

STATE OF ILLINOIS
101st GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

27th Legislative Day

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Speaker Turner: "Members are asked to be at their seats. We shall be led in prayer today by Pastor Dustin Leek, who is with the First Christian Church of West Salem. Pastor Leek is the guest of Representative Bailey. Members and guests are asked to refrain from starting their laptops, turn off all cell phones, and rise for the invocation and Pledge of Allegiance."

Pastor Leek: "Will you join me in prayer please? Our kind and gracious heavenly Father, it is a privilege to stand here today and offer prayer and petition on behalf of those seated in this room, those who have been elected by the people they serve. It's not an easy job that they've undertaken. And today I pray for guidance and wisdom and all those talking about in making decisions that affect the citizen of this state. I pray in the midst of disagreement that unity can be found. There is much chaos and pain in this world and I pray for peace and understanding as they simply continue to vote on issues relating to social, financial, education, and decisions that affect people lives. Send your spirit to guide them as they strive to make the best decisions that they can. I pray this morning that party lines would be forgotten and the decisions that are made be the best decisions for the people in Illinois. I pray for egos and personal agendas be put aside. And this place be filled with wisdom, understanding, and productive communication. I also pray for strength upon all those who are tasked with a job of representing the people. Give them strength to endure the ridicule, strength to a stand the weight of their decisions, and strength to continue to do the work they've being called to do. As I stand here today as a Pastor, as a father, as a

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husband, and a invested of a citizen in this great state, I pray for all the families that are represented here and all the other families that call this place home. I pray that we support our leaders in prayer as citizens and do our best to find the good in our fellow man in the way we talk, act, and live. Today as important business is carried out in this place, I pray for wisdom, I pray for unity, strength, and respect to fill the hearts and minds of those tasked with the duty of leading. And I ask all this my personal savior Jesus' name, Amen."

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

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

Speaker Turner: "Roll Call for Attendance. Leader Harris is recognized."

Harris: "Mr. Speaker, let the record reflect that Representatives Burke and William are excused today."

Speaker Turner: "Representative Butler is recognized."

Butler: "Thank you, Mr. Speaker. Please let the Journal reflect that Representatives Bennett, Mazzochi, and Severin are excused today."

Speaker Turner: "With 112 Members present, a quorum is established. Mr. Clerk, Committee Reports."

Clerk Hollman: "Committee Reports. Representative Scherer, Chairperson from the Committee on Elementary & Secondary Education: Administration, Licensing & Charter School reports

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the following committee action taken on March 13, 2019: do pass Short Debate is House Bill 2932, House Bill 3053, House Bill 3363. Representative Evans, Chairperson from the Committee on Labor & Commerce reports the following committee action taken on March 13, 2019: do pass Short Debate is House Bill 2275, House Bill 2722, House Bill 3088, House Bill 3405; do pass as amended Short Debate is House Bill 2215; recommends be adopted is House Resolution 72. Representative Kifowit, Chairperson from the Committee on State Government Administration reports the following committee action taken on March 13, 2019: do pass Short Debate is House Bill 1565, House Bill 2399, House Bill 2786, House Bill 2837, House Bill 2940, House Bill 3084, House Bill 3147, House Bill 3555; do pass as amended Short Debate is House Bill 210, House Bill 313; recommends be adopted as amended is House Joint Resolution 7. Representative Harper, Chairperson from the Committee on Economic Opportunity & Equity reports the following committee action taken on March 13, 2019: do pass Short Debate is House Bill 2156; recommends be adopted is Floor Amendment #2 to House Bill 905. Representative Ammons, Chairperson from the Committee on Higher Education reports the following committee action taken on March 13, 2019: do pass Short Debate is House Bill 2237, House Bill 2239. Representative Zalewski, Chairperson from the Committee on Revenue & Finance reports the following committee action taken on March 14, 2019: do pass Short Debate is House Bill 3198; do pass as amended Short Debate is House Bill 1466, House Bill 2682. Representative Yingling, Chairperson from the Committee on Counties & Townships reports the following

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committee action taken on March 14, 2019: do pass Short Debate is House Bill 2525, House Bill 3141. Representative Martwick, Chairperson from the Committee on Personnel & Pensions reports the following committee action taken on March 14, 2019: do pass Short Debate is House Bill 3213; do pass as amended Short Debate is House Bill 2502. Representative Conroy, Chairperson from the Committee on Mental Health reports the following committee action taken on March 14, 2019: do pass Short Debate is House Bill 2845. Representative Conyears-Ervin, Chairperson from the Committee on Child Care Accessibility & Early Childhood Education reports the following committee action taken on March 14, 2019: do pass Short Debate is House Bill 3495, House Bill 3631. Introduction of Resolutions. House Resolutions 191, offered by Leader Durkin. This is referred to the Rules Committee."

Speaker Turner: "Members on page 15 of the Calendar, under Senate Bills on Second Reading, we have Senate Bill 1596, offered by Representative Hoffman. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 1596, a Bill for an Act concerning employment. This Bill was read a second time previous day. No Committee Amendments. No Floors Amendments. A judicial note has been requested by the Sponsor, but has not been filed at this time."

Speaker Turner: "Representative Hoffman"

Hoffman: "I would withdraw that note."

Speaker Turner: "Mr. Clerk, Representative Hoffman moves to withdraw the judicial note."

Clerk Hollman: "No further notes."

Speaker Turner: "Third Reading. Mr. Clerk, Senate Bill 1596."

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Clerk Hollman: "Senate Bill 1596, a Bill for an Act concerning employment. Third Reading of this Senate Bill."

Speaker Turner: "Representative Hoffman"

Hoffman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1596 is an initiative that would ensure that individuals who are affected by diseases such as mesothelioma would actually be adequately compensated. Prior to November 2015, when the Supreme Court ruled in a case of *Folta v. Ferrera Engineering* where they actually took away the right to be compensated. We were able to after what is called the statute of repose of 25 years to be adequately compensated if they contacted the late disease after the 25 year statute to repose. As you may or may not know, the disease of mesothelioma and some other diseases actually don't manifest themselves until 30 to 50 years many times after they have been contacted... contracted and you have been exposed. Therefore, the effect of the *Folta* decision was essentially to deny the ability of individuals who were going to be essentially have a death sentence with regards to contacting... contracting mesothelioma and they would not be able to receive that compensation from their employers. I believe that's very clear in the dicta and in the opinion of the Supreme Court that they wanted the Legislature to correct this injustice. They specifically said, in their opinion, we are cognizant of the harsh result of this case. Nevertheless, ultimately, whether a different balance should be struck under the acts given the nature of the injury and the current medical knowledge about asbestos exposure is a question more appropriately addressed to the Legislature. What this Bill

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simply would do is essentially bring us back to the way the law was and the way the courts interpreted common law prior to this 2015 decision. I believe that it is a Bill that is... that provides equity, provides justice to people who contract some of these terrible diseases through no fault of their own. And I ask for 'aye' vote."

Speaker Turner: "For further discussion, the Chair recognizes Representative McDermed."

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

Speaker Turner: "Sponsor indicates that he will yield."

McDermed: "This Bill is fast tracked, isn't it Representative? Didn't it just come out the Senate this week?"

Hoffman: "It came out the Senate this week and we are calling it... last week, and we are calling it this week in the Illinois House of Representatives, yes."

McDermed: "And isn't it true that of all work comp Bills that we have here in the 101st in the House, this is the only one not in Labor, but for some reason fast tracked through Jud-Civ?"

Hoffman: "I can just say this, okay. So if you were to contract mesothelioma..."

McDermed: "It's a 'yes' or 'no' question."

Hoffman: "If you we're to contact mesothelioma..."

McDermed: "It's a 'yes' or 'no' question."

Hoffman: "It is not a 'yes' or 'no' question. It is not a 'yes' or 'no' question."

McDermed: "Isn't it the only work comp Bill in Jud-Civ?"

Hoffman: "I don't know that. This did go through the Judicial-Civil."

McDermed: "Is the effective date of this Bill immediate?"

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Hoffman: "Yes, it is and it should be".

McDermed: "Does that mean that we need 71 votes?"

Hoffman: "No."

McDermed: "Why not?"

Hoffman: "Because you don't. It's called Constitution, and you only need 60 votes."

McDermed: "If it's going to be effective immediately?"

Hoffman: "I don't know what kind of Constitution you're reading Representative, but the constitution of the State of Illinois says it takes 60 votes."

McDermed: "Okay. Do you practice in the work comp area, Representative?"

Hoffman: "No, I don't."

McDermed: "Thank you. How long has the work comp... the worker's compensation structure in the State of Illinois been in effect? And by worker's compensation structure I mean the balance... the agreement that labor and management, business owners have had in place, whereby, owners are strictly liable for injuries to workers. How long has that structure been in place?"

Hoffman: "Well, I can say that I believe that this specific statute was passed that this effects in 1936 according to testimony yesterday; however, sometime I believe in the mid-70s or early 70s the current workers' compensation construct was passed. It was under Governor Walker. So, whenever that was."

McDermed: "So, for approaching a century workers and management, workers and business owners in the State of Illinois have operated under a structure, whereby, employers were strictly

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liable, and workers could look to owners to compensate them when they were injured on this job in this way."

Hoffman: "No, it's my understanding that our current workers' compensation system where there was strict liability, limits of recovery for work related injuries was passed in the 70s."

McDermed: "Okay. Long enough for people to have relied on it and plan and purchased insurance accordingly. What your Bill in effect does is take this certain type of injury out of the worker's comp structure and put into the Illinois tort liability court arena, is that correct?"

Hoffman: "That is not correct."

McDermed: "Aren't you removing certain types of injuries from coverage and adjudication under the workers' comp structure?"

Hoffman: "This Bill does not remove these types of injures from the workers' comp structure. What it does is it says, if you have a latent disease it does not manifest itself until 25 years after you have been exposed or till after the current statute of repose that you then could go to civil court, yet the current statute of limitation will still apply."

McDermed: "So it is being removed. And isn't it true that..."

Hoffman: "It is not being removed. It is not being removed."

McDermed: "It is not being decided under the workers' compensation structure that employers and employees were entitled to rely on..."

Hoffman: "If within..."

McDermed: "...for the course of the employment..."

Hoffman: "If within the 25 years you discover that you have one of these types of cases, such as Mesothelioma, and it is discovered within the 25-year statute of repose currently, it

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would then go before the worker's compensation structure that currently exists."

McDermed: "But the particular kind of cases that we're dealing with here are being move removed from the structure. So, let me ask you this question. We're talking about mesothelioma which is, as of the day were speaking here right now, the only latent disease of which we are currently aware that develops so slowly, but yet, the Bill removes... it doesn't actually limit itself to mesothelioma. It's covering any kind of disease that will reveal itself over time... over a long period of time. Isn't that correct?"

Hoffman: "Currently, I believe, that mesothelioma is basically the disease that we are targeting. However, that is correct."

McDermed: "However, the folks who have prepared this Bill, in other words the Illinois Trial Lawyers, have not seen fit to limit to the one and only condition that we know develop latently like this, but have tried to open it up to as many conditions as they fertile imaginations can create in the future. Isn't that true?"

Hoffman: "Well, I would say that if you're exposed to some of these asbestos or you're exposed to benzene, or you're exposed to radioactive waste, or you're exposed to whatever else is going to be put forward and spewed forward by businesses in the future and that disease lays dormant for over 25 years, you should be able to recover even though... even though it doesn't manifest itself until after 25 years."

McDermed: "And isn't that what the worker's compensation structure is for to deal with any injuries that workers should sustain during their time? And wouldn't a better fix... a fix that

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workers and business owners have been relying on for decades, in other words the worker's compensation structure, isn't... wouldn't it be more appropriate to work to amend and fix that structure instead of opening up the entire Illinois tort system to these claims?"

Hoffman: "I would just say that it is my belief that this Bill would bring us back to the way it was under common law prior to November 2015, under the Folta Supreme Court decision."

McDermed: "I have one last question. Isn't it true that this gentleman in particular that was the subject of the case and persons injured by mesothelioma in general recover from more than one person? And isn't true that in this case the gentleman had issue had already recovered from 14 people and is looking to recover from the 15th?"

Hoffman: "I have absolutely, absolutely no idea whether that is the truth. Would there be other defendants? May have this individual... it actually wasn't the individual, just so you know, because Mr. Folta died and he died of mesothelioma. And, Representative, if you don't know anything about asbestos exposure that eventually results in the diagnosis of mesothelioma 100, I'm going to repeat this 100 percent of the individuals who contract mesothelioma die. So this action this action..."

McDermed: "There's no argument about..."

Hoffman: "...this action was not on behalf of Mr. Folta is was brought on behalf of the spouse who was the widow, the widow of Mr. Folta. Now, if you want to deny her recovery and maybe his kid's recovery then vote 'no'. Fine, fine, fine."

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McDermed: "The issue isn't whether there's recovery or there isn't recovery, the issue is whether there is recovery under the tort system, opening up the tort system to claims against employers or whether the worker's compensation structure in the State of Illinois needs to be reformed, which everyone who pays attention to this knows is ripe for reform for many years. To the Bill. And I'd like to move this off of Short Debate, Mr. Chairman."

Speaker Turner: "There's currently no timer, Representative."

McDermed: "I didn't hear you, what?"

Speaker Turner: "There is currently no timer."

McDermed: "Thank you. To the Bill. No one with a heart, no one who's elected to represent their districts here in the Illinois House would argue that someone who suffers injury at work shouldn't be completely compensated. The issue here is not that, the issue is the ability of workers and employers in the State of Illinois to be able to rely on the worker's compensation structure that we have created as they have for decades. To open up the worker's compensation structure and make these type of disputes subject to the tort laws of the State of Illinois is a trial lawyers full employment act, it's one more stake in the heart of business in the State of Illinois, which is just about dead due to the results of the actions of this General Assembly. I would very much urge you to vote 'no'. And let's do what we should have done, what the Illinois Supreme Court told us to do, which is to reform the Worker's Compensation Act and not throw it by the wayside. Thank you. Vote 'no'."

Speaker Turner: "Chair recognizes, Representative Thapedi."

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

Speaker Turner: "Sponsor indicates that he will yield."

Thapedi: "Leader Hoffman, would you please describe, to the Members of this Body, what happens to a person when they develop mesothelioma?"

Hoffman: "The average life expectancy of an individual who has develop mesothelioma is nine months. And I can tell you having known individuals who have died from this awful disease, it is a very painful, very difficult death."

Thapedi: "And you were asked a question specifically about why this particular Bill was in the Judiciary-Committee rather than the Labor Committee. Do you recall that?"

Hoffman: "Yes."

Thapedi: "But at issue is a Supreme Court decision, correct?"

Hoffman: "That's correct."

Thapedi: "That that's what brought about this Bill. This Bill was brought about specifically because of a 2015 Supreme Court decision that specifically encourage the Legislature to act, and to act immediately, correct?"

Hoffman: "That is correct."

Thapedi: "So, let me walk through the case just to make sure that we're all on the same page with respect to the court's reasoning and how we came to this particular point. It was a 4-2 decision, correct?"

Hoffman: "That's my understanding, yes."

Thapedi: "And at issue was a man who died after being exposed to asbestos at work and developed mesothelioma. The catch is that he did not discover that he had been exposed to asbestos until 41 years after the last exposure, correct?"

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Hoffman: "Yes."

Thapedi: "And then there's no dispute that this was a work related injury, correct?"

Hoffman: "There is no dispute that it happened at work."

Thapedi: "And so, then question then becomes, how can this man and this family receive a right for their wrong, correct?"

Hoffman: "Receive compensation for the wrong. That is correct."

Thapedi: "Absolutely. And so he decided to file suit, right?"

Hoffman: "I believe... I'm not sure if he initiated the suit..."

Thapedi: "Well he..."

Hoffman: "...or his... his survivor spouse."

Thapedi: "It's my understanding from reading the case that he initiated the suit and during the course of litigation he passed away."

Hoffman: "Yes, that is correct. That is correct."

Thapedi: "All right, fair enough. And so because this is a work related injury this Body has already determined, dating back to 1936, that his sole exclusive remedy, again his sole exclusive remedy is under the Workers' Compensation Act and under the Workers' Occupational Diseases Act, correct?"

Hoffman: "Yes."

Thapedi: "All right. And so, then here's the catch again. The statutes of repose for both of those Acts, and I'm referring to the Workers' Compensation Act and Workers' Occupation Disease Act, is 25 years from the date of the last exposure, correct?"

Hoffman: "Yes."

Thapedi: "And that's where I think that we kind of missed the boat yesterday that people were not understanding the concept

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and the dynamics of what a statute of repose is. A statute of repose is an absolute unequivocal bar, correct?"

Hoffman: "It totally bars your ability to recover."

Thapedi: "Right. So when we talk about the statute of limitations that's the time period in which you have to initiate the lawsuit, but the statute of repose is the end all be all, if it doesn't get done, if it doesn't get filed within that time period, you are out of luck, correct?"

Hoffman: "Yes. And that was... that was the court's ruling in the Folta decision."

Thapedi: "Exactly. So according to the court this man and his family was barred from recovery under those two Acts because the 25-year period had elapsed because, in fact, he hadn't found out that he had been exposed to asbestos for 41 years after exposure, correct?"

Hoffman: "Hence the injustice of the decision."

Thapedi: "Exactly. But in the injustice in the decision, Justice Theis, also, as you quoted at the beginning, was very specific and you talked about what she said in her opinion, but I want to focus in on one line in particular that she said, and she said, 'It is the province of the Legislature to draw the appropriate balance.' Correct?"

Hoffman: "Yes, that's what she said in her opinion."

Thapedi: "And that what we're doing here today?"

Hoffman: "That's my opinion. Obviously some folks who like to applaud against people receiving justice on the other side of the aisle did not share your opinion and mine, Representative."

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Thapedi: "Well, it's just not my opinion or your opinion, this is the opinion of the Illinois Supreme Court. That the Illinois Supreme Court didn't write that language for kicks and giggles. They wrote that language because in terms of strict statutory construction they followed the law. They recognized it was an extremely harsh result and they implored us to act, correct?"

Hoffman: "Which, under the previous administration, we didn't believe we could act, because of the political bent or the philosophical bent of the previous of administration. But now we believe we can write this injustice, and we are actually doing what the Supreme Court requested us to do, a legislative fix."

Thapedi: "And that's what we're doing. And there was one other issue that arose during committee yesterday that, quite frankly, had me scratching my head and several other Members on the committee scratching their head, a potential allegation that this can somehow be special legislation. Do you recall that?"

Hoffman: "I do."

Thapedi: "What is your response to that?"

Hoffman: "It certainly is not. This legislation is legislation that's going to allow individuals, who are all in the same boat, who have been... have contracted some type or been in contact with some type or either asbestos or some other type of whether it's benzene or some other type of chemical, and after 25 years, they then discover that they have some type of terrible disease. It's not special legislation, it applies

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across the board, and it is general legislation to everyone who fits that fact pattern."

Thapedi: "And thank you for that clarification, because I could not understand exactly the basis for that argument. The final point I want to make on this, Representative Hoffman... Leader Hoffman, is that has anyone from the defense bar... has anyone who generally represents companies that are involved in asbestos litigation come to you with a proper solution that would fall in line with the directives of the Illinois Supreme Court?"

Hoffman: "No, not at all. The only... the only, I guess, request or only ideas that put forward would actually deny the ability of these individuals that actually receive just compensation. They would say we would should extend the statute of repose, which you know would essentially deny these folks the ability to receive just compensation because of the concept of vested rights of an extinguish liability, and it's a trap. When they bring forward that type of idea, they actually are trapping us into denying those folks adequate compensation."

Thapedi: "Let me explore that a little bit more. If I'm understanding correctly what the proposal is from the defense bar, if you will, and again most of the defense bar folks know me because I was a defense lawyer for many, many years, in fact defending asbestos cases, but what right is what right. So having said that, what they propose as far as extending the statute of repose, what does that do for people that are currently in the hopper with respect to potential causes of action? Does that help them or does it not provide any support whatsoever?"

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Hoffman: "It would absolutely bar their ability to recover after the 25 years."

Thapedi: "Explain that. Because again, I think that we know, based upon what we heard in committee yesterday that there's going to be more litigation. We know that, so we want to be extremely clear of what we're doing today. And that is responding to the directives of the Illinois Supreme Court to address this very important issue when the Supreme Court... and I know that I'm repeating myself, but I think that I should... the Supreme Court has encouraged us to engage on this issue and make a legislative change now."

Hoffman: "So, the repose period is 25 years currently. That's why this is so devastating to victims. They're shut out from any possible remedies under the current law. A hundred percent of mesothelioma victims pass away, they die of the disease. I indicated to that. And the current status of the law would slam the door of justice to these victims. If you then were to simply extended the statute of repose as they would suggest... as the defense bar would suggest that would indicate they would then bring to defense and indicate that vested right of an extinguished liability has taken place and it can't be revived. It would essentially slam the door of anyone who is currently in the system."

Thapedi: "Thank you, Mr. Speaker. To the Bill. Very briefly, I think Leader Hoffman has laid out the case that we're doing exactly what the Illinois Supreme Court has asked us to do. I don't know how much more clear they could've been in their opinion. It's there, Leader Hoffman read it. I have repeated it. The Illinois Supreme Court has said that its hands were

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tied. Its hand were tied, Mr. Speaker, because it was a situation in a scenario in which this Body specially imposed a 25-year statute of repose. The Supreme Court knew it was wrong, we're fixing it today. And I ask for and 'aye' vote."

Speaker Turner: "Chair recognizes Representative Evans."

Evans: "Thank you, Mr. Speaker. Will the Sponsor yield for two questions?"

Speaker Turner: "Sponsor indicates they will yield."

Evans: "Thank you, Mr. Speaker. Sponsor, how long... I really want to speak on the human element, you know. Representative Thapedi has covered the legalese, but the people of Illinois need to understand how important it is for the everyday individual, practically when it come to a disease as life threatening as mesothelioma. My first question is, how long does it take mesothelioma to manifest in a victim? Because you covered it, but I want to make sure, it's crystal clear. How long does it take?"

Hoffman: "It would be... it takes 30 to 50 years for generally the disease to manifest itself."

Evans: "Many years. And second question is, what is the time period for workplace victims to file claim under the Work Comp Act, our current Work Comp Act?"

Hoffman: "Currently, under current law and under the Folta decision the repose period is 25 years. That's why this is so devastating to victims, they're essentially shut out of possible awards, and that's why we need this Bill."

Evans: "And right now you're talking to me, I'm a cancer survivor, but I did not have mesothelioma. So the question is what

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percentage of mesothelioma victims survive? And what is the percentage who died from this disease?"

Hoffman: "Zero percentage survive, 100 percent die from disease. And that Bill would address... or this Bill would address the injustices that are currently in place when the door slammed in the face of these victims being adequately compensated."

Evans: "Wow, zero percent. To the Bill. I stand in strong support of this legislation, you know, as research comes and as things change, the legislation should change and take steps to help the people of State of Illinois. So, thank you, Leader Hoffman, for bringing this important piece of legislation forward. And I would've loved for this Bill to come to the Labor Committee. So there's no issues in the Labor Committee, because you are a Member of that committee. And thank you to all the Members who advanced this Bill in committee and look forward to its passage."

Speaker Turner: "Chair recognizes Representative Guzzardi."

Guzzardi: "Thank you, Mr. Speaker. Will the Sponsor yield for two questions?"

Speaker Turner: "Sponsor indicates that he will yield"

Guzzardi: "Thank you. Representative Hoffman, we've heard a little bit of discussion today about the timing on this Bill. It's been said that you're rushing the Bill or moving the process unduly fast. Can you explain to us why it is that you're moving at such speed?"

Hoffman: "Well, whether it's 30, 60, 90 days it all seems like a short period of time to all of us. However, if you contract... contact mesothelioma in the victim's families 30, 60, 90 days may be longer than you actually have left in your life. So,

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this should be fast-tracked. I'm proud that it is fast-tracked. They don't have a single second to take for granted, because any day this disease could take their life. And this allows them to receive justice and allows them to receive adequate compensation."

Guzzardi: "Thank you, Leader. And there was a question earlier about the effective date. Is it correct that this Bill has an immediate effective date?"

Hoffman: "Yes, it does. I don't believe that the General Assembly should sit idly by and let this injustice continue. The Supreme Court, way back in November of 2015, in the Folta decision asked us to act legislatively to get rid of this injustice. This does just that. And I know you weren't here, Representative Guzzardi, but it brings to mind what happened way back in 1995 when the other side the aisle controlled this General Assembly. Not only did they, within one month after taking control of the Illinois House, the Illinois Senate, and the Governor's Office, get rid of the Structural Work Act, but they also tried to get rid of the Workers' Compensation Act in that Session as we know it. We here have been working on this since 2015. This is not haste. This is something that should be done now. And I'm proud to fast-track it, and I'm proud that it has an effective date that's immediate."

Guzzardi: "Thank you. To the Bill. I think it's very simple issue, people contract illnesses based on exposure to harmful chemicals of the workplace, and it shouldn't matter whether that disease presents itself tomorrow or presents itself in 50 years, that is a harm that has been done to them because

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of their employment and they should be subject to compensation under the Workers' Compensation Law. I think this is a very sensible and good Bill and I'm proud to support it. Thank you."

Speaker Turner: "Chair recognizes Representative Unes."

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

Speaker Turner: "Sponsor indicates that he will yield"

Unes: "Representative, you and I have worked really well together through the years when we're able to and I have always appreciated your willingness to try to find common ground to try to approve... improve on legislation. And that's why I'm a little bit surprised with this piece of legislation at the rapid speed that it is gone through both the Senate and House. And I heard some of your explanation of why you are very proud to fast-track that and certainly understand your concern, and I, too, share the concern of those suffering from disease and certainly understand that the consequence of that disease might not present themselves as quickly as the statute of repose says. But what would be the downside of having some discussions to try to improve or compromise on this Bill?"

Hoffman: "Let me... let me just agree with your previous comments when you began. I'm proud to have worked with you, Representative, on several initiatives in a bipartisan manner. And I would do that in this case if I didn't believe that we aren't so far apart on this issue. I don't agree with some of the previous statements that this is bad for business, I don't. I don't believe that going back to the way it was prior to the court decision in 2015 is bad for business. Business worked in the State of Illinois under that law and

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under that common law for many, many years. I'm just telling you that it's not fair, it's not fair to a person who is exposed to this deadly, deadly disease or contracts this deadly disease and they can't receive just compensation. This is a way to give them just compensation, while I believe making sure that diseases that manifest themselves early still remain under the Workers' Compensation Act."

Unes: "So, because you feel that we're too far apart, there's not the willingness to try to come together, because, Representative, our side of the aisle was told to my understanding that the Trial Lawyers were not willing to negotiate. And that doesn't seem like the right way to run legislation."

Hoffman: "Well, I can only tell you what yesterday in committee what I heard from the individuals who represent the defense bar. Okay? They would go a different way. They would suggest that we extend what's called the statute of repose."

Unes: "Right."

Hoffman: "But I already talked about why that is a trap for injured workers, because what that would do, it would essentially indicate that anyone who is currently in the system would be precluded from receiving justice under the current law, and that's why we did this the way we did it."

Unes: "Representative, to that point though, I mean, there is a way to do this. If we are saying that disease will not present itself, and sometimes does not present itself before the end of the statute of repose, why not just use the legislation to extend the statute of repose? And if you're saying it's up to 50 years, go beyond 50 years and then everything would be

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included. It's not that there's individuals that don't have a heart, it's not that there's individuals that don't want to see those suffering from the severe consequences of the disease get help. Let's extend the statute of repose and provide certainty for the insurers, provide certainty for the employers. There are some employers, Representative, that will never have a case of this and their rates are going to be forced to go up if this Bill would pass. There is a better way to do this, by extending the statute of repose that can be done."

Hoffman: "So, I want be clear here. I don't practice in this area of law, okay, but I do know what the status of the law is with regard to the statute of repose. Okay? So, if you were simply to extend the statute of repose as you suggest then individuals who all are ready in the system would be barred, would be barred after the 25-year period, would be barred. And it's a common law theory that would be raised by the defense and I believe in many cases, in most cases would be successful, and that called the vested right of an extinguished liability and it can't be revived. So it's a trap. I don't think it's a trap that we all understand but these individuals would be trapped and unable to be able to receive just compensation as this Bill would allow. And so, I'm not disagreeing with you that that wouldn't make common sense but it doesn't make legal sense because it would precluded the ability to receive just compensation from the employer."

Unes: "To the Bill. Ladies and Gentlemen, please understand when we're talking about a Bill such as this that is so important,

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and the Sponsor just made an explanation, that is not my understanding. My understanding is by extending the statute of repose it will help those that have not presented with the effects asbestos yet to get the help. That will correct the problem. The alternative is what this Bill is doing that is going to drive rates up on every employer. Make no mistake, even if an employer has no worker's comp claims, even if an employer does not have an injured employee, their rates going to go up because of this. Not to mention the fact that insurers have no way to decide how to set rates on something like this and there are including those based here in Illinois, including domicile insurance companies based in Illinois could be very well forced out of the market should this Bill pass. There's a way to correct this without going about it this way and the House should pause to make sure its gets it right, because I know that many of you on that side of the aisle that really want to help your friends that are pushing this Bill so hard, you should pause also. Because at some point when we have Bill, after Bill such as this going about it the wrong way, we're going to get to a point where as those very same friends aren't going to have anyone left... there's not going to be anyone left in this state for them to sue. Vote 'no'."

Speaker Turner: "Chair recognizes Representative Ugaste."

Ugaste: "Thank you, Leader. Will the Sponsor yield?"

Speaker Turner: "The Sponsor indicates that he will yield."

Ugaste: "Thank you. Leader Hoffman, we had quite a bit of discussion about this yesterday in committee, so I'll keep it to a few questions. If this Bill, SB1596, passes, will it

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provide recovery for those who have incurred such a disease that it is meant to address outside the 25-year period of repose before the actual passage of the Bill or only for those diseases that are contracted after the date of passage?"

Hoffman: "I apologize, Representative, please. We don't have a time limit, but I didn't quite... I couldn't quite hear you."

Ugaste: "Oh, certainly. I'm sorry."

Hoffman: "It's not your fault, there's just..."

Ugaste: "I understand. If this Bill passes, will it provide a recovery mechanism for people who have contracted the disease before the date of passage of the Bill that are currently precluded outside of the statute of repose or only for those who have developed the disease after the date of passage of the Bill?"

Hoffman: "So, the intent is to this Bill, it isn't retroactive in that it doesn't apply to cases currently pending. It allows victims diagnosed after the Bill's effective date, so if you diagnosed after the Bill's effective date to pursue justice for their latent injuries. So, in other words, that your... after the Bill's effective date if you're diagnosed after 25 years. So unfortunately, and some would say that unjustly, Mr. Folta's family would not receive any compensation as a result of this legislation."

Ugaste: "Okay."

Hoffman: "So, Mr. Folta was the individual who was the plaintiff in the lawsuit that resulted in November 2015 Supreme Court decision."

Ugaste: "Correct, I understand. Thank you. I was asking the question because I thought in committee yesterday I heard

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something different, but thank you for clarifying that point. What diseases other than mesothelioma will be covered by this?"

Hoffman: "I can only tell you my knowledge, and this is my knowledge and based on testimony that was taken yesterday in Judiciary Committee, that as of right now, my knowledge, is the only diseases currently that manifest themselves after exposure and latent diseases that lie dormant, you know, past the 25-year period and the ones that I heard of mesothelioma."

Ugaste: "Okay. Is it there a potential for others disease to be included though?"

Hoffman: "Yes, there is, if the same fact... the facts warrant themselves, yes."

Ugaste: "And does it also include other potential injuries in that Workers' Compensation Act is being amended as well?"

Hoffman: "No, I don't believe that. So, I'll just read this... and I'm not taking your time, but I want it to be in the record because I wanted the people to understand for the purpose for legislative intent. That the legislation is not intended to apply to victims of occupational disease, who could not recover benefits under the Workers' Compensation Act and Occupational Disease Act, due to the repose provisions within those Acts. It is not intended to allow for additional civil actions in the case of any injury or any disease for which the worker received benefits under the Workers' Compensation Act or the Occupational Disease Act. So, if you've receive compensation previously under those two Acts, you can't then later get a second bite of the apple."

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Ugaste: "So that gets to one of my next questions. It doesn't provide for any type of double recovery then at all. Is that correct?"

Hoffman: "It does not."

Ugaste: "Okay. I have to ask then, again, why this statement about the person bringing the action would have the non-waivable right to bring such an action against any employer or employers?"

Hoffman: "I can just say that if you were to receive compensation under the Workers' Compensation Act or the Occupational Disease Act, you can't then avail yourself of this... the provisions under this Act. There's no double recovery, you get one bit at the apple, and if you receive it under the current statutes, in other words, its prior to the 25... it is diagnosed or manifest itself prior to the 25 years of the statute of repose. And... and you avail yourself and utilize and do it within the current of the statute of limitations, you do not get additional recovery under the provisions of this law."

Ugaste: "Okay. Do you know the reasons for that statement, Speaker? Or is..."

Hoffman: "I don't... I don't, other than what I have said for the purpose of legislative intent."

Ugaste: "Okay. Thank you. As far as the other conditions, the potential conditions, because we already indicated there could possibly be other potential conditions, are they also the ones that could currently be covered under the time periods of the two to three years within the Occupational

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Disease Act or are those not included in this piece of legislation?"

Hoffman: "Well, I would think that... and just so we're clear with regard to the current workers' compensation in the statute of repose that statute of repose simply applies, my understanding, to asbestos and exposure to radiological materials, but having said that if there is some other type of exposure to... it could be benzene or something else that later manifests itself in a diagnoses after the 25 years, and it is not diagnosed prior to the 25 years, then you can avail yourself of the provisions of this law."

Ugaste: "Okay, but it would definitely... it would definitely have to be after the 25-year period not just the 2- to 3-year period, Leader?"

Hoffman: "Yeah... so you still have to comply with the statutes that are currently under the Workers' Compensation Act or the Occupational Disease Act, okay? If you don't comply with those with statute of limitations then you would be precluded. However, if outside the 25 years then you're diagnose or your disease manifests itself, you would then still be under a statutory negligence to your statute of limitations."

Ugaste: "Okay. Thank you. I believe you've answered the question. Has there been any analysis of the cost to the business community of such a change to the statute?"

Hoffman: "The only note that was filed was a state fiscal note. And I basically disagree with the state's fiscal note, however only because it indicates that based on some of the history of workers' compensation claims and this, as you know, that doesn't make any sense under this Bill. But here's what it

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reads, however, based on the average cost of workers' compensation claims and the percentage of claims that are denied for a timely filing CMS estimates the proposed legislation could result in the cost increase of \$250 thousand annually. I think the logic is flawed, but that's the state cost. I don't believe that there will be a significant cost to businesses in the state, and I don't buy the fact that there would... there will be an increase in the amount that is paid by businesses and insurance as a result of this."

Ugaste: "Do you know as for the cases that's meaning to address immediately if business will have been able to provide themselves with insurance to cover this? Was that available or will they have done that?"

Hoffman: "Generally these are policies that are decades old. So you could have been exposed to asbestos in the 60s... 50s, 60's, 70s, maybe early 80s, it's not near as prevalent today. However, then it doesn't manifest itself for 30 years. So back then most of the insurance policies obviously covered. And what was done prior to Folta in 2015 is coverage... it was being covered. And so, I believe, that's not going to be a problem. I view it as a red herring. That's just my thoughts, you may have different thoughts."

Ugaste: "What would happen to a business who is facing such a claim such as this that doesn't... isn't covered by insurance for it, if you know, Leader?"

Hoffman: "Well, they would be liable."

Ugaste: "Okay. And anything... thank you."

Speaker Turner: "Chair recognizes Representative Welch."

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

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Speaker Turner: "Sponsor indicates he will yield."

Welch: "Jay, I just have a few questions... I will try to be brief because a lot has already been said here this afternoon. You pretty much made it clear that if you go to your doctor and the doctor says you have mesothelioma, he's basically telling you that you have a death sentence. Is that correct?"

Hoffman: "You... a hundred percent of individuals who contract mesothelioma die."

Welch: "And those who have contracted this disease got it because of some toxic substance that they were exposed to, correct?"

Hoffman: "Yes, primarily asbestos."

Welch: "And at their place of work?"

Hoffman: "Yes. But not necessarily at their place of work. It could be... you could have been exposed at other places, but primarily it is at your place of work."

Welch: "And... in a hundred percent of these cases, this type of exposure is beyond the control of the people who have contracted the disease."

Hoffman: "Yes."

Welch: "Your Bill..."

Hoffman: "And 90... probably, nearly a hundred percent of the time it was their knowledge to the fact that being exposed to this asbestos was going... could result in later in life contracting of this terrible disease was probably... they probably did not know of that, most did not."

Welch: "Well, that's... that's the exact point here. Most do not know until they've actually been told they actually have the disease and then they have to go back and trace where they may

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have come into contact with this. And most of the time they find out it was at a place of employment. Is that correct?"

Hoffman: "Yes."

Welch: "You know, I wasn't going to speak on this Bill, but then earlier in this debate a lot of my colleagues on the other side applauded one of the speakers on the Bill and I couldn't help but note that a large part of that argument was about corporations. Your Bill here today focuses on given victims' rights. Is that correct?"

Hoffman: "Yes."

Welch: "Not the corporation?"

Hoffman: "That's correct."

Welch: "To the Bill, Mr. Speaker. That's it in a nutshell. I don't even understand why this debate has gone on so long. I definitely don't understand why we're clapping and applauding and defending corporations. What we're trying to do here today is very simple and that's give access to the victims, to the victims who are thinking about their families when they're gone. We are fighting for people, not corporations. That's what we're supposed to be doing here today. And that's why I stand here in strong support of Senate Bill 1596. Let's be clear, it's about access to justice. We should pass the policy here today that Illinois Law should provide access to justice for victims. We're not here to fight for these corporations who many times know that their employees are exposed to substances that will later kill them. Your vote here today is for victims or corporations, which side are you going to pick? I implore you to punch that green button and vote for the

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victims here today and vote 'yes' on Senate Bill 1596. Thank you, Mr. Speaker."

Speaker Turner: "Chair recognizes Representative Batinick."

Batinick: "Thank you, Mr. Speaker. I'm gonna... I'm gonna to go straight to the Bill, surprisingly. A couple of the things I want to get on the record first. Mesothelioma is an absolute a horrible disease, horrible thing to have happen. And one of the things that is disappointing to me is I searched the Bill and mesothelioma is not in the Bill. And if we're going to try and attack that issue we should specifically state that that is the issue, instead of the open-ended nature that this Bill has. We are all for on this side dealing with this mesothelioma issue. That's are number one. Number two, I have the Supreme Court ruling in my hand here and it actually talks about fixing this issue within the Acts and those Acts are the Workers' Compensation and Occupational Disease Acts, that's where the Supreme Court is telling us to do it. So we don't have mesothelioma in the Bill, and we're not fixing it in a way that the Supreme Court suggested. Lastly, one of the first things I had done was a study on the impact of higher insurance cost on all units of government in the state, and it's already hundreds of millions of dollars. That's hundreds of millions of dollars that isn't going to social services. That's hundreds of millions of dollars that isn't going to educate a small kid, build a road, help with a capital Bill. I mean, there's \$300 million which is more than after the supposed tax increase we're going to add to our unfunded pension liability. So, all these small decisions we make have consequences to other needy people as well and other needy

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services as well. Because of that reason, because we are not defining mesothelioma in the Bill, I urge a 'no' vote."

Speaker Turner: "Chair recognizes Representative Wheeler."

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

Speaker Turner: "Sponsor indicates that he will yield."

Wheeler: "Jay, listening to this debate, I was obviously not in Jud-Civ, I was waiting for this Bill in Labor, like we usually get together and discuss these things as we have for over the last four years. Help me understand the difference in this, if a person were to contract this horrible disease 24 years after exposure, you believe it should remain in a workers' compensation system?"

Hoffman: "So, are you saying that an individual is exposed and then 25... 24 years later he is diagnosed?"

Wheeler: "Yeah, where ever that trigger is right now is. I'm looking at the difference between the threshold of 25 years and after."

Hoffman: "Yeah. You still would be cover by the workers' compensation system."

Wheeler: "And you believe that's... you shouldn't... why didn't we extend this to 30 or 40 or 50 years? What was that explanation you gave earlier? I want to hear that again, I just didn't understand it quite."

Hoffman: "Well, the current statute and repose is 25 years."

Wheeler: "Right."

Hoffman: "And so, this Bill does not change the statute of repose. And I think in previous debate, with a previous Representative, I indicated why that was impossible to do, because it would preclude certain people from even if they

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contracted after 25 years if you change the statute of repose, it would preclude them from receiving compensation under this Bill."

Wheeler: "Very briefly, could you just reiterate that reason so I could hear it so other Members didn't hear that reason."

Hoffman: "As I indicated earlier, there is a legal common law concept it's called the vested rights of an extinguished liability and that can't be revived. So if you're in the system now and you change a statute of repose that means that you live by the old system, and therefore, you will be barred under the old system."

Wheeler: "Okay. So you're saying this is a... legal process that we'd have to fix another way rather just extending it, we'd have to write a whole another Bill that will give them a separate set of coverage then if it were possible to do at all?"

Hoffman: "That's my understanding from testimony yesterday and my understanding of common law."

Wheeler: "Okay, thank you for answering that question. Is there any way we can measure the potential impact on liability insurance for... as you know, I always bring up the small business issue when it comes these kind of legislative initiatives, how we measure what that impact would look like? Because there's clearly concern for the people that reached out to me in the last 24 hours since this went through committee about that specific issue."

Hoffman: "Well, let me just... I think it's difficult to a dollar amount on it, but I can just... if I can walk you through the whole process of an individual who is working for an employer

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and it may be in the late 1970s was exposed to asbestos and the employer knew it, okay. So what would happen then, it may lay dormant for 30, 40, 50 years, so the statute of repose passes at 25 years. Under current law as a result of the 2015 decision at Folta, the Supreme Court said, you... good news, you're still subject to the Workers' Compensation action... or Act, but bad news is you can't recover. Okay. So you may be subject to the Act and still have jurisdiction under the Act, but the bad news you can't recover."

Wheeler: "I get the concept, I'm just trying to figure out the impact."

Hoffman: "Under this Bill though, under this Bill..."

Wheeler: "Right."

Hoffman: "...an individual, he would be exposed, 25 years go by. Let's say... its 30 years, under this Bill he can still bring a negligence action, a legal action, against the employer he would not be precluded. Now if someone indicated earlier there may be other defendants that have already been included in the lawsuit, okay. You only recover once for your damages. You don't double recover, it's called contribution. So whatever the employer would be subject to being liable for, you then would have that employer contribute that percentage. They may not be as liable as the manufacture or some the others that were involved in the supple chain who knew. So, I don't believe that this is gonna to have a huge impact on employers, employer's liability insurance, because it didn't have a huge impact prior to 2015 when the law was essentially what we're trying to do now..."

Wheeler: "Okay. Well, that brings me..."

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Hoffman: "And I know that's a long explanation but..."

Wheeler: "It is, and I appreciate your explanation. My question is then, Jay, becomes we aren't limiting it this to asbestos related mesothelioma, which there is a direct cause and effect. We're saying any disease can be discovered at that point, right? So, I mean, there's... there can be additional things come along, other challenges. If you are... I'm a layman, so I'm just, you know, make a guesstimate here. If you are maybe an X-ray tech, work with X-ray machines, and years go by and a cancer develops can that be something would be subjected to this... what we're opening today the door too?"

Hoffman: "I... I'm not a medical expert or a scientific expert, I'm just telling you what was said in committee that basically the only thing right now that has a latency... is a latent disease that has a dormancy period that is actually over 25 years is 30 to 50 years is the onset of mesothelioma. I don't know if you're exposed to, you know, benzene or something else whether that dormancy period exists that long or it's prior to the 25 years, I don't know that."

Wheeler: "Jay, I appreciate the answers to your questions. To the Bill. Ladies and Gentleman, this is a pretty big initiative. The Supreme Court ruling was four years ago, we could have been talking about it together in a collaborative manner for the last four years. I know that we did not, we worked on some other things over the last four years. So consequently we could have been... again, finding a way through this process to give companies... and I'm going to say this about a small business for a second, we are really are dependent upon our insurance companies. And if our insurance companies see a

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great threat or even if imagining a threat, there's a chance that are potential premiums will rise, some people may go out of business, some may choose not to cover us. There's a lot of questions I still have about this Bill. I know that the employers have contacted me in the last 24 hours are numerous, and they have many questions about this Bill as well and the potential impact it will have repercussions for a long time to come. This goes back to the point where we are taken a shot without clarity. I wish we'd work together more and work this through more. Please vote 'no'. Thank you."

Speaker Turner: "Chair recognizes Representative Tarver."

Tarver: "Will the Sponsor yield?"

Speaker Tarver: "Sponsor will yield"

Tarver: "Leader Hoffman, may I call you Jay for the next few moments here? A few quick questions for you."

Hoffman: "Yes."

Tarver: "Number one, just as a general matter, is it your understanding when people bring a lawsuit... I mean, there was a lot of conversation about that, you know, an individual may have recover from 14 out of 15 people, but for number 15 this individual would have been presumably without a death sentence. Is that correct? Presumably they would not had a death sentence if it were not for the behavior of the 15th party, is that right?"

Hoffman: "Yes, that's fair. Yes."

Tarver: "So just because 14th..."

Hoffman: "And you would have to prove that, Representative, you know that. You would have to prove causation, you would have to prove that they knew or should have known. So, you still

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have to prove the elements necessary to prove that they would receive compensation. So, yes."

Tarver: "And you probably anticipated my next question. So is there anything in the Bill that removes the right for a corporation to have counsel to defend against this?"

Hoffman: "No, no."

Tarver: "Okay. So they still have a right to have a hearing, a trial, or something in some kind of tribunal. Is that correct?"

Hoffman: "Yes, that is correct."

Tarver: "Okay. And this does not change the statute of limitations of two years right now, does it?"

Hoffman: "It does not."

Tarver: "Okay. And this only relevant any instance that someone finds out about this deadly disease after 25 years. Is that correct?"

Hoffman: "After 25 years of exposure, yes."

Tarver: "Okay. So if you find out within the 25 years. Where do you go?"

Hoffman: "You're in the... you would be under the jurisdiction of the Illinois Workers' Compensation Commission."

Tarver: "Okay. I think we already covered it. There is no double recovery. Is that right?"

Hoffman: "That correct."

Tarver: "Okay. And so given that a hundred percent of people would die and typically, I think you said they die within about nine months of the diagnoses. Is that right?"

Hoffman: "That's my understanding that is the average, yes."

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Tarver: "Okay. So in a situation where the individual who... I doubt they come to the doctor excited or come home excited when they tell their family about the fact they have a death sentence, but in that instance unless the case settles let say nine months or less, does the individual who have the death sentence even receives the money?"

Hoffman: "No, he or she does not"

Tarver: "Typically it goes to the family, right?"

Hoffman: "Yes, that is correct."

Tarver: "Because you can't take it with you, right?"

Hoffman: "I wish we could."

Tarver: "Right. There was a lot of conversation, you know, about there's only one disease right now and whether this special legislation. Is it... does it make sense to you that we enumerate the diseases only as after someone dies and then bring it to the Body?"

Hoffman: "Well, we don't know what the future holds and we don't know what type of latent diseases may occur as a result of the exposure to other chemicals that may be taking place or have taken place. So I don't believe it's prudent to simply limit."

Tarver: "So you would agree that one person dying before we bring it to the Body about this latent disease is probably one too many?"

Hoffman: "I would agree with that. And I want to make a point that the defense attorney's representative who testified yesterday Judiciary Committee, Representative, if you may remember, he even testified that he wouldn't limit in this

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case to just mesothelioma and that's the defensive attorney saying that."

Tarver: "And when we talk about fast-tracking, there's a process. Is that right? I mean we had a committee meeting yesterday, right?"

Hoffman: "Yes, and we went through the constitutional provisions of having been read three times in each chamber."

Tarver: "And everyone in the committee had an opportunity to ask questions. You remember that right?"

Hoffman: "Yes."

Tarver: "Did Chairman Thapedi cut anybody off yesterday from asking questions?"

Hoffman: "No, he ran excellent committee."

Tarver: "Okay. And so both the proponents and the opponents had an opportunity to ask those questions. Is that right?"

Hoffman: "Yes. It was fair and no one was cut off."

Tarver: "All right. To the Bill. I mean, this is actually very, very straight forward. We're talking about people's lives and the people who were harmed the most are the ones who will never see the recovery. It's the families who are left... left in really in harm's way and they're losing family members, parents more often than not. And to... to deny them the ability to recover because they unfortunately did not know 25 years prior or within the 25-year period that they had a latent disease that was going to kill them is absolutely asinine. I support the Bill, I chief-co it, I appreciate it. Thank you."

Speaker Turner: "Chair recognizes Representative Wehrli."

Wehrli: "Thank you, Mr. Speaker. Should this Bill receive the requisite number of votes I request a Roll Call verification."

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Speaker Turner: "Representative Wehrli has requested a verification. Members are ask to be at their seats upon the vote to vote their own switch. Representative Connor is recognized."

Connor: "Thank you, Mr. Speaker. I rise in support of SB1596 today... to the Bill... because of a personal association with mesothelioma. When I was at the Will County State's Attorney Office, Jimmy Stewart was one of the investigators for the State's Attorney's Office. He was 62 years old; he was a marathon runner. He ate healthy; he exercised every day. And at the age of 62, he came in one day, and I can still remember the conversation, it's fresh in my head, and he sat down and explained to me that he been diagnosed with mesothelioma. Never smoked, had not worked with asbestos as far he can remember. And I asked him, I said, Jimmy, how... I don't get this. You... how did this happen? And he said that after talking to his doctor what he figured out is that when he was in his teens he worked with his dad at his dad's business, and they cleaned out asbestos lined pipes during the summers. So, he didn't spend 30 years in asbestos abatement. All he did was help his dad for two summers cleaning out asbestos-lined pipes, and 40 years later he found out that was going to kill him, and he survived for two years. And I was just reading an article in the *Chicago Tribune* about how right after his death, his last murder case, a case he had championed within our office, there was a conviction in that case, obviously, it was too late for Jim at that point. But the bottom line is, is that his exposure to asbestos was 40 years before he was diagnosed. So, what Leader Hoffman has been talking about,

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the fact this is a disease that lays dormant, I can tell you from personal experience that is, in fact, what mesothelioma does. So it is very, very important that people understand the individuals who are involved with this diagnosis. He died at the age 64. He was one of the healthiest people I knew. So, years of his life and his time with his family were wiped out because of asbestos back when he was a teenager. So again, I rise in support of this Bill. I want to thank Leader Hoffman for bringing this forward. This addresses an issue that needs to be addressed because of the specific nature of a disease like mesothelioma that lays dormant for such a long length of time. Thank you, Mr. Speaker."

Speaker Turner: "Representative Hoffman to close."

Hoffman: "Well, thank you, Mr. Speaker, Ladies and Gentlemen of the House. And I thank the Members on the other side of the aisle for a lively debate. I guess I understand where you're coming from, I just whole heartily disagree. As the previous speaker indicated, that's a real life experience, people being exposed to asbestos, 40 years later they contract the terrible disease. They... through no fault of their own are given a death sentence. And under the laws, currently the common laws as a result of this decision, the 2015 decision of Folta, the court has begged us for a solution. They don't believe that their decision based on current law was something that was not harsh, they believed it was harsh, and they indicated in their decision that they believed the results were harsh. And they indicated to us that this question more appropriately needs to be address by the Legislature. I find it ironic that the individuals from the other side of the

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aisle are now standing up and beating their chest saying that we shouldn't a causation standard, that we shouldn't have a negligence standard, when for four years there was Bills that are introduced in the workers compensational arena where you wanted to have and get rid of the strict liability and have causation interjected into the strict liability section of the Workers' Compensation Act. We fought that for four years, we fought that for four years. And I find it, I guess, as Representative Welch said, disturbing, disturbing, I get, people have to represent their interest represent businesses, but these folks it's a death sentence, they're dying, they're gonna to die. And to applaud a speech, either side, this is so serious whether it's me speaking or it's individual speaking on behalf of businesses, to applaud when these poor souls have been given a death sentence, through no fault of their own, and all we're saying is one thing, give them and their families a right to justice to recover for the wrongs that have been done them. That's all this Bill does. I believe it does it in a just and equitable manner. And I ask for an 'aye' vote."

Speaker Turner: "Members, a verification has been requested by Representative Wehrli. Please be at your seat to vote your switch. The question is, 'Shall Senate Bill 1596 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this measure, there are 70 voting in 'favor', 40 voting 'opposed', and 1 voting 'present'. Representative Wehrli, do wish to persist? He does not. And with 70 Members voting

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'yes', 40 voting 'no', 1 voting 'present', Senate Bill 1596, having received a Constitutional Majority, is hereby declared passed. Representative Wehrli, for what reason do you seek recognition?"

Wehrli: "Thank you, Mr. Speaker. Point of personal privileged, if I may?"

Speaker Turner: "Please proceed, Sir."

Wehrli: "Today I rise to congratulate my Springfield Legislative Assistant Lisa Ginos on a retirement. She has served the House Republican Caucus and the people of Illinois for 21 years. She has worked for several different Legislators on this side aisle and today is her last day. She is picking up things out of Illinois and moving to Texas, so effort... many years of hard work here. She's going to move to a state that she finds to be a little bit more friendly to her pursuits and her grandkids also happen to live there. So if we could take a moment and congratulate my Springfield LA, Lisa Ginos, on her retirement today."

Speaker Turner: "Thank you, and congratulations. Representative Mayfield, for what reason do you seek recognition?"

Mayfield: "Personal privilege."

Speaker Turner: "Please proceed, Representative."

Mayfield: "Thank you. I'd like to present to you today, I'd like to talk about Gwendolyn Brooks. She was born in Topeka, Kansas on June 7, 1917 to Keziah Brooks, a school teacher, and David Anderson Brooks, a janitor, who aspired to be a doctor. Brooks and her family moved to Chicago shortly after where they realize young Gwendolyn had talent for reading and writing. At the age of 13, Brooks published the poem, *Eventide*, which

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appeared in *American Childhood*, a children's magazine. While in high school, Gwendolyn had composed over 75 poems in outstanding feature poems in the *Chicago Defender*, a local newspaper, catered to the African-American community. The racial prejudice that she experienced while attending three Chicago high schools was used as an inspiration in her works. Once graduated from Wilson Junior College in 1936, she joined the NAACP as the Director of Publicity. She became married in 1939 to Henry Lowington Blakely, Jr. and gave birth to two children Nora and Henry. At this time she finished her first book of poetry, *A Street in Bronzeville*, which focused on the oppressive reality that African Americans had to face in the late 1940s. The work was a huge success, and it inspired her next poetry book, *Annie Allen*, about an African American who was growing up into womanhood in Chicago. *Annie Allen* won a Pulitzer Prize in 1950. Brooks eventually taught poetry at universities around the country, while also continuing to write her own poetry. Some of her major successes at the time included: *The Bean Eaters*, *In the Mecca*, *Maud Martha*. Gwendolyn Brooks served as the first African-American poetry consultant for the Library of Congress from 1985 to 1986. She continued to inspire the youth in Chicago to write poetry through writing workshops and poetry contests. She received a lifetime achievement award in 1989 from the National Endowment for the Arts. Mrs. Brooks passed away December 3, 2000 from cancer. She will forever be remembered for her inspiring poems and contributions to African-American history. Thank you."

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Speaker Turner: "Thank you, Representative. Representative Wheeler, for what reason do you seek recognition?"

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

Speaker Turner: "Please proceed, Sir."

Wheeler: "I'd like to continue our efforts in the bipartisan matter here on Women's History Month. Today honoring Ruth Hanna McCormick. Ruth Hanna McCormick was a trailblazer for Women in Illinois politics during the first-third of the 20th century. Becoming the first woman elected to Congress in Illinois and the first the woman to win a statewide race in State of Illinois. Her roots and her contributions to the people of Illinois run much deeper than her success at the ballot box however. Ruth Hanna was born on March 27, 1880 in Cleveland, Ohio. She was the third child of businessman and Republican political leader Mark Hanna and Charlotte Augusta Hanna. After high school, Ruth Hanna went to Washington D.C. to work as a secretary for her father, who was serving as a United States Senator from Ohio. Her interests were not limited politics, she was also very interested in agriculture. And she moved to Illinois after she married Medill McCormick in 1903, where she and her husband operated a 1500 acres dairy farm in Byron. She also gained an interest in print media as her husband worked briefly as the publisher of the *Chicago Tribune*. Throughout her life, Ruth Hanna McCormick used her keen political insights to fight for important causes such as woman suffrage and improve working conditions for women. In fact, in 1913, Ruth Hanna McCormick was instrumental in passing a partial suffrage law in Illinois that allowed women to vote in municipal and presidential

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elections. She continued to play in a critical a role advocating for women in suffrage until the 19th Amendment was ratified in 1920. Widowed in 1925, she remained active in politics. In 1928, Republican Ruth Hanna McCormick became the first woman elected to congress from Illinois when she won an at large seat for the state. She served in Congress from March 4, 1929 until March 4, 1931. This win also made her the first woman in Illinois to win a statewide race since it was an at-large seat. In 1930, she broadened her interest by purchasing all of the newspapers in Rockford, Illinois. She formed the *Rockford Consolidated Newspapers* which included the *Rockford Register Republic* and the *Rockford Morning Star*. Ruth Hanna McCormick did not seek reelection to second term in Congress, but chose instead to seek in seat in the United States in Senate. In 1930, she became the first woman to be nominated by a major party for the United States Senate when she defeated incumbent Senator Charles Deneen in the Republican Primary. She was, however, unsuccessful in the General Election that year. Upon leaving Congress, she moved to Colorado so she could live near two of three of children who attended school there. In 1932, she remarried this time to former New Mexico Congressman Albert Simms whom she got to know when they sat next to each other in Congress. Eight years after leaving Congress, she became the first woman to manage a presidential campaign when she ran the campaign for presidential hopeful Thomas Dewey. She would continue to blaze a trail for women in political leadership roles and she held several top spots within the Republican National Committee. And after living an extraordinary life, Ruth Hanna McCormick

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Simms died on December 31, 1944 at the age of 64. Upon her death 12 thousand acres from a New Mexico ranch she owned with her husband were donated to the Albuquerque Academy. And in 1974, the school opened a fine arts center named after the couple. The Rockford Chamber of Commerce also posteriorly named Ruth Hanna McCormick Simms to the Northern Illinois Business Hall of Fame. Ruth Hanna McCormick Simms was a key influencer and one of the first pioneers in a movement to provide women with a political voice. Through her advocacy a woman's issue in service as elected member of Congress, she paved the way for future women to hold an elective office in the state. We owe her a debt of gratitude and I'm proud to honor her legacy today as part of Women's History Month. Thank you."

Speaker Turner: "Thank you, Representative. Representative Stuart, for what reason do you seek recognition?"

Stuart: "A point of personal privilege."

Speaker Turner: "Please proceed."

Stuart: "Thank you. I wanted to take just a moment to introduce the Pages that I have today. If you guys will stand up. I have three out four of the Berger siblings from Collinsville, Illinois. And Katlyn is the oldest. She won the opportunity to be a Page here in a school lottery and was kind enough to let her younger siblings join her for the day. So, I think they owe her big time. Katelyn is an avid reader, she's apart of her schools choir, speech, and drama clubs. She's a swimmer and also likes to play volleyball. She wants to be a microbiologist or an actor when she grows up. Next in line is Luke, and Luke is a strong swimmer who likes to play all

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sports, especially baseball. He's also part of the school drama club. When he grows up, he would like to be a police man 'cause he is inspired by his grandfather or a professional swimmer. And then Claire likes to do gymnastics and is part of an acrobatics and tumbling team. She loves soccer and also competitive swimming. Claire wants to be either an actor or a teacher when she grows up. I hope she goes to that root because we know we need more teachers. They're joined today by their mother, Michelle Berger, who's up in the gallery. And if we can give them warm Springfield welcome. And Claire says, she wants to do work, so please put her to work. Thank you."

Speaker Turner: "Thank you, and welcome to your Capitol. Chair recognizes Representative Conroy. For what reason do you seek recognition?"

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

Speaker Turner: "Please proceed."

Conroy: "I'd like to take a moment to introduce my Page for the day today. Someone who is very special to me, his name is Stefano Buonsante. He is here today from Elmhurst. He is a four... fifth grader at Lincoln School. Stefano is very talented guy, he not only loves cars he plans to design them. So, look out you guys may all be trying to save your money one day for a very fancy, very fast car. Please help me welcome, Stefano."

Speaker Turner: "Thank you, and welcome to your Capitol. Representative Meyers-Martin, for what reason do you seek recognition?"

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Meyers-Martin: "Thank you, Mr. Speaker. I would like to express my condolences for one of the families in the 38th Representative District."

Speaker turner: "Go right ahead, Representative."

Meyers-Martin: "Thank you. On behalf of the residents of the 38th Legislative District and this General Assembly Body, I want to send my deepest condolences to the family of U.S. Army Captain Antoine Lewis. Captain Lewis was a native of Matteson, Illinois, who died in the Ethiopian airliner crash on Sunday. The Lewis family is an all-American family who prides themselves on helping their fellow neighbors. Captain Lewis was on a vacation traveling to Africa on a volunteer mission. I join Matteson Mayor Sheila Chalmers-Currin in proclaiming that Captain Antoine Lewis was a true American hero who loved his community, and he will be greatly missed."

Speaker Turner: "The Body will take a moment of silence. Thank you, Representative. Representative Parkhurst, for reason do you seek recognition?"

Parkhurst: "Point of personal privilege."

Speaker Turner: "Please proceed, Representative."

Parkhurst: "Tomorrow, March 15, marks the 20th anniversary of the Amtrak train derailment in Bourbonnais, Illinois. Twenty years ago at 9:47 a.m. the south bound City of New Orleans Amtrak train collided with a semi-trailer truck loaded with 18 tons of steel bars. The train derailed killing 11 people and injuring 121 people. In remembrance of the victims and their families, I ask for a moment of silence."

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Speaker Turner: "The Body will take a moment of silence. Thank you, Representative. Representative Hammond, for what reason do you seek recognition?"

Hammond: "Point of personal privilege, Mr. Speaker."

Speaker Turner: "Please proceed."

Hammond: "Thank you. Today is National Agriculture Day, and also continuing our commemoration of Women History month, I would like to take this opportunity to honor Joni Bucher, the president of Illinois Beef Association. Joni is from my district. She's a fourth-generation western Illinois farmer who didn't begin farming until she was in her 40s. She was close to the age of 50 when she started raising cattle, first time after completing a career in the pharmaceutical industry. Joni has two sons, Brandon and Quintin, they help to run the family farm, making it a family affair. They have a cow/calf operation on their farm with a permanent heard of mother cows that number 80 and they produce calves for sale. Joni focuses on raising cattle with the sound health and excellent growth potential. The philosophy is to care for the environment and to do her bit to help feed the world on her 88 acres that she calls her, quote unquote, 'happy place'. Joni should be commended for her hard work and her commitment. Many days she is up before dawn and falls exhausted onto her pillow late in the evening hours, but she is fulfilled, has a sense of accomplishment, because of the legacy that she has with her family and how they are caring for the land and the cattle that they raise. Thank you, Joni, for your passion and your resulting hard work and for what you do for agriculture. It is recognized, admired, and honored."

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Speaker Turner: "Thank you, Representative. Chair recognizes Representative Davis. For what reason do you seek recognition?"

Davis: "Thank you, Mr. Speaker. I'm not introducing a Page or anything like that, and we appreciate the speeches on Women's History Month, but what I am doing is inviting everyone in the General Assembly, as well as anybody still listening, to what will definitely be the best party in Springfield next week, little something that we call Stone Jam. So, for those of you who are familiar and remember the music of the 70s on the disco side and for those who like house music, I encourage you to be there next Tuesday or this Tuesday coming up after 8:00. Now mind you, it's after 8 which means you go do all your other stuff first and then you come party with us at The Gin Mill on South 5th Street. So again, next Tuesday, Tuesday coming up, come to Stone Jam. Go home and change and put on your jeans and your dancing shoes and come hang out with us on Tuesday at Stone Jam. Thank you very much, Mr. Speaker."

Speake Turner: "Thank you, Representative. Representative McCombie, for what reason do you seek recognition?"

McCombie: "Thank you. Speaker. Point of personal privilege. Today... just if I could get everybody's attention. We are thankfully saying... we want to say thank you to Lauren Mesmore. She's of our house staffers who I first met... and some of... we've got a lot of new folks here today... I first met her here in Springfield with a big huge white sign that said Representative Tony McCombie was the first time I ever saw her. And as you know we all have that special person in our life that first... you know, said welcome to Springfield. So,

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we just want to say thank you. She's been here for over six years. She's going to be staying in Illinois, going to the University of Illinois Chicago Health Systems. And we just want to wish her thanks and the best of luck in her new position."

Speaker Turner: "Congratulations. Thank you Representative.

Mr. Clerk, Agreed Resolutions."

Clerk Hollman: "Agreed Resolutions. House Resolution 188, offered by Representative Tarver. House Resolution 189, offered by Representative Tarver. House Resolution 192, offered by Representative D'Amico. And House Resolution 193, offered by Representative Edly-Allen."

Speaker Turner: "Leader Harris moves for the adoption of the Agreed Resolutions. All in favor say 'aye'; all opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. And the Resolutions are adopted. And now, allowing perfunctory time for the Clerk, Leader Harris moves that the House stand adjourned until Tuesday, March 19, at noon. Tuesday, March 19, at noon. All in favor say 'aye', all in opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. And the House is adjourned."

Clerk Hollman: "House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 3809, offered by Representative Skillicorn, a Bill for an Act concerning State government. House Bill 3810, offered by Representative West, a Bill for and Act concerning transportation. First Reading of these House Bills. Introduction and First Reading of Senate Bills. Senate Bills 62, offered by Representative Costa-Howard, a Bill for an Act

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concerning government. Senate Bill 111, offered by Representative Willis, a Bill for an Act concerning regulation. Senate Bill 1289, offered by Representative Kifowit, a Bill for an Act concerning State government. Senate Bill 1480, offered by Representative Morgan, a Bill for an Act concerning employment. Senate Bill 1504, offered by Representative Parkhurst, a Bill for an Act concerning Civil law. Senate Bill 1518, offered by Representative Gong-Gershowitz a Bill for an Act concerning civil law. Senate Bill 1573, offered by Representative Hoffman, a Bill for an Act concerning Public Aid. Senate Bill 1579, offered by Representative Marron, a Bill for an Act concerning revenue. Senate Bill 1584, offered by Representative Davis, a Bill for an Act concerning public employee benefits. Senate Bill 1784, offered by Representative Evans, a bill for an Act concerning government. Senate Bill 1787, offered by Representative Martwick, a Bill for an Act concerning employment. Senate Bill 1797, offered by Representative Morgan, a Bill for an Act concerning children. Senate Bill 1827, offered by Representative Morgan, a Bill for an Act concerning government. First Reading of the Senate Bills. Introduction of Senate Joint Resolution #14, offered by Representative Moeller. This is referred to the Rules Committee. A correction of a Committee Report read on March 14, 2019. Representative Scherer, Chairperson from the Committee on Elementary & Secondary Education: Administration, Licensing & Charter Schools reports the following committee action taken on March 13, 2019: do pass Short Debate is Senate Bill 3053... correction, House Bill 3053, House Bill 3363. There being no

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further business, the House Perfunctory Sessions will stand adjourned."