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HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

156th Legislative Day

1/9/2017

Clerk Hollman: "House Perfunctory Session will come to order. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on January 09, 2017: recommends be adopted, referred to the floor is Amendment #2 to Senate Bill 2051: approved for consideration referred to Second Reading is Senate Bill 550, Senate Bill 2799: approved for consideration, referred to Third Reading is Senate Bill 3319."

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

Pastor Crawford: "Let us pray. Most gracious and sovereign God, who art the author and finisher of our faith, it is You who are the Lord of lords and the King of kings, and beside You there is no other. We reverend You this day, Holy God, and ask Your blessings upon this august Assembly, upon the Speaker of this House and upon all of its Members. I pray that You will bless them as they deliberate. Bless them with Your wisdom. Bless them with Your guidance. Bless them with Your strength. Bless them with Your direction. Bless them to see clearly, even during these dark times. Bless them to hear clearly, even during these very noisy moments. I pray that You would empower them during these times not to compromise truth nor to forsake Your ways, but to do that which is good,

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to do that which is the perfect and most precious will of God. This we pray in Your Son's name, Amen."

Speaker Lang: "We shall be led in the Pledge by Representative Kirkpatrick."

Kirkpatrick - 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 Lang: "Well done, Representative. Roll Call for Attendance. Leader Currie."

Currie: "Thank you, Speaker. Please let the record reflect that Representatives Thapedi and Jones are excused today."

Speaker Lang: "Mr. Wheeler."

Wheeler, K.: "Thank you, Mr. Speaker. Please let the record reflect that Representatives Barb Wheeler and Bill Mitchell are excused today."

Speaker Lang: "Mr. Clerk, please take the record. We have 113 Members answering the roll and we do have a quorum. The Chair recognizes the Clerk."

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

Speaker Lang: "Mr. Clerk, Committee Reports."

Clerk Bolin: "Committee Reports. Representative Sims, Chairperson from the Committee on Judiciary - Criminal reports the following committee action taken on January 09, 2017: recommends be adopted Floor Amendment #2 to Senate Bill 2872. Representative Jay Hoffman, Chairperson from the Committee on Labor & Commerce reports the following committee action taken on January 09, 2017: recommends be adopted Floor Amendment #4

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to Senate Bill 2901. Representative Currie, Chairperson from the Committee on Revenue & Finance reports the following committee action taken on January 09, 2017: do pass Short Debate for House Bill 6630; do pass as amended Short Debate for Senate Bill 513; and recommends be adopted Floor Amendment #2 to Senate Bill 1919 and Floor Amendment #3 to Senate Bill 3319. Representative Verschoore, Chairperson from the Committee on Environment reports the following committee action taken on January 09, 2017: recommends be adopted Floor Amendment #3 to Senate Bill 550. Representative Currie, Chairperson from the Committee on Rules reports the following committee action taken on January 09, 2017: recommends be adopted Floor Amendment #4 for Senate Bill 550. Introduction of Resolutions. House Resolution 1542, offered by Representative Kay and House Resolution 1545, offered by Representative Meier."

Speaker Lang: "Chair recognizes Representative Bellock. For what reason do you rise, Representative?"

Bellock: "Thank you very much, Mr. Speaker. And over the holidays Representative Sullivan retired so I have the honor of asking all of you to welcome our new Representative Nick Sauer. So could everybody give him a round of applause? Thank you."

Speaker Lang: "Mr. Sauer, would you like to give us a brief comment on your first day on the House Floor?"

Sauer: "Thank you, Mr. Speaker and thank you, Representative Bellock and thank you, Representative Sullivan. It's an honor to serve with you in the 99th for a couple days and look forward to the future working with you in this Assembly."

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Speaker Lang: "Thank you, Sir. Congratulations. Leader Currie is recognized for some introductions."

Currie: "Thank you very much, Speaker and Members of the House. I'm very excited and pleased, honored, to introduce three new Members on our side of the aisle: Melissa Conyears from the 10th District, replacing Pamela Reaves-Harris. Do you want to say something now, Melissa or do you want to wait? Go ahead, speak."

Speaker Lang: "Representative Conyears."

Conyears: "Good afternoon, everyone. Good afternoon, Representatives, Speaker. I am so excited to be here. Thank you for this opportunity to just say hello."

Speaker Lang: "Well done. Leader Currie."

Currie: "We also welcome Jim Kirkpatrick from the 117th District and he replaces Representative John Bradley. Welcome Jim."

Speaker Lang: "Welcome, Representative. Can we hear from you, Sir?"

Kirkpatrick: "Thank you very much. It's a pleasure and an honor for me to serve in a chamber that was once represented by Abraham Lincoln. Thank you."

Speaker Lang: "Thank you, Sir. A good Republican I heard. And Leader Currie."

Currie: "Finally, we have Justin Slaughter, who comes from the district and replaces Representative Monique Davis. Welcome Justin."

Speaker Lang: "Representative Slaughter, good afternoon. Let's hear from you."

Slaughter: "Good afternoon... good afternoon, thank you. Thanks for the warm welcome. I'm extremely excited to be here, extremely

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excited to work with you, fifth day on the job. You know, it's funny, I got three days on Melissa over there, but there's a lot of work to do: I'm ready to roll up my sleeves and get to work. Thank you."

Speaker Lang: "Thank you, Representative. Welcome aboard to all of you. Congratulations. Mr. Skoog is recognized."

Skoog: "I stand for a point of a personal privilege."

Speaker Lang: "Please proceed, Sir."

Skoog: "It's an honor and privilege today to have my Page for the day, Ben Swanson. He is one of the hardest workers on my staff. He was at every parade, he was outing the signs in the yards. But he did, he was always there with me and I appreciate that he could be down here. He's in the second grade, but he acts like he's a 17-year-old. He's very old for his age, which is wonderful. He loves politics and history. It's great for him to be down here. Up in the gallery we have his family and his grandpa Al Ring. We appreciate they're down here. And it's only... my... you know, I only have a couple of days left, so I brought my lovely wife down here. She put up with me for the last years or so; she knows how hard it is. So, thanks Hol for being here, too, with me. So thank you very much."

Speaker Lang: "Welcome to all of you. Congratulations. Enjoy your day on the House Floor. The Chair recognizes Mr. Harris."

Harris, D.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I'd like to make note of the fact that there are two new, future Republicans that have come to join us over the holidays. One is the child of Representative Demmer, Catherine Addison was born just before Christmas and

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Representative Morrison had Alexander who was born just after Christmas. So, they're future Republicans."

Speaker Lang: "Congratulations, Gentlemen. By the way, how do you know? Mr. Clerk, Agreed Resolutions."

Clerk Hollman: "Agreed Resolutions. House Resolution 1536, offered by Representative Kelly Burke. House Resolution 1537, offered by Representative Ives. House Resolution 1538, offered by Representative McAsey. House Resolution 1539, offered by Representative Welch. House Resolution 1540, offered by Representative Sims. House Resolution 1541, offered by Representative Phelps. House Resolution 1543, offered by Representative Zalewski. House Resolution 1544, offered by Representative Davidsmeyer. House Resolution 1546, offered by Representative Kifowit. House Resolution 1547, offered by Representative Hernandez. House Resolution 1548, offered by Representative Sims. House Resolution 1549, offered by Representative Butler. House Resolution 1550, offered by Representative Hoffman. House Resolution 1552, offered by Representative Davidsmeyer. House Resolution 1553, offered by Representative Chapa LaVia. House Resolution 1554, offered by Representative Chapa LaVia. House Resolution 1555, offered by Representative Phelps. House Resolution 1556, offered by Representative Brady. House Resolution 1557, offered by Representative Bryant. House Resolution 1559, offered by Representative Beiser. House Resolution 1560, offered by Representative Martwick. House Resolution 1561, offered by Representative Lilly. House Resolution 1562, offered by Representative McAuliffe. House Resolution 1563, offered by Representative McAuliffe. House Resolution 1564,

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offered by Representative Phelps. House Resolution 1565, offered by Representative Winger. House Resolution 1566, offered by Speaker Madigan. House Resolution 1567, offered by Speaker Madigan. House Resolution 1568, offered by Speaker Madigan and House Joint Resolution 171, offered by Speaker Madigan."

Speaker Lang: "Leader Currie 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. Wheeler for an announcement."

Wheeler, K.: "The Republicans request an immediate caucus in Room 118."

Speaker Lang: "Democrats and Republicans are both caucusing. Republicans will caucus immediately in Room 118. Democrats will caucus immediately, that's immediately, in Room 114. And the House will be adjourned... the House will be at recess 'til the call of the Chair. The House will be in order. The Chair recognizes Leader Currie."

Currie: "Thank you, Speaker. Please let Representative Ford to show he's excused for the remainder of the day."

Speaker Lang: "Thank you, Representative. Leader Currie for a Motion."

Currie: "Thank you, Speaker. I move to suspend the posting requirements so that House Joint Resolution 170 and Senate Joint Resolution 57 may be heard, without respect to ordinary posting requirements."

Speaker Lang: "I understand this has been cleared with the other side. There being no debate, those... Is the Lady have leave? Leave is granted. On Supplemental Calendar #1, under the Order

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of Senate Bills-Second Reading there appears Senate Bill 513, Representative Feigenholtz. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 513, a Bill for an Act concerning revenue. Second Reading of this Senate Bill. Amendment #3 was adopted in committee. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Mr. Clerk, please read the Bill. Senate Bills-Third Reading. Senate Bill 3319, Representative Conroy. Mr. Clerk, please read the Bill. Mr. Clerk, please place this Bill on the Order of Second Reading and please read the Bill."

Clerk Hollman: "Senate Bill 3319, a Bill for an Act concerning education. This Bill is read a second time on the previous day. Amendment 1 was adopted in committee. Floor Amendment #2 was adopted previously. Floor Amendment #3 is offered by Representative Conroy and has been approved for consideration."

Speaker Lang: "Representative Conroy on the Amendment."

Conroy: "Thank you, Speaker. The Amendment just fixes a mistake that was made by the DuPage County Board of Elections and a published date that was three days too early for these governmental bodies. So, by doing this, we prevent these governmental bodies from having to go to court to fix this."

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

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

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

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Clerk Hollman: "Senate Bill 3319, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Lang: "Representative Conroy, did you just explain the Bill?"

Conroy: "I did. 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 record yourselves. Please record yourselves, Members. Andrade. Mr. Clerk, please take the record. On this question, there are 100 voting 'yes', 9 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Page 2 of the regular Calendar, Senate Bills-Third Reading, Senate Bill 2872. Mr. Clerk, please place this Bill on the Order of Second Reading for an Amendment and please read the Bill."

Clerk Hollman: "Senate Bill 2872, a Bill for an Act concerning criminal law. This Bill was read a second time a previous day. Amendment #2 has been approved for consideration and is offered by Representative Gordon-Booth."

Speaker Lang: "Representative Gordon-Booth on the Amendment."

Gordon-Booth: "Thank you, Mr. Speaker. This Amendment was debated and passed out of committee this morning, unanimously. I'd like to debate it on Third."

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

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

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

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Clerk Hollman: "Senate Bill 2872, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lang: "Representative Gordon-Booth."

Gordon-Booth: "Thank you, Mr. Speaker. And happy new year to all of my colleagues. Today I bring before you Senate Bill 2872, which is the Neighborhood Safety Act. This is a major piece of criminal justice reform that many of us have been working on for some time now. The context to which we bring this Bill forward is comprised of three primary components. The first component to the legislation is we would be piloting trauma recovery centers around the State of Illinois. The purpose for that is, we... we realized through studies and through data that there is a significant need to stop the repeat victimization and break the cycle of violence that has... that's happening in many of the communities across the state. And this legislation would direct the Illinois Criminal Justice Information Authority to establish pilot programs for trauma recovery for victims of violent crimes with a goal of providing safe, community-based, culturally competent environments in which to access the necessary services to facilitate recovery from the effects of chronic and repeated exposure to trauma. These services might include behavioral health treatment, financial recovery, family support and relocation assistance and support for navigating a very challenging legal system. Anyone who has been a victim of violent crime clearly knows that this is a significant issue. I will come back to the trauma recovery centers in my close. The second component to this legislation is that it will incentivize inmates to rehabilitate themselves while they're

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incarcerated. Let's be very clear. This is not receiving credit for good conduct; you have to earn this credit. In Illinois, all... almost all prisoners will, eventually, be released from prisons, which means they're going to come back, primarily, to the communities from which they came. What we're doing with the second component of this legislation is we are looking to reduce recidivism. This component of the legislation would incentivize inmates to take positive steps toward self-improvement and skill-building by expanding the pool of those who are eligible to enroll in rehabilitative programming. The earned credit program will be governed by the Illinois Department of Corrections with the new risk assessment tool that's been created. That risk assessment tool will screen inmates and tailor rehabilitative programming appropriate for each individual and most likely to have the greatest impact... let me say that again... the greatest impact on reducing recidivism. The third component of this legislation is providing additional judicial discretion. There is substantial evidence that demonstrates that lower recidivism rates when certain low-risk individuals are sentenced to supervised probation instead of prison is far better for the communities that they're serving but also it's better for public safety. Because what we have become very well aware of is that there is a serious issue around mass incarceration. And the individuals that are housed in the Department of Corrections right now are being just that, warehoused. What we would like to create is a system where we actually have the ability to rehabilitate citizens while they're incarcerated so that when they reenter society that

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we don't have this revolving door of individuals as we do now, that are merely leaving, only to come right back to the Department of Corrections. If I could swing back to the first component of this Bill in talking about trauma recovery, I think that this Bill is so important in the time that we're in, because when you look at communities like the City of Chicago, communities like Springfield, Peoria, Danville, Decatur, East St. Louis, Waukegan, Rockford, and communities all over this coun... all over this state, we have a very serious issue with violent crime. The trauma recovery centers and the trauma recovery services that we are looking to bring to those communities is going to have the ability to begin to deal with some of the unmet trauma that many of these communities are grappling with. We have to find a way to bring a more just system to the people of Illinois. We have to find a way to create a criminal justice system that does just that: it's a... it's a justice system that allows for real public safety to happen. Not only am I of this belief, but I would be remiss if I did not share the fact that this Bill is only possible because of the leadership of many of the people in this room. I'd like to thank Leader Durkin for all of the support that he has given to this legislation, thank you so much. To Chairman Sims, to Representative Hays and other Members of this... of this august Body that have allowed us to really sink our teeth into this legislation over the last six months. It's no surprise that when you work together on a bipartisan basis that you have the ability to have organizations like the Illinois State's Attorneys Organization along with a group like the NAACP and the

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Sheriff's Association along with the an organization like the Safer Foundation and an organization like the Chiefs' of Police along with many other civil rights organizations around this state that have come in as proponents to this Bill. This isn't soft-on-crime. This is a smart-on-crime legislation that looks to bring public safety back to the communities that we serve. I want to thank the Members who have worked with me on this legislation. And I want to thank all of the associations that have put in a lot of blood, sweat and tears to get us to where we are today. I am open for your questions."

Speaker Lang: "Leader Durkin."

Durkin: "Well, thank you, Leader Lang. Representative Gordon-Booth, I may not have heard this, but what is the financial cost to the State of Illinois to implement this program?"

Gordon-Booth: "The financial cost to implement this program is zero. The dollars that are going to support the trauma recovery centers are all federal dollars. We'll actually save money here in Illinois by doing this."

Durkin: "Outstanding. People are talking about judicial discretion in which we are going to give the court discretion on certain cases, ought to make it perfectly clear that this does not preclude a judge under circumstances from still sending that person away to the Illinois Department of Corrections for... Okay. Let's start again. Under the discretion part which... part which we're giving to the courts... this does not prohibit that judge, on certain circumstances, from sending away that individual if the circumstances and the person's background warrant incarceration. It just gives

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discretion on whether or not on these Class 2 offenses, specifically, the second time around, whether an individual is warrant his stay in the IDOC is reasonable, it's fair, it's the right thing to do or if you want to give that person another chance and break that cycle that we see all too often about individuals going in, getting out, going back into Joliet and getting the same... sent all over the State of Illinois for terms of incarceration, correct?"

Gordon-Booth: "Yes."

Durkin: "Kind of a long question, sorry. So, I want to thank you, and this is a question about process and I want to give you great praise there, Representative Gordon-Booth 'cause this was something that was done with participation from the Minority Party. And as you'll see that I'm not on there, but on here I'm one of the cosponsors so is Representative Hays. And we have witnessed, we have witnessed these centers individually. We've done that in a collaborative manner and we have seen that this does have a positive effect upon breaking the cycle of young men and women who are caught up in the criminal justice system and trying to give them an opportunity to change their ways of life. So I want to thank you for that. And I will just say this. I know some people have concerns, but I have never been thought of as being soft on crime. I was an assistant's state's attorney in Cook County. I've sent away hundreds of people in my career to the prison... to the Illinois Department of Corrections. I am glad to be tough on crime, but today I'm also glad to be smart on crime and that's what this Bill is. So, I thank you for doing the hard work of getting the Illinois State's Attorneys

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Association, the Illinois Chiefs of Police Association and also the Illinois Sheriffs' Association on board with this. I know if this Bill passes and if the Senate does pass this Bill, the Governor will sign this into law. And this is positive, but again, I don't know if we're going to see this on other Bills today, but this is what can happen when the other side says, work with us to get an important issue done. Congratulations, we need more of this."

Speaker Lang: "Representative Flowers."

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

Speaker Lang: "Lady yields."

Flowers: "Representative Gordon, I just want to say that I want to commend you for working so hard on this legislation and I know how personal it is to you as well. And for a long time, I have seen the problems that men and women, who have been incarcerated and never had the opportunity to earn good-time and how it has destroyed their lives. And I also have witnessed, throughout my 32 years of being here, what has happened in this state in regards to what goes on behind the prison walls, in regards to the programs that has been taken away. We... we used to have offenders who were able to go to college while they were incarcerated, it was taken away. We used to have to have... they used to be able to earn good-time by finishing high school having a job training program. I remember visiting St. Charles where the juveniles were and they didn't even have teachers there and the Constitution of the State of Illinois required that they be entitled to an education from kindergarten through 12, but that didn't happen for them either because those programs were not there.

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So I appreciate the fact that your Bill now gives offenders the opportunity to earn good time and get out of jail that would not have ordinarily been able to earn good time. But I also know that those were a few and then you've had... you've taken another few and you made it so that they cannot earn probation or... I'm sorry... earn good time to get out of jail. That kind of concerns me. The other thing that concerns me about your Bill is, as far as what ICJIA is supposed to do. Is it a requirement. Is it they 'shall' provide these services or is it a goal of theirs to provide services?"

Gordon-Booth: "So, thank... thank you so much for your comments. So the way in which this process and this engagement happened initially was ICJIA is the administer... is the state administer of VOCA dollars. The VOCA dollars is the funding stream from which these trauma recovery services will be able to be offered to communities throughout the state. And yes, the... I think part of... we often times in this Body, as you well know from your experience..."

Flowers: "Excuse me, Mr. Speaker, can you lower the volume so I can hear the Lady? Thank you."

Gordon-Booth: "We often... often have a job that requires us to work on both ends as you well know. Part of our job is to... to work... to work within our communities and then try to bring the needs of our communities into legislation. And then when we are able and blessed to be able to pass legislation as comprehensive as this, we also have the other duty of working with the agencies to ensure that the intention of this Body is carried out by the agency. And so yes, the agency is charged with administering these dollars through the... excuse

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me, the dollars that they receive from VOCA. They're going to be charged with piloting these trauma recovery centers serv... these trauma recovery centers around the entire state."

Flowers: "Okay."

Gordon-Booth: "Around the state; not the entire state but around the state."

Flowers: "But the trauma recovery center that's just for the victims of the crime. Am I correct? It's just for the victims?"

Gordon-Booth: "So, in the way... the way... thank you... the way in which victim is defined, it isn't necessarily to say for you to be a victim you had to be the one that was sexually assaulted, or you had to be the one that was robbed, or you had to be the one that was shot. You could be in a relation to that individual, and the way that the services have worked so eloquently in communities like in Watts and in South L.A. and in San Francisco and in Stockton, California, oftentimes to receive any kind of services you have to be willing to go to the police first before you receive any services. But the way that the trauma recovery center model works is that if you show up at the doorstep, you are served. And the motto and the thought-process behind that is, if someone is saying, I need help. We have to operate from the standpoint that they are crying out for help. And that is the pro... that is the purpose and the value for putting these trauma recovery centers and often the way in which we will offer our trauma recovery services in the communities that have been the most harmed and those that have had the most unmet need."

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Flowers: "Representative, I heard the speaker from the other side of the aisle ask how much this is going to cost and you said zero because this is federal funds. Now, I just need to bring you back to the state here because you know this Governor has cut all the programs that is supposed to help the aged, the blind, the disabled, the mentally ill and all of that. So please tell me where are these programs, and don't forget that child care for infants and children to go to day care, those programs has been cut as well. So tell me how, in regards to the trauma center, and where are the facilities and where is the help in... because this Bill becomes effective immediately. Now, does the trauma center becomes effective immediately as well?"

Gordon-Booth: "Yes."

Flowers: "And so, immediately upon the Governor signing this Bill there will be a place where a person who feel like they are being traumatized... what about a community? What about a community like Englewood, or the south side of the City of Chicago or the West side of the City of Chicago where everyone in those communities feel traumatized? Where do they go? And why is it when the schools are closing and some people don't have access to health care, tell me how this Bill will help facilitate the people to get the help that they need?"

Gordon-Booth: "So, again, thank you for that question. As you know I am very familiar with the issue of child care, I am the mother of a two-year-old myself. I also was the Member in this Body that carried the legislation to reinstate that child care when it was..."

Flowers: "And you know what happened with that?"

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Gordon-Booth: "...when it was... Yes, I do, I'm very... I'm very aware.
But..."

Flowers: "And so that's my concern. So where are we going to get
the money?"

Gordon-Booth: "I am trying to respond to you. So, the reality is,
as Members of this Body, as it relates to us dealing with
issues of criminal justice reform and then issues of dealing
with inclusion into... inclusion within our communities and
building the other infrastructure that we need within our
communities, the reality is is that we don't get the luxury
of picking and choosing which issues we work on because
they're all issues that we have. And so what I would daresay
is on this day, on January 9, we need to be standing against
mass incarceration and that's what this legislation looks to
do. It looks to deal with sentencing reform, it looks to deal
with trauma that is taking place in communities like yours-
in communities like mine and many of the communities around
the entire state. And so, today we're dealing with this... with
this issue, and all those other issues as it relates to child
care, education funding, I'm also there as well as many of
the Members in this Body, we're also there working on those
issues too. But I would daresay, that I don't want to go back
to my community and say that I didn't take... that we didn't
take the opportunity in this moment and in this day to advance
this historic, significant legislation that would be able to
allow families to remain whole and actually increase public
safety lhour communities instead of creating this system of
mass incarceration that we have today."

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Flowers: "Representative, I agree with you 100 percent. And I want the record to reflect that for 32 years I have been against mass incarceration and for the 32 years that I have been here I have fought against that and I've tried to do something about it. And what I'm asking you what, specifically, will this Bill do that the Victim Crime Witness Act that the Secretary of State Office has, as well as the AG Office have in existence now, what will this trauma center do? Is it a location? Is it a goal? Is it 'shall'? I just want to know specifically what will it do. And in regards to the mass incarceration, I think what we're... what the most important thing, and this is what concerns me about this Bill, there's nothing that's preventing the recidivism once a person go out. You can let them out because of the good time that they may have earned, but once they leave there, Representative, if there's no jobs, if there's no education, if there's not a home or a family for them to go to, if there's not a mental health facility for them to get the services from, recidivism will be greater. But let me also share with you, that according to SPAC our recidivism rate and the prison incarceration rate has already been going down without this legislation. And what I'm afraid of... what I'm really afraid of is because of the assessment tool that it will be subject to someone else's interpretation, whether or not I'm doing right or doing all the right things to get out, that will be left up to someone else's interpretation and let me tell you the reason why, because this Bill will become effective immediately and immediately, inside the prisons there's not the educational program; immediately, inside the

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prison there's not the training program. So on the inside, there is not the tools that's needed to properly make the assessment. And so I could see, that if that's the only means that it will now be up to the Department of Corrections to say whether or not I get prob... I get early release or not, based on an assessment where the tools is not there for them to assess me; and then upon my release, where am I going to go to make sure that I'm not causing or being caused to recidivise to go back to prison? So can you help me answer those questions, please?"

Gordon-Booth: "And what was your question?"

Flowers: "The question is what... where are the programs inside the prison..."

Gordon-Booth: "So..."

Flowers: "...that's question number one. And then number two, once I get out, where are the jobs, the job training and the educational programs? And number three, where is the intervention and the prevention programs to stop people from coming in anyway?"

Gordon-Booth: "Great questions. So, in this, as I stated before, within the second component of the legislation, the programs with inside the department, as you know... many of us know, that there has been a significant decrease in the programming that was offered by the Department of Corrections. Department of Corrections is prepared to ramp up that programming. But what they wanted to... what they were looking for from us is a sign that we were serious about wanting to ensure that when they decide to make that big jump, that as a Body, that we will also be supportive of that. And so, your question of,

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where are the programs, the department is in the process of building those programs back up. And your next question was, where are those jobs in the community. I would daresay that I am prepared to work with you and would sign on to any legislation that you may have that helps to increase jobs within our community. I know that I have legislation that I have worked on, that I have signed on to, to be able to create a better business climate, a better job environment, workforce trainings. I'm actually doing a trip to Caterpillar, which is a Fortune 50 company in my district, for colleagues of mine to learn about what are the needs that they have as a large-scale manufacturer so that we can figure out how to better partner with those kinds of companies so that maybe they would want to relocate a facility maybe in your district. And then I think the third part of your question was... What was the third part of your question?"

Flowers: "The prevention program for preventing people from coming into the system in the first place, Representative..."

Gordon-Booth: "So..."

Flowers: "...There is no jobs, they're... they're closing schools in the City of Chicago, and I don't know what they're doing in Peoria."

Gordon-Booth: "Yes, they are closing them in Peoria as well..."

Flowers: "But I... let me just say in my closing remarks, I was reading this fact analysis of this Bill, and it has in quotations, 'what if', and I look at this legislation as being a, 'what if', legislation. If... What if all these things were true? If all these things were true that you're saying and that could possibly happen, we would have 4 thousand fewer

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inmates in prison, if it was true. But this is a, what if. But there's no programs in place, and as a result, what I do see is a possibility of having double the number of people going to prison and fewer people being able to earn the good time because you are... you're taking away on one hand and you're getting it on the other. I commend you for what you've done in regards to expediting the people who were not able to earn good time; I commend you for that. I also commend you for all the work that you put into trying to make this a better Bill, but I see some problems with this legislation. But I will not be supporting you because I don't see whereas that it's going to work. And it's... I don't see the programs in place. I don't see nothing but, 'what if'. There's nothing concrete; there's no jobs, there's no education, there's no teachers. Do you know how long it takes for the Department of Corrections to get teachers in place? So, I would love to support this legislation, but I don't want to send my constituency a message that our community is going to be safer and we're going to be better, because we did that once before when we got tough on crime. We told everybody about locking people up longer, that we're going to be safer and better off for it. That's not true. And now, we're telling them by allowing, through this assessment program, for people to get out of prison that... and then for this trauma center to occur that things are going to be better. It will get better, Representative, when there is a real concerted effort to do something about the south and west side of the City of Chicago. And I just want to say this in closing, Al Capone used to go around and do a lot of drive-by shooting and the

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Mafia had the family. Those were problems that caused problems in those communities. It's not happening anymore because someone had the where-with-all to do something about it. They created jobs, and opportunities and businesses. In our community all of that has been taken away. So with all due respect, once again I commend you for what you're doing but I will be voting, 'no'. Thank you."

Speaker Lang: "Mr. Hays."

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

Speaker Lang: "Sponsor yields."

Hays: "Leader Gordon-Booth, I thank you for your work and I thank you for the process that you facilitated. I had an opportunity to speak at length with you and with Representative Sims and Welch, Leader Durkin, Senator McConnaughay, Senator Raoul, who's in the chamber as we speak, to take a very serious look at a very serious issue. The trauma center that we had the opportunity, the folks that I just mentioned, to take a look at really does address a very, very serious situation. Those who either have been victims personally of sexual assault or other atrocities and those who have had their lives upended by someone in their family being murdered or otherwise violated. And these centers, do they not reach out to people whether or not the victim chooses to participate in the criminal justice system?"

Gordon-Booth: "Absolutely, Representative Hays."

Hays: "And I think that's very, very important. It gives a safe-haven for those who have gone through unthinkable trauma in their life to be in control of the situation in terms of the participation in the justice system. But also a safe-haven to

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deal with issues that certainly do not end when the trial is over and the sentence has been sent down. We witnessed the police department, the States Attorney's Office, emergency workers at the hospital and others and how that communication works. And across the board, would you agree that all involved said that the communication, and the cooperation and the understanding improved in almost every case?"

Gordon-Booth: "Yes. That was that I, you know like you, was incredibly impressed by the... by the approach that the trauma recovery center... centers in California took in the way in which not only was it supportive for the victim... the victim of violent crime, but also there was the ability to actually get justice in many cases in which people just would prefer not to talk or people would just allow some of these situations to grow into something else that, you know, that clearly we want to try to prevent those kinds of things. And so not just responding to victims of crime, but what I found, and it sounds like you felt that same way, that these trauma recovery centers and these trauma recovery services provided as a wonderful catalyst to preventing further situations from happening in the future."

Hays: "Well, I thank you again. To the Bill. This really is a terrific example of the process working, input from both sides of the aisle, perspective from the inner city, from the suburbs, from the downstate communities. People talking about what those situations look like in their own area and they're not all the same. I think the pilot program will probably teach us a lot about how we implement these kind of centers in the different geographic regions of our state.

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Representative, I applaud your work. I thank you for including me in the discussion. And I will be an enthusiastic 'yes' vote on your Bill."

Speaker Lang: "Mr. Turner."

Turner: "Thank you, Mr. Speaker. To the Bill. I'd like to thank Representative Gordon-Booth for bringing this piece of legislation here today and for everyone who worked with her on bringing this... this Amendment to Senate Bill 2872 to the floor. You know, we talk a lot about criminal justice reform around here and we don't talk often about the victims and what they go through and the families and what they experience. And with close to 800 murders in Chicago alone this year, we have a lot of victims. We have a lot of families who are hurting, who have experienced trauma. And this, I think, is a great piece of legislation specifically 'cause right away it addresses that trauma recovery and creates a center and a pilot program to deal with that. That family support, the relocation assistance, financial recovery, the behavioral health treatment is all beneficial to the family and in some cases, will help a victim from becoming a reoffender or an offender in the first place, in retaliation that something that they've experienced. I think that the sentencing credit reform is also a great piece in our criminal justice reform efforts. Everyone knows that we have a prison system that's busting at the seams with inmates and we've worked to try to reduce our prison population over the years under this current administration and even before that. And so the idea of expanding on the good conduct credit, allowing truth in sentencing offenses to be eligible to receive up to

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180 days of earned sentencing credit is all good for our system. And while DOC isn't perfect, and sure we'd like to see more programs available and opportunities available for inmates, I think that steps in that direction is a very important thing in helping people become back acclimated to society, reduce recidivism, and deal with some of the issues that we have for returning citizens. Under the current law, certain inmates are eligible to earn credit for participating in educational, substance abuse and other programs offered within IDOC. The earned credit program will be governed by the Illinois Department of Corrections new Risk Assessment Needs Assessment tool. RANA will screen inmates and tailor rehabilitative programming appropriate for each individual and most likely to have the greatest impact on reducing recidivism. Forty-three percent... people who participate in these correctional educational programs have a 43 percent lower odds of returning to prison than those who do not. Employment after release is 13 percent higher amongst prisoners who participated in either academic or vocational programs than those who do not. So, sure we need to expound on these programs, we need to have more opportunities available the inmates can take advantage of so that they're a productive part of society when they get out. We have a lot of returning citizens in my neighborhood and this will be something that's great for them. And judicial discretion isn't removed under this Bill either. Under current law, most drug crimes and Class 2 felonies require imprisonment. This Amendment will allow a judge to send a person convicted of certain drug crimes and Class 2 felonies to probation,

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periodic imprisonment or conditional discharge. I think this is a good-faith effort by DOC, and all those involved to help deal with our prison population issue and the struggles that returning citizens face when they come back to our communities. Class 2, or greater felony, sex offenses and deadly weapon offenses won't be eligible for this pilot program, again, this pilot program. What if this worked out? What if we were able to help many people and reduce our prison population in a substantive way? I think that's something that needs to be considered. I've been... I heard during the debate that there were no... there was no cost to Illinois, that there were federal money that would be dealing with this program and putting it into place. So I think we need to give it an opportunity and give it a chance to grow. Thank you, again for bringing this legislation, Representative. And thank you for all who support it. I encourage everyone to vote 'aye'."

Speaker Lang: "Mr. Evans."

Evans: "Question for the Sponsor."

Speaker Lang: "Sponsor yields."

Evans: "Sponsor, could you... if you have time, could you please detail the full list of opponents to this legislation?"

Gordon-Booth: "There are no opponents to this legislation."

Evans: "There's no opponents to this legislation. To the Bill. Ladies and Gentlemen, this piece of legislation, like every other new piece of legislation, is not an indictment on what's been done, but it's a continuation and an evolution of our legislation and our evaluation of programs and what we can do in the future. Whether or not this will work, I don't know."

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I don't have a crystal ball. Whether or not we'll pass a budget, whether or not we'll do x, y, Z. We're going to do things and we're going to do our best and we're going to move forward and I think this piece of legislation is one of those great examples as was mentioned earlier. I represent one of those communities on the southside of Chicago. I look like many of these young men who will get the opportunity to be helped, to become productive citizens. We need more productive citizens. And as a member of the Illinois Policy and Advisory Council, these are the results of discussions that we have, countless hours of discussions, on how to make our criminal justice system better. There's no magic bullet, it's going to take hard work. Hard work was placed in this legislation and I'm hoping in the future that we can continue to be a part of more hard work to make our country and definitely the State of Illinois better. So I urge you to support this piece of legislation and to continue the criminal justice fight to make this country fair for all people. We're doing it; we're leading the way in Illinois. Let's continue to fight."

Speaker Lang: "Ladies and Gentlemen, the Chamber is extremely noisy. Could we please hold this down? Representative Lilly."

Lilly: "Thank you, Mr. Speaker. To the Bill. I, too, want to congratulate Representative Gordon-Booth for having the vision to help people. And as a Representative of a district where, number one, returning to the home community is the Austin community, this type of legislation will make a difference to the lives, not only of the individual, but the families in that community, and the families of which those

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returning-home citizens are needing that support. I was in a meeting this Saturday with the National Alliance for Empowering (sic-Empowerment) of the Formerly Incarcerated and they were talking about this Bill. And they referred to this Bill as the good times. And what they were meaning is there was a time where Illinois had good time legislation where if you did good time you were getting that credit. And they were able to come home because they were doing the things necessary to make them better citizens. And this Bill encompasses that concept. The Trauma Recovery Center pilot program just adds the necessary services that they need to be better citizens. I commend you and all those who worked on the program and worked on the project and this Bill to bring forth hope to our citizens who are returning home from the correctional system. I thank you. And I encourage each of you to vote 'aye'."

Speaker Lang: "Representative Ammons."

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

Speaker Lang: "Sponsor yields."

Ammons: "I just want to clarify. Thank you, Leader Booth, for this very important piece of legislation. As a matter of fact, I've been asked over and over again about good-time credits. I just have three questions on this Bill though. One of them is, would this be retroactive to a person who is currently incarcerated and they have done 15 years already, but only had one violation that would, under normal circumstances, fit this Bill. Would they be able to benefit from this new legislation?"

Gordon-Booth: "The Bill does not specify that it would not."

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Ammons: "Okay. The second question I have is, I read a portion of this Bill and please explain this, a person who may have committed a crime as a result of being addicted to methamphetamines, cocaine, crack or any other addiction were exempted from this Bill and I don't quite understand why they were exempted in this particular case."

Gordon-Booth: "So... so what we're part of, you know, massive pieces... massive pieces of reforms likes this is that there's a negotiation that is required and the only... the only two drugs that were exempted were fentanyl and heroine which was a request from the State's Attorney's Association because of the drastic issue that heroine has become in downstate communities. So they still want to be... they want the opportunity to be able to address the trafficking issues in their communities, but all other drugs are still... they're still a part of the legislation."

Ammons: "I could certainly see that. I think that needs to be dealt with in a little bit of a different way, but for today's debate I'll leave that one alone. And then I can't tell in this Bill, but can you talk about if this Bill includes some gun violators increased penalty. I can't seem to find it in the Bill. Can you speak to that?"

Gordon-Booth: "Yes, Representative. This Bill... there are no penalty enhancements in this legislation. And so, if you're looking for penalty enhancements, you won't find it in Senate Bill 2872."

Ammons: "Thank you so much, Leader."

Gordon-Booth: "Thank you."

Speaker Lang: "Representative Cassidy."

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Cassidy: "Thank you, Mr. Speaker. To the Bill. First of all I really do want to congratulate Representative Gordon-Booth for pulling this together and getting such a strong and broad coalition behind this package. I, too, represent an area with a lot of returning citizens and to some of the points made by one of the prior speakers about whether there are sufficient resources for them when they come out, I guarantee you that none of the families and none of the returning citizens that I work with in my community would rather stay in prison and wait for us to correct those missing pieces. And I know that Leader Booth, as well as many others, we stand together in working to fix those holes. But we shouldn't let the perfect get in the way of the good by any measure. And I think we also must recognize that in many of our communities there's such a huge fluidity between victim and offender and these resources that the Trauma Informed Center will bring... bring to bear are there for everyone and can, as Representative Turner said, sometimes prevent a victim from becoming an offender and that will be a huge impact. And I want to actually correct a piece of information that's floating around. This isn't just going to not cost us any money, this is actually going to save us money in the long run. As we... as we reduce our prison population, as we reduce recidivism, as we make our communities healthier and safer we will be spending less money locking people up. We will be spending less money putting people away. And we have to play the long game. And I congratulate you for your hard work on this. And I thank you. I know this is deeply personal to you and... and

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your work has been amazing. And I strongly urge an 'aye' vote."

Speaker Lang: "Representative Gordon-Booth to briefly close."

Gordon-Booth: "Thank you... Thank you so much, Mr. Speaker. This legislation has definitely... definitely been a labor of love. Definitely not a labor of love because this is a soft and fuzzy issue... this legislation took a great amount of work. But the love in it is because I know that if we continue to work together in a bipartisan basis on behalf of the communities and the constituents that we serve, we can come together with a good quality product. Our communities are demanding criminal justice reform. I think that in the City of Chicago where there were almost 800 murders last year, of the 22 area precincts, those murders were concentrated in 5 areas. But Chicago isn't the only area dealing with violent crime, violent crime is just a fact of life in the world today. What's also a by-product of violence is trauma. And some of... some of the folks in this room may not have dealt with the kind of violent crimes that some other families are, unfortunately, carrying on a daily basis. Trauma is real, grief is real. And when individuals in our communities have been tattered by violence after violence after violence, they need help. This Bill will do just that. The idea that we don't move on issues like this because we don't have everything else perfect I'm unwilling to accept. What I know is that communities around this state are prepared to do what is right by the citizens of this state. And I want to commend everyone in this Body for their questions, for their concerns and for the bipartisan effort that's gone into this. But I would

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daresay, that by continuing to allow our Corrections budget to double, in the way that it has since 1985, and juxtaposing that with the nominal increase that happened in education, it should be no question why the prison system is continuing to explode. It's because that's what we have been investing in. And so if we want to be serious about the business of decreasing the prison population and investing in the things like workforce development, like education, like mental health and behavioral health on a general revenue side of what we do with our state budget, then we have to get serious about sentencing reform as it relates to the Department of Corrections. And I will close with this quote, each moment in history is a fleeting time, precious and unique. But some stand out as a moment of a beginning in which courses are set that are shaped for either decades or years. I would daresay that this is not the end-all be-all as it relates to criminal justice reform, but it is a fantastic first step. And my hope is that this piece of legislation will not be the end, but just a beginning to changing the course of how we bring public safety to all the citizens of the State of Illinois. Thank you."

Speaker Lang: "Those in favor of the Lady's 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. Crespo, Franks, Mayfield. Mr. Clerk, please take the record. On this question, there are 83 voting 'yes', 26 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Page 2 of

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the Calendar, Senate Bills-Second Reading, Senate Bill 2051.
Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 2051, a Bill for an act concerning appropriations. This Bill was read the second time a previous day. Amendment 1 was adopted in committee, Floor Amendment #2, offered by Representative Greg Harris has been approved for Consideration."

Speaker Lang: "Mr. Harris."

Harris, G.: "Thank you, Mr. Speaker. I could explain the legislation, or if we could move it to Third, which would be the more appropriate thing and then I would..."

Speaker Lang: "Mr. Demmer. Gentleman says go ahead and move it. Those in favor of the Amendment say 'yes'; opposed 'no'. The 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

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

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

Clerk Hollman: "Senate Bill 2051, a Bill for an Act concerning appropriations. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Harris."

Harris, G.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2051, as amended, is intended to be a lifeline to the higher education institutions, to the MAP grant families, and to the social service and human service providers across the State of Illinois. As you know previously the state had adopted a stopgap budget to fund higher education and human services, but that legislation expired on the 31st of December. So as of the first of this year, higher education that is not federally funded or human services that is not being paid through consent decrees or court orders

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have no way to receive revenue. To protect our colleges, our universities, our city colleges, to give some certainty to those educators and to the families of MAP Grant recipients, it's essential we pass this legislation to protect the higher education system in the State of Illinois. It is equally important that the very precarious situations that this long budget impasse has put our human service providers: aging, youth services, violence prevention, mental health, substance abuse, homelessness prevention, violence prevention, after school programming for teens, that all of these programs be given some funding to be able to continue during this ongoing situation. I will point out that this... what this Bill does. It does not require any GRF spending, it draws only from funds that are fed from... the Commitment to Human Service Fund is fed directly from income tax revenue as it arrives in the state, and the Educational Assistance Fund is funded by income tax revenue and some gaming revenue. So none of these are general funds that are required. The social service allocation is \$258 million. It is distributed among the same lines on a pro rata basis, in this lifeline budget what the stopgap budget had last year with two exceptions, which I just want to point out to the Body. One is there is additional money for the domestic violence shelters in the State of Illinois and many of us have probably heard from domestic violence providers that they're in a precarious position and women who have been assaulted and had violence committed against them are at risk of losing all services should we not reappropriate money. So we did add domestic violence services to this legislation. Also there is a program called Safe from

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the Start which provides intervention services to children who have witnessed horrible violence or trauma. It provides services and intervention on a statewide basis to help those children recover from the violence or the trauma they've witnessed and avoid potential problems later in life, both very worthwhile programs. For higher education, this legislation appropriates \$400 million that is divided equally on a pro rata basis between public universities, community colleges, the Math and Science Academy. It provides funding for ISAC, for programs such as Golden Apple, Line of Duty scholarships for the families of fallen police and fire. It funds the Illinois veterans' grants, Alternative Schools Network, Bridge programs. It funds Lincoln Challenge Scholarships. It provides funding for the University of Illinois' Hispanic Center of Excellence, also the University Center of Lake County the Diversifying Higher Education Faculty Fund and other programs. The single largest portion is the MAP grant portion. This legislation funds MAP for a full semester so that our institutions of higher learning are able to plan on funding enough to get through a semester for students and families who are trying to assess whether to send their students to school here in Illinois or if they do send their students here, if there will be enough money in the MAP grant fund to fund a full semester now will have the knowledge that full funding does exist. So there is one other thing that the Bill does. For certain parts of the 2016 stopgap measure and if you recall that was passed and the Department of Human Services and the Comptroller's Office had to figure out how to issue contracts in a way to address the

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appropriations in the stopgap. There were several areas where, for a variety of reasons, the departments were not able to process contracts and get them issued in sufficient time for a full year's appropriation under the 2016 stopgap. This legislation extends the deadline date for those agencies so that they are able to take advantage of the money that the General Assembly and the Governor sent them last year and I'll just enumerate what those are. These are to our counties for funeral and burial expenses. It is for the immigrant and immigration services, welcoming centers, after school programs, teen REACH programs and Redeploy Illinois. So we are doing everything we can within our power to maximize the funds that have been set aside for them and their opportunity to voucher against those funds. And again, it requires no GRF. I'd be happy to answer any questions."

Speaker Lang: "Leader Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lang: "Sponsor yields."

Durkin: "Representative Harris, you call this a lifeline. I'm just kind of curious. What's the difference between a lifeline and a stopgap?"

Harris, G.: "We now know that on December 31 our human service providers and our higher education systems stopped being able to voucher. After a long period of time with no ongoing appropriations, we also know that many of these institutions are on the brink of closure, of laying off hundreds or thousands of employees. Families are having to make their decisions. This literally is a lifeline. We are in a situation where we need to extend our hand to the institutions that

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make our state function, that help our children and our seniors and be sure that we're doing everything we can to keep them afloat during this time."

Durkin: "Well, thank you. I know the Governor has stated that if we're going to have a stopgap, it requires a property tax freeze and also a Constitutional Amendment on term limits, but I guess he hasn't said anything about a lifeline so I guess this doesn't qualify under the Governor's protocol. Representative, again, what is the dollar figure that is going to be spent in this Bill."

Harris, G.: "From... the commitment to Human Services Fund, 258 million and from the Educational Assistance Fund, 400 million."

Durkin: "Collectively, that would be... and what is the whole"

Harris, G.: "That would be 658 million."

Durkin: "Thank you. And in these funds do they... are they... how are they... are they going to be replenished? Or how will these funds be helped out after this money has been removed?"

Harris, G.: "On a regular basis, my understanding is that these funds are fed from tax collections of the State of Illinois. They do not go into the General Revenue Fund. As tax collections come in, by function of statute, a certain amount is diverted to each of those funds so they are self-perpetuating. So as taxes come in starting in January, they will be replenished and each year that process repeats itself. The Educational Assistance Fund also gets a certain amount from gaming revenue that comes in also."

Durkin: "Thank you. Oh Justin, you don't have to go in there I don't have any tough questions left for him, but I'll give

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you a second. Alright, I'm going to talk about process, as we often do and I think process is very important here. So the question I have, Representative Harris, when was this Amendment to this Bill filed?"

Harris, G.: "It was filed this morning as we, as you and I discussed a little bit earlier, we wanted to be sure... from the Democratic committee Members, who have been working on this, wanted to be sure that should the program that the Senate was advancing not advance to the House or not get into force of law that we had a lifeline for our agencies and our higher education people ready to go so that they do not have to wait longer for funds that otherwise would just sit in an account unspent."

Durkin: "How long has your staff and you have people working on this particular piece of legislation?"

Harris, G.: "Our committee and staff have been working on it, you know, a couple weeks."

Durkin: "Your Democrat committee and staff, correct?"

Harris, G.: "Yes."

Durkin: "There was no Republicans who were allowed to be... were not invited to this process, correct?"

Harris, G.: "No. And..."

Durkin: "Oh, no, no, no. I asked were Republicans part of this committee that met to create this legislation."

Harris, G.: "If you remember on November 30, we wrote a letter signed by the Speaker, myself and our Democrat Members to you, to the other Leaders to appoint Members. I don't believe we got appointments... or Representatives sent to us."

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Durkin: "Well, I don't think that was in the spirit of where we're at today. But the opportunity was to pick up the phone and call Representative Bellock, because I know you work very well together, and say, hey, we're working on something just in case something falls apart in the Senate. So, Republicans were not part of what was produced in this document today, that we are being expected to vote on. This goes back to the way that we have operated over the past two years and I distinctly remember two years ago from when we were sworn in, in the Sangamon Auditorium, the words of the Speaker were, welcome back to active participation in State Government. It's been anything but that over the past two years. It's more of take it or leave it and that's not the way to operate. I don't doubt your intentions, Representative Harris, but I... on the second to last day of this General Assembly to produce a Bill that is going to ask for over \$600 million of taxpayer dollars to be spent without having been vetted through an Appropriation Committee, 'cause that didn't happen it went directly to the floor, and one in which was... we were given really little or no notice that this were... We've had the ability to review it, but to digest it in this amount of time is not fair to the process. It's not fair to the Members on this side of the aisle and it's inconsistent with what has been proclaimed two years ago that we were to be activated and we were to be participating in Government and this is not the way to do it. So, I just talked about, a few minutes ago, Representative Gordon-Booth's Bill, how that is a perfect example how, in a very short amount of time, when the Republicans are asked to participate and to work with the

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Democrat Majority on a very important issue how we can achieve a positive result without any acrimony, or any type of consternation within the caucus. We could have done that: it didn't work. I'm not going to support this. Let's work and be committed to getting a full, balanced budget. One that has reforms and one that respects the priorities of both sides of the aisle. Vote 'no'."

Speaker Lang: "Mr. Demmer."

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

Speaker Lang: "Sponsor yields."

Demmer: "Representative, I appreciate the background you gave on the sources of funding for this Bill. I'd like to just ask a few more further questions about those. First to start, the total spending of this Bill \$657 million. Is that correct?"

Harris, G.: "I believe 658"

Demmer: "Okay. Thank you for your clarification on that. Six hundred and fifty-eight million dollars, portion of which comes from the Education Assistance Fund and a portion comes from the Commitment to Human Services Fund. Now you mention that your... your words were that no funding in this Bill come from the... comes from the General Revenue Fund. But isn't it true that the Education Assistance Fund which is a subset of the General Revenue Fund?"

Harris, G.: "Representative, you know, we could probably debate the fund tree, but the Education Assistance Fund takes money from income taxes and to the extent that GRF also takes from income taxes, I could say, yes, they are subsets of the same thing."

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Demmer: "Okay. I appreciate that. And that was a clarification cause I think it's an important thing for us to look at, in that we may have different names..."

Harris, G.: "But... but let me just... just make one other point to that. You know the money that goes into those funds is dedicated only for purposes of higher education and human services, so if we don't, appropriate them today, they will just sit there while our, you know, social service agencies and colleges, you know, have no way to get paid."

Demmer: "But while these funds have different names and while one fund may be a subset of another, these funds are finite. There's only a certain level of promises that we can make given the dollars that are available here. And so my first question is about the Commitment to Human Services Fund. We... we stand your proposal is just to appropriate over \$250 million from that fund. Today the balance is not \$250 million. In fact, the estimate is that by the end of this fiscal year that fund's balance will be about \$200 million. So, how do you intend to reconcile the difference of over \$50 million between what the projected fund balance would be and what you're appropriating today?"

Harris, G.: "Yeah, Representative, you know, I'm not sure where your numbers are coming from. The numbers we used were the best estimates from COGFA and the Comptroller's Office to be sure then on a conservative basis there would be appropriate amounts of funds over the course of time. It's not going to be in there today, if you look at the balance. It's going to come in. So, I'm not sure where your numbers come from, but ours were verified by COGFA and the Comptroller."

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Demmer: "And if we appropriate an amount in excess of what's available in those fund balances, that adds to our pile of unpaid bills and that extends payment cycles, right?"

Harris, G.: "If that were to happen. That would prob... It would. Let me just correct that. If we were to... if funds did not come in, in the first six months, you know, eventually those accounts will always have enough funds. COGFA says they will have the appropriate amount within the six-month time frame. Those Bills would... This appropriation would only come from those funds. Eventually, that money would come in and it could be paid out. So the question you're asking is about timing. You know, I believe that, you know, COGFA and the Comptroller have a pretty good handle on that."

Demmer: "So, the timing certainly matters and especially when we look at the Education Assistance Fund, which we've agreed is a subset of the General Revenue Fund. And the Education Assistance Fund is eligible to be used to pay General State Aid payments and categorical payments for K-12 education in addition to higher education, correct?"

Harris, G.: "Yes."

Demmer: "We've already made appropriations for General State Aid and for categoricals for the entire fiscal year. Yet, especially in the case of categoricals, we find significant payment delays. The General State Aid payment, for example, is a very significant financial outlay by the state and requires the Comptroller's Office to do quite a bit of... of planning and execution to make sure that they have the available funds at the correct time. So if we make a further obligation from the Education Assistance Fund today, doesn't

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that jeopardize the Comptroller's ability to make timely payments for both General State Aid and categorical payments?"

Harris, G.: "My understanding from the Comptroller's Office, Representative, is that the mandated categoricals are paid out of GRF and are waiting in the queue."

Demmer: "Eligible to be paid out of the Education Assistance Fund."

Harris, G.: "Not without appropriation."

Demmer: "We... we have to take into account both what the fund balances are today what the projected fund balances are at the close of the year and how this will not only affect the overall promises the state's made. But also the cash flow and the timing of the payments that we've already made promises for. We don't want today's action to further jeopardize that. The last question I will have for you is, when you were building this... this Bill, when you were looking at the dollar amounts that should be appropriated to various lines, did you field requests from agencies, from service providers? Did you ask universities what dollar amount was needed? How did you build that and how did they know who to contact, given that as Leader Durkin pointed out, this process was not... folks on our side of the aisle weren't made aware of this, weren't invited to make those requests or to offer those proposals. How were the agencies and providers made aware of this and able to request funds?"

Harris, G.: "We didn't do it on... by going around having people ask us for favors, Representative. What we did is divide the available money equally between all of our public

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universities, our community colleges and the various line items in the higher ed and ISAC."

Demmer: "And you added some new programs that were not... were not covered in the stopgap, correct?"

Harris, G.: "And they're existing programs that the state... They are, you know..."

Demmer: "They're... they're existing programs, there was no funding there. Where did those requests come from? Who is made aware of this process... before this half of the chamber was made aware of it who was made aware of the process and turned in the dollar amounts and talked with you about where those funds were needed?"

Harris, G.: "Representative, again, you know, we did invite your... your caucus to join with us back in November. That was not, you know, accepted. We worked amongst ourselves."

Demmer: "Thank you, Mr. Speaker. To the Bill. Again, we see as we talked about so many times, the difference between process that can work and a process that doesn't work. We talked about the difference between making promises and actually delivering on those promises. We look at the very real demands that we have today, and we understand that we've already made obligations in this fiscal year. We already have dollars going out the door in this fiscal year. We have \$11 billion in unpaid bills. Our payment cycles are getting longer, and here we are talking again, about just a very temporary measure. A measure that was assembled by staff and Legislators from one Party in one chamber, brought here today to be debated shortly after its introduction. This is not a process that works. We've seen a process that can work better. And we've also

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seen that passing short-term budgets don't give us that kind of predictability that we need and they don't give the people of Illinois the kind of predictability that they need. Let's go back to that process and look for a comprehensive budget. Something that we can together negotiate in a bipartisan fashion, and give that kind of predictability going forward.

I encourage you to vote 'no' on this Bill. Thank you."

Speaker Lang: "Representative Bellock."

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

Speaker Lang: "Sponsor yields."

Bellock: "So, I think that Representative Durkin and Representative Demmer have gone over a lot of questions and we certainly applaud your intentions for the funding of these groups that deserve to be funded. But like as what they have said, I think that moving forward in the future, going back... looking back to last spring when all of us, you know, 14 of us or 20 of us were in that room to come up the framework of the budget. I really thought... Did you agree that that was a good process when we did that original framework?"

Harris, G.: "Well, you know, Representative, if you watched any of the video after we came out of each and every Leaders meeting and it was asked... Representative, how do you think we should, you know, go forward with a full complete budget solution? My answer always was... my answer after every Leaders meeting was that we should go back to that process that you just described where Members of all four caucuses, led by the Governor's budget director, get together in a room and do

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that negotiation. To me, and I think to you, that would be the way to go."

Bellock: "Well, and I think that that is what the Governor has said over and over again. He doesn't want... not that, you know, these things shouldn't get paid, but that he would like an overall budget, and that's what we need. And by..."

Harris, G.: "But I think, you know, what he has said though is he doesn't believe that the working groups are the venue. It should be done in the smaller Leaders group. You know, I happen to agree with you. I happen to agree with what you said and my position and our caucus position is we should go back to that Member-driven process. That was the... actually the driving force that, you know, we... behind sending you this letter to invite you to participate back in November."

Bellock: "Well, I guess my point in this is that, if this passes today... I think the Governor has made this statement over and over again that he does not support any more stopgap budgets because he feels that's that a detriment to the fiscal solvency of the state that we need to move forward with a regular budget. Whether it be with a smaller group of Legislators, like before or the Leaders, because if we do an extension of this, why would we move forward. It'll just be a safety gap for another six months. And yes, I want to see these people get paid, but I would like these people to have a fiscal solvency that this state could stand on, that they would know that they will get paid for a year. The university students will stay in our state because they know that our state is stable, and that it has a yearlong budget. That the university professors who are also leaving our state, or going

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to other universities within our state, will stay within the state also. So even though I know your intentions are good and I applaud them and I certainly enjoy working with you on budgets, I want that... us to move forward so that when this year started as of January 1, all of us can go back to our districts and say, we now have a budget for 2017 and that everything that should be in that budget will be funded. Thank you very much, Representative."

Speaker Lang: "Mr. Andersson."

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

Speaker Lang: "Sponsor yields"

Andersson: "Representative Harris, you may have answered this in part, but the two funds that we're talking about, do you know the current balances in those funds?"

Harris, G.: "I could look it up. It's generally available on the Comptroller's website. But I think I know where you're going with this question."

Andersson: "Do you?"

Harris, G.: "Which is... Well, go ahead and ask it."

Andersson: "Well, I think the ans..."

Harris, G.: "Let me see... let me see how good I am."

Andersson: "Let's go with the..."

Harris, G.: "Let's go with that."

Andersson: "Let's go with the... with the answers first which is I think there's \$24 million available in the Education Fund and I think there's 32 million in the Commitment to Human Services. Probably wouldn't dispute those numbers, right?"

Harris, G.: "If that's what the Comptroller's website shows, then that would be the source I'd go to."

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Andersson: "Very good. And so the question is, you anticipate spending 402 million... 403 million in Education and 254 in Human Services of that \$56 million that's available."

Harris, G.: "So, you're right. I did answer this question a couple times before, but I guess I'll, you know, answer again."

Andersson: "Very kind of you."

Harris, G.: "We... we understand that the fund balances today are not reflective of what they will be over the course of time. These funds are fed from two sources: the income tax on individuals and corporations as they come into the state. And the Educational Assistance Fund from tax on gaming revenue that comes into the state. So as the tax year progresses, more and more money will come into these funds. The estimate that we are using for the basis of this Bill are the best estimates of COGFA and the Comptroller's Office of what those funds will gather in from their respective sources during the first six months of this year."

Andersson: "Thank you for that. My concern with that answer though, is that those are indeed estimates. Also, our estimates indicate that of the Human Services Fund, where we've got \$32 million and you'd like to spend 254 million. The estimates are by the end of the year, it's only going to have \$200 million in it. So, we're already short. But here's my bigger question. What happens when it turns out that our revenues are less than they were expected to be because I believe our tax revenues are significantly down this year."

Harris, G.: "Representative, you know, we, in budget making, make our estimates and best guesses on income, expense, rates of return and interest rates all the time. Those are the tools

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that we use in budget making. We have to base them on the best facts that are available to us. We have to talk to the experts. We have to understand what their projections are using far more information than may be... than may be available to you or I. The experts that, you know, we use for this are the Commission on Government Forecasting and Accountability, and the Office of the Comptroller of Illinois, who's in charge of managing our cash flow. We used their best estimates. I believe that they will be right. You know, they... they have a history of projections. Should they, you know, not be right, then with time those in funds will be fed with enough revenue to pay off our obligations. But they believe that this will happen within the six months of... first six months of this calendar year, the last six months of fiscal year '17."

Andersson: "Clarify that for me. Your last statement was, you said you believe that if they're wrong, those revenues will still be funded. Explain that."

Harris, G.: "Revenue always... flows into those funds from gaming or income tax. The COGFA estimate is it will flow in a sufficient amount in six months, to meet these obligations."

Andersson: "And if they're wrong, you're saying."

Harris, G.: "Then money will continue to flow in as it always does as people pay their taxes and pay taxes on their gaming winnings. So it will continue to flow in through the course of the year."

Andersson: "Eventually, is what you're saying."

Harris, G.: "Yeah. I... I understand where you're going with this, Representative and you know, we... we could say the what ifs. But again, I go back to when we make budgets around here we

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got to go to the best experts our state has to guide us with projections. This is their best guidance, and I support it."

Andersson: "Thank you for that, but... but if I hear what you're saying, if you're saying that money will eventually find its way, it will refill, you're really talking about spending money from the future in the present."

Harris, G.: "Representative, every... No."

Andersson: "You're talking about 2018 money."

HARRIS, G.: "Every budget that we pass... every budget that we pass in this General Assembly assumes certain levels of performance by all of our revenue sources. We assume there will be so many miles driven by cars and that they will put in so much gas and so much sales tax on gasoline and so much motor fuel tax will come into the State of Illinois. If people don't drive as much, if the price of oil goes up and people keep their cars, you know, yes, those numbers could change. We have taxes on gaming. We have taxes on utilities. If we have some particularly mild summers or winters do our utility taxes change? Yes, they do. But when we make those projections, we base them on the best information that is available at the time and that's exactly what we did here."

Andersson: "Appreciate that. I won't belabor the point, but the analysis that we have shows that even the best estimates you're \$50 million overspending what we're anticipating. So, I think you are making the argument for spending money we don't have. But let me... let me get to my second point and then I'll finish. I'm concerned about the process and I know several other people have raised this as well. The statement I heard you make was the fact that y'all invited us to be

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part of the working groups back in the beginning of November was effectively the invitation for this process and we missed it. Is that right?"

Harris, G.: "It was an invitation to participate in all sections of the budget making process."

Andersson: "Okay. So that was back in early November. Now, I don't think anyone... certainly, I did not know that the Senate was working as hard as they appear to be on a larger-scale solution to this problem. But I think I heard you say that the purpose of this Bill, was if the Senate's efforts didn't meet with much fruition, correct?"

Harris, G.: "And did those Bills pass the Senate today?"

Andersson: "I'm not aware. But I'm asking you, was that what you said a few minutes ago 'cause I think it was."

Harris, G.: "It was pretty close to that."

Andersson: "Okay. Thank you. I appreciate it. I may have paraphrased. So, if that's the case and then you began work on this Senate Bill 2051, you didn't think it might be a good idea to just reach out one more time, that that... that that single invitation to working group for a much larger budget issue, that you didn't think you could pick up the phone and call us."

Harris, G.: "Actually, I think we did send a second invitation letter to Leader Durkin, Leader Radogno in December."

Andersson: "Well, we found out... well, the Senate's work didn't really become public until maybe a week ago?"

Harris, G.: "Oh, and Representative, they did not invite me or apparently invite you to go participate in that process. You know, I found about it the same way you did in the paper."

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Andersson: "Correct. But your point here was, if I understood it correctly, was you started working on this as a backup, if they fail."

Harris, G.: "I think... but..."

Andersson: "And yet, you didn't bother to give us a call on that, because that wasn't early December either."

Harris, G.: "Representative, we started to consider all the options as soon as the Governor shutdown the Leaders meetings. And we can talk about process here and who sent a letter to whom when or when did they start, but what this... let's talk about what this Bill is about. This Bill is about giving just the barest lifeline to our senior citizens. It is to protect children. It is to protect substance abuse, homeless youth, to provide funding for after school programs. You can go down the list and see how this budget is important to your citizens, my citizens in the State of Illinois. It is the only chance to get funds for our higher education system for Map grants. Given the situation we're in now, I think the important thing to focus on is how do we send a message to these institutions that we are there for them, that we are going to do anything that is in our power to help them weather this interval. The Senate has said... I believe I read on a blog here... that they intend to, you know, introduce their Bill again in the 100th GA, move it through the committee process, then it would come here. During that time, I don't want to see other senior citizens centers close; I don't want to see Meals on Wheels programs stop delivering food. I don't want to see, you know, children out on the street who could be at a YMCA or a Boys and Girls Club because they have shut

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down, and get in the way of violence. I don't want to see those things happen. This is a way because we can reach out and prevent those harms from happening and that's what we should focus on."

Andersson: "And I appreciate that. And to the Bill, Mr. Speaker. The programs are laudatory, no one I think in this room would disagree with the fact that the programs are laudatory. But if we pull this back to the 30 thousand foot level, what we have is a budget, a state budget, not if you look at this particular fund, but if you look at the whole thing, we are billions, upon billions, upon billions of dollars out of balance. The way we take care of our citizens, the way that we ensure that these programs actually continue, not as a stopgap, not as a lifeline, but the way we make this work is to have a full, complete, sustainable budget so the people of Illinois will know that the State of Illinois will continue to function. Honestly, Representative Harris made the statement, he said we want to make our state function. And I agree with him on that. But this process and this Bill is not the way to do that. I urge a 'no' vote. Thank you."

Speaker Lang: "Mr. Harris."

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

Speaker Lang: "Sponsor yields."

Harris, D.: "Representative, when we talk about all these funds and the dollars, you know, kind of my eyes glaze over kind of thing. But let's... let's drill down for a second in terms of the specifics. How many funds are there in the State Treasury, roughly?"

Harris, G.: "I'm told there are between 7 and 800, by staff."

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Harris, D.: "Well, I think it maybe even more than that, maybe be 900."

Harris, G.: "Okay. Several hundred, yeah."

Harris, D.: "So there's 900 funds in the State Treasury. The granddaddy of them all is which one?"

Harris, G.: "I believe that would be the Road Fund."

Harris, D.: "Well, the... I... I refer to the granddaddy of them all. I consider that to be the General Revenue Fund."

Harris, G.: "Okay."

Harris, D.: "General Revenue Fund is fund #1, 001. When we say that our estimated revenues for the state for a given year are a certain amount of money. We say that's what's going to come into the general funds, plural, not just 001 the General Revenue Fund, but the general funds. What are the general funds of the State of Illinois, do you know?"

Harris, G.: "So... are you asking, you know, in a larger sense or do you want to know which specific funds make up the general funds. I just want to be sure what the question is you're asking."

Harris, D.: "There's one fund known as the General Revenue Fund."

Harris, G.: "Right."

Harris, D.: "Fund #001. Let me..."

Harris, G.: "So, where... when income tax comes in..."

Harris, D.: "There... there are several funds when we say there's certain amount of money coming into the state, there are certain funds which we call general funds. One of those general funds is the General Revenue Fund..."

Harris, G.: "Right."

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Harris, D.: "...001. Also the Educational Assistance Fund that you are ... that you're operating on."

Harris, G.: "And the Commitment to Human Services Fund."

Harris, D.: "Correct."

Harris, G.: "And the general..."

Harris, D.: "That's another..."

Harris, G.: "The Common School Fund, yeah."

Harris, D.: "...general fund. The Common School Fund is another general fund. It's my understanding from checking the Comptroller's website here that the funding for the Educational Assistance Fund, from which you are proposing to appropriate \$4.2 million, is 7.3 percent of the income tax. Does that sound right?"

Harris, G.: "I... I've not done that math. Ms. Basham says that she believes that's correct."

Harris, D.: "Well, my point though is this. The Educational Assistance Fund, which you are correct will be replenished during the course of the year, is still part of that grand number for revenues that we are taking into the State of Illinois. Would you agree?"

Harris, G.: "Yes."

Harris, D.: "Okay. And what's the estimate for how much revenue we're going to bring into the State of Illinois this year, FY17, roughly?"

Harris, G.: "Into the... in which fund, Representative?"

Harris, D.: "No, no, total. In the..."

Harris, G.: "Total?"

Harris, D.: "...Into the general funds total."

Harris, G.: "The total..."

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Harris, D.: "As an example."

Harris, G.: "So all taxes..."

Harris, D.: "What is... do you know what the COGFA number is for the estimate of revenue coming into the coming in for general funds?"

Harris, G.: "So are you talking about general revenues of the state, federal funds, you know, all these other things which..."

Harris, D.: "No, no. Just... just into the... when we choose a number for general funds, COGFA uses a round number. What the general funds estimate is for the State of Illinois for FY17?"

Harris, G.: "It's in the vicinity... I don't have the exact number in front of me. You probably do because you're on the Revenue Committee... of about 33 billion."

Harris, D.: "You said 32... or 33... Right. And I'll agree..."

Harris, G.: "Thirty-three, yes."

Harris, D.: "...and I will agree with that. Thirty-two, thirty-two and a half billion dollars are going to come into the State of Illinois for FY17. And the Educational Assistance Fund, of which you are appropriating or choose to appropriate \$402 million in this Bill, is part of that 32 billion, correct?"

Harris G: "Yes."

Harris D: "Okay. Ladies and Gentlemen of the House, if I may very briefly. We're going to bring in \$32 billion. We are kind of agreed on that 32 maybe 33 billion dollars with the tax structure that we have right now. The Educational Assistance Fund which is going to be appropriated \$402 million, if this Bill passes, is part of that \$32 billion. The Common School Fund is part of that \$32 billion. Most of the other appropriations that we pass are a part of that \$32 billion.

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The problem is this. Quite simply, and I've said it before, there is not a printing press in the basement of this building. We're spending at the rate of 37, 38 billion. We're going to bring in 32 and looked at as a universe. What's being appropriated here is part of that 32. We don't have enough revenue coming in to pay for the appropriations that we have. As you well know, as I think most of us know the Comptroller today estimates that our backlog of bills is \$11 billion. Our state is \$11 billion in the hole on its current account. What a disgrace. And now, what we're saying is, well, let's add to that backlog. We can pass the appropriation. They can submit the voucher, but it's not going to be paid because the money is not coming in. This amount, especially on the Educational Assistance Fund... I'm not talking about the Commitment to Human Services Fund... but the Educational Assistance Fund here is part of that 32 billion. And the money is not there to pay the bills we have now. Process aside, just look at the dollars and cents, they don't add up. This makes it worse. This makes it 4... at least \$402 million worse. The Bill deserves a 'no' vote, because I will say what I said back when we passed the stopgap appropriation six months ago, we need to pass not just a spending side and appropriation. We need to pass revenue. We need to come up with a budget that has a revenue component and a spending component. All we're doing here is looking at the spending component which does nothing more than make our backlog of bills worse than what it is today. The right vote on this Bill is a 'no' vote."

Speaker Lang: "Mr. Harris to close."

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Harris, G.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House and thank you for the comments. Now, I just want to be really clear though what happens with these funds. The people of Illinois, you know, will... will pay their taxes. We will collect 32 to 33 billion dollars of that. A portion of that will go to the Commitment to Human Services Fund, a portion of that will go to the Common School Fund and a portion of that will go to the Educational Assistance Fund as the speakers just said over there, but here's where they get it wrong. If we don't appropriate that money, it doesn't go to other... other departments of the State of Illinois. It doesn't. You can't take the money from the Commitment to Human Services Fund and say oh, we'll go give this to the DNR, the State Police. It can only be used to pay for human service programs. So Ladies and Gentlemen, this money will sit there and build up while the agencies it was designed to serve slowly lay off their workers and close in our communities. Ladies and Gentlemen, this is a very responsible vote. It is in fact throwing a lifeline to our public universities, to our community colleges, to our adult education programs, to our veteran scholarships, to the scholarships for the sons and daughters of police and firefighters who've given their lives in the line of duty. It funds autism, it funds homelessness prevention, it funds substance abuse, it funds mental health, it funds supportive housing, it funds violence prevention, it funds teen programs and after school programs for our kids. I think the only good vote here is an 'aye' vote. Thank you."

Speaker Lang: "Those in favor of the Gentleman's Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who

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wish? Have all voted who wish? Have all voted who wish? Mr. Drury. Please take the record. There are 63 voting 'yes', 49 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1, under the Order of the Senate Bills-Second Reading, there appears Senate Bill 550. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 550, a Bill for an Act concerning safety. This Bill was read a second time on a previous day. Amendment #2 was adopted in committee. Floor Amendments 3 and 4 have been approve for consideration. Floor Amendment #3 is offered by Representative Harper."

Speaker Lang: "Representative Harper on the Amendment."

Harper: "Thank you, Mr. Speaker. I'd like to ask for the adoption of the Amendment."

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

Clerk Hollman: "Floor Amendment #4 is offered by Representative Harper and has been approved for consideration."

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

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

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

Clerk Hollman: "Senate Bill 550, a Bill for an Act concerning safety. Third Reading of this Senate Bill."

Speaker Lang: "Representative Harper."

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Harper: "Thank you, Mr. Speaker. Members of the House, I am pleased to bring before you Senate Bill 550, which will protect Illinois's children from exposure to lead in their drinking water. This Bill would require schools to collect and analyze water samples and also ask water suppliers to identify lead drinking water pipes in their systems through a lead service line inventory. We also.. this Bill also asks that residents be notified and provided guidance as to how to reduce risks when construction or water meter replacements may lead to the increase in the levels of lead in their water."

Speaker Lang: "Chair recognizes Mr. Tryon."

Tryon: "Thank you, Mr. Speaker. First of all, I would like to compliment and recognize Representative Harper on putting a consentience.. consensus together on what I would consider is a very important piece of legislation that's going to come out of this chamber this year. Illinois is the state, one of the states if not the state, that has the largest number of the lead service lines in the nation. And just like every city that's faced with old construction, we need to understand what the water chemistry is doing when it contacts the plumbing fixtures throughout points of uses at schools because it's very, very important that children six and under don't consume lead at certain levels that affect their development. We have found in Flint, Michigan, and many other cities problems with lead levels that exceed as much as 100 times the legal limit. We have school districts now doing testing all over the state. And.. and I think what has been worked out here is the consensus between schools, a consensus

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between municipalities, a consensus between the Governor's Office and the Attorney General, a consensus with just about everybody that was brought to the table. While this isn't a Bill that requires as much testing in the City of Chicago, I think this is a Bill that serves the rest of Illinois well. It requires each point of use to be tested at first draw flushed for 30 minutes and a second draw, which will allow the school district to decide if they have lead and what type of remediation to do. So, I'm... I would urge that you vote for this because this affects every single school district who will have some fountains that will need to be tested. Now, many of you know that I've worked on a lot of water legislation in the year... in the years that I've served and it's because that's my profession. I'm actually engaged in this. I wasn't the Sponsor of the Bill I followed the Bill. I did contribute to some of the questions that were asked. But because of the appearance of a conflict and a conflict, I'm going to ask to be excused from the Roll Call and from this vote. And I would ask the Chair to please accommodate that request and once again, thank you to the Representative for bringing this legislation forward."

Speaker Lang: "Representative Ives."

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

Speaker Lang: "Sponsor yields."

Ives: "Just some questions related to Chicago and whether or not they are covered by this entire Bill, except for the portion where they are allowed to test in a little bit of a different manner, than the rest of the state. So, my question is, is

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Chicago covered by this entire Bill, except for the testing portion where they get a test in a different way."

Harper: "Yes. Chicago is covered in this Bill."

Ives: "Entirely, except for that portion where they are allowed to test in a different manner. Is that correct?"

Harper: "Yes, Ma'am. Yes."

Ives: "Okay. And my second question is that during the notification period of folks who may have to undergo some remediation of lead testing, there is apparently a part in the Bill where it talks about the notification is done and the language, if there's a significant number of people with a language, I imagine, other than English, but 'significant' is not a defined number. What would you say would qualify as a significant population?"

Harper: "It's just based on the Lead and Copper Rule, which exist in current federal regulations."

Ives: "Do you know what that is, cause I don't?"

Harper: "Not off the top of my head."

Ives: "Okay. I guess my concern, and maybe you can put out some intent on the floor here, I know that this will probably have some rules that are promulgated through the regulating agency, but I believe that that term should be defined in a better respect and if you could say that that is your intent to have that number... the 'significant' defined, so that when a municipality or a school that's impacted by this, and notification must be done, that they are not then legally liable if there's a small population that have some language that they use, that is not common or not even... you know, a significant number, that they are not then adversely sued for

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not giving notification... written notification in any of the myriad of languages that you come across in the State of Illinois."

Harper: "Well, it is already in the Lead and Copper Rule and we did not want to create any confusion."

Ives: "Okay. So, your intent then is to use that Rule as a standard to identify 'significant'."

Harper: "Yes."

Ives: "That's what I wanted to know. Thank you."

Speaker Lang: "Representative Harper to close."

Harper: "Well, thank you, Mr. Speaker. Members, this Bill was basically brought to prevent another disaster from happening in our state that happened in Flint, Michigan. This is also an issue that is deeply personal for me, because I am glad that Chicago Public Schools went ahead and did their testing and it just so happens that my daughter goes to a school that has tested very high for levels of lead. And so I'm glad that Chicago Public Schools has been a leader on this issue and now we will be able to provide testing for all schools throughout the State of Illinois so that our children can have safe drinking water. I encourage an 'aye' vote."

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? Mr. Clerk, please take the record. On this question, there are 108 voting 'yes', 1 voting 'no', and 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Page 2 of the regular Calendar, House... Senate Bills-

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Second Reading, Senate Bill 2901, Mr. Hoffman. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 2901, a Bill for an Act concerning regulation. This Bill was read a second time on a previous day. Amendment #1 was adopted in committee. Floor Amendment #4, offered by Representative Hoffman, and has been approved in consideration."

Speaker Lang: "Mr. Hoffman on the Amendment."

Hoffman: "Yes. I would ask this be adopted and debate this on Third Reading."

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

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

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

Clerk Hollman: "Senate Bill 2901, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill that would address the Illinois Workers' Compensation Act. As you know, we've been talking for several years now about reforming the Illinois Workers' Compensation law. In 2011, Illinois enacted a comprehensive workers' compensation reform package and provided for fraud prevention, reduction in carpal tunnel recovery, reduction other injured workers benefits and a 30 percent reduction in the medical fee schedule. That's... that's what is set for the amount that is paid to doctors and medical providers. Since that time and just to give you a litany of what we've

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attempted to address since 2015, since that time we have looked at what has happened as a result of that Bill. As a result of that Bill, there have been a significant reduction in the cost to the Illinois Workers' Compensation System. In fact, according to the Illinois Workers' Compensation Commission, compensable injuries has declined and occur at a lower frequency in Illinois than any of our surrounding states. Annual claims filed in Illinois have been reduced by approximately 16 percent. As a result of the 2011 reforms, the National Council of Compensation Insurance or otherwise known as NCCI, which is the organization that recommends rates, has indicated that rates should be reduced by approximately 30 percent here in Illinois. Let me repeat that. NCCI, the National Council on Compensation Insurance, has indicated that rates should be reduced here in Illinois by 30 percent. Yet, companies continue to come to us and employers continue to come to us and say that their insurance rates for workers' compensation and their premiums are rising. Well, let me tell you what's happening. As a result of the 2011 reforms, insurance company profits from workers' compensation insurance have increased from .3 percent to 10.8 percent since 2011. That's an increase of 10.5 percent in five years. This occurred while the percentage of premiums used to pay claims, decreased from 75 percent to 53 percent. Now, let me repeat that. This occurred while the percentage of premiums, premiums collected used to pay claims decreased from 75 percent to 53 percent. So, who is making the money? I would say the insurance companies. What we would propose here on our side of the aisle is a pronged approach, a several pronged

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approach. The first would be to join the majority of other states in the nation that have prior rate approval. That means that we would make sure that insurance rates that are being charged on workers' compensation insurance are not excessive. We would give the Illinois Department of Insurance the authority to find rates excessive and reduce rates. That's number one. And let me tell you, as an example of shining stars, the Governor can continually points to Indiana, to Iowa, to Wisconsin as states that have great workers' compensation insurance programs. We would be following those states in providing for the prior approval rates. In addition, what we would do is we would crack down on fraud. We would provide for provisions that would adopt what the Governor's Office has asked for in the group meetings, in the Governor's group meetings which I am a part of, where they are asking for the establishment and the addition of 10 additional people to help address fraud in the Workers' Compensation System. They also have asked for increased penalties. We have accepted and put in this law increased penalties for fraud. And they have requested that the fraud unit remain with the Department of Insurance, that would happen under this Bill. In addition, in 2015 the House passed House Bill 1287. That provided for six different provisions. It provided for the rate review. It provided for safety programs that would ensure that if you have a safety or work return program that you would get reductions in your premiums. We address some of the Governor's concerns that they brought regarding the self-insureds and make sure that the amount paid in commission wasn't totally waived. We would codify causation and traveling employee

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standards. For the first time, we would use the Senate's language on traveling employees and we would codify causation standards for the first time in Illinois law. It would protect employers from repetitive injury claims, and would provide for reporting of self-insured data and we would accept some of the language that the Governor put forward regarding self-insurance reporting. Incidentally, this information is already collected by the Department of Insurance; however, we are putting it in a workable form. Finally, 1287 would provide for Workers' Compensation Premium Rates Task Force. We would extend that to add the study of the creation of a state fund and we would ask that the Workers' Compensation Premium Rates Task Force look at that as well. Other provisions that would be included came out of the talks with the Governor's Office and the Senate Democrats, the Senate Republicans and the House Republicans. We would adopt AMA guidelines. As was mentioned, we would establish a fraud unit. We would make changes with regard to a case called Will County Force Preserve. That... that in... and we would indicate that a hip and shoulder would equal a leg and an arm. That would... that was at the Governor's and this is his request. We provide for penalties for unreasonable delay in the authorization of treatment, which would codi... would overturn a Hollywood casino case that we believe... that we believe was erroneous. We would eliminate mandatory arbitration rotation which was requested by the Industrial Commission and the Governor's Office. We would clarify that there would be no appeal bond needed for the state. And again, requested by the working... agreed by the working group and requested from the Governor's Office. And

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we would enhance the electronic billing rules because they were promised to the Med Society and the health care providers in the 2011 Act and they were never implemented. So, that's the Bill. This is sincerely an attempt... this is sincerely an attempt to do two things. Number one, crack down on fraud. Number two, and most importantly, to make sure that employers premiums and workers' compensation in the state are reduced so they can be competitive while making sure the generally injured employees are adequately compensated. I ask for an 'aye' vote."

Speaker Lang: "Mr. Kay."

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

Speaker Lang: "Sponsor yields."

Kay: "Representative, we didn't have a lot of dialog today in committee because there was some, time... time constraint so, I'd like to take a little time on the floor today to talk a little bit about 2901. You mentioned... and just quickly, I'm going to bounce around a little bit here cause I didn't... I don't have a written out sheet. You mentioned that there should be a 30 percent decrease in the premiums for employers in the State of Illinois. Is that correct?"

Hoffman: "I'm reporting to you what the National Council on Compensation Insurance has indicated that the rates should be reduced by approximately 30 percent. That's their recommendation. But I don't believe it's happening in Illinois."

Kay: "So is that on the indemnity side, that we are not recognizing the savings or is it on the medical side that we're not recognizing the savings?"

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Hoffman: "The employers aren't getting the savings."

Kay: "Excuse me?"

Hoffman: "We're seeing... we're seeing I believe as... as I indicated, we're seeing soc... savings to the cost of the system. But it's not being passed on to the employers. And according to the Nat... NCCI, which is incidentally a trade organization of insurance companies, the rates should be reduced by approximately 30 percent."

Kay: "Okay. But my question is do they make a recommendation as to where that savings came from? Was it from indemnity payments or from medical payments that were decreased?"

Hoffman: "It's coming from both. There was a 30 percent reduction in the medical fee schedule. The amounts that are paid to providers in 2011 and then there were some indemnity of... there are some indemnity changes that reduced the amount to pay the injured workers. And to be quite frankly... or be quite frank, as a result of some of the changes, there have been less claims than compared to other states."

Kay: "Well, we used to do a lot better ourself with respect to our ranking with other states 15 or 20 years ago, so when I'm asked specific questions, I don't think the NCCI breaks out whether it's medical or indemnity. So I would have to assume that the 30 percent cut, that you're speaking of, comes from the 30 percent that we've taken away from doctors and hospitals and providers, over the last 12 years. But let me ask you a different question. Basically, what you're trying to do here is you're trying to have the State of Illinois fix rates for insurance companies, so that they no longer can

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rate fix, as you would call it. We're going to take over that responsibility. Is that correct?"

Hoffman: "No."

Kay: "What are we going to do?"

Hoffman: "We would declare whether or not insurance rates are excessive and whether profits are excessive that insurance is making on workers' compensation... writing workers' compensation insurance. If that... if that occurs, then the rate would not be approved and that insurance company would have to go back to the drawing board and reduce their rates."

Kay: "But why... why would we do that, Representative, when we've got 320 to 330 insurance companies. If somebody's rate is too high, a company can go out and bid it with 329 other insurance companies. Why would we want the state in there fixing a rate?"

Hoffman: "I can only give you the facts, okay. I can't tell you whether or not insurance companies are colluding. I can tell you in some industries... for instance, the construction industries... industry because of the nature of the danger of the employment very few insurance companies will write in that industry. But here are the facts. Since 2011, insurance companies profits have increased by 10.5 percent while the percentage of premiums used to pay claims... the percentage of the premiums they collect used to pay claims has decreased from 75 percent to 53 percent. So, to me, they are making more money as a result of the actions we took in 2011 by reducing benefits to injured employees and by reducing payments to providers, yet they're not passing it on. All I want... all I want is... is to make sure that three things happen:

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#1 that there's fairness in the industry and reduce the amount that employers pay for premiums; #2, that fraud is prevented; and #3, we want to ensure that truly injured workers are adequately compensated."

Kay: "Representative..."

Hoffman: "That's what this would do."

Kay: "...do you know how rates are calculated? You know how rates are calculated for workers' compensation?"

Hoffman: "I would assume at some point, there's... that... it's... it's a cost... anticipated cost plus. So you would anticipate your risk, anticipate you potential cost and then you would add some profit margin on top of that."

Kay: "Well, no, that's not..."

Hoffman: "And my point to you is..."

Kay: "...that's not correct. So, let me just... let me just stop you there. That's... that's not correct. But is... is a rate based on the classification within the state?"

Hoffman: "Well, are you talking about the classification of the employer?"

Kay: "Well, we have a lot of different classifications in the state that have different rates. Who establishes that?"

Hoffman: "I think... I think it's done by... in consultation with NCCI and the Department of Insurance."

Kay: "Okay."

Hoffman: "I believe. Now..."

Kay: "Yeah."

Hoffman: "...I'm not an expert on that. I don't want to..."

Kay: "Okay. Well, I'm not either. I just kind of feel my way through this. So, let me... let me just ask this. This seems to

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me like big government wants to get in the way or get their hand in the regulation of another business or another industry. So, it says to me more government, higher cost for employers, due to more government regulation and litigation. So, true or false. Let's just go down this very quickly. You propose in this Bill safety and return to work programs to allow premium reductions by IWCC and DOI and that's specifically... it was talked about in House Bill 1287. Are you proposing that?"

Hoffman: "Yes."

Kay: "Okay. You also have proposed the right of contribution..."

Hoffman: "Oh, true. That's true."

Kay: "I agree. That's what..."

Hoffman: "You said true or false; I said yes."

Kay: "Okay."

Hoffman: "I want to make sure that I..."

Kay: "You... That's right, that's good... good to be precise, yeah."

Hoffman: "... comply with your question. That would be true."

Kay: "I... I appreciate that, Representative. Right of contribution for repetitive and cumulative trauma injuries. Explain contribution to us."

Hoffman: "So, I don't know who wrote your analysis. But here's... here... can I tell you what this will do. So, we heard from employers and I have heard from employers in our area, and others, that say that it's not fair that a guy who may work out of the Union Hall. Let's say he's a plasterer who worked for 30 employers or 40 employers throughout his life and all of a sudden after 20 years of doing this, he gets hired; he gets hired out of the Union Hall. After three days he hurts

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his... his shoulder gives out and it's repetitive cause he's always working above his head and he has to have a rotator cuff surgery. So what happens, under current law, is the last employer would be the one that's responsible. What this would say it would give a break to that employer and it would say, if the person hasn't worked for you for a minimum of three months, that then you wouldn't see a corresponding increase in your premiums. In other words, the insurance compa... the industry would spread that risk across all people who... or all employers who are in that job classification. That's... that's what it's designed to do."

Kay: "But... but contribution means you have to go to court to make the determination as to the previous employer's mitigation, if you will or the amount that they have to kick into the system to make the last payment or the last employer whole. Is that not correct?"

Hoffman: "What it also would provide for something that employers have asked for. It would say that you would go to the Industrial Commission and you could prove that sure this happened while he was an employee of mine, but these last five employers he worked for should have to contribute. That would be a determination by the Industrial Commission and it would be a determination of the employer as to whether they wanted to do that. But again, that employer would not see a corresponding increase in their premiums, if they had the employee only working for them for three months or less."

Kay: "So, you're not... you're not saying the contribution is going to be determined in a court of law. You're saying it's going

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to be determined by the Commission? I didn't hear that today in the committee."

Hoffman: "That's what's in the Bill. Now, there are provisions in there are provisions under the Industrial Commission Act, where you can appeal any ruling and then it goes to circuit court. But deference is giving to the Commission."

Kay: "So the Circuit Court, they generally never ever favor the employee, so then it's to the Appellate Court. Is that correct?"

Hoffman: "I think the standard for review is arbitrary and capricious. So the actions of the Commission must be deemed arbitrary and capricious by the Circuit Court. I would venture to guess that very few times that is found."

Kay: "Okay. Well, so what we're really saying here though is we're just shifting cost among employers. We're really not helping employers. Isn't that correct? It's just cost shifting."

Hoffman: "That provision?"

Kay: "The provision that we're talking about right now."

Hoffman: "Well, I would say to you that you guys always talk about fault. This could assess fault."

Kay: "Well, we're going to get to that in a minute. But again, talking about fault and talking about contribution which just cost shifting is a whole different concept. And I don't think any employer cares about cost shifting. I really don't. It doesn't appeal to me; it doesn't appeal to me a bit. But I'll tell you what really doesn't..."

Hoffman: "Well, then... then you haven't..."

Kay: "...what really..."

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Hoffman: "...then you haven't talked to the people in the construction industry in our area who have had someone come on the job and... for a very short time... the person had repetitive trauma and in a short time because of the years and the pounding on the body got injured."

Kay: "Yeah. I... Well, I've been there and done that, Representative, so I don't need to talk to the construction industry. I'm a little bit curious though... I'm a little bit curious though about your fraud provision. You indicate in here that there will be a minimum of 10 investigators. How many do we have today?"

Hoffman: "It's my understanding... it's my understanding that it's only 5 and this is... this is a proposal that came from the Department of Insurance."

Kay: "Okay. The determination is that the number came from the Department of Insurance?"

Hoffman: "They've told us that in our negotiations it was indicated that's how much they wanted."

Kay: "And so, every case that would be brought to one of these fraud, as you call them, investigators then would be investigated and what, turned over to the state's attorney or what?"

Hoffman: "If fraud is found that's what would happen."

Kay: "Well, I had a circumstance where we had a fraud on our company and it was turned over to the state's attorney. They didn't do anything, so I'm not sure about that. But how do you know that 10's enough?"

Hoffman: "Look we... we try to put some of the things that were agreed upon in our negotiations in the Bill."

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Kay: "Okay."

Hoffman: "That was... that was generally agreed upon."

Kay: "Okay. One of the things and..."

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

Kay: "Can I have a couple minutes Mr. Speaker?"

Speaker Lang: "There are still six speakers who wish to speak on this Bill, Sir"

Kay: "Okay. I will try and move along here. So, skipping the... there are a couple good things, Representative, in the Bill, but they don't outweigh the bad things. So I'm going to move on to the things I would call the attention to the Representatives. First of all, this is electronic billing is... it could be a good thing, but if you make a mistake a \$10,000 penalty? Why is that? Who recommended that?"

Hoffman: "It's my understanding that those proposed penalties are maximum proposed penalties and will be ultimately decided in the rules. Those penalties are less than most other states."

Kay: "Okay. So, let's get down to specifically the standard of cause. Which we have had long debates about over the last six years and I don't think we've gotten anywhere. Basically what you've done here with all of your so-called reforms is you just codified case law in Illinois. Is that not correct?"

Hoffman: "That is not correct."

Kay: "No. It is."

Hoffman: "Are you talking about..."

Kay: "Your causation... your legal causation standard..."

Hoffman: "Oh, okay. Okay, hold on."

Kay: "...just got codifies case law."

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Hoffman: "Okay. I misunderstood your question."

Kay: "Okay. I'm... that's..."

Hoffman: "All right I was under the impression you were talking about the entire Bill."

Kay: "No."

Hoffman: "But with the issue with causation, that is true. For the first time in Illinois, we took what the courts had said and we codified and put under statute what causation standards are and what the traveling employee standards are. I believe the case is called Venture-Newberg."

Kay: "It is. Correct. In deference to the Chair, I'm just going to say this. I've talked to a number of people in a short time today, not nearly enough. I haven't talked to one person who thinks this is a good deal. As a matter of fact, what they think you're trying to do is strip insurance companies of the ability to do business in Illinois. Now, whether that's your intention or not, I don't know. What I think you're trying to do is rate make? Price fix and say, oh, we got the answer but these insurance companies don't. I'm going to let... invite my colleagues on this side of the aisle and those who have business ventures on the other to vote 'no' on this Bill. Thank you, Mr. Speaker."

Speaker Lang: Ladies and Gentlemen, we still have six speakers who wish to speak on this Bill. I would please request your restraint and brevity. Mr. Batinick."

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

Speaker Lang: "Sponsor yields."

Batinick: "Representative you brought up something that I thought was interesting. You said the... the insurance companies'

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profits is 10 percent now. Is that correct? It went from .3 percent to 10 percent I want to make sure I got that right."

Hoffman: "Yeah. That was... I would assume it's even higher now cause that was from 2014."

Batinick: "Okay."

Hoffman: "It's 10.5 percent. In 2011, it was .3 percent."

Batinick: "Okay. Couple... couple thing..."

Hoffman: "And... and let me just make a point."

Batinick: "Go ahead."

Hoffman: "And the insurance companies still were doing business here in Illinois. You say it's a competitive market. They were still doing businesses here in Illinois."

Batinick: "Sure. The reason I asked that is do you know where at 10.5, 10 percent puts us roughly with other states? I'll just make it easy on you."

Hoffman: "I'm told it's more, but I don't know where it ranks."

Batinick: "It's... it's the bottom half. That's number one. Number two, let's say, do you think insurance companies are allowed to have some profit? I'm assuming you're going to say yes. The question I have for you, is that even..."

Hoffman: "Well, if you let me answer, I would say yes."

Batinick: "If you were to bring them to zero profit, we would still be well above national average in terms of our interest rates or our... our workmen's compensation rates."

Hoffman: "I'm not in any way... in any way advocating the zero profits for insurance companies. In any way."

Batinick: "No. My... my point is... is that we can't say the insurance companies are taking all the profit because, if they were at zero profit, our rates would still be too high using the data

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that you just provided to us. Let me go to the Bill. So, we have the... we're being told that the problem is the insurance companies. If they went to zero profit, our work comp rates would be too high; that's number one. Number two, we have self-insured municipalities and businesses that are having issues with the workmen's compensation rates. Number three, I hear a lot of talk about the amount of claims going down. We've lost a whole heck of lot of construction and manufacturing jobs. That's a big reason and a horrible way to have your claims for work comp go down. When Mitsubishi leaves Bloomington, guess what, that means there's nobody being injured making cars in Bloomington. And all the small manufacturers, we bled manufacturing construction jobs. This is not the solution. This is codifying the problems that we have now. We need real workmen's compensation reform. I urge a 'no' vote. Thank you."

Speaker Lang: "Mr. Brady."

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

Speaker Lang: "Sponsor yields."

Brady: "Representative Hoffman, how does... what's in this Bill, how does it mimic anything that's presently going on in the Senate regarding proposed legislation that may be dealing with workers' comp and whatever package they may be coming up with. How does this mirror what's in there or do you know?"

Hoffman: "I've only heard rumors. I understand they filed... you know how... I understand they filed the Bill, Representative, today. But we're not calling that Bill and they're not moving forward with it. So, I would say to you that that was a

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miserable failure, whatever they were doing, cause they're not even calling the Bill."

Brady: "Unlike what you're..."

Hoffman: "Unlike this one."

Brady: "Unlike what you're proposing, of course. Right. With that being said, in your opening remarks you were talking about the Governor's working group, task force, whatever... whatever our actual term is of the group that we're on and that I've been working with you on. It's my understanding from some of your remarks in committee today and on the floor here, that some of these proposals were things that we agreed upon, or at least in substance... So..."

Hoffman: "Yeah. I hate... I hate... here's what... and you know you were part of this and I consider you a very good friend and we agree on a lot of these things, I know we do. But then we disa..."

Brady: "Well, that I... I hope that doesn't end over this Bill."

Hoffman: "...but we disagree on the ones that matter, unfortunately. I'm joking, I'm joking. On the... I hate to say it's an agreement because we're al... always very careful to say that these are areas, that if we are reach an ultimate agreement, these are areas or items that will be part of that. So, that's how it characterizes."

Brady: "Okay. So, outside of our meetings and discussions over the holidays and what have you, how long has this Bill then been in preparation, would you say?"

Hoffman: "Well, I believe that our last meeting... I think we were on the phone, was a couple weeks ago."

Brady: "Okay."

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Hoffman: "And so we never... we had asked... we, as the House Democrats, had asked for another meeting and then none were called and the holidays were in the way, I get that. So, we're running up this deadline where we're about to lose... we're about to not have a budget. And we were under the impression that the Governor was saying that work comp had to be some... had to be passed before there was a budget."

Brady: "So..."

Hoffman: "This is a legitimate attempt to try and come up with something that's going to reduce the cost of workers' compensation insurance to employers and take a lot of the items that we had tentative agreements on and put them into a Bill."

Brady: "So, if this is a no way a reaction to whatever has been proposed in the Senate and the real crux here is to try and be fair to that injured worker and in trying to have some relief with insurance premiums and trying to do some of the things you're talking about. What... at what juncture in the last several days to a week, I think this Bill was rolled out on Friday of last week, if I'm not mistaken, at what juncture did you contact the Governor's Office and say, hey, we're moving forward to file this legislation?"

Hoffman: "We requested from the Governor's Office for additional meetings, we didn't hear. I'm not blaming him, you know. So, we filed the Bill."

Brady: "Okay."

Hoffman: "I did... did I call Governor Rauner and say I'm filing the Bill? No."

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Brady: "I know... I know you didn't call me but... and it was the holidays. I would have loved to hear from you."

Hoffman: "Well, I apologize for that and I forgot to wish you happy holidays, Merry Christmas and happy New Year. But here you are now."

Brady: "Thank you. To the Bill, Ladies and Gentlemen. Just briefly, that with a working group that's been going on for quite some time, and some of these proposals have been talked about, some... really some minimal accomplishments have been made, but then this legislations filed and materializes. From the Republican side, I didn't know anything about it from working on that group. I don't think Representative Breen knew anything about it. And I don't think the Governor's Office, who'd been in the negotiations with all this, knew that the Bill was going to be filed. And... and, there again, it's just the hesitation that I have that if we're truly working and trying in a bipartisan fashion that the timing of this is suspect from the standpoint of really trying to do some of the things that I have talked about in our discussion on the floor. Thank you very much."

Speaker Lang: "Mr. Wheeler."

Wheeler, K.: "Thank you, Mr. Speaker. Please excuse Representative Unes for the rest of the day."

Speaker Lang: "Thank you, Sir. Mr. Breen."

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

Speaker Lang: "Sponsor yields."

Breen: "Representative, just a couple quick points for this Bill, that I noted and trying to read it over a little bit. It was a 111 pages and it got dropped pretty late. You're changing

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in here the determination... under the current law, it's my understanding that the... that a rate is determined to be excessive if the 'long run profit' is excessive. And you're changing that to just straight up profit. Is that right?"

Hoffman: "Representative, that may be what is currently in the law. But currently, they don't even look at whether or not a rate is excessive; they don't look at it."

Breen: "Right. But you're..."

Hoffman: "When I say they, the Department of Insurance."

Breen: "I mean, you're changing this. So, that's the change you're making to take a long run out. So, it's much more of a short-term review."

Hoffman: "No. There's... there's more changes. We're saying you actually have to review."

Breen: "Why I..."

Hoffman: "They don't know."

Breen: "I know you put 111 pages together on short notice and we're trying to sit here and get through it."

Hoffman: "Well, I mean, you can talk about procedure but you got in on Friday. This is Monday. I work weekends."

Breen: "I know. I'm talking your Bill and you don't seem to be able to answer a question about it."

Hoffman: "I just did."

Breen: "Except you didn't actually answer the substance of it. Now..."

Hoffman: "Yes, I did."

Breen: "...did you strike long run from profit?"

Hoffman: "Yes. And we were..."

Breen: "Thank you."

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Hoffman: "...and we required rate review which doesn't exist today."

Breen: "Right. And... and let's talk about the review because it's not merely a rate review. It's premium review. Section 462 A as I understand it, isn't that right? So, premium review you're adding this..."

Hoffman: "Yes."

Breen: "...And there's a difference between rate and premium. So the rate is more general; the premium is more specific, as I understand the way these terms are used. Isn't that right?"

Hoffman: "Look, we're trying to help employers and reduce their rates. If an employer isn't happy with their premium, this would give them an option to go to the department and have that addressed."

Breen: "Right. So, how many employers are there in the state paying workers' comp?"

Hoffman: "I don't know off the top of my head."

Breen: "I mean, it's got to be hundreds of thousands if not millions. I mean we still got a few left that we haven't driven out of the state. So, and then there's over 300 companies offering this insurance. But then... and here's the thing... and a witness brought this out in the committee hearing and I want to just make sure I understood them. We would empower the Department of Insurance to look at an individual premium determination, so that's 1 company out of our 300 or so with one of the hundreds of thousands of employers, determining whether a particular premium provided to the company 'profit that is unreasonably high' or accounted for 'expenses that are unreasonably high'. So, I mean, you intend for every single premium quote for every single employer, for

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every single insurance company in the state, they can take that to the Department of Insurance and open a case and actually challenge it."

Hoffman: "We would intend that premiums as well as rates be reasonable. If you would like to remove that right of the employers to contest their premiums, put an Amendment."

Breen: "I think that's a yes. Okay."

Hoffman: "That is not what I said."

Breen: "Well, no. What you... you said..."

Hoffman: "You have this innate ability of not understanding the answers to your question and hearing what you want to hear."

Breen: "You're... you're inviting me... you're inviting me to remove a provision that you said... My ans... Yeah."

Hoffman: "You ought to listen to the answers..."

Breen: "And my question was, is it in the Bill and you said, well, if you want to remove it, file an Amendment."

Hoffman: "...and then possibly it would make some sense to you. If you would listen, it would possibly make some sense to you."

Breen: "I... I... you know, Jay, you and I both do this for a living outside this chamber. So, we know how to listen and we know how to ask questions. So... All right I'll go to the Bill just 'cause there's no point in asking questions at this point. So, we have yet another piece of legislation and then... that will harm part of our business climate. Number 1, we are doing something to reduce the competitiveness of our workers' comp system. We, right now... one of the few strengths that we have to offer businesses are that there are hundreds of insurance companies willing to write these policies. If, instead, you make it so onerous on them that every single premium quote

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they put out can be taken to the Department of Insurance and challenged and the challenge is on some sort of a reasonability standard, first off, it sounds like price controls out the 1970s I wasn't alive for it, but it sounds like that sort of thing. That was what the witness in committee said. You're going to drive companies out of business; they won't even offer the insurance. There are other parts of this Bill, I know my colleagues have talked about that are terrible. What no one seems to be talking about... I don't even know... know that I've heard it since we've been back... is that 115 thousand people have left the State of Illinois in the last year, more than an entire State Representative district. One of us shouldn't be here. One Representative should not be here 'cause we've had so many people flee the states and yet, there's no recognition of it. Instead we want to drive more businesses out, and make our system less competitive. Please vote 'no' just for the future of the State of Illinois. Let's get back to putting a balanced budget together. Thank you."

Speaker Lang: "Mr. Andersson."

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

Speaker Lang: "Sponsor yields."

Andersson: "Representative Hoffman, my understanding is and I'm going to limit my remarks, only to the causation standard. My understanding is the intent here is to... to codify existing case law, correct?"

Hoffman: "Yes. The Venture-Newberg decision."

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Andersson: "Okay. And existing case law generally references that there must be a cause that is related to the workplace environment, not the cause, not primary cause, a cause."

Hoffman: "That's my understanding. That is current... current case law as it exists."

Andersson: "Okay. So, if I look at your Bill, it appears to me that we may have actually gone down from that standard, from a cause. Let me read you right out of your Bill. You define arising out of the employment... the standard on page 16 and 17 of the Bill... arising out of the employment. An injury arises out the employment if, at the time of the occurrence, the employee was performing acts he was instructed to do. So, two elements, right? Has to be at the time of the occurrence, whatever the injury was. And he was performing acts related to the job, correct?"

Hoffman: "If... I... I apologize to you. I'm looking at my analysis not the Bill, but I trust that you are reading directly from the Bill."

Andersson: "Straight from the Bill."

Hoffman: "And it's my understanding that where... where the language was taken was directly from the cases."

Andersson: "Okay. But..."

Hoffman: "As they exists."

Andersson: "But... but I'm still..."

Hoffman: "It was not intended to go down. It was not intentional."

Andersson: "Okay. But let's look at what the actual language says. So, you got two steps. One, the injury occurs at the time of the occurrence, in other words, during employment hours, and

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two, the employee was performing acts he was instructed to perform. I assume you don't debate my reading of your Bill."

Hoffman: "Again, we took it from the case law."

Andersson: "Okay."

Hoffman: "And I'm... I'm not going to pretend to be an expert in what... how this has been litigated over the... the decades, but it was intended to be taken from the Venture-Newberg case... case."

Andersson: "Thank you. I'll speak to the Bill rather than trying to debate that with you. My concern is this. Existing case law basically says you have to have a cause... some cause that's causally related to the employment. This is saying all that has to happen is the injury occurs while you're working. So, arguably in those situation where you've got a smoker for 50 years who's hammering a nail into a board certainly part of the energy of doing that work would relate and be a cause. So, it would qualify under existing law. But take a different example, Ladies and Gentlemen. Take an example, and this is not a fake example, it's a real example that I unfortunately know about, is a gentleman sitting at his desk practicing law and he suffers a stroke. And the stroke was caused by a malformation in his brain, what's called an AVM. It's not caused by anything except birth and it could've gone at any moment. It had nothing to do with the workplace or what he was doing. Under this standard, that stroke's covered. The stroke is covered because he was doing his job at the instruction of his employer at the time it happened. That's zero causation. That's not 1 percent; that's zero causation.

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Ladies and Gentlemen, we're making it worse than it already is. I urge a 'no' vote."

Speaker Lang: "Mr. Wheeler."

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

Speaker Lang: "Sponsor yields."

Wheeler, K.: "Jay, I've missed a couple things here. I want to just do a really brief recap here. You agree that there's progress been made in the working groups since they began a while ago, correct?"

Hoffman: "I'm sorry, Representative, there was..."

Wheeler, K.: "It's fine. I'm happy to repeat. Jay, you would agree there's been some progress made in the working groups since they began."

Hoffman: "Well, yeah. I'll agree that we've agreed to some items that could be in an ultimate Bill and I would... I would agree that there has been a good faith effort, but there are just some... some rubicons that are very difficult to cross. We believe that it should... we should be able to have employers in Illinois reap the benefits of the 2011 reforms. Others would say that people who are injured on the job, there will be some kind of causal... causal connection that has... based on a percentage of faults as to whether a person would receive benefits. We have a problem with that. And I... I misspoke earlier I would... I would just want to clarify that on the issue of causal connection is the Sisbro... Sisbro case that we codified and the traveling employee standards was Venture-Newberg case. I don't want... I don't want to confuse people so."

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Wheeler, K.: "Okay. Thank you. The... with respect to causation, Jay, you're saying that you have problem with the causation being raised from the current very low almost minimal 1 percent standard to anything above that. So, we're going to codify what ex... currently exists in case law, correct?"

Hoffman: "That's the intent for the first time to codify it to avoid judicial activism in the future."

Wheeler, K.: "So, codifying what already exists, really doesn't present a reform to us though."

Hoffman: "Well, you would... some would say reform would be saying that you have to prove that 50 percent of the... in... accident occurred as a result of the fault of the employer, 50 percent or more, right?"

Wheeler, K.: "One version, yeah."

Hoffman: "The whole idea behind the Workers' Compensation System was one that if indeed the... the incident occurred or the accident occurred while working that you would receive less of a recovery than if it was a none work-related accident. It basically always was designed from the very beginning to... to be a standard by which you need to... you need to ensure that it... it arises out of and is in the course of employment. If it does, then you will receive some compensation under Illinois Workers' Compensation Act."

Wheeler, K.: "Right. I guess the problem we have is that when a... an employer is 100 percent responsible for the cost of an injury, foolish that only 1 percent responsible, that also seems out of balance. And I hope someday, Jay, we can find a better balance than the one we are presenting today and the one we're using in current case law right now. I'd like to

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move along though, if that's okay, and just talk about the fact that... that if there's... you really believe that there's an issue with the insurance companies, all 332 of them not passing along the savings that you expect because of an analysis somebody else did, then that would be collusion, wouldn't it? If they're all co... they're all raising prices to gain a better profit together. That'd be collusion; that's illegal. And I'm amazed that that's the case that you're actually taking that stand that no one's filed a lawsuit the Department of Justice wouldn't take up and say this is an anti-trust violation in Illinois. They should go after this. Why hasn't that happened if this is the case?"

Hoffman: "I would... I wouldn't know I'm not an anti-trust attorney."

Wheeler, K.: "Neither am I, but it seems on its face that you're assuming that 332 companies can collude, pretty hard to do. To the Bill. This is not going to solve Illinois workers' compensation issues when it comes to competing with other states. Let's go back to the drawing board and get it right. Thank you."

Speaker Lang: "Last speaker is Representative Ives."

Ives: "Mr. Speaker, to the Bill. I'm sure everybody's eyes are about glazing over about this time about something as convoluted and complicated as workers' comp reform. And my colleagues have done a great job on the House Floor so far questioning the specific details of this Bill. Workers' comp has become a complicated issue with a number of varied and competing interests. If workers' comp costs have been a business nega... and workers' comp costs have been a business

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negative in Illinois for a long time. It's also been costly for government which is why I had my local government in four years ago to testify for reforms but to no avail. This system needs to change. Only a couple years ago OfficeMax combined with Office Depot and we lost their headquarters specifically over workers' compensation cost. It was going to cost them, the combined company, \$2 million more to locate in Illinois so they chose not to. Now, you've heard from the Sponsor of the Bill. You heard that with this Bill he specifically said we are trying to help employers. Well, then the question remains, why are small employers opposed to this Bill, why are big employers opposed to this Bill, why our government employers opposed to this Bill? It's because it's a bad Bill. And in committee hearing today Steve Schneider who is an expert in the insurance industry and testifies on this issue across multiple states, had this to say about this Bill. He called this Bill the most extraordinary piece... price control legislation he has ever seen. The most extraordinary price control legislation he has never seen. So, if you want to go back to the 1970s and live in a price controlled environment, go ahead. But it was terrible for our economy back then and it would be terrible for Illinois to do that now. Vote 'no' if you care about business, you care about jobs and if you care about keeping our tax base here."

Speaker Lang: "Mr. Hoffman to briefly close."

Hoffman: "Thanks for the admonition. Let me just say three things that we want to do on this side of the aisle. Number one... number one, we want to make workers' compensation premium rates comparable to other states. That is why we would provide

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for pre-existing approval of rates, like Indiana, Wisconsin, Iowa and Missouri. In addition, we want to make sure that fraud is taken out of the system and people who commit fraud are prosecuted and punished. And finally, we want to ensure that the families of working people, who are injured on the job, aren't in danger of losing their homes; they aren't in danger of going on public welfare; they aren't in danger of going on public assistance. That if you are truly injured on the job, you as a worker and a family are at adequately consen... compensated. I ask for an 'aye' vote."

Speaker Lang: "Those in favor the Gentleman's 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? Chapa LaVia, DeLuca. Mr. Clerk, please take the record. On this question, there are 65 voting 'yes', 45 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1, House Bills-Second Reading, there appears House Bill 6630, Mr. Batinick. Please read the Bill."

Clerk Hollman: "House Bill 6630, a Bill for an Act concerning revenue. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Attention. Members. Members who are returning for the 100th General Assembly, your inaugural pins will be distributed on the House Floor tomorrow, make sure you pick that up. Mr. Clerk, committee announcements."

Clerk Hollman: "The following committees are meeting immediately. Transportation: Regulation, Roads & Bridges is meeting in

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room 115. Veterans' Affairs is meeting in room 114. Labor & Commerce is meeting in room 413."

Speaker Lang: "And now, leaving perfunctory time for the Clerk. Leader Currie moves that the House stand adjourned till Tuesday, January 10, at the hour of 9:30 am. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And the House stand adjourned."

Clerk Hollman: "House Perfunctory Session will come to order. Committee reports. Representative Hoffman, Chairperson from the Committee on Labor & Commerce reports the following committee action taken on January 09, 2017: recommends be adopted Floor Amendment #2 to Senate Bill 2799. Representative Chapa LaVia, Chairperson from the Committee on Veterans' Affairs reports the following committee action taken on January 09, 2017: recommends be adopted is Senate Joint Resolution 57. Representative Beiser, Chairperson from the Committee on Transportation: Regulation, Roads & Bridges reports the following committee action taken on January 09, 2017: recommends be adopted is House Joint Resolution 170. There being no further business, the House Perfunctory Session will stand adjourned."