

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

150th Legislative Day

12/2/2014

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 December 02, 2014: recommends be adopted, referred to the floor is Floor Amendment #2 to Senate Bill 2992, Floor Amendment #2 to Senate Bill 3075."

Speaker Lang: "All right. Excuse the bell, Members of the House. The Republicans are in caucus, so we'll be at ease. The House will be in order. Members will be in their chairs. We shall be led in prayer today by Father Rand York who is with Church of the Resurrection in Wheaton. Father York is the guest of Representative Fortner. Members and guests are asked to refrain from starting their laptops, turn off cell phones, and rise for the invocation and Pledge of Allegiance. Father York."

Father York: "Let's pray together. Lord God, it is You who casts down and You who raises up. You are the source of all authority and the one who ordains leadership. Indeed, everyone in this chamber is here with Your blessing. And we are mindful today that the authority that You give for leadership does not come without a call to servanthood that Jesus demonstrated for us when He washed the feet of the ones that He led. So, may each Member here not only serve their constituents, but also serve each other in this same spirit. And so, imbue this Body today with humility and with wisdom that Your will for us may be done here on earth as it is in heaven, Amen."

Speaker Lang: "We'll be led in the Pledge by Representative Tryon."

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Tryon - 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: "Roll Call for Attendance. Leader Currie."

Currie: "Thank you, Speaker. We have no excused absences to report among House Democrats today."

Speaker Lang: "Congressman Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Durkin, Hays, and Poe are excused on the Republican side of the aisle today. Thank you."

Speaker Lang: "Please take the record, Mr. Clerk. We have 115 House Members present; we do have a quorum. Leader... Mr. Clerk."

Clerk Hollman: "Committee Reports. Representative Bradley, Chairperson from the Committee on Revenue & Finance reports the following committee action taken on December 02, 2014: do pass Short Debate is Senate Bill 2677, Senate Bill 3341; recommends be adopted, a Motion to Concur with Senate Amendment #3 to House Bill 4530, Floor Amendment #2 to Senate Bill 1431, Floor Amendment #2 to Senate Bill 2839, Floor Amendment #1 to Senate Bill 3366. Representative Beiser, Chairperson from the Committee on Transportation: Regulation, Roads & Bridges reports the following committee action taken on December 02, 2014: recommends be adopted, a Motion to Concur with Senate Amendment #3 to House Bill 1022. Representative Franks, Chairperson from the Committee on State Government Administration reports the following committee action taken on December 02, 2014: recommends be

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adopted is House Joint Resolution 115, House Resolution 1297, Senate Joint Resolution 67. Introduction of Resolutions. House Resolution 1369, offered by Representative Ford is referred to the Rules Committee."

Speaker Lang: "The Chair recognizes Leader Currie for a Motion."

Currie: "Thank you, Speaker. I move to suspend the posting requirements so that Senate Bill 2047 can be heard in Counties & Townships, and Senate Joint Resolution 79 may be heard in the Judiciary Committee. I know of no opposition."

Speaker Lang: "There being no objection, does the Lady have leave? Leave is granted. The Chair recognizes Mr. Yingling."

Yingling: "Point of personal privilege, please?"

Speaker Lang: "Proceed, Sir."

Yingling: "I would like to introduce Rudy Repa from my district and he will be here Paging for the House for the entire week. So, let's show him a really good time. Let's get a little rowdy and give him a big round of applause."

Speaker Lang: "Welcome aboard. On page 4 of the Calendar, under the Order of Total Vetoes, there appears Senate Bill 930. Mr. Moylan."

Moylan: "Out of the record."

Speaker Lang: "Out of the record. The Chair recognizes Mr. Bost."

Bost: "On a point of personal privilege, Mr. Speaker, if I could, please."

Speaker Lang: "You may proceed."

Bost: "And if I could get the Body's attention. First off, I... it's a very special day because of a Page we have. Masha Langenstein is here with us. She's here in the aisle and she's

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working as a Page today. Let me tell you why this is special.
Several..."

Speaker Lang: "Ladies and Gentlemen, can we give Mr. Bost your attention?"

Bost: "And if I can get... if Representative Feigenholtz is in the chamber. Representative Feigenholtz and I worked together several years ago because when Masha was adopted from Russia, she... we had trouble getting her out of Russia. And her mom and dad were kind of stuck over there, and things were... and we worked together. And it is so wonderful, Masha, to have you on the floor. And it is so wonderful to watch you grow and watch you to succeed in the level that you are. And thank you so much for coming here and Paging today."

Speaker Lang: "Welcome. Thanks for being with us. Chair recognizes Representative Moylan on Senate Bill 930."

Moylan: "Thank you, Mr. Speaker. Thank you, Members of the General Assembly. Senate Bill 930 amends the Vehicle Code by increasing the maximum speed limit on any interstate highway for motor vehicles of the second division, in other words, trucks, from 55 to 60 miles per hour for interstate highway roads. The maximum speed limit remains at 55 for all noninterstate highways. And I respectfully ask for an 'aye' vote."

Speaker Lang: "Chair recognizes Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. I believe the Governor's Veto message on this legislation was that he did not want to see one family lose their lives based upon the increased speed of these huge vehicles. Prior to our... or shortly after us leaving Session, there was a very... a number of accidents with these

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18 wheelers and trucks. One, there was a car that went up under the 18 wheeler, and there were others. And I am concerned, as our current Governor is, that we will take profit over lives. We want our business people to make as much profit as they can, but not at the risk of the lives of children, and babies, and mothers, and fathers, and senior citizens. The speed we have today is perfectly accurate and perfectly controlling to prevent some of these catastrophes. I don't know about you, but when I travel, I don't want that 18 wheeler on my back going at the same speed I'm going. I agree with Governor Quinn, the current Governor, that this Bill should be vetoed and I support his Veto. I urge a 'no' vote. Thank you."

Speaker Lang: "Mr. Moylan to close."

Moylan: "Yes. The intent of Senate Bill 930 is to reduce the speed differential on rural interstates in the collar counties to more than... no more than 10 miles per hour, which was the speed differential that existed prior to January 1, 2014. Thank you. And I repeat... ask for an 'aye' vote."

Speaker Lang: "Those in favor of the Gentleman's Motion will vote 'yes'; opposed 'no'. The voting is open. This requires 71 votes. Have all voted who wish? Have all voted who wish? Please record yourselves. Cassidy, Manley, Wallace. Wallace. Please take the record, Mr. Clerk. On this question, there are 103 voting 'yes', 12 voting 'no'. And the Gentleman's Motion is successful. And this Bill, having received the Constitutional Majority, is hereby declared passed, notwithstanding the Veto of the Governor. Mr. Sandack."

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Sandack: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Lang: "Proceed, Sir."

Sandack: "And if I could ask maybe for the volume to decrease a little bit?"

Speaker Lang: "Can we give Mr. Sandack your undivided attention?"

Sandack: "Mr. Speaker, the Gentleman behind me, the Leader of the House Republicans isn't here today because his father passed away. Thomas J. Durkin died at the age of 84 over the weekend and he will be missed by many. Jim Durkin is with his seven brothers and extended family. And I wanted to use this opportunity for all of us to extend our condolences to the entire Durkin family on the loss of a true leader and a remarkable man. And if we could ask for a moment of silence, I would be appreciative. Thank you, Mr. Speaker."

Speaker Lang: "Thank you, Mr. Sandack. Representative Pihos."

Pihos: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Lang: "Please proceed."

Pihos: "Today, it is a special honor for me to have a Page who is my oldest grandson, five-year-old Kosta Vatianou, who goes to Oscar Mayer School in Chicago. And I thank him for coming down to help us with the work of the day."

Speaker Lang: "Welcome. Thanks for being with us. The Chair recognizes Representative Monique Davis."

Davis, M: "Thank you, Mr. Speaker. I really just wanted to inform the Body of a tragic event that happened in my district this morning. This morning a house exploded becau... it was a gas explosion. And so far there are no fatalities. The entire

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square block of where I live, and my constituents live, has been evacuated. The gas company and the city water department were working underground. The first fire was put out and they thought everything was okay. And within one hour, the second house totally exploded and it is now total rubble. Thank God, the family was at work. Thank God, the children were at school. Thank God, no one was injured, so far. We pray for that family. It's a holiday season and we'll be doing whatever we can to assist them. But each of us should realize, it is only within a moment that the lives we live today could be changed. Have a great afternoon. Thank you."

Speaker Lang: "Thank you, Representative. Chair recognizes Mr. Brady."

Brady: "Thank you very much, Mr. Speaker. Point of personal privilege."

Speaker Lang: "Please proceed, Sir."

Brady: "I, too, would like to introduce two Pages that I have today, if they would stand up. They're down in front and they are Faith and her brother Marcus Bruniers and their dad David, who is up in the gallery, are here today from my district, Fairbury, Illinois. So, please welcome them to the Illinois General Assembly."

Speaker Lang: "Welcome. Happy you're with us today. Page 5 of the cal... Excuse me. Mr. Clerk, Rules Report."

Clerk Bolin: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules reports the following committee action taken on December 02, 2014: recommends be adopted Floor Amendment #3 for Senate Bill 2221, and Floor Amendment #2 for Senate Bill 3366."

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Speaker Lang: "Moving to page 5 on the Calendar, under the Order of Agreed Resolutions, there appears House Resolution 1299 Mr. Brauer. Please proceed, Sir."

Brauer: "Yes. Thank you, Mr. Speaker. I was under the impression that I could have the Resolution read. Is that correct?"

Speaker Lang: "Mr. Clerk, was it your plan to read the Resolution? Please do that."

Clerk Bolin: "House Resolution 1299, offered by Representative Brauer.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize the 2014-2015 State officers of the Family, Career and Community Leaders of America."

Speaker Lang: "Mr. Brauer."

Brauer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, up here on my right, I would like to welcome the Family Career Community Leaders of America coordinator, along with the Illinois State Board of Education, Debbie Hopper, as well as the FCCLA officer, Clayton Lindley, from Mt. Pulaski High School, to the Capitol today. He is joined by his family and consumer science advisor, Wyatt Waterkotte. And I'd like to also recognize the other Reps that have members of this FCCLA representing David Harris, Don Moffitt, David Reis, and Jil Tracy. Please help me congratulating the students to their elected position."

Speaker Lang: "Congratulations. Those in favor of the Resolution will say 'yes'; opposed 'no'. The 'ayes' have it. And the Resolution is adopted. On Supplemental Calendar #1, there appears House Resolution 1297, Representative Gordon-Booth.

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Ladies and Gentlemen, we need to reduce the noise in the chamber. This is a Death Resolution. Representative Gordon-Booth. Mr. Clerk, please read the Resolution."

Clerk Hollman: "RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Wayne McClain, and extend our sincere condolences to his family, friends, and all who knew and loved him; and that we declare January 15, 2015 as "Wayne McClain Day" in the State of Illinois."

Speaker Lang: "Representative Gordon-Booth."

Gordon-Booth: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Body. House Resolution 1297 would hopefully recognize January 15 as the Wayne McClain Day in the entire State of Illinois. Many of you may have heard or have known Wayne McClain, but Wayne McClain was a coach at Manual High School for almost two decades and during his tenure there, he was one of the first coaches in this state to win four straight IHSA championships alongside his son Sergio McClain, who is in the gallery today. He left Manual High School and then went on to become an assistant coach at the University of Illinois. After leaving Illinois, he then went on with Coach Bruce Weber to Kansas. And after he left Kansas, he came back to Illinois high school basketball where he made his bones. And he worked very closely with Sergio, his son, and other members of the Champaign community coaching Champaign Central to a well-deserved victory, much past what they had received the year before. What he had a tact and a great ability to do was to tap into young men and young women's true talent, and I don't just mean on the basketball court. Oftentimes, we

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recognize people in this Body because of the significance that they have received within their career, but today I bring forth this Resolution, not because he was significant in his career, but because he was significant in the lives of the people who he touched. Wayne McClain was a stellar for making young men and young women pick themselves up by their boot straps, encouraging personal responsibility, and he didn't take any mess. He made men out of boys and women out of young girls. When he passed away, the Peoria community felt like they had lost a head of state. He impacted people not just in the Peoria community and in the central Illinois community, but people literally around the state. And so I am bringing forth this Resolution today and I would like to ask if the entire Body would be willing to sign on and cosponsor this Resolution and honor the McClain family who is here with us in the gallery today. His loving wife of many, many years, Robin McClain, his beautiful and only daughter, Brindeshie, who is six and a half months pregnant, and his son, Sergio McClain, two sisters, Eunice and Rosie McClain, as well as cousins. If we could have a moment of silence."

Speaker Lang: "Representative Gordon moves that all Members of the House be added as cosponsors. Is there leave? Leave is granted. Mr. Unes."

Unes: "Thank you, Mr. Speaker. Let me first say thank you to Representative Jehan Gordon-Booth for bringing this important Resolution to the House Floor today, and I want to welcome the McClain family. Wayne McClain's loss was not only a loss to the Peoria area, but to the entire state. As Jehan so eloquently put it, this man was just full of kindness and had

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the ability to make everyone feel good at all times. He always had a smile on his face. You always knew where you stood with him, and he was just a wonderful individual. And it's... I had the privilege to talk to Sergio for a few moments. The memories that I have of the four state championships, watching his work ethic and your work ethic before everyone in the state is something that I will always cherish those memories. And my condolences go out to your entire family and I'm so sorry for your loss and our prayers are with you. Thank you."

Speaker Lang: "Mr. Riley."

Riley: "Thank you, Mr. Speaker. My sincere condolences to the family. I think Representative Unes had it right. The entire state lost someone that was very important. I went down to Bradley between '69 and '71, before getting drafted, not in basketball. And if you've touched Peoria at all, you always have an affinity for Peoria. And what this man accomplished, especially beating a lot of good Chicago teams along the way, is legend, and many of us get together and talk about who's the best basketball player, who's the best coach; I know Representative Cavaletto and I will go back and forth on those issues. But what this man did is something that is the stuff of legend. And I just want the family to know and everyone in the state to know that we lost someone great. We should also always remember that when, you know, the panoply of, you know, what goes on in terms of Illinois sports is written, you know, when that role is written, Wayne McClain's name will be right at the top. Thank you very much."

Speaker Lang: "Mr. Leitch."

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Leitch: "Thank you, Mr. Speaker. I, too, would like to add my words of condolence to the family and to share that indeed we have lost a treasure. In Peoria, we lost a community treasure, but we also lost a treasure throughout our entire state. If only each one of us could match the example of being a man in our... in this case, that example that Wayne McClain set for so many people whether they were playing basketball on his very successful teams or not. He was a wonderful, wonderful individual and a true inspiration to everyone who had the opportunity to be acquainted with him. My condolences and thank you."

Speaker Lang: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. I'd like to offer my condolences also to the McClain family and thank you Representative Gordon for bringing forth this Resolution which says so much about Wayne McClain. I know that the outpouring in Champaign from young people was just so impressive but I know that it was only a small representative of the outpouring of love, respect, and condolences that came throughout the state. And I'd like to have the family know that they sure have my condolences. Thank you."

Speaker Lang: "Those in favor of the Resolution say 'yes'; opposed 'no'. The 'ayes' have it. And the Resolution is adopted. Please stay where you are Members for House Resolution 1366. Mr. Davidsmeyer. Mr. Clerk."

Clerk Bolin: "House Resolution 1366, offered by Representative Davidsmeyer."

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn,

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along with his family and his many friends in Morgan County, the passing of Richard G. "Dick" Rawlings; and be it further RESOLVED, That we honor Richard "Dick" Rawlings for his meaningful service to the United States of America and his local community; and be it further RESOLVED, That a suitable copy of this resolution be presented to the family of Richard "Dick" Rawlings as an expression of our deepest sympathy and gratitude for his service."

Speaker Lang: "Mr. Davidsmeyer."

Davidsmeyer: "Thank you, Mr. Speaker. I rise today to speak to House Resolution 1366 and recognize a great man with many talents. Dick Rawlings was a veteran, a civil engineer, an outdoorsman, a community volunteer, a husband, a father, and a grandfather. Today we are joined in the Speaker's Gallery by his wife Diane, his son Michael, daughter Monica and his granddaughter and grandson. Dick Rawlings was a friend to many. If you ever wanted to meet new people, he was the guy to be with because he knew everybody. That's probably because he was everywhere and involved in everything. If good things were happening in the Jacksonville region, odds are Dick had his hand in it. He was a member of the Jacksonville Area Chamber, the Regional Economic Development and the West Central Development Council. I got to... the opportunity to serve with Dick Rawlings on the Governor Duncan Association Board preserving former Governor Duncan's mansion in Jacksonville. Tonight we have the annual GDA Christmas Gala and I'll be picturing Dick dressed in a tux serving wine like he always did. Dick Rawlings was a Morgan County commissioner who worked tirelessly for our county but had a larger vision

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for the region and the state. Being a civil engineer led him to be involved in Corridor 67 knowing that this state highway would open up opportunity not only for Morgan County, but the entire western side of the State of Illinois. No longer could we lose business to neighboring Missouri. This was his dream. Next week we will have a ribbon cutting on a portion of this road. Work on 67 must continue to make western Illinois an even larger part of our state's economy. Lastly, I want to say, that there's a lot that we can all learn from Dick Rawlings. Even if you didn't agree with him and things didn't go as planned, he wasn't the guy standing there with a... a note that says I told you so. Dick was the first one there to help you pick up the pieces and make changes for the better. It wasn't about credit; it was about doing the right thing. I thank my friend, Dick Rawlings, for his work, his leadership, and his example. We mourn this loss, but we celebrate his life. Mr. Speaker, I ask for a moment of silence."

Speaker Lang: "Representative Tracy."

Tracy: "Thank you, Mr. Speaker. I, too, would like to offer condolences and some thoughts about Dick Rawlings. Every community in Illinois would be so much better if they had a trailblazer and a lightning rod and friend, as Dick Rawlings was to his community and his region and the state. Every time I drive up and down 67, I can hear his words that we've got more to do. We have more to do. Because he believed so much in transportation; he believed so much in economic development and his work was never done. So, now it's up to us to continue his work and I can assure you that we will and

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he is going to be missed terribly by all of us. He was such a good friend and warm, warm personality that has touched so many lives and will continue to touch so many lives. So, my thoughts and prayers are with the family also."

Speaker Lang: "Those in favor of the Resolution will say 'yes'; opposed 'no'. The 'ayes' have it. And the Resolution is adopted. You may take your seats, Members. On page 2 of the Calendar, under the Order of Senate Bills-Third Reading, there appears Senate Bill 1009, Mr. Drury. Mr. Clerk, please read the Bill. Gentleman wishes to move the Bill back to the Order of Second Reading. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 1009, a Bill for an Act concerning criminal law. This Bill was read a second time on a previous day. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Drury, has been approved for consideration."

Speaker Lang: "Mr. Drury."

Drury: "Thank you, Mr. Speaker. Floor Amendment 2 just makes some technical changes... actually is a gut and replace to 1009. I would suggest that we move it to Third and debate it there?"

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."

Clerk Hollman: "Senate Bill 1009, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Drury."

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Drury: "Thank you, Mr. Speaker. Senate Bill 1009 is the revenge porn Bill, Ladies and Gentlemen. It passed out of the House back in May with 112 votes. In the Senate there were some issues that we negotiated over the summer. This is the final version. I believe we have agreement with both chambers. And I ask for your 'aye' vote."

Speaker Lang: "Mr. Sandack."

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

Speaker Lang: "Sponsor yields."

Sandack: "Representative, I assume this is a combination of your Bill that was passed out of the House and Senator Hastings' Bill that passed out of the Senate?"

Drury: "Yes. Senator Hastings and I worked on it over the summer."

Sandack: "So, there's complete concurrence on the language?"

Drury: "That's my understanding."

Sandack: "All right. Well, it's your Bill, so is... I mean, there is concurrence?"

Drury: "I've been told there's concurrence. I don't know what goes on in my... as I stand here today, I worked with Senator Hastings over the summer. We have agreement."

Sandack: "Well, let me ask it this way then. Do you and Senator Hastings have an agreement on the language of the Bill?"

Drury: "Yes, we do."

Sandack: "All right. Thank you. Appreciate it."

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, Members. Cassidy, Cavaletto, Currie, Harris, Mussman. Mussman. Please take the record. On this question,

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there are 112 voting 'yes', 3 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1431, Mr. Sullivan. Please read the Bill. Gentleman wishes to move the Bill back to the Order of Second Reading. Please read the Bill on Second Reading."

Clerk Hollman: "Senate Bill 1431, a Bill for an Act concerning local government. This Bill was read a second time on a previous day. Amendment #2 has been approved for consideration and is offered by Representative Sullivan."

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

Sullivan: "Thank you, Mr. Speaker. So, Senate Bill 1431 is just a TIF extension for the City of Lake Zurich. I'd be happy to take any questions."

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

Clerk Hollman: "Senate Bill 1431, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Sullivan."

Sullivan: "Thank you, Mr. Speaker. As I said, this is a TIF extension for the City of Lake Zurich. This TIF is somewhat unusual in that, right now, should we not get this extension, this municipality is going to have to dip into their general revenue fund to start paying for the bills because of some problems that they had in the past. It's imperative that we pass this today, otherwise we are going to first, cut off

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some of the extra funding that goes to the schools; and second, they're going to dip into reserves. So, I would ask for an 'aye' vote. Thank you."

Speaker Lang: "Gentleman moves for the passage of the Bill. Those in favor vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Switches are right in front of you, Members. Bradley, Gordon, Mautino, McAsey. Please take the record. On this question, there are 111 voting 'yes', 4 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2992, Leader Currie. Please read the Bill. Again, Mr. Clerk, please put this Bill on the Order of Second Reading and read the Bill."

Clerk Hollman: "Senate Bill 2992, a Bill for an Act concerning criminal law. This Bill was read a second time on a previous day. No Committee Amendments. Floor Amendments 1 and 2 have been approved for consideration. Floor Amendment #1 is offered by Representative Currie."

Speaker Lang: "Leader Currie on Amendment 1."

Currie: "Thank you, Speaker and Members of the House. This is a measure to help make sure the Department of Juvenile Justice meets the terms of a Federal Court settlement in respect to educating people within the control of the department. I'd be happy to answer your questions."

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 #2 is offered by Representative Currie and has been approved for consideration."

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Speaker Lang: "Leader Currie on Amendment 2."

Currie: "Thank you. This adds an immediate effective date."

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."

Clerk Hollman: "Senate 2992, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lang: "Leader Currie."

Currie: "This will make it easier for the Department of Juvenile Justice to hire educators so that we can meet the terms of a Federal Court decree settlement charging that we were not doing an adequate job to educate the youth within the control of the department. I know of no opposition. I'd be grateful for your 'aye' votes."

Speaker Lang: "Mr. Franks on the Lady's Bill."

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

Speaker Lang: "Lady yields."

Franks: "Representative, I'm reading the analysis here and it indicates that one of the problems that we have is that the Department of Juvenile Justice indicates that the process can take six to eight months because of... Tell me why it takes six to eight months."

Currie: "There's something wrong with that and I think that we need to address it in the spring Session. But there's an immediate need to make sure these people have the opportunity to educate children in the department. What this does, is to say they have to be certified by the State Board of Education

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and they don't have to take a particular exam. We have done the same for doctors, for nurses, working in state facilities, working for the state. And so, we have lots of precedent for it, but I agree with you that we need to figure out why it's taking so long."

Franks: "That concerns me because it's not just in this aspect. I hear folks all the time tell me they can't work in this state because they can't get IDFPR to give them their license. Or CMS, in this instance, isn't getting quickly enough so we can educate our children at the juvenile... at the juvenile facilities. So, I think this is a much bigger issue than just this Bill. I just wanted to make sure that we still have procedural safeguards that the best teachers are being hired for these at-risk children."

Currie: "Yes. And they have to meet State Board of Education requirements, so, they are. And the department, will, I am sure, make sure they're hiring the best that is available to them."

Franks: "Well, I appreciate your bringing this forward and to the Bill. I think the Lady has hit on a very important and very serious problem that we have in this state, where I think CMS has been overwhelmed. I'm not sure that they have the expertise or the ability to deal with many of these things. I'm hoping that with a new administration that perhaps that we will overhaul CMS because I think it's gotten too big and it's monolithic and it's slow moving. And this is indicative of when we have to change laws because they cannot do their job, it's a very serious problem and this isn't isolated. As I said before, I'm hearing every day from constituents can

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you please check to see where my application is because I can't work. And I've got a job waiting for me, but I cannot work. So, I think this is very important. I'd encourage an 'aye' vote. And I also would hope that this would stimulate the discussion so when we come back here next month that we seriously look at not just CMS but IDFPR and how we can get Illinoisans back to work and quit having our state be an impediment to people getting jobs."

Speaker Lang: "Mr. Reboletti."

Reboletti: "Mr. Speaker, it's very loud in here. I can speak louder or people could quiet down, whatever one works best for you."

Speaker Lang: "Mr. Reboletti makes a good point. Ladies and Gentlemen, Ladies and Gentlemen, can we hold this down to a dull roar? We at least want to hear Mr. Reboletti a little bit. Mr. Reboletti."

Reboletti: "Will the Sponsor yield?"

Speaker Lang: "Lady yields."

Reboletti: "Leader, why is this only working with the Department of Juvenile Justice? I've had the occasion to travel to some of our correctional facilities... adult correctional facilities. They explain that they have the same issue there. Is it possible that we could amend this for them as well? Because part of the problem that we're having here is that we're governing the State of Illinois by consent decree and so, I don't want the Department of Corrections to be sued also. Can we amend this here?"

Currie: "I would suggest that because there is urgency involved in the Department of Juvenile Justice and taking to heart the

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comments of Representative Franks, I think it would behoove us to move this at this point and begin serious discussion about problems in the procedures in CMS and IDFPR in the spring Session. The only one that I know of that is facing a Federal Court deadline in respect to educational activities is the Department of Juvenile Justice."

Reboletti: "And I... and I appreciate that, Leader. And I appreciate the previous speaker's comments as well. When the state seems to only be able to move forward in the face of some type of lawsuit, federal lawsuit or otherwise, like we did with conceal and carry, there are a number of lawsuits that are facing the Illinois Department of Corrections which mirror this in the Southern District, especially with respect to the Vienna Correctional Facility. And there's no doubt in my mind that in very near fashion, or short fashion, that this issue will be on this floor again for the department. So, I stand in strong support. There are too many teachers that try to be hired by Department of Juvenile Justice or Corrections or elsewhere but are bogged out of the bureaucracy known as CMS, and by the time that they are approved, they're long gone and hired by somebody else. So, with that, I add my support. 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? Feigenholtz. Please take the record. On this question there are 115 voting 'yes' 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes a former Member. Jim Sacia is in the back. Jim,

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you want to auction off a few of these Bills for us, Sir?
Senate Bills-Second Reading. Senate Bill 803, Representative
Flowers. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 803, a Bill for an Act concerning
children. This Bill was read a second time on a previous day.
No Committee Amendments. No Floor Amendments. No Motions are
filed."

Speaker Lang: "Third Reading. Please read the Bill for a third
time."

Clerk Hollman: "Senate Bill 803, a Bill for an Act concerning
children. Third Reading of this Senate Bill."

Speaker Lang: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker. Senate Bill 803 is some cleanup
language to deal with DCFS and I know of no opposition. And
it will implement changes. Instead of 2015, it'll be 20... July
1, 2016. And I urge for your 'aye' vote."

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? Soto,
Williams. Please take the record. On this question, there are
'115' voting 'yes,' 0 voting 'no'. And this Bill, having
received the Constitutional Majority, is hereby declared
passed. Senate Bill 2729, Representative Jakobsson. Please
read the Bill. No running, Representative."

Clerk Hollman: "Senate Bill 2729, a Bill for an Act concerning
education. This Bill was read a second time on a previous
day. Amendment #1 was adopted in committee. Floor Amendment
#3, offered by Representative Jakobsson, has been approved
for consideration."

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Speaker Lang: "Representative Jakobsson on Amendment 3."

Jakobsson: "Thank you, Mr. Speaker. Amendment #3 has been adopted in committee. And can I have just one moment, please? I'm trying to pull it up on my computer, Sir, if you can just bear with me. Senate Bill 2729, the way this is now amended, exempts the Procurement Code purchases that are made by the state universities through the Midwest Higher Education Compact. MHEC is a compact state... 12 states belong to. And this compact enables university systems in several states to collectively purchase items such as student health insurance plans, research equipment and technology. And this would help our universities use just the MHEC procurement and then they would report later. They wouldn't have to follow all of the state procurement that's imposed on them now."

Speaker Lang: "Lady moves for the adoption of the Amendment. Chair recognizes Representative Ives."

Ives: "Oh, I'm sorry. Are we going to debate this Bill on the Amendment or wait until it's on Third?"

Speaker Lang: "The Chair prefers to adopt the Amendment..."

Ives: "Okay."

Speaker Lang: "...but if you have a comment now..."

Ives: "That's... that's fine. I'll wait until 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."

Clerk Hollman: "Senate Bill 2729, a Bill for an Act concerning education. Third Reading of this Senate Bill."

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Speaker Lang: "Representative Jakobsson."

Jakobsson: "Thank you again, Mr. Speaker and the Ladies and Gentlemen of the House. I just explained what this Amendment does and I would urge an 'aye' vote."

Speaker Lang: "Lady moves for the adoption of the Amendment. Now the Chair recognizes Representative Ives."

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

Speaker Lang: "Sponsor yields."

Ives: "In our analysis, it shows that instead of taking the PARCC then you would take the PSAE in 11th grade. Would that also instead just be the ACT for 11th grade? Is that part of this Bill still?"

Jakobsson: "I'm not sure she's looking at the Amendment."

Ives: "Oh, you didn't do that Amendment? Okay. I remove my comment. Thank you."

Speaker Lang: "Mr. Pritchard."

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

Speaker Lang: "Sponsor yields."

Pritchard: "Representative, do you remember when this Body signed a compact with the Midwest Higher Education Compact to look at purchases and to reduce the cost of things that we do purchase?"

Jakobsson: "I'm having a difficult time hearing. I know you asked if I remember something, but I don't know what you said."

Pritchard: "So, Mr. Speaker, could we lower the volume so she could hear the question?"

Speaker Lang: "Mr. Pritchard has requested that the Members tone down the conversation. He's within his rights to do that. It

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is very noisy in here. Members, Members, please. Mr. Pritchard."

Pritchard: "Representative, the question was has this Body gone on record as supporting participation in the Midwest Higher Education Consortium?"

Jakobsson: "Oh, yes. Oh, has this Body endorsed it? Well, I..."

Pritchard: "Not the 98th..."

Jakobsson: "Right. I was going to say..."

Pritchard: "But the Generals... past General Assemblies?"

Jakobsson: "Right. It's a long time ago and it's been part of the Midwest Higher Education... Illinois has been part of the Midwest Higher Education Compact for many, many years."

Pritchard: "And each year not only state agencies but local units of government have been able to use the compact to purchase items at considerably less than what they otherwise would have purchased."

Jakobsson: "Yes, I think if people looked at their own communities and saw how some of the agencies in their local communities participate and benefit from the purchasing they would probably really be surprised that city governments, libraries, many, many agencies and institutions use MHEC."

Pritchard: "Ladies and Gentlemen, to the Bill. This piece of legislation clears up some confusion that some of our state university purchasing officers have for the Procurement Code in the State of Illinois. And what we're trying to say is that purchases through the Midwest Higher Education Consortium would be exempt from those rules to the extent that they are necessary to allow the institutions and units

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of government to purchase at a lowered price. I would urge the Body's support of this Lady... of the Lady's legislation."
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? Mr. Drury. Please take the record. Mr. Clerk, on this question, there are 115 voting 'yes', 0 voting 'no'. And this Bill, having received... this Bill... this Bill, receiving a Constitutional Majority, is hereby declared passed. On Senate Bill 2758, Leader Currie. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 2758, a Bill for an Act concerning State Government. This Bill was read a second time on a previous day. Committee Amendments 1 and 2 were adopted previously. Floor Amendments 3, 4, 5, 6, and 7 have been adopted previously. Floor Amendment #8 is offered by Representative Currie and has been approved for consideration."

Speaker Lang: "Leader Currie on Amendment 8."

Currie: "Thank you. This Amendment does two things. First, in response to questions from committee, it means that the Bill will not apply to people who are under the age of 18 and second, it clarifies a technical issue for the Comptroller's Office."

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, but a fiscal note, pension note, and state mandates note has been requested but not filed at this time."

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Speaker Lang: "This Bill will be held on the Order of Second Reading. Senate Bill 2839, Representative Wheeler. Please read the Bill."

Clerk Hollman: "Senate Bill 2839, a Bill for an Act concerning State Government. This Bill was read a second time on a previous day. No Committee Amendments. Floor Amendments 1 and 2 have been approved for consideration. Floor Amendment #1 is offered by Representative Wheeler."

Speaker Lang: "Representative Wheeler."

Wheeler: "Thank you, Mr. Speaker, but I believe Amendment 2 is Representative Bradley's. I'm going to withdraw #1."

Speaker Lang: "Amendment #1 is withdrawn. Mr. Clerk."

Clerk Hollman: "Floor Amendment #2 is offered by Representative Bradley and has been approved for consideration."

Speaker Lang: "Mr. Bradley on Amendment 2."

Bradley: "I'd ask for the adoption of that and then debate it on Third, if appropriate."

Speaker Lang: "Those in favor of the Amendment say 'yes'; opposed 'no'. The 'ayes' have it. 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 2839, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Lang: "Representative Wheeler. If Mr. Reboletti would let you do your Bill. Representative Wheeler."

Wheeler: "Mr. Speaker, thank you. I'm a bit confused because it's been my understanding that Representative Bradley has taken this Bill, and I don't know what to do now."

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Speaker Lang: "Mr. Bradley, do you wish to debate the Bill?"

Bradley: "I'd ask for an 'aye' vote."

Speaker Lang: "Perhaps you could explain something about the Bill to us, Sir?"

Bradley: "Sure. So this would increase the bonded indebtedness percent of all school district and would also take care of an accounting problem with debt that's never going to be repaid for the Chicago Port District. I'd ask for an 'aye' vote."

Speaker Lang: "That was much better. Mr. Harris."

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

Speaker Lang: "Well, let's refer our questions to Mr. Bradley by agreement."

Harris, D.: "Okay... so... so, just so the Body understands. I... I know that that was a brief explanation, but let me make sure I... you heard it..."

Speaker Lang: "Excuse me, Mr. Harris, this will really confuse you. Representative Wheeler wishes the Bill to be taken out of the record."

Harris, D.: "Thank you, Mr. Speaker."

Speaker Lang: "Mr. Reboletti, for what reason do you rise? Mr. Sandack is your light on for that Bill?"

Sandack: "That's when it was..."

Speaker Lang: "All right"

Sandack: "...taken out of the record."

Speaker Lang: "Thank you. Senate Bill 3075. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 3075, a Bill for an Act concerning courts. The Bill has been read for a second time on a previous

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day. Amendments... Floor Amendments 1 and 2 have been approved for consideration. Floor Amendment #1 is offered by Representative Kelly Burke."

Speaker Lang: "Representative Burke."

Burke, K.: "Thank you, Mr. Speaker. I'd like to adopt Amendment #1 and Amendment #2. Amendment #1 was heard in committee. Amendment #2 is a technical cleanup that I'd like adopted on the floor."

Speaker Lang: "So, first on Amendment 1. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

Clerk Bolin: "Floor Amendment #2 offered by Representative Burke."

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

Clerk Bolin: "No further Amendments, but notes have been requested on the Bill as amended by Amendment #1 including fiscal, Home Rule, judicial, and state mandates."

Speaker Lang: "Representative Burke."

Burke, K.: "Mr. Speaker, I would like those notes ruled inapplicable."

Speaker Lang: "The Lady moves that the notes be held inapplicable. Mr. Sandack on the Motion."

Sandack: "A point of... a question to the Chair. A request that the notes be ruled inapplicable, your request... the fiscal note requests the money behind the ability to fund the request. So, obviously, I object to the Motion and ask that it be denied."

Speaker Lang: "Mr. Reboletti."

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Reboletti: "Mr. Speaker, will the notes be voted on note by note?
Because I would ask that they be voted on note by note."

Speaker Lang: "They will be voted on note by note. Representative
Burke."

Burke, K.: "Mr. Speaker, in terms of the fiscal notes, none of
this is state funds. These are... this is all local funds. And
I don't believe that the fiscal note or the state mandates
note in that case are applicable."

Speaker Lang: "Lady first moves that the fiscal note request be
held inapplicable. Mr. Reboletti."

Reboletti: "Will there be debate on each note Mr. Speaker? I'm
going to request debate on each note."

Speaker Lang: "Certainly. I thought you were completed with your
debate, Sir. Do you wish to debate..."

Reboletti: "No, I..."

Speaker Lang: "...this Motion?"

Reboletti: "The first was a point of procedure, Mr. Speaker. Now,
I would ask for some questions."

Speaker Lang: "Mr. Reboletti, you can have all the time you want,
Sir."

Reboletti: "Thank you, Speaker."

Speaker Lang: "Until I say it's too much. Your turn, Sir."

Reboletti: "When does the clock start?"

Speaker Lang: "Let you know."

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

Speaker Lang: "Sponsor yields."

Reboletti: "Representative, you gave a brief explanation of why
you objected to the notes being filed. There has been a number

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of notes and I think we'll go through those individually, but why would a fiscal note not be applicable in this situation?"

Burke, K.: "Because no agencies are available to answer this fiscal note because no state funds are being expended in the service of this Bill."

Reboletti: "So, since it's only... well, counties get money from the state, right? The counties would be paying for this. Is that correct?"

Burke, K.: "And it could be being paid from local funds as well."

Reboletti: "Do you know, how does Cook County deal with it? Does the county get money from the state to take care of it? Or is that from some other general revenue fund?"

Burke, K.: "I do not know."

Reboletti: "Were any counties able to testify on your Amendment prior to it coming to the House Floor?"

Burke, K.: "Yes, there was a hearing yesterday."

Reboletti: "Were any counties in objection to it?"

Burke, K.: "I believe the metro counties filed a slip in opposition, but did not testify."

Reboletti: "Thank you."

Speaker Lang: "That's it, Sir? Mr. Sandack."

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

Speaker Lang: "Sponsor yields."

Sandack: "Representative Burke, what precedent is there for this Body to utilize and look at with respect to the fact, as you argue, that no state funds would be utilized and that makes this fiscal note inapplicable?"

Burke, K.: "We do it all the time."

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Sandack: "Well, help me out. We do it all the time is pretty flip. Give me an example of a fiscal note that's been deemed inapplicable because of a ruling from the Chair or otherwise that state funds were not in play."

Burke, K.: "I... I don't have a specific Bill number, but I do have a recollection of this very issue being raised numerous occasions and the fiscal note being held inapplicable because it was not state funds or a state agency that was at issue."

Sandack: "Well, we do it all the time was what you said, and you don't have a Bill number, but you have a very learned person to your left. And I suspect she could give you a Bill number or a specific instance, not a general recollection that happens to be, no offense, self-serving. Give me an instance of spec... with specificity of a fiscal note being deemed inapplicable by this Body."

Burke, K.: "Well, I... I would guess, Representative, that the converse question could be put to you. Do you have a specific Bill where local funds were strictly avai... where strictly local funds and fiscal notes were ruled applicable?"

Sandack: "Well, that would be good except it's your burden to carry the burden of proof here and it's my note that was on the Bill because we want specifics. Metrics, analytics, and numbers which are not forthcoming in your Bill, with all due respect, to the purported savings that supposedly accrue. So again, what precedent do you have with specificity and not the general we do it all the time? Do you... I mean, give me a specific citation to authority."

Burke, K.: "Representative, I'm going to stick to this Bill and this Bill deals with local money and local agencies and I

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don't think the fiscal notes are applicable in that situation nor is there a state agency who could provide the type of analysis that you are seeking."

Sandack: "To the note question, Mr. Speaker, and to the Representative's comments right there. She's absolutely incorrect. In the case of Bills having a potential fiscal impact on units of local government, the fiscal note shall be prepared by the Department of Commerce and Economic Opportunity. Let me repeat. There is a state agency available to do the fiscal analysis that would support or refute the Representative's Bill. It's called the Department of Commerce and Economic Opportunity. On that basis, facts, not general we do it all the time jargon, you should vote against the fiscal note being deemed inapplicable."

Speaker Lang: "Mr. Brady on the Motion."

Brady: "I think I had my question answered, Mr. Speaker. Thank you."

Speaker Lang: "The Lady has moved that the fiscal note be held inapplicable. Those who support the Lady will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? DeLuca, Dunkin, Walsh. Mr. Walsh. Please take the record. On this question, there are 70 voting 'yes', 44 voting 'no', 1 voting 'present'. And the Lady's Motion carries and the fiscal note is inapplicable. Mr. Clerk, the next note."

Clerk Bolin: "A Home Rule note been requested on the Bill as is amended by House Amendment #1."

Speaker Lang: "The Lady moves that the Home Rule note be held inapplicable. The Chair recognizes Mr. Reboletti."

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Reboletti: "I have a question of the Chair, Mr. Speaker."

Speaker Lang: "Yes, Sir."

Reboletti: "If you could ask your counsel to your right if this does preempt Home Rule and how many votes it would take?"

Speaker Lang: "This Bill does not preempt Home Rule and could require 60 votes."

Reboletti: "Mr. Speaker, I was wondering if you were asking that counsel or a different counsel because I see the one counsel to my left, but that's..."

Speaker Lang: "The Chair... the Chair made a ruling, Sir. And didn't contact any counsel."

Reboletti: "I forgot we're not in court. That... that's fine. We're talking about the court system but just wanted to make sure it didn't preempt Home Rule since the counties would pay for this. Thank you."

Speaker Lang: "Those in favor of the Lady's Motion will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Jakobsson, Walsh. Please take the record. Mr. Clerk, on this question, there are 71 voting 'yes' 44 voting 'no'. And the Lady's Motion carries and the Home Rule note is held inapplicable. Mr. Clerk."

Clerk Bolin: "A judicial note has been requested on the Bill as amended by House Amendment #1."

Speaker Lang: "Mr. Sandack."

Sandack: "Will the Sponsor yield?"

Speaker Lang: "Sponsor yields."

Sandack: "A judicial note dealing with an election... with a jury-related matter. Shouldn't that by definition be applicable?"

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Burke, K.: "No. The cost of... the cost of this has nothing to do with the Judicial Branch and if anything, will improve the speed and efficiency and overall user friendliness of the judicial system."

Sandack: "To the objection. It's a judicial note about the judicial system and it's inapplicable and if anything, it will make it more efficient, so says the Sponsor. That means we need to see numbers. Shocking how the irony, drifts on this. Vote 'no'."

Speaker Lang: "Those in favor of the Lady's Motion will vote 'yes'; opposed 'no', The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mayfield, Moylan, Thapedi. Mr. Thapedi. Please take the record, Mr. Clerk. On this question, there are 70 voting 'yes', 44 voting 'no'. And the Lady's Motion carries and the judicial note is held inapplicable. Are there... Next note, Mr. Clerk."

Clerk Bolin: "A state mandates note has been requested on the Bill as amended by House Amendment #1."

Speaker Lang: "There being no debate, those in favor of the Lady's Motion will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question there are 69 voting 'yes', 44 voting 'no'. And the Lady's Motion carries. And the state mandates note is held inapplicable. Mr. Clerk."

Clerk Bolin: "No further note requests. No Motions are filed."

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

Clerk Bolin: "Senate Bill 3075, a Bill for an Act concerning courts. Third Reading of this Senate Bill."

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Speaker Lang: "Representative Burke."

Burke, K.: "Thank you, Mr. Speaker. Senate Bill 3075, Floor Amendments 1 and 2, raises the pay for citizens serving on a jury. The current jury payment statute has not been updated in 40 years. Jury compensation varies from county to county with the highest being Cook County which pays \$17.20 a day for service, the next being Sangamon County which pays \$15 a day. We are all aware of the difficulty and reluctance with which some citizens approach jury service. Part of their reluctance is the low rate at which they are compensated for that service. This low rate can cause hardship to some jurors. This Bill would increase the initial day of service, the fee for that to \$25 and any subsequent day of service to \$50. It would eliminate payment for travel costs that some counties do pay in addition to their low rate of compensation. In order to offset the cost of increased payment for jurors, the Bill reduces the number of jurors in a civil case from 12 jurors to 6. This reduction would be for civil cases only. Criminal juries would remain at 12. The requirement that a jury verdict in a civil case be unanimous would remain as well. All civil juries in the federal system have 6 jurors, and that has been the case for over 50 years. Thirty-eight states have juries of 6 for civil cases including our neighbor, Indiana. Current law in Illinois already allows for 6 jurors in cases where the damages sought are \$50 thousand or less. By utilizing six jurors, fewer citizens will be called for service, fewer families will have their routines disrupted, fewer businesses will lose productivity. By being called upon less often and being compensated better, jurors will be more willing to

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serve. In addition, the process of voir dire, the picking of a jury, often takes up to two days of the trial. Seating six jurors will take one half the time, thereby saving money and making the use of precious judicial time more efficient, reducing costs for litigants, and providing for a speedier trial process. I'll be happy to answer any questions. And I would urge an 'aye' vote."

Speaker Lang: "Mr. Sandack."

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

Speaker Lang: "Lady yields."

Sandack: "Representative, has the Illinois State Bar Association taken a position on your Bill?"

Burke, K.: "Not that I'm aware of."

Sandack: "Has the Chicago Bar Association taken a position on your Bill?"

Burke, K.: "Not that I'm aware of."

Sandack: "Has any Bar Association in this state taken a position on your Bill?"

Burke, K.: "I will tell you that the supporters of this Bill, the proponents, are the Illinois Trial Lawyers Association, and the AFL-CIO. And the only opponents that I am aware of are the Metro Clerks."

Sandack: "Representative, thank you for that unsolicited answer. Has any Bar Association taken a position on this Bill?"

Burke, K.: "Neither pro nor con."

Sandack; "Have you asked the Illinois State Bar Association for their opinion, their expert opinion, on the propriety of your Bill?"

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Burke, K.: "They are generally forthcoming when they have an opinion."

Sandack: "So you didn't ask them. Did you ask the Chicago Bar Association about the propriety of your Bill?"

Burke, K.: "Again, my experience is if it is an important issue to them, they come to you."

Sandack: "Well, remind me, when did your Bill get out of Rules and assigned to a subsitive committee? Was that the day before Thanksgiving?"

Burke, K.: "I believe so."

Sandack: "So, someone on Thanksgiving Day or the day after, is supposed to contact you from the Chicago Bar Association, the Illinois State Bar Association, or any potential opponent about a major change in the way we undertake civil jurisprudence in our state?"

Burke, K.: "I've had conversations with both the representatives of the Illinois State Bar Association and the Chicago Bar Association recently on a different Bill. They would have had plenty of opportunity to bring it up should they have needed to."

Sandack: "Well, you're not moving that different Bill are you? Is there a vote coming on this undescribed Bill that you mention now?"

Burke, K.: "My point is, if it were an issue for them, I was on the phone with them. And they could have brought it up."

Sandack: "And of course you used that opportunity to ask them affirmatively what they thought of Senate Bill 3075, right?"

Burke, K.: "I do not. They're very smart people who can vocalize their opposition if they need it."

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Sandack: "Okay. So moving on, you sought nothing from potential opponents or other experts. Let's talk about the cost savings that you claim will be coming from passing 3075. May I see some metrics, some analysis, something on paper from some source other than the Trial Bar Association indicating where we will achieve savings?"

Burke, K.: "I do not have those metrics. I can tell you that the largest court system in the state, the Cook County system, has not voiced an objection and from my understanding is... has no opinion one way or the other on this."

Sandack: "Has any county weighed in on this Bill to you? Have they called you? Since you obviously haven't called anybody, has anyone called you about this Bill?"

Burke, K.: "No. No, they have not."

Sandack: "Okay. To the Bill, Mr. Speaker. This is a sensationally bad timed Bill. Mr. Speaker, can I have the volume at least lowered a little bit? No one has to listen, but it'd be nice."

Speaker Lang: "Ladies and Gentlemen, I certainly would like to hear Mr. Sandack. Let's listen to him. Please proceed, Sir."

Sandack: "Thank you for that genuine statement of support, Mr. Speaker. Ladies and Gentlemen of the House, this is not an unimportant Bill. And the timing of it is beyond suspect. And we would be suspending our disbelief if it were brought at any time other than right now. It's brought right now as a favor to the Trial Bar and to Trial Bar lawyers in the waning days of the Quinn administration as a parting gift. It is a gift. This Bill is brought forth with absolutely no due diligence. The Sponsor is a quality Representative. Someone who typically vets Bills and ordinarily undertakes due

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diligence in the ordinary course of her duties, but in the absence of it, in the utter absence of it now, speaks volumes of the genuineness of this Bill. It is a bad Bill. If it were a good Bill, this Sponsor or any Sponsor would be bringing it next month under a new administration, where we would learn whether it's a good idea to reduce civil juries, whether there really are any cost savings and whether there are any unintended consequences. Please Ladies and Gentlemen, make no mistake about it. This is the kind of Bill, at this time, that gives our state the utter disrespect we unfortunately deserve. It's a bad Bill timed poorly because it's a parting gift and no more. Vote 'no'."

Speaker Lang: "Representative Ives."

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

Speaker Lang: "Sponsor yields."

Ives: "Representative Burke, what do you feel is the responsibility of a juror? I mean, what are they there for? What's the juror supposed to be doing?"

Burke, K.: "To be the trier of fact."

Ives: "And in our system of government, we generally think that this is a citizen's responsibility as an American citizen. Is that correct?"

Burke, K.: "It is a civic duty, yes."

Ives: "It's a civic duty that we find very important. Is that correct?"

Burke, K.: "Yes."

Ives: "So, when it comes to compensation for a civic duty that's this important, can any amount of money compensate a juror for that type of decision that they have to make?"

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Burke, K.: "I would suggest, Representative, that some jurisdictions where the compensation is \$4 an hour and people are traveling great distances in order to do their civic duty and that that is not adequate."

Ives: "Well, then why doesn't your Bill just say we'll pay travel expenses and lunch only? Considering the time spent there is really considered a... it's actually a privilege. It's part of being part of the system that we are governed by and it is a civic duty."

Burke, K.: "Well, I..."

Ives: "What price can you put on that decision-making?"

Burke, K.: "I would say that if we're trying to encourage our citizens to show up for jury duty, and to embrace their civic duty, and to possibly have a lot of financial hardship if they possibly have to take time off work, if they have to arrange for child care or care for other loved ones in their absence, that the least we can do is try and make that as onerous as possible so that jury service does not become burdensome on members of our society. And I think that's a noble pursuit and I think that this Bill tries to achieve that."

Ives: "So, how many times do you find that a juror is selected over and over again for jury duty? Does it come up often?"

Burke, K.: "I personally have been called for jury duty at least five times."

Ives: "I personally have never been called for jury duty. So, my po... How did you come up with a \$25 fee?"

Burke, K.: "It was a fee that was picked in order to fairly compensate people for their time, their travel, and their

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expense of having to eat lunch out while they're on jury service."

Ives: "Could they bring a bag lunch if they needed to worry about the price of lunch that day?"

Burke, K.: "You're always welcome to bring a lunch."

Ives: "Okay. And then if you were a defendant in a civil case, would you want to be tried in front of 12 people or 6 people?"

Burke, K.: "Well, I think in the federal system and in 38 of the 50 states that is precisely how a defendant in a civil case finds him- or herself. And there have not been any discussions or indications that that is an inferior way of handling the civil justice system."

Ives: "I've not seen that data. I've not been able to talk with our... our judicial system in DuPage County about this Bill. I'm just thinking personally, though, would it be easier to convince 6 people or 12 people as to your guilt or not guilt, if you were the defendant?"

Burke, K.: "I don't know."

Ives: "Okay. Thank you."

Speaker Lang: "Mr. Reboletti. Mr. Reboletti."

Reboletti: "I'm going to wait. I'm going to wait until it quiets down, Mr. Speaker. People would recognize that as we explore a large change in our jurisprudence that people might pay a little bit more attention to the debate."

Speaker Lang: "Ladies and Gentlemen, can we please hold the noise down. Ladies and Gentlemen. How's that?"

Reboletti: "Thank you, Speaker."

Speaker Lang: "Okay."

Reboletti: "Will the Sponsor yield?"

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Speaker Lang: "The quality Sponsor yields."

Reboletti: "Representative, I have a few questions with respect to the massive change in our civil jurisprudence. What date did you decide that this would be the best route for us to change our civil jury system?"

Burke, K.: "You'll be surprised to know this was not my own initiative, but I was approached by the Illinois Trial Lawyers and asked to carry the Bill."

Reboletti: "Would that be on November 5?"

Burke, K.: "I don't recall the exact date."

Reboletti: "Was it previous to the General Election or was it post-General Election?"

Burke, K.: "I don't recall."

Reboletti: "It's extremely relevant, Mr. Thapedi. When you referenced Indiana, did you also take into account their workers' comp laws that suggest that causation be a portion of their reform with respect to some of these cases, right? You'd want to take a look at their workers' comp system as a review of our civil justice system, right?"

Burke, K.: "No, I'm specifically focusing on this Bill. Senate Bill 3075 House Floor Amendments #1 and 2 which deal with the size of the jury system... I'm sorry... the size of juries in civil juries and the compensation for all jurors."

Reboletti: "Was there... Who in particular thought that the number should be \$25 or whatever the number happens to be? Who decided that?"

Burke, K.: "I don't recall if you were in the Judiciary Committee yesterday or not, Representative, but certainly Representative Sandack was. And the testimony from Mr. Power,

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who was testifying on behalf of the Illinois Trial Lawyers Association, was that he had been part of a group... of a study group trying to work through some changes to the jury system and that one of the largest issues was the lack of compensation for those... for jurors and how it varied throughout the state and how that was hindering people... citizens' enthusiasm and willingness to serve."

Reboletti: "Well, I think it's part of our civic duty as a citizen to serve and I understand that the compensation is woefully low, but how does this correct that? So we want... in DuPage County, if I serve on a jury I'll go from \$14 to \$25 and now I really want to go serve more?"

Burke, K.: "It will... well, it will put less of a burden on you for sure. And the fact that fewer people will be called for jury service because fewer people will be needed will lessen the burden on people as well."

Reboletti: "Well, what about the cost that the counties will bear because I assume that this also impacts jurors that will be selected for criminal cases and grand jurors, right?"

Burke, K.: "The fee is... the fee impacts all juries, correct"

Reboletti: "Right. So, where would the cost savings be? How many... so I'm trying to figure this out because..."

Burke, K.: "I didn't say there was a cost savings. I said that the impact will be offset by the reduction in jurors."

Reboletti: "It'll be offset. So, the way this..."

Burke, K.: "I don't have the specific amounts and it will... it will save money on the civil side offset by... the increase in costs will be offset by the fact that you have a big component of your jury system that is... you're going to put it in half."

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Reboletti: "So, help me understand why the Trial Lawyers are so interested in how many jurors serve on the jury and how they want to make sure that remuneration for all jurors goes up. I'm trying to figure out how that helps them because I assume that's why they want the Bill. Do they believe that this will help plaintiff-driven lawsuits that they'll have more success? Is that the reason for this?"

Burke, K.: "Again..."

Reboletti: "Or should I assume an all exclusive motive?"

Burke, K.: "I... again. I can tell you, Representative, that the testimony that was heard in the Judiciary Committee involved an attorney who had been part of a group that was focusing on making better conditions for jurors and that this was one of the recommendations that came out of that committee. And I will point out that other than the Metro Clerks there is no opposition to this Bill..."

Reboletti: "To the Bill, Mr. Speaker."

Burke, K.: "...including defense counsel associations and groups."

Reboletti: "To the Bill, Mr. Speaker. Ladies and Gentlemen of the Body, I know it's very loud and people are excited to see one another before the holidays, but this basically turns jurisprudence upside down with very relative little review. Why is the rush? I can tell you what the rush is. Governor-elect Rauner is awaiting his inaugural next month and we have to run in and get all of the stuff that we can't have him sign next month, so let's get it done now. And I know that there is a lot of altruistic beliefs and values of the Trial Lawyers and they came up with good legislation right around 9:30 on November 4, that being 9:30 p.m. And they thought how

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can we rush this through so that we could benefit ourselves? I haven't heard any other studies with respect to this issue for the last eight years. But now, in a rush to judgment, Amendment filed right around Thanksgiving, shoot it out of the Judiciary Committee, get it to the floor, get this thing signed by the outgoing Governor and all is well with civil jurisprudence. How wonderful this system is. Vote 'no'."

Speaker Lang: "Mr. Kay."

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

Speaker Lang: "The Sponsor certainly yields."

Kay: "So, Representative, I'm going to try to walk this back a little bit. We have kind of done some circular questioning here and all good. All good. I am curious. Do you equate state cases and their handling with federal cases and their handling?"

Burke, K.: "In what respect, Representative?"

Kay: "Well, you made the comment earlier on that the federal system uses this format. So, my question is, do the cases at the federal level equate, in your mind, to those cases heard at a state level?"

Burke, K.: "So, it's the federal system as well as 38 states, but in terms of civil cases that are filed at the federal level, there is subject matter overlap with cases that are federal... filed at the state level, yes"

Kay: "So, you equate, I don't want to answer for you, but it seems to me like you're saying that the state system and the federal system are indeed one and the same and there is no differentiation, whatsoever?"

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Burke, K.: "No, that's not what I'm saying. But what I'm saying is that the types of cases that are filed in... as civil matters in the Federal Courts often are the same types of cases that are filed as civil matters in the state courts. And it could be that it's the location of the defendant that's out of state that makes someone go to Federal Court. There are, as you know, many variables as to why file... someone files in Federal Court versus state court."

Kay: "But you and I both know that the scenario, the level of difficulty and sometimes what's at stake is generally much more difficult, severe, or important than at the state level. Most of the time."

Burke, K.: "I will not agree with that at all."

Kay: "Okay, that's fine. See if you agree with this for just a moment. Do you think more people making critical decisions is better than less in a democracy?"

Burke, K.: "It depends on the system."

Kay: "Excuse me one second. Mr. Speaker, I can't hear you and I know that comment was directed at me anyway. So, I'm going to ask you that question. Just a second, Mr. Speaker."

Speaker Lang: "Mr. Kay makes a good point as other people have. It is very noisy in this chamber today. We all have other business to attend to. We have other Bills on the Calendar. It would be good to get through them. Mr. Kay."

Kay: "Thank you, Mr. Speaker. My question again, Representative, in a democracy is more participation better than less?"

Burke, K.: "This Bill is limited to a discussion of civil juries."

Kay: "Well, I'm making that point."

Burke, K.: "And the makeup of those civil juries."

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Kay: "I'm getting to that point."

Burke, K.: "And the fact that for 50 years the federal system has used 6 jurors as well as it being the standard in 38 states indicates that it is a widespread acceptance of 6 people in a jury throughout the United States."

Kay: "But you have no data one way or another to prove your point so help me out just a minute. Is more better than less?"

Burke, K.: "I don't know that you can have data to prove a point of better."

Kay: "Ma'am, if you would, just bear with me. I'm just asking really simple questions. Is more participation in the democratic system better or worse?"

Burke, K.: "It depends on the situation, I suppose."

Kay: "Well, in elections I would certainly think more participation is better, wouldn't you?"

Burke, K.: "Absolutely."

Kay: "Absolutely. And wouldn't you think if, you're deliberating in a very serious lawsuit, whether it be criminal or civil, that more is better than less? That 12 heads, quick-thinking heads is better than 6."

Burke, K.: "Again, I will stress, in the federal system and in 38 other states, they seem to get along well with 6 jurors in a civil case."

Kay: "Well, we've never paid much attention to what other states do, so I'm not going to pay much attention to it today. I... I'm curious about the counties, though. It's very, very easy to spend other peoples' money. Do you anticipate that happening at the county level?"

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Burke, K.: "I do not know the specifics for all 102 counties. What I can tell you is that Cook County is neutral on this proposal and they would probably bear the biggest cost, if there... if there indeed is one."

Kay: "But you don't have county support on this Bill, do you?"

Burke, K.: "In what way?"

Kay: "Well, you don't have their support with respect to the Bill and I'm... I guess, I'm..."

Burke, K.: "I don't have their opposition either."

Kay: "I guess I'm supposing that they're afraid that they're going to have to ante up the money which then means that you and I are going to have to ante up the money. Is that not correct?"

Burke, K.: "Generally, the fees for a jury are paid by the litigants. There's a jury fee."

Kay: "And you can have 6 or 12. Is that correct?"

Burke, K.: "Currently, yes."

Kay: "Okay. I guess I have just one last question and it goes back to Representative Reboletti's comment about why the rush; and he also asked why we need this Bill. And the only thing I heard was, there was a group of Trial Lawyers who came to you as a group and said this would be better. My take on this is... my take on this is, and I don't point this necessarily at you, but you carry the Bill. That this is a Bill that I would simply call the Trial Lawyers appreciation Bill for savaging Chief Supreme Court Justice Lloyd Karmeier a month ago. That's what this Bill is about. This is a payback to the Trial Bar. Thank you, Mr. Speaker. I don't have any further."

Speaker Lang: "Mr. Thapedi."

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

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Speaker Lang: "Sponsor yields."

Thapedi: "Representative, are you familiar with the Illinois Association of Defense Trial Counsel?"

Burke, K.: "I... I sure do. One of them testified at the Judiciary hearing yesterday on a different Bill."

Thapedi: "Okay. And on this Bill, what was their position?"

Burke, K.: "No position."

Thapedi: "Okay. That's interesting because the Illinois Association of Defense Trial Counsel is basically the opposite to the Illinois Trial Lawyers Association, correct?"

Burke, K.: "That... that's correct."

Thapedi: "And they lodged no objection, whatsoever, correct?"

Burke, K.: "While they were in the room."

Thapedi: "While they were in the room?"

Burke, K.: "So, my point is, they were accessible. I was there. They were in the room. They could have lodged opposition had they chosen to and they did not."

Thapedi: "I want to make sure that I understand this correctly. The Illinois Trial Lawyers Association was in the room. The Illinois Association for Defense Trial Counsel was in the room. And you heard no objection whatsoever from the Defense Bar. Is that correct?"

Burke, K.: "That's correct."

Thapedi: "You also had some questions with respect to the difficulty in cases that are pending in Federal Court versus state court. Do you recall that?"

Burke, K.: "I do."

Thapedi: "And isn't it true that in a normal civil action that there is a specific requirement before you can even bring a

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civil case for all intents and purposes is if there's a diversity of citizenship and the amount in controversy is in an excess of a certain number. Is that correct?"

Burke, K.: "Exactly."

Thapedi: "So, that doesn't mean that a case is more complicated or more convoluted or more complex if it's in a Federal Court. It's simply that the parties may, quite frankly, just reside in different jurisdictions. Is that correct?"

Burke, K.: "Absolutely and state courts handle very complex litigation all the time."

Thapedi: "All right. Also you had some questions about conversations with... strike that. You had some questions from a previous speaker that essentially was somewhat concerned about your lack or the allegation that you did not properly vet the Bill. And I must tell you, Representative, that initially I had some concerns about the Bill, and I did vet the Bill. And I did have some questions with the representative from the Clerk's Association and there was no objection. Were you aware of that, as well?"

Burke, K.: "That's my understanding."

Thapedi: "Okay. In fact, the way that the process works in civil cases is, is that a party is not automatically entitled to a trial by jury, correct?"

Burke, K.: "Some... in some instances, you're correct."

Thapedi: "All right. And generally what happens is, is that when a party files an action, they will file additional moneys to have a jury of 6, correct?"

Burke, K.: "Correct. They will make a demand for a jury."

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Thapedi: "Correct. And they will pay that associated fee for a jury of 6. And if they decide that they want to up that number and have a jury of 12, they will pay additional moneys, correct?"

Burke, K.: "That's correct."

Thapedi: "So, in other words, what happens then is that a litigant, and I'm talking about a person that's bringing the action, they'll pay less money to be in court if they opt not to have a jury of 12, correct?"

Burke, K.: "That's correct."

Thapedi: "So, that's actually a savings, is it not?"

Burke, K.: "It's less expensive to... for the litigant to have a jury of 6 as well as the cost savings to the litigant down the road if it... when it goes to trial, picking 6 jurors is less of an onerous process... or less of a time-consuming process than picking 12 jurors, so they would... both sides would save money on that aspect."

Thapedi: "And I spent... and you know this... and I spent quite a bit of time as a defense lawyer, as a medical malpractice defense lawyer, and a products liability defense lawyer. And we know that oftentimes these cases last for years and years, correct?"

Burke, K.: "Correct."

Thapedi: "So, what you're essentially doing is, is that you're providing more fairness to the procedure. Would you agree with that?"

Burke, K.: "I would. Fairness and... and also I would say efficiency. One of the complaints of litigants is the delay it takes to

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get to trial and then the length of the trial and this would help with restoring or having some efficiency to the process."

Thapedi: "And with respect to the fee portion, what you're also providing with the fee portion is you're providing some certainty as to how much a juror will receive for their service. So, for an example, I did hear a comment from a previous speaker that was somewhat cavalier in her statements with respect to how jurors will eat and what they will eat when they're downtown, for an example, in the Circuit Court of Cook County. And I think that it is important to note that oftentimes when minority juries, or minority jurors, are coming down to the Daley Center and they're required to be there downtown all day long listening to testimony and doing what needs to be done in order to make sure the judicial process runs smoothly oftentimes, the amount of money they receive is not even enough for them to even get down there, let alone have a bite to eat. Would you agree with that?"

Burke, K.: "I would agree with that."

Thapedi: "All right."

Burke, K.: "And especially also think about, Representative, counties where the courthouse is a great distance away for people and there is not public transportation and those folks have to get themselves to the courthouse. And it can sometimes be a burden if they don't own a car or they have to incur the cost of filling up their tank to get them there."

Thapedi: "And this is... and I think we heard a little earlier from a previous speaker saying that this was a gift to the Trial Lawyers. Are you aware of any Bills that have been brought to your attention by the Illinois Association for Defense Trial

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Counsel asking for specific Bills to be filed with respect to the jury selection process, and the payment of jurors, and the number of jurors?"

Burke, K.: "I am not. And I would also bring up another Representative told me that he had filed a Bill similar to this several years ago and it did not progress. This is not a new concept. This is something that the bar in general as well as judges are concerned about with making sure that having people serve for a jury is not onerous. And I think this is the impetus behind the Bill."

Thapedi: "And I can appreciate that. And you're a member of the bar and I'm a member of the bar. And you have not heard from any other organization other than maybe the Illinois Defense Trial Counsel, who were present in the room but didn't say anything meaning the Chicago Bar Association, the Illinois State Bar Association, all the lawyers in this state, and no one has lodged a formal objection to your Bill. Is that accurate?"

Burke, K.: "Representative, as you know, lawyers are generally not reluctant to share their opinion on anything, including legislation. And I have not heard from any other lawyer group."

Thapedi: "Thank you, Representative. Mr. Speaker, please instruct all of the Members to vote 'aye'. This is a Bill that is about fairness. This is a... this is a Bill about fairness, let's be honest. And this is someone who come from the perspective of representing both plaintiffs and defendants in litigation. If the Illinois Association of Defense Trial Counsel had concerns about the Bill, had concerns about the method and

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the path that we were following, I'm sure we would have heard from them. I heard some of my colleagues say instruct. I didn't mean to say instruct, I meant to say urge the Members to vote 'aye'. The Speaker is also an attorney; the Speaker tries cases. This is a great Bill. Let's vote for it and move it along and have some fairness for the people in the State of Illinois. Thank you."

Speaker Lang: "The Chair has no intention of instructing anybody, Sir, or urging. Mr. Martwick."

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

Speaker Lang: "Lady yields."

Martwick: "Representative Burke, just a couple of quick questions and I want to focus in on something. The prior speaker did a good job of getting to the nuts and bolts of the legal ramifications of this, and how it will affect the system of juris prudence. But I want to break this back down to.. to the real simple part of the compensation here. So, can you tell us what the law requires of counties of more than a million in terms of compensation, right now irrespective of what is actually done in practice, what the law requires? I believe I read it was \$10 a day. Does that sound about right?"

Burke, K.: "That's correct."

Martwick: "And in counties of less than 25 thousand my understanding is, from what I read, \$4 a day?"

Burke, K.: "Four dollars a day."

Martwick: "Wait... wait... hold on, \$4 an hour, right?"

Burke, K.: "That would be \$4 a day, Representative."

Martwick: "Four dollars a day. So, our system of justice is probably, arguably, the most important part of our democracy,

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right? Without justice we have nothing in democracy, right?
And we require people to participate and we would compensate
them as little as \$4 a day."

Burke, K.: "That is the... the floor and counties do go above that..."

Martwick: "Above and beyond."

Burke, K.: "...but sure they... but they could go to \$4 an hour... I
mean, \$4 a day."

Martwick: "A day. Okay. So, many counties have decided on their
own to increase additional compensation, right? So, what...
let... let's think about this in numbers. So, if you were
working, if you were, oh I don't know, let's say a single
mother and you were making minimum wage. That would be, by my
math, about \$64 a day. And if you were serving in Cook County,
which is the highest paying, you would receive how much?"

Burke, K.: "Seventeen dollars and twenty cents."

Martwick: "Okay. And if you were making the median individual
income in our country, \$26 thousand a year, that breaks down
to a \$100 a day, but if you were serving on a jury in Cook
County you would get how much?"

Burke, K.: "Seventeen dollars and twenty cents."

Martwick: "Okay. So, if you're a single mother making \$100 a day,
and you are forced into a three, four week jury trial, then
does the county make sure that your mortgage payment gets
paid?"

Burke, K.: "No, they give you a check for \$17.20 an hour."

Martwick: "Do they make sure that your children get fed?"

Burke, K.: "No, you get \$17... \$17.20 a day."

Martwick: "What if your children are hungry?"

Burke, K.: "You make due."

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Martwick: "Okay. To the Bill. Mr. Speaker, we have a system in our country where we compel people into jury service. I'm someone who has tried jury cases, and I know that there are people who say I can't afford to do this. And we say unless there is some sort of compelling reason that you would have a conflict of interest, you can be compelled into service, tough luck. And we would seek to pay them as little as \$4 a day for participating in our democracy. This Bill doesn't go far enough. This Bill doesn't compensate them far enough, but what it does do is it makes a very reasonable step by cutting administrative costs because you have to deal with half the jury pool, by... by cutting the number of jurors that you have to pay by requiring the parties that bring the suits to pay for alternate jurors instead of getting them on the county dime. It makes reasonable attempts to control these costs while finally, after 40 years, beginning to try and relieve the burden of serving in our democracy. I think it's ridiculous that we pay as little as we do. I think this is a great first step; there's more to be done. It does a great job of containing costs. It's a Bill that makes sense. And I think it's also kind of funny that everyone's screaming about the fact that the trial lawyer... lawyers brought this Bill because we always hear about people who... who run businesses giving us a business perspective but God forbid, the people who actually try cases in front of juries should have any idea what goes on in a jury trial. This is a great Bill; this makes a lot of sense. And it protects people's involvement in a system that is crucial to our democracy. And the only right vote on this Bill is a 'yes'."

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Speaker Lang: "Mr. Turner."

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

Speaker Lang: "Sponsor yields."

Turner: "Just a couple of quick questions, Representative. I wanted to ask about those fees on the compensation, but I think the previous Representative brought some clarity to that issue. Just around the 6-person jury requirements, this will set us straight with the federal... or on par with the federal level in their approach?"

Burke, K.: "Yes."

Turner: "And it's for civil cases and if a person so chooses to go to a 12-person jury, they would be able to, I guess, pay additional court costs or... it would only be a 6-person option?"

Burke, K.: "Not... not for civil. It'd be a 6-person jury."

Turner: "Six person, that's the only approach to it? Okay. And the 6-person jury mirrors the federal requirements and cuts the number of citizens called upon for jury service and the associated court costs in half, so it's a more efficient approach?"

Burke, K.: "Exactly."

Turner: "And all while making jury service less cumbersome and... to those that are called to do."

Burke, K.: "I think it's a win-win."

Turner: "Okay. I'll have to agree with you on that, Representative. And I'd urge everyone else in the chamber to support this Bill as well. Thank you."

Speaker Lang: "Mr. Arroyo, on what I think is a point of personal privilege."

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Arroyo: "Thank you, Mr. Speaker. I got a question. Representative, do you have to be a lawyer to vote for this Bill? A lot of people are telling me about jurisprudence and all this. I don't know what that is. So, can somebody ask me to adv... can answer this question for me before... or can we just take a vote?"

Burke, K.: "You do not need to be a lawyer to vote on this."

Arroyo: "Okay. Thank you."

Burke, K.: "But you should listen to the lawyers over near your seat."

Arroyo: "But the lawyers are talking a language that I don't understand. I'm a poor guy from Humboldt Park. We don't talk that language over there, where I come from. Thank you."

Burke, K.: "I'm sure you can get translation."

Arroyo: "All right. Jack Franks, can you come over here by me, please? Thank you."

Speaker Lang: "That's not the guy you want. Representative Wheeler."

Wheeler: "Thank you, Mr. Speaker. To the Bill. We were asked to... our counties what the financial impact that this Bill would have to them. And now McHenry County, where there's over 300 thousand people, it will be a financial impact of \$300 thousand a year. Whether there's 6 or whether there's 12 jurors, I don't know what's best, but I do know that this particular Bill has a large financial impact on our very financially strapped county. I'll be voting 'no'."

Speaker Lang: "Mr. Reboletti, you spoke in debate. For what reason do you rise, Sir?"

Reboletti: "My name was used in debate, Mr. Speaker."

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Speaker Lang: "By who, Sir?"

Reboletti: "If I use his name maybe he could have some time, but..."

Speaker Lang: "Why don't you send the Chair a note? Why don't you go ahead."

Reboletti: "Representative Kay used my name in debate, Mr. Speaker."

Speaker Lang: "I see. Proceed."

Reboletti: "Will the Sponsor yield?"

Speaker Lang: "Sponsor yields."

Reboletti: "Representative, I heard some eloquent background discussion about civil juries, and jurisdiction, and cases in controversies, and certain amounts, and very eloquent. It... I won't say your name Representative. So that's great and we've had our civil procedure lesson for today. And we've heard from a Gentleman from Chicago, a very eloquent speech about why jurors need to be paid more money. So Representative, I'll join you in supporting your notion for more money for jurors, if you take out the portion of moving it from 12 jurors down to 6 jurors for civil trials. Would you be... would you consider that here for that... for today or for the rest of the Session?"

Burke, K.: "What's your proposal?"

Reboletti: "Why don't you just take out the portion of the issue of reducing the amount of jurors for civil juries, and we'll just use it to raise the amount of what jurors should be paid. We all agree that \$4 is not enough to feed a family or to make a mortgage payment, or pay for utilities, or pay for car bills, and it's a good first step to raise it up. But let's decouple it from the bigger issue of 12 jurors deciding

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somebody's negligence or liability. Why don't we just use this Bill as a vehicle for additional revenue or additional payment for jurors because we should have more people participating in both our criminal and our civil justice system. Would you consider doing that?"

Burke, K.: "It's an interesting concept. We could talk about it later, but I think I'll stick with what's in Senate... or House Amen... Floor Amendment 1 and Floor Amendment 2."

Reboletti: "Well, I appreciate the gentle Lady's conversation, but this is not about jurors and what they are paid. So, we can't decouple the 12 jurors to 6 jurors. And look, the fact of the matter is this. We need our citizens to participate in both our criminal and our civil justice system. And I have no doubt that if you're the civil defendant in a case, and you'd rather have 12 people determine your fate of the lawsuit, than you should still be entitled to that. And if the State of Illinois chooses to change that, there should be an active and vigorous debate and a vetting of the process by the State Bar Association, by County Bar Associations, the Chicago Bar Association, from the counties, from everybody not just ram it through sometime after the election, right around Thanksgiving and before Christmas. Thank you, Speaker."

Speaker Lang: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. I know this may surprise you, but I'd like to yield my time to Representative Ron Sandack."

Speaker Lang: "Probably surprises Mr. Sandack just as much as the rest of us. Mr. Sandack."

Sandack: "I'm shocked. Thank you, Mr. Speaker. To the Bill. During this debate I got to receive a message from DuPage County and

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they object to this as an unexpected cost, an unexpected task that they're going to be bearing on... in... on a Bill that they passed... been asked no opinion on. The fact of the matter is, this Bill does not save any money. If it did, the Sponsor and those that vigorously support it, would be showing us numbers and analysis. One sheet of paper showing how this would actually save money. You can't show the money because there's no expectation, real expectation, in the 11th hour of the waning 98th General Assembly, that there'll be a true savings benefit. So let my colleagues from DuPage County on that side of the aisle beware; DuPage County objects to this Bill. And lest anyone else that has not bothered to ask their county officials, they may want to do that before you push the green button. Thank you, Mr. Speaker."

Speaker Lang: "Representative Burke to close."

Burke, K.: "Thank you, Mr. Speaker. This is not a revolutionary concept. This is not a new idea. This is not some crazy scheme. It is designed to increase participation, willing participation, in a very vital service to compensate those folks who do serve on jury service in an adequate manner. And at the same time, to increase the efficiency of the jury system through some changes that will reduce some of the cost, to offset some of the cost, in raising the pay or the fee that jurors receive for their service. While I would love to instruct everyone to vote for this Bill, I will simply urge an 'aye' vote. And I thank you for your time and your patience during this very lengthy debate."

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

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Have all voted who wish? Please record yourselves. Mayfield, Scherer, Wallace, Walsh. Mr. Clerk, please take the record. On this question, there were 67 voting 'yes', 46 voting 'no', 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Rules Report."

Clerk Bolin: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules reports the following committee action taken on December 02, 2014: approved for consideration, referred to Second Reading is Senate Bill 1342."

Speaker Lang: "On page 3 of the Calendar, Senate Bills-Second Reading, there appears Senate Bill 2221, Leader Currie. Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 2221, a Bill for an Act concerning courts. The Bill was read for a second time on a previous day. Amendment #1 was adopted in committee. Floor Amendments 2 and 3 have been approved for consideration. Floor Amendment #2 is offered by Representative Nekritz."

Speaker Lang: "Representative Nekritz on the Amendment."

Nekritz: "Thank you, Mr. Speaker. This legislation deals with the statute of repose for construction projects. The Amendment that was... that's on the floor before us narrows the scope of the Bill dramatically so that it just deals with exposure to asbestos."

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

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Clerk Bolin: "Floor Amendment #3 offered by Representative Nekritz."

Speaker Lang: "Representative Nekritz."

Nekritz: "I have to say, I would just ask for the adoption of Amendment #3. I don't know what it does."

Speaker Lang: "Mr. Sandack seems to have a problem with that explanation. Chair recognizes Mr. Sandack."

Sandack: "Yeah, I have a slight problem with that elaborate explanation. It was the wise Tim Mapes that counseled me on maybe asking Sponsors to elaborate a little bit, making a record of exactly of what their Amendment purports to do. So, I'd ask the Sponsor to elaborate."

Speaker Lang: "Perhaps she has now had time."

Sandack: "I tried to make it so."

Speaker Lang: "Thank you, Sir. Representative Nekritz, when you're ready."

Nekritz: "I'm sorry... I'm sorry. #2 was the Amendment that was adopted in committee yesterday. #3 is the Amendment that narrows it to asbestos. I apologize for that."

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

Clerk Bolin: "No further Amendments, but several notes have been requested on the Bill, as amended by House Amendment #2 including a corrections note, a fiscal note, a Home Rule note, a judicial note, and a state mandates note."

Speaker Lang: "Representative Nekritz, do you have any Motions relative to those fiscal notes?"

Nekritz: "I would move that the notes be ruled inapplicable."

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Speaker Lang: "Mr. Sandack, may we take them one at a time or... or together or must we take them one at a time?"

Sandack: "I... We respectfully request that they be taken one at a time..."

Speaker Lang: "Mr. Clerk, what is the first note?"

Sandack: "...since this now seems to be the footprint."

Clerk Bolin: "First note is a correctional note."

Speaker Lang: "Lady moves that the correctional note be held inapplicable. Those in favor of the Lady's Motion vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Please record yourselves. Have all voted who wish? Mr. Schmitz. Please take the record, Mr. Clerk. On this question, there are 71 voting 'yes', 44 voting 'no'. And the correctional note is... is inapplicable. Mr. Clerk, the next note, please."

Clerk Bolin: "The next note is a fiscal note."

Speaker Lang: "Lady moves that the fiscal note be held inapplicable. The Chair recognizes Mr. Sandack."

Sandack: "Thank you, Mr. Speaker. I'll try and be much quicker with my speak request. Will the Sponsor yield?"

Speaker Lang: "Lady yields."

Sandack: "What's the basis upon which we should be... the fiscal note should be deemed inapplicable, Representative?"

Nekritz: "Representative, this has nothing to do with the... with the state or any of its agencies. And therefore, there is no fiscal impact to the state."

Sandack: "There's absolutely... let me make sure I understand that. There's no impact to state agencies with respect to this Bill?"

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Nekritz: "And if there would be, I would imagine it would be indeterminate."

Sandack: "Well, have you inquired of any state agencies to determine because I just heard you use the word 'imagine'. Wouldn't it be better practice to actually make an inquiry to see if any state agency would be impacted by your Bill?"

Nekritz: "Okay. Representative, I don't see the point in delaying the moving of the Bill for what I'm sure... what I would be fairly confident would come back and say we cannot determine that. If there is any impact."

Sandack: "Representative, are you aware of any state agencies that were within leased properties or owned properties that may have asbestos used in its construction or maintenance?"

Nekritz: "I hear rumors that there are such buildings, yes."

Sandack: "Would the Stratton be one example of such a rumor?"

Nekritz: "There is that rumor, yes."

Sandack: "So, let's just work off that rumor a little bit. So presumably, there may be a state agency that has... that should be offered a chance to opine, or understand your Bill and maybe the consequences of your Bill, given the fact that it may have asbestos and there may be implications, liability and otherwise, from your Bill."

Nekritz: "Representative, I think that would be a fairly... I think that again, we could fairly easy... fairly easily predict that with the limits that the state has, in terms of its exposure on these kinds of claims, that we would know what that... what those numbers are without having to go back and ask the state agency and delay."

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Sandack: "But it's not just state agencies that have potential liability with respect to your Bill. It's architects, builders, designers, supervising architects, and others associated with the construction trade in a building, public or private. that may have liability under your Bill, under SB2221. Isn't that correct?"

Nekritz: "Yes."

Sandack: "And sometimes those are state agencies involved in overseeing the development, lease, and building of state agen... of state buildings or leasing them. Isn't that right?"

Nekritz: "I don't understand. I mean if they're a state agency, they're covered by the... by the... the Tort Immunity Act and if they're not, then... and if they're not a state agency, then they're not covered by that. So, we would know fairly... fairly certainty... with great certainty what the exposure is."

Sandack: "To the Motion, Mr. Speaker. We're going to be getting a set of pat replies in every instance. We saw this with the previous Bill. Notes have been applied in good faith because this Bill, like the previous Bill, has been hastily constructed and is being hastily run through the process as a parting gift to some proponents and friends of the outgoing Governor and his allies. So we're going to get these Motions to find all these notes inapplicable because we've always done it that way, or because of other pat flip replies, rather than going through the process diligently. I would say we're going to... we're setting a really bad precedent here. There will come a day when we're actually going to debate the propriety of notes and someone's going to say, well, we've always gotten rid of them. We've made... we've rendered them

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inapplicable in such a way. This is bad process, really bad process. Vote 'no'."

Speaker Lang: "Those in favor of the Lady's Motion vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Gordon. Please take the record, Mr. Clerk. On this question, there are 70 voting 'yes', 45 voting 'no'. The Lady's Motion carries, and the House rules inapplicable the fiscal note. The next note, Mr. Clerk."

Clerk Bolin: "A Home Rule note has been requested."

Speaker Lang: "Mr. Sandack. Those in favor of the Lady's Motion will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 71 voting 'yes', 44 voting 'no'. And the Lady's Motion carries, and the Home Rule note is held inapplicable. Mr. Clerk."

Clerk Bolin: "A judicial note has been requested."

Speaker Lang: "Lady moves for the inapplicability of the fiscal note. The Chair recognizes... Excuse me. The judicial note. Thank you. The Chair recognizes Mr. Reboletti."

Reboletti: "Will the Sponsor yield?"

Speaker Lang: "Lady yields."

Reboletti: "Representative, could you explain why you think the judicial note should be ruled inapplicable without the branch... Judicial Branch opining about it."

Nekritz: "Representative, I think that the change to the statute of repose is a fairly simple change, in terms of the administration of justice, and I don't think that there is any impact at all."

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Reboletti: "Well, why wouldn't we let them make that determination? If we have more people who might be eligible to be sued, with a change... a simple technical change in how we sue people, then why wouldn't we want to determine how many more judges we may need to make those determinations or preside over those trials?"

Nekritz: "Representative, the judicial note has to do only with increasing the size of the Judiciary."

Reboletti: "Correct."

Nekritz: "So, this is not going to be, I think doing that in any way, shape or form."

Reboletti: "And I appreciate your well-informed view on this, but I would also appreciate hearing from them. And for that reason, I would ask that the Body vote 'no'."

Speaker Lang: "Mr. Sandack."

Sandack: "To the Motion. Mr. Speaker, can I, again, ask for a little bit of reduction in volume?"

Speaker Lang: "Yes, you can ask."

Sandack: "Would you..."

Speaker Lang: "Mr. Sandack has asked that we hold the noise down."

Sandack: "Would you oblige me, please?"

Speaker Lang: "Ladies and Gentlemen. Thank you. Mr. Sandack."

Sandack: "Thank you. Ladies and Gentlemen, we have a Bill that seeks to change in a really significant way statute of repose. Think of it as removing a limitations period on certain causes of action. The Bill has changed significantly, but this side of the aisle has put notes on the Bill because we want to know more information. This is usually a far more studied exercise. Sponsors generally, actually go out and seek the

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information sought, rather than provide, again, really flip answers, doesn't apply. Don't worry about it. We're in charge, take your medicine. If you care about proceedings, if you care about procedure, if you cared about the propriety of how we conduct ourselves, you ought to vote 'no'."

Speaker Lang: "Those in favor of the Lady's Motion will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mitchell, Thapedi, Zalewski. Please take the record, Mr. Clerk. On this question, there are 70 voting 'yes', 44 voting 'no'. And the Lady's Motion carries. And the House rules the judicial note inapplicable. Mr. Clerk."

Clerk Bolin: "A state mandates note has been requested."

Speaker Lang: "Lady moves that the note be held inapplicable. Those in favor of the Motion will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record, Mr. Clerk. On this question, there are 71 voting 'yes', 44 voting 'no'. The Lady's Motion carries, and the state mandates note has been held inapplicable. Mr. Clerk."

Clerk Bolin: "No further note request. No Motions are filed."

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

Clerk Bolin: "Senate Bill 2221, a Bill for an Act concerning courts. Third Reading of this Senate Bill."

Speaker Lang: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. I discussed the legislation before, but briefly it changes the statute of repose for construction projects with only... and it takes away the statute of repose only for asbestos, when that is used in the

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construction process. And I will... I will... let me just add that I think that we all know that asbestos is a very toxic product, and for those unlucky individuals that are exposed to it, it results in mesothelioma, which is a condition that cannot medically be developed within the 10-year statute of repose that is imposed in our statutes. So individuals, who seek to have a claim against what may be the most... the defendant with the most culpability, by our laws, would be prevented from... by our current laws, would be prevented from pursuing that claim. And I think for something as egregious as asbestos, where we've known for literally a century that it has this toxic impact, it behooves us to protect the citizens of the State of Illinois by removing this statute for those particular causes."

Speaker Lang: "Mr. Sandack."

Sandack: "Thank you, Mr. Speaker. Will the Sponsor yield for a few questions?"

Speaker Lang: "Sponsor yields."

Sandack: "Representative, other than the Trial Bar, are there any other known proponents of your Bill?"

Nekritz: "I have to say, Representative, that we, by agreement, dispensed with the reading of the witness slips yesterday in committee, and I did not get a chance from the witness table in order to be able to look at those."

Sandack: "Well, I just quickly looked at the online record. There appears to be 5 other proponents. You are certainly free to do so. By my review of the record, there's 38 opponents. Does that sound about right?"

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Nekritz: "Well, I would say based on some conversations I had today after the filing of the Amendments, that a number of the opponents that signed in yesterday have removed their opposition. Those removing their opposition that I'm aware of are the Illinois Chemical Council, the Illinois Manufacturer's Association, the Illinois Retail Merchants Association, and the Farm Bureau. All of those have removed their opposition and gone to neutral."

Sandack: "So, it was 40 yesterday, maybe it's 36, or 35 opponents today. You certainly have the vast majority of business groups being in strong opposition. Isn't that correct?"

Nekritz: "I don't know whether I would consider a vast majority. Some of those ones... players I just named off are fairly significant interests that are routinely represented around here."

Sandack: "I wouldn't deny that, but of course if there's 40 opponents of record, and 4 are off, it sure seems like the vast majority are still in opposition. But we'll move on. You characterize your Bill as being reduced and limited to asbestos cases because of mesothelioma being unable to be diagnosed within a 10-year period. Is that the driving rationale for your Bill?"

Nekritz: "Yes."

Sandack: "And of course, you're well aware that those afflicted with that horrible disease are not remediless. That there is a trust, a bankruptcy trustee and a large trust that's administered through the manufacturers of asbestos, so that those who have been adjudicated to have been afflicted and

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having mesothelioma from asbestos have a cause of action against the trust. Isn't that right?"

Nekritz: "Yes, Representative, and those indiv... those companies and individuals should be culpable, as well. But again, in a situation where the... you can prove up the case against the contractor, who may have known of the problem with asbestos but still proceeded to expose employees and workers to that, and if the plaintiff can make that case, I think that we ought to give them that opportunity, especially when it comes to asbestos when we, again, known for a century that it causes these diseases."

Sandack: "So, an architect or a supervising architect who was involved in the design of a building with a known legitimate material at that time now 65 or 50 years later, under your Bill, could be held responsible in damages for overseeing a construction site, now owes money to someone who's afflicted 35, 40, 50, 65 years later. Isn't that right?"

Nekritz: "In terms of the time frame, yes. But I would say for both the plaintiff and the defendant that delay causes difficulty in proving the case. But if they can prove the case, I think that they ought to be allowed to do that, given the fact... what we know about the impact that asbestos has on health."

Sandack: "Last question. Representative, do you think this helps Illinois' reputation as a business friendly state? Do you think this is something that's sending a message to Illinois businesses to loosen up the ability to sue? To look back 50-plus years and bring a cause of action. Do you think that helps the construction trade? Businesses that want to build

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things here in Illinois: school boards, hospitals. Is that a good thing for them?"

Nekritz: "You know, Representative, I'd like to think that Illinois is about protect... is also about protecting the health of its citizens and I think that this does... goes a long way toward making that happen."

Sandack: "To... to the Bill, Mr. Speaker. People should be given every chance to bring their cause of action and that happens right now. All one has to do is turn the TV on late at night, and you will be besieged by personal injury lawyers plying their trades, whether it's in Madison County or Cook County, to bring a claim sounding asbestos against anybody and their mother and brother. It's happening right now. So, let's not be confused that this is all of a sudden addressing a gaping loophole and a wrong that needs to be addressed. Lawyers... the plaintiff's lawyers are getting their day in court and they're getting sizeable judgments right now. What this does do is it gives great pause to the construction industry, and that includes home builders, by the way, Ladies and Gentlemen. A home builder and a homeowner could be sued by some... some person 20, 30, 40 years later because a material used at the time was deemed totally legitimate, later on has some unknown and unexpected negative affect. And now, Joe and Janet Citizen are being sued in Madison County or in Cook County because some material used in the building of their home that they long since sold and vacated, now renders them potentially culpable. This applies to architects, this applies to supervising architects, design and build companies, every builder under the sun. We now have no limitations on when you

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can bring a cause of action. This puts Illinois in a class of two others. Two other states that have no other statute of limitations. It's a class we do not want to be in, Ladies and Gentlemen and it just furthers our reputation as a place that's openly hostile... openly hostile to business. We want to turn this state around; we got to get jobs. This will not help jobs. I encourage a thoughtful 'no' vote."

Speaker Lang: "Mr. Reis."

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

Speaker Lang: "Sponsor will yield."

Reis: "Representative, if I'm not mistaken you have been here about 12 years. Is that correct?"

Nekritz: "I'm sorry. I couldn't hear you, Representative?"

Reis: "You've been here about 12 years. Is that correct?"

Nekritz: "I didn't realize you were keeping track. Yes."

Reis: "Well, I'm making a point. You have a legal background. And I'm just wondering why, after all these years, you never introduced this Bill until November 25 of this year?"

Nekritz: "Representative, sometimes it takes a good idea a long time to percolate."

Reis: "Yeah. Mmmm. I'm having a hard trouble understanding this, so help me. Is this going forward or is this retroactive? So, if a statute of limitations which is 10 years now, if I'm not mistaken, has already passed, will this only be for new ones that might expire at their 10-year period?"

Nekritz: "Representative, it is my understanding that... I'm not sure that the courts in Illinois have spoken to this yet because we haven't taken this action. But in other states where the statutes of repose have been either eliminated or

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changed, courts have... some courts have held that the existing statute of repose applies to past actions."

Reis: "What's your intention with your legislation?"

Nekritz: "My intention would be to provide plaintiffs an opportunity to go after culpable defendants who have exposed them to asbestos."

Reis: "So it's your wish that a statute of limitations that..."

Nekritz: "This is not a statute of limitations, Sir. The statute of limitations remains in the statute."

Reis: "Okay, statute of repose. So, as some have expired already, you're saying that that should go back and open up, and that they should be subject to lawsuits, even though their 10 years has already expired?"

Nekritz: "Representative, I would just like to say that, again, this is a disease..."

Reis: "No, no, no, no, no. What's your intention?"

Nekritz: "...that cannot medically manifest itself within the 10-year statute of repose that we currently... that we currently have in place. So this is the kind of thing I think we need for the protection of our state, the citizens of our state."

Reis: "Well, you made the statement, and I'm not finished with this idea, that we want to protect the health of our citizens. Asbestos hasn't been used since the mid-70s. It's outlawed. So, now, we're talking about opening up businesses, and contractors, and architects, and anyone who may have had anything to do with the construction of a project, saying you're opened up for lawsuits again. So, my question is, if someone has already expired their 10 years, will this open them back up to new lawsuits? 'Cause I think that changes the

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Bill well beyond what you think you were intended to do with your legislation."

Nekritz: "Well, Representative, I... you know, ultimately that will be a decision for the courts to make, but I believe that we ought to be offering this opportunity to individuals who have been exposed and have a culpable defendant that they can prove a case against."

Reis: "Representative, put yourself in that contractors position, that architect. And your statute of limitations has expired already, and the good ol' state of Illinois..."

Nekritz: "No, the statute of re... You keep saying that, and if you're going to argue the Bill, it has to be the statute of repose, not the statute of limitations. We are not changing the statute of limitations."

Reis: "Statute of repose has already expired. Put yourself in that company's situation. Would you like it that the General Assembly comes down here, at the bequest of trial lawyers, and says, we want to open this all back up again? 'Cause... that's not very American."

Nekritz: "Well, Representative, I can also say that I can put myself in the shoes of my legislative director, who happens to be here today, whose father passed away of mesothelioma. And I can put myself in his shoes and recognize that the death caused by exposure to a known carcinogen is also un-American."

Reis: "Well, back to my original comment. We had 12 years... To the Bill. We had 12 years to do this, but we waited until November 21 or 25 to introduce this Amendment. We don't have time to air it out. We don't have time to do fiscal notes. We don't have time to do judicial notes. Let's get this passed for our

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good ol' trial lawyer friends. We've asked for evidence that this is going to do any good. I would submit to this Body that the evidence is there. Go to the State Board of Elections and look the A-1's this fall. I got one here that seven trial lawyer firms donated to one candidate the same day. This is payback for the elections. Let's get this passed before a Republican Governor comes in, who might not sign this Bill. And let's take care of our good friends, the trial lawyers. I encourage a 'no' vote."

Speaker Lang: "Mr. Reboletti."

Reboletti: "Will the Sponsor yield?"

Speaker Lang: "The Sponsor yields."

Reboletti: "Representative, I'm trying to look at both of the... all of the Amendments that have been filed, and I'm going to ask you a very simple question. Is this Bill prospective or is it also retrospective? Which one is it? Because if there is, and I would assume there may be, litigation on this, that the legislative intent is clear from the Sponsor. Prospective or is it retroactive?"

Nekritz: "This Bill is designed to give those who have been exposed to asbestos, who can prove a claim against a culpable contractor under this... under the statute of repose that we're eliminating, an opportunity to go to court."

Reboletti: "So, that's a nonanswer, and I'll take that as nonresponsive. So, it doesn't say anywhere here. So it's open to judicial interpretation. I guess we'll leave that to the Illinois Supreme Court. So..."

Nekritz: "Everything we do is subject to judicial interpretation."

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Reboletti: "And I understand that, Representative. Well, when you have a monster change again in our civil justice side that just started on November 25, then usually... it hastily put together, it probably demands judicial interpretation. Help me... can we walk through a situation where an individual, because of asbestos in the 1950s or '60s, contracts this, mesothelioma, and then in the State of Illinois has been precluded from some type of remediation or some type of settlement because the statute of repose is in place? Is there one plaintiff in your district or anywhere from throughout the state that has not been able to seek some type of justice in the civil justice system because of this statute of repose?"

Nekritz: "Representative, I would say that there are individuals who have been denied a claim against a culpable contractor because of that."

Reboletti: "So..."

Nekritz: "Because of the current statute of repose."

Reboletti: "...many of the elementary schools and schools in my district were built in the '60s... '50s and the '60s. And walk me through who might be an eligible defendant in one of these situations because now we want to expand who may be culpable, who may have liability. So, when a school was constructed, in the late '50s or '60s and the school board presides over its construction, the county may have had some type of ordinance in place, with... and their type of regulation zoning as to what might be in place will the school board and the county board have some type of potential negligence exposure because of your legislation?"

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Nekritz: "Representative, the existing law defines what a person who is subject to the law is and then says that they are responsible for an act or omission in the design, planning, supervision, observation, or management of construction or construction on improvement to real property. So, I would think that there are interpretations of that... those phrases under existing law, and I admit to not being familiar with what that is."

Reboletti: "Well that's why, Representative, I'm trying to flush some of this stuff out because I'm sure that some of those school members may have long passed. Or some of the companies that were in existence that the folks relied upon their professional judgment may have long been terminated. Or have..."

Nekritz: "In which case there will be no ability to collect against them."

Reboletti: "And I appreciate that. But how would you bring those individuals to testify that the school board could have said in the 1950s that we relied upon the best practices at the time which we obviously are all aware of the fact, in hindsight, nobody would have used the substance. Help me with that part."

Nekritz: "So, Representative, I think that really what that does is impose a greater burden of proof on the plaintiff, who has to actually make the case in the first place..."

Reboletti: "With less jurors now, right?"

Nekritz: "...vis-à-vis the defendant."

Reboletti: "And to the Bill, Mr. Speaker. Again, we... Christmas comes early here at the State Capitol, for some groups. And

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it's unfortunate because on November 25 we've decided that there were... was a great need, an overriding need to change the statute, and the Sponsor has not made her own case as to why this needs to be passed and signed into law before January 12. But each one of us could make our own determination as why this was so important on November 25 when, if all the individuals who have not been able to seek justice, have been left out for years. I would like to believe that it's not because there's a change in administration, but because it is actually in search of a solution to a problem. But that case has not been made on this floor. And unfortunately, it will now take years of litigation to make that determination through the Appellate Court and to the Supreme Court. But this is what happens, I guess, when there is a transition of power, which we haven't seen here since probably the '70s and into the '80s. And so now, we have this rush to judgment to get everything that possibly can get through without much vetting, without much concern, slap it together, put it out there. The outgoing Governor will sign it before he leaves, and voilà, less jurors, more plaintiffs... I mean, more defendants, and we'll see what happens next. And here you go, taxpayer, you can... you can foot the Bill."

Speaker Lang: "Mr. Kay."

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

Speaker Lang: "Sponsor yields."

Kay: "So, Elaine, if I... if I could just take a couple minutes here. Would you agree that the trial lawyers with money are the most powerful men in America?"

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Nekritz: "No, I would not. I would put the Koch brothers at the top of that list."

Kay: "Well, they're not. Actually, they're not. Would you agree that they're the most powerful men in Illinois?"

Nekritz: "I would put the Koch brothers at the top of that list."

Kay: "Well, let me back up here and tell you that they are. And all you have to do is look at how their money is spent once an election comes around. And I think we've all kind of paid attention to the A-1's in this state. And It's kind of interesting that they have so much money that they can afford to pass this Bill on to some of you guys and think it's a good Bill under the theory that there should be no limitation on this thing called a disease, which is very horrible. But we're headed, as I see it, for no time limit for mesothelioma to be ever cut off. There will be no cutoff for this and that's what your Bill starts to do here. Let me ask you another question. Since it was so far..."

Nekritz: "Representative, I have to admit. I... I take offense at some of those comments."

Kay: "Yeah, I'm sure."

Nekritz: "I think, you know, we certainly all take campaign contributions. That doesn't mean were beholden to the individuals that make those campaign contributions. And I think if you look at the history, at my history, when I was endorsed by the teachers union, I took on the issue of pension reform regardless. So I think that these are, you know, the argument that you're making that somehow, because I took campaign contributions, you know that I'm... that I'm doing some bidding, is completely specious."

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Kay: "Okay. Well, fair enough. You have your opinion and I have mine. How does Illinois rank in the state... as a state within the union with regards to its litigiousness? Do we rank high or low?"

Nekritz: "I honestly have no data on which to make that response."

Kay: "If I told you we rank... if I told you we rank 48th in the nation, would you think that right? Does that sound remotely correct?"

Nekritz: "I... I have no basis for saying yes or no."

Kay: "What if I told you that Madison, Cook, St. Clair, and McLean Counties were ranked the worst counties in the nation for asbestos trial abuse, where there were zero verdicts returned. Would that surprise you?"

Nekritz: "I'm not sure. If... you're saying it's abusive that there's been no verdict?"

Kay: "There's been some. But what I'm saying is that most of the time they run to these counties because they have, in the past, got verdicts in there of high... judgments in there of high sums of money. Were you aware that these are some counties in Illinois that have been perceived to be venues where people have paid simply to get out of lawsuits because they're afraid of the Trial Bar?"

Nekritz: "And Representative, I would say to you, behind each one of those cases is an individual who was exposed to this toxic product. When, again, we've known for a century that it's toxic, and someone died early because of that."

Kay: "Okay. You think the litigious climate in Illinois ranking... 47 helps our prospects of keeping business here or bringing business in?"

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Nekritz: "I... Representative, I don't feel like I'm capable of making a judgment about that."

Kay: "Okay. But you remember this, Elaine, I brought a Bill to the Judiciary Committee and it had to do with two very important facts. One of which, I believe, Representative Sandack brought out, and that is that there is a huge national fund paid into by people who think they have asbestos exposure for people who have claims to be paid from. Is that not correct?"

Nekritz: "I'm sorry Representative. I was..."

Kay: "Okay. There's a national fund, a bank of money, where people with asbestio... thesiosis can go and collect money for their disease. Is that not correct?"

Nekritz: "I believe that to be correct."

Kay: "And is it also..."

Nekritz: "But that from the manufacturers, Sir."

Kay: "That's correct. The manufacturers have put the money in there because they really don't want to go to trial in many jurisdictions because they're not sure they're going to get a good trial. But that's my opinion."

Nekritz: "Well, they put money in there..."

Kay: "That's my opinion."

Nekritz: "...because they were culpable at continuing to sell..."

Kay: "Well, maybe."

Nekritz: "...a product well after they knew it was toxic and were exposing people to it."

Kay: "Well, maybe. That's again... that's an opinion. But let me ask you this. Do you remember the Bill I had that said you couldn't double dip, and you couldn't get money from the fund,

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and you also couldn't come back and sue in the State of Illinois for the same claim?"

Nekritz: "I... I remember you bringing such a Bill. I don't remember the specifics of it."

Kay: "Yeah, well, it didn't get out of committee and that was too bad. But everyone in this Body should know today that if you don't collect once, you collect twice. You collect a lot of money the first time from the national fund, and in Illinois, unlike some other states, you can come back and collect again. So, what are we saying here, Elaine? Why are we doing this? Is it because asbestos, as we know it today in the form of lawsuits, has dried up and we have to extend the box? Is that what we're really saying?"

Nekritz: "Representative, I think we're trying to be... trying to be fair to individuals who are suffering greatly because of exposure to a toxic product."

Kay: "Well, I would say this, if you can collect twice that's more than fair. That may... that may be unjust. Let me just say this in closing. You know the national reputation that the State of Illinois has, and it's bad. And it's put us in a position where nobody wants to come to Illinois, unless they're just desperate and there's not very many of those people. If we don't clean up the system that's broken, we're going to be in the same rut, the same ditch that we're in today. And if we don't start now, we might as well forget it. This is a step in the wrong direction for many, many reasons. Not the least of which people can be fairly compensated today, today, without going back and bringing in parties that, as one Representative said, may well be dead, school boards that

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might not exist, superintendents who knew nothing about it, and contractors who are in their retirement years. This is a bad Bill. Thank you, Mr. Speaker."

Speaker Lang: "Mr. Harris."

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

Speaker Lang: "Please proceed."

Harris, D.: "Representative, help me understand, for those of us who are not attorneys. What is the difference between the statute of limitations and the statute of repose?"

Nekritz: "The statute of repose is the time in which you... after you're exposed... at least in this instance... after your exposed to a product, the time in which you have to discover the claim. And then once you discover the claim, you have four years beyond that. That's the statute of limitations. So if you discover the claim in year two, of the statute of repose, you still only have four years within which to file your claim. If you discover it in year nine then you have another four years to... you eventually would have 13 years to file your claim."

Harris, D.: "So, you made the statement, and I think there's validity, you made the statement that in the case of mesothelioma from asbestosis, that might not show up for 10..."

Nekritz: "Twenty... thir..."

Harris, D.: "Okay. Well..."

Nekritz: "Actually my understanding from the testimony we had in committee is that it's medically impossible to have it appear in less than 20."

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Harris, D.: "But there have been any number of suits brought against the manufacturers by those folks who have suffered from this disease currently, correct?"

Nekritz: "Correct. And there's no statute of repose for a... for the manufacturers."

Harris, D.: "Okay. But we have a statute of repose of 10 years now, and it seems to have been working, but let's say that's not long enough. Why not go to 15 years or 20 years, rather than forever?"

Nekritz: "Representative, I can only tell you that we had some testimony in committee yesterday from a gentleman who was exposed in the 1950s and that was the only time he worked at the construction site and so he got his exposure there, and he was just diagnosed six weeks ago."

Harris, D.: "And under the current... there was a reference earlier to a trust fund that was set up, I believe, that would have come about because of by... by the manufacturers that were producing the product. Does this... does this Bill now allow other than the makers of the product, such as the contractors who, in good faith, used a product, which at the time they did not know was harmful."

Nekritz: "Okay. I... I think we can debate that point."

Harris, D.: "In good faith they used that product. Are they now being exposed to this liability of a lawsuit?"

Nekritz: "Well, they're... they're exposed to... they had that exposure. But they had a more limited time for that exposure, but they were insured for that exposure at the time that they were using the product. And I think I would argue with you that they did not know at the time, that they thought it was

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a safe product. I mean, we knew in the 1930s that asbestos was bad, and people continued to be exposed in the '50s, '60s and '70s."

Harris, D.: "Well, I would.. and I would disagree with you because DDT was, at one point, a... an insecticide that was used everywhere, and we thought it was a good product. And it turns out that DDT was not a good product, but rather a harmful product. We don't necessarily know at the time of manufacture that something, indeed, down the road in the future, could be harmful. It seems to me that we are exposing individuals, such as those who oversee projects, those who are involved in projects and the reference has been made earlier to architects and others. But folks who acted in good faith, not knowing that perhaps the product was harmful, that we're exposing them to liability that is... puts a real pause on their business willingness to work in this state. So, I have a genuine concern. And to the Bill, not to prolong it, but to the Bill. Ladies and Gentlemen, I understand that there may a need for lengthening the statute of repose, but to take off that length, that limitation entirely, to me is way too expansive, and also expands the liability to others. I suggest a 'no' vote is the right vote on this Bill."

Speaker Lang: "Mr. Sullivan."

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

Speaker Lang: "Sponsor yields."

Sullivan: "Representative... Leader, you used the term culpa... culpable defendants... give them the chance to go after culpable defendants. I would assume that under this we now are looking

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at an expansion of potential culpable defendants, in my reading, plain reading of Section b of this. Is that correct?"

Nekritz: "Well, you know, they have liability today. It's a question of when they're liable, yes."

Sullivan: "Okay. I want to ask some scenarios, as a non lawyer, just thinking this through. Specifically regard to Section b when it talks about, contractor otherwise brought against people. We understand design and planning to indicate probably architects and we've heard that the architects are opposed. But can you describe to me what would be envisioned as a culpable defendant when we bring up the word supervision or observation? In your mind, what would that relate to if someone was supervising or observing the construction of a building or the construction of an addition to the building?"

Nekritz: "To my mind, that would be the... a contractor who is engaged in the construction of a facility."

Sullivan: "Don't you think that might be a little broad to potentially say the school board that was building the building?"

Nekritz: "Representative, I... I hesitate to speak to that because I don't... this is current law. I don't know if there's been court interpretations. I just... anything I would say... would be saying would be speculative when my guess is that, as this statute has been in effect since the '80s, that it... that it's been interpreted by the courts."

Sullivan: "Okay. So, potentially and that's obviously a court that would determine that, obviously, moving forward."

Nekritz: "And they may have already, for all I know."

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Sullivan: "Okay. And that's fair enough. So what would happen, and I have a school, very specific school, in my district in Lake Zurich that is going to be working on a building that we know it has asbestos. And what would happen 30 years down the line and a worker comes in... and says I was working in that school, I now have mesothelioma, something like that, would.. would that school district be culpable? Would they be a culpable defendant going forward 30 years out? Let's say someone... they tear down the school next year, a worker comes in and this passes, becomes law. A worker comes in 30 years later.."

Nekritz: "Representative, if they... if they use asbestos in the construction of a facility today..."

Sullivan: "Right."

Nekritz: "...they got a whole lot more problems than this Bill."

Sullivan: "But this Bill says that you could go in and put an addition on, and the addition... we already know that the school has asbestos in it, and they might add on or change or rehab the building. They're trying to figure out what to do, but one of the options is to rehab that building. And we know there's asbestos. So, 30 years down the line, what happens to my school board or my members, you know, my superintendents? Are they going to be one of your culpable defendants or potentially?"

Nekritz: "Representative, I don't think this... I'm trying to figure out how to answer your question, because I'm... I think you're setting up a scenario that, by law today, is already covered by the laws that don't allow the further use of asbestos in a construction site."

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Sullivan: "Okay. Well, I think it's reasonable to bring that up and maybe we should pull the Bill out of the record. I know you're not going to do it, but... and I'm not asking you to. But we don't know some of these answers. So what you're telling me is potentially..."

Nekritz: "No, I'm not. I just... I think that what you're setting up is a scenario that's already covered by existing law..."

Sullivan: "Okay."

Nekritz: "...that prohibits the use of asbestos in construction."

Sullivan: "But until I know that answer, my assumption is why would I want to be a school board member in Lake Zurich, at the very least, 'cause we already know that's coming?"

Nekritz: "But Representative, I would say if you're a school board member in Lake Zurich and someone suggests using asbestos in construction, again, I think you have a whole lot more problems than this Bill."

Sullivan: "No, no. That's... but the reading of this does not talk about the construction, it talks about any addition to. And so you know that there's a building already in place that has it and you're going to be doing an addition, that's in Section b. And that's the point that I'm trying to bring forth, is what happens in the future and why would want to be a school board member?"

Nekritz: "Representative, I think if you... I think we have laws... I think that there are laws regarding..."

Sullivan: "Sure."

Nekritz: "...the use of asbestos in construction. And if you follow those laws as a school board member, I honestly..."

Sullivan: "Okay."

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Nekritz: "...there's no way you could just have some exposure going forward from today for this kind of a... for this kind of a claim."

Sullivan: "Okay. Well, there's ambiguity here, because of the broad nature of Section b. What about... let's move... In my opinion, anyways. Let's move forward. In the past, what would be the culpable... the potential of culpability to a city inspector that inspected this building that allowed this to go forward? Would that be someone that would be potential... a culpable defendant under your Bill?"

Nekritz: "Again, Representative, I don't know the interpretation that the courts have put on that existing language. That seems like a stretch to me that the city inspector owed a duty of care to the land... to the... to the workers. They don't have that direct relationship."

Sullivan: "Well, don't you think that a city inspector would be under a supervisory, or an observation role..."

Nekritz: "No, no."

Sullivan: "...under the project?"

Nekritz: "I don't think under... again, I don't know how the courts have interpreted this, but I don't think that that's the kind of individual that that would... that would be covered under this because..."

Sullivan: "But you don't know for sure, so that is a potential?"

Nekritz: "...I don't think the city inspector owes a duty of care that has to be proven in a lawsuit like this to an individual that's working on a job site."

Sullivan: "But this opens them up to that lawsuit?"

Nekritz: "No, I don't believe it does."

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Sullivan "Okay. Well, thank you for your answers."

Nekritz: "Thank you, Sir."

Speaker Lang: "Mr. Martwick."

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

Speaker Lang: "Sponsor yields."

Martwick: "Representative Nekritz, just... I mean, I think a lot of these points have been gone over. I think the debate has been robust and you've made a good case for this Bill, but I just want to touch on a couple of things. The statute of repose is currently 10 years."

Nekritz: "Correct."

Martwick: "But it's yet medically impossible for you to... for the disease to have developed within that 10-year period."

Nekritz: "That's... yes, correct."

Martwick: "Okay. So... do you know if you've ever been exposed to asbestos?"

Nekritz: "I'm not aware that I have been, but..."

Martwick: "You're not aware, but..."

Nekritz: "...but I do work in the Stratton Building."

Martwick: "But... so... so, when people are exposed to asbestos, in... there's no sirens that go off that say, warning, you've been exposed to asbestos, right?"

Nekritz: "No, Sir."

Martwick: "You don't get an e-mail or a phone call that says, hey, you've been exposed. So would it be fair to say that most people who find out they've been exposed find out when they discover that they have the disease?"

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Nekritz: "Right. I would say that's true. And those are... not everyone that's exposed to asbestos comes down with this. So, these are the unlucky few that have that negative reaction."

Martwick: "Right. So, we've heard a lot about how... and I get it that this is supposedly an unfriendly business Bill because it creates more litigation. Although, I believe, if I'm mistaken you can correct me on my numbers, but I believe that 70 percent of the lawsuits filed in Illinois are one business suing another business. So I don't know how this affects that 70 percent, my guess is probably not many."

Nekritz: "Probably not."

Martwick: "Yeah. So... but if a person... so if we say that we shouldn't pass this Bill then really... sum this up for me. If you've been exposed to asbestos, but you did not know it, and your disease not... does not develop until after the 10 years of the statute of repose have passed, then tough luck for you? Is that, pretty much, what a 'no' vote means on this?"

Nekritz: "Tough luck as to what may be the most culpable defendant with... in the contractor, yes."

Martwick: "Okay. That's all I have. Thank you very much."

Speaker Lang: "Mr. Franks."

Franks: "Thank you, Mr. Speaker. I'm just going to speak to the Bill. I wasn't going to, and then I heard the debate. And I remembered my uncle who died of mesothelioma, and I wish we would have had this law when he was alive. It's a terrible, terrible disease. He got extra years because of the incredible doctors at NIH. But it was a death sentence for him and his family couldn't be compensated because he was exposed when he was a kid and it was too late. And it really wasn't about the

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money, but it was about maybe helping the family. And let me just tell you, if any of your family members ever get this terrible disease, you'd want this law to be into effect. And that's why we should vote for it."

Speaker Lang: "Mr. Sandack."

Sandack: "Thank you, Mr. Speaker. I believe my name was used in debate. And I believe you..."

Speaker Lang: "There's no evidence of it, but why don't you proceed."

Sandack: "Other... other than you looking at me and shaking your head. Yeah, there's plenty of evidence. Thank you. I'll be brief. A prior speaker said... and two prior speakers make a compelling emotional case absent reality. We are not doing anything differently other than expanding the scope of liability to nonmanufacturers. There is and always has been a remedy for those people unfortunately stricken through asbestos in their work or daily lives. They have a cause of action. Lest you doubt it, simply turn the TV on late at night. You'll get a bevy of attorneys plying their trade. There is an emotional component to this that we would naturally hook on to and say I want to help such affected people. But they have a remedy, Ladies and Gentlemen. They always have. All we're doing now is making Illinois less business friendly. Look, we're doing this now because there's a Governor leaving. If we're going to act in a bipartisan way, and we ought to, we need to be doing things in a timely fashion. We're doing something here that unfortunately hurts Illinois business. We're doing this at the last minute of the 98th General Assembly in a partisan way because we can.

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Instead the better policy is to act in a bipartisan manner, and we're going to have to do that. I recognize that. A month from now we're going to have to work together and I would encourage people to take a little bit of a pause and ask... I mean, let's look at this realistically. Why are we doing this right now? Why can't we do this in a vetted, open, honest way in a month? I suspect it'll be because the dynamic will be different. That dynamic actually is something very encouraging. It's a bipartisan dynamic. I would encourage my friends on the other side of the aisle to vote 'no' and then take up the merits of this Bill when the atmosphere and the environment changes because I think then we will have actually encouraged and undertaken a far better process. Thank you, Mr. Speaker."

Speaker Lang: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the of the... of the House. I do take issue with the fact that... the argument is made that we shouldn't be doing this now. We're elected to a two-year term. We're not elected to the year and nine months. We're elected to a two-year term. The fact remains that the Sponsor of this Bill has severely limited this... this Bill to only deal with asbestosis, to only deal with mesothelioma, to only deal with people who are afflicted with that grave disease. The statute of limitations still remains under this Bill. The statute of limitations still remains under this Bill. It simply acknowledges that the nature of this disease is such that it won't appear within 10 years. The nature of this disease is such... it may take 50 years. And we're just saying that you still have to prove

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negligence. You can't just say everybody who touched this product is going to be liable. You have to prove a duty. You have to prove a breach of that duty. You have to prove that that action caused, in fact, the injury and you have to prove proximate cause. Now, I learned that the first year of torts. We're not saying that you don't have to prove that. We're just saying we're not going to arbitrarily say that because you don't get afflicted with this disease until 50 years after exposure you're not going to be able to be reasonably compensated for the people who breached that duty. This is an awful disease. An awful disease that people for years knew asbestos caused, and they did nothing about it. They deserve to be liable."

Speaker Lang: "Mr. Thapedi."

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

Speaker Lang: "Sponsor yields."

Thapedi: "And Mr. Speaker, I'll be very brief. Leader Nekritz, we've... you heard some questions or some queries to you regarding public buildings and in fact one specific hypothetical dealing with a city inspector. Do you recall that?"

Nekritz: "Yes. I do, Sir."

Thapedi: "Does your Bill in any way impact the Tort Immunity Act?"

Nekritz: "No, Sir."

Thapedi: "Okay. So, in other words, the defendants, whoever they are, be they a public entity or a public employee, would still have the ability to move to dismiss the action based upon the Tort Immunity Act, if it did apply, hypothetically?"

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Nekritz: "And yes, I would agree. And I also think that the... the case of the city inspectors particularly... I think outside the realm of possibility given the fact that that individual as the previously speaker said there's no duty of care that that individual has to the workers... on a site like that. Otherwise they'd be responsible for OSHA violations or a whole host of things."

Thapedi: "And in fact, consistent with the previous speaker said, does your Bill have any impact on what the burden of proof is for a plaintiff? Are you changing that in any way?"

Nekritz: "No, Sir."

Thapedi: "What about the burden of persuasion? Are you changing that in any way?"

Nekritz: "No."

Thapedi: "So, as the previous speaker noted that you still have to prove up by a preponderance of the evidence all of the requisite actions of a product liability case or any tort action, correct?"

Nekritz: "Within this... within the requisite statute of limitations, yes."

Thapedi: "Okay. And wouldn't it be fair to say, Representative... Leader Nekritz, that one of the first things that a defendant does in litigation... one of the first things that they do is they file a motion to dismiss, correct?"

Nekritz: "Correct."

Thapedi: "And when they file that motion to dismiss, there'll be briefs filed, there'll be oral argument, and the judge will make the decision as to whether or not a meritorious cause

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exists. And either the case will go forward, it'll die right then and there, correct?"

Nekritz: "Well, I admit to being a real estate lawyer, but that all sounds correct based on my long ago recollection of law school."

Thapedi: "Exactly. And in fact, even if a defendant is not successful at the motion to dismiss stage, and the case is discovered, and there are depositions and more motion practice, the defendant still has the ability to file a motion for summary judgment. And if that motion for summary judgment is granted, the case is over, correct?"

Nekritz: "Correct."

Thapedi: "I move for an 'aye' vote, your honor."

Speaker Lang: "Representative Nekritz to close."

Nekritz: "Thank you, Mr. Speaker. I would just like to reiterate that the... the sum of the defendants that are currently have exposure for these kinds of cases are not increased under this Bill. They are not exposed to some additional liability, other than the liability they have. All this Bill does is to say to a defendant who... or say to a plaintiff who contracts mesothelioma or asbestosis, as a result of some exposure, that they are not precluded absolutely by law from seeking restitution from the individuals who exposed them to that... to that asbestos simply by virtue of our statute of repose. I think this is a fair Bill. A Bill that allows for more and more complete and fair compensation to those who have been exposed to this. And I just would like to remind everyone. This is a disease that... these are products that we knew back in the 1900s, the 1910s, the 1920s caused these problems and

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yet we continued to... individuals and companies continued to allow them to be used for decades beyond that. To me, this is very much like the smoking debate, where the tobacco companies knew for decades that smoking was toxic and yet, they continued to promote it. And now I think we need to do this for the citizens of the State of Illinois to make sure that we get some fair compensation for them. Thank you."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Cloonen. Please take the record. On this question, there are 70 voting 'yes', 43 voting 'no', 2 voting 'present. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 4 of the Calendar, under the Senate Bills-Second Reading, there appears Senate Bill 3366. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 3366, a Bill for an Act concerning regulation. This Bill was read a second time on a previous day. Amendments 1 and 2 have been approved for consideration. Floor Amendment #1 is offered by Representative Currie."

Speaker Lang: "Leader Currie."

Currie: "Thank you, Speaker, Members of the House. This a measure from the Department of Insurance. There was an adverse court ruling and in order for them to make sure that the tax forms for both the privilege and the retaliatory tax on foreign insurance companies will work in the coming tax season; this language would fix the problem. The second Amendment is a technical correction to this first Amendment. I'm happy to answer your questions. I'd appreciate your 'aye' vote."

Speaker Lang: "Mr. Harris."

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

Speaker Lang: "Sponsor yields."

Harris, D.: "Representative, we heard this Bill... this Amendment in... Oh, we're on Second Reading. You want to do this on Third?

Do it on Third. I'll hold my question 'til Third. Thank you."

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 #2 is offered by Representative Currie and has been approved for consideration."

Speaker Lang: "Leader Currie."

Currie: "Technical correction to Amendment 1."

Speaker Lang: "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 3366, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

Speaker Lang: "Leader Currie."

Currie: "Speaker and Members of the House, this is, as I say, a... correction for the Department of Insurance so that the forms, the tax forms, filled out by foreign insurance companies, with respect to both the privilege and the retaliatory tax, will work in the coming... in the coming tax season."

Speaker Lang: "Mr. Harris."

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

Speaker Lang: "Sponsor yields."

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Harris, D.: "Representative, we had a good discussion on this legislation this morning in committee, but just to make sure the entire House is aware. This Bill contains no new fees, contains no new taxes, nothing along those lines, correct?"

Currie: "I appreciate you're making that point."

Harris, D.: "And there is not a danger here of what happened with the captive insurance companies where all of a sudden when we passed a Bill it appears as though that... tax revenues are going to flow to the state because of that. That is not... nothing like that is going to be part of this Bill."

Currie: "Nothing like that was part of this Bill."

Harris, D.: "Okay. And then lastly, there is a question of whether or not this is absolutely the right course to take; however, after March of next year, it is timely to continue discussions on this and the parties interested here have said that they would do that after that time period, correct?"

Currie: "And... and I've made a commitment to do that and so has the current Department of Insurance."

Harris, D.: "Thank you very much. Ladies and Gentlemen of the House, I can recommend a 'yes' vote on the Bill."

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? Cavaletto, Evans. Please take the record, Mr. Clerk. On this question, there are 115 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 3 of the Calendar appears Senate Bill 2758. Mr. Clerk, please read the Bill."

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Clerk Hollman: "Senate Bill 2758, a Bill for an Act concerning State Government. This Bill was read a second time on a previous day. Committee Amendments 1 and 2 were adopted in committee. Floor Amendments 3, 4, 5, 6, 7, and 8 have been adopted previously. There are fiscal notes, pension notes, and state mandate notes requested but not filed at this time."

Speaker Lang: "Leader Currie with a Motion."

Currie: "Thank you, Speaker. I move that the notes are inapplicable."

Speaker Lang: "We'll take these one and a time. Mr. Clerk, which is the first note?"

Clerk Hollman: "A fiscal note has been requested but not filed."

Speaker Lang: "Leader Currie moves that the fiscal note be held inapplicable. The Chair recognizes Mr. Sullivan."

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

Speaker Lang: "Sponsor yields."

Sullivan: "Representative, why do you think a fiscal note would not be applicable?"

Currie: "Because nothing in Amendment 8 had any fiscal impact. So, the... I would consider that the filing of a fiscal note on Amendment 8, which simply said that the program does not apply to people under the age of 18 and provided a technical correction at the behest of the Treasurer, had absolutely no fiscal impact. I consider the filing of the note either a misunderstanding of the Bill or harassment."

Sullivan: "Well, but the fiscal note doesn't go just to the Amendment. The fiscal note goes to the underlying Bill and..."

Currie: "No, no, no, no, no. The fiscal notes have been filed up to and through Amendment 7."

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Sullivan: "Right."

Currie: "The fiscal note is only about Amendment 8 and I renew my Motion that it is inapplicable."

Sullivan: "Well, but at the same time, the fiscal note should be to the entire Bill. And when you talk about fiscal impact to the state, what happens if the Federal Government comes in and says you can't do this? Who's going to be liable for that aspect of your program?"

Currie: "First of all, that has nothing to do with the fiscal note request on Amendment 8. I'd be happy to discuss that with you when we discuss this Bill on Third Reading."

Sullivan: "Okay. Well, to the note. There is fiscal impact to the state when this is declared unconstitutional by the Federal Government. Who is going to be the overseer of this fund and who's going to be the liability of this fund? And that's the fiscal impact to the state that I would hope all of us would like to know about. So, that's why I think it's applicable. Thank you."

Speaker Lang: "Those in favor of the Lady's Motion will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Feigenholtz, Hurley, Martwick. Hurley, Martwick. Please take the record. On this question, there are 71 voting 'yes', 44 voting 'no'. The Lady's Motion carries and the fiscal note was held inapplicable. Mr. Clerk."

Clerk Hollman: "A pension note has been requested but not filed at this time."

Speaker Lang: "Lady moves that the fiscal note be held inapplicable. Those in favor... Excuse me. The pension note,

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thank you, be held inapplicable. Those in favor of the Lady's Motion vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Jackson, Leitch. Mr. Jackson. Please take the record. On this question, there are 71 voting 'yes', 44 voting 'no'. The Lady's Motion carries and the pension note is held inapplicable. The next note, Mr. Clerk."

Clerk Hollman: "The final note has just been filed."

Speaker Lang: "Third Reading, Mr. Clerk."

Clerk Hollman: "Senate Bill 2758, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Lang: "Leader Currie on Third Reading."

Currie: "Thank you, Speaker and Members of the House. The problem this Bill is trying to solve is the problem that too many workers in the State of Illinois retire with insufficient retirement income. Today, the reality is that about 2 million, 2 and a half million workers are in employment that doesn't offer any kind of a retirement savings plan. People never expected Social Security to operate as the only cushion for people in their retirement years. And in fact, the average Social Security payment in Illinois is about \$15 thousand. So, more than one in three retirees depend only on Social Security to make ends meet, and that isn't good enough. This measure, the Secure Choice Savings Program, or as you might want to call it, Social Security for Illinois, would create a new program. A voluntary program for workers to help them... help them save money so that they can retire with some kind of income security. It operates so that there is a board that would be appointed by the... the Governor, involve the Treasurer

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as well. They would essentially hire a money manager to handle the funds that come into the account. Individual workers, if they're in a company that does not today provide any kind of savings plan, would be allowed to participate putting three percent, or less or more, of their salary into the fund. That fund then gets managed and at the end of the day, it's basically like an IRA. People are going to be able to retire with a good deal more income security than they can today. The employers that would be required to participate are those that don't offer any kind of retirement plan and have at least 25 employees or more, have been in business for two years. The only responsibility of these employers is to make it clear that there is such a program, sign up the individual worker, permit the individual worker to opt out or to change the amount of default savings. What we know about workplace participation retirement, really two things. First of all, people who do participate in retirement plans at work are former... far more likely to than those who don't have that opportunity. So that's a very important piece. We also know that people who are in programs where they may opt out, rather than choosing to participate, are much more likely to participate. So this is a program that is not going to burden the state. The state isn't going to pay for it. The employers aren't going to pay for it. But it will encourage Illinois workers to see to it that they have a nest egg when they come to their retirement years. I would be happy to answer your questions. And I would very much appreciate your 'aye' votes."

Speaker Lang: "Mr. McSweeney."

McSweeney: "Mr. Speaker, will the Sponsor yield?"

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Speaker Lang: "Sponsor yields."

McSweeney: "There's been a lot of misinformation about this particular Bill. I just want to clarify a few things. Number one, you just said it, but I want to have a discussion about this. Is there any state required contribution to these voluntary plans?"

Currie: "No."

McSweeney: "Is there any required employer contribution to these important plans?"

Currie: "Not only is there no required employer contribution, under Federal Law the employer can't contribute to these funds."

McSweeney: "And isn't the background on this particular piece of legislation, this is a Heritage Foundation idea to promote private savings. Is that correct?"

Currie: "It is correct. And maybe you would elucidate for the Members of the chamber exactly what the Heritage Foundation is."

McSweeney: "The Heritage Foundation is a conservative think tank that supports free market solutions. And to the Bill. That's why I do support this Bill. We need to promote private savings. This is voluntary. There's an opt out provision. There are minimal costs for setting up a system for payroll. If we don't promote private savings, people will be reliant on government. This is a free market Bill that promotes private savings. I urge you to vote 'yes'."

Speaker Lang: "Mr. Sandack."

Sandack: "Thank you. A few questions of the Sponsor?"

Speaker Lang: "Sponsor yields."

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Sandack: "Leader, the choice component and the voluntary component of it to opt out is from the individual perspective, is it not?"

Currie: "That's right. The individual employer... employee has the opportunity to say I don't want to participate or I want to participate at a lower financial level or a higher, whatever that individual chooses."

Sandack: "But it's the individual employee's opt out requirement..."

Currie: "That's right. That's right."

Sandack: "...and in the absence of an opt out is... are we assuming an opt in?"

Currie: "No, we're assuming an opt out. The whole program is premised on opt out because experience shows that if you have opt out, rather than opt in, as your... your basic program, people are far more likely to participate than if you say, here's your chance, you may come and join us."

Sandack: "Maybe we're using different words passed each other. I'm saying your program, the program in this Bill, assumes that the participant will be a member of this savings plan and has to... has to check a box to opt out of it."

Currie: "That's right."

Sandack: "Okay. So, it's an assum... assuming that employees that are not part of an employer sponsored retirement plan is a member of the state sponsored plan."

Currie: "This... yeah. The individual would become, if the employer has 25 or more workers and has been in business for two years so there's some stability, then the individual would automatically be enrolled. But they would be told... and they would be shown how they can opt out, if they prefer."

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Sandack: "Okay. And how is it that we're going to garner the information on all the employers who do not offer retirement plans now? How is it that we're going to administer that tally, if you will?"

Currie: "Well, what... we have a board that will be the... the board I first described, they would be hiring a money manager. Whether it's an Oppenheimer or a... I don't even know the names of all the big money managers that are out there, but I would assume there would be a competition, RFPs and competition, for the opportunity to manage these funds and..."

Sandack: "Was there..."

Currie: "...they... that company would be responsible for alerting employers, doing an educational job, and letting employers know there are other ways they can respond to this program. They could, for example, decide to provide their workers with 401(k)s..."

Sandack: "Right."

Currie: "...or some other kind..."

Sandack: "But Lead... Leader, let..."

Currie: "...of pension, but and that'll be... that will be information will be available on the website."

Sandack: "Leader, I'm looking at the practical aspects of how this plan was... is going to be administered. And what I'm asking you now is if this board is going to be taxed with determining who qualifies, which employers do not offer plans now. How are they going to go about that? And isn't that going to cost some money to undertake that investigation and then the education program associated with the Bill?"

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Currie: "I believe it will be whoever succeeds in winning the bid, or bids, who will be responsible for that part of the program. The Bill is very clear that the costs, any costs, will be borne by the participants, not by the state."

Sandack: "The participants meaning, in this instance, the money managers that awar... that are awarded the right to run this program, right?"

Currie: "They would be... they would be... yeah, essentially given the opportunity to run."

Sandack: "All right. Well, I... and two of the speaker's previous comments about this being a free enterprise and pro free enterprise Bill. The employers have no ability to opt out unless they offer their own qualifying plan?"

Currie: "That's right. That is right."

Sandack: "So, employers are mandated. If they have 25 employees or more..."

Currie: "Yeah."

Sandack: "...they must participate?"

Currie: "That is right. And remember, we... we require other things of them as well. For example, if one of their workers owes child support, we require the employer to take the child support payment out of the paycheck and send it to the appropriate person. We require the employers to withhold FICA and income taxes from each worker's paycheck. This is very little different from what's already out there in terms of employer responsibility."

Sandack: "Perhaps. Leader, is the 25 threshold, 25 full-time employees?"

Currie: "It is, yes, year round, 25 year-round employees."

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Sandack: "All right. And is there a state I could look at as undertaking this model in a successful manner as instructive?"

Currie: "There are several states that are looking seriously at legislation very much like this. California, I know, is doing a study. But what they'd like to do is a very different kind of program, and they want to offer a rate of return, a guaranteed rate of return, to workers. It's almost like a governmental..."

Sandack: "That sounds frightening, actually."

Currie: "Well, that's like a government pension program, which this is not."

Sandack: "Leader, last question, because I think you answered in a certain way. No state is doing this now, but there's several studying it. We haven't studied it, have we?"

Currie: "Oh, yes, we have. We... we've looked at the actuarial data."

Sandack: "Who?"

Currie: "We do have support from groups like the Cabrera Company, the Ariel Fund..."

Sandack: "But Leader, what as a state..."

Currie: "...the National Society of Actuaries tell us that this should work and as a former speaker pointed out, this was the brain child of a conservative think tank that operates in this country and has for years."

Sandack: "Well, I'll remember that next time it's used as rationale to either come at some legislation or support it. But notwithstanding some group's advocacy, has the State of

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Illinois done anything to study this method, this concept, that California and other states are at least studying now?"

Currie: "Well, as... as I say, California has embarked upon a very different journey from ours. I don't think we need a study..."

Sandack: "Then did any other state study this?"

Currie: "...I don't think we need a study to know that one out of three workers relies solely on Social Security in their retirement years. We don't need a study to know that people who save through their workplace are far more likely to save for retirement than those who don't have that opportunity."

Sandack: "Thank you, Leader."

Currie: "We know a lot today, Representative. And based on what we do know, we think this is a program that will help people in this state be comfortable in their retirement years."

Sandack: "Thank you, Leader. I appreciate answering the questions. To the Bill. Ladies and Gentlemen, I have no doubt about the propriety, the intent of this Bill, or the speakers that have spoken in support thereof. But lest there be any confusion, we're going to be a trailblazer here without any state investigation whatsoever. And with all due respect to the... looking at the Heritage Foundation or as... as support, my guess is that may be a one and only from the... the Sponsor as a mechanism of support and a rationale to venture beyond what we actually know. Yes, people aren't saving enough for retirement. Yes, we ought to do more to incentivize that. No, we shouldn't mandate a program that we don't know a thing about. We shouldn't mandate small business and encumber small business, yet again, with an expense and a burden that we really don't know anything about. This is uncharted waters

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done in an expedited fashion, once again. The better path would be to govern in a bipartisan matter. The better path would be to study this first. We do task forces; we do study groups all the time. This begs the question for an earnest bipartisan look at how to do so. How to encourage savings so that people are better prepared for their retirement. This is a mandate. This burdens small business, yet again. This isn't the best way to accomplish the intention of the Sponsor.

Ladies and Gentlemen, I encourage a 'no' vote."

Speaker Lang: "Representative Senger."

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

Speaker Lang: "Sponsor yields."

Senger: "Leader... a couple questions real quick. It's my understanding that this isn't a traditional IRA, it is a Roth IRA. And what is the difference between a traditional and Roth?"

Currie: "It's like a Roth IRA. In fact, I would say it is a Roth IRA."

Senger: "Okay. And what is the difference between a traditional IRA and a Roth IRA?"

Currie: "Pardon me?"

Senger: "What is the difference between a regular IRA and a Roth?"

Currie: "I think that you can take money out of a Roth IRA for educat... for different kinds of purposes than you can for a traditional IRA without penalty."

Senger: "No, the difference between an IRA and a Roth IRA is a traditional IRA is that you can basically deduct taxes on your... on your tax bill. A Roth IRA is basically a... you cannot

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deduct anything while you are working, however, it has to sit there until you're 59 and a half..."

Currie: "No."

Senger: "...and then the earnings you have earned on the Roth IRA..."

Currie: "Well, I thought, for example, if you were using a Roth IRA for educational purposes, that would be a legitimate reason for taking money out of the account without penalty."

Senger: "Representative, my question is, if you're... if you're an employer, and you have 30 employees, and all of a sudden you're out of work and out of business and those 30 employees have been contributing into a Roth IRA, and they are not 59 and a half, who is going to pay for the administrative cost to refund those funds and how will that be managed? Is the state going to take care of those statements or is the employer?"

Currie: "I... I may not understand your question. But if I understand you to be asking, should somebody find him or herself out of work, then what happens? Well, my understanding is that would be the kind of reason for which one could take money out of an IRA without paying the penalties."

Senger: "Again, the point..."

Currie: "So, serious disability, major medical expenses, all of those I believe would qualify for a legitimate take away from the fund without having to pay a penalty."

Senger: "Leader, could you tell me what Amendment #4 is?"

Currie: "Just a second. There were so many Amendments I have trouble keeping them together. Yeah, what this Amendment just says... we believe that there is no conflict with ERISA... with the employee security retirement program at the federal

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level. But this Amendment clarifies that before we embark upon this program, there'd be written information from the federal people telling us that indeed ERISA is not at stake."

Senger: "Okay. Amendment... Amendment #4 is basically saying, and this is per my analysis, is that it requires the board to... basically is saying that it... it requests the opinion on the applic... applicability of the program of the Federal Employees Retirement Income Act."

Currie: "Right."

Senger: "This is not..."

Currie: "So, our... all of our legal people tell us that we're not running any risk of interfering with ERISA rules with this program. This just clarifies that before we start the program..."

Senger: "Here's..."

Currie: "...we get written information from the feds agreeing that that is correct."

Senger: "So..."

Currie: "And if they say no this does interfere with ERISA, then the program doesn't go forward."

Senger: "Basically, this is under laws of the IRS on what can be taken into consideration as paying taxes on earnings or not being... paying taxes on earnings. And what is happening here is, again, you have a savings account that is saying the interest you earn on that account will not be taxable once you retire 59 and a half or older. If one leaves the plan before they're 59 and a half, they will be paying taxes on that earning. I want to know who's going to be responsible for the administration of the cost of telling that individual.

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Plus, there's another component and there's a lot of things in here that have not been answered yet. There are limits on your income and how much you can put into these IRAs. If you're... if you're a couple who is married, you are limited in what you can put in a Roth IRA and an IRA. Who's going to be responsible for the administration of the components of this plan, the employer or the state?"

Currie: "As I say, I don't... I don't understand quite the question. But I would say that when it comes to any interference with existing ERISA rules and regulations, there's absolute protection that this will not, in any way, undercut or mean that ERISA rules are applying."

Senger: "It's... it to me is insane to say we have to ask if this is permissible by the U.S. Government before and... we're asking for permission by the U.S. Government after we vote on it. This is not a right thing to do."

Currie: "No, no, no. First of all, all of our legal experts tell us that there is no conflict. In order to make people feel comfortable with their analysis, we are just requiring that you get something in writing from the appropriate federal agency to say yes, that's right, you're not undercutting or interfering."

Senger: "The point here is... has to do are we protecting the person who is investing in this to say they will be able to take the tax write-offs they can once they retire. That has not been... that has not been shown here in this analysis at all, as this is going to..."

Currie: "Well, we can't... I'll tell you, we're not... The feds won't tell us if it's okay or not okay until we pass the Bill. So,

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we have dotted i's and crossed t's by virtue of requiring that there be that information available before the program is up and running."

Senger: "And also, in the Bill, what is the definition of 'adequate funds'?"

Currie: "Of active funds?"

Senger: "'Adequate funds'."

Currie: "Where... where... where are you looking at? Which language are you talking about?"

Senger: "There's language in the Bill that says basically you can't start this fund until you get adequate funds for investing."

Currie: "Oh, you mean for the beginning for start-up?"

Senger: "The pool... the pool. Yeah. What is the..."

Currie: "Yeah. Because we don't want to burden the Illinois taxpayers with significant sums. The money would be subject to appropriation. We believe that there are several national advocacy organizations who care about retirement security that might be willing to help do the upfront spending to get this program off the ground."

Senger: "Okay. Let me ask another way. What is the... what is the amount of funds that need to be in the pool to basically get to the point where the administration expense is .75? Here... here's..."

Currie: "Yeah. And we don't know the answer. There was a fiscal note from the Treasurer's Office. We have made major changes in the legislation since then, but there has not been a revision of the fiscal note. But we know that there are many national organizations very concerned about retirement

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security and they have indicated that they might be willing to help fund the startup costs."

Senger: "Another... I have another..."

Curie: "But in any case, however it would be funded, the fund would have to replace any state money that might have been used only through appropriation, only through action of the General Assembly, when they are up and running."

Senger: "Another question I have is, again, the... basically what the Bill is saying is the board will review the investment managers every four years. How often are our state plans being reviewed? And who will pay for that review?"

Currie: "The fund would be responsible for those costs. And I don't know the answer to your other question."

Senger: "Basically, our state plans are reviewed every quarter and the... and the expenses come out of the fund."

Currie: "Well, I'm sure that whatever contract the board were to sign with the private company or companies, I'm sure that would require review on a regular basis."

Senger: "Another question I have is that it's saying that the board will rely on life cycle funding based on the employee's age. Who will be paying for the administration costs of saying how old that employee is? And who will keep those records?"

Currie: "Well, the... the fund would keep the records once the employer has sent them on. And nothing in the Bill precludes an individual worker from saying, gee, I'm older, I ought to be saving more, or I'm really young and I don't want to save as much as the default three percent."

Senger: "Mr. Speaker, to the Bill. Number one, this Bill is not thought out. There are a latitude of questions that have not

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been answered. There is a cost involved of administration of these IRAs and no one has thought that cost through. I know you're looking at investment money manager fees being a low number, but someone needs to keep track of where these employees are and what their statements are. They are at risk of being part of a system where they won't get their tax break as proposed because the Federal Government hasn't even come out to say we can do this. This is not a Bill we should be voting on. It will be a mandate on employers. You know they'll be picking up the administrative cost of it and the administrative cost is the individual statements. And it's going to cost the state a lot more. Finally, if anyone was familiar with the College Illinois! Prepaid Tuition Program, that was put together similar to this, and that program almost went bankrupt. I would definitely urge a 'no' vote on this Bill."

Speaker Lang: "Mr. Harris."

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

Speaker Lang: "Sponsor yields."

Harris, D.: "Representative, you indicated that there would really be no cost to the employers here. Is that correct?"

Currie: "I... what I said was the same kind of costs that they face with other requirements, for example, collecting FICA, collecting... withholding income taxes, withholding and sending on child support payments. So I don't think this... for... at least in 2006, 96 percent of the employers who fit the definition that's in this Bill, 25 or more, been in business for... 96 have payroll services that automatically respond to the FICA, the Social Security, the income taxes, and child

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support, and so forth. So I think it would not be very difficult for those payroll companies to... to comply with these... with these requirements."

Harris, D.: "Right. And I... and I understand. Although there is... there is a bit of an administrative burden, and it may not be a great administrative burden, but it is an administrative burden on employers another burden which they do not have now. If I'm the... if I'm the owner of a small company that has 26 or 27 employees, all of a sudden now I have to make an additional deduction from their paycheck in a mandatory way. Not only that, by the way, but if I'm in the City of Chicago, guess what? My costs just went up because there's an increase in the minimum wage. But that's a different subject which we may address statewide in a very short period of time. So there is somewhat of an administrative burden on employers. Let me ask, this covers every employee who is not now covered by an employer sponsored retirement plan, correct?"

Currie: "If you're in a workplace that does not offer a 401(k), a regular pension program, yes."

Harris, D.: "Okay. So..."

Currie: "And you meet the 25 or more and two years in the business of business."

Harris, D.: "Okay. So, if I am a high school or a col... young... high school student or a college student, and I work for the park district in the summer, I am automatically going to have three percent of my pay deducted unless I opt out. Is that correct?"

Currie: "We adopted an Amendment that said it doesn't apply to teenagers, to people who are under the age of 18."

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Harris, D.: "Okay. There have been... I apologize. There have been many Amendments on the Bill and I..."

Currie: "So, maybe you're a 21-year-old. It's your summer job."

Harris, D.: "Okay. But an... a summer job, 21-year-old, that deduction gets out of their paycheck, correct?"

Currie: "That's exactly right. It goes to the fund and that individual... when that individual moves to another employer the money goes with."

Harris, D.: "Okay. Let... let's turn for a second. I want to cl... I want to go back to something the previous Representative on this side of the aisle asked because I think it is important and you addressed it. You said that this is, in effect, a Roth-style IRA. The key difference between a Roth-style IRA and a traditional IRA is the tax deductibility of that contribution. As an example, I have a traditional IRA. If I make a contribution to my traditional IRA, those are pretax dollars. In other words, it lowers my taxable income. Give you an example. Let's say I'm a person that earns \$20 thousand a year. If three percent is coming out of my salary for... for savings, and follow me here, tell me if I'm wrong, if three percent is coming out of my salary for savings, that's \$600. In a traditional IRA, that \$600 would reduce my taxable income from 20 thousand to 19,400. In a Roth-style IRA, that cannot be done because it's after-tax dollars that are put in in a Roth-style IRA. The question is this, the folks who need this the most, and I understand that the savings rate is extremely low, but the folks who need this the most, the folks who earn 17, 18, 19, 20 thousand dollars a year, who need that... that retirement savings the folks who need this the most can most

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use the tax deductibility that is not afforded to them by this Bill. Am I wrong?"

Currie: "I... but let me make this point. For lower income workers, over the life of a savings plan, the Roth IRA actually is a better financial deal. For example, some of the tax savings for a traditional IRA don't kick in until someone is already over the age of 50. Under a Roth IRA, you can take the principle out without paying penalties. And that is not true of a traditional IRA."

Harris, D.: "Well, you know..."

Currie: "So, you're... you're not wrong in your specific example, but I think you have to look at the overall context of lower income workers and whether a Roth or a traditional IRA is, overall, a better bet."

Harris, D.: "But Representative, that's exactly what you don't want to do in a savings plan is to take the money out. When you take the money out, guess what? You can't invest as much. You're not going to get the returns as much. That's exactly what you don't want to do. And the peo..."

Currie: "I understand that."

Harris, D.: "...and the peo... and the individuals who really need the dollars, who really need the dollars would benefit more of having that tax deductibility, putting more actual cash in their pocket because their tax liability would be less because they can deduct that 600 or whatever it is, they can deduct that three percent from their taxes. That's a real concern that I have about the Bill. If it was... if it was open entirely to both Roth and traditional IRA styles, I would feel a lot

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more comfortable. But that limitation is a hurdle I'm not sure I can get over."

Currie: "Okay. I appreciate the point but again I would say that overall, the financial analysts that we have talked to have said that the Roth IRA is li... the other issue is that for some of the people in some of the lower income groups, there may be some reasons why the principle is needed. And if they were in the traditional Roth IRA, they would be stuck with 10 percent penalties, and that may be a very heavy financial burden for them to bear."

Harris, D.: "Okay. To the Bill. Ladies and Gentlemen, you heard my concerns. I really think that issue of tax deductibility is an extremely important one for those folks for whom this Bill is meant to help. Okay? The retirement savings... in this country has been low since the 1980s. We really do need to increase it. But I'm not sure that mandating this is the way to go. And I'm a fan of the Heritage Foundation, but let me just mention to you, the testimony that was prevented... presented before the House Ways and Means Committee in April of 2012 was put out by Mr. David John, who is a senior research fellow for retirement security and financial institutions at the Heritage Foundation. In his testimony before the House Ways and Means Committee, in which he argued for an automatic IRA he admitted... he said the views I express in my testimony are my own and should not be construed as representing any official op... position of the Heritage Foundation. There's no question we have to encourage savings. I don't believe this Bill is the right way to do it. It's another mandate. It's

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another administrative burden. And that issue of tax deductibility cannot be ignored. I recommend a 'no' vote."

Speaker Lang: "I have an important announcement for all of you.

Mr. Turner in the Chair."

Speaker Turner: "Turner in the Chair. Representative Costello."

Costello: "Thank you, Leader Turner. And what a refreshing face you are in the Chair. To the Bill, Ladies and Gentlemen. I'd like to keep this extremely simple. I've been a financial advisor for 19 years. I... am partial owner of my own financial advisement business. This Bill encourages savings. It goes so far as to encourage people to save their own money for their own retirement. Something, to me, which seems extremely, extremely logical. So, break it down at a basis. The average person in the United States, who has retirement savings, has \$3 thousand put away. Three thousand dollars is the average retirement savings in the United States. Over 50 percent, or about 50 percent, of people have no retirement put away. This Bill, at the end of the day, helps supplement people's retirement. And it takes away their dependence on the Federal Government to a degree, helps supplementing their Social Security, it also helps to supplement state aid for people that may have otherwise used it or had to use it. It makes great fiscal sense to me for the state. I recommend an 'aye' vote, and I would also like to bring up the point that concessions were made to this Bill to make small business more comfortable with this Bill and that's where the 25 number came about as far as employees. I encourage an 'aye' vote."

Speaker Turner: "Representative Ives."

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

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Speaker Turner: "The Sponsor will yield."

Ives: "I was curious about how the board makeup... are they going to be compensated in any way, the board?"

Currie: "No."

Ives: "Okay. If this is such a good free market idea, how come there are so many business associations opposed to it?"

Currie: "Well, let me tell about some of those who are for it: Ariel Investments, the American Society of Pension Professionals and Actuaries, Cabrera Capital Markets, DLM Manufacturing, the Illinois Black Chamber of Commerce, Morrison and Morrison, the National Association of Women Business Owners. There is no opposition from the Restaurant Association, Small Business Majority, TIAA-CREF, so all of these are business associations and they are in support of the Bill."

Ives: "But you've got the Illinois Chamber of Commerce, the Retail Merchants, the Manufacturers' Association, NFIB, Chicago Chamber of Commerce, Community Bankers who also do investments, Independent Insurance Agents, all sorts of folks that are opposed to this Bill because of... it's a mandate on them, correct?"

Currie: "You know, I don't know what their opposition is. Some of them I think are jealous because maybe they're not getting the business and they think maybe this will keep them from getting more business."

Ives: "Let's just move on to the next question. What will be the investment fees from this legislation? What... what will be the investment fees?"

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Currie: "I'm sorry. I... I'm sorry. I missed the question, Representative."

Ives: "Who will set the investment fees and what do you think that they will be?"

Currie: "Who will do the investment?"

Ives: "Who will set the investments fees? The fees for investing."

Currie: "That will be the contract and... and you know, under the Bill the management fees cannot be more than .75."

Ives: "And if we have a problem with any of the investments, 'cause you're only reviewing these every four years..."

Currie: "No, I think the contract... that's the board's responsibility, but the contract, I'm sure would require the manager, the actual money manager to... to be... checking things on a very regular... certainly... certainly at least as frequently as a quarterly basis."

Ives: "But it says that the vendors are only reviewed every four years. Is that correct? That's what I'm reading in our analysis."

Currie: "Yeah. It... so the board... the board isn't going to run the program. The board, every four years, and maybe more frequently if it wants to, would be able to check to see how things are going. But I'm sure the contract with the management company would provide for regular reports so that, were any problems to develop, the board would get a heads-up a good deal earlier than once every four years."

Ives: "But they're not mandated to do it annually?"

Currie: "No, but the contract with the management company, I'm sure, would mandate more frequent reports."

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Ives: "Well, you can't trust a lot in Illinois when considering that we were charged by the SEC with fraud in the past. So, how are we to know that the board's going to do its due diligence in the future here and not... and watch over these investments?"

Currie: "Well..."

Ives: "I have my doubts."

Currie: "You know, if there is a scandal, I'm sure that we'll see the board jumping in to prevent anything bad from happening."

Ives: "And if a scandal were to happen, could employees then sue the State of Illinois for having this board overseeing their investments? Could..."

Currie: "No."

Ives: "Is that a possibility?"

Currie: "No."

Ives: "And what prevents them from doing so?"

Currie: "Because language in the Bill says that there is not fiduciary responsibility for everyday management concerns, so that if... if there were just a mistaken decision to hire somebody who's not competent, it's that company that would be on the hook, not the board."

Ives: "But... but these people need to understand then that their investments could be lost to bad investing, correct?"

Currie: "And that can happen when they take their money to a bank, can't it?"

Ives: "That could be, but in no way is the State of Illinois then having its reputation sullied by bad investment decisions brought on by the... on behalf of its citizens."

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Currie: "I have confidence that there are plenty of money managers out there who have good solid reputations, and I can't believe this board would be foolish enough to go with some group that does not have a strong track record."

Ives: "Well, we were apparently foolish enough in the past to be get cited by the SEC for fraud. So, we have a track record here in Illinois of doing things that aren't quite appropriate. The next question is, are you familiar with the form 2404? It's an IRS form."

Currie: "I am not."

Ives: "Okay. It's a form that's required to be filed when you're making Roth contributions that are non-tax deductible. And I'm just very curious whether or not employees are going to be savvy enough to understand when it comes to tax times what are the real implications of investing in a Roth IRA and that it... if you don't do this correctly, you can have a problem later on when you are trying to take out your investments. There's a lot more to this Roth IRA piece than what I think you're bringing up."

Currie: "Well, I have confidence that the money managers will know all the rules, all the regulations and will apply them appropriately."

Ives: "I'm sure that they will, but this is a form that needs to be filed individually. And we're trying to take over, apparently, what you're calling investments for lower income folks who have... don't know how to invest on their own. I'm telling you right now they can't do their taxes on their own as well under the... and... knowledgably about a Roth IRA."

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Currie: "Well, their money will be pooled and I think that will solve the problem."

Ives: "It won't be solved... So, their money is all in one like pot, and they don't actually have their own individual account within this?"

Currie: "Yes, they would have their individual account..."

Ives: "Okay, So then they would have to..."

Currie: "...but they wouldn't be managing that."

Ives: "...they would have to report it to the IRS then, individually as their contributions for that year. It gets very complicated very quickly and I think we're taking a lot on for individuals that is not our responsibility. This is the responsibility of individuals. And if you want to do anything to strengthen folks financially, it's to give them sound financial education beginning in eighth grade and going on up. That would be a better solution than making a mandate on employers to set up a program that they don't understand, their employees don't understand, and overseen by a board in the State of Illinois that can't even manage its own finances. We're not ready for this Bill. Illinois is not ready to take this on. And we have not thought this through. And employees are not going to understand it. And then somebody, in the end, is going to get sued over it. I guarantee it. It's the wrong time to do anything like this. Please vote 'no'."

Speaker Turner: "Representative Monique Davis."

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

Speaker Turner: "Sponsor will yield."

Davis, M.: "Representative Currie, my understanding is the state does not stand any risk once this legislation is passed?"

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Currie: "You're ex... you're exactly right."

Davis, M.: "Representative Currie, is it true that a very small business... business would give opportunity to those who have a minimal salary: they don't earn very much. They won't get much Social Security, but if they invest in this plan, it will give them some income upon retirement?"

Currie: "That is the hope. That's exactly the hope, because too many people find themselves at retirement without adequate savings."

Davis, M.: "Representative, who will appoint the members of this board."

Currie: "The Governor will appoint members, the Treasurer will chair it."

Davis, M.: "Will the old Governor or the new Governor appoint the members."

Currie: "Well, I imagine the new Governor."

Davis, M.: "The new Governor will appoint the members to this board?"

Currie: "But they... the Senate would have to approve."

Davis, M.: "The Senate will approve, as they do most appointments?"

Currie: "And the Treasurer, because the Treasurer will actually be in charge of the program... of the board."

Davis, M.: "And the Treasurer, they will sit near his office. Is that correct?"

Currie: "Well, I mean the... the State Treasurer."

Davis, M.: "And there's no compensation for these board members."

Currie: "Right. Right."

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Davis, M.: "To the Bill, Mr. Speaker. There's a small radio station near my district. Very, very dedicated professionals who make a minimal amount of money because they don't get many sponsors for their program, and they're looking for some opportunity to invest for their retirement. I was told this Bill came right on time for them, giving them an opportunity to invest long enough so they'll have something upon their older age and retirement. Now I know there's some people who don't realize there are those people in our state who don't earn as much as we do or have the income they have, who can invest in all of those high-priced, high-powered, interest-bearing Roths or IRAs. There're some people who will benefit amazingly from this type of program and without it being a risk to the pocket, or the budget of the State of Illinois. Senator Bliss... Biss, who came to me very early on, received a big no because I was truly ignorant to the facts. But once you get the facts and you're no longer ignorant to the facts and you care as much about poor people as you do about rich people, then you know this is an absolutely necessary Bill. And we should all vote 'yes'. Thank you, Barbara Flynn Currie."

Speaker Turner: "Representative Sullivan."

Sullivan: "Thank you, Mr. Speaker. I ask for a verification."

Speaker Turner: "A verification has been requested, Members. All Members will be asked to vote their own switch. Representative Davidsmeyer."

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

Speaker Turner: "The Sponsor will yield."

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Davidsmeyer: "I had a question. Earlier I believe there was a fiscal note filed on this and we voted 'no' on that, right? Voted to get rid of the fiscal note that it doesn't apply. Is that correct?"

Currie: "That was only on Amendment 8. There were earlier fiscal notes, but there was a request for a fiscal note after adoption of Amendment 8."

Davidsmeyer: "Okay."

Currie: "My argument was that as Amendment 8 merely said that the program would not apply to people under the age of 18 and it made a technical correction at the behest of the Treasurer that there was no different fiscal impact."

Davidsmeyer: "Okay. Is... is there a fiscal impact on this? On the state..."

Currie: "Well..."

Davidsmeyer: "...from this Bill?"

Currie: "The... the way the legislation reads, the idea is that the fund will pay administrative costs, the money manager. And there... the Treasurer's Office did set a fiscal note, but the way the Bill reads, any state money that might go to start-up would have to be appropriated and ultimately would have to be paid back by the fund. So, we do not envision a state cost."

Davidsmeyer: "So... so there may be some initial state money that goes in, but it will eventually be paid back?"

Currie: "Only... only if the General Assembly decides to put money into the program."

Davidsmeyer: "Okay. So the..."

Currie: "Subject to appropriation."

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Davidsmeyer: "So there's a potential that there will be state money in... in this?"

Currie: "Only if you decide that you want to do that. And even if you do, the fund will be responsible for paying you back."

Davidsmeyer: "If I decide?"

Currie: "Well, if you vote to..."

Davidsmeyer: "Okay."

Currie: "...spend the money."

Davidsmeyer: "I'm just kidding. I think that this is a great idea. I talked to the Senate Sponsor brief... briefly before we adjourned before May and he said he would be working on it a little bit more over the summer to possibly find something, if... if there were possible changes. And I'm... I'm not sure that any changes have been made. I have concerns about forcing small businesses to do these deductions and things of that sort. And I... I would urge a 'no' vote at this point."

Speaker Turner: "Representative Cloonen."

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

Speaker Turner: "The Sponsor will yield."

Cloonen: "I do have a couple questions on this. For the employers that deduct the money out of a person's paycheck, but don't turn it in, who's going to go after them?"

Currie: "I don't know that the Bill is... is clear on that, but that would be, obviously, theft and I should think would be covered by other criminal statutes."

Cloonen: "Okay. Thank you. And will the state be on the hook for that money or..."

Currie: "No."

Cloonen: "...will the employee be on the hook for that money?"

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Currie: "No. The... well, I think the employer's on the hook for that money 'cause it's the employer that stole it, but the state would not be on the hook."

Cloonen: "Okay. And knowing that this happens and that there is fraud, would the Sponsor be willing to work to be sure that we could address this in the future?"

Currie: "Yes."

Cloonen: "Thank you."

Speaker Turner: "Representative Welch."

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

Speaker Turner: "The Sponsor will yield."

Welch: "Thank you, Mr. Speaker. To the Bill. First, I want to commend Leader Currie for sponsoring this Bill in the House. I want to also commend Senator Biss for all the work that he has done. I, for one, do not understand the opposition to this Bill here today. This is commonsense legislation. Over the last month or so, I've participated in several town hall meetings in my district about this particular issue. And people have come out in support of this Bill in big numbers. This past Saturday, on small business Saturday, I met with both constituents and small business owners and they all supported this particular piece of legislation. Why? Because it's commonsense legislation. It gives working families an option, an option to save their own money for retirement. We all know that you can't depend on Social Security as a retirement plan. That's not a retirement plan. We need to allow working families an option. That's all this is. I encourage an 'aye' vote on this commonsense piece of legislation."

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Speaker Turner: "Leader Currie to close."

Currie: "Thank you, Speaker and Members of the House. I appreciate the former speaker's comments. I hope you will join me, AARP, the Associated Fire Fighters, Illinois AFL-CIO, the National Association of Women Business Owners, the Sargent Shriver National Center on Poverty Law, Women Employed, TIAA-CREF and say yes to this sensible market-driven solution to the problems of retirement security for low-income Illinois workers. Please vote 'yes'."

Speaker Turner: "Members, a verification has been requested by Representative Sullivan. All Members are asked to be at their seat and vote their own switch. The question is, 'Shall Senate Bill 2758 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... Representative Bost, Representative DeLuca, Thapedi. Mr. Clerk, please take the record. On a count of 67 voting 'yes', 45 voting 'no', and 0 voting 'present'... Representative Sullivan, would you like to proceed with your verification?"

Sullivan: "I thought this had an immediate effective date. Can we get an inquiry of the Chair?"

Speaker Turner: "Just a moment, Representative. Representative, this does not have an immediate effective date requiring only 60 votes to pass. It was actually taken out in the Amendment that we adopted. Representative, would you like to proceed with your veri... Motion to... Okay. Mr. Clerk, please call the names of the affirmative votes."

Clerk Bolin: "A poll of those voting in the affirmative. Acevedo; Andrade; Arroyo; Beiser; Berrios; Bradley; Dan Burke..."

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Speaker Turner: "Excuse me, Mr. Clerk. He would like to withdraw his Motion for a verification. And now, on a count of 67 voting 'yes', 45 voting 'no' and 0 voting 'present', Senate Bill 2758, having received the Constitutional Majority, is hereby declared passed. On page 2 of the Calendar, we have Senate Bill 3028, Leader Lang. Mr. Clerk... Mr. Clerk, can you please move this Bill back to the Order of Second Reading and read the Bill?"

Clerk Bolin: "Senate Bill 3028, a Bill for an Act concerning regulation. The Bill was read for a second time on a previous day. No Committee Amendments. Floor Amendment #1 is offered by Representative Lang."

Speaker Turner: "Representative Lang on Floor Amendment #1 to Senate Bill 3028."

Lang: "I'd ask that we adopt the Amendment and debate it on Third."

Speaker Turner: "The Gentleman moves for the adoption of Floor Amendment #1 to Senate Bill 3028. All in favor say 'aye'; all opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

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

Speaker Turner: "Third Reading. Mr. Clerk, please read that Bill for a third time."

Clerk Bolin: "Senate Bill 3028, a Bill for an Act concerning regulation, Third Reading of this Senate Bill."

Speaker Turner: "Leader Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, this deals with some Amendments to the medical cannabis law, but I want to start by saying what I said in committee, that there are

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no substantive changes. These are all cleanup changes that have been requested by several state agencies and this got out of committee, I think 9 to 0. The first was requested by the Secretary of State and it just simply changes the order between when the field sobriety test is taken and a chemical test is taken in the case of a trooper who stops someone who's driving and wants to do the field sobriety test. The Bill we passed puts it in the wrong order, all this does is change the order. The second thing deals with putting the Department of Agriculture and the Department of Financial and Professional Regulation in the same place relative to rules and penalties and administrative hearings. Under the law we passed, we allowed IDFPR certain ability to fine and certain ability to create hearings and we neglected to do that for the Department of Agriculture. And the third issue deals with an agreement between the Illinois State Police and the FBI regarding how the process proceeds for background checks for those that... are... have to be finger printed. These are all technical in nature. I took everything else out that came to me that was substantive. And I ask your support."

Speaker Turner: "Seeing no debate, the question is, 'Shall Senate Bill 3028 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Members please record yourself. Have all voted who wish? Representative Acevedo, Hernandez, McSweeney. Mr. Clerk, please take the record. On a count of 84 voting 'yes', 23 voting 'no', and 2 voting 'present', Senate Bill 3028, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on Supplemental Calendar #1 we

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have Senate Bills under the Order of Second Reading. Senate Bill 2677, Representative Mayfield. Please read the Bill."

Clerk Bolin: "Senate Bill 2677, a Bill for an Act concerning revenue. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Turner: "Third Reading. Mr. Clerk, Senate Bill 3341. Representative Tryon. Please read the Bill."

Clerk Bolin: "Senate Bill 3341, a Bill for an Act concerning local government. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Turner: "Third Reading. On Supplemental Calendar #1 under the Order of Resolutions, we have House Joint Resolution 115. Representative Costello."

Costello: "Thank you, Mr. Speaker, Members of the Body. House Joint Resolution 115 urges Congress to designate Cahokia Mounds and the thematically-connected mounds complex as a national historic park. The mounds there actually date to 800 through 1350 AD. Cahokia Mounds was designated a National Historic Landmark in 1964, a national registered historic place in 1966, and the United Nations actually listed it as a World Heritage Site in 1982. I think this would only be fitting. And I ask for your 'yes' vote."

Speaker Turner: "Gentleman moves for the adoption of House Joint Resolution 115. All in favor say 'aye'; all opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules reports the following

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committee action taken on December 02, 2014: recommends be adopted Floor Amendment #6 to Senate Bill 636."

Speaker Turner: "Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 1352, offered by Representative Tryon. House Resolution 1353, offered by Representative Bellock. House Resolution 1354, offered by Representative Bellock. House Resolution 1355 and 1356, offered by Representative Bradley. House Resolution 1357, 1358, and 1359, offered by Representative Bradley. House Resolution 1360, offered by Representative Brady. House Resolution 1361, offered by Representative Sosnowski. House Resolution 1362, offered by Representative D'Amico. House Resolution 1363, offered by Representative Sommer. House Resolution 1364, offered by Representative Bellock. House Resolution 1365, offered by Representative Cabello."

Speaker Turner: "Leader Currie moves that the House adopt the Agreed Resolutions. All in favor say 'aye'... Excuse me. The Clerk is not finished. Mr. Clerk. Agreed Resolutions."

Clerk Bolin: "House Resolution 1367, offered by Representative Sommer. House Resolution 1368, offered by Representative Costello. House Resolution 1370, 1371, 1372, 1373, and 1374, offered by Representative Costello. House Resolution 1375, offered by Representative Kosel. House Resolution 1376, offered by Representative Welch."

Speaker Turner: "Leader Currie moves that the House adopt the Agreed Resolutions. All in favor say 'aye'; all opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. And the Resolutions are adopted. Representative Tryon, for what reason do you seek recognition?"

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Tryon: "Thank you, Mr. Speaker. I rise for a point of personal privilege."

Speaker Turner: "Please proceed, Sir."

Tryon: "I'd to invite the Members of the House of Representatives to the Governor's Mansion tomorrow. As you... many of you know, our former staffer and public affair's person Jim Remmers is... and many of Springfield's citizens, including some of our own State Representatives, are hosting a... an event for the Mini O'Beirne Crisis Nursery tomorrow night. And they wanted to extend an invitation to Members of the House to attend. That fills a great need here in Springfield and is, I think, a well-respected organization. I'd like to see if you could stop by and... for a little bit. Starts at 5:30. So, you're all welcome to attend. Thank you."

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

Pritchard: "Point of personal privilege."

Speaker Turner: "Please proceed, Representative."

Pritchard: "Also, Ladies and Gentlemen of the House, there is another reception that is tonight over at the Sangamo Club. The higher education community has come together all in privates, community college, as well as public universities to create a legislative caucus for higher education and talk about the economic impact that higher education has on the State of Illinois. I would encourage all of you to come by between 5:30 and 7:30 at the Sangamo Club."

Speaker Turner: "Thank you, Representative. Mr. Clerk, committee announcements."

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Clerk Bolin: "The following committees will meet tomorrow morning at 8:30 a.m. The Health Care Licenses Committee will meet in Room 118, the Counties & Townships Committee will meet in Room 115, the Judiciary Committee will meet in Room 114, and the Business and Occupational Licenses Committee will meet in Room 122."

Speaker Turner: "Representative Brauer, for what reason do you seek recognition?"

Brauer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise to just give an update about Representative Poe's health. As you know, Representative Poe has been diagnosed with a blood disease, MDS and he is down in Texas taking treatment. Yesterday he finished up his chemo; he is doing very well with that with very little side effects. Today he had stem cells injected and then that will be a process of two to three weeks whether they take or not. So, if you can keep him in your thoughts and prayers and maybe drop him a line, he'd appreciate it. And we wish him a speedy recovery. Thank you."

Speaker Turner: "Thank you, Representative. Members, it is the intent of the Chair that Wednesday be the last scheduled day for Session this week. The 2015 Session schedule will be released on Wednesday. Democrats are reminded of a caucus for the 99th General Assembly immediately following adjournment here today. And now, allowing perfunctory time for the Clerk, Leader Currie moves that the House adjourn Session 'til Wednesday, December 3 at the hour of 10 a.m., December 3, 10 a.m. All in favor say 'aye'; all opposed say 'nay'. In the

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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 6329, offered by Representative Sosnowski, a Bill for an Act concerning State government. This is referred to the Rules Committee. There being no further business, the House Perfunctory Session will stand adjourned."