

STATE OF ILLINOIS
98th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

33rd Legislative Day

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Speaker Turner: "All Members are asked to be in their seats. We shall be led in prayer today by Pastor Jimmy Waddell who is with the Greater Northside Missionary Baptist Church in Decatur, Illinois. Pastor Waddell is the guest of Representative Scherer. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and rise for the invocation and the Pledge of Allegiance."

Pastor Crawford: "Let us pray. Gracious and kind God, who is the author and the finisher of our faith, we come before You humbly with thankful hearts asking You to bless this august Assembly and You bless the Leaders of this House as well as all of its Members. We ask today that You would grant them wisdom, that You would grant them power, that You would lead them and guide them in the decisions that they may make. We ask all of this in Your precious Son's name, Amen."

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

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

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

Currie: "Thank you, Speaker. Please let the record show that Representative Chapa LaVia is excused today."

Speaker Turner: "Leader... Representative Bost."

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

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Speaker Turner: "Mr. Clerk, please take the roll. On a count of 117 present, there is a quorum. Representative Martwick, for what... what reason do you rise?"

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

Speaker Turner: "Please state your point."

Martwick: "Mr. Speaker and Members of the Assembly, I would point up to the gallery. We have a delegation from the Illinois Association of College Admissions Counselors in the gallery with us today. I'd ask everyone to give them a warm Springfield welcome."

Speaker Turner: "Thank you. And welcome to your Capitol. Representative Will Davis, for what reason do you rise?"

Davis, W.: "Thank you very much, Mr. Speaker. I just want to piggyback Representative Martwick's comments about the Illinois Association of College Admissions Counselors. Many of us either had lives before we became Legislators or we continue those lives, and one of my past lives was that of an admissions counselor for Southern Illinois University. So, again, I'd like to welcome that group as well. They're fantastic people. They work hard on behalf of young people in the State of Illinois. Thank you very much for coming today."

Speaker Turner: "Thank you, Representative. Representative Moffitt."

Moffitt: "I rise for a point of personal privilege."

Speaker Turner: "Please state your point."

Moffitt: "Thank you, Mr. Speaker. Since we have distinguished guests and talking about helping youth, I have a group I'd

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like to recognize. I want to recognize the University of Illinois extension 4-H Leadership Connection event which is being held today and tomorrow. We have 36 4-H members from the Illinois 4-H leadership team and the speaking for Illinois 4-H programs will be visiting Members of the House and Senate. These youth are from 24 different counties throughout the state, but are representing almost 200 thousand 4-H participants from all 102 counties. Accompanying the youth today is Dr. Denise Legvold, assistant dean and director of the Illinois 4-H program. Also working with the teens are Bill Million and Deb Stocker, extension specialists with the state 4-H office. Additional 4-H members will return to the Capitol in mid-May to share more information about the 4-H program. Please make welcome these 4-H leaders. Welcome them and they are right here to my right in the west balcony. Welcome."

Speaker Turner: "Welcome to your Capitol. Thank you, Representative. On page 29 we have House Resolution 168. Representative Hammond. Mr. Clerk, please read the Resolution."

Clerk Bolin: "House Resolution 168, offered by Representatives Hammond and Brauer.

BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the members of the Illini Central Cougars boys basketball team for winning the IHSA Class 1A State Championship and wish them continued success and happiness in the future."

Speaker Turner: "Representative Hammond."

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Hammond: "Thank you, Mr. Speaker. It is indeed my privilege to welcome the Cougars of Illini Central to the House of Representatives. They have create.. they have accomplished an incredible feat. They are the state championship and not only that, this is the first state championship of any kind for Illini Central in any sport. And I join with my colleagues, Representative Rich Brauer and Representative Brad Halbrook to congratulate the members of the team, the coaches, their families for all of the support, and the community. And it's a great day to have you here and congratulations."

Speaker Turner: "The Lady moves for the adoption of the Resolution. All those in favor say 'aye'; all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. On page 28, Senate Bills on Second Reading, we have Senate Bill 9. Leader Lang. Mr. Clerk."

Clerk Hollman: "Senate Bill 9 was read a second time on a previous day. No Committee Amendments. No Floor Amendments. No Motions have been filed."

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

Clerk Hollman: "Senate Bill 9, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Turner: "Leader Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. When the General Assembly passed a Bill and override the Governor's Veto on what was called the Smart Grid, there wa... the k... the ICC was instructed to do many things. For whatever

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reason, at the time, the ICC did not see the Bill as clearly as we did. Moving forward, there were Resolutions passed in both the House and Senate during Veto Session calling upon the ICC to live up to the law that we had passed. They did not do so and so, what Senate Bill 9 does at its core is clarify the law. And it goes... it instructs the ICC to, in a more clear fashion, to do what we had instructed them to do with the Smart Grid Bill. That's all this Bill does. It does not raise electric rates. It does not change peoples' lives. It just tells the ICC to do what they should have done all along. I would ask for your support."

Speaker Turner: "Representative Bost."

Bost: "Thank you, Mr. Speaker. I rise in strong support of the Gentleman's Bill. We... many of us on this floor, many of our colleagues that have since left the chamber, actually were at a hearing in Chicago when this was not being done correctly. We thought through a Resolution that we could send a clear message to the ICC to implement the law, the way the Bill had been presented on the floor. Quite often on this floor, we say for... for purposes of legislative intent. Now, quite often, in the courts, maybe it goes through the Supreme Court, they will hear that. You know, those agencies that are put in place to implement the laws that we pass, should also listen to those same debates if they say for purposes of legislative intent. We were very clear on our intent before. This will just clarify again, and I hope that they will move forward and get this done at a... as fast as possible. Regardless of how you felt about

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the original Bill, regardless of how you felt about it, this is simply making sure that they do what the law said for them to do in the first place. Thank you."

Speaker Turner: "Representative David Harris."

Harris, D.: "Thank you, Mr. Speaker. A question of the Sponsor?"

Speaker Turner: "Sponsor yields."

Harris, D.: "Representative, there was an article in Crain's Chicago Business about three weeks ago referencing pension payments that the... that ComEd makes and allowing those pension payments to be built into the rate base. Does this Bill address that?"

Lang: "The answer is yes."

Harris, D.: "And it allows those pension payments to be part of the computation for the rate base?"

Lang: "As they should have been when we passed the original Smart Grid Bill."

Harris, D.: "And if I may, Ladies and Gentlemen, the Crain's Chicago Business arti... Crain's Chicago Business article made it sound as though that was something controversial. However, if you were selling an automobile, as an automobile manufacturer you would put the... the pension costs into the cost of that automobile. So, it's reasonable that those pension costs for electricity rates would be put into the rate base for electricity. I would like to call attention though to one aspect of the pension issue and that is ComEd made a change from a defined benefit plan to a defined contribution plan about 10 years ago, so it's done very regularly in the private sector. But this is a

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reasonable Bill. As the previous speaker said, it does specifically state what the Legislature wants done. I encourage a 'yes' vote."

Speaker Turner: "Representative Welch."

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

Speaker Turner: "Sponsor yields."

Welch: "Representative, on something like this, I agree with Representative Bost that legislative intent is extremely important. And I want to make it clear on the record why we're considering this and taking action today. So, I have a few questions I'd like to ask. I understand that the Amendment makes language changes to the formula rate protocols in the Smart Grid law which took effect in October 2011 after Supermajority votes in each chamber. My understanding is that these changes are limited to confirming and clarifying the existing protocols. Representative Lang, can you tell me if that's correct?"

Lang: "Yes, that's correct."

Welch: "I also understand that the ICC has issued orders that are inconsistent with the Amendment. Does the Amendment supersede those inconsistent rulings in the ICC orders?"

Lang: "Yes, Sir, it does."

Welch: "I also understand that there are many issues on appeal from the cases decided by the ICC under the... the Smart Grid law, many of which go beyond the issues covered in the Amendment. Is it correct that the Amendment does not impact issues on appeal that are not addressed by the Amendment?"

Lang: "That is correct, Sir."

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Welch: "Mr. Speaker, to the Bill. I urge an 'aye' vote on this issue."

Speaker Turner: "Representative Bellock."

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

Speaker Turner: "Sponsor yields."

Bellock: "Thank you very much. Representative Lang, is it correct that the ICC has seen this language and agrees that it's clear and unambiguous?"

Lang: "Yes."

Bellock: "Thank you. And I understand that the Amendment, this Amendment, allows the utilities to file revised tariffs that correct the errors that reflected in the prior ICC orders. Is that correct?"

Lang: "That is also correct."

Bellock: "Thank you very much. To the Bill. I encourage your support of this Bill. I think this is one of the things that will help Illinois grow its economy with the infrastructure that it needs. All of the major companies look towards that infrastructure. And I encourage a 'yes' vote. Thank you very much."

Speaker Turner: "Representative Lang to close."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, the Smart Grid Bill when passed was designed to modernize our electric grid and to make it... to create many jobs in the State of Illinois. That process has begun, but we need this Bill to accelerate the process. I would en... encourage your 'aye' votes."

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Speaker Turner: "The question is, 'Shall Senate Bill 9 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Dunkin, Davidsmeyer, Pihos, Zalewski. Representative Pihos. Mr. Clerk... Mr. Clerk, please take the roll. On the vote of 86 voting 'yes', 28 voting 'no', 3 voting 'present'. Senate Bill 9, having received the Constitutional Majority, is hereby declared passed. Representative Rita on a Motion."

Rita: "Thank you, Mr. Speaker. I'd like to waive the posting requirements for House Joint Resolution 9 so it can be heard in committee tomorrow."

Speaker Turner: "Seeing no objection, the posting is waived. Representative Bost."

Bost: "Mr. Speaker, we request an immediate Republican caucus."

Speaker Turner: "The Republicans will caucus immediately in Room 115 and the Democrats will caucus immediately in Room 114. Thank you. The House shall come to order. Mr. Clerk, the status of House Bill 1165."

Clerk Hollman: "House Bill 1165 was read a second time on a previous day. No Committee Amendments. Floor Amendments #5 and 6 have been approved for consideration. Floor Amendment #5 is offered by Speaker Madigan and Representative Nekritz."

Speaker Turner: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. This chamber has spent the last couple weeks going through a series of votes on iss... on pension... impacts to pension benefits for retirees and active employees and the Amendment that we have before us

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this afternoon I think is really at the crux of the... any comprehensive proposal. The annual cost-of-living adjustment that... that annuitants receive when they retire is currently three percent compounded every year. And that is a very significant benefit and it does increase the... the benefit, in fact, many... it increases in... over the last several years that increase has been much more than the cost-of-living index would indicate, much more than Social Security recipients would have received and frankly, much more than many folks have received who are working especially in the State of Illinois and those of us in this chamber who have taken pay cuts. Oh, this is just... this is just the name. Oh, I'm sorry. This is just the name, sorry."

Speaker Turner: "Would you like to close, Representative?"

Nekritz: "No. I think I... I think I did a nice job on the name."

Speaker Turner: "Representative Reis. The Lady moves for the adoption of Floor Amendment #5 to House Bill 1165. All those in favor say 'aye'; all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

Clerk Hollman: "Floor Amendment #6 is offered by Speaker Madigan and Representative Nekritz."

Speaker Turner: "Representative Nekritz."

Nekritz: "Well, I'll just pick up where I... where I was. So, the three percent compounding COLA has, in fact, put I think annuitants in a much better position than folks that are working and many folks who retired who are receiving Social Security and the CPI increases in the... in the last many

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years has been much less than the three percent that our annuitants are currently receiving. This single benefit is the most expensive single component of the pension benefits and... and as the systems have indicated that this single benefit is about 20 percent of the overall cost of the benefit. So, if we are to bring the cost of our pension system and bring dow... and bring down the annual increases, the trajectory on which our increases and pension payment are headed, this is the place that we have to look. And it... and as painful as it is, we will never get this... the... the increase in cost to the pensions under control if we don't address the... the cost-of-living adjustment as it currently stands. This particular Amendment does... has two component parts to it when it comes to the COLA. The first deals with when an annuitant would start receiving the COLA. It would... This would say that the annuitant receives that COLA at age 67 or five years after retirement, whichever is earlier. And this again, applies to those that are already retired as well as those who have yet to retire. So, if you are retired and retired at the age of 63, you would start receiving the COLA when you are 67. If you retire at the age of 55, you would have to wait five years. And again, this applies to those that are currently retired as well. So, if you... you retired two years ago at the age of 55, we would... you would have to wait another three years before your COLA would start kicking in again. The second part of this has to do with the amount of the COLA. And the policy goal behind this, I think, is really significant. The goal is to protect those who are truly at the low end of the... of

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the wage spectrum so that those who receive... currently receive or in the future will receive an annuity that's less than \$25 thousand that they would still receive the three percent compounded. Once they... once an annuitant is receiving an annual benefit worth \$25 thousand, the annual increase is abo... over that would be \$750 a year, that being three percent on that \$25 thousand. Again, I think this in... in a larger comprehensive Bill where we are looking to achieve several policy goals one of which is to pro... to have a less of an impact on those that are closer retire... closer to retirement because they have less time to adjust to these changes. This is another important policy goal of protecting those who are on much smaller pensions and continuing to... and providing them the same benefits that they have today. So, with that, I would ask for your support on Amendment #6."

Speaker Turner: "Representative Reis. Representative Fortner."

Fortner: "Will the Sponsor yield?"

Speaker Turner: "Sponsor yields."

Fortner: "So, this affects retirees as cur... as well as current employees. Is that correct?"

Nekritz: "That's correct."

Fortner: "To the Amendment. And I understand the importance of what's being done here in the Amendment and there's a lot of differences of opinion as to how we can best address what is clearly a crushing fiscal issue. I have some personal concerns and they really go to the constitutional question of how it's interpreted. And I understand that Illinois courts are not Arizona courts. And I know last

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week there was some discussion about what other states have done, but I think it's important, at least from my perspective or what I understand that I would want to do is to note that when Arizona looked at this, in 2011 they made adjustments to retiree COLAs and last year, what their judge said, first noting the Arizona Constitution states that membership in a public retirement system is a contractual relationship and is subject to Article II and public retirement benefits shall not be diminished or impaired. If that sounds familiar, it is strikingly the same as the language in our own Illinois Constitution. Then again when they applied it specifically just to the case of the retirees, what they... what they... the judge went on to say is that there's nothing more that the plaintiffs have to do their pension benefits. They have retired. They have fully performed every condition for a benefit. And in term... determining what benefit the plaintiffs are vested in on the day they retire and then they go on to cite their statute, which again reflects that constitutional language. As I said at the beginning, I understand this is an Arizona judge not a Illinois judge, but for me looking at their constitutional language and our constitutional language, I cannot be comfortable supporting this Amendment. Thank you."

Speaker Turner: "Leader Cross."

Cross: "Thank you, Mr. Speaker. I want to say thank you to the Sponsor. She and I have worked on this and other versions for a while now along with Senator Biss who obviously is not in this chamber, but I want to applaud him for his work

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in a very difficult situation especially yesterday and I really admire his strength and courage in the way he handled things and the willingness to move forward at a... I think probably a situation that was not necessarily conducive to passage of his Bill, but having said that, I want to... I rise in support of this. This will perhaps be one of the toughest votes we take on the issue of... of pension reform because it does affect current and retirees. And it is a difficult component for all of us, even those of us that are sponsoring acknowledge and realize that affecting retirees is a difficult conversation to have and one that raises the ire of those in retirement. But as Representative Senger said to us earlier today, if we're going to have a pension system down the road and we can save our retiree or a current worker, whether it's a teacher or state... state worker, university worker. If you want a system and you want to make sure you're going to get a check, as the years go by, we have to address this provision on the COLA. I don't know that this will be the final product. It... we may see some variations at another time and I'm okay with that. We have to realize though that... that this is where we get our savings; we don't want to lose sight of that. But I think Representative Nekritz and I both are always amenable to finding different alternatives to addressing a problem and are open to those of you that are concerned about this particular way we've done it, but the bottom line is we need to move forward. It does not appear that the other chamber, at this point, has been able to find a way, a comprehensive way to move

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something forward. So, I applaud the Sponsor and those that have worked on this. I remain open to different approaches, but I think, at the end of the day, we have to acknowledge that this is an arena that we have to... we have to play in to... to ensure that we have a pension system down the road. Been a lot of talk over the last few years about constitutionality. The reality is nobody in this building, none of the law firms anywhere in the state know how the courts will rule on this provision or on 3411 or on any of them. The reality is we won't know 'til we send a Bill to the courts. We won't know until, assuming there's a... a lawsuit and I think it's a fair assumption, we won't know 'til they make a decision. No one wants to pass an unconstitutional Bill. I certainly don't; I don't think Elaine does. And we have worked, I think, very hard to find that this provision as well as 3411 is constitutional, but we will... we will have many people opine this to the constitutionality, but we will not know, again, until there's a lawsuit filed and the courts decide. And that cannot happen until we pass a Bill and at the end of the day we need to do that. We continue to have the conversations about budgets, about crowding out, about the fiscal sanity of the state, fiscal integrity of the credit rating, the job climate, et cetera, et cetera, et cetera. If you're one of those that talk about that, this is your opportunity to help address that particular problem. So, I rise in support of this Bill and this Amendment. And I... I hope for the sake of the state and for future retirees and current retirees that this passes. Thank you."

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Speaker Turner: "Representative Nekritz to close."

Nekritz: "Thank you, Mr. Speaker. To the... some of the earlier points that were raised. For the Teachers Retirement System, I believe the number is... of the... of the 52 billion in unfunded liability that's attributable to TRS, 70 percent of that... 70 percent is... is attributable to those that are already retired. So, those are some very big numbers and if we are to, and I know this is a very difficult thing to do to retirees and I... and I feel that as well, I mean, it's not something that I certainly relish doing, but unfortunately, the... we have let the problem get so big that that is the... has to be the nature of the solution that we're looking to and it's not again different from what other states that have been in comparable situations have done as well. And... and I would say just to put a point on it with the Arizona case, I believe that the Legislature there made no case at all for why this had to be done with regard to the depth of their pension crisis to other steps that they had taken for tax increases and for other budgetary cuts in order to... to make the case as to why the actions that they took were necessary. We, in this Body, have done all of those things. Those have also been very painful decisions and I think that... that even though the Arizona pension clause looks like ours that our situation is so completely different that that's really not going to be a precedent for us. I would also like to thank Leader Cross and Representative Senger for their good work on the Bill that... that of which this particular Amendment is a component. And I think that the, you know, that... that

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package continues to be... we need to continue to look to that as the... as the solution for this. So, again, I would thank them for their good work and their cooperation on this. I would ask for your support."

Speaker Turner: "The Lady moves for the adoption of Floor Amendment #6 to House Bill 1165. All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative DeLuca, Sente, Sims. Clerk, please take the record. On a vote of 68 voting 'yes', 48 voting 'no', 1 voting 'present', Floor Amendment #6 will be adopted to House Bill 1165. Mr. Clerk."

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

Speaker Turner: "Third Reading. House Bill 1165. Mr. Clerk, please read the Bill."

Clerk Hollman: "House Bill 1165, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Turner: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. I think we had a very full debate on Second Reading. And I would urge the... urge the same Roll Call."

Speaker Turner: "Representative Sacia."

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

Speaker Turner: "Sponsor yields."

Sacia: "Representative Nekritz, I... I, first of all, had the privilege of coming into this Body with you 11 years ago. And I have watched you evolve into the workhorse of this Body and I say that with the greatest respect in the world

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and very often when people start with praise they then turn around and ding you. I'm not going to do that. All anybody has to do is watch you for five straight hours yesterday as you tried to lead us through a very difficult Judiciary Committee and your leadership is so applauded by all of us on both sides of the aisle and your leadership on this issue is absolutely amazing. You know, I... I live in a rural area and we kind of have a saying back there and I shared it in caucus, but it... it applies to every one of us here as we deal with this very difficult pension crisis. It's don't ding me, don't ding thee, ding the guy behind the tree. Nobody wants to suck it up. None of us really want to have to take this hard vote, but all of us have to take this hard vote. Our system is a defined benefit system. What that means is we receive benefits to the day we tip over and then our spouse continues to receive them. Let me ask a question. How many here would happen to know the name of Ida May Fuller? I'm not looking for a show of hands. Ida May Fuller is the very first person in the United States to receive a Social Security check. She retired in 1939. She had paid in a total of \$24 and change, when she started receiving her Social Security. Her first check... her first check, Ladies and Gentlemen, was \$22 and change. She received almost as much as she had paid in. Ladies and Gentlemen, she lived to age 100. She took in a total of \$23 thousand-plus; in today's dollars, a half a million dollars for paying in a total of \$24 and change. We're all in the same situation. If we're blessed enough to receive a pension, our teachers that receive a pension, our state

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workers are all in a defined benefit program. We will receive a benefit and again, picking up on Leader Cross's comments about Representative Senger, she shared it so well in our caucus this morning, that we want to be able to provide something for our retirees to the day they pass away and then the percentage that their spouse continues to get. We are in a crisis, Ladies and Gentlemen. This is one of my hardest votes and the biggest reason it is, is we've eliminated judges and we've eliminated Chicago teachers. And I don't doubt we're going to deal with that down the road, but having to go back to our constituents that I have promised not to hurt retirees and my argument will be much like Representative Senger's, we do not have a sustainable pension system. We cannot make this work, folks. We've been talking about it for three years and I refuse to use that term of 'kick the can down the road', but Representative... Leader Cross said it so well. And that is, Ladies and Gentlemen, we're not looking at a final product here, but we have to get something out there that is sustainable. If we pass this, Ladies and Gentlemen, it saves a hundred billion, with a 'b', by 2045. Elaine, I can't begin to praise you enough, Leader Cross, Senator Biss, Representative Senger, the others that have worked so hard, you do not have a perfect product. In fact, there are things about it that I really don't like, but I'm going to support it and I'm going to ask everyone in this Body to try to get behind this wonderful Lady and the work she is trying to do for the 13 million people in this great state. We owe it to them. Thank you."

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Speaker Turner: "Representative David Harris."

Harris, D.: "Thank you, Mr. Speaker. Question of the Sponsor?"

Speaker Turner: "Proceed. Sponsor yields."

Harris, D.: "All right. Representative, this applies to all of the state systems, the fi... the four of the five state systems. The judges are not included, correct?"

Nekritz: "That's correct."

Harris, D.: "Okay. And the provision regarding the COLAs provide... applies not just to the retirees but also to the spousal benefit. That carries on to the spouse... the spouses survivor benefit?"

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

Harris, D.: "Okay. If I may, you had a very positive... to the Bill... you had a very positive vote on the Amendment, so you very well may have exactly the same vote on the... on the Bill. But I'd like to make just a couple of comments, if I may, before we vote on it. And the Bill, as the Sponsor mentioned, applies to four of the five systems. We have all heard from our teachers and our teachers keep saying, you're picking on the teachers. You're demeaning the teachers; you're demeaning what we do as teachers. And I just want to let the teachers know that is not at all the case. This is not, in any way, directed at teachers. The... the reason that TRS gets so much attention is because TRS dwarfs the other systems combined. TRS has roughly a quarter of a million participants. If you add the other three systems that are covered by this Bill, you come up to about a hundred and seventy-five thousand. So, the point is, TRS is so much bigger than the others; that's why it

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gets so much attention, but it's not geared just for teachers. So, please, let's keep that in mind. The other thing, though, you know, we talk about a cost-of-living adjustment. My friends, I will tell you, I don't call it a cost-of-living adjustment. I call it an automatic increase because you would think that a cost-of-living adjustment would have some relationship to what the cost-of-living is. And if you look at the government's... the U.S. Government's standard for cost-of-living adjustments that are given to Social Security recipients, over the last 20 years... over the last 20 years only four times in those 20 years did that cost of... cost-of-living adjustment for Social Security recipients exceed three percent. Yet, this benefit that we provide to our retirees is three percent compounded annually year in and year out. It is a very rich benefit which the co... the Sponsor has correctly said we simply cannot afford. So, we're making a change. Is it constitutional? I don't know. We have some that say yes; we have some that say no. We don't want to pass an unconstitutional Bill, but we all know that whatever we pass out of this House is going to be... assuming it's through the Senate, is going to be challenged in court. If the judges of this state want to bankrupt us even more than we are now, that is out of our hands. We are doing what we think we have to do to maintain the financial stability of this state. If this Bill goes to the courts and the courts say it's unconstitutional then 15 and 20 years down the road, just as the others have said, there are not going to be the funds there to pay those retirement benefits. That's

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how serious it is. And if the judges of this state decide that's what they want to do, that's their responsibility and quite frankly, that's their fault. So, as difficult as it is, this is a really hard vote, but she had a very positive vote on the Amendment; she should have as equally a positive vote on the... on the final passage of the Bill. And I certainly encourage a 'yes'."

Speaker Turner: "Representative Reis."

Reis: "Thank you. Will the Lady yield?"

Speaker Turner: "Sponsor yields."

Reis: "Representative, can you explain in a little more detail how this will affect current retirees who are already over that 25 thousand threshold, and I'm assuming most of them are, but there are probably some that aren't. How will it affect current retirees going forward?"

Nekritz: "For current retirees that are over the age of 25, there's... the instead of receiving a... an annual three percent compounding increase, they would be receiving an additional \$750 a year. Every year they'll get another \$750 added on to their annuity and that represents three percent of that first \$25 thousand of the annuity. The second impact would be for those who have been re... who are either under the age of 67 or have not yet been retired for five years. They would have to wait until they achieve one of those two milestones before they would receive another COLA."

Reis: "So, this will not affect benefits that have accrued to date?"

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Nekritz: "That's correct. So, if you retired at the age of 55, you'd been retired for two years, you've received a COLA for those two years, it will not roll that back. You would just simply wait another three years before you received an additional COLA."

Reis: "Okay. Now, everyone talks about the five pension systems here in Illinois. We really have six counting the Chicago Public School system retired system, right?"

Nekritz: "Well, actually, we have about 600, but yes."

Reis: "Okay. Why does this not affect Chicago school teachers? I mean, they have the same problems we do. Why don't we incorporate these changes into their benefits as well?"

Nekritz: "Well, Representative, you know, last year we did... we did... the Metropolitan Water Reclamation District came to us with a Bill that addressed their particular needs and in... in the way that they felt would... would make their system sustainable and we passed that. We didn't... So, there are dozen... there's a couple dozen, I mean, you know, and we can talk about the downstate police and fire that's where the bulk of the 600 comes in, but there are two or three dozen additional pension systems. The City of Chicago doesn't just have Chicago Teachers Pension Fund. They have the laborers; they've got police; they've got fire; they've got the police sergeants. I mean, they have lots of those funds. We're not dealing with them; we're dealing with our problem in this particular legislation."

Reis: "And I... I understand that, Representative, but fair is fair. I mean, why should it be so more advantageous for the teachers of Chicago Public School System than it is for the

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rest? And that's just, as a matter of fairness, doesn't seem right to me that they go ahead and get the gravy train, as everyone likes to call it, but yet the suburban and downstate teachers don't."

Nekritz: "And Representative, the... if we... if we could wave a magic wand, I think we would go back and say why are... why does the State of Illinois pay for downstate and suburban school teachers when they've never worked for us and we would have made that system equitable a long time ago. We pay, you know, that... this isn't the responsibility of the State of Illinois. And we are addressing our particular needs in this... in this Amendment."

Reis: "So, I've heard the number and we've voted on so many Amendments I don't know if you're including all the Amendments, but will just this Bill alone, you say, save a hundred billion dollars?"

Nekritz: "Yes, Representative. That's... and that's just a little bit of an extrapolation for the numbers that the Teachers Retirement System gave us with regard to just the COLA... just the changes to the... to the COLA. Some of the... some of the component parts of House Bill 3411 save money and some don't... and some go the other way. So, for example, if we were to... to address the situation for Tier II employees, that's actually going to cost us money. So, that would come off this number, but from best we can tell for this particular benefit impact alone, again, extrapolating from the TRS number, it's in the neighborhood of a hundred billion... a hundred billion dollars."

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Reis: "So, how will this affect the state's payment going forward?"

Nekritz: "I don't know what this particular one... just the state... does to the state payments going forward. Again, if you look at the whole package in House Bill 3411 that's sponsored by Leader Cross, the... the impact, the savings in FY14 would be 1... around \$1.8 billion. That would be the reduction in the pension payment that we would owe."

Reis: "Okay. So, here's what I want to put together as I close here and to the Bill. Ladies and Gentlemen, we all recognize the size of the liability. We argue about how we got the liability. Most teachers and state workers will recognize that maybe they didn't pay enough in, all I've talked to the last two or three years. They're willing to adjust that. But what it's not fair to do is to go to them and say you have to make up the entire liability when over half of the liability is 'cause the State of Illinois never made their payments. So, in a roundabout way, that's what this Amendment and Bill does is that it puts the entire liability repayment on the backs of our current employees and our retirees. That's not fair to them. And we don't even know if a pension shift's going to come in later on in this Session that's going to put even more distress on our rural areas and our suburban areas because not only the teachers are going to be paying more but the school districts might be paying more. So, we just... we continue to keep talking about this from the aspect of making the state workers and the retirees pay for it. I don't think that's fair. I don't think this is constitutional. There are other

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avenues out there that have been negotiated with the... the various unions that may prevent a lawsuit that I think would help us accomplish what we're trying to do. Thank you."

Speaker Turner: "Representative Kay."

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

Speaker Turner: "She indicates that she does."

Kay: "Thank you. Representative, you have worked hard on this and I think a lot of people appreciate it, so I don't want you to misconstrue what I'm going to say today is any way being negative, but there's some things that need to be said on this floor and I'm going to try and say them as succinctly and quickly and without any emotion as I possibly can. But I want to... I want to go to legislative intent for just a second, if I could. Does your Bill redefine earnable compensation for teachers?"

Nekritz: "Representative, that's not a term I'm familiar with. Can you describe to me what you mean by 'earnable...'"

Kay: "Well..."

Nekritz: "...compensation'?"

Kay: "...most... most teachers that I talked to believe that in their salary package the guarantee or guarantees of payments for pensions, et cetera, was built in on the frontend and they were to enjoy it at the tail end. So, my question... and you may not agree with that... I happen to think that's probably true, but are we defining today the... the program for teachers? Are we redefining earnable compensation?"

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Nekritz: "Representative, I'm... I'm still unclear as to how to answer your question 'cause I don't... I'm not following what you're... what you're meaning by that."

Kay: "Well, as I understand it, pensions... now this is the way I understand it... pensions are... are an alternative way of structuring a salary based compensation package. Do you agree or disagree with that?"

Nekritz: "Well, they're... they are part of a overall wages and benefits package."

Kay: "Okay. So, we're redefining that benefits package today, is my question."

Nekritz: "We... we are... we are making a change in statute..."

Kay: "Okay."

Nekritz: "...to the..."

Kay: "Yeah."

Nekritz: "...to the... to what's currently in statute."

Kay: "Right. Okay. And so, I think we have some agreement on that. Representative, let me say this. I'm... I'm going to vote for your Bill today because it's the last clear chance to prevent catastrophe and not pay at all. And this is no reflection on you, but this process stinks. It stinks. It is... it is the worst form of government that I think I have witnessed in my lifetime on a state level. And it's not your fault, but there is a lot of fault to be spread around. So, when we vote on this today, whether you're for it or against it, I hope nobody thinks that is voting for this that this is anything but a plan that doesn't smell good. That has a bad odor to it. And it's going to leave a bad odor in the State of Illinois and it's going to leave a

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bad taste in the mouth of the citizens of this state because we can't fulfill pledges. Thank you very much."

Speaker Turner: "Representative Smiddy."

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

Speaker Turner: "Sponsor yields."

Smiddy: "To the Bill. I believe that promises made to our current retirees should be the promises that the state and this Body should keep. These individuals did what they were asked to do and followed all the rules. It was because of us not funding their pensions over the last four decades fully is why we are in this mess. And I believe that we cannot fault our current retirees. I cannot go back to my district and look at my teachers in grade school and tell them that because of... it's our fault. We're still going to make you pay for these things and they live on this income. Also, teachers do not receive the Social Security benefits that some of the other retirees do for the state and we need to make sure that people understand that. So, these COLAs are the only thing that they have for an additional income when it comes to their retirement. So, I would... I would greatly urge the folks in this chamber to please vote 'no' on this because this is the lifeline for our retirees here in the state. Thank you."

Speaker Turner: "Representative Brady."

Brady: "Thank you very much, Mr. Speaker. Ladies and Gentlemen, to the Bill, and I'll be as brief as I possibly can. There's been a lot of discussion and first off, I respect whatever position you are in and will vote on this Bill. But from a personal perspective as a Representative of the

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105th District, I feel compelled to explain what my vote will be to those who I represent. It goes back to my good friend Representative Jim Sacia's comments earlier talking about a tough vote. And there's no doubt, this is an extremely, extremely tough vote. And I believe I made those tough votes at different times when we dealt with retiree health care and changes that stirred up, obviously and understandably a lot of folks, but we did something in that that I think is different here and that was we made sure it affected as many that were in the system as possible. This particular Bill with all the hard work on it by all the... all the many people are to be commended. But there's an absence here that I just can't get over as a Representative and that is, I can't do it and look the other way. I can't do it and hold my nose and push the green button and I've got a pretty strong stomach. But if this is such good piece of legislation, it should include all five of our major pension systems and it doesn't do that. I can't, in good conscience, as a Representative, ask others to do something that I don't ask of all of the major systems in the State of Illinois pension system. Again, I respect everyone's vote, whatever position you're in. I thank all those that have worked very, very hard, but I will be a 'no' vote. Thank you."

Speaker Turner: "Representative Franks."

Franks: "Thank you, Mr. Speaker. I'd like to speak to the... to the Bill. I hate this Bill, I really do. I hate being in this position to be voting on this Bill. I hate that the fact that I know that after this Bill passes that it's

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going to be challenged in court. But what I hate more is that if we don't pass this Bill, that the people we made promises to there's a real chance that they are not going to get anything because we... if we don't do this and if we don't modify what we're doing now, everything else is just rearranging deck chairs on the Titanic. But for instance, we're going to be gone on Saturday, we'll leave here tomorrow, and we'll be on a two-week break, then we're going to come back and we're going to be doing Bills for two weeks on Third Reading and then we're taking another break. So, during those five weeks, the pension debt will grow by an additional half a billion dollars, over \$500 million additional debt. And we talk about the cuts to everything else. We talk about education cuts, when the Governor said he wants to cut \$400 million, by delaying those additional costs are just increasing. I don't like this Bill, but I don't see how I can't vote for this Bill because if you don't vote for this Bill, folks, what you're saying is that the people we made these promises to aren't going to get their money. Now, we can forget about the blame because there's plenty of blame to go around and it's mostly in this room. It's because of the Legislature before us, the Governors before us, it's under this dome, that we didn't fully fund what we should have done. Certainly it added that we didn't get the returns that the actuaries said we'd get and also, we had the problems at the local levels where there was a total disconnect where people would retire with much bumped up salaries their last few years and they might have paid in for 50 thousand but we're

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taking a pension out on a hundred. It didn't add up. So, we're... unfortunately, this is where we're at today. And the responsible vote, even though you don't like it, though you know it's going to be challenged in court, you have to vote 'yes'. And I encourage you to vote 'yes'."

Speaker Turner: "Representative Pritchard."

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

Speaker Turner: "Sponsor yields."

Pritchard: "Representative, is this Bill the sum total of what we need to do for pension reform?"

Nekritz: "Representative, as... as we've gone through a process over the last couple weeks, we've dealt with a lot of component parts of what I would consider to be a comprehensive pension reform Bill and this is another... this is probably... not probably... this is the most significant component part of the... of the package."

Pritchard: "So, in other words, there probably will be future legislation that will look at all of these pieces that we've dealt with and give us a omnibus Bill, if you want to call it that."

Nekritz: "That... that would be my hope, Representative."

Pritchard: "So, there is going to be an opportunity for us to come back and visit this whole concept of COLAs."

Nekritz: "Well, I... I can't guarantee that, but I would, again, that would be my hope."

Pritchard: "In your crafting of this legislation, did you consider the way that COLAs were treated in the University of Illinois Governmental and Public Affairs Institute letter on the pensions?"

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Nekritz: "Representative, we looked at a lot of different proposals when it comes to this. If you can remind me what specifically theirs did, I can respond to that better."

Pritchard: "So, what they were suggesting is, yes, this is a big part of the funding problem of pensions, but one way to reduce the liability and yet give assurance to those retirees is to look at this as one half of the CPI-U, whatever that is and look at a system that is tied to inflation. The cost-of-living adjustment, as we call this, is really an annual increase of 3 percent to the pensions. And in high inflation years like the 1970s were, when inflation is well over 10 percent, this 3 percent is really allowing our employees to fall well behind where inflation is going. In recent years, yes, this was higher than what inflation is, but their rationale was by tying it to the CPI you're giving an assurance to the retirees that they're never going to fall significantly behind what inflation is doing to their retirement."

Nekritz: "And Rep..."

Pritchard: "It just seems like a good proposal that we ought to consider as we look at, perhaps, fine-tuning this to something that is constitutional because clearly what we're doing is taking away without giving the employees something. And the U of I proposal would perhaps do that. One other question. The university employees in the SURS system have been contributing more each paycheck so that they could pay for this annual adjustment. Does this Bill in any way recognize the fact that some employees have paid for their cost-of-living adjustment?"

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Nekritz: "Representative, I know that that's the situation in SURS and it's been a while since I've talked to the actuaries at SURS about this, but I believe that the additional contribution that was put... that was made by the employee does not really pay for the 3 percent compounding. So, while it was increased, it does not come close to meeting the cost of the... of the COLA. So, I'm not sure that you can say that that was a... a con... that the two are equal."

Pritchard: "So, one of our previous speakers mentioned that we maybe have to hold our nose and support this Amendment, or this now Bill, because I think we really are taking something away from people that they thought they were paying a little extra for. And that's why I think we need to come back and look at this particular element in the final Bill and make adjustments that do account for giving some consistent... consideration to employees with a cost-of-living adjustment and recognize the fact that they have participated with an intent here. Thank you."

Speaker Turner: "Representative Martwick."

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

Speaker Turner: "Sponsor yields."

Martwick: "Representative, I am one of the many new Members here on the floor and so, this is a newer problem for us to address. I certainly do appreciate all of the time and effort and energy and thought that you have put into this. I have a couple of questions because being... being new here and having to deal with this problem that was created over four decades, there are some... some difficult things that...

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that I think many of us need to work through. This... how does this address, I mean, we always hear about this unfunded liability, how does this help the unfunded liability?"

Nekritz: "Representative, the... I don't have it... they can look up a number while... maybe while we're here on the unfunded liability, but I can... I can tell you of the... of the \$397 billion that the state will owe for the pension systems between now and 2045, this one change will... would take about a hundred... round numbers... a hundred billion dollars off of that. So, if I... I'm... I'm guessing then, based on some very quick math and I don't have my math professor standing here with me, that they would probably knock about 18 billion off of the unfunded liability that this... and 18 to 20, 16 to 20 billion off of the unfunded liability, again, very round numbers."

Martwick: "Okay. So, it does, by changing the benefits that are going to yield in the future and reduces the amount of unfunded liability, just generally speaking.."

Nekritz: "And I..."

Martwick: "...not specifically. It's reducing the amount of the unfunded liability by reducing the amount of benefits that we will have to pay as we go forward. Is that correct?"

Martwick: "That's correct. And Representative, remember, that as I said earlier, that with regard to the Teachers Retirement System, over 70 percent of that unfunded liability is attributable to those who are already retired. So, the only way to really impact the unfunded liability

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is, unfortunately, to impact the... the annual adjustment being received by those retirees."

Martwick: "So, I assume then that this would be savings that, that if this Bill were to be signed and turned into law, these are savings that we would see immediately and then in each year going forward as it reduces the unfunded liability."

Nekritz: "That's absolutely correct."

Martwick: "Are any of those moneys funded... or are any of those savings going to be earmarked to guarantee that there is further reduction of the unfunded liability? Are any of these moneys going to be earmarked to guarantee that we fund our pensions in the future going forward?"

Nekritz: "Well, not... not in this particular Amendment, Representative, but in the comprehensive package that Leader Cross has... has put forward there is a strong funding guarantee to make sure that the state does make an actuarially required payment, which is very different than the... than the continuing appropriation that was in the 1995 law. And... and the immediate im... if we were to pass, again, the comprehensive package that was put forth in House Bill 3411, the immediate impact of that would be to take us... the unfunded liability percentage... from 40 percent to 50 percent. We don't have to do anything other than pass the Bill and the unfunded liability is dramatically reduced."

Martwick: "Can you just speak to, briefly, about... We drew a line here, obviously, with this Bill. We're drawing a line on the COLA that says, your COLA is going to be based on a salary or the line that we draw is a \$25 thousand a year

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salary is where that... that COLA will stop increasing and it will be a flat amount based on that 25 thousand. Can you tell us how we arrived at 25 thousand? Where did we draw that line?"

Nekritz: "Sure."

Martwick: "What drove us to drawing that line?"

Nekritz: "And Representative, remember, that the... that the \$25 thousand is the amount of the annuity not the amount of salary. I just want to make sure that that's clear."

Martwick: "Correct, correct."

Nekritz: "So, yes."

Martwick: "I understand. Thank you."

Nekritz: "So, the \$25 thousand level is a... is a number that we thought was adequate to achieve a level of savings that we need to achieve, but just as importantly the average citizen, not on a State of Illinois public employee pension, is receiving Social Security. And the average Social Security benefit across the country is \$14 thousand a year on which that recipient would receive a cost-of-living adjustment. The \$25 thousand is almost double that amount and we... and the recipient of the State of Illinois pension would still be receiving an annual increase, although much... although smaller than what they would be under current law. So, the fact that the 20... that the average Social Security benefit is 14 thousand and we were looking at \$25 thousand, which was almost double that amount, seemed to create some... some equity."

Martwick: "Do you know approximately what the average annuity is under the five retirement systems, approximately?"

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Nekritz: "Representative, that's a very tricky question to respond to because what the average pension is takes into account the woman who was on the front of the Chicago Tribune, who's 105 years old and receiving a \$20 thousand pension as well as someone who retired yesterday based on 2013 salary. So, the ave... to me the average pension is not... is not... it's a very... there's a number out there and I think that what the labor unions would tell us is that the number's 32 thousand. But I think that those numbers can be very misleading."

Martwick: "And with a flat pension... with a flat COLA, once you hit the \$25 thousand annuity of 750, is it... there'll be no adjustment for inflation after that."

Nekritz: "That's correct."

Martwick: "So, if inflation were to rise, if the economic conditions were to change, and we were to revisit double digit inflation, this COLA would be \$750, whether it's a half a percent inflation or 14 percent inflation. Is that correct?"

Nekritz: "And Representative, that's correct, although that... those changes are within the control of this Body and doing a temporary adjustment to that to reflect the increases in investment returns that we would be experiencing during such a period of inflation I think is something that this Body could absolutely consider."

Martwick: "Thank you. To the Bill. Again, my thanks to Representative Nekritz, Representative Cross, Senator Biss, all the people that have been involved in this Bill. This is very, very difficult for me to come here and... and tell

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people who did nothing wrong that they will now have to suffer because... because we did not fund our pension system. This is very difficult. I don't... I don't profess to encourage anyone to vote one way or the other. I think that this is a personal choice. I know we have to make a fix; that is clear. I think everyone knows we have to fix this system. But what I ask you is please don't forget, when you make this vote about the worker, about the retiree who did nothing wrong. And many of these people, when you're talking about a \$25 thousand annuity, this is not a lot of money to live on and a \$750 a year COLA is not much. This is challenging. This is going to be very, very difficult for the people that are going to have to make this adjustment and they don't have the supplement to their retirement that Social Security provides. They don't have that. We are limiting them to this number. Please keep those people in mind as you make your vote. Thank you."

Speaker Turner: "Representative Sandack."

Sandack: "To the Bill, Mr. Speaker. Look, there's a myriad of reasons to vote against this Bill. It is not perfect. I agree with an earlier speaker. But there's one compelling, overwhelming reason to vote for it. If we don't take action, if we don't fix these systems, there'll be nothing there. And there won't be any chance to fix the financial state of our state which is disastrous. I urge a 'yes' vote. Thank you, Mr. Speaker."

Speaker Turner: "Representative Senger."

Senger: "Thank you, Mr. Speaker. To the Bill. I just want to say one thing. This is something that nobody... nobody wants

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to do. We do not want to put the hundred year old Daisy, who is a retired teacher, in a position where she will not get a check, if she lives to be 104 because we do not have a sustainable system. This is really about... and I... I really feel sad when I have to talk to my retirees and I've talked to many of them, but this is really about guaranteeing that when they live and on how long they live, they will have a pension check each and every month. Right now, I cannot tell them that will happen. And that's true. That's the reality of the whole thing. This is about making sure that they and their survivors have something to live on. The cost-of-living adjustment, a couple notes on that. We worked this thing through for many, many years and we had systems: the university system, the teachers system, the state system, their actuary come in and the bottom line through the whole thing, they said the cost-of-living adjustment is your biggest driver in regards to what incurred... or what changes the amount you have to pay every single year to fund the system. So, the cost-of-living adjustment, if we're going to get these systems sustainable, and what it means by sustainable is that we can continue to pay the unfunded liability and yes, the state is still on the hook for the sins of the past, get it to the point that we can make those unfunded liability payments on a state level to make sure that we have a shored up system. So, I am not there to hurt teachers, I am not there to hurt retirees, I am there to help them to say, you will have a check coming in the mail until you die and then your spouse will have that. And we are trying to be

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sensitive to those who are... have the least. And that's why we have the \$25 thousand cap in regards to the annuity. We are also open, which we've talked about already, that if we can move this thing forward in the right way, we can go back and take a look at that 25 thousand number. And then, hopefully shore it up so it works even better for those who are hurting the most or getting the least going forward. But if we do not address the cost-of-living adjustments, we are not going to go anywhere. So, I appreciate the work that's been done here and I would ask for an 'aye' vote."

Speaker Turner: "Leader Cross."

Cross: "Thanks, Mr. Speaker. I'll try to keep my comments short. I spoke earlier to this and made several comments. I want to make just a couple observations. I always enjoy listening to Representative Kay because as a businessman he has a perspective that many don't in this chamber. And he talked about the process and I... I... you can't argue with him on the process. It's not the way you would do it. It's not the way it's been done. It doesn't make a whole lot of sense. We're now into week four of this process and to a point that Representative Franks made, that's cost us almost \$400 million in liability on our pension system because we've gone through this process. And I don't know what you would call it and as Jack said, we'll spend another... or see another 400 million fly out the window because we will not have any finality on it. But as we move forward on this Bill and this particular Bill, I've heard a lot of people talking about fault. The reality is everybody in this process is at fault. And you can point fingers at

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anybody and there are a number of folks that may be in the General Assembly, there may be others, I don't want to get into that. That doesn't accomplish anything. We need to look ahead and we have to move forward and we need to bring finality to this issue. If I was a teacher or a retired teacher or a state worker, university person, I would be mad as hell 'cause I have done everything you've asked me to do. I've made my contribution; I've gone to work; I've taught our kids; I've taught our college kids; I've done work for the state; I've done it in a good way. And I've done everything you've asked me to do and now, you're changing the rules. And they have every right to be mad and I don't blame them, but as you've heard from a variety of people, this issue is not going to get better if we don't fix it. And to one of the other speakers, they talked about fixing the problem on the backs of teachers, retired teachers, et cetera and we... and the reality is we are reducing a bit of the unfunded liability to the tune... if we do 3411... of about \$30 billion. But the reality is the state still is on the hook for the balance of some \$60 billion, meaning the taxpayers are on the hook. So, while there is somewhat of a shift in reducing unfunded liability, we still are paying in a significant way, over the next 25, 30 years, a significant amount of money to get to be in the point where we need to be in terms of... in terms of fully funded or almost fully funded. But my final point is that of finality. We need finality so we can say to our school districts, you're going to have a budget and money from us that you've been relying on to run your schools. So, you

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can have some finality if you are a social service agency, so you can have some finality and know that you're going to be able to continue as a road builder to fix our roads and police our streets and the list goes on and on. And I suspect even for the retired worker or the soon-to-be retired worker, they would like some certainty in their lives. We have talked about this for almost three years and while you may be angry as that retired individual or soon-to-be retired individual, wouldn't you like to know what the General Assembly's going to do in their attempt to fix it. And the longer this goes on, the angst and the uncertainty in their lives has got to be troubling. I know what angst and anxiety we have in our caucus over this issue, imagine what it's like for that teacher that's into the thirtieth year and he or she says, should I retire, should I wait around, should I send in my letter that I'm going to retire in four years? What do I do? Same with the state worker, the university person, they don't know how to handle their lives because of our inability to get to an end point. I realize there's going to be a court case or I suspect there will be; that's inevitable. But until we pass something or until we pass something, we can't get to that point. So, for I think the sanity of everybody involved, we need a decision, we need to let it get to the courts and depending on what they do, we may have to react, we may not, who knows. But let's try to provide some certainty in everybody's lives and move forward. And as painful as it is and as unfair as it may seem, it's time to do that. And it's time as a state to do it; it's time as a General

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Assembly to do it and it's time to provide that relief to so many workers, soon-to-be retired or retired, who need that more so than those in this particular chamber. So, Elaine, again, thanks for your hard work. I'm not at all happy with this process, but we're dealing with it in this segment. This is a significant step in pension reform, significantly better than what we saw next... across the chamber yesterday. And I would also urge an 'aye' vote. Thank you."

Speaker Turner: "Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, I plan to support the Bill. I expect the Bill will pass. I want to give proper credit to Representative Nekritz, Representative Cross, Senator Biss. We all recognize the enormity of this problem. The significance of the problem is not the issue. The issue is how do we react to the problem, how do we move legislation that will solve the problem, but do it in such a way that we have a reasonable chance of approval from the Illinois court system. This chamber has already passed two Bills that deal with the problem. We passed a Bill that put a cap on the pensionable income of \$113 thousand; that Bill is in the Senate. We've already passed a Bill that raised the retirement age incrementally; that Bill is in the Senate. Today, I expect that we will pass this Bill which makes a major change in the COLA provisions in the four pension systems. This Bill will be in the Senate. So, we've taken three significant steps in the process to solve the problem. If we pass this Bill and we all recognize that the COLA is the big cost

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driver in the problem, then I think we're in a position to finalize preparation of the Bill and move a Bill from the House to the Senate that treats all aspects of the problem. So, again, I want to give proper credit and congratulate those who have given so much time and effort to this project. And Mr. Speaker, I would recommend an 'aye' vote on the Bill."

Speaker Turner: "Leader Nekritz to close."

Nekritz: "Thank you, Mr. Speaker. I hesitate to close after Speaker Madigan spoke, but I would like to just say that... that this is about sheer sacrifice. We have asked taxpayers to pay more. We have made significant cuts here in the State of Illinois for those that are receiving Medicaid, school districts, hospitals, everyone that receives state services and state funding. We've asked that this is another sacrifice that we all have to make in the spirit of shared sacrifice in order to... to right our state fiscal ship and get us headed in the right direction. This will not solve the problem, but it will put us on a trajectory where we actually can solve the problem. And I believe the actuaries have said to us, this problem is solvable if we take action quickly, if we do it now and we do it in a way that is significant enough to... to allow us to make our payments going forward. And this, as... as everyone has acknowledged, this is the most difficult component part of solving that problem. And I am honored to have worked with Senator Biss, my partner on this every step of the way. There's group of other House Democrats that stepped forward very early on in this process to just say 'yes' and to get

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the solution. And then I also appreciate very much the work of Leader Cross and Representative Senger to get us to this point where I think we can say that while this is... this is a difficult solution and one that we don't relish, it is a solution that... that can work and put us on that trajectory to fiscal soundness. Thank you. And I urge an 'aye' vote."

Speaker Turner: "The question is, 'Should House Bill 1165 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Golar. Mr. Clerk, please take the record. On a vote of 66 voting 'yes', 50 voting 'no', 0 voting 'present', House Bill 1165, having received the Constitutional Majority, is hereby declared passed. Members, on page 21 of the Calendar, we're going to start with Third Readings. House Bill 22, Representative Flowers. Mr. Clerk, please read the Bill."

Clerk Hollman: "House Bill 22, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Turner: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker. Can you take this Bill out of the record?"

Speaker Turner: "Mr. Clerk, please take the Bill out of the record. House Bill 23, Representative Flowers. Mr. Clerk, please read the Bill."

Clerk Hollman: "House Bill 23, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Turner: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 23 is the Consumer Health Insurance

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Counsel. Come 2014, it's going to be mandated that all of us have insurance and we're going to have the insurance exchange. And a lot of consumers are going to be confused by what's in their best interest. This Insurance Counsel will be there to help navigate and guide the consumers through the proper channels and to make sure that they are being given the proper information and the proper coverage in which they are paying for. And I would appreciate an 'aye' vote."

Speaker Turner: "Representative Osmond."

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

Speaker Turner: "The Sponsor yields."

Osmond: "Representative, is this... you're creating a new entity. Is that correct?"

Flowers: "I am creating a new entity because it is a new entity that's being created for the people of the State of Illinois in regards to the insurance exchange, number 1 and the mandate, number 2."

Osmond: "How is this different than what is provided in the federal exchange as to Navigators?"

Flowers: "Oh, this Bill does not address Navigators, but it does address the... the venue in which people would have to go out on the Internet and to search for insurance. And the office of Consumer Health Insurance would be there to help guide them and to make sure that there are any... any... to make sure that the consumer's protected because of all the new products that's going to be available."

Osmond: "But isn't that currently the job description and... as a Navigator in the ACA?"

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Flowers: "No. I don't know what the job description of the Navigator is."

Osmond: "Well, it's my understanding that they are going to be the ones that you will go and apply for insurance and they need to be educated as far as what policy... what conditions, first of all, that they have and how it would fit and what certain type of policy."

Flowers: "And who would they be advocating on behalf of? Are... are they working for the insurance industry?"

Osmond: "They're working... I believe they will be appointed by the Federal Government. They have to apply for being a Navigator."

Flowers: "I'm sorry, Representative. I didn't hear your last statement."

Osmond: "I'm saying that they will be part... a Navigator is going to be designed for assisting people and knowing what their policies cover. It's very similar to what an agent does now, so that I'm not sure your particular... your particular Act would be covering something additional."

Flowers: "No. I think, Representative, if I understand you correctly, that Navigator would be working on behalf of the insurance industry. The Consumer Health Care Counsel will act like the organization CUB. CUB is the... is the mouthpiece for the people in regards to the rate hikes, in regards to the improprieties that may be going on. And they're the ones that raise the voices, raise the issue on behalf of the consumers. And so, once again, because of all the new products that will be out there, it will be the insurance counsel for the consumers. They will be the ones

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that will give us the red light or give us the green light as to what is going on with these new products that some of us have never experienced and especially on the Internet because as you know there was a time when you had to be in Illinois in order to have the insurance and now because of the Internet you will be able to shop online and they'll be coming from all over and we need some guidance. We need to have a place to go. We need to have someone to help us to understand: what is this product, does this give me everything that I need, I have this condition, does... you know, do I have to go through a lot of hoops and jumps because it is mandated that I do have health insurance. I want to make sure that I also have the proper coverage."

Osmond: "Will this be under the Department of Insurance?"

Flowers: "Yes."

Osmond: "So, they will have the guidelines for this?"

Flowers: "The department would set forth the rules in JCAR just like every other Bill that have rules set by the state."

Osmond: "Is the Department of Insurance in favor of this?"

Flowers: "They did not object to it at all."

Osmond: "It's my understanding that they're already set up to do this exact same thing."

Flowers: "They may be set up to do it, but they do not have... the... the office that you're talking about that the insurance have that was the office of Consumer Health Care and that was to deal with the problems that were being called in by the consumers on behalf of the HMOs."

Osmond: "What's the additional cost on this?"

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Flowers: "The Federal Government has on the table money to set up the offices and some offices have got millions and millions of dollars, but I don't expect that that would require that much money for the State of Illinois. It will be a couple of people to answer the phone in the Department of Insurance, but as you do know, we will be expanding people to be hired anyway, once again, because of the new venue and the new product."

Osmond: "All right. Thank you. I... To the Bill. I... I'm a little bit confused. I believe that these duties are already taken care of with the Affordable Care Act that's coming very shortly. I do believe that Navigators are ones that would be issuing and assisting in this way. I understand what the Sponsor's trying to do. I just believe that it's a duplicate effort and therefore, I'll be voting 'no'."

Speaker Turner: "Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Turner: "Sponsor yields."

Durkin: "Representative, how many employees do you anticipate that will be hired, if this Bill becomes into law, in this office of the counselor?"

Flowers: "Oh, Representative, I can't answer that right now. You know, I don't even know how many people are going to be mandated to have insurance. How many people have insurance now? You know, how many people work in the Department of Insurance now? How many complaints do we have? I don't know. And so my question of..."

Durkin: "I ask the questions."

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Flowers: "My answer to you is, I cannot answer that definitely right now."

Durkin: "Thank you. Okay, to the Bill. This is well-intentioned, but we have a Department of Insurance that can take on these responsibilities. That's their role. That's their responsibilities to advocate on behalf of consumers. But by creating this separate class, one, we don't know this position. We do not know how many individuals will be brought on, which is going to be additional expense to the State of Illinois. We just had a long discussion about the finances of the state. I don't believe this is a time we should be expanding government, but secondly, I think there's an inherent legal conflict of interest of this individual to be... this position to be retained to take positions contrary to the Department of Insurance. That flies in the face of all issues regarding conflict of interest and also, the roles and responsibilities of agencies that are part of the State of Illinois. I respectfully request a 'no' vote."

Speaker Turner: "Representative Flowers to close."

Flowers: "Thank you, Mr. Speaker. The Office of Consumer Health Insurance is, once again, there for the people. The office may assess the impact of the insurance rates, the rules, the forms and the health insurance consumer... for the health insurance... consumers in Illinois. The counsel shall also advocate physicians determined to be the most advantageous to the insurance consumer of the State of Illinois. The counsel may be there to appear, to intervene, to initiate any actions before the Department of Insurance and may do

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so in a matter involving the rates, the rules and the forms, may do so involving and intervene in any judicial matter that may arise as a result of action that may be taken because of something that the insurance industry may have done. And this person or this office may appear or intervene in the process of counseling determine that the insurance consumer is in need of representation because the person is required to be a lawyer. Ladies and Gentlemen, this office is, once again, on behalf and it is in the best interest of the people of the State of Illinois. And I would truly appreciate an 'aye' vote. Thank you."

Speaker Turner: "The question is, 'Shall House Bill 23 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Members, please record yourselves. Representative Kelly Burke, Feigenholtz, Fine. Representative McAsey. Mussman, Walsh. Clerk, please take the record. On a count of 54 voting 'yes', 61 voting 'no', 0 voting 'present', House Bill 23 failed to reach a Constitutional Majority and is hereby declared lost. Representative Flowers."

Flowers: "Please put House Bill 23 on postponement."

Speaker Turner: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. It's just a point of personal privilege."

Speaker Turner: "Please state your point."

Bellock: "Thank you. I would just ask the Members to join in me with recognizing today, March 21, is the recognition of World Down Syndrome Day. And it's just to acknowledge all the people, our relatives, friends, that have relatives

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with Down syndrome and this is being celebrated around the world today just to raise the awareness, support, and recognition of the dignity, the rights, and the well-being of people with Down syndrome throughout the world. Thank you."

Speaker Turner: "Representative Bost."

Bost: "Thank you, Mr. Speaker. Representative Wheeler needs to be excused for the rest of the day, please."

Speaker Turner: "Thank you. Representative Tracy."

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

Speaker Turner: "Please state your point."

Tracy: "I wanted to remind all the... the members of the COWL organization that tonight we're having our annual meeting dinner at Augie's at 6:30. So, I hope to see you all there. Thank you."

Speaker Turner: "Thank you. Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I am... I rise to a point of personal privilege."

Speaker Turner: "State your point."

Davis, M.: "And I rise to say to the Body that I am proud to announce that Morgan Park High School in my district has won the basketball championship for the State of Illinois. So, let's give them a big round of applause. They had not won since 1976. 1976 was the last time they won and they brought that trophy home to Chicago, Illinois. And I just... we'll be bringing them down. You'll get a chance to meet them and their wonderful coach. Thank you very much, Ladies and Gentlemen."

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Speaker Turner: "Congratulations. On page 21 there's House Bill 83, Representative Burke, Dan Burke. Mr. Clerk, please read the Bill. Out of the record. House Bill 100, Representative Costello. Mr. Clerk, please read the Bill."

Clerk Hollman: "House Bill 100, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Turner: "Representative Costello."

Costello: "Thank you, Mr. Speaker, Members of the General Assembly. House Bill 100 would allow the director of Chester Mental Health Facility to authorize the use of transport devices, i.e., handcuffs and ankle restraints, for civil recipients. The use of these devices must be approved by a physician. This would be for the purpose of safety of staff, safety of the community and above all, safety of the person that's actually being transported. I would remind everybody in the Body that Chester Mental Health is the only maximum security mental health facility in the state. I ask for an 'aye' vote. And I will take any questions."

Speaker Turner: "Seeing no debate, the question is, 'Shall House Bill 100 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mussman. Mr. Clerk, please take the record. On a vote of 115 voting 'yes', 1 voting 'no', 0 voting 'present', House Bill 100, having received the Constitutional Majority, is hereby declared passed. Leader Lang in the Chair."

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Speaker Lang: "I heard that. Continuing down the Calendar, House Bill 104, Representative Hernandez. Please read the Bill."

Clerk Hollman: "House Bill 104, a Bill for an Act concerning the Department of Healthcare and Family Services. Third Reading of this House Bill."

Speaker Lang: "Representative Hernandez."

Hernandez: "Thank you, Speaker and Members of the House. House Bill 104 is an agreed Bill with the adoption of Amendment #1. The Bill allows the Department of Health and Family Services to place a penalty on insurance companies that often fail to provide information required by the federal statute to the department. Currently, insurance companies and health care plans must provide, by Federal Law, the names, addresses, policy numbers, gender and other basic information of the individuals they cover. The point of this... this Bill is to minimize Medicaid costs for the individual who has other forms of insurance. I ask for your 'aye' vote."

Speaker Lang: "Lady moves for the passage of the Bill. There being no debate except for Mr. Reboletti. Mr. Reboletti."

Reboletti: "Thank you, Speaker. I know that you're trying to move things along, that's why I'm trying to slow things down for a little bit. So, will the Sponsor yield?"

Speaker Lang: "No. Lady yields."

Reboletti: "Representative, before the Speaker cuts me off with only one question, why is the penalty not to exceed \$10 thousand per day? That seems to be pretty steep for not giving out information."

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Hernandez: "Yes. And that is... that is why there is an Amendment. BlueCross BlueShield did express some concern, but they agreed to it because of the seriousness of the violation. And they agreed upon it that the penalty needs to be steep, but we... so, we worked it out and it's fine."

Reboletti: "What... what does... what would require a \$10 thousand penalty versus a \$500 penalty? I mean, is it automatically \$10 thousand or is there a \$5 thousand penalty?"

Hernandez: "It would be established in Rules."

Reboletti: "So, JCAR would establish this?"

Hernandez: "Yes."

Reboletti: "So, we don't know how this would happen, then? Is the... is... so, we're not... we're not sure yet how... how the fines would be?"

Hernandez: "So... so, HFS is working with the insurance industry."

Reboletti: "Is the fine negotiable or can they turn into a payment plan, then? Is there... Does it have to be paid all at once? If you're fined, how do you... how is that paid, then and to whom?"

Hernandez: "The whole thing would be paid to HFS, my understanding."

Reboletti: "To HFS. All at one time or would that be paid over time? Could a payment plan be established?"

Hernandez: "That... that I believe would need to be established still."

Reboletti: "Is there any way to appeal the fine? Is that... would that also be worked out in JCAR?"

Hernandez: "Yes."

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Reboletti: "That will be... there would be an appeal mechanism..."

Hernandez: "I believe so."

Reboletti: "...you anticipate that one? Thank you."

Speaker Lang: "Representative Osmond."

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

Speaker Lang: "Lady yields."

Osmond: "Representative, thru the Amendment didn't you not remove all of the opposition from BlueCross BlueShield?"

Hernandez: "Yes."

Osmond: "And also, the Illinois Insurance Association?"

Hernandez: "Yes."

Osmond: "All right. I believe that you've worked very hard to get this to be an agreed Bill. And I will support it. Thank you."

Hernandez: "Thank you."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 108 voting 'yes', 8 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 131, Representative Monique Davis. Please read the Bill."

Clerk Hollman: "House Bill 131, a Bill for an Act concerning reports on stun guns and tasers used by law enforcement officers. Third Reading of this House Bill."

Speaker Lang: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. This legislation merely asks that the Illinois Police Training Board make a part of

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their annual or their routine review in police stations a discussion of how many tasers are used. We find that tasers are used quite frequently in the State of Illinois and more police departments including universities are purchasing them. I don't believe there's any opposition to this legislation. No there is not."

Speaker Lang: "Lady moves for the passage of the Bill. The Chair recognizes Leader Bost."

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

Speaker Lang: "Lady yields."

Bost: "Representative, you say there's no opposition. And maybe I'm... I want to make sure I'm in the right location here. It's our analysis it says that the Illinois Conservative... Conservation Police, the Troopers Lodge, the Criminal Justice Authority and several others are in opposition. Do you know what that opposition is?"

Davis, M.: "Belie... Any opposition was removed when we said that the... it would be just routine with the Police Training Board when they go in and ask about weapons that had been used, they would make that one of the questions about the taser. There would be no special visit in reference to that. And the authority was taken away from the Criminal Justice Authority and given to the Police Training Board."

Bost: "Okay. Thank you."

Speaker Lang: "Mr. Reis. Mr. Reis changes his mind. There being no further debate, those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves, Members. Harris, Meier. Please

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take the record. On this question, there are 77 voting 'yes', 39 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 188, Representative Gabel. Please read the Bill."

Clerk Hollman: "House Bill 188, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Lang: "Representative Gabel."

Gabel: "Thank you, Mr. Speaker. House Bill 188 amends the Tanning Facility Permit Act and protects teens from the dangers of indoor tanning. The concern here is the increase in melanoma, the most dangerous form of skin cancer among our young adults. Melanoma is the most common form of cancer for young adults 25 to 29 years old and the second most common cancer for teens and young adults 15 to 29 years old. Epidemiological data suggests that most skin cancers can be prevented if children, teens and adults are protected from UV radiation. It was in 1992 that the law, rules and regulations regarding tanning beds at tanning salons was set. Even at that time, the risk to young people was noted by prohibiting the use of tanning beds by children under the age of 14 and requiring parents' consent for 14- to 17-year-olds. Since that time, in the last 20 years, there are a number of things that have changed. Melanoma cancer incidents in Illinois females has doubled. In 1989, the rate was 6.5 per hundred thousand population and in 2009, the rate had increased to 13.5, a hundred and nine percent increase. The number of teens and young adults, reporting use of indoor tanning beds, has increased dramatically from 1 percent to 27 percent. New evidence has

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come forward that shows a link between tanning bed use and skin cancer. In 2009, the World Health Organization conducted an analysis of all the studies done on the effects of tanning beds. The results led them to classify tanning beds as a class 1 carcinogen similar to plutonium and cigarettes. There were three key findings I would like to emphasize: one is that 76 of melanomas are attributable to ever use, even just one session, of a tanning device. Second, the use of indoor tanning devices represents a significant and avoidable risk factor for the development of melanoma and other skin cancers. And third, that the presence of state legislation restricting minors access to indoor tanning by requiring parental consent has limited effectiveness. Chicago and Springfield currently have prohibited youth under the age of 18 from using tanning beds. I think we should make this uniform across the state to protect our kids. I'd be happy to answer any questions."

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

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

Speaker Lang: "Lady yields."

Bost: "Ma'am, do you... do you know how many other states might have this? And maybe you said that in your..."

Gabel: "Well, I know that Springfield and Chicago do. There's..."

Bost: "Well, that is a problem about Chicago, but..."

Gabel: "...two... two other states. At this point, there's two other states and one other county."

Bost: "Okay."

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Gabel: "And there's legislation pending in, I think, about 10 other states as well."

Bost: "Well, let me tell you that this is one industry that has been just regulated tremendously. At one time our... and I think I've said on this House before... that my wife and I own a... a beauty salon. In there was a tanning bed. We got rid of it because of the amount of regulation and everything like that. But this makes a step further than a business regulation. This is regulation on parents. What we're telling our parents, once again, is you don't know how to be parents. We, as government, know better and by golly, we're going to tell you that if... and it doesn't matter if we... if you have checked it out, you can make an informed decision as a parent on whether you want to allow your child to... to tan... to tan. We're not talking alcohol or cigarettes; we're talking tan. So, now, we, as government, are going to come in and we're going to say, you know what, you don't know how to parent and we're going to parent for you. Folks, we've got to get away from this. This is just an expansion, again, on reaching into our own households and stopping us from raising our children and making decisions with our children and discussing things like this with our children so that they can make the decision and be informed adults. I just stand in opposition to the... to the Bill."

Speaker Lang: "Representative Sente."

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

Speaker Lang: "Lady yields."

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Sente: "We talked about this, Representative, about a week ago and I appreciate you bringing this very important matter to my attention and some of your statistics. It was a little loud in here, so I want to be sure and ask you, is there data that someone, a young individual, tanning at an early age increases their risk for melanoma?"

Gabel: "We're talking about tanning in tanning beds. We're not talking about being outside under the sun, but this is the effect of using tanning beds. And what the data shows is that exposure to tanning beds, which the power is 5 to 15 times that of the sun, before the age of 35 years old is associated with a 75 percent increase risk of melanoma. That using a tanning bed increases the risk for squamous cell carcinoma by 67 percent and basil cell carcinoma by 29 percent."

Sente: "Thank you very much. Those are pretty strong numbers. And I urge an 'aye' vote."

Speaker Lang: "Mr. Reis."

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

Speaker Lang: "Lady yields."

Reis: "Representative, is the... is the federal agency that controls new products and the safety of products, is that the FDA?"

Gabel: "Yeah, I think so."

Reis: "Have they approved these to be okay and legal and 'harmful'... 'nonharmful' to... to people?"

Gabel: "They are approved with certain restrictions, I believe."

Reis: "And what are those restrictions?"

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Gabel: "They have to have certain length of time, I think, that they can... that people can be under these machines."

Reis: "So, you can't stay under them seven days a week?"

Gabel: "Correct."

Reis: "Okay. So, are you saying that the FDA doesn't know what they're doing?"

Gabel: "I'm saying that the World Health Organization... I'm saying that things have changed in the last 20 years. I think that the state's legislation and the FDA and the World Health Organization are just coming to understand some of the affects that the tanning beds have had. I mean, when you think about it, I mean, the increase in melanoma for... for women in this state has increased dramatically."

Reis: "But we do... do we know that that was from tanning beds? Is it from laying out into the sun? Is it as a result of something else?"

Gabel: "It is certainly... the... the studies have shown that there's certainly a link between tanning beds and... and the increase in cancer."

Reis: "So, the current..."

Gabel: "As I said, there's a couple of reasons for that. One is that when people go into tanning beds they do not put on sunscreen. So, they are completely exposed to those rays. The rays are 5 to 15 times more powerful than the midday sun."

Reis: "Okay. But wouldn't the FDA come in and say to scale back those light bulbs or whatever, so that the exposure isn't as great? And they haven't done that."

Gabel: "At this point they have not."

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Reis: "Also, current law... also, current law, Representative, says... there's two laws, I guess. So, the City of Chicago has banned this for anyone under 18?"

Gabel: "Yes."

Speaker Lang: "Mr. Reis, can... let me see if I can quiet it down in here for you. Ladies and Gentlemen, we all have lots of Bills on the Calendar. After tomorrow, there'll be 500 or more Bills on the Calendar. We all want to have our Bills heard. We can hear them more expeditiously if we keep the noise down and let the people that wish to speak on the floor on the Bill do so. Mr. Reis."

Reis: "Thank you, Mr. Speaker. So, Chicago already has this law. That's just in the city limits of Chicago?"

Gabel: "Pardon?"

Reis: "Chicago already has the rule that you're presenting..."

Gabel: "Yes."

Reis: "...that no one under 18 can go, even with parental notification and permission?"

Gabel: "Correct."

Reis: "Okay. So, are there any other municipalities have had that?"

Gabel: "Springfield, Illinois."

Reis: "So, you can't go to get a tan in Springfield under 18?"

Gabel: "Anybody can go get... anybody over the age of 18... 18 and over can use the tanning beds."

Reis: "Okay. Well... and you mentioned in your remarks that limited effectiveness..."

Gabel: "Of having restrictions on parental consent."

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Reis: "Having parental notifi... having... having the requirement of a parent sign off on this has had limited effectiveness."

Gabel: "Correct."

Reis: "Folks, how much closer to the voting people can we get than that, when the parents are signing off on their children to go and get a tan. That is where... where the tires hit the road and they're saying we don't want this law. So, now, let's take something that's... it's just in Chicago and let's force it down on everybody else. And it just baffles me to death that a 12-year-old can go in and terminate a pregnancy without parental notification, but a 17-year-old can't even go in with parental notification and get a tan. Folks, look at what you're doing and put things in perspective. This deserves 100 'no' votes."

Speaker Lang: "Mr. Evans."

Evans: "Thank you, Mr. Speaker. I rise in support of this legislation. You know, Gentlemen, when we look at the groups and the information, I think it's clear-cut that tanning beds contribute to cancer. And many of you all may not know, but I worked at as an advocate with the American Cancer Society and various cancer groups and when we talk about the devastation that these tanning beds could potentially cause is well-documented. You have agencies from all over the world, they have countless statistics and I'm sure the Sponsor will show and we can provide that to you all. There's no argument that these cancer... that these tanning beds can potentially cause cancer and other diseases. There's no... there's no arguing that. The issue is

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whether or not we can give a child the opportunity to make that decision. If you want to smoke in Illinois, you can smoke, but when you can smoke at an age where you can make that decision and to make a cognitive decision about whether or not this is... this is what you want to do. When you... you can drink if you like, you can do whatever disease causing activity that you would like to do, but children should have the opportunity to make that decision and 18 is an age where you can make that decision. I ask for you to strongly support this legislation. We've banned smoking in public places because it should not be your choice of whether or not I get a disease, just the same, as maybe an uneducated parent. A child needs an opportunity to make that decision for themselves. To me, that's what I call freedom actually to support this legislation strongly. Thank you."

Speaker Lang: "Representative Fine."

Fine: "Thank you. Yield to the speaker?"

Speaker Lang: "Sponsor yields."

Fine: "I have to say I think this is a great way to protect children and save families from heartache later on down the line. I do have a quick question though. Will the change in this law put indoor tanning operators out of business?"

Gabel: "No. This Bill will not. The businesses can still offer spray tanning services which are not associated with increased skin cancer risk. So, our... our young people will still be able to get the tans that they desire, but they will not be exposed to these very poisonous and dangerous UV rays."

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Fine: "Thank you."

Speaker Lang: "Representative Hernandez."

Hernandez: "Will the Sponsor yield, please?"

Speaker Lang: "Lady yields."

Hernandez: "So, Representative, I have a couple of questions.

Is it true that in 2010, the Indoor Tanning Association settled out of court with the Federal Trade Commission regarding false health and safety claims about indoor tanning?"

Gabel: "Yes. Yes, that is true. The... And as a matter of fact, David Vladeck, the director of the Federal Trade Commission, stated that the messages promoted by the indoor tanning industry fly in the face of scientific evidence. The industry needs to do a better job of communicating the risk of tanning to consumers. Also, we looked up the FDA website and they do have warnings on there that the tanning beds are dangerous for children. So, one of the claims that the tanning industry makes is that they claim that expo... that this exposure will increase the Vitamin D synthesis. And actually, the tanning beds only have UVA rays and it's the UVB rays that are the primary source of Vitamin D synthesis. So, the tanning beds do nothing to help anyone with their Vitamin D synthesis."

Hernandez: "Will this change to the law force indoor tanning operators out of business? I think someone may have asked that..."

Gabel: "No."

Hernandez: "...already."

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Gabel: "Yes. I've already answered that question and no, it will not."

Hernandez: "To the Bill. This Bill I feel helps curb possible future health risks especially among our young people. So, I ask for your 'aye' vote."

Speaker Lang: "Mr. Durkin."

Durkin: "To... Will the Sponsor yield?"

Speaker Lang: "Sponsor yields."

Durkin: "Representative, if a doctor prescribes... well, let's put it this way. If there's a teenager who has a skin condition and I can say it's only psoriasis and the doctor believes that this may be helpful to contain the psoriasis. Would a prescription from the doctor override what you are trying to ban today?"

Gabel: "We discussed that, I remember. I believe that in the current version of the Bill I... I believe that the person would have to... have to use... go to a doctor's office for that."

Durkin: "So, there would be a... a doctor's prescription would allow for that young adult or teenager to have limited access to the tanning bed for some type of containment of a skin condition, correct?"

Gabel: "I think we included that in the Bill."

Durkin: "Okay. Now, all right. Now, you... well, think about it and let me know if you're sure. But while you're doing that, can I ask you another question? Representative, so is a 17..."

Gabel: "Yes, it is. It is in the Bill."

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Durkin: "...a 17-year-old has the signed consent of both parents to go to the tanning salon. Under your Bill, will they or will they not be allowed to tan, a 17-year-old with the parents consent?"

Gabel: "No, they will not."

Durkin: "Okay. And we believe that the 17-year-old... 'cause we believe that... your belief is that it is a dangerous condition that can cause harm to that young adult."

Gabel: "It is not only my belief, it's the World Health Organization's belief and it's the result of hundreds of studies that have been done to show that it's harmful."

Durkin: "Okay. Here's a ques... wait, I've got one more question. Do you know what the age of a... under Federal Law, do you know what the minimum age for enlistment in the United States military is?"

Gabel: "I believe it's 17."

Durkin: "Eighteen without the parents' consent, 17 with the parents' consent. Do you believe that sending a child off to... overseas to fight for our country is less dangerous or more dangerous than sending your child with your consent to a tanning bed?"

Gabel: "You know, I don't feel that that's a... that's a good comparison. I have spoke..."

Durkin: "I disagree. I think it is. Do you believe that parents should have the ability to make life decisions for a 17-year-old on how they want to proceed with their life, whether it's going to enlist in the military or going to a tanning salon?"

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Gabel: "You know, I have heard of many instances of teens submitting these forms with the parents' signatures that are not actually their parents' signatures. So, I assume that when you actually have that information to go to war that they somehow verify that the parents are..."

Durkin: "That's... I appreciate your answer, but it's nonresponsive. It... the issue is and I'll... I won't ask anymore questions... is that if you're 17-years-old, you want to serve our country, sacrifice... and pos... sacucise... sacrifice yourself for everyone in this country and what we stand for, parents... a 17-year-old with the consent of their parents and allow their children to go to the military and enlist. However, in Illinois, if a child of the age of 17 wants to go to a tanning salon with the support of... with the blessings of the parents, they're not. So, I know you're... I know that you're well-intentioned with this, but I think we just need to look at the bigger picture and kind of stay out of this type of regulation."

Speaker Lang: "Mr. Reboletti."

Reboletti: "I have an inquiry of the Chair, Mr. Speaker."

Speaker Lang: "State your inquiry."

Reboletti: "Does this preempt Home Rule and if so, how many votes will it take to pass?"

Speaker Lang: "We will look into that for you. Do you have any questions of the Sponsor?"

Reboletti: "I do."

Speaker Lang: "Please proceed."

Reboletti: "Will the Sponsor yield? Representative, why did you choose the age of 18? Why not 16 or 17 or 19 or 21?"

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Gabel: "Because... at current law, people... children are able to buy cigarettes at 18, people are able to drink at 18. It seems like 18 is an age where people can make a de... a decision based on the facts and not just an emotional decision. It seems..."

Reboletti: "You can get a driver's license at..."

Gabel: "...like they have the cognitive... cognitive ability at 18 to do that."

Reboletti: "You can get... you can get a driver's license at the age of 16, right?"

Gabel: "That's not a decision on whether to do something that's harmful to your body or not."

Reboletti: "Well, if you get in a car accident, so and people... So, you're taking a risk on by becoming a driver. So, parents have to be involved in that. We train people in that. So, that at the age of 16 we trust people to operate a motor vehicle by themselves, but at the age of 17 we don't trust them to make a decision that they can go in a tanning booth. Is that what you're suggesting?"

Gabel: "Well, I think the cigarettes are the best comparison and that we do not allow children to buy cigarettes at 17."

Reboletti: "What... what is the..."

Gabel: "We're talking about protecting the health of the children of the state, you know and I wish..."

Reboletti: "And so am I, Representative, that... but we make take a different look at how we do that. What happens if somebody is... if a tanning booth is found to have a person under the age of 18 in there. Is this a criminal investigation; are there civil penalties or both?"

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Gabel: "There are civil penalties. It's in the law."

Reboletti: "Who would bring the prosecution for the civil penalties?"

Gabel: "It's not in my law. It's in the law that was developed in 1992."

Reboletti: "This would be the state's attorney?"

Gabel: "It's rules and regulations... it's actually in the rules and regulations."

Reboletti: "Who would... who would..."

Gabel: "It would be a civil penalty."

Reboletti: "Who would investigate it and where would the civ... where would the..."

Gabel: "I think... believe it's the Department of Public Health."

Reboletti: "So, we have enough Department of Health agents then to..."

Gabel: "You know, it's easy for... it's much easier for tanning salon owners to look at someone's ID and see if they are 18 or not as opposed to... to know if the consent form that the child is bringing in is signed... actually signed by the parent or not signed by the parent."

Reboletti: "And I can appreciate that, but we also have problems with people using fake IDs to go into bars that we try to crack down on that. We do the best that we can. We've tried to put pictures on other types of IDs so that we can identify people and sometimes those Bills failed here. But to the Bill, Mr. Speaker. It looks like the nanny state is getting stronger here in the State of Illinois. We've tried to now ban trans fats, cell phone, shark fins, lion meat, dogs on laps. Where does it all end? Ladies and

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Gentlemen, at some point we have to let people make their own decisions with their lives. Does it make me a bad parent if I say to my son and he's 8... 17, if he wants to get a tan, he can go in there. As a parent I can tell him it's a bad idea. We're not going to ban people from going to swimming pools to get a tan or go to North Avenue Beach. I think this is really bad legislation. And I would urge a 'no' vote."

Speaker Lang: "Ladies and Gentlemen, we still have seven people wishing to speak on this Bill. The Chair recognizes Representative Scherer."

Scherer: "Thank you, Mr. Speaker. I rise in support of this Resolution. In my mind, if you are a person who ends up with skin cancer or basil cell cancer, you certainly will wish that at the time you were of a young age someone would have had this law and forethought for you. I'm speaking on behalf of how many people have died of skin cancer. I urge a 'yes' vote."

Speaker Lang: "Mr. Reboletti, an answer to your question, the parliamentarian has instructed me to inform you that this Bill does not preempt Home Rule and requires 60 votes. Mr. Arroyo."

Arroyo: "Thank you, Mr. Speaker. I rise in support of this Bill. Robyn, thank you for what you're doing. This is a very important Bill for kids, young kids, but at the age of 18 you should be able to know what you're doing and you should be able to be allowed to do what you want. I have a similar Bill like this; it's called an energy drink Bill that's also has the same similar situations where you

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should be 18 to be able to drink an energy drink Bill and not drink that. So, I support Robyn. Protect our kids. Protect our kids and allow them to not be able to tan... to not be able to tan after 18 years old. Thank you very much."

Speaker Lang: "Representative Tabares."

Tabares: "Thank you, Mr. Speaker. I, also, rise in support of this Bill and I want to applaud Representative Gabel for taking the lead to prevent anyone under the age of 18 from the risk of developing skin cancer. I will be voting 'yes'. And I encourage my colleagues to do the same. Thank you."

Speaker Lang: "Mr. DeLuca."

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

Speaker Lang: "Lady yields."

DeLuca: "Representative Gabel, how will the enforcement work under this legislation within the small business?"

Gabel: "As I said, the responsibility for enforcement is through the Department of Public Health."

DeLuca: "I couldn't hear you."

Gabel: "It's through the Department of Public Health. It would be similar to the enforcement that's... that's going on today."

DeLuca: "No. I'm saying within the tanning facility?"

Gabel: "Oh..."

DeLuca: "How will the enforcement..."

Gabel: "Oh, they would just look to see if the individual was over the age of 18, if they wanted to be in the tanning beds. And if they just came in for a spray-on tan, they can be of any age."

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DeLuca: "Does that mean they would have to produce a driver's license or some proof of..."

Gabel: "Some proof..."

DeLuca: "...their age?"

Gabel: "They have to... currently they have to prove that. There's not change to that requirement."

DeLuca: "Okay. So, it would be the responsibility of the clerk at the tanning facility to determine whether someone's eligible or not?"

Gabel: "Yes, as it is now. Unless... yes."

DeLuca: "Under current law, that's the way it works?"

Gabel: "Correct."

DeLuca: "Okay. So, there's no way to really police whether they are actually asking for IDs?"

Gabel: "It's difficult."

DeLuca: "It's difficult. Okay. So, that could still take place... Are the tanning facilities open during the summer months?"

Gabel: "They are."

DeLuca: "They are. Do people use the tanning facilities in the summer months?"

Gabel: "Pardon?"

DeLuca: "Do people use the tanning facilities in the summer months?"

Gabel: "I... I do not know that. I don't have the answer to that question, but I do know that the facilities keep a copy of the... of the person's ID on record, if they are under the age of 18."

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DeLuca: "Okay. There was no testimony on that whether these... these businesses are... are they 12-month operations or are they only open in the winter months or do..."

Gabel: "I've... I've..."

DeLuca: "...they provide the services in the summer as well?"

Gabel: "I believe they do."

DeLuca: "Okay. So, if a 17-year-old, if this becomes law, and a 17-year-old who used to use the facility, they would no longer be able to?"

Gabel: "Not until they're 18."

DeLuca: "Okay. So, they could just go outside..."

Gabel: "Correct."

DeLuca: "...and get a tan outside?"

Gabel: "Correct."

DeLuca: "So, it's not really reducing or preventing skin cancer..."

Gabel: "Well..."

DeLuca: "...they're just not going to get it from using one of these facilities."

Gabel: "Well, the tanning beds are particularly... are so much stronger than the midday sun and they have a much stronger effect on skin cells and the link has been much stronger with tanning beds than it is with regular sun. And most... and when you're out in the regular sun, most people wear sunblock to prevent this. Skin cancer is one of the cancers that can be prevented."

DeLuca: "And I notice that you exempted spray tan."

Gabel: "Yes."

DeLuca: "Is that correct?"

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Gabel: "Yes."

DeLuca: "So, that's okay. If your 17, you can go in and get a spray tan..."

Gabel: "Yes."

DeLuca: "...without having to produce any identification?"

Gabel: "Yes."

DeLuca: "Okay. And why are you exempting spray tanning if spray tanning causes cancer?"

Gabel: "Spray tanning... there's no indication that spray tanning causes cancer."

DeLuca: "I'm reading it right here."

Gabel: "Where, on the industry's literature?"

DeLuca: "No. No, I'm reading it online that a product also known as DHA, dihyx... dihydroxyacetone... however you say that word... cause genetic mutations and can wreak havoc on the human DNA. So, why... why would that be excluded..."

Gabel: "I have... I..."

DeLuca: "...if we're trying to protect children, which I keep hearing repeated over and over again."

Gabel: "I have not seen that... those studies. It may be one study that showed that. What I'm reporting are hundreds of studies that have been done, that have been looked at by the World Health Organization, that show for sure that there is a link between the UV rays from tanning beds and skin cancer."

DeLuca: "'Cause I'm just surprised, looking at the proponents of this legislation, the American Cancer Society and all the other organizations that suppo... support it, that they're silent on the spray tanning..."

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Gabel: "I..."

DeLuca: "...when there's clear... there's clear..."

Gabel: "I don't believe that..."

DeLuca: "...indications that it does."

Gabel: "I don't believe there are clear indications that it does. I do not believe that there have been enough studies to show that that's true. If that were true, believe me, they would be banned... I would... I would... the American Cancer Society and the Illinois Dermatological Society and the American Academy of Dermatology would also have wanted them banned in this Bill. There's just not the evidence at this time. This is not a frivolous case of me saying, oh, I just think that it's bad for you. These are hundreds of studies that have been done that show that this is very dangerous for our youth. You know, young peoples' cells are still developing. To be exposed to UV rays at this... at the intensity that the tanning beds have is very, very dangerous for them."

DeLuca: "Well, I would be concerned if I was in the tanning business because I see where this is going because spray tanning... there is evidence that it causes cancer. If this Bill becomes law, that's going to be the next step whether it's you or someone else. The next step will be going after spray tanning, so we're going to put the businesses completely out and all people are going to do is go outside and get their tan naturally and it's still going to cause skin cancer, maybe not as severely as you're indicating..."

Gabel: "It will not."

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DeLuca: "...but it's not going to prevent it. It's not going to stop it. Would you be willing to take this Bill out of the record and take a look at that spray tan before you would move this?"

Gabel: "Not at this time. I will look at the spray tan though and if possible..."

DeLuca: "Okay."

Gabel: "...you know, I just feel like there's not the evidence for it at this point in time. This is certainly not my intent is to hurt businesses in the least. Teens are only a very small portion of their business. Most of their business is with adults and if adults choose to go to the tanning salons and be tanned, that is their choice. Adults continue to buy cigarettes."

DeLuca: "Okay."

Gabel: "There's quite a bit of evidence that cigarettes cause cancer. I am not banning cigarettes. I'm not banning tanning beds for the vast majority of the population. I feel that it is our responsibility to protect our children and I have to tell you I have spoken to many parents who have said to me, if I knew what I know now, I would not allow my child to go to the tanning beds."

DeLuca: "Well, I want to protect children too, like I said, that keeps being repeated here. So, if you want to protect the children, it seems to me that the spray tanning should be included. I don't know why it's excluded. That's all they're going to do. Do you have to be 18 years old to work in the tanning facility?"

Gabel: "Not that I know of. No."

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DeLuca: "Okay. So, you could... you could be 17 years old and allow someone..."

Gabel: "I believe you could work... at 15 or 16 you can work."

DeLuca: "What was that?"

Gabel: "I believe you can get a job when you're however old..."

DeLuca: "Okay."

Gabel: "...15, 16."

DeLuca: "Thank you very much for your responses."

Gabel: "Thank you. I appreciate your concern for our children as well."

Speaker Lang: "Mr. Hays."

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

Speaker Lang: "Lady yields."

Hays: "Representative, would you agree that, in the interest of healthy behaviors for all of us, that if I personally go outside in the summer heat of central Illinois, that the UV rays on my bald head could be damaging?"

Gabel: "Yes."

Hays: "Is the next generation of this Bill or perhaps an Amendment coming forward going to require myself and people like Representative Sandack and maybe others to seek a group discount on a toupee or will a... or will a tasteful hat be appropriate?"

Gabel: "This Bill is not directed to adults. It's... it's directed to protecting our children. We have other laws that protect our children. We don't allow them to buy cigarettes and... and that this is the purpose of this Bill. The tanning beds have been proven to... proven to be linked with skin cancers for young adults. It is shocking, the

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rates of skin cancer for young adults has been increasing dramatically. This is a Bill to protect them from that result."

Hays: "I appreciate your response and I am thrilled that I'm safe to go outside. Thank you."

Speaker Lang: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. I rise in support of the Sponsor's Bill. There are so many opportunities when one looks at media for, you know, young people trying to improve their images and some of them are all right, some of them are not very healthy choices. This is one where if they want to go get tanning when they're under 18 and they fall for this advertising, the advertising doesn't tell them that they're very likely to be exposing their bodies to skin cancer in the future. This is about saving lives and presen... preventing cancer. And I urge an 'aye' vote."

Speaker Lang: "Mr. Poe."

Poe: "Thank you, Mr. Speaker. Probably, if you look up those Sponsors and I'll be the last one in this room you'd probably expect to be on that Bill, Dr. Knox from Springfield, who's a dermatologist, come to my office and when he scheduled an appointment it's about tanning beds and I thought, oh yeah. I'm going to vote for this. I'm also a small business guy. I went that route and we can't do it. She come in and visited with me about a half hour and she told me all those statistics, how it affected our young kids. I got the young granddaughters. All those kind of things and it... and it sort of scared me to death what could happen. You go to committee, there's a lady sitting

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there with stage 4 melanoma. She let her daughters constantly tan when they were young. She had a 26-year-old daughter that already had melanoma. And it's just... it's... it's just tough when you go through those kind of things. I had the same kind of questions. One of my granddaughters are wanting to go the prom or what. There is an alternative; there's spray on. And according to the dermatologist, this isn't near as risky and they didn't see any risk, but as someone's identified, there might be. So, there's another alternative. If you own your own bed, you can let your kid do this. But you know, we don't let people smoke, go buy cigarettes, we don't let our kids go get tattoos and this is a small way, if we can prevent one of our kids, our grandkids from not getting cancer down the road. Let us... let them make that decision after they're 18 years old. So, I'm going to ask you to vote for the Lady's Bill. Thank you."

Speaker Lang: "Representative Gabel to close."

Gabel: "Thank you, Mr. Speaker. So, in closing I would... I would like to quote for you of some of the comments from Donna Moncivaiz that spoke at our... our committee meeting. And Representative Reis, I'm surprised that when you say that, you know, parents want... want this right to do this. This woman was very clear about it. She had... had any awareness that this would cause this kind of damage she would never had done it. She says, my young daughter had a mole removed from her back last summer. It was melanoma in its earliest stages. That mole was no bigger than a pencil eraser, but yet it left a scar on her back that is more than five

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inches long. There is no need for her to have systemic treatment, thank God; however, she will, like me, have to see a dermatologist every three months for the rest of her life. The worst part about her diagnosis for me was that I gave her permission to tan. I let her go. She began tanning when she was 15 or 16. She would tan before vacation; she tanned before prom; she tanned to get a base tan before she started spending time at the beach with her friends. And now, because of her diagnosis, I feel responsible because I let her go. I wish I knew then what I know now. If I had, she would never have used the tanning bed. For me the bottom line is this, we don't let kids smoke and we don't let them drink, why? Those activities are dangerous to their health to their very lives, in fact. So, since the World Health Organization has declared that tanning beds are carcinogenic to humans, why on earth would we let them use a tanning bed? Other cities, states and entire countries have banned indoor tanning by minors because of the dangers. I am begging you, please help save the... help save the teens of the State of Illinois and ban the use of tanning beds by anyone under the age of 18. Thank you for this vibrant discussion. And I urge an 'aye' vote."

Speaker Lang: "Lady moves for the passage of the Bill. Those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 67 'yes', 49 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Arroyo, for what reason do you rise, Sir?"

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Arroyo: "Thank you, Mr. Speaker. I stand on a point of special privilege... personal privilege. I want to ask the Body... everybody's coming by my desk asking me for the name of my lion. So, I would like to have people that e-mail me or come by my desk and put a name on the lion to see what the lion's going to be called. Because if there's... I want to ask anybody if you have any name for my lion. So, if you want to come by and leave a name on my desk, I'll be happy to entertain that because I see everybody has an interest in this animal I have here."

Speaker Lang: "Mr. Arroyo, the Chair has heard several interesting names for the animal. Mr. Clerk, Agreed Resolutions."

Clerk Hollman: "Agreed... Agreed Resolutions. House Resolution 176, offered by Representative Rosenthal. House Resolution 177, offered by Representative Reboletti. House Resolution 178, offered by Representative Osmond. House Resolution 180, offered by Representative Pihos. House Resolution 181, offered by Representative Bellock. And House Resolution 182, offered by Representative Costello."

Speaker Lang: "Leader Mautino moves for the adoption of the Agreed Resolutions. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And the Agreed Resolutions are adopted. Mr. Clerk, committee announcements."

Clerk Hollman: "The following committees have been canceled. The Housing Committee that was supposed to meet at 3:00 today has been canceled. Also, tomorrow morning, the Adoption Reform Committee is canceled. Meeting at 3:00 today is Financial Institutions in Room 115, Personnel &

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Pensions in Room C-1, Public Safety: Police & Fire in Room 114, Restorative Justice in Room D-1, Counties & Townships in Room 413. Meeting at 4:00 is Cities & Villages in D-1, Consumer Protection in Room 114, Environment in Room 413, Health Care Availability and Accessibility in Room 115, Elementary & Secondary Education in C-1. Meeting at 5:00 is the Business Growth & Incentives Committee in Room D-1. And at 5:30 is the Human Services Committee in Room C-1 and Appropriations-Human Services Committee in Room 114."

Speaker Lang: "Mr. Clerk, Adjournment Resolution."

Clerk Hollman: "Senate Joint Resolution #30 offered by Representative Currie.

RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Thursday, March 21, 2013, it stands adjourned until Wednesday, April 10, 2013 at 12:00 noon, or until the call of the President; and when the House of Representatives adjourns on Friday, March 22, 2013, it stands adjourned until Monday, April 08, 2013 at 2:00 p.m., or until the call of the Speaker."

Speaker Lang: "Leader Currie moves for the adoption of the Adjournment Resolution. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And the Agreed Resolutions.. the Adjournment Resolution is adopted. And now, allowing for perfunctory time for the Clerk, Leader Mautino moves that the House stand adjourned 'til Friday, March 22 at the hour of 9:30 a.m. Those in favor say 'yes'; opposed 'no'. The

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'ayes' have it. And the House does stand adjourned 'til Friday, March 22 at the hour of 9:30 a.m."

Clerk Hollman: "House Perfunctory Session will come to order. Committee Reports. Representative Rita, Chairperson from the Committee on Business & Occupational Licenses reports the following committee action taken on March 20, 2013: do pass Short Debate is House Bill 1232, House Bill 2616, House Bill 2720, House Bill 2721, House Bill 2723, House Bill 2726, House Bill 2773; do pass as amended Short Debate is House Bill 1217, House Bill 2707, House Bill 3359. Representative Hoffman, Chairperson from the Committee on Labor & Commerce reports the following committee action taken on March 20, 2013: do pass Short Debate is House Bill 987, House Bill 2562, House Bill 3125, House Bill 2330, correction, House Bill 20... 3223; do pass as amended Short Debate is House Bill 11, House Bill 2649, House Bill 2846, House Bill 3005, House Bill 3068. Representative Franks, Chairperson from the Committee on State Government Administration reports the following committee action taken on March 20, 2013: do pass Short Debate is House Bill 1490, House Bill 2376, House Bill 2416, House Bill 2536, House Bill 2748, House Bill 2764, House Bill 2963, House Bill 3047, House Bill 3049, House Bill 3122, House Bill 3199, House Bill 3227, House Bill 3260, House Bill 3270, House Bill 3272, House Bill 3388; do pass as amended Short Debate is House Bill 2, House Bill 1040, House Bill 2326, House Bill 2408, House Bill 2947; do not pass pursuant to House Rule 22(g) is House Bill 2689; recommends be adopted is Floor Amendment #2 to House Bill 1871, Floor Amendment #1

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to House Bill 2484 and House Joint Resolution #20. Representative Soto, Chairperson from the Committee on Energy reports the following committee action taken on March 20, 2013: do pass Short Debate is House Bill 1331; do pass as amended Short Debate is House Bill 3324. Representative Jakobsson, Chairperson from the Committee on Higher Education reports the following committee action taken on March 20, 2013: do pass Short Debate is House Bill is 3241, House Bill 3383; and do pass as amended Short Debate is House Bill 3067. Representative Crespo, Chairperson from the Committee on Appropriations-General Services reports the following committee action taken on March 20, 2013: do pass Short Debate is House Bill 2687. Representative Bradley, Chairperson from the Committee on Revenue & Finance reports the following committee action taken on March 21, 2013: do pass Short Debate is House Bill 89, House Bill 961, House Bill 963, House Bill 1039, House Bill 1053, House Bill 1206, House Bill 1376, House Bill 1459, House Bill 2317, House Bill 2340, House Bill 2386, House Bill 2498, House Bill 2499, House Bill 2518, House Bill 2557, House Bill 2752, House Bill 2918, House Bill 3003, House Bill 3041, House Bill 3218; do pass as amended Short Debate is House Bill 189, House Bill 3157; recommends be adopted is Floor Amendment #1 House Bill 438, and House Resolution 96. Representative Daniel Burke, Chairperson from the Committee on the Executive reports the following committee action taken on March 21, 2013: do pass Short Debate is House Bill 2606, House Bill 3370; recommends be adopted is Floor Amendment #2 to House Bill 83, and Floor

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Amendment #1 to House Bill 353. Representative Zalewski, Chairperson from the Committee on Health Care Licenses reports the following committee action taken on March 21, 2013: do pass Short Debate is House Bill 2774, House Bill 3368; do pass as amended Short Debate is House Bill 1052. Representative Chapa LaVia, Chairperson from the Committee on Elementary & Secondary Education reports the following committee action taken on March 21, 2013: do pass Short Debate is House Bill 2631, House Bill 3063, House Bill 3133; do pass as amended Short Debate is House Bill 3232; do not pass pursuant to Rule 22(g) is House Bill 1205. Representative Nekritz, Chairperson from the Committee on Judiciary reports the following committee action taken on March 21, 2013: do pass Short Debate is House Bill 169, House Bill 2412, House Bill 2953, House Bill 2971, House Bill 3009, House Bill 3011, House Bill 3100, House Bill 3172, House Bill 3214, House Bill 3215, House Bill 3390; do pass as amended Short Debate is House Bill 1139, House Bill 1532, House Bill 2341, House Bill 2378, House Bill 3010, House Bill 3029; do pass as amended Stan... Short Debate is House Bill 3838... correction... House Bill 3038, House Bill 3255, and House Bill 3357; recommends be adopted is Floor Amendment #1 to House Bill 830, House Resolution 69. Representative Jackson, Chairperson from the Committee on Counties & Townships reports the following committee action taken on March 21, 2013: do pass Short Debate is House Bill 945, House Bill 3111; do pass as amended Short Debate is House Bill 125. Introduction of Resolutions. House Resolution 179, offered by Representative Flowers, is

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referred to the Rules Committee. First Reading of Senate Bills. Senate Bill 1, offered by Speaker Madigan, a Bill for an Act concerning public employee benefits. Senate Bill 1894, offered by Speaker Madigan, a Bill for an Act concerning revenue. These are referred to the Rules Committee. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following action taken on March 21, 2013: recommends be adopted, referred to the floor is Floor Amendment #2 to House Bill 2265. First Reading of Senate Bills. Senate Bill 33, offered by Representative Franks, a Bill for an Act concerning safety. Senate Bill 30... correction... Senate Bill 66, offered by Representative Thapedi, a Bill for an Act concerning gaming. Senate Bill 93, offered by Representative Hammond, a Bill for an Act concerning State government. Senate Bill 1197, offered by Representative Beiser, a Bill for an Act concerning regulation. Senate Bill 1224, offered by Representative Hoffman, a Bill for an Act concerning public employee benefits. Senate Bill 1310, offered by Representative Zalewski, a Bill for an Act concerning transportation. First Reading of these Senate Bills. First Reading of House Joint Resolution Constitutional Amendment #32 offered by Representative Bill Mitchell.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after

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the adoption of this resolution a proposition to amend Sections 5 and 11 of Article IV, Section 21 of Article V, and Section 2 of Article VIII of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

SECTION 5. SESSIONS

- (a) The General Assembly shall convene each year on the second Wednesday of January. The General Assembly shall be a continuous body during the term for which members of the House of Representatives are elected.
- (b) The Governor may convene the General Assembly or the Senate alone in special session by a proclamation stating the purpose of the session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of the presiding officers of both houses, issued as provided by law or as provided in subsection (c) of Section 2 of Article VIII.
- (c) Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house determine that the public interest so requires; and meetings of joint committees and legislative commissions may be so closed if two-thirds of the members elected to each house so determine.

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SECTION 11. COMPENSATION AND ALLOWANCES

Except as otherwise provided in subsection (c) of Section 2 of Article VIII, a member shall receive a salary and allowances as provided by law, but changes in the salary of a member shall not take effect during the term for which he has been elected.

ARTICLE V

THE EXECUTIVE

SECTION 21. COMPENSATION

Except as otherwise provided in subsection (c) of Section 2 of Article VIII, officers of the Executive Branch shall be paid salaries established by law and shall receive no other compensation for their services. Changes in the salaries of these officers elected or appointed for stated terms shall not take effect during the stated terms.

ARTICLE VIII

FINANCE

SECTION 2. STATE FINANCE

(a) The Governor shall prepare and submit to the General Assembly, at a time prescribed by law, a State budget for the ensuing fiscal year. The budget shall set forth the estimated balance of funds available for appropriation at the beginning of the fiscal year, the estimated receipts, and a plan for expenditures and obligations during the fiscal year of every department, authority, public corporation and quasi-public corporation of the State, every State college and university, and every other public agency created by the State, but not of units of local government or school districts. The budget shall also set

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forth the indebtedness and contingent liabilities of the State and such other information as may be required by law. Proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget.

(b) The General Assembly by law shall make appropriations for all expenditures of public funds by the State. Appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.

(c) (1) Within 30 days of the enactment of the law or laws comprising the State budget for a fiscal year, the Office of the Auditor General must certify whether the enacted budget will be balanced with expenses not exceeding funds estimated by the General Assembly to be available during that year pursuant to subsection (b). If the Office of the Auditor General certifies that the budget is not balanced, then the Comptroller shall:

(A) stop all payments other than: (i) payments affecting the public safety of the State; (ii) payments that are mandated by a court of law; and (iii) payments that are mandated by the federal government; and

(B) stop all payments for the salaries of General Assembly members and the officers specified in Section 1 of Article V.

(2) Within 10 days after the certification by the Office of the Auditor General that the budget is not balanced, the General Assembly must convene to address the State budget and enact a new State budget. If a special session is not convened by the Governor or the General Assembly by

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proclamation by the tenth day, the declaration by the Office of the Auditor General under this paragraph (2) shall operate to convene the General Assembly in special session on the tenth day. Upon the enactment of the law or laws comprising the new State budget, the Office of the Auditor General must certify whether the new State budget will be balanced with expenses not exceeding expected revenue. Only when the Office of the Auditor General certifies that the new State budget will be balanced will the Comptroller be allowed to resume payments under subparagraphs (A) and (B) of paragraph (1).

(3) If the Comptroller finds at any time during the fiscal year that the State budget has become unbalanced, the Comptroller shall so report to the Office of the Auditor General. The Office of the Auditor General shall have 10 days to respond to this report and, if the Office of the Auditor General agrees with the finding of the Comptroller that the State budget has become unbalanced, the Comptroller must stop payments as specified in paragraph (1) and the procedure in paragraph (2) must be followed to create a balanced budget for the remainder of the fiscal year.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. This was the First Reading of House Joint Resolution Constitutional Amendment #32. There being no further business, the House Perfunctory Session will stand adjourned."