's going to be a multi-million dollar facility moving forward, too. Correct?"

Mautino: "Correct."

Davis, W.: "More than likely. So, what they're offering right now is only a million dollars to do this type of outreach training. They're trying to cram a lot in a million dollars. So, it's my hope that they would look to increase that amount of money to be able to accomplish all of these different tasks because, again, we just don't want to let

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them off the hook with the, well, we tried or we ran out of money. This is a billion dollar... billion dollar facility, billion dollar industry and a million dollars unfortunately, just will not cut trying to do outreach as it's indicated, outreach... aggressive outreach, educational, and job training initiatives. A million dollars won't do it. So, we hope that there will be a larger commitment for more than just a million dollars for these types of initiatives moving forward."

Mautino: "I'll work with you going forward."

Davis, W.: "Thank you, Representative."

Speaker Lyons: "Thank you, Representative Davis.
Representative John Bradley."

Bradley: "My office sits next to a train track and 7 or 8 times a day there's 100, 120 car trains that come by my office carrying western coal through Illinois. And we got more coal under Illinois than anywhere else in the world. And we need jobs and we need to use Illinois coal and this is an opportunity to do that. And I stand in support of this Bill."

Speaker Lyons: "Representative Danny Reitz."

Reitz: "Thank you, Mr. Speaker. To the Bill. I commend the Sponsor. I know it's... it's not a perfect Bill. But the Sponsor has done a yeoman's work along with the staff in making this a good Bill, making it a much better Bill trying to limit the cost that's going to go on to consumers, limit the cost to go to larger power users. I... I think as the previous speaker said, we have a lot... and a lot of speakers said, we have a lot of coal in Illinois."

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We need to make sure that we utilize that. It's a tremendous resource and a line that I used a number of times that we... we're in Iraq, we're in Iran, we're in a number of different countries over there and our young men and women are laying their lives on the line mostly for oil and we're using oil. So, whatever we can do to produce power in the United States. It doesn't take a battleship to protect a coal mine. We can... we can make sure that we produce power in the United States. It's generation... it's the next generation of coal powered fire plants in the... in Illinois. I can attest that the technology from everything I've seen is sound. I think it's the way we need to move. We need to make sure that we move on to have a place to replace our... have a way to replace our power fleet that is going to go out sometime in the future. I hope this is the first step of ones that we build. I plan on supporting this. And I appreciate your support."

Speaker Lyons: "Representative Jay Hoffman."

Hoffman: "Yes. Real briefly. Mr. Speaker, thank you. To the Bill. First of all, I'm sure that all of you have read my book that I wrote on this subject. It's climbing the charts. The New York Times bestseller, you know. If you haven't read it, which I'm sure you haven't, but if you glanced at it, you'd see in chapter six it talks about clean coal and clean coal technology. We, in Illinois, are in a unique position. First of all, we have all the resources that we need to become energy self-sufficient. We're number two in corn production to create ethanol. We're number two in soybean production in the nation to

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create biodiesel fuel. We're number three in the nation with the coal reserves under our land and we have the ability... There it is right there, Home from the Heartland, you, too, can have a copy of Home from the Heartland for the low price of \$19.95. You can have a copy of Home from the Heartland. Let me tell you this, though, in all seriousness, we will look back at today in the future and if we vote and pass this, we will understand that we are taking not only the first step for job creation, energy self-sufficiency, energy security, but also clean air. We should vote for this. It's not an easy vote. It's not an easy vote because when you create something there's a cost to it. But I believe that the Bill has ensured that there are safeguards to consumers, safeguards to businesses, and what we're going to do is we'll look at this vote and we'll be proud of this vote because we're going to create jobs, energy security, and clean air. Vote 'aye'."

Speaker Lyons: "The Lady from Cook, Representative Monique Davis, then Representative Black and then to close back to Frank Mautino. One more speaker after Representative Davis. Monique Davis."

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

Speaker Lyons: "The Sponsor yields."

Mautino: "Sure."

Davis, M.: "Okay. My understanding is, Representative Mautino, is that Chicago Public Schools, Chicago Park Districts, and other entities will have to pay a much higher rate for 30 years. Is that correct?"

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Mautino: "They're... they're not included in the rate cap, so they will see an increase in their cost under this Bill."

Davis, M.: "And my understanding is that will be a substantial increase in their cost. Will the regular residential customer also receive an increase?"

Mautino: "The... on... on the base cost, on the first question would be approximately \$86 per month. The residential will receive under this and with the two percent cap, which is a hard cap, it can't be violated, about six cents a day."

Davis, M.: "Okay. And in reference to the \$1 million to work with groups to find some way to bring minorities, African-Americans and others into the beneficiary fold of those receiving employment, what kind of procedures do you see? What do you see?"

Mautino: "In the discussions, and I... as I said, Tenaska has reached out and these... some of things they're doing. Once the Taylorville Energy Center moves forward the energy center will develop and implement economic opportunity program for minority women-owned business enterprise, as well as veterans and persons with disabilities. They are committing corporate funds to this for outreach education and job training incentives. It will... it's going to provide 2500 construction jobs and hundreds of permanent jobs and it should be an opportunity for all. So, through their economic development program they're going to aggressively seek qualified individuals in businesses to provide them with additional management training, technical assistance, seminar workshops, and mentoring."

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Davis, M.: "That sounds really good, but based upon the deficit that all of these Chicago entities are operating under: Chicago Public School, major deficit, Chicago Teachers Association... I'm sorry, the CTA, major deficit, Cook County will definitely have a major deficit. So, based upon that for my community and my constituents this would not be a very good vote. I do understand what you're trying to do and I appreciate that and I admire you for your tenacity to help your community, but I can't let you help yours when it hurts mine. Thank you."

Speaker Lyons: "The last speaker is Mr. Bill Black."

Black: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair."

Speaker Lyons: "Make your inquiry, Sir."

Black: "Since tomorrow is my last day and I've never, ever gotten to convene the Conflict of Interest Committee. My inquiry of the Chair is that I believe it's a violation of House Rules to shamelessly promote a book that you wrote during your remarks on the House Floor. I think... I think the Conflict of Interest Committee should meet and I think Mr. Hoffman should be reprimanded for this shameless, self-promotion. And by the way, there's a card table out in front, these books have been marked down to 12.95."

Speaker Lyons: "Representative Black, your Motion has been overruled. And we're looking forward to the Bill Black book that is surely coming out shortly."

Black: "You know what, I've already got most of it written and... and I can tell you my wife read it and said nobody will

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believe anything that's in this book. And I said, and I'll use a bleep, You can't make this 'bleep' up."

Speaker Lyons: "All right, Representative Hoffman. Your name was used in debate so..."

Hoffman: "Real quick as a point of personal privilege. Self-promotion on the House Floor, shocking... shocking. And let me... let me just tell you, Representative Black, because I care so much about you, I'm willing to give you 50 percent off. It will make an excellent stocking stuffer for your wife this Christmas."

Speaker Lyons: "All right. We've heard an extended debate on Senate Bill 2485. Representative Frank Mautino to close."

Mautino: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, there's been a spirited debate on the issue. I think you brought... brought forward some good questions. The Bill has been changed in its form. We have put in protections, a hard cap for ratepayers, which means that you're still looking at about \$1.86 a month. We put in changes in the formula, which will not allow for the rate of returns in those high levels that were discussed. We also made sure that unlike other energy plants that had been built the cost for construction of this had to be locked down up front. So, they had to have their... their costs in so we know what that's going to be to minimize the effect of cost overruns. Additionally, we put in the step with the ICC that it has to... anything that is a cost overrun that is not contemplated has to go in for a prudence review. Of those items that are deemed to be prudent, they will have to pay two-thirds. Tenaska will

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have to cover two-thirds of that cost. Again, putting a cap on any of the rate increases or extraordinary rate increases. This was done for construction as well for sequestration. The sequestration technology, there are two ways to do that. One, which can provide future opportunities for Illinois in utilizing the CO2 for.. they had enhanced oil recovery and there are project in this chamber as we speak today that will do that where those companies will build their own lines, purchase the CO2 and move that to the Gulf or to southern Illinois where it can push up an additional 6 million barrels of oil from our fields where the hydrocarbons won't come up now. We have three and a half billion dollars worth of construction jobs in a plant and investment here, which has been federally backed. This plant will be the cleanest of clean coal plants in the country. Cleaner than anything operating now, capturing more of SOx, NOx, and pollutants and make this as clean as an efficiently operating natural gas plant. And that's what we have before us today. We have an opportunity for 10 million man hours of work. And that's not just in construction. There are people in Taylorville, who as I watched the news last night saw the loss of a call center. They have a high unemployment now. They're looking to this.. towards their future. They'd like to be one of the locations for the sequestration and you'll be hearing about that project later in addition to the plant. They need those opportunities, but it impacts the entire region. We've gone from 60 million tons of coal per year to 32 to 34 million tons a year that are produced.

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This will add 2 million tons a year for 30 years another 60 million tons. It will sequester in ground the second method of sequestration where the CO2 will be drilled down 3 thousand feet, at that point the gas liquefies, it mixes with the minerals there, and it calcifies to stay there. It is an exciting new technology that if it works and works as proposed, in here is another reason to use our most abundant resource where we have more coal than any other place in the country. More BTUs in Illinois, second largest deposits that are out there, and as I said earlier, Saudi Arabia or the teardrops of Allah. Electric production is done, 47 percent of it, nationally by coal, and then comes oil, and then comes nuclear, and then structures that I support, solar, wind, other clean energy. We've been building them. We've been supporting them under that structure, but they produce a very small, small amount. As we go forward, this is a link to clean coal. A healthier use of... for our environment, a better environmental use. Opportunities for lives, for families of the people of Christian County, Taylorville, the State of Illinois. And I ask for your 'aye' vote."

Speaker Lyons: "Before we take the vote, I just want to let everybody know that the Parliamentarian David Ellis has said this requires 60 votes... 60 votes Majority do pass. So the question is, 'Should Senate Bill 2485 pass? All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Black, May, Pritchard. Mr. Black. Mr.

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Pritchard. Mr. Clerk, take the record. Representative Mautino."

Mautino: "Postponed Consideration."

Speaker Lyons: "The Gentleman's requested Postponed Consideration. Mr. Clerk, what's the status of House Bill 6881?"

Clerk Bolin: "House Bill 6881 is on the Order of House Bills-Third Reading."

Speaker Lyons: "Move that Bill back to the order of Second Reading. What's the status, Mr. Clerk?"

Clerk Bolin: "House Bill 6881 was read for a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Collins, was approved for consideration."

Speaker Lyons: "The Chair recognizes the Lady from Cook, Representative Annazette Collins on Floor Amendment #1 to House Bill 6881."

Collins: "Thank you, Mr. Speaker. I would like to add the House Amendment #1 to that Bill. It just simply deleted some language. And the only thing we're doing is making the technical change that's added a high school diploma as well as a GED that the kids can graduate, that they would get the 60 days good time."

Speaker Lyons: "You've heard the Lady's explanation. No one seeking recognition, the question is, 'Should we adopt Floor Amendment #1 to House Bill 6881?' All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

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

Speaker Lyons: "Third Reading. And read the Bill. Mr. Clerk, we'll take that Bill out of the record and leave it on the order of Second Reading. Representative Rich Brauer. Representative Brauer, I think you have a Motion on House Resolution 1002 and House Resolution 1188. Representative Brauer."

Brauer: "Thank you, Mr. Speaker. I move to suspend the posting requirements so that House Resolution 1002 and House Resolution 1188 can be heard today in State Government. Thank you."

Speaker Lyons: "You heard the Gentleman's recommendation. Seeing no objections, all those in favor say 'aye'; opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the posting... the posting requirement is suspended. Mr. Clerk, on the Supplemental Calendar, we have Senate Bill 150. What's the status of that Bill, Mr. Clerk?"

Clerk Mahoney: "Senate Bill 150, a Bill for an Act concerning public health is on the Order of Second Reading. No Committee Amend... Amendment # 1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Mr. Clerk, please read Senate Bill... Senate Bill 150."

Clerk Mahoney: "Senate Bill 150, a Bill for an Act concerning public health. Second Reading of this Senate Bill."

Speaker Lyons: "Third Reading. Representative Sente, we have Senate Bill 3383. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "Senate Bill 3383, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions filed."

Speaker Lyons: "Third Reading. Representative Nekritz, you have Senate Bill 3708. Elaine Nekritz, 3708? Oh, that was Representative Sente. Excuse me, Representative. Representative Sente, you also have Senate Bill 3708. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 3708, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Linda Chapa LaVia, you have Senate... House Bill 6862. Out of the record. Mr. Clerk, let's try this again. Representative Chapa LaVia, you have House Bill 6862. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 6862, a Bill for an Act concerning education. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed."

Speaker Lyons: "Third Reading. Mr. Clerk, what's the status of House Bill 3388... Senate Bill 3388? Rules Report. Mr. Clerk, Rules Report."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on November 30, 2010: approved for floor consideration is Amendment #3 to Senate Bill 3388; and House Bill 1721 is referred to the Order of Second Readings."

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Speaker Lyons: "Mr. Clerk, the status of Senate Bill 3388."

Clerk Mahoney: "Senate Bill 3388 is on the Order of Third Reading."

Speaker Lyons: "Put that Bill back to the Order of Second Reading. And what's the status?"

Clerk Mahoney: "Amendments 1 and 2 were adopted in committee. Floor Amendment #3, offered by Representative Colvin, has been approved for consideration."

Speaker Lyons: "Representative Colvin on Floor Amendment #3."

Colvin: "Thank you, Mr. Speaker. House Amendment #3 we're asking for its adoption as a page and line Amendment, which addresses some very simple drafting mistakes and provides clarification regarding the procedure for instituting a civil action or an immediate injunction, circumstances where a carbon dioxide pipeline creates a substantial change to the environment. It's a technical word Amendment change. We ask for its adoption."

Speaker Lyons: "Is there any discussion? The Chair recognizes the Gentleman from Crawford, Representative Roger Eddy on Amendment 3."

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

Speaker Lyons: "The Sponsor yields."

Eddy: "Representative, is this the vehicle Bill for the project that I think is referred to as Leucadia?"

Colvin: "This is. Yes, Sir."

Eddy: "Could... could you just briefly explain to the Body what... what the purpose of that particular project is? What... what the goal?"

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Colvin: "Representative Eddy, it's our intention to immediately call this Bill on Third Reading and to address it properly in terms of giving you an introduction and be more than willing to answer questions. Right now, we're simply asking for adoption of a very simple Amendment to change the language. Clearly, this is a gas... a gasification project on a ground fuel sight on the southeast side of the City of Chicago that is going to be producing a synthetic natural gas product. I would appreciate the opportunity to fully explain and take questions on Third Reading, which would be momentarily."

Eddy: "Well, I appreciate that. I... I notice it's on second and I'll... I'll wait until Third. Thank you."

Colvin: "Thank you, Representative."

Speaker Lyons: "Seeing no further discussion, all those in favor of the adoption of Floor Amendment #3 signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Anything further, Mr. Clerk?"

Clerk Mahoney: "No further Amendments. However, notes have been requested and not yet received."

Speaker Lyons: "Representative Marlow Colvin."

Colvin: "Thank you, Mr. Speaker. It's my understanding that there has been two notes filed on this Bill. If the Chair so pleases, could you tell me who filed these notes..."

Speaker Lyons: "Mr. Clerk."

Colvin: "...and which notes were filed?"

Speaker Lyons: "Mr. Clerk."

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Clerk Mahoney: "A fiscal note and a state mandates note were filed by Representative Poe."

Speaker Lyons: "Mr. Colvin."

Colvin: "Thank you, Mr. Speaker. Mr. Speaker, at this time, I'd really like to move to have these Notes declared inapplicable and would ask for a vote on the Motion, please."

Speaker Lyons: "The Gentleman has made a Motion to declare that the notes are inapplicable. On that Motion, Mr. Eddy."

Eddy: "Thank you... thank you, Mr. Speaker. The notes that were filed, could you have the Clerk review again what notes were filed."

Speaker Lyons: "Mr. Clerk."

Clerk Mahoney: "A fiscal note was requested and a state mandates note was requested on House Amendment #3."

Eddy: "Will we... Mr. Speaker, inquiry of the Chair. Will we debate these separately, each of the notes he's moved to make them in applicable?"

Speaker Lyons: "Mr. Eddy, if that's Mr. Poe's pleasure we can... we can debate... we can rule on them separately or we can rule on them together. They're his notes."

Eddy: "Thank you, Mr. Speaker. Mr. Speaker, I think... I think at this point, Mr. Poe is going to withdraw those notes."

Speaker Lyons: "Mr. Poe, is it your pleasure to withdraw the notes? For the Record, Mr. Poe."

Poe: "Yes, Sir."

Speaker Lyons: "Okay. The notes are withdrawn. So Mr. Clerk, status of the Bill?"

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Clerk Mahoney: "Senate Bill 3388 is on the Order of Second Reading. Amendments 1 and 2 adopted in committee. And Floor Amendment #3 was adopted to the Bill."

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

Clerk Mahoney: "Senate Bill 3388, a Bill for and Act concerning regulation. Third Reading."

Speaker Lyons: "Representative Marlow Colvin on Senate Bill 3388."

Colvin: "Thank you, Mr. Speaker. I have for the House for consideration Senate Bill 3388. Senate Bill 3388 is the Chicago Clean Energy Project. It is a privately financed project that will bring over \$4 billion in economic activity to the State of Illinois. This project will entail the construction of a \$3 billion industrial facility to create a substitute natural gas from Illinois coal and petroleum coke, which is a waste product from oil refineries. The project will be located on the southeast side of Chicago where it will remediate 140 acre ground fill site, which was the former site of LTV Steel Organization. The project will be required... required to sequester 85 percent of the CO2 and will use proven gasification association... associated technology, proven science, a chemical noncombustion process that safely removes over 99 percent of other pollutants. They will be required to deliver \$100 million in real 2010 dollars in consumer savings. It provides over \$1 billion in savings to ratepayers according to a legislatively mandated front end environmental design study called a 'FEED Study', which was approved by this General Assembly in the spring of

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2009. The results of that study there at that fact out. Fact: It generates millions of dollars in tax revenue being a privately financed project of the company Leucadia National, who is making a private investment of over \$3 billion for the construction and the operation of this plant. It's going to create thousands of jobs, twelve hundred construction jobs alone over the 3-year project to build this plant. It will add at least \$517 million in local sales and property tax revenue. This is privately owned property, on privately owned land over the next 30 years. It'll also add and generate as much as \$716 million in state tax revenue over that same period of time. It stimulates the production of over 1.5 million tons of coal. Coal dug out of the ground right here domestically in the State of Illinois creating another 165 jobs in coal mining industries and approximately 259 jobs in supporting industries, transportation of those coal products from southern Illinois to the plant. And most importantly, there is no state tax money involved in this project. The developers, Leucadia National, will bear all the risk of this project. Those are the major provisions of this Bill. What we're asking for in the legislation is that the companies that supply natural gas here in Illinois enter into 30 year fixed contracts with Leucadia to purchase the synthetic natural gas. There are built-in provisions in this Bill that will protect consumers against rate spikes. I'll be happy to talk about those and the other issues dealing with this Bill during debate. I'll be happy to answer any questions."

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Speaker Lyons: "You've heard the Gentleman's explanation. Any discussion? Rep... the Chair recognizes the Gentleman from Crawford, Representative Roger Eddy."

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

Speaker Lyons: "The Sponsor yields."

Eddy: "Representative, is there rate cap language in the current version? I understand that there was rate cap language in Amendment 1 but not in the second Amendment. Is that correct?"

Colvin: "That is correct. And..."

Eddy: "Can... can you explain why it was removed?"

Colvin: "Well, the company, Leucadia National, during the last year and a half, almost two years, while this Bill has been negotiated has spent an exhaustive amount of time working with the Attorney General's Office, the Speaker's Office, and the office of Dave Ellis going over the issues of how we protect consumers while we produce this natural gas. Leucadia, itself, is putting together a fund of \$150 million to protect consumers from any rate increases with regard to the construction and the delivery of this... of this fuel product. The Illinois Power Association..."

Eddy: "Mr. Speaker. I'm sorry, Representative, I... I can't really..."

Speaker Lyons: "Ladies and Gentlemen, we're having a discussion on a very serious matter. Can I please ask the floor noise to come down a little bit, please. Shhhh... that's for you, Chuck Hartke. You taught me how to do that. Go ahead. Representative Eddy. Representative Colvin."

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Eddy: "Thank you. Representative, if you could.. I don't want you to repeat the whole thing, but I think that the fact that there is a cap and then the cap was taken off needs to be explained to some extent. You were doing that."

Colvin: "Essentially, what Leucadia has done in this Bill was a couple of stopgap measures to ensure that we protect consumers from spikes in the cost of natural gas. First thing is the \$150 million fund that Leucadia has put together to ensure consumers against any rate spikes or increases. Number two, through the production of the synthetic natural gas and the science of supply and demand we're creating, in my opinion, and the opinion of Illinois Power Association, and others, that we're creating an abundance of a product that will ensure that prices will be stabilized over the next 10 years. Once that we've completed the FEED Study, the Front End Environmental Design Study, and.. and being fully vetted by a number of folks in the gas associations, Illinois Power Authority, they agree with our findings in terms of being able to predict the cost of delivering this product over time. It was clear to the folks who negotiated this Bill, the Speaker's Office engaged, Dave Ellis's office who engaged in the discussion in the vetting of this Bill that they were comfortable enough to allow us to remove that rate cap exemption from this legislation and be comfortable enough that we would protect taxpayers and ratepayers, excuse me, ratepayers from any spikes in delivering the cost of this gas to consumers."

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Eddy: "Okay. So, the calculations indicated that a cap wasn't necessary just based on... on the amount of SNG gas that was going to be produced. It really wasn't going to have that kind of a negative effect to cause a cap to have to be instituted, so you just took the language out."

Colvin: "That's exactly right."

Eddy: "Okay."

Colvin: "And... and it's important that we point out the stipulation that as a result of the finishing of the FEED Study that it was clearly pointed out in the study, and I'm not an expert on these issues, but it's in the Bill, it's in the language, that the Illinois Power Authority, through their analysis, their extensive analysis is that we would be able to beat the price of natural gas over the next decade in this Bill."

Eddy: "Okay. I got it. Thank you. I appreciate that. Now one other question I have, there was a rather extended discussion based on a concern related to minority and female contracting in the previous Bill that we debated and I think it was a legitimate concern that was addressed by the Sponsor of that Bill. My question is, in this Bill does this Bill contain the language that was requested to be placed in the Bill that related to the Tenaska site?"

Colvin: "Roger Eddy, you ask an excellent question. And for a number of reasons, some you could probably guess right off the bat, issues of minority participation in this Bill very important to me, Members of this committee, the State of Illinois. Myself, having been the chairman of the Black Caucus for six years, the Senate Sponsor of this

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legislation, the Feed Study and will be the Senate Sponsor of the Bill over there, Donne Trotter, chairman of the Black Caucus for more than 20 years before I got here. I've had numerous and extensive conversations with our community partners, junior colleges, people in our community who plan to participate and play a role in the development and the delivery of this product once the plant is created. Going forward, we are completely committed and I... and we've had the commitment of Leucadia and the folks who are financing this plant to make sure that every step along the way that minorities have an opportunity to participate in the development and the production of the synthetic natural gas that's going to be produced in this plant. There is..."

Eddy: "Well, I'm happy to hear that. I just... I want to... I want to just make the point that the answer to my question I believe is, the language that you're referring to, the commitment is there, but the language is not in this Bill, just like it wasn't in the other Bill, but as the Sponsor of the Bill, you're making that commitment just like the Sponsor of the previous Bill made that commitment. So, we're really dealing with the same thing here. We're dealing with the word of the Sponsor, which I... I believe and hopefully, we had that same understanding when... when those questions were asked of Representative Mautino on the previous Bill. I think we all want that. We all want to work toward that. We have that mutual respect. And we have that mutual commitment, but that language is not yet

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in this Bill. But it's something that you're committed to, is... am I hearing that correctly?"

Colvin: "Yes, you are. And... and I will say to the Sponsor of Tenaska, a Bill that was just voted on, that I voted for that I take him as a serious Legislator and his word. And I know that those individuals who serve here in this Body will make certain that that project and this project would adhere to those goals and those ideas of inclusion throughout the state."

Eddy: "Well, I appreciate that. Now one final question. Is there a commitment in this to the use of Illinois coal?"

Colvin: "Part of this legislation is that we will use the coal that is dug out of the ground right here in the State of Illinois."

Eddy: "One hundred percent Illinois coal?"

Covin: "Yes, Sir."

Eddy: "Thank..."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Ken Dunk... Jim Durkin. Ken Dunkin, Jim Durkin. Jim Durkin."

Durkin: "The confusion continues. I have a conflict. I will be voting 'present'."

Speaker Lyons: "The Chair recognizes the Gentleman from McHenry, Representative Tryon."

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

Speaker Lyons: "The Sponsor yields."

Tryon: "Yes, Representative Colvin, I would like to first compliment you on working very hard on a Bill that I think is very complex. And I think you've done a tremendous job

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in working with groups and removing of those that are opposed with it and working out something that most of us could support on this issue. So you've done... done a great job, but I would also like to ask you a couple of questions. Is it not correct that... that when you look at how this is going to come online, that it's not actually going to be producing any gas until 2017, 2018? Is that correct? I mean, that's the way I understood it. And I also understood that... that the way that the pricing structure is working today the market price would be about \$4.00 and that what is anticipated when this comes online would be about 25 percent higher than what it is now and that this would make up about 10 percent of the energy portfolio of natural gas for those that are having to buy it, is that correct? So, it could be very feasible by the time that this came online that gas actually could be selling for a higher price than what is in this rate estimate, correct?"

Colvin: "There is the possibility of that. And how we guard against that is the fund literally that hedges against the fact that we could have a spike in that price. As I stated in my opening remarks that part of the protections that we put in here for the ratepayers is that Leucadia is fronting their own money to make certain that we hedge against that, number one. Number two, what the IPA has commented on in their review of the FEED Study, that as a result of this plant coming online that the anticipation is that they will be able to... that the price of natural gas will continue to come down as opposed to go up."

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Tryon: "Certainly."

Colvin: "Now this is a... now the IPA, and I'm sure most of us here are aware and familiar of who and what they do, they don't have any stake in this. Their opinion of this... of this study being fully vetted by them is completely objectionable. And having said that, this has been their analysis of what we proposed here to build."

Tryon: "Okay. And... and with looking at the rates structure and the way that this is going to be implemented there was objection at... when this was first filed and that objection was from the Illinois Manufacturers' Association and the Illinois Retail Merchants. Have they removed their... their objection?"

Colvin: "It's my thought that they are neutral in this discussion."

Tryon: "Okay. And that is the way I understand it, too."

Colvin: "It's my belief it is a fact."

Tryon: "Okay. To... to the Bill. When we look at the vast coal reserves that we have here in Illinois, we have more BTUs under our soil than Saudi Arabia has in oil. And this provides an opportunity for us to be able to explore the future of coal, use it in our state, and have a source here that... that for natural gas that is produced in Illinois. All of the natural gas in Illinois today comes from outside of Illinois. In fact, some of it comes from as far away as Canada. And certainly I believe that this... this type of operation makes... makes good sense. And when you look at the broad support for this, you look at the fact that we have Labor supporting this. AFL-CIO supports this. The

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Building Trades Council supports this. We've had the objection removed from IRMA and IMA. We look at the mechanical contractors, all of the trades unions that have come forward to support this project. It has the, not the support, but neutral is NICOR Gas and Ameren. So, I think this has the ability to be a Bill that will provide to Illinois a mechanism to use Illinois coal, boost our economy, and be a good thing for the users of natural gas in the future. And certainly, I support it and I would urge everyone to support it. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Bureau, Representative Frank Mautino."

Mautino: "Yes. I'd ask the Sponsor of this some... some things that I wanted to check out within the Bill itself. Would you take the Bill out of the record briefly?"

Colvin: "Mr. Chairman, can we take the Bill out of the record, briefly?"

Speaker Lyons: "So, Mr. Clerk, we'll momentarily take the Bill out of the record."

Mautino: "Thank you."

Speaker Lyons: "Mr. Sullivan and Mr. Black, I'll keep you in the order of questioning when it starts back. Ladies and Gentlemen, the... the Chair is going to make an announcement. We are going to recess to the hour of 4:00. And we are going to have our committee meetings. Everybody received a copy of the orange schedule. The Clerk will read them. There'll be a series at 3:30 and a series at 3:45. Mr. Clerk."

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Clerk Mahoney: "The following... following committees will meet at 3:30: Transportation, Regulation, Roads, & Bridges in Room 118. State Government Administration in Room C-1. Judiciary Criminal Law-Jud II will meet in Room D-1. At 3:45 p.m., Human Services will meet in Room 413. Personnel & Pensions in Room 122B."

Speaker Lyons: "So Ladies and Gentlemen, again, your attention for a moment. We are going to recess to the hour of 4:00. There'll be 3:30 committee meetings, 3:45 committee meetings, and we will reconvene at 4:00. The House stands at ease. The House will come to order. Mr. Clerk, Committee Reports."

Clerk Mahoney: "Committee Reports. Representative Jakobsson, Chairperson from the Committee on Human Services reports the following committee action taken on November 30, 2010: recommends be adopted is Floor Amendment #1 to House Bill 1715. Representative Nekritz, Chairperson from the Committee on Personnel & Pensions reports the following committee action taken on November 30, 2010: recommends be adopted is Floor Amendment #3 to Senate Bill 3538. Representative Howard, Chairperson from the Committee on Judiciary II-Criminal Law reports the following committee action taken on November 30, 2010: recommends be adopted is Floor Amendment #2 to Senate Bill 389; a Motion to Concur in Senate Amendments 1 and Senate Amendments 2 to House Bill 3962. Representative Franks, Chairperson from the Committee on State Government Administration reports the following committee action taken on November 30, 2010: recommends be adopted House Resolution 1188 and Floor

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Amendment #2 to Senate Bill 3162. Representative Beiser, Chairperson from the Committee on Transportation, Regulation, Roads & Bridges reports the following committee action taken on November 30, 2010: recommends be adopted Floor Amendment #1 to House Bill 1915."

Speaker Lyons: "Mr. Clerk, what's the status of Senate Bill 3538?"

Clerk Mahoney: "Senate Bill 3538 has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #3 has been approved for consideration."

Speaker Lyons: "Representative Kevin Mccarthy, Senate Bill 3538, Floor Amendment 3."

McCarthy: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Bill 3538 with the Floor Amendment 3, which is a gut and replace Amendment so it becomes the Bill, is the product that what came out of many, many months ever since we passed Senate Bill 1946 we've been talking about putting something forward to also modernize Articles 3, 4, 5, and 6, and also the IMRF SLEP provision that's in Article 7. That is the downstate police and fire and the Chicago police and fire Articles of the Pension Code. After many, many months of deliberation between people on the municipal side and people on the labor side, I truthfully feel that we've come up with a very good product. Something that both sides had to give a little bit on, but I... I think that that is the negotiation process. So, at the end of this thing as all of you know what we did to the people in Senate Bill 1946, which basically had a 67-year-old retirement period, we agreed to

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the following restrictions that will be now in Articles 3, 4, 5, and 6 and also in the SLEP provision of IMRF. Basically, the eligible age to retire and get your full pension that you've earned at that time will be 55 years old. If you want to leave as early as 50 and you are vested, which is a 10-year vesting, you would have to give a 30 percent penalty. The penalty is one-half percent per month for every month that you are under the age of 55. The maximum pensionable salary is the same that we had installed in Senate Bill 1946, which starting in the year 2011 is \$106,800. This is so it mirrors the other thing. It takes out the prospect of having pensions that are exorbitant to the general public when they look at them. We still feel that \$106,800 moving forward would be CPI Urban... half the CPI Urban percentage every year will be more than beneficial for our future employees. Everything we're talking about here on these pension changes are for employees that begin with any of the institutions that work under 3, 4, 5, and 6 and 7 starting January 1, 2011. So, if any of your constituents who are current firemen or policemen come to you and say that we have made changes today to their pension system, they are incorrect. These changes only apply and it's in the Amendment probably 20 different times where it repeats and repeats itself to say that the... this will only apply to new employees hired after January 1, 2011. We also have the final average salary computation. We know that before we did Senate Bill 1946 these were all over the place as far as final day of work. There were some that said the highest legislative salary on

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any day that you worked. There were some that were as much as four years and we went to an 8-year final average salary computation so that it mirrors all the other pension systems of our state. All 19 Articles will now have a pensionable salary computation that includes 8 of the last 10 years. Now in some cases, as we saw this morning, we'll have there... make sure that we write in correctly for each different Article. Sometimes it will say 96 months out of the last 120 months. Sometimes it will say 8 out of the last 10 years depending on how the different Articles want to be written. The survivors' annuity will be constant across the board of two-thirds of the annuity that has been received by the annuitant. That... that two-thirds is a raise for some, some people under SLEP and some people under the Chicago Police Articles of both fire and police will be raised from 50 to 67. In the case of the downstate police and fire it will be a reduction from 100 percent current down to 67 percent. The COLA for the members of the systems will be computed (sic-computed) by looking at three percent as the most. So, it's the lesser of three percent or one-half of the CPI URBAN and that once again brings us in compliance with all the other systems. As far as the survivor that we already said would receive two-thirds of the annuity at the time that you would take over if the annuitant died the COLA for the survivor would also be the lesser of three percent or one-half of the CPI-URBAN which the last couple of years, of course, the one-half of the CPI-URBAN could be as low as one-tenth of one percent. But it's... it's going to be a good savings for all of the

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systems across our state. The... As far as the COLA goes for both annuitant and for the survivor of the system the COLA kicks in the first year after obtaining their sixtieth birthday. So we don't have people that will be starting out at a very early age and re... accepting that COLA all those times. As far as the employee contribution, like the other systems that we have already changed, there is no change to that. On the... during the discussions in the negotiations that were attended by Members of this Body as well as Members of Illinois Senate, some of the things that all groups had asked for are in there. COGFA is going to do a study of about investment pooling. As most of you know, today there's about 657 different funds out there. They're looking at this to see what the wisdom would be as far as if they allowed these pools to all go together, kind of like our TRS system and our IRMF. The... they're also going to do a study for the status of the funds. They're going to look at every one of these funds that fire... that handle police and fire and come back to us with some reports of where they stand as far as funded liability, but also, how they've come to their... their desired contribution every time. As far as what they're using as the expected rate of return. What they're using as far as the age of the spouse as opposed to the age of the annuitant. What they're... So this will be a very thorough study by COGFA. In order to... we've met with the COGFA representatives and they have asked to give us the full two years and we've done that in this study. The compliance basically starts in fiscal year '16. Compliance basically means what IMRF has today.

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After the actuaries determine what each fund should pay in if there is a deficiency, if they pay less than they were designated by either their own... as long as he is an enrolled... or he or she is an enrolled actuary or an actuary hired by the Department of Insurance, if they fail to pay that total contribution in the year... fiscal year 2016, in the calendar year for 2015, the fund would be able to apply to the Comptroller as they do now with IMRF to request that the local distributed funds that are coming back to that municipality would be intercepted and used to satisfy the difference between the expected contribution and the actual contribution. In the first year up to one-third of those funds could be swept. In fiscal year 2017 up to two-thirds and in fiscal year 2018 and thereafter the entire fund could be swept if it was needed in order to satisfy that difference. It makes it very clear in every Article of the Bill that at no time will they ever be able to sweep more than the difference between what the contribution was supposed to be and what it turned out to be. The... there's also a new amortization schedule. This is a new 30-year, 90 percent target, which will give each of these systems a target to AMAT. This is an increase for seven years to give our municipalities a little bit more flexibility. So, I... I think these changes are very reasonable. I will tell you, we are taking the City of Chicago and putting them on an actuarial formula. They're one of the only systems that's on a percent of payroll. As of today, and this will be very, very costly. So we gave the four or five years in order to turn in... or start honoring this new formula and

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because of that it gives them ample opportunity to come back to us. If these changes are truly to draconian for the city to be able to handle, they can come back. They can ask for Sponsors to sponsor legislation and we certainly would look at that in the Personnel & Pensions Committee as it stands today and I'm sure into the future. So, I think there's time there. I think the compliance was very, very important. We did have funds that were underfunding almost deliberately. It was a very important thing to labor. So, I do think that was a concession that labor should be very pleased; it's still in there. I think labor should also be very pleased that once again, like we did in 1946, the new employees of our state will be in a defined benefit plan. As we've discussed many times on this floor, the defined benefit plan is going like the way of the Edsel. And very few people are going to have that in the near future, no matter what their degree is coming out of college. But we were able to maintain that for our police and fire. We respect the work they do for our state and we're glad that the new firemen and policemen across our state will also be part of a defined benefit plan. When we did the 30-year amortization though, as I said earlier, that did in 2015 put us a significant increase in what is now the property tax levy, but we'll study that with the people from Chicago. Maybe we need to open up other sources that can satisfy the payment that's supposed to be made into the systems. One thing I want to make very, very clear is nothing that we're doing today is increasing that unfunded liability in Chicago in any way.

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We are just spelling it out. We want the people of our state to know that we understand this problem. We understand how serious it is and putting it out there in black and white will tell people this is the thing that's facing us and hopefully, municipalities, governments across our state, and Members here in the General Assembly will do responsible things in order to help us move out of this quagmire that we are in as far as our pension funding. I think this is very reasonable. The last thing I'll say as I've said on the floor, in 1946, when we first started this process we said that promises made would be promises kept and we can say to our current employees that we are keeping those promises. As I said earlier, if anybody calls you and says that they're a current employee or current retiree and that we have reduced their benefits, they are very, very mistaken. So, don't be afraid to point that out to those people. So, I would respectfully ask for your approp... for your approval. I think it's a... been a long time coming, but this solution will allow us to start all of our tier-two people together through all of our systems on January 1 of next year. So, I would appreciate the adoption of the Amendment and then answer any questions on Third Reading or now if that is the case of... of the Chair."

Speaker Lyons: "Is there any discussion on Amendment #3? The Chair recognizes the Gentleman from Chicago, Representative Harry Osterman. Harry, before you go... Ladies and Gentlemen, can we bring the noise level down, please. Thank you very much. Representative Osterman."

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

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Speaker Lyons: "The Sponsor yields."

Osterman: "Representative McCarthy, I appreciate your effort on this reform. You brought up the financial impact on the City of Chicago within a four-year period. What are... what's the cost that the city had indicated to you in committee or after committee, what that would cost the city in their contributions or the increase in their contributions for the police and fire pensions?"

McCarthy: "The... according to the city numbers, and they did admit that these were done very quickly, between their contribution for fiscal year 2009 and the fiscal year in 2015 there would be an increase of \$548 million to a total of \$856 million."

Osterman: "So, for those people from the city who just heard that, the increase to the city in 2015 would be over \$500 million."

McCarthy: "If they're... if they're able to make the donation as prescribed by the actuarial method."

Osterman: "Okay. And it's your presentation today that at some point over the next four years the city could come back and say we've got a problem with this and we need some additional funding or we have to change this. And I guess the question I would have to you today, despite the fact that you've worked hard and this is a long-term reform, that timetable with the city and the significant financial impact to the city is something that is... should be taken into consideration. And I think that that's something that instead of just ramming this through and crossing our fingers, in four years from now we're going to find another

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half a billion dollars somewhere that we should take some of the time now to review that and try to come up with some funding sources that would help deal with that because otherwise the City of Chicago currently has a half a billion dollar deficit. This is going to add another half a billion dollar deficit and unless there is some realistic issues on how we're going to fund this I don't think that this is something we should ram through."

McCarthy: "Well, I would respectfully completely disagree. This is an unfunded liability that is there. If we did nothing, that unfunded liability would actually be there. You're looking at a fire fund in the City of Chicago that the city officials admitted that if they keep doing it the way they're doing it, they could be bankrupt as early as the year 2020. I think we've got to address this problem. We know that these are not numbers that are just being made up. These numbers I... I have confidence in what the city said. They've talked to us already. They're already coming up with ideas. I... I think they are going to have many good ideas to go forward and I think the General Assembly will welcome to help them with it. The... I mean, I don't know about spending more tax money there, but they said that right now they'd pay all this levy through property taxes. Other systems don't do that. They use property taxes. They use other revenue from the... the state. We'll look at that. I don't know if that is prohibited right now. If it is that's certainly something we should look at. I also... because of the fact that the city's had a different method than anybody else, I

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certainly would be open to looking at increasing their ramp. We gave a 30 year ramp to all of the different municipalities across the state. Maybe the city deserves a little bit longer one because they are the only one coming from a different actuarial method. So, I think there's going to be quite a number of different ideas that come forward. I'm proud to say that the... in... in discussions with the police and the fire, the fire people have already said, they... they talked to the city about different ideas even as much as increasing their... their own firemen's contribution to the plan in order to make some things move forward. So, I think the willingness will be out there. I truthfully don't feel the willingness will go forward if this Bill is not successful today. But I... I... as I said earlier, we are not creating one penny of new unfunded liability for the city. This is just going to grow like that because they've chosen to do it a different way up till now, even though, everybody understands that those numbers are about half of what they should be as far as paying into the systems."

Osterman: "And again, I don't disagree with us addressing this sooner than later. I think that that's a responsibility that all of us have. I... I just think that trying to... to look at what those funding sources would be now and especially as we look towards the January calendar or beyond that there may be creative ways to deal with that now instead of doing this now and kind of kicking the can down the road and hoping that we work together. But either way, I will pledge to work with you on those long-term

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solutions. I'm concerned about in the short term what this will do to the city's budget and hopefully, it will work out."

McCarthy: "Well, in the short term it will not. It won't affect it because we have that 10 year...

Osterman: "Short term. Four years is a short term."

McCarthy: "But I appreciate your willingness to work on it. And I have been very, very clear that this is not the solution, the final solution that all of us would hope for. This is a very, very serious problem, but this is a significant step forward and then we... I think it will exacerbate people as far as being more willing to work on it when they see that there is a horizon where they have this large debt that they're going to have to satisfy at that point."

Speaker Lyons: "Seeing no further discussion, all those in favor of the adoption of Amendment #3 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #3 is adopted. Anything further, Mr. Clerk?"

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

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

Clerk Mahoney: "Senate Bill 3538, a Bill for an Act concerning public employee benefits. Third Reading."

Speaker Lyons: "Representative Kevin McCarthy on Senate Bill 3538."

McCarthy: "Thank you, Mr. Speaker. I appreciate the questions before. I expect... appreciate the conversation we've had in committee and the many, many meetings as this has moved

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forward. As I said in response to a question, this is not seen as the panacea. This is not going to solve all the problems, but this is making it obvious that we understand the problem as we move forward. I think that the citizens of our state deserve that. I think the property taxpayers of our state deserve this. This is a very, very serious problem moving forward, and we have to address it. I don't think putting it down and saying we're going to delay it some more through committee hearings or through setting up tasks force is the way to go. As I said in committee, at some point you've got to get as far as you can possibly go and say leadership demands that we move forward at this time and I think this is the time to do that. So, I would respectfully ask for a 'yes' vote so that we can move this ball over to the Senate and start addressing the most serious problem that affects all of our municipalities across the state."

Speaker Lyons: "Kevin, it was a great closing, but we have a question. Representative Roger Eddy."

Eddy: "Will the Sponsor yield?"

Speaker Lyons: "The Sponsor yields."

McCarthy: "Yes."

Eddy: "Representative, just a couple of quick items that I want to make sure are understood. There's... there's a funding change in here. I think the current funding is 100 percent by 2033 and this changes that funding level?"

McCarthy: "We changed that to a 90 percent target for 2041. It's a new 30-year ramp that we use to give some of the municipalities a little more breathing space."

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Eddy: "Okay. So, that their payments at least into that fund currently..."

McCarthy: "Correct. It will... it will help them out a little bit as far as moving forward. And we thought 90 percent, because that was the target used in other funds, was a more reasonable target for them to go after."

Eddy: "The other part of this has to do with the local government distribution fund."

McCarthy: "Correct."

Eddy: "Now that was an effort to in some way guarantee that payments would be made. Is that the purpose behind that?"

McCarthy: "Correct. The... the labor groups really looked forward to getting something like that in the Bill because of the fact that many times these funds have not paid the actuary described amount, even in the case of when it was their own actuary. They asked very early to have some kind of compliance. I do salute the working groups because they were very flexible in understanding that we would need a ramp up on this, which is why it occurs in fiscal year 2016, 2017, and 2018, but they... that was a very important thing and I... I think we did the rational thing in moving it forward. So, they could be swept in the first year... the first fiscal year up to one-third of their funds, second year two-thirds, and the last year all of their funds up to the difference. But it would... it would mirror the IMRF language that IMRF..."

Eddy: "The other part of this has to do... we're... we're going to get a study?"

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McCarthy: "Correct. There's a study on investment pooling. Also, there's a study..."

Eddy: "Okay. I appreciate it."

McCarthy: "...on the status on every fund in the system."

Eddy: "Representative, I want to thank you for your hard work. I know this is a difficult issue. The one thing that's not in here that was in 1946, I think there's nothing in here that shorts any pension payment to any... any group. This is... this is... this doesn't effect or diminish the amount of a pension payment to any pension authority."

McCarthy: "As far... well, there will be a reduction because of the... the advanced payments. They're looking out 30 years. So, that will get them into the first year of these retirees of the new hires. So, they will look at that and there will be probably some long-term liability that will be saved. But I... I don't know exactly what that would be, but it's... of course, it's from each individual municipal fund, so it's probably going to be, you know, somewhat small."

Eddy: "Thank you, Representative."

Speaker Lyons: "Representative McCarthy to close."

McCarthy: "I thank you. I really think this is an... an important issue moving forward. As I said earlier, we have a lot of work to do on this. But I think the right move is to say, we're acknowledging this. We're accepting this as a big challenge for the future. I have great faith in the Members of the General Assembly that they will work hard to help our municipalities meet these demands just as we have in the other state systems. And I think that 'yes' is

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absolutely the correct vote on this measure. And would respectfully ask for your support."

Speaker Lyons: "This will require 71 votes. And the question is, 'Should Senate Bill 3538 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Burke, Pritchard, Winters. Dave Winters. Mr. Clerk, take the record. On this Bill, there are 95 'yeas', 18 'noes', 0 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Marlow Colvin, we'll return to Senate Bill 3388. And I think in respect to dealing with where we left off, Mr. Colvin... Mr. Mautino, you did have a line of questions. You asked the Bill to be taken out of the record. Is there anything you wish to follow up with, Mr. Mautino? Frank, your desk is... is over there. Representative Mautino."

Mautino: "Thank you, Mr. Speaker. And I want to thank the Sponsor for momentarily taking the Bill out of the record. We had... we have had some discussions and they would involve a trailer Bill. And I think that we have worked out in some discussions the question that will be answered in a... in a following trailer Bill. So, this would have to do with the minority language regarding both Bills. We're working towards finding something that is comparable. We've spoken with Representative Eddy. Representative Colvin and I will work on that together. And I appreciate him having... or giving that consideration as well. His Bill

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is about Illinois jobs. It is about Illinois coal. I do stand in support of this legislation. And I appreciate him working with us on issues of mutual concern for projects that will bring... combined projects that will actually bring about an eight percent to nine percent increase in the use of Illinois coal here in Illinois. So, with that I have no further questions. And I wish you well. And I thank you for working with the downstate Members."

Speaker Lyons: The Chair recognizes the Gentleman from Cumberland, Representative Roger Eddy."

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

Speaker Lyons: "The Sponsor yields."

Eddy: "Representative, I... I just want to be absolutely clear on what we're engaged in here as far as what we do agree mutually. And I think number one, in both of the pieces of legislation, the female and minority hiring language and that language is going... that... that's the agreement that both of those will be... both of these Bills, there'll be trailer language to... to include specifically the type of female and minority hiring language that we all know is in... Is that right?"

Colvin: "Representative, you're... you're exactly right. And you know, one of the great things about the legislative process is that it... it yields itself to those who have specific concerns about the legislation we do, and the larger in scope, in scale of the issues that we deal with here, it's important that we address all those concerns regardless of what corner of the General Assembly it comes from. This is a concern that a number of Members here on the floor would

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like to see addressed in a legislative matter, in language. And I think the General Assembly in this process yields itself to that process. And I, like Representative Mautino, who's a Sponsor of the other gasification project, stand firmly committed to making sure that we accomplish those goals."

Eddy: "Okay. Representative, I appreciate that. You're a man of your word. Hopefully, what we'll do together is... is provide an opportunity for both areas to produce jobs and to help the economy and see brighter days. I appreciate that. Respect the fact that you worked with us on this and intend to support your legislation."

Colvin: "Thank you."

Speaker Lyons: "The Gentleman from Lake, Representative... Representative Ed Sullivan."

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

Speaker Lyons: "The Sponsor yields."

Sullivan: "Representative, page 56 of the Bill talks about how we're going to have... under... under this proposal we're going to have utilities 'shall' purchase this power and... and that's your understanding? We are going to force the... or require, not force, but require the utilities to purchase this synthetic gas."

Colvin: "Well, Representative, you're right in one respect. This... first of all, that provision is for companies that provide gas services to constituencies that's over 150 thousand customers."

Sullivan: "But in this Bill, it does not talk about other companies. It talks about this specific company that is

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going to require the utilities to buy from this company, not other companies. So, that's kind of the point that I'm going to go along with right now. So, if you could just answer that."

Colvin: "No. They're... I think we may have a different understanding. They are not required... in this Bill and the further they can... those companies, I think they're the ones that you're talking about, can choose to file rate proceedings at the ICC."

Sullivan: "Or enter into source agreements. But... so the net effect here is that these companies, Peoples, whatever they're... they're going to have to buy from this company. That's the overall effect is they have to buy from this company. And the problem that I have..."

Colvin: "If they... if they enter into those contracts as opposed to doing rate proceedings then you would be correct."

Sullivan: "So, one way or the other. My... I think this is a great idea. Anything we can do to create jobs and use clean coal, but right now with this Bill's passage, we are going to choose one company over another company through legislation. Because we have another project that currently is going through the pipeline, they're passing legislation in the Senate and it's coming over here, that the Power Holdings company that does not have this language and so, that to me is... is a problem. I... I have a problem with the Bill. I have many problems with the overall how we do things in Illinois when it comes to this. There's no standard. But in this Bill, because you point out on page 56 a specific company that the utilities have to buy the

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power from but not another company, we are choosing between two companies. Is... is that your understanding?"

Colvin: "Representative, I think we're... we're taking two different perspectives on the same issue. Power Holdings as a company will still exist. It will still be able to enter into contracts with gas suppliers. I understand and appreciate what you're saying, but in no way can I agree that we're essentially putting Power Holdings out of business. I think what you're beginning to relate to it. I have to disagree with that."

Sullivan: "Okay."

Colvin: "And the Bill doesn't lend itself to that language."

Sullivan: "Okay. Thank you. To the Bill. Ladies and Gentlemen, the effect of this Bill really is to force utility companies to buy this new power source from one company as opposed to the other. The language is very clear. It says they must... they... they 'shall' buy this power one of two ways, enter into agreements. We have another company that is doing the same thing a little farther along in the process. They're language does not have that. So, if they have to buy from... if in my area Peoples Gas has to buy from one company and doesn't have to buy from the other company, what's the net effect? The net effect is, they're not going to buy from this company. This company, Power Holdings, does not have contracts, signed contracts, they have draft contracts, but they're not going to sign the contracts till they see how this all plays out. So, in effect, we are legislating a built-in benefit for one company over another company. I don't

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think that is the role of the General Assembly. I think this is a great idea. I think this is the direction we have to go. There are some other issues that the Illinois Chamber is opposed to this legislation. They're opposed because we shouldn't be piecemealing the Tenaska's, the Leucadia's, the Power Holdings. We should have one standard and all comers can come and say we have one standard. We want to build a plant. We don't want to build a plant. We don't have that. I think I know why. I think it has to do with the Attorney General's Office, but... so, the business groups are opposed to it for that reason. I'm opposed to it for many reasons, but the main one being, we should not be in the position of legislating a built-in advantage for one private company over another private company. Thank you very much. Please vote 'no'."

Speaker Lyons: "The Chair recognizes the Gentleman from Rock Island, Representative Mike Boland."

Boland: "Thank you, Mr. Speaker. Sponsor yield?"

Speaker Lyons: "The Sponsor yields."

Colvin: "Yes, I do. But before... before I take his question, Mr. Speaker, again, there I think is a serious mischaracterization of what we're trying to do here. This Bill is asking the General Assembly to consider the fact that we're asking only those companies that service more than 150 thousand customers in Illinois to enter into these contracts. Those companies, also, there is no 'shall' in this Bill. Those companies, also, it's... it's not our way or the highway. Those companies can also enter into rate proceedings at the ICC and opt out of the contracts. Just

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like those firms that serve those less than 150 who choose to participate in these contracts. They have that right too. There are choices and options here. And I personally take a little bit of an exception of those who are trying to mischaracterize this as they have no other choice and no other option as to how they procure energy. I think that is a mischaracterization. I am aware that the Illinois Chamber has slipped in opposition because they have, what I have been told, a philosophical disagreement that we should have these companies enter into an exclusive agreement. But we're not... we're not inventing a process of how you procure power here in Illinois or anywhere else in the United States. And I do take exception to that characterization of the Bill. I think it was... I think it was totally opposite of what we're trying to accomplish here."

Speaker Lyons: "Representative Boland."

Boland: "Okay. Thank you. I hope... I hope if I need more time I can have part of my time back. So, Representative Colvin, the Bill still does not have any consumer protection rate cap. Is that true?"

Colvin: "It... it does not have a rate cap. Again, I think as... as I stated in my... in my opening discussion that the FEED Study that was produced based on the authority given by this General Assembly in 2009, in that study having been completed and fully studied and understood and vetted by the Illinois Power Agency who had the chief responsibility of doing so, I've clearly indicated in their study that the guarantees based on the abundance of natural gas that this

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plant will produce will in a competitive market sense keep prices low, number one. Number two, Leucadia in their own attempt to bring a level of comfort and stability to the gas market in the event of a spike, no one here has a crystal ball, have guaranteed \$150 million of their own money to guard against any of those caps. Once IPA have looked over that Bill, saw what we are doing here, energy that's going to be produced and put on the marketplace for purchase by those who provide natural gas along with other agencies who've looked at this, the EPA, the IEPA, agree with our findings. It was then, at that point, that others who negotiated that Bill here in the General Assembly agree with that and allow us to run this Bill without a rate cap. A rate cap was a serious part of the discussion here, but I think we've got to it... a degree of understanding and comfort that the consumers will be protected in this Bill. Those who have opposed this Bill based on a rate cap I think are doing so because it being there and then coming out in terms of the Amendment that removed the rate cap, despite all of what we've shown that protects consumers, I wish I had a better answer for you why they stand in opposition. But I am totally confident that what we've shown in the study put forth by the FEED Study, as well as the personal financial commitments from Leucadia, will protect our ratepayers here in Illinois."

Boland: "Well, Mr. Speaker, to the Bill. You know, I appreciate Representative Colvin. He's a great Member of the Legislature. I've supported almost all of his Bills, probably all of them in the past, but I have a problem with

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this in then that there is no real consumer protection. There's no cap of two percent that there had been in the other Bill. CUB has asked for... and I was a founder of... one of the founders of... of the Citizen's Utility Board, and they have asked that if there was not a cap then there should be an additional \$100 million put on the 150 million that the company had... had proposed or that we put 100 extra million dollars into energy efficiency. So, I'm sorry I... I believe there's a lot of good things in the Bill. I would love to have it for the construction jobs and the other jobs. I would love to have it for the cleanup that they're going to do on the brownfields, but I think that there should be something added to this that would give the consumers some guaranteed protection. Some sort of a way that we could enhance energy efficiency, which is the best way of moving the whole environmental picture. So, I'm sorry to say that I'm not going to be able to support your Bill. I appreciate your efforts. I hope that we can come back, if this is not successful, add in some of these consumer protections, get CUB onboard on this Bill. But as it stands, I'm sorry I have to vote 'no' on it."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

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

Speaker Lyons: "The Sponsor yields."

Black: "Representative, this is one of the Bills and the subsequent Bill that reminds me why I don't like to see sausage made. When you see sausage made, you don't want to

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have it for breakfast and sometimes when you see how legislation is put together you'd just as soon not see how it's put together. But I understand that. That's... that's all part of the process. I just want to ask you one question. Both Bills, this one and the one that will follow, rely quite heavily on sequestration of waste stream. I can't find anything in the literature that shows me that sequestration has been tested and found effective and efficient and beneficial to any appreciable level. There's been some pilot projects that have not put tons of waste and that was part of the problem with FutureGen. Where... where's the study on the sequestration being able to handle the CO2 waste stream?"

Colvin: "Well, Representative, that's an excellent question. And part of the front-end Environmental Design Study, they had to show where this science would be effective. Furthermore, what we're doing here today is an important step in terms of bringing this plan online. But during the permitting process with the EPA, the State of Illinois, it is going to be another step where sequestration that science is going to have to be proven out and these companies will have to show before those permits are granted that sequestration is going to work and be effective. So, I think just in the process of how these plants come online, clearly there's going to be an opportunity to show where sequestration does work and is effective."

Black: "Well, I... I appreciate that. And I know the University of Illinois has done a study. I guess my fear is

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theoretically it... it works, but when you're talking about putting tons of CO2 underground, I... I don't know. I guess that's where technology... I'm not of the technological generation. I would just say in closing, Representative, that I commend you for what you're trying to do. I'm old enough to remember the cost overruns of the Clinton Nuclear Power Plant that was built by Illinois Power years ago. That wasn't cost overruns in the millions; it was the cost overruns in the billions. I can also relate to you that a chemical industry in my district, Allied Chemical, used deep well injection to store the liquid waste product from the Allied Chemical facility. Twenty years ago the IEPA suddenly said, we're not sure that that works. They put in monitoring wells. They found that that liquid waste was moving up through the bedrock. To make a long story short, to fix it would have been economically impossible, so Allied Chemical closed its plant. There's a lot we don't know about sequestration. I hope it works, but I've been around long enough to know that 'hope' doesn't always feed the bulldog. Thank you."

Speaker Lyons: "The Chair recognizes the Lady from Cook, Representative Elaine Nekritz."

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

Speaker Lyons: "The Sponsor yields."

Nekritz: "Representative Colvin, can you describe for me what the permitting processes that are... that will remain if this Bill passes?"

Colvin: "What I can tell you, and not being an expert, what I can tell you that there is an extensive permitting process

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to deal with air and water permits. In those permits it deals with not only the brownfield remediation of the site, economic require... I mean, excuse me, environmental requirements that have be satisfied by the EPA. In terms of the sequestration itself, not only, and to the previous speaker's point, not only are they required to capture those gases, but to show how they will do it. The fact that they're required to capture those gases at the levels that we have put in this Bill if they do not are a part of those contracts, which means they would be in violation of those contracts, and that plant could be closed down."

Nekritz: "And... and..."

Colvin: "They're making a lot of substantive claims in here. And that will be part of that process. That would be part of that permitting..."

Nekritz: "And is that..."

Colvin: "...and being able to show that they can meet those goals clearly and safely to the environment and it's... it's part of it those air, water permits that will be negotiated."

Nekritz: "...and is the sequestration goal from beginning to the end of the sequestration or is that only at the plant itself so that any leakage that might occur while the CO2 is being transported to its final destination would not count in the 85 percent?"

Colvin: "Actually, it's... it would count whether it's done here in Illinois or in a pipeline that leads out of state."

Nekritz: "So the 85 percent is at its final destination. It has to be sequestered up to 85 percent."

Colvin: "That's correct."

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Nekritz: "And then with regard..."

Colvin: "Captured and sequestered... captured and sequestered.
That is correct."

Nekritz: "Right. Okay. So in the... in the air per... air permitting process that, you know, the concern that I have is that we are already in a nonattainment area in the Chicagoland region for air quality and I think it, you know, I mean, part of the reason we were pushing for... for some discussion about the permitting right now is not to finalize the permit, but to say... just get some understanding of how much more pollution are we going to add to an already... to an area that is already not meeting clean air standards. Is it a little bit? Is it a little bit more than that or is it a lot? And... and I felt that it would be... it would have been very, very helpful to understand what that level might be and to come to understanding as to what that level might be. My... my last question has to do with the... I... I totally lost my train of thought... the... the rate cap. We have nothing in here to protect consumers other than the consumer fund. Is that correct?"

Colvin: "Well, keep in mind, when we talk about entering into these contracts, we're talking about an upfront lock in of those rates that so... so that... so that cap will exist throughout the life of those contracts. By definition of this contract, they can't raise those rates anyway. So, they'll be locked in for the life of those contracts that they're negotiating with those... those... for those construction and sequestration goals. So, they can, even

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if they run over in construction costs, even if their sequestration process is... cost them more than their construction estimates. They can't recoup those monies by charging more for the product and rais... i.e.: raising rates on consumers."

Nekritz: "Okay. So... and my... my last question has to do with the allocation of the gas that will be manufactured between the four companies that are going to be required to receive it. Is that done on an equal basis so that Peoples has the same as North Shore, has the same as Nicor?"

Colvin: "They can file at the ICC to opt out of that... that provision. That it would be equal. It is part of the Bill..."

Nekritz: "But the... that the Bill that you have requires it to be equal right now?"

Colvin: "I'm sorry."

Nekritz: "The Bill... the Bill requires it to be equally allocated among the four."

Colvin: "But the Bill also provides that they can make appeal to ICC to be opted out of that."

Nekritz: "Because North Shore Gas, as I understand it, is a significantly smaller company and if it... if it was required to remain equal they would have to purchase up to 60 percent of their gas from this... from this. And again, with no rate cap that could dramatically effect the customers that... of North Shore Gas. And so, what are the standards for getting out of it or changing that... that equal amount for each of the four companies?"

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Colvin: "Thank you. I misspoke previously, not the ICC. They can appeal to the IPA to opt out of that. And clearly showing in... in their... in their accounting where they would be taking on more than their share that would make them and I don't want..."

Speaker Lyons: "Representative, your time has expired. We'll give you one minute to finish your answer there."

Nekritz: "Thank you, Mr. Speaker. So..."

Colvin: "I want to answer her question."

Nekritz: "Okay. Please. Yeah."

Colvin: "But dealing with... with that and I believe it... it's a question of accounting. If they take too much... if they're required to take too much of that gas and put it on their books which makes them liable for other things that they may not be necessarily be liable that... that are Leucadia's liabilities they can show to the IPA that they're taking on too much of their product and they can opt out to get down to a level that's more comfortable for those smaller companies. When you're comparing one company in size to another clearly that's a situation that may exist, but they can opt out of that by showing in their accounting that the issue would have them taking on more of that power than they're necessarily required to do so."

Nekritz: "Okay. Well, I'm sure that's going to be something we're going to hear... be hearing more... be hearing more about. And I don't actually represent those consumers, but they are very close to the area that I represent and that would be, I think, a significant burden for them if the... if it's over, you know, over half of the gas that they've

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delivered to their customers would be from... from this plant. Thank you for your answers."

Speaker Lyons: "Representative Colvin to close."

Colvin: "Thank you, Mr. Speaker. This has been a very good debate on... on two Bills that I think that are... and I think some of the issues that were brought up here today are very important. And I think the Leucadia Corporation along with the Chicago Clean Energy has shown clearly in some of the arguments that was brought here today that this has been well-thought-out and well vetted by experts in this field not only here, but at the Illinois Power Association and... and other groups. But we're talking about, I think, three very important issues here in the State of Illinois. We're talking about the environment. This plant that requires sequestration, 85 percent of the emitted CO2, is one of the first in this country that requires any standard for the capture of carbon dioxide from coal burning, any plant in the United States. We're also talking about a domestic source of energy. An energy that is homegrown that is produced by Illinoisans from an Illinois natural product. And we're also talking about the economy. We're talking about the creation of jobs, the expansion of real estate, the sale tax base across the State of Illinois. These projects are important for our environment. They're important for our economy and clearly, they're important for the delivery of energy in the State of Illinois. I think those of you who care about these issues, who care about job growth and the expansion... tax base expansion, those who care about a clean new energy source. This is

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the vanguard in which it stands. I think here in Illinois we have an excellent opportunity to show the rest of the state of how to get things done here, to create more jobs. A brand new energy source produced right here in Illinois. I would simply ask you to vote 'yes'. Thank you."

Speaker Lyons: "I've been advised, Ladies and Gentlemen, from Parliamentarian David Ellis this will require 71 votes for passage. The question is, 'Should Senate Bill 3388 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 86 Members voting 'yes', 27 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, on page 4 of the Calendar is Senate Bill 1716, Representative Harris. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 1716, a Bill for an Act concerning civil law. Third Reading of this Senate Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Harris."

Harris: "Thank you, Ladies and Gentlemen. We have before us today the Illinois Religious Freedom Protection and Civil Unions Act. As our country has evolved over the generations, once in every generation or once in every generation Legislators across the country have a chance to advance the cause of liberty and justice for all as envisioned by the founders of this country. We have a chance today to make Illinois a more fair state, a more

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just state, and a state which treats all of its citizens equally under the law. As the Chicago Tribune said in its recent editorial this is a fair step; this is a remarkable step for the State of Illinois. We have a chance here, as leaders have had in previous generations, to correct injustice and to move us down the path toward liberty. I direct your attention to votes that this Body has taken before in previous years. Legislation that gave women the right to vote. Legislation that ended the antimiscegenation laws. Laws that change the tradition and law of this state and allowed interracial marriage. I just want to give you a sample of some of the arguments that were used of the proponents of those laws back then that have since been changed. In 1869 there was a woman in Chicago, Myra Bradwell, she was the first woman in the State of Illinois to ever apply for a law license. She passed the Illinois Bar Exam with honors and applied to the Illinois Supreme Court for her law license. They denied her application because she was a woman. This was the language that the court used as their reasoning back then to deny women a right to have an occupation outside the home. The civil law, as well as nature itself, has always recognized a wide difference in the respective spheres and the destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy, which belongs to the female sex, unfits it for the many of occupations of civil life. The constitution of the family organization, which is founded in divine ordinance, as well as in the nature of things,

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indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony, not to say the identity, of interests and views which belong, or should belong, to the family institution is repugnant to the idea of a woman adopting an independent career from that of her husband. After that Supreme Court opinion was issued, two years later this Body changed the law of Illinois and allowed Miss Bradwell to obtain a law license. Tradition had been changed and law had been changed and progress had been made in this country. I'd like to read you some of the language that define interracial marriage as counter to God's plan. The amalgamation of the races is not only unnatural, but is always productive of deplorable results. The purity of the public morals, the moral and physical development of both races, and the highest advancement of civilization all require that the races should be maintained distinctly separate and the connections and alliances so unnatural should be prohibited by positive law and subject to no evasion. Ladies and Gentleman, for many years that had been the tradition of this country and has been the law of this country, but those traditions and that law changed and I think we all believe they have changed for the better. Those who stood for justice, for fairness, and who cast the votes to change those laws and to change those traditions have been remembered by history as great leaders. They've been remembered by history as being on the right side of justice. Each of us in this chamber today have a chance to be remembered by history as being on the right side of

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justice. So, let me tell you what this Bill does and let me tell you what it does not do. This Bill creates a separate chapter in the Civil Code entitled civil unions. This law would establish civil unions which would offer the same basic benefits and obligations and responsibilities of marriage under State Law, but specifically protecting the rights of religious institutions to define marriage as they choose and to practice their faith as they choose without interference by the state. The major benefits include hospital visitation, health care decision making, disposition of a deceased loved ones remains, and probate rights. As I said, this law explicitly protects the rights of all religious institutions to either recognize or not recognize civil unions based on their faith and tradition. Civil unions would be available to same sex or opposite sex couples. It would be dissolved in the same manner as a divorce. They cannot be entered into or gotten out of lightly. I want to tell you what the Civil Union Act does not do because I think there's been some misinformation that has come around. This law does not create marriage for same sex couples in the State of Illinois. As a matter of fact, the statutes of the State of Illinois clearly define marriage as between being one man and one woman. There is nothing in this law that changes the statutes of Illinois that separate marriage between... that make marriage between one man and one woman. This law does not allow partners to receive benefits under Federal Law such as Social Security benefits or other benefits such as joint... a joint filing of Federal tax returns. The important thing

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to recognize about this law is that it not only covers gay and lesbian couples but the single largest, and I repeat the single largest group of beneficiaries of this law in this state will probably be heterosexual senior citizens. Many of us spend a lot of time visiting our senior centers, going to community centers, talking to our seniors, hearing about the problems and issues our seniors face in their daily lives. And if you raise the issue you will find many seniors in your district where they've been married to the same spouse for 30, 40, 50 years but their original spouse has passed away, they're struggling to survive on a meager pension or Social Security income. Should they meet someone else later in life and wish to remarry, if they were to remarry that person, they would stand to lose those pension benefits or those Social Security benefits that allow them to live their lives in comfort. Taking a civil union would allow people to still enjoy those pension benefits, still enjoy those Social Security benefits, but would also allow them to participate in health care decision makings. It would allow them to share a nursing home room. It would allow them to help make the... be the first in line to make the decisions about the disposition of their partner's remains when he or she dies, and it would allow them rights in probate. Public opinion on this issue has changed substantially over the years. You may have seen the Chicago Tribune polls, the Paul Simon Public Policy Institute polls, which have studied where people are in the State of Illinois on this issue over the last several months leading up to the election. An October 2010

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poll by the Paul Simon Public Policy Institute of people who were considered likely Illinois voters in the November election showed that 67.5 percent of Illinois voters approved of either same sex marriage or civil unions, 26.5 percent disapproved. An August 2010 Chicago Tribune poll showed that in Chicago and the collar counties 54 percent of the voters support civil unions, 32 percent opposed. These are figures that are commensurate with the national trends. These are figures that are commensurate with studies taken in every region of Illinois. The Chicago Tribune, the Chicago Sun-Times, the Daily Herald, the State Journal-Register, the SouthtownStar, the Oak Park Journal, the Northwest Herald, all have urged this Body to do the right thing, to take a right step and pass civil union. Another question that I've heard, it relates to the cost to state employee benefit systems. If you'll look at the fiscal notes that are attached to this Bill, you'll see that for the health care system CMS says that there will be a negligible cost. A lot of people don't remember back to the early days of the Blagojevich administration, but our previous Governor did extend coverage to the same sex partners of state workers access to our health care benefits as domestic partners. Those people are already on the system. There will not be a substantial increase should civil union pass. You will also see a fiscal note showing on the Web site that the pension system for the state does not foresee a major impact on our pension cost, because the partners of same sex couples would pay, just as you pay for your spouse, they would pay for their spouse's

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contribution to the pension program and not the state. Where would Illinois fit within the spectrum of the United States of America on this issue? We would be in the broad middle. Five states and the District of Columbia offer same sex marriage: Connecticut, Massachusetts, Iowa, New Hampshire, and Vermont. Several states recognize marriage of same sex couples performed elsewhere which would be: New York, Maryland, Rhode Island, and New Mexico. Five other states have civil unions such as we are proposing here: California, Nevada, New Jersey, Oregon, and Washington. People also raise the question of, can't people obtain these rights contractually by having documents drawn up by lawyers and getting these rights one at a time? And I guess that's possible if you can afford a lawyer... if you can afford a lawyer who understands all the intricacies of relationship law, of probate law. If you can have a document drawn up for every occasion that would be recognized by the appropriate authority and have it on you in the time of need. And there's probably no more poignant case of how this plays out than my predecessor, your late colleague, the late Representative Larry McKeon. And if you remember his testimony on this in committee, after he had retired from this House, he told the story of how his partner of many, many years fell sick in the hospital, went into intensive care. He went to be by his side in his last minutes. The hospital turned Larry away. They said he did not have the proper documentation with him. They did not consider him next of kin. He would have to go home. He would have to go home and find the documents and return to

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the hospital with them. Ladies and Gentlemen, Larry testified that he did return home. He returned to the hospital, and he had missed the passing of his life partner by mere minutes, by mere minutes. Should anyone... should anyone have to be absent from the side of the person they most love in life because they don't have access to the proper paperwork at the right time, should this not be a right that every person in Illinois be granted? Ladies and Gentlemen, I know this is a controversial issue for many of you. For many who are to the left of me in my community they say, why are you sel... settling for second best? Why aren't you demanding that Illinois pass same-sex marriage? I understand that there's not the support for the change of the marriage law right now in the State of Illinois. To the right of me I know there are people who would say, we don't believe that lesbian and gay couples should have any rights under the law in this state whatsoever, that they should be estranged from the law because of their sexual orientation. Ladies and Gentlemen, this legislation is a fair, moderate center. It does not change the definition of marriage. It provides basic legal rights to our citizens. It's a matter of fairness. It's a matter of respect. It's a matter of equality. I hope that each of you will join me today in being on the right side of history and I hope you will vote 'yes' on the Civil Union Bill. I would be happy to hear your comments and take any questions."

Speaker Lyons: "The Chair recognizes the Lady from Kane, Representative Linda Chapa LaVia."

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Chapa LaVia: "Thank you, Speaker. Should the Bill receive the required amount of votes, I call for a verification of votes."

Speaker Lyons: "So noted. Verification has been requested. The Gentleman from Bond, Representative Ron Stephens."

Stephens: "Thank you, Mr. Speaker. I'd, first of all, like to compliment the Sponsor on such an eloquent presentation and... and I do sincerely appreciate that. And there are those who would say, well, you know, with everything you said, how could you possibly still be opposed to the Bill? And let me, first of all, suggest that in your remarks you incorporated legislative and Illinois history where we have righted other wrongs and cleverly that puts us in a box that, oh, this must be another wrong that we're... that we're righting. Many of us sincerely believe that that's not true and I would just like for you to understand that I don't believe it's mean-spirited for us to stand here and... and suggest that, you know what, we think... I think that this is a step down the slippery slope that leads me to someday have to explain to my children and grandchildren that no longer in America are we going to give the honor to a man and a woman in marriage. Now, I'm not trying to muddy the issue. I know that's not what we're doing here today. But I hope you understand that... that I believe that this is a step in that direction and I believe that if this should ever pass, the next Bill will be legalizing marriage between like... members of the same sex and I just think that's wrong. I think it... I do. You might think I'm wrong in thinking that, but I believe that... and just call me an

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old fashioned traditionalist, but you know, this is not the first time that society has dealt with this issue. We have seen societies come and grow and crumble over and over again. And if you look at the sociological history of a society that has... that has failed, what is... what are some of the commonalities? One of those is that open homosexuality becomes accepted in the higher society whether it's in Greek times, the Romans, or others and here we are at that precipice again. And so I would suggest that for those of us who stand in... in strong opposition that we are, I believe, right-minded. We're doing what's best for our country, what's best for society, what's best for our future. And with that we honorably stand in opposition."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Harry Osterman."

Osterman: "Thank you, Mr. Speaker. I want to commend Representative Harris for his leadership on this issue. I stand before you today to ask for your support for this legislation, which will enable gay and lesbian Illinois residents to join in civil unions. This legislation is not marriage as our state currently prohibits marriage... gay marriage. What this legislation will do though is important... grant important civil recognition and benefits to tens of thousands of gay couples in committed relationships around our state; individuals who currently have to seek legal assistance to secure many of the benefits that my wife and I take for granted. These are our neighbors, our friends, our colleagues. They want to

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live as who they are. They want and deserve to have their relationships recognized by the State of Illinois. Many of my gay and lesbian constituents are in long-term, committed relationships with someone who they love, who they want to share the rest of their life with. We, as a state, should allow that relationship to be recognized and along with that afford them the many important benefits, rights, and protections. This is a challenging issue for many in this chamber but recognizing these relationships is the right thing to do. One of my constituents, Michelle Miller, is a Lutheran pastor, who together with her partner, Julie, have been together for 16 years. Together they are raising three children. They're involved in our community. They care about the quality of our schools, the safety of their streets, their property taxes, and many of the issues that their neighbors care about. Together these two women have had to seek legal assistance and help to ensure that their family plan is in order in case one of them becomes ill so their kids and them are taken care of. Why shouldn't these two Illinoisans be granted the same civil benefits that my wife and I have, benefits related to property, pension, taxes, health insurance, and health care decisions. Michelle and Julie want their relationship and their commitment to each other recognized by the laws in the State of Illinois. Ladies and Gentlemen, this is the right thing to do for them, their families, and others like them in our state. My wife and I have friends, Amanda and Mimi, who live down the block from us, who go to our church. Together they are raising two boys. Amanda, like many in

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our state is battling with illness. She has cancer. And Mimi is there by her side for her ups, for her downs, for her treatments. They're there together for each other to provide love and support for each other and their kids, and to live their life each day together. When they are thinking through medical challenges that they face, they should not have added legal hurdles. If any of us have had to face those decisions, they know they are painful and gut-wrenching, and if there's any peace and solace in those decisions, is that they are made by the people that they love the most and trust in the world. Who amongst us would walk into a hospital and suggest to those suffering and dying, our opinions as to who should accompany them, whose hand they should hold, whose opinion matters most in their care. These are not our decisions to make. These are inherent rights of all human beings. They are rights that we, a government of the people, by the people, for the people, are obligated to secure. President Kennedy told us in giving rights to others which belong to them we give rights to ourselves and our country. I ask for you to stand with us today and give these rights and benefits to gay and lesbian Illinois residents. Mimi, Amanda, Michelle, Julie, and many others and their neighbors, who live side by side with them, want these relationships recognized and their commitment to each other recognized. This legislation is important to thousands of gay and lesbian residents, but it also is important to us as a state that we say that we value their relationships and their commitments to each other and support their joining

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together in civil unions. Ladies and Gentlemen, today I ask you to join with me and others in support of this important piece of legislation. Thank you."

Speaker Lyons: "The Chair recognizes the Lady from Cook, Representative Debbie Mell."

Mell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It is truly an honor to be in this chamber right now. Growing up I never imagined that I would be able to speak on this issue on the House... the floor of the House of Representative. Now, you have heard from some people who do not approve of my relationship with Christin and that's okay. We don't need everyone's blessing, but when discrimination is written in State Law, we are telling people that they are less than... they're not as good, and they're not as important to society as you are. It has harmful dangerous effects on people, families, and it has had harmful effects on me. I love my state. I am proud to live here, but my state does not treat me equally. It will take my money, take my taxes, I could even make laws for people, but if God forbid... if God forbid something happens to Christin and she cannot make a decision, by law the doctor cannot ask me anything. I'm not able to speak to her wishes. Under the law, the doctor has to go to her family and I'm not considered family. After six years of building a life together, committing our lives to each other, we have a strong faith in God and family, and after all that, we are still not considered family and I assure you we are a family and we deserve the same rights that you enjoy. Today with your 'yes' vote, Christin and I can

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become family under the law. I want to thank Representative Harris for putting forward legislation that brings us closer to full equality in Illinois. This man has poured his heart and soul in this legislation. From my family to yours, Greg, thank you so much. I want to thank my colleagues for their thoughtful consideration. I want to thank my colleagues who are both voting 'yes' and 'no' on this. I know this isn't an easy vote and I know that everyone has thought really hard about it. I want to thank all the advocates in the gallery. I want to thank Christin. And I urge everyone to vote 'yes'."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Ken Dunkin."

Dunkin: "Thank you, Mr. Speaker. You know, this is, I guess, one of those moments in history where we all have to not only look at ourselves as elected officials, but as men and women who say that we respect other human beings and their choices, their sense of direction, their adulthood, and not question their love for somebody else and how they express themselves as adults. I think this is high time for us to be on the right side of history and do the right thing and not be over judgmental on any particular persons and how they determine what happiness is, but also think that it's high time that we look at some of the facts. The fact is that in every corner of this state there are homosexuals, lesbians, and so-called heterosexuals. They exist. They exist in our own family. In my family, there are six of us, four boys and two girls, and one of my brothers is openly gay and has been for quite some times. And it took

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a lot for me to talk about this issue let alone talk about him on the House Floor, someone that I love more than anybody in this room, quite frankly, but because of my love for my brother and my respect for his choice, I'm supporting this Bill. I'm supporting this Bill because I may not be there when his lover has to make a decision on his life. I'm supporting this because my brother by and large has been a responsible adult who has loved me unconditionally and it's okay for me to support his love unconditionally and his decisions. A lot of African Americans in my district here in this state, tend to be very, very conservative on some issues here. I don't think this is the right issue to be conservative at all. I think this is high time for us to look at what the facts are. This is not some trendy scenario that is enjoying itself with the media or in some states across this country. This is a reality that is before us. It doesn't cost the state any money. It doesn't hurt anybody. It doesn't deplete anybody else's conviction of who they are and what they believe, but it simply gives some of our most vulnerable citizens here, who are in a healthy relationship whether we like it or not, the opportunity to live like me and my wife, and like many of you and your spouse. Let's do the right thing. Let's stay a progressive state. Let's move forward not only as Democrats and Republicans, but as decent and respectable human beings who respect others when they make their decisions off of their own volition and their own compassion and their own love. So, for those doubters or naysayers, what would you do if this was your

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son or your daughter or your brother or your sister or your mother or your father, for that matter, in or out of the closet. We would want to see him or her happy. So, I'll be supporting this legislation for all of those reasons that the Sponsor articulated and for how personal this has become for me and doing the right thing. I encourage everyone for an 'aye' vote."

Speaker Lyons: "The Chair recognizes the Lady from Grundy, Representative Careen Gordon."

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

Speaker Lyons: "Sponsor yields."

Gordon, C.: "Representative, just one question. Does this Bill also cover opposite sex couples... does it cover heterosexual couples as well? Could they enter into a civil union?"

Harris: "Yes, Representative. And as I said probably the largest group that would benefit from a civil union at this point in time would be heterosexual senior citizens."

Gordon, C.: "Thank you. To the Bill, Mr. Speaker. Ladies and Gentlemen, in 1967 the United States Supreme Court decided a wonderful, wonderful case called Loving v. Virginia. There was an interracial couple who decided to get married for the simple fact that they fell in love. Interesting, their last name was Loving and they fell in love. People today happen to just fall in love. And they were in their home one night and the police invaded, those were the words that were described, not my words, but the word written in the case, in the facts and they wanted to catch them in the act of sex, because not only was an interracial marriage illegal but an interracial couple engaging in the act of

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sex was also a crime. But they didn't and when they saw that they were sleeping in the same bed together the woman, Mildred, pointed to the marriage certificate on the wall and she said, no, it's okay we're married. But you see, that was illegal in the State of Virginia. Well, this case made it all the way to the Supreme Court, and the Supreme Court said, no, not on my watch. And in a 9 to 0 decision the United States Supreme Court, in 1967, decided that these laws were racist and had been enacted to perpetuate white supremacy. These are the same arguments today that are being made to keep same-sex couples apart under the Bill that Representative Harris is trying to pass from this Body. Mildred Loving, a wonderful, wonderful woman said on June 12, 2007, which was the fortieth anniversary of the decision in Loving v. Virginia. She said, 'Surrounded as I am now by wonderful children and grandchildren, not a day goes by that I don't think of Richard, 'cause her husband had passed away by that time, that I don't think of our love and our right to be together and how much it meant to me to have that freedom. The person precious to me, even if others thought he was the wrong kind of person for me, I believe all Americans no matter their race, no matter their sex, no matter their sexual orientation should have that same freedom. Government has no business imposing some people's religious beliefs over others especially if it denies people's civil rights. I am not a political person, she said, but I am proud that Richard's and my name is on a court case that can help reinforce the love, the commitment, the fairness, and the family that so many

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people, black or white, young or old, gay or straight, seek in life. I support that freedom for all. That's what Loving, capital L, and loving are all about.' Ladies and Gentlemen, to vote 'no' is to continue discrimination, to continue inequality, and to continue injustice. If you don't do anything about discrimination, about inequality, and about injustice, you keep alive in this world discrimination, inequality, and injustice. This is a constitutional issue. The Equal Protection Clause of our Constitution, that I love, demands a 'yes' vote. The Constitution must work for everyone otherwise it can't work for anyone. If you demand equal protection and you keep it from someone today, it will be kept from you tomorrow. Remember that when you press the button and you vote on this Bill. Now, people today have approached me whether it's been a lobbyist, whether it's been an e-mail, whether it's been a discussion on this Bill and it's included religious beliefs expressed about this, but let me tell you what else Mildred Loving said in her interview on the fortieth anniversary of this... of this court case. Mildred Loving believed that when she..."

Speaker Lyons: "Representative Gordon, your time has expired. I'll give you another minute."

Gordon, C.: "Mildred Loving was merely a modest homemaker, it said in her obituary, and she never thought that she had done anything extraordinary. She said, it wasn't my doing, this amazing civil rights worker. She said, it was God's work. So, Ladies and Gentlemen, what I'm asking you to do today for Representative Harris and for the people of the

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State of Illinois is to do God's work. Do God's work today. Vote for justice. Vote for equality. And vote 'yes'. Thank you."

Speaker Lyons: "The Chair recognizes the Lady from Cook, Representative Sara Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker and Ladies and Gentlemen of the General Assembly. I, too, rise on this very historic and momentous occasion, but first want to recognize the incredible work and commitment and strength of my good friend, Representative Harris, who has poured his soul into this... into the passage of this Bill. I know how hard it is to stand in front of this Body and put your heart on your sleeve and talk about things that are so personal, but you know what, we come here and what really makes a difference in this chamber are things that are personal. Stories and experiences that we have from back home with our constituents. I don't think that there is one piece of legislation that has more impact to real people in the State of Illinois in the 16 years that I've been here than the Bill that we are discussing today. Representative Harris spoke about a former colleague of ours, somebody who I love very much. Somebody who served in the military, he served in the mayor's office... in Mayor Daley's office, he served as a police officer, he was a teacher, his name was Larry McKeon. Greg told you of the story of the... the fateful day that Ray, Larry's longtime partner, lie dying in bed and because Larry had a lot on his mind and walked out of his house without his wallet... his wallet. In his wallet was a piece of paper that he

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had. His wallet is what ran his life. Every day he walked out of his house thinking I might need this today. He had something extra that many people in this room don't have to have in order to make a decision for somebody that he loved, somebody that he spent over a decade with. Somebody who proactively acted and wanted him to be the decider on medical decisions and because Larry forgot this one little object, Larry McKeon lost the opportunity to say goodbye to his life partner. Everybody in this room should think very carefully about what that would mean to you if somebody you loved lay dying in bed and you could not get in that room and be with them. The day I met Larry the story of Ray was the first thing he and I spoke about. He had just lost him. Outside of this chamber, I see men and women who have come down to Springfield year after year begging for their rights. Begging so that they don't have to worry about one or two or three extra things so that they could have the same rights as most of the people have in this room. Michael, who is here today as a lobbyist, has been with his partner for 29 years. Michael and I go to the same synagogue. We sit together for high holiday services. He is the child of survivors of the Holocaust, and like many Jewish people, his family came to America running from discrimination and anti-Semitism in Europe. They came here because this country offered the promise of freedom, the promise of freedom of religious expression, and it is because of that discrimination that the tenets of my faith.. the tenets of Judaism instruct me to pursue justice and to

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fight discrimination. Me, as a woman and a Jew, I am prohibited from doing anything but vote..."

Speaker Lyons: "Sara, your time expired. We'll give you another minute."

Feigenholtz: "...yes' on this Bill. Ladies and Gentlemen of the House, let's think about Larry, let's think about Laura and Heidi, let's think about Bernie and Daniel, and Julia and Nancy, and Rick and Ernie, and all of the people who might forget their wallets. Let's vote on the side of the angels today. Let's vote for justice. Stand with me on this historic day and vote 'aye'. Thank you."

Speaker Lyons: "The Gentleman from Cook, Representative Will Burns."

Burns: "Thank you very much, Mr. Speaker. I, too, like to commend... would like to commend Representative Harris for his fine presentation and his hard work on behalf of this Bill. I asked Representative Harris earlier today what he would like me to say in support of this Bill... in support of this legislation, and he told me to speak from the heart. And, you know, this building, these chambers, the House and the Senate are places of great theater and sometimes are tremendous in authenticity, but this issue compels me to talk a little bit about who I am and where I come from. I'm a straight man. I've been happily married for eight years. I love my wife. I don't have any openly gay relatives, but I grew up an outsider, not quite black enough for black people in my neighborhood, too black for white kids I went to school with. And so, I understand what it's like to be outside... left out and as a

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consequence, me and the people that I was friends with were other people who were outsiders, who were picked on, who were messed with, who weren't included, who were looked down upon. And as a consequence of those experiences of being bullied, of being, you know, left out of other experiences with other young people, I've always determined that I would stand up for those who were left out, who were treated unfairly because anything that diminishes a fellow human being diminishes me. I stand in support of this Bill because it's a simple matter of civil rights. It is a matter of same-sex couples having the right to have a civil union, to protect their resources, their assets, and to have the state recognize their right as members of this polity to be treated the same as anyone else. I can offer no better reason than to vote for this Bill. I encourage everyone to vote 'aye'."

Speaker Lyons: "The Gentleman from Cook, Leader Lou Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I rise in support of the Gentleman's Bill and in doing so, let me add to the chorus of congratulations for the hard work by Representative Harris. No one has, in my 23 years here, has worked harder on a Bill and has put more of him or herself into a Bill as Representative Harris has on this one. The stories we hear here are compelling. The story that Greg has told; the story that we've heard about the late Representative McKeon and the trials and tribulations of his life; the compelling story that Representative Mell tells us about her life and her family and her future; and we heard Representative Feigenholtz talk about civil

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rights. Well, of course, that's what this Bill is all about. This Bill is about giving people the dignity and respect they deserve in their daily lives to allow them to live their life the way they want to live it, and live it in a way that doesn't impact on any other people. I heard someone, who was opposed to this Bill, talk about how it takes away from the dignity and the respect of marriage and removes it from the high pedestal marriage is on. There's nothing in this Bill that does that. In fact, this Bill talks about how important it is for people to be respected in their relationships. It seems to me they had a bliss marriage. It takes married people who have taken that step and have sanctified their lives in that way and has... it says to them, you are on that pedestal. You do get that respect. You do get what you deserve. Ladies and Gentlemen, there's nothing in this Bill that takes anything away from anyone. Now, I know there'll be people who will vote against this on religious grounds even though the Bill says not... specifically prohibits using this in any way that impacts on religion. I know there will be people who vote on this on political grounds. They'll simply say, well, I can't be for this. But let's be honest with what the Bill does and what the Bill doesn't do. What it does is allow two people who care deeply about each other to have rights within that relationship. And who does that hurt? The story about Representative McKeon not being able to see the person he loved is... is one that's hard to turn away from. If any of us, gay or straight, were prohibited from seeing a family member or someone we cared deeply about because of

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some law it would be... it's appalling. It's appalling that anybody would think that that's okay. It's not okay. It's not an acceptable practice for us to take the position that because we don't live that life we have a right to tell them how to live their life. And I would also say that we have more than just the responsibility to benignly look at this. We have a responsibility to uplift it. We have a responsibility to help keep people together. In a society where married people are getting divorced now at over 50 percent rate, to have two people who love each other who want to be together is something we ought to encourage. I'm not talking about encouraging a lifestyle. We can have that debate some other day. I'm talking about encouraging the love and respect and commitment and loyalty and dreams that two people may share together. What right do any of us have to do anything to tear that down? Our responsibility is to uplift. Our responsibility is to help and to encourage people to be together, to care about each other. And whether the family is straight or whether the family is gay we should be encouraging love, we should be encouraging commitment, we should be encouraging family togetherness, and anyone that would want to tear that apart is actually tearing at the fabric of what the State of Illinois ought to be about. This isn't about marriage. It's about commitment. It's about respect. Respect for relationships. Respect for the people who live in the State of Illinois, and accordingly you should be voting 'aye'."

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Speaker Lyons: "The Chair recognizes the Lady from Champaign, Representative Naomi Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of this Bill. I have many, many constituents who have contacted me over the years from following Representative Harris' work on this asking me to support this Bill, to vote for this Bill, and of course, many of them knew that I am a supporter of it. I have many constituents who... some are gay, some are lesbians, some are single, some are in relationships, some are together raising children so the children have two moms or they have two dads. They're wonderful families. And they should be able to be treated as a family wherever they go and whatever decisions they are trying to make, decisions about their own lives. When my own daughter came out, I was glad that she came to me and she came to my husband and she was able to do that and actually, it was when she came out that I even grew stronger in my commitment to people who are gay or lesbian. She's in a relationship. She's a grown-up. But if she were in a position that she couldn't make her own medical decision, I would have to do that for her not her life partner. That does not seem like the fair way to treat anybody. This Bill is about nondiscrimination. This Bill is about equal rights and civil rights. And I'm truly honored to have gotten to know Representative Harris, working on this Bill so diligently. I'm honored to be in this chamber to be able to urge an 'aye' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Jasper, Representative David Reis."

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Reis: "Thank you, Mr. Speaker. To the Bill. I appreciate the Representative's very low key and cordial and civil debate tonight. I think this is an issue that deserves that and sometimes we get a little rowdy here and a lot of the Members in the audience don't listen and I appreciate your setting the tone for tonight's debate. And I know that the vast majority of people on both sides of this issue have made up their minds. I'd say probably 100 people have made up their minds long ago. So, I'd like to bring into what I feel is the real context to this and maybe it's a collateral piece of damage, maybe it's not. But people have talked about individual rights and hospital visitation, civil rights, equal rights, but what happens after this Bill passes that goes beyond that. When Connecticut passed their Civil Unions Act, it wasn't long after that that proponents of same-sex marriage simply went to the courts and sued for same-sex marriage. They went to the... all the way to the Connecticut Supreme Court and because of the Equal Protection Clause they won, not a single vote was cast by the General Assembly. You can say you're for civil unions, but I'm not ready for... for same-sex marriage, but the courts did it in Connecticut. The Sponsor also talked about polls and things like that and states that have already passed it. Let's talk about the other states, there's 31 sta... or 30 states, excuse me, that now have Defense of Marriage Amendments in their Constitutions specifically denying same-sex marriages. That's a powerful statement. Iowa, I think, just voted to try to... a nonbinding referendum in their November election

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to overturn their court issued same-sex marriage law. So, I ask you... I ask you to ask yourself tonight, the people that are undecided, are you ready for gay marriage 'cause that very well could be what comes out of this, by a 'no' vote of the General Assembly, maybe. We have precedent in the United States already formed through the Equal Protection Clause that very well may... make that happen. And it won't take long for your people back home to know that your vote tonight, while for civil unions and individual rights and hospital visitation, was really a vote for same-sex marriage here in Illinois. I don't think we're ready for this. I don't think the people of Illinois want this just yet. And I would encourage a 'no' vote."

Speaker Lyons: "The Gentleman from Morgan, Representative Watson."

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

Speaker Lyons: "Sponsor yields."

Watson: "Representative, first of all, I just congratulate you and applaud you with the dignity and civility in which you've handled an obviously complicated and somewhat controversial issue, rightly or wrongly, and I mean that, we've had discussions before. The one question I have which it... it's probably not to the heart of the issue of why you're... why we're here and why you were... have presented this Bill is more opposite-sex civil unions. I'm just thinking forward. These are tough questions that are not easy to ask, but somebody's at least got to be thinking about this, should this pass and you move forward, and that is what is the time frame or how long do... would those two

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individuals have to be together to be able to form this union and be able to... to take advantage of the benefits for example that that they may be entitled to should this pass?"

Harris: "Well, Representative, let me ask you. When you married your wife, how long did it take you to complete that marriage process?"

Watson: "Yeah. So, it's just as soon as... I guess my question is... is for this to happen and I'm talking look at it from an opposite-sex couple. Is all they have to do is say we are... the only thing... the criteria are what is here which is basically it has to be approved by the clerk."

Harris: "We're trying to hold couples in a civil union to no higher nor no lower standard than you would have when you and your wife decided to become married."

Watson: "So, then the argument that we can all look at or the... not argument, but this position we're in is if... if same-sex couples were allowed to get married then we would not be looking at the civil union issue."

Harris: "However, Illinois law specifically prohibits same-sex couples from being married. That's in statute. We cannot..."

Watson: "No, I understand."

Harris: "As much as I might want that..."

Watson: "Right."

Harris: "...that is not the law. And I think other speakers may have brought up a slippery slope or some other such thing, but that will always be the law in this state until this

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General Assembly, sitting in this room, at some point in the future, cast its vote to change that law."

Watson: "All right. Thank you."

Speaker Lyons: "I'd like to recognize the Governor of the State of Illinois, Governor Pat Quinn. We do have further debate, Ladies and Gentlemen, I'd ask you to please keep the decorum that we've had over the past hour. And the next speaker is Representative Mark Beaubien, the Gentleman from Lake."

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

Speaker Lyons: "Sponsor yields."

Beaubien: "Just a brief statement from this side of the aisle. I don't think this is a partisan issue. I respect everybody's opinion on this and their beliefs. My only statement is there comes a time and for those of you who are on the fence, now is the time to support this Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black. Representative, you no longer seek... Representative Bill Black."

Black: "Excuse me, Mr. Speaker, I was just digesting Representative Beaubien's remarks. Ladies and Gentlemen of the House, I'm in my seventh decade of life. People my age, as the Tribune poll pointed out, have difficulty with this. Younger people do not. For many of us in public life this is an issue that, quite frankly, if we can speak honestly we wish it would go away. It isn't going to go away. I've lived... I was born before World War II started. I've seen things that many of you haven't seen that are only in news reels. I've lived through the civil rights

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issue. In my office in Danville, there is a framed cover of the Newsweek magazine of the Oklahoma City bombing, when the firefighter carried out that little baby. That's what hatred can do. It isn't a partisan issue. There would have been no Civil Rights Act in 1964 if it hadn't been for that great Senator from Illinois Everett McKinley Dirksen, who convinced some of the Republicans to vote for Lyndon Johnson's Civil Rights Act. Now, I know there are people who never forgave him for that, but that's the kind of leadership we had back then. Everett McKinley Dirksen was a leader and a statesman and he realized that civil rights legislation was past due. We had to pass a Constitutional Amendment to give women the right to vote. It took an act of Congress to make Native Americans citizens of the United States. I agree with what my friend, Mark Beaubien, said. This is not a partisan issue. If I may paraphrase what Everett Dirksen said... and my memory, you'll excuse me if I'm wrong... but after the historic civil rights legislation, the press was all over Everett McKinley Dirksen. And they said, Senator Dirksen, Senator Dirksen, how do you explain this? You've never voted for a piece of civil rights legislation in your long career. And as I recall, Everett Dirksen, in that mellifluous voice of his, looked at the cameras and said, there is a time when I'd rather be right than consistent. I intend to vote 'aye'."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative David Miller."

Miller: "Thank you. I support this legislation. I've heard lots of comments today in terms of discrimination, and in

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fairness, which I believe and are deep down in all of our hearts here that we all support. But it's one thing to say that we support it and it's another thing to actually take an action to support it. There's one thing to say that you can accept those who may not have the same religious belief or those who may not have the same views of life or sexual orientation, but it's another thing to act upon it. Today we have an obligation, I believe, to the citizens of the State of Illinois to move our state and eventually move our country forward. What this Bill does is give a legal contract to those who could and have been and may be discriminated in protection. As Bill Black had mentioned, in history Constitutional Amendments had to be passed to correct some of the problems that we've had socially in our country. There's also that Lyndon... Lyndon Johnson signed legislation that prevented states from charging a poll tax that prevented the majority of African Americans and people of color in southern states from voting. And so, discrimination is not just blunt. It's not just something that you see every day. It's just not apparent when you look at an individual. You don't know if that person is Jewish or Muslim or Christian or whatever faith they may have. You don't know if they're gay, straight, or whatever their sexual orientation is. And I look at this legislation as being the umbrella for all of it to making sure that whatever you feel about somebody, whatever their view is, and whoever they are that all of us deserve equal protection under the law. Please vote 'yes'."

Speaker Lyons: "Representative Greg Harris to close."

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Harris: "Ladies and Gentlemen, and excuse me for getting a little emotional. I want to thank the speakers on both sides of this issue for being civil and thoughtful as we've talked about this today. Even though, I've not been in the House as long as Representative Black, I think we've seen the better part of ourselves today in discussing this issue, and so I thank you for that. There were many comments made about how I deserve thanks for something that may or may not happen here today, but it is not me that deserves those thanks. There are tens... tens of thousands of people across the State of Illinois in each of our 102 counties who for years have worked in their campuses, in their churches, their synagogues, in their mosques, who have gone door-to-door, who have passed petitions, who have given their all in the help of this issue and the hope that we can take another step toward fulfilling the American dream. It is the thousands of people who have done this work who are gay and lesbian, who are straight. It is the thousands of parents who may have a gay child and a straight child who only wish... who only wish that their child who happens to be a gay or lesbian citizen will be treated with the same dignity and the same respect as their straight child. They want them to be safe. They want them to be protected. They want them to be loved. And they want justice for them under the law. These are the people who should be thanked today, not me. It just happens to be my honor and my privilege to have introduced this Bill into this chamber. It is their work that has brought us to this point. And I don't think that when we approve this today

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society will be hurt and there was reference to, you know, other countries and other times of the world, but we're here in America. We're here in the United States. We're here in the greatest country on the face of the Earth. We're here among one of the greatest democracies that our world has ever seen. And America has become great because we have worked not to tear down, but to build up. We have worked not to pull people apart but to bring people together. Sometimes these are tough and difficult decisions. They may be tough or difficult today; they may be tough or difficult tomorrow but as we... as history judges us, each and every one of these decisions that makes our country a better place for those who come after us will seem to be the right decision. Martin Luther King said that the arc of the moral universe is long but bends toward justice. Ladies and Gentlemen, please vote 'aye' and please take one more step, one more remarkable step for our state for justice. Thank you."

Speaker Lyons: "Ladies and Gentlemen, there has been a request for verification, so everyone is asked to please vote their own switch. The question is, 'Should Senate Bill 1716 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Reitz. Mr. Clerk, take the record. Ladies and Gentlemen, as we know there's been a request for verification. I'm going to ask everyone to please be in their seats. I'm going to ask staff to please go to the back of the chamber or leave the House Floor. Governor,

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you can stay anywhere you want, but staff, please, go to the back of the chamber. And I'll ask the... Representative Chapa LaVia, do you wish to pursue your verification?"

Chapa LaVia: "No. That's fine. Thank you."

Speaker Lyons: "61 Members voting 'yes', 52 Members voting 'no', 2 Members voting 'present', 3 Members not voting. This Bill is declared passed. Representative Fritchey for a Motion."

Fritchey: "Speaker, I believe I filed my Motion appropriately in writing with the Clerk."

Speaker Lyons: "Would you read the Motion, Mr. Clerk. Representative Fritchey's made a Motion. The Motion, Mr. Clerk."

Clerk Mahoney: "A Motion has been filed for reconsideration."

Speaker Lyons: "The Chair recognizes Majority Leader, Barbara Flynn Currie."

Currie: "Thank you, Speaker. I move that that Motion lie on the table."

Speaker Lyons: "Representative Currie moves to Table the Motion to reconsider filed by Representative Fritchey. All in favor say 'aye'; opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Motion to reconsider is tabled. Ladies and Gentlemen, we have before you Representative Frank Mautino. Representative Mautino, you have Senate Bill 2485. Senate Bill 2485. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 2485 is on the Order of Postponed Consideration."

Speaker Lyons: "Representative Mautino."

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Mautino: "Thank you, Mr. Speaker. And I wanted to thank Representative Colvin and some of the other Members. We worked a bit ago to discuss a trailer Bill for this legislation. Going forward, this is the Tenaska Bill. It was debated at length. I'll be happy to answer any questions and appreciate an 'aye' vote."

Speaker Lyons: "You've heard the Gentlemen's explanation of the Bill. We had a thorough debate on this thing earlier in the day. The Chair recognizes Representative Mike Fortner."

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

Speaker Lyons: "The Sponsor yields."

Mautino: "Yes."

Fortner: "Representative, one of the things that came to my attention through the debate earlier, I don't want to rehash all that has gone through, was the fact that with the differences between residential and nonresidential supply if there were residential customers who were getting it through a supply other than ComEd and Ameren, I understand that the rate cap would not apply, is that correct?"

Mautino: "Over some of the noise in the chamber and I couldn't see there, would you go ahead and just... the rate cap would not apply..."

Speaker Lyons: "Frank, hold on a second. Ladies and Gentlemen, we have a Bill being discussed. Another very important Bill. We talked about this earlier. Representative Mautino."

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Mautino: "I believe that's... that's... what your stating is correct."

Fortner: "Thank you."

Mautino: "The statement is correct."

Fortner: "A little over two years ago, we debated the Clean Coal Act that provided the funding for the study. And at that time, Representative Gary Hannig carried the Bill. And during the debate there was this exchange between Representative Hannig and myself that I just want to get into the record again. After some discussion, Representative Hannig, where I'm going to pick up here, said, 'We're simply saying that this should be the beginning... that we should begin to look at the process.' My quote, 'And I appreciate that comment because certainly it seems to be one of the paths that we might have to adopt should we find that it is economically viable, but would require a higher rate. Would be in fact to come back as a Body and say we seriously need to revisit that cap amount and if we want to keep a level playing field between all the possible electric suppliers to our residential commercial customers.' Representative Hannig then said, 'I would agree with that, Representative.' Now, we haven't had a chance to come back and revisit the rate caps. The reason why I bring that up now is because this Body last year enacted a provision for residential customers to perhaps lower their rates through the process called municipal aggregation. I was the Sponsor. This chamber overwhelmingly supported that and it became law, January 1 of this year. There are already a couple of municipalities

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that are proceeding forward at how they might do that. And at least the way the Bill before us is currently structured, any municipality that tried to avail themselves of going into the private market to lower their rates by going outside the normal supply path through this aggregation process that we made law to help them and help lower rates, would be no longer protected by the rate cap and would be likely subject to higher rates, much like the ones that were discussed earlier that would apply to some of the business customers. I don't think that was the intent of this Bill, but it is an unintended consequence, at least as it stands now. I think that's something that we should be concerned about because we do want to keep lower rates for our residential customers. We've provided them a mechanism last year to go on the path for those communities that want to, to do so. And if this Bill does go forward, I would hope that the Sponsor will look at ways we can remedy that and provide a thorough look at the caps. Now that we have the study and we see that there's a higher cost than we anticipated two years ago and revisit the cap question as to what the right cap amounts would be. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Crawford, Representative Roger Eddy. Ladies and Gentlemen, can we please have a little quiet on the floor. I know it's an exciting evening when major legislation has been done. There are still some serious questions about a serious Bill on this floor. Representative Eddy."

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Eddy: "Thank you, Mr. Speaker. If we could have the attention of the Body. I... I think... I think we need to pay some attention to Mr. Mautino. He took a Bill out earlier on Postponed Consideration and we gave due diligence to Representative Colvin. I think he deserves the respect of the Body when he is presenting the Bill. Representative Mautino, very quickly, I know it's... it's getting late and can... can you tell us what the effect of this legislation would be as far as employment in downstate Illinois?"

Mautino: "Sure. What we're talking about here is an increase of 8.15 billion in total economic output, an increase of 3.7 billion in total income for Illinois workers, support for more than 64 thousand jobs direct and indirect as of the University of Illinois numbers that go forward. We're looking at the use of about an additional two million... excuse me, the additional two million tons per year of Illinois coal, high sulfur coal, which will go through the most... the cleanest system and utilize new technology to remove more sulfur, SOx, nitrogen dioxide from those and any other plants in the country, direct effects so that over the life of the plant is 100 million tons of Illinois coal and the incentive for other Illinois and... and other companies to utilize a resource which we have in vast supply in Illinois."

Eddy: "Representative, I... I think you also made the commitment... the similar Bill or the Bill for Leucadia regarding the minority and female hiring practices. That's solid now. I appreciate that. Appreciate the fact that you're bringing this back for a vote. I would simply ask that the Body pay

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particular attention to the importance of this to downstate. We support the project at Leucadia. And hopefully, you'll get the same kind of support for this to bring jobs to downstate for this project as well. I urge everyone to pay some attention here. And I also urge an 'aye' vote."

Speaker Lyons: "Again, Ladies and Gentlemen, we're having some very serious discussion. If we could try to lower the noise level. The Chair recognizes the Lady from Cook, Monique Davis."

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

Speaker Lyons: "The Sponsor yields."

Davis, M.: "Representative, has anything changed in this Bill since you brought it forth about an hour or so ago?"

Mautino: "In the Bill itself?"

Davis, M.: "Yes."

Mautino: "No. The protections are still there. There has been no change to the language of the Bill. There has been an agreement for a trailer Bill to address the issues brought up, rightly so, by some of the minority Members, as well as some efficiency initiatives and concerns brought up for issues within the trailer Bill."

Davis, M.: "To the Bill, Mr. Speaker. My concern remains the same. My concern is entities in my district that are already suffering financially will have greater financial cost that will certainly be passed on to consumers. The consumers are going to be hit twice. They're going to be hit in their own homes, the residential heating costs, and they're going to be hit again when the park district, the

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Transit Authority, the school district are hit. Then we're going to be hit again and have to pay those extra fees. Even though, I don't often agree with the Chicago Tribune, the Chicago Tribune editorial yesterday states that this project is extremely costly, and there's been no proof of the benefit to this state across the state. It says the General Assembly should not give its approval to a \$3.52 billion project... \$3.52 billion dollar project and some are willing to do this with the promise of a trailer Bill. It is amazing to me... it is truly amazing to me that when we talk of the cost to certain consumers there's not that much concern. Now of course, if your district is going to get a whole lot of jobs and bring in a whole lot of money, I don't blame you for supporting this. But for districts that are going to be financially hurt, I would urge you to take a second look. I've been in the Legislature a very long time and a promise is not a law. Things that actually happen are written into the law and the law is passed at the same time of the so-called promise. I do believe Representative Mautino. You have the best interest of doing the right thing, but I don't think at this moment that this Bill should be passed out of this Body. The cost, the economic payoff is just not worth it at this time. I believe there are too many personal families that are going to be hurt. I think we need to really reconsider what we're doing. With all due respect to Representative Mautino, I know you mean the best, but this time I do agree with the Chicago Tribune. This Bill is... will have an

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economic effect on this state that we will not be able to recover from soon. I urge a 'no' vote."

Speaker Lyons: "Gentleman from Knox, Representative Don Moffitt."

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

Speaker Lyons: "The Sponsor yields."

Moffitt: "Representative, I... I don't believe these specific questions have been addressed. There's some in... from the agricultural community have raised some questions of whether or not this could drive up costs for like large... large livestock operations or grain elevators. What... what is your response to that?"

Mautino: "It would depend on who they get their... their power from. We're talking about under the cost-plus program here if they're under the small business residential cap you're talking about six cents... six cents per day or a \$1.86 a month. If you're talking about someone purchasing from an ARES, it's about \$86 would be the kilowatt. Excuse... excuse me, one second. And if they buy from an electric co-op, they are not affected at all. So, it just depends on where they're purchasing."

Moffitt: "Okay. This... the electricity produced is fed into a grid. Is that right? This production would be fed to a grid?"

Mautino: "Sure. Yes."

Moffitt: "Is there an estimate or a figure of what percent of the electricity would be supplied by this facility?"

Mautino: "Two point five percent of the total load."

Moffitt: "Two point five percent."

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Mautino: "So, the slightly higher cost would be on 2.5 percent of the load."

Moffitt: "So, any increase would only be on 2.5 percent of the total electricity that's available."

Mautino: "That's correct."

Moffitt: "We're not talking about their entire cost going up. We're not talking about their entire..."

Mautino: "Okay. I'm not... I'm not sure what you mean on that but..."

Moffitt: "...only that 2.5 percent."

Mautino: "Into... into the grid the amount of power which will be reflected in this, is 2.5 percent of the power into the mass of power that's available."

Moffitt: "Okay. So, very small..."

Mautino: "And then, residential rate cap at a \$1.86 a month, six cents a day, and the industrial and those buying from the ARES, although they will pay... I believe it's two... two and a half percent, the... the amount there is equal to about \$86. Yeah. Eighty six dollars per year... per year."

Moffitt: "Okay. So, that's really a small amount of that would have any increase. Is it... is it reasonable, and everything's based on projections and some assumptions, but if... if we do not increase our power production, if we do not look for new sources, there's nothing that says the other power will not go up in cost, is there? There's no way of preventing the possibility that other sources would go up."

Mautino: "I'd agree with that. No, that'd be true."

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Moffitt: "So, the more power... the more power we produce the more... the higher the probability that we will have an adequate amount and that price would not go up."

Mautino: "And that would allow for leveling out should the current old technology coal plants no longer meet federal standards and have to come off-line."

Moffitt: "Okay. Thank you. I appreciate your responses."

Speaker Lyons: "Representative Bob Flider."

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

Speaker Lyons: "The Sponsor yields?"

Flider: "Representative, I... I think that in a lot of the dialogue that we've heard over the last couple of weeks... the last couple of days in committee and here, there's a mixing of apples and oranges and I think a confusing of the facts. And if we look at Illinois's power situation today, we currently have a wholesale market that allows industrial customers, business customers, and others to tap into some of the lowest cost, wholesale power in the nation. And in addition to that, the utility companies that buy the power for our... our customers, our constituents are buying that same low cost wholesale power. And in fact, in 2007 this Legislature... this Body passed a law that actually would have changed the way the utilities bought power. They... they wanted to buy power through a reverse auction. And as we all recall that would have... we would have seen... we would have seen much, much, much higher rates than we have today. So, we would have seen the wholesale price of power go down with these utilities would have been laughing all the way to the bank; and actually, the wholesale generators selling

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that power would be laughing all the way to the bank because they'd be charging customers much higher rates, at least 10 percent higher than they are today. So, due to the work of this Legislature, we forced that wholesale price down 10 percent. Now, what you're trying to do with this legislation is sort of assimilate the world before competition. And Representative, my understanding is that in this cost-plus model we're kind of going back to the day when the ICC would have set rates. And so, the... the effect of what you're doing is that you're trying to pass legislation that helps Illinois coal industry, that helps create jobs, that helps create power for the future so that we can power our economy at a price that for consumers is going to be two percent higher. For industrial customers it could go up somewhat higher, but certainly their overall price will be so much farther... far less because of the wholesale prices that are down and because of the environment that we created in this Legislature that gave Illinois a competitive advantage. So, at the end of the day, what we're doing here is we're actually, as I understand it, passing a law that instead of... in the old world when a power plant came online and like the old Newton Power Plant that came online in CIPS's old territory in Newton and Jasper County, we saw double-digit increases. You've actually found a way to cap the cost of power."

Mautino: "Actually, in the course of this there were concerns and we... we addressed them by, first of all, any cost overruns have to go through the ICC and Tenaska will have to eat two-thirds of those. Now that is both construction

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as well as sequestration onto that up to the.. and there's a sequestration penalty if they don't that has to be paid into those funds. In addition to that, we changed the formula so that they can't get the exorbitant profit margins or runs. There's a change in the structure of the rate of return that ratcheted that down also to be a benefit to those who are going to pay rate.. pay the new rates, while putting in new technology and building in base-load. No one has built base-load and as a matter of fact, under our new cost-plus.. or under our new model we have now there is no incentive to build base-load until this Bill."

Flider: "That's exactly right. And unless we do something about that, we are not going to see base-load power plants built, much less Illinois coal power plants built. So, this is really our hope for the future. And the point I want to make to the Gentlelady from Cook County, whose is concerned about prices there going up, I would just tell.. I would just say that the price of power for all consumers in Illinois has gone down greatly because of the legislation we passed in 2007 and this legislation simply ensures not only our energy future, helps us with the diversity of energy that we need, but it also will ensure that we can have.. use Illinois coal and that people will be put to work and we'll be able to power.."

Speaker Lyons: "Representative Pritchard will be our last speaker and then Mautino to close. Representative Pritchard."

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

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Speaker Lyons: "The Sponsor yields."

Pritchard: "Representative, we've heard a lot of numbers and it's late in the day. So, please forgive me for trying to restate some of this. But you're talking about the number of jobs created in the guarantee that the state is exposing itself to and all the businesses and citizens here. Is my calculations corrects? We're talking about \$500 thousand per job?"

Mautino: "I don't know where... where you arrived at that... at that number from. So, I... I don't know how to answer that. I do know that it is 2500 construction jobs; there are permanent jobs at the facility that were created. The U of I in their study predicted... I'll grab those for you. I'll get to you the U of I number."

Pritchard: "So, I'm told the number that I've heard is... is a result of the anticipated rate increase, divided by the jobs created."

Mautino: "Okay. And that would be assuming that all the prices are at the maximum forever and that they blow out the ceilings on all of their numbers. I mean, each... each side can statistician and people who deal with money, the opponents of the Bill, can take all the worst case scenario. The Tenaska people can take the best case scenario. The true number is going to lie in between."

Pritchard: "Is it also true in this that we're obligating ourselves to this one-third obligation whether Tenaska ever produces one kilowatt of power?"

Mautino: "No."

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Pritchard: "So, this is predicated on them coming online. Is that what you're saying?"

Mautino: "Yeah. The electricity has to be delivered under this and there are no payments from the state on any of these or nothing in the rate structure till 2015, once they are constructed and once electricity is delivered."

Pritchard: "But there's no guarantee as to how much electricity is produce... is delivered."

Mautino: "When the sourcing agreements are... are structured, the utilities will make sure that it's delivered. I mean, that's... and we have sourcing agreements in every form of power that's out there."

Pritchard: "But I mean we don't have a set amount that they're supposed to deliver. Yes. To the Bill. Ladies and Gentlemen of the House, I know this is an issue that a lot of people our concerned about for economic development. I'm also concerned about economic development and job creation. And as I've heard from businesses not only in my district but from across the state, they're very concerned that this is going to have a deleterious effect on their jobs and their competitiveness. So, I caution you about this legislation. And urge a 'no' vote at this time."

Speaker Lyons: "Representative Mautino to close."

Mautino: "Thank you. I appreciate the comments that... that are out there. I appreciate working with the... with different Members to alleviate and resolve as best we can some of the concerns. This is a three point between five and eight billion dollar construction program giving a 50-year source for Illinois coal, an abundant resource here, creating jobs

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and economic impacts while containing residential rate caps which will cost one... in a one-month period \$1.86. This is in a cost-plus structure and we have put in formulas which will not allow for exorbitant rate of returns. It is an opportunity to do a first pilot of clean coal sequestration and create the single cleanest coal... coal operation in the United States. And I ask for an 'aye' vote."

Speaker Lyons: "The question is, 'Should Senate Bill 2485 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 63 'yes', 50 'no', 1 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 1715. Read the Bill, Mr. Clerk. On supplemental Calendar #2, Mr. Clerk. Supplemental Calendar #2, House Bill 1715. Read the Bill."

Clerk Mahoney: "House Bill 1715, a Bill for an Act concerning regulation. Second Reading of this House Bill. Floor Amendment #1, offered by Representative Flowers, has been approved for consideration."

Speaker Lyons: "Hold that Bill on the Order of Second Reading. Mr. Clerk, read House Bill 1721 on the Supplemental Calendar #2."

Clerk Mahoney: "House Bill 1721, a Bill for an Act concerning regulation. Second Reading of this House Bill."

Speaker Lyons: "Hold that Bill on the Order of Second Reading. Clerk, Agreed Resolutions."

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Clerk Mahoney: "On the Order of Agreed Resolutions is House Resolution 1515, offered by Representative William Burns. House Resolution 1518, offered by Representative Coulson. House Resolution 1519, offered by Representative Sacia. And House Resolution 1522, offered by Representative Bost."

Speaker Lyons: "Representative Currie moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. Mr. Clerk, and Ladies and Gentlemen, there is a committee scheduled that was passed out. Read the committee schedule to the Members, Mr. Clerk."

Clerk Mahoney: "Meeting immediately after adjournment... immediately after adjournment is Elementary & Secondary Education in Room 114. Elementary & Secondary Education in Room 114. Judiciary-Criminal Law... Jud II will meet in Room 115, Jud II meeting in Room 115. Human Services will meet immediately after adjournment in Room 413 Stratton. Room 413 Stratton, Human Services will meet."

Speaker Lyons: "Ladies and Gentlemen, you've been notified of the committee schedule to meet immediately after adjournment. Representative Careen Gordon, for what purpose do you seek recognition?"

Gordon, C.: "For purposes of an announcement, Mr. Speaker."

Speaker Lyons: "Please proceed, Representative."

Gordon, C.: "Thank you. Ladies and Gentlemen of the House, last week we weren't here, but one of our favorite Deputy Majority Leaders over here on the Democratic side had a birthday. Representative Lou Lang turned a certain number.

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He won't share that with us. But tonight at 9:00 at the Globe there will be a gathering and if people would like to come and wish him a special happy birthday, you're more than welcome. Or if you don't want to wish him happy birthday, I'm told that there will be cake. So, come and get a piece of cake anyway. So, happy birthday to Representative Lou Lang and come and join us tonight at 9:00."

Speaker Lyons: "Lou... Lou Lang's birthday at the Globe at 9:00. Thank you very much, Representative, for bringing that to our attention. Representative Eddy, for what purpose do you seek recognition, Sir?"

Eddy: "Purpose of an announcement."

Speaker Lyons: "Ladies and Gentlemen, Representative Eddy also has an announcement. Please, listen up."

Eddy: "Thank... thank you. Just a reminder. Those folks, we will still have the dinner at... for the Downstate Republican Caucus at the Chesapeake half hour after adjournment. Just a reminder, we will have the dinner."

Speaker Lyons: "And now, allowing perfunctory time for the Clerk, the House will stand adjourned to the hour of 10 a.m. Got that? Ten o'clock tomorrow morning on December 1st in honor of Lou Lang's birthday and the Downstate Republican's party. We will push back starting time until 10:00 tomorrow morning. Representative Currie moves for the adjournment of the House. All those in favor signify by saying 'yes'; those opposed say 'no'. Allowing perfunctory time for the Clerk, the House stands adjourned."

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Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on November 30, 2010: approved for floor consideration is House Bill... is Amendment #2 to House Bill 1445; recommends be adopted, referred to the Order of Resolutions is House Resolution 1022. Representative Jakobsson, Chairperson from the Committee on Human Services reports the following committee action taken on November 30, 2010: recommends be adopted is Floor Amendment #1 to House Bill 1721. Representative Howard, Chairperson from the Committee on Judiciary II-Criminal Law reports the following committee action taken on November 30, 2010: recommends be adopted is Floor Amendment #3 to Senate Bill 389. Introductions and reading of House Bills-First Reading. House Bill 6955, offered by Representative Franks, a Bill for an Act concerning government. House Bill 6956, offered by Representative Flider, a Bill for an Act concerning government. First Reading of these House Bills. There being no further business, the House Perfunctory Session will stand adjourned."