

STATE OF ILLINOIS  
94th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

49th Legislative Day

5/11/2005

Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motion were referred, action taken on May 10, 2005, reported the same back with the following recommendation/s: 'approved for floor consideration' House Bill 258, House Bill 476, House Bill 1063, House Bill 1660, House Bill 2011, House Bill 2221, House Bill 2275. Representative Fritchey, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 4074 and Senate Bill 1893; 'do pass as amended Short Debate' Senate Bill 98 and Senate Bill 764. Representative Hoffman, Chairperson from the Committee on Transportation and Motor Vehicles, to which the following measure/s was/were referred, action taken on May 10, 2005, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 66; 'do pass Short Debate' Senate Bill 229, Senate Bill 1825; 'do pass Standard Debate' Senate Bill 25 and Senate Bill 193; 'recommends be adopted' Floor Amendment #2 to House Bill 3144. Representative Smith, Chairperson from the Committee on Appropriations-Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on May 10, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' House

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Bill 3350, House Bill 3377, House Bill 3380, House Bill 3905, House Bill 3906, and House Bill 3907. Representative Collins, Chairperson from the Committee on Public Utilities, to which the following measure/s was/were referred, action taken on May 10, 2005, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 239. Representative Boland, Chairperson from the Committee on Financial Institutions, to which the following measure/s was/were referred, action taken on May 10, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 385 and Senate Bill 1629. Representative Yarbrough, Chairperson from the Committee on Housing and Urban Development, to which the following measure/s was/were referred, action taken on May 10, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 966. Referred to the House Committee on Rules is House Resolution 425, offered by Representative Verschoore. Second Reading of House Bills. House Bill 4074, a Bill for an Act concerning medical malpractice insurance. Second Reading of this House Bill."

Speaker Hannig: "The hour of 12:30 having arrived, the House will be in order. The Members will please be in their seats. Members and guests are asked to refrain from starting their laptops, turn off cell phones and pagers, and rise for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Pastor Jim Campbell with

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the Christ Life Church in Woodstock. Pastor Campbell is the guest of Representative Franks."

Pastor Campbell: "Good morning. Let us pray. Almighty Father God, this House of Representatives of the people are gathered here today to discuss and enact the business of the great State of Illinois. These servants of the people want to keep in mind the poor, the sick, our children's educational needs and the needs of the elderly. But these respected Legislators are also confronted with enormous budget deficits for our state. Therefore, Lord, they need Your wisdom and clearness of mind, the inner strength of their convictions, and resolve to find solutions for the state's budget. Remind them that Your help is readily available to them. Lord, You have the resources through faith in You if we ask. You have said to us out of the Old Testament, Psalms, 'I will instruct you and teach you in the way in which you should go.' Lord, we need Your guidance today. As I close this prayer, bless these great leaders of our state. Bless them with health and healing in Your name. Bless them by meeting all their needs in their homes and families, especially and specifically, in their marriages, their finances, and their relationships with their children. As they do good for the State of Illinois and remember and help the truly needy, bless them in return abundantly. We ask this, Father, through Jesus Christ our Lord. And amen."

Speaker Hannig: "We'll be led in the Pledge today by Representative Giles."

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Giles - et al: "I pledge of 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 Hannig: "Roll Call for Attendance. Representative Currie."

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

Speaker Hannig: "Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Jerry Mitchell is excused today."

Speaker Hannig: "Mr. Clerk, take the record. There are 116 Members answering the Roll Call, a quorum is present. Mr. Clerk, do you have Committee Reports you would... you need to read?"

Clerk Mahoney: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on May 11, 2005, reported the same back with the following recommendation/s: 'approved for floor consideration and referred to the Order of Second Reading' is House Bill 1919, House Bill 1968, and House Bill 2062; 'referred to the House Floor and recommends be adopted' Amendments #1, 2, and 3 to House Bill 4074. Representative Colvin, Chairperson from the Committee on Consumer Protection, to which the following measure/s was/were referred, action taken on May 10, 2005, reported the same back with the following recommendation/s:

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'do pass Short Debate' Senate Bill 233 and Senate Bill 501;  
'do pass as amended Standard Debate' Senate Bill 92."

Speaker Hannig: "Representative Osterman, for what reason do you rise?"

Osterman: "Purposes of announcement. Ladies and Gentlemen of the House, everyone should know that tonight is the Senate/House softball game which we will win for the sixth year in a row. For any of those individuals that have Bills stuck in Senate Rules, know that the team will take out full revenge on the Senate for those problems. But up in the front of the chamber the... the Pages are handing out t-shirts and jerseys for tonight's game that every Member of the House will have a jersey for them. Those are provided for by the St. Louis Regional Chamber and Growth Association, who is sponsoring the game tonight. So please, everyone grab a t-shirt and come out to the game tonight."

Speaker Hannig: "Representative Eddy, for what reason do you rise?"

Eddy: "Point of personal privilege."

Speaker Hannig: "State your point."

Eddy: "Thank you very much. Ladies and Gentlemen of the House, today in the rotunda and the hallways you'll see tables set up for math and science demonstrations, those demonstrations include technology hubs from around the state. And I'd like to take the... a moment to have the chamber recognize members of the Region IV Technology Hub Group if they'd stand up in this corner. Welcome to

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Springfield. If you get time, go down and get a look at their work."

Speaker Hannig: "Mr. Clerk, on page 5 of the Calendar, on the Order of Senate Bills-Third Reading, we have Senate Bill 139. Would you move that Bill back to the Order of Second Reading at the request of the Sponsor. On... on page... on page 8 of the Calendar, under the Order of Senate Bills-Second Reading, is Senate Bill 559. Representative Sacia, do you wish us to read that Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 559, a Bill for an Act concerning health. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Molaro, do you wish us to read Senate Bill 611? Representative Molaro on Senate Bill 611. Last call. Out of the record. Representative Pritchard, you have Senate Bill 635. Do you wish to have us read that Bill, Representative Pritchard? Representative Pritchard on Senate Bill 635. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 635, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Currie. Majority Leader Currie, would you like us to read Senate Bill 658? Mr. Clerk, read the Bill."

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Clerk Mahoney: "Senate Bill 658, a Bill for an Act concerning estates. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Froehlich, we have... you have Senate Bill 767. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 767, a Bill for an Act concerning education. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Burke, you have Senate Bill 780. Do you wish us to read that Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 780, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. All notes have been filed."

Speaker Hannig: "Third Reading. Representative Moffitt, you have Senate Bill 834. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 834, a Bill for an Act concerning local government. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Gordon, you have Senate Bill 849. Representative Gordon, shall we read this Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 849, a Bill for an Act concerning health facilities. Second Reading of this Senate Bill. No

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Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Rita has Senate Bill 1220. Would you wish us to read that Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1220, a Bill for an Act concerning health. Second Reading of this Senate Bill. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Meyer has Senate Bill 1221. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1221, a Bill for an Act concerning transportation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Bellock, you have Senate Bill 1235. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1235, a Bill for an Act concerning transportation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Stephens, you have Senate Bill 1354. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1354, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."



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Speaker Hannig: "Third Reading. Representative Turner has Senate Bill 1443. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1443, a Bill for an Act concerning courts. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. And Mr. Clerk, read Senate Bill 1444."

Clerk Mahoney: "Senate Bill 1444, a Bill for an Act concerning courts. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Washington, you have Senate Bill 1461. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1461, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Meyer, you have Senate Bill 1491. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1491, a Bill for an Act concerning criminal law. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. On page 10 of the Calendar, Representative Hoffman, you have Senate Bill 1627. Representative Hoffman. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1627, a Bill for an Act concerning employment. Second Reading of this Senate Bill. Amendment

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#1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Flider, you have Senate Bill 1638. Do you want to read that on Second? Out of the record. Representative Black, you have Senate Bill 1639. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1639, a Bill for an Act concerning education. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Eileen Lyons, you have Senate Bill 1654. Representative Lyons, do you wish us to read this Senate Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1654, a Bill for an Act concerning finance. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Mathias, you have Senate Bill 1665. Would you wish us to read that Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1665, a Bill for an Act concerning aging. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, would you read Senate Bill 1669?"

Clerk Mahoney: "Senate Bill 1669, a Bill for an Act concerning peace officers. Second Reading of this Senate Bill."

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Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Cross has Senate Bill 1680. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1680, a Bill for an Act concerning public aid. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, we need to briefly return to Senate Bill 1654. We just moved that to Third Reading and the Sponsor has asked that that be returned to the Order of Second Reading. So, let's move that back to Second. And... and now, returning to the Order of Business, on page 10 we have Senate Bill 1698. Representative Mathias, shall we move that to Third? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1698, a Bill for an Act concerning health. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Lang, you have Senate Bill 1723. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1723, a Bill for an Act concerning finance. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative May, you have Senate Bill 1734. Okay. Out of the record."

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Representative Osmond, please read... Mr. Clerk, read Senate Bill 1738."

Clerk Mahoney: "Senate Bill 1738, a Bill for an Act in relation to vehicles. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Miller, you have Senate Bill 1751. Representative Miller, do you wish us to read this Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1751, a Bill for an Act concerning civil liability. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Patterson, you have Senate Bill 1752. Representative Patterson. Representative Patterson, do you wish us to read this Bill on Second? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1752, a Bill for an Act concerning civil liabilities. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative D'Amico, you have Senate Bill 1770. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1770, a Bill for an Act concerning unemployment insurance. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. All notes have been filed."

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Speaker Hannig: "Third Reading. And you also have Senate Bill 1771. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1771, a Bill for an Act concerning unemployment insurance. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. All notes have been filed."

Speaker Hannig: "Third Reading. Representative Hultgren, you have Senate Bill 1776. Okay. Out of the record. Representative Reitz, you have Senate Bill 1814. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1814, a Bill for an Act concerning finance. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Saviano has Senate Bill 1857. Okay, let's take that out of the record. Representative Hamos, you have Senate Bill 1862. Okay, let's take that out of the record. Repre... Representative Feigenholtz, you have Senate Bill 1878. On page 10 of the Calendar is Senate Bill 1734. Mr. Clerk, would you read the Bill?"

Clerk Mahoney: "Senate Bill 1734, a Bill for an Act concerning education. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Jakobsson, you have Senate Bill 1884. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1884, a Bill for an Act concerning local government. Second Reading of this Senate Bill. No

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Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Mathias, you have Senate Bill 1907. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1907, a Bill for an Act concerning civil law. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Feigenholtz has Senate Bill 1915. Okay, that's out of the record. Representative Miller, you have Senate Bill 1931. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1931, a Bill for an Act concerning education. Second Reading of this Senate Bill. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. On page 12 of the Calendar is Senate Bill 1932. Representative Black. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1932, a Bill for an Act concerning education. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Collins, you have Senate Bill 1953. Representative Collins. Okay, out of the record. Representative Flider, you have Senate Bill 1967. Mr. Clerk, read the Bill."

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Clerk Mahoney: "Senate Bill 1967 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Leitch, you have Senate Bill 1986. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1986, a Bill for an Act concerning public aid. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Reis, you have Senate Bill 2032. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2032, a Bill for an Act concerning education. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Acevedo, you have Senate Bill 2043. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2043, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Chapa LaVia, you have Senate Bill 2060. Okay, out of the record. Representative Brauer, you have Senate Bill 2066. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2066, a Bill for an Act concerning employment. Second Reading of this Senate Bill. No

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Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative McAuliffe, you have Senate Bill 2085. Okay, out of the record. Representative May, you have Senate Bill 2091. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2091, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Phelps, you have Senate Bill 2104. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2104 was read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Okay, let's take that out of the record at the request of the Sponsor. Representative Schock, you have Senate Bill 2116. Shall we read that on Second Reading? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2116, a Bill for an Act concerning State Government. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Okay, on page 11 of the Calendar, we have Senate Bill 1878. Representative Feigenholtz. Mr. Clerk, read the Bill."



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Clerk Mahoney: "Senate Bill 1878, a Bill for an Act concerning health. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Also on page 11 is Senate Bill 1915. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1915, a Bill for an Act concerning condominiums. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. On page 12 of the Calendar is Senate Bill 2060. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2060, a Bill for an Act concerning military personnel, which may be referred to as the Illinois Patriot Plan. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. On Supplemental Calendar #1 is House Bill 4074. Mr. Clerk, would you read the Bill."

Clerk Mahoney: "House Bill 4074, a Bill for an Act concerning medical malpractice. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Lang, has been approved for consideration."

Speaker Hannig: "Okay, before we proceed, Representative Brady is recognized."

Brady: "Thank you, Mr. Speaker. I'd like to announce that the Republicans will caucus immediately in Room 118 regarding this particular matter. Room 118 for a Republican Caucus. Thank you, Mr. Chairman."

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Speaker Hannig: "Do... do you have any thought on how long you may be, Representative?"

Brady: "Approximately an hour. Approximately one hour."

Speaker Hannig: "Okay. So... so, the House will stand in recess to the hour... excuse me, Rep... I'm sorry, Representative McCarthy. I'm sorry, Representative Lyons."

Lyons, J.: "Thank you, Speaker. Democrats, we will also be caucking (sic-caucusing) immediately in Room 114. There'll be a Democratic Caucus in Room 114."

Speaker Hannig: "And now Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker. I have an announcement."

Speaker Hannig: "Make... make your announcement."

McCarthy: "Okay. The House Higher Education Committee will not meet today. The House Hi... I know you're upset, Mr. Brady. The House Higher Education Committee at 4:00 today is canceled. Thank you."

Speaker Hannig: "Representative Reitz, for what reason do you rise?"

Reitz: "Purpose of an announcement, Speaker. I... I would like to announce that Revenue Committee has been scheduled according to Calendar at 8:00. We'll meet at 10:00 tomorrow. So, 10:00 for Revenue Committee. We have seven or eight Bills up, should be able to move through those pretty quick. Thank you."

Speaker Hannig: "Okay. So, the Republicans will have a caucus in Room 118, the Democrats in Room 114. Representative Franks."

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Franks: "Thank you, Mr. Speaker, an announcement. State Government has been moved from Room 115 to Room 118. And I'd encourage all the Members to be timely, we have a lot of work to go through today. Thank you."

Speaker Hannig: "Representative Molaro."

Molaro: "Thank you, Mr. Speaker. For an announcement in case we don't come back here. The Judiciary II-Criminal Law Committee will be meeting tomorrow in Room D-1, but we're gonna change the time to 8:30 a.m. So, that will be 8:30, D-1, tomorrow morning, Jud II-Criminal Law. Thank you."

Speaker Hannig: "Representative Miller."

Miller: "Thank you, Mr. Chairman. I rise for an announcement. Appropriations Higher Education Committee will meet tomorrow at 9:30, 9:30 tomorrow morning in 118. Thank you."

Speaker Hannig: "Representative Turner."

Turner: "Yeah, thank you, Mr. Speaker. And I'll make this announcement again. I wanna remind the Members of the House that the softball game tonight is not at Lincoln Park. In fact, it is going to be out by Lake Springfield. But we just wanted to make certain that people know of the location."

Speaker Hannig: "Okay."

Turner: "That it is not Lincoln Park."

Speaker Hannig: "Thank you, Representative."

Turner: "We do have..."

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Speaker Hannig: "Okay. So, the Republicans will caucus in Room 14... 118, the Democrats in Room 114. And the House will stand in recess 'til the hour of 2:15."

Speaker Hannig: "The hour of 2:15 having arrived, the House will reconvene. Representative Delgado, for what reason do you rise?"

Delgado: "Yes, thank you, Mr. Speaker, a personal privilege."

Speaker Hannig: "State your point."

Delgado: "Thank you, Mr. Speaker. Members of the House, I wanna just announce real quickly, up in the gallery... as you know, lobby day's big around here this week. And today we have IAHSEs with us, the Illinois Association of Hispanic State Employees, who work throughout our agencies diligently every day. And I'm very proud because I'm a former member and I believe my wife is a current member. So I just want to welcome them. I know their president and other members are up in the gallery. Let's say hello to our hard workers... state workers. And that they have a wonderful event, they're lobbying and they're over at Boone's I understand, at the beer garden some time this evening. We hope to see you all over there. And of course, you're all invited."

Speaker Hannig: "Representative Bost, for what reason do you rise?"

Bost: "Thank you, Mr. Speaker. After our caucus, I think we should get... started with the House business, but one, if... if I could, for a point of personal privilege, I'd just liked to start out by saying, let's get ready to rumble."

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Speaker Hannig: "On Supple... Supplemental Calendar, under the Order of House Bills-Second Reading, is House Bill 4074. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4074, a Bill for an Act concerning medical malpractice has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Lang, has been approved for consideration."

Speaker Hannig: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As we all know, we've been talking about issues regarding medical malpractice for some time, not always on the floor of this chamber but certainly for some time. And we all are aware, all of us, those who support the issue of caps, those who oppose the issue of caps, we're all aware that this is a serious issue for Illinois. Some regions of downstate didn't have doctors in certain disciplines for a long time and the problem's gotten worse. We can throw a lot of blame around as to who's the cause. Some blame lawyers, some blame the insurance companies, few blame the doctors themselves. But certainly, there's a problem the Illinois General Assembly has to address. Last year for over a year, negotiators went into a room and started to talk about what to do about this topic. And when they did, they came up with 48... not all of you even know this so I want you to listen. They came up with 48 separate agreements to deal with the issue of medical malpractice in Illinois. Some of these issues dealt with tort reform,

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some of these issues dealt with insurance reform, some dealt with medical discipline. Forty-eight separate agreements. Nothing ever happened because some in the negotiations pulled back. And now this spring, again, a committee was convened of the Illinois House Judiciary Committee and we had several hearings, many witnesses. And after weeks and weeks of asking the same question over and over again, I finally got an answer. The question was asked of the person who represents both the doctors and the insurance company, 'What have you done with those 48 agreements? Have you tested them? Have you put them into a model to determine whether they would save any costs for doctors in Illinois? What has happened to those 48 agreements?' Well, the answer from the Illinois Department of Insurance was, 'Well, we haven't tested it. We don't know. We're not sure. We sat in on those agreements, we heard all about 'em, but we didn't bother finding out if it would save any money for doctors or lower insurance costs in the State of Illinois.' And then finally, the doctors/insurance carrier, represented by the same lobbyist in the negotiations, said, 'Well, ya know what? It's meaningless. We had a year and a half of negotiations and the negotiations are meaningless. The 48 agreements are meaningless.' Well, how do you know they're meaningless? You never tested them. Your actuaries never looked at them. You never told us what accomplishment any of these 48 agreements would be and why were you in the room if they're meaningless and if all you want are caps? We don't

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have an answer to that question today but we do know that we must do something, regardless of who's to blame. We all have our own opinions as to who's to blame. But Ladies and Gentlemen, if you've had people come to your office that have been the victims of medical malpractice or the family members of those who have been victims of medical malpractice, you know that this whole issue of noneconomic damages isn't always just about the victim. If you looked at the mother who came to my office with her 10-year-old child in a wheelchair who will never walk, who will never talk, who can barely breathe on her own, a child who will have to be taken care of 24/7 for the next 30 or 40 years by this family, to tell them that a \$250 thousand cap on their pain and suffering and the damage caused to this family and this family's quality of life, if you think \$250 thousand will cover that, I pray you never have this situation in your family. And so, Ladies and Gentlemen, while we can talk about the need for caps... I, for one, have never been for caps but I'm starting to understand that we must do something. And so, this Bill came out of committee today with a \$250 thousand cap for doctors, a \$500 thousand cap for hospitals. Ladies and Gentlemen, whether you're for caps or against caps, those numbers are simply not enough. Those numbers cannot possibly compensate a family for dealing with this 365/24 and 7 for 20, 30, 40 years. And so, this Amendment does something simple. You can still be for caps and be for this Amendment. This Amendment changes the numbers is all it does. It changes

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the cap on doctors to a million dollars, the cap on hospitals to 2 million dollars. I would ask for your support."

Speaker Hannig: "The Gentleman moves for the adoption of further Amendment #1. And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Yes, state your inquiry."

Black: "Yes, can the Chair tell me how many Amendments have been filed to House Bill 4074?"

Speaker Hannig: "Mr. Clerk, can you tell us the number of Amendments that are pending?"

Clerk Mahoney: "Three Amendments have been approved for floor consideration."

Black: "Three Amendments have been approved for consideration. Mr. Speaker, I've looked through the House Rules and they're silent on this issue. We will make reference then to Robert's Rules of Order. I would make a Motion that all three Amendments be handled on one Roll Call."

Speaker Hannig: "Representative Lang."

Lang: "Mr. Speaker, even if we agreed to Mr. Black's request, any Member could ask that it be divided later, and I would ask that it be divided later. And so, the question is moot. And by the way, Mr. Speaker, I would ask right now before I forget that all Amendments on this Bill be... be receiving a Roll Call vote."



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Speaker Hannig: "So, Representative Black, there are... there are three Amendments from three different sponsors and..."

Black: "That's correct."

Speaker Hannig: "...I think that in the normal course of this..."

Black: "Our Rules are silent, Robert's Rules of Order would indicate that I'm within my rights to ask that all three Amendments be handled on one Roll Call. And just for once, ya know, can we get a ruling from the Chair before somebody on the Majority side stands up and says the issue is moot. The issue is not moot until it is rendered moot by the parliamentarian. That's just a... that's just a matter of common courtesy. And I, for one, am getting just a little tired of the arrogance that exists on your side of the aisle every time we have a request, 'well, your request is moot because my request takes precedent.' Well, good for you. I've made my Motion, I've made a request, it is valid under Robert's Rules of Order. At least give me the courtesy of a response before you recognize one of your Members to say, in effect, that whatever I do doesn't count because I'm a Member of the Minority."

Speaker Hannig: "No, Representative Black, perhaps the Chair misunderstood. Is it your intention that you would make a Motion that the three..."

Black: "I clearly made a Motion, under Robert's Rules since our Rules are silent on this issue, that all three Amendments be handled on one Roll Call. If there was any misunderstanding of my Motion play back your tape or,

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better yet, pay a buck and get a videotape recording of it."

Speaker Hannig: "Okay. The Gentleman from Vermilion, Representative Black, moves that the House Amendments 1, 2, and 3 be considered on one Roll Call. And on that question then, all in favor will vote 'aye'; those opposed vote 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, there are 51 voting 'yes' and 64 voting 'no'. And the Motion fails. Representative Black to... to debate Amendment #1."

Black: "Mis... Mr. Speaker, just simply to you, on behalf of the Republican Caucus, I thank you for at least recognizing our Amendment and giving us the Roll Call. And, in a lighter tone of voice, in the future can we just get a ruling or the vote before someone on your side of the aisle impugns our abilities, integrities, or intelligence. That's all we ask, just a little fair treatment. We've had our day. Thank you very much."

Speaker Hannig: "Repre... Representative Black, I apologize if I misunderstood your intention to make a Motion. I thought you were asking from the Chair whether it was appropriate to do that. So, in any case, we'll be back to the Amendment #1. Representative Hultgren."

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

Speaker Hannig: "He indicates he'll yield."

Hultgren: "Representative Lang, good to see you. Missed you in committee this morning, good to see you."

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Lang: "It's a pleasure to be here with you, Sir."

Hultgren: "Have you talked with the Chief Sponsor, Representative Holbrook? Is he supportive of your Amendment?"

Lang: "I've not asked Representative Holbrook if he's supportive of the Amendment but Representative Holbrook was aware that I was presenting this Amendment."

Hultgren: "Is he... he's not a cosponsor of your Amendment though, is that correct?"

Lang: "I don't think there are any cosponsors but I'd be happy to make it Lang/Hultgren."

Hultgren: "No thanks. Is this a technical Amendment?"

Lang: "It's certainly not a technical Amendment, it's very substantive, Sir."

Hultgren: "To the Bill."

Speaker Hannig: "To the Amendment."

Hultgren: "Or to the Amendment, thank you. This is gonna be an interesting afternoon. It's one of these days that I guess I feel a little frustrated for all the time that we put in. I was in committee this morning, we had a Jud I Committee, the Sponsor of this Amendment's also on that committee. I mentioned in that committee this morning that we all on that committee have spent dozens and dozens and dozens of hours debating this issue, finding out every side of this issue that we possibly could. And I made the honest request of the Chairman and of the Speaker, the Speaker was also in committee this morning, to give the courtesy to those of us who have spent those hours, come down days

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early, met with people throughout the state, trying to figure this out, to be able to address the Amendments, if there are Amendments, to come up to be able to have these heard in committee, and especially with Amendments being presented now by people who are Members of that committee going around the committee. I take that as a real slap in the face as spokesperson of the Judiciary-Civil Law Committee that we are not given the common courtesy as a committee, first of all, to be able to've heard these issues this morning. We had a good debate I felt like on this Bill in committee this morning. And I am offended by the time that I spent honestly trying to debate this issue, come to real solutions, and now to be going around with something that, again, the Sponsor of this Amendment has just said is not a technical Amendment, this is a very substantive Amendment. It should not be handled as a Floor Amendment, it should be going through committee. Instead, the process... again, we are being slapped by the Majority to address something that's very substantive. Some might say that it has merit, some might say it does not have merit. I am opposed to this going around the committee that has handled this issue. I encourage all Members on this side of the aisle to vote 'no' on this. We have spent, again, many, many, many hours debating this Bill, this issue. And here in just a few minutes, again, a Member of the committee going around the very committee that we sit on, having this heard in this way. I oppose it, I oppose the process, and I'm voting against this Amendment, again,

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because of the violation of the process and really the common courtesy that has been shown for the last 4 or 5 months as we've been debating and discussing this issue. For it to be handled this way, again, I am very frustrated and disappointed and would encourage my fellow Members to vote 'no' on this. Thank you."

Speaker Hannig: "The Gentleman from Winnebago, Representative Winters."

Winters: "Thank you, Mr. Speaker. An inquiry of the Chair."

Speaker Hannig: "Yes, state your inquiry."

Winters: "With the... the Sponsor of the Amendment's acknowledgment that this, in fact, is a substantive Amendment, can you tell us why the Rules Committee did not refer it to committee but instead put it to the floor? Why did we not have the right to a hearing?"

Speaker Hannig: "Representative, you may need to take that matter up with the Members of the Rules Committee. But all I can advise you is the Bill... the Amendment is here on the floor now and..."

Winters: "Well..."

Speaker Hannig: "...it's time to debate it."

Winters: "I... I understand the verifi... clarification of the... the power of the Rules Committee, we all know exactly how powerful they are. I would, Mr. Speaker, ask for a verification of the Roll Call on this Amendment."

Speaker Hannig: "Okay. And you would... you'll be certainly granted a verification, Representative."

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Winters: "And as a Member of the Rules Committee yourself, could you give us some... your reasoning for voting it to the floor instead of back to the proper committee, as in attendance, I assume, at the Rules Committee?"

Speaker Hannig: "I was in the attendance at that committee, Representative."

Winters: "You were in attendance, but your... your thinking behind that ruling to send it to the floor?"

Speaker Hannig: "Representative, it seemed like an Amendment we really needed to debate."

Winters: "Even though the House Rules call for substantive Amendments to go to committee?"

Speaker Hannig: "Representative, it's... it's here."

Winters: "I understand that. To the Bill, Mr. Speaker."

Speaker Hannig: "To the Amendment."

Winters: "Ladies and Gentlemen of this chamber, this is probably the... one of the most contentious issues that I've faced in 11 years here on this House Floor. And I think that the actions of the Speaker, the Democratic Leader, not only of this chamber but of the state party, of the Democratic Party of Illinois, is incredibly insulting to all of the people that have put time, hours upon hours of hearing, of the expert testimony we've heard. We've all thought very carefully about how we can address what is not just an insurance liability cost, the premium cost to our doctors, it is a problem for the people of Illinois who are no longer able to access health care on a ready... readily available basis. We heard this morning that women in

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Southern Illinois in the Metro East area, one of our major metropolitan areas, who have to wait over a year to get an appointment for a gynecological exam. How many of these patients, how many Illinois citizens will die because they can't find a doctor willing to treat 'em, who has time to treat 'em. What you've done with this Amendment is to totally gut any possibility that doctors will continue to practice here in Illinois. We educate more doctors than any other state in North America and yet, the doctors that we are educating with our tax dollars are not coming back to Illinois to practice because they can't make a living here. We have doctors in their 40s who are retiring, who are fleeing our state, leaving our patients without medical care. The Amendment that we are facing here today, quadrupling the size of caps on noneconomic damages, will absolutely gut the intent of this Bill. The underlying Bill, and everyone needs to know this, is a Republican written Bill. House Bill 705 taken almost verbatim with a few modifications have become 4074. But what you've done with this Amendment is gut all of the process of the last 2 years that we've gone through. It will have no effect. If this Bill passes, as amended, it will not stop the fleeing of doctors from Illinois. Access to medical care is what we're talking about. Not that the doctors are hurting, but our patients are hurting. That they're going to be dying. This Amendment is an absolute travesty to the democratic process. It's a subterfuge, it's a red herring. It's a way to get us off the track of meaningful reform. It is an

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absolutely atrocious example of trying to use the parliamentary process to hide the truth. And the truth is, the trial lawyers rule this state through the Democratic Party and through the Speaker. They are not going to allow meaningful caps in this state. There's no other state that has noneconomic damages as high as this one and yet, this is what we're faced with. I urge a 'no' vote. I think this is an absolute horrible Amendment and it will do nothing, absolutely nothing, to help healthcare access for the citizens of Illinois. Thank you."

Speaker Hannig: "The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. To the Bill and to the Amendment, I guess perhaps to the process more than anything. I started out indignant at what happened today and now I guess I'm... have not lost that but am now to the level of disappointment. We have spent, as a Republican Caucus, the last 2 years... 2½ years working with your side of the aisle. We've talked about working together on the budget. We've talked about working together on a variety of issues around the State of Illinois that are important to all the Illinoisans. We've tried to put aside partisan politics. Some have accused me, perhaps of working too much with your side of the aisle. And then when perhaps the most important issue... the most important issue facing all of Illinois, whether you're from downstate, upstate, east, west, the most important issue facing all of us, acctel... access to healthcare, we resort to partisan



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politics at the highest level. Hypocrisy comes to my mind. Political gamemanship comes to mind. The word 'scam' comes to mind. The words 'smoke and mirror' come to mind. But the bottom line is, whatever you wanna call it is, today we have undermined the system in Illinois, more so than at any other time in the last 2½ years. Everybody in this state recognizes we have a problem with access to healthcare. Everybody. We've lost over 2 hundred physicians in the Metro East area. Two hundred physicians, they've left. These aren't games, this isn't political spin. They can't afford to do business in this state. They have left. There are not neurosurgeons... there aren't any neurosurgeons south of Springfield. I represent Will County, Illinois, we haven't had a neurosurgeon in 2 years. Many states... many counties in this state, you can't find an OBGYN. Women have to leave the state and go to other counties for healthcare and to have their babies delivered. Everybody understands we have a problem. Hospitals in the Chicago area pay malpractice premiums to the tune of a half a billion dollars. A half a billion dollars our hospitals pay in malpractice premiums. Everybody understands there's a problem. At least, I thought everybody understood that we had a problem. We've been working on legislation for the last year. We have been working on legislation for the last 2 years. We've had meetings with the Governor. We've had meetings with your side of the aisle. We've been having meetings with the Democrats, good meetings, healthy meetings to talk about what can we do to keep doctors in

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Illinois? What can we do to make sure that person that has a head trauma case doesn't die because he can't get to a hospital in time because there's not a neurosurgeon in his community? What can we do to make sure a woman gets the adequate care during her pregnancy? We thought maybe perhaps last Thursday we were gonna do something about the crisis in Illinois. A Bill is introduced by your side of aisle, a Bill that incorporates some real concrete ideas that people around this state have finally talked about and accepted; caps, physician assets. Now, what it a perfect Bill that everybody liked everything in it? No. But isn't that really what happens when you end up doing a Bill to solve a problem, nobody's really happy. I don't think that doctors like everything in that Bill. I don't think the hospitals like everything in that Bill. I don't think the trial lawyers liked everything in the Bill. That's usually indicative of a Bi... of a Bill that's pretty good. But finally, a Bill to address the problem that everybody in this state understands is real. What do we do this morning? We go to committee. Twelve to two. Six Democrats voted for this Bill, the Bill that finally, finally addresses the need to keep physicians in Illinois. Finally. Six of your colleagues understood that in the Judiciary Law Committee, as did six Republicans. Twelve to two. Lookin' pretty good. Ya gotta feel good about tort reform. Ya gotta feel good, we finally have a chance to keep physicians in Illinois. All of the sudden, that bubble bursts and we go back to the same old games that

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people in this state were used to for many years, the hypocrisy, the smoke and mirrors, the political gamemen... gamesmanship. 'Cause what happens? What happens? We have Rules Committee. Three Amendments are filed, three Amendments that guts the very essence of the Bill that was filed last Thursday that could do something about tort reform, could do something about losing physicians. Three Amendments are filed, you don't even send them over to our side of the aisle. We don't even see 'em 'til the Rules Committee is voting. Two hours... an hour and a half after a Bill passes committee, 12 to 2, you file three Amendments... Floor Amendments that guts the Bill that can finally address the issue that everybody in Illinois, I thought, understood was a way to solve the problem. These three Amendments, as the Sponsor's indicated, aren't technical, they're substantive. When is the last time in this Body a substantive Bill went straight to the floor? I can't remember that. That's why we have committees. That's why we have committees. But no, we're not gonna do committees today 'cause we're back to games playing. We're back to the hypocrisy, we're back to the smoke and mirrors. We are gonna now gut the one Bill that can make a difference in the State of Illinois, the one Bill that can say when you have a head trauma case you have a chance to live. The one Bill that says we're gonna take care of OBGYNs and the patients. The one Bill that has an opportunity we have decided to gut. And you say, 'Gutted it?' Yeah, gutting it, because you've now raised caps to a million for

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physicians and 2 million for hospitals. Everybody that's familiar with this issue knows that is a scam. The State of Missouri, struggling with issue... this issue just like us, just like us, losing physicians, just like the metro... Metro East area, concerned about losing physicians, concerned about patients, concerned about OBGYNs, concerned about mothers, passed a caps Bill at 350 thousand combined for physicians and hospitals and we're talking about \$3 million. Is that a caps Bill? I think not. California, where we've been able to keep premiums at a level for the last 30 years, capped noneconomic damages at \$250 thousand. Two hundred and fifty thousand dollars combined. The State of Indiana, a neighbor of ours. We look to Indiana often when we talk about jobs. A million dollars or a million-two combined cap for economic and noneconomic damages, total. We're at \$3 million. Let's not kid ourselves. No one on that side of the aisle wants to pass a caps Bill. Nobody cares about addressing the real issue of access to healthcare. It's not about the physicians, it's not about the hospitals, it's not about the trial lawyers. It's about the men and women in this state that deserve access to healthcare. Quality and affordable healthcare. Quality and affordable healthcare. Now, Mr. Speaker, I'm not gonna support these Amendments 'cause I know it's a ruse. I'm not gonna support Amendment 1, I'm not gonna support Amendment 2, and I'm not gonna support Amendment #3. I thought, for once, we had a serious Bill. It's clear we don't. Now, if you wanna continue to play games, you want

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to pass Bills out of committee, get press releases, get nice editorials from all the papers from around the state that say, 'oh, Democrats are finally talking about tort reform.' And then we come along, throw Amendments down that don't get heard in committee, we don't have an opportunity to review, we don't get input from people around the state. You go ahead and do that. I'm not gonna be a part of that process because that's not fair. That's not fair to all the people that have been in everybody's office in this state. Not just mine, not just Republicans. They've been in Democrat offices, the hospital administrators, the doctors, the patients, everybody that's affected in a negative way because we have failed to address the issue. Let's... let's step back and maybe, just maybe for once on one issue, we can put... put away the politics. We are a caucus that has been willing to work with your side of the aisle, as I said early on, for 2½ years, almost 3 years, 'cause we feel like and we try from a public policy standpoint to do the right thing. We're willing to do that on this issue. We're willing to sit down, we're willing to negotiate, we're willing to talk about the pros and cons of what was in the Bill you filed. But we are not willing to play games. We are not willing to do smoke and mirrors, we're not willing to play a game of hypocrisy of filing one Bill and then throwing something else on the table. Mr. Speaker, I would hope that those on your side of the aisle that truly care about medical malpractice reform would join us in voting 'no' on House

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Amendment #1 to House Bill... Floor Amendment #1, I'm sorry, 'cause it didn't go to committee... Floor Amendment #1 to House Bill 4074. Thank you very much."

Speaker Hannig: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. First of all, if we really care about healthcare for Illinois citizens, how about if we provide health insurance to all of those who don't have any today? Second, if we want to talk about what's the right cap, it is wrong, it is wrong to say that a discussion about what the level of the cap should be is a sham, is a scam. It seems to me it is absolutely legitimate to say what should a... a limb improperly removed, what should that be worth in terms of... in terms of a noneconomic damage. The father who's not able to pick up the 2 year old because the doctor cut off the wrong arm. Two hundred fifty thousand dollars, well, some jury, some individual might say that something more than that is appropriate. If you raise the cap that doesn't mean that everybody goes to the cap. There may well be injuries in which the noneconomic damages do not exceed \$250 thousand, are not even at that level. But to permit in egregious cases where the loss... the loss of important functions is part of the problem, to preclude that opportunity, it seems to me, is itself a sham and a scam. There have been complaints, complaints about the procedure by which this Amendment is before us. And speaking as the Chair of the Rules Committee, I would point out that last year when we discussed House Bill 2241,

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Amendments that dealt with caps came where? Not to committee. Came directly to the floor, just as Amendment 1 to House Bill 4074 is before us today. So, Amendments, offered by people on the other side aisle, came directly to the floor last year. So, let us not talk about violation of procedures. Our procedures provide that these Amendments may come to the floor. This Amendment did, as did Amendments a year ago. And finally, let me make the point, when we talk about the doctors leaving, the droves and droves and droves of doctors no longer here, an independent study by researchers at Duke University, people who have no economic stake in the outcome of this debate in Illinois, they point out that the absolute number of Illinois patient care physicians from 1993 to 2003 went from 24,514 in 1993 to 30,264 in 2003. So, when we're talking... when we're having the debate about the meaning of a cap, the meaning of doctors leaving, perhaps the first thing we should do is find out how to talk from the same facts, the same realities. Because my sense is that we are so far apart in understanding the basics of the problem that it's very difficult for us to find a resolution. But as to House Amendment 1, I cannot understand how anybody could say that this cap is inappropriate. Let me say also that from the perspective of doctors and hospitals, stability and certainty is much more important than dollar amounts. And when you point to states that have caps at \$250 thousand, many of those caps were adopted years and years ago when \$250 thousand meant something different from

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what it means today. So, I would urge for those who believe as I do, that there are some egregious situations where larger awards ought be made. I would urge a 'yes' vote on Amendment 1 to House Bill 4074."

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

Black: "Thank you very much, Mr. Speaker. The day that I rely on a school survey whose nickname is the Blue Devils is the day I wear a funny hat to the chamber. Ya know, and another thing, Missouri passed a \$250 thousand total cap 30 days ago. I guess the esteemed Majority Leader, that's a long time ago. Ya know, after hearing the esteemed Majority Leader's comments, I'm reminded of an old saying down my way, 'Ya know, you can dress a pig up like a... in a tuxedo, but when you're done it's still a pig.' You can dress this Amendment up in anything you want, but when you still get done, Madam Majority Leader, this is a violation of the process and you damn well know it. You took this Bill to committee and we acted in good faith in committee. And 90 minutes after this Bill cleared committee on a 12 to 2 bipartisan vote, 90 minutes afterwards, you filed three Amendments in the Rules Committee, which would indicate to me that you had your Amendments drafted yesterday. You weren't even honest enough to tell your own Members in the committee that this was a sham meeting. That you had Amendments drafted that would completely alter the basic outline of a Bill that you and we have worked on for more than 1 year. This issue isn't gonna go away. You can file



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all the Amendments you want. You can dress them up in their most beautiful attire, the issue is not gonna go away. I wonder what that Blue Devil study said about doctors leaving in 2003 to 2005. Surprisingly, nothing was mentioned about 2003 to 2005. Ladies and Gentlemen of the House, I don't take myself very seriously, but I take this process very seriously. And when it's prostituted, I don't like it. Whether it's my side of the aisle that does it or your side of the aisle that does it, I've spoken out on both occasions. This is wrong what you've done. It's wrong and most of you know it. These Amendments should've gone back to committee to be fully discussed. Is there things in all three Amendments that we might've agreed on as a compromise? Who knows. You didn't give us an opportunity. That's why we have a committee structure. You could've sent these Amendments to committee yesterday. What you've done today is to bypro... bypass the process, eliminate your own Members, your own Members who served on this committee and voted today. You've bypassed them by these subterfuge Amendments that you then rolled out on a partisan roll directly to the floor. That oughta bother some of you in the Metro East area as much as it bothers me. You've got plenty of time, we could've sent this... these... all of these Amendments to committee. We've canceled enough Session days in the last 2 weeks to have debated every Amendment that you'll file today, tomorrow, or next year. But you chose not to do so. Would there be some fear on your side of the aisle that some of the

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Members on your side on the committee may not have voted for these Amendments? We'll never know, you didn't give them an opportunity. And one thing I found very telling in my good friend, the Sponsor of the first Amendment... and he is a good friend and I'm not being facetious, he is, and I'm proud to say that. What I thought was very telling was when he said the Sponsor of the Bill that was a work in... in progress, a compromise and I congratulate and commend that Democrat for bringing forth a Bill that not everybody liked but it was a compromise, it was a starting point. And the Sponsor of this Amendment said, 'I haven't even talked to, a Member of my own party, the Sponsor of the Bill.' Don't you think that's a little odd? That you wouldn't even talk to a Member of your own party about Amendments you were planning to attach to his Bill? And he's worked on this concept for 2 years. All your debate, all of your words, all of the attire you might dress this pig up in, when it's done, it's still a pig. You know it, I know it. What you've done it to circumvent the process that would allow..."

Speaker Hannig: "Representative Black, could you bring your remarks to a close?"

Black: "Yes, I will. Thank you, Mr. Speaker. All you've done it to circumvent the process so that the voices of some of your Members and the voices of all of our Members are rendered mute. That's not the way it's supposed to work. And when it happens, every one of us in this chamber lose a little bit of what we were sent here to do, to give our input, to listen carefully, to cast a committee vote and

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represent our constituents. And when you take that way, by taking something to the Rules Committee at the last minute, taking it directly to the floor at the last minute and ramming it down every Member's throat, shame on you. Shame on you. You've trivialized the process and you've trivialized the input of every Member of this chamber."

Speaker Hannig: "Representative Fritchey."

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

Speaker Hannig: "He indicates he'll yield."

Fritchey: "I respect all the previous speakers and those of you know... that know me know that I have the utmost respect for this process. And when you're gonna lob charges that the committee that I chair, that the party to which I belong has been disrespectful of the process, I'm gonna take it personally. You have asked... you have asked and clamored... you have clamored... you have clamored for reform on this issue. You have begged caps. You bring us... you dare the Democrats, you try to demonize our party to do something. We bring you a Bill, the backbone of which is your language that you had wanted in 705. In committee, I hear that we've done too much to the Bill. Now on the floor you say that we haven't done enough, but that we just tweaked it. You tryin' to have every which way. If you want hypocrisy and a sham and a scam, it's that many of you that yell the loudest about having reform want nothing to do with reform, you want the political leverage of this issue. Nobody is being disingenuous with the people back home except for those of you that don't want this. You're right, the issue

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will not go away, because regardless of what we do here you are going to say that we didn't do enough. This is not politics, folks, it's not about doctors, it's not about lawyers. It's about patients and about... it's about what happens when patients become victims. To say that we are depriving or bastardizing the process by taking this, instead of committee, to taking an issue of the level of the caps in this Bill and letting 118 Members vote on that level, that's empowering this Body not circumventing this Body. You want say on this matter, you want say on what the final Bill's gonna look like? You've got a say. You want \$250 thousand cap? Vote 'no' on this. You support a higher cap, vote 'yes' on this. You think the Amendments that are coming gut this Bill? Try to make that argument. Do not say that we're just... that we are going around the system. Do not impugn the integrity of the Sponsor of the Amendment, of the process that we have gone through. I sat through hours of hearings almost every week of every month this Session. We made that process open to everybody, to doctors, to lawyers, to victims, to insurance agencies, to people from around the state and around the country. I defy anybody to say that we shut anybody out of this process, that they did not have a voice, that they did not have an opportunity, that they did not have a chance to be heard. You wanted this issue to come to the floor. It's here, deal with it."

Speaker Hannig: "The Gentleman from Jackson, Representative Bost."

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Bost: "Thank you, Mr. Speaker. I'm so glad I followed the previous speaker, because you know, it amazes me for the last 2 years we have argued about this issue, we have talked about this issue. And it's right, everybody has come to the table, it's just one group has had a larger and louder voice. And it's the ones that pay the biggest toll to your side of the aisle. Now, there were Members of your side of the aisle that supported the Bill that came to this floor that we're dealing with now. That this Amendment is going to... that we're asking to be put on now. But those Members didn't ask for this Amendment, from your side or our side. From that committee they heard testimony today. The process was being handled in a correct way. And then all of the sudden, three Amendments to the floor. Wham. Well, welcome to real life. Somebody got to somebody. We're gonna try to block every way we can. Now, I will gripe about the process. I'm very concerned when we start doing it this way. When before, everybody was saying how great we get along and how we work together. Well, the quickest way to make that dissolve is to play games like this. Play games like this with three... these three Amendments on a Bill that... let's face it, folks, you can sit there and say, 'Oh, well, I am for the patient.' You know what? I'm for the patient, too. I'm for the patient being able to go and find a doctor. I'm for the patient that doesn't have to worry if I get a head injury, my God, is the flight to St. Louis gonna take longer than I can survive? And we sit here and play games with it. Now,

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these other two Amendments that are up and coming, I'm probably gonna vote 'no' on them too, but this is a... this is a key issue. Folks, once again, we sit in this chamber and think that we in the State of Illinois live in a vacuum. Folks, if we are not competitive with the states around us and put a sensible cap and allow the Bill that was passed out, 4074, to pass without the Amendments, and without this particular Amendment, more docs are still gonna leave. And you haven't done anything. Oh, you can go home and get your press pop, you'll feel good about that. But I don't know if you can get it this time 'cause I hope that the media down here is paying attention to exactly what's going on there today, the games that are being played. I hope you realize when Representative Black said the fact that, guys, look, earlier today the Bill was passed out. Ninety minutes later these Amendments are passed out. What... what is that? What kind of game are we playing? And you don't care. You sit there in your groups and you talk and it's not important. Folks, tell that to the people when they all of the sudden can't find a doctor. Hey, tell that to the people that when even they go to another state maybe they're not accepted by the doctor. Ladies and Gentlemen, you have two reasons why you should vote 'no' on this Amendment and the other two. The process that has been violated and the fact that doing this makes it to where the Bill, the base Bill, it's ineffective. I encourage a 'no' vote on this Amendment and both the others."

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Speaker Hannig: "The Gentleman from Cook, Representative Miller."

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

Speaker Hannig: "He indicates he'll yield."

Miller: "Thank you. What this does, Lou... Representative Lang, is increase the cap level, correct?"

Lang: "It increases the cap level from the Amendment... from the Bill that came out of committee this morning."

Miller: "All right. In regards... there have been some comments made on the floor that this guts the Bill, that it does all kinds of horrendous things. In your thoughts... ya know, what are your thoughts about that?"

Lang: "How much time do you have, Representative?"

Miller: "Well, less than... I mean... 5 minutes."

Lang: "This doesn't change the Bill at all except the numbers in the Bill. If you're for caps this ill... Bill still provides for caps. If you feel for infants who are... who almost have their lives ruined at birth by medical errors, kids that are gonna be in wheelchairs their whole life, families that have to take care of these kids for their whole life and you don't think \$250 thousand is large enough, this helps you out of that problem."

Miller: "Well... well, that's not the point. I mean, I guess I just wanted to get in the comments of it trying to gut the rest of the provisions that's in this Bill. I believe there are some serious insurance perform... insurance reform provisions."

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Lang: "There are many provisions in this Bill dealing with insurance reform and other issues. Those are left intact by my Amendment."

Miller: "Okay. Which... which are left intact?"

Lang: "Left intact, Sir."

Miller: "Okay. And as far as some of the explanation of doctors leaving the state, does this... do you feel with increase the numbers of doctors leaving the state or do you think it'll have any bearing on this?"

Lang: "Well, it's... it's interesting that you should ask the question because throughout all the hearings we had on med mal, no matter what level we talked about relative to what a limit should be, whether it low or high, no matter the... the insurance company that insures most of these docs would not say whether the premiums would go down, whether they'd go up, whether more doctors would come back to Illinois. There was never any allegation one way or the other as to that issue."

Miller: "Okay. In a medical malpractice case, what's the average cost of trying a case?"

Lang: "Well, some say it's 50... you mean for the plaintiff's attorney?"

Miller: "Correct."

Lang: "Some say it's 50 thousand, some say it's 100 thousand. I suppose it depends on the case."

Miller: "Do... do you have any... any type of average on this?"

Lang: "I... I don't have it here. I can get it for you."



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Miller: "In re... in regards to at least suing or going after a hospital for negligence is a story we've heard on... yesterday. What would be the average cost or any cost associated with trying that case? Do you have any information on that?"

Lang: "I don't have it with me. Suffice to say, it's substantial. And suffice to say, with a \$250 thousand cap, by the time you pay the insurance company back for your medical costs, by the time... because of the collateral source rule, by the time you pay your lawyers, by the time you pay for trial preparation, there's not much left for the victim."

Miller: "Okay. As far as... so part of the reason of raising it is to try to help with those ec... nonec... with those costs that you said by the end of the day, if it goes to trial or not goes... goes to trial?"

Lang: "That would be correct."

Miller: "Okay. To the Amendment. Ya know, I've heard enough of the debate and the banter going on for not just today but for weeks in regards to why doctors are leaving this state. I can understand some of the frustration involved with this issue, which is highly emotional. But I also would like to add there are many reasons why doctors are leaving this state, not just caps. It is actually, to me, as a licensed doctor, disingenuous for someone to think that caps alone are the why reason doctors... or noncaps are a reason why doctors are leaving this state. There was some physicians here a few weeks, some students, and I

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asked them the question, how much their cost of medical education was. At the time, one of them told they would be in debt by the time they finished just undergraduate... or graduate studies for medicine would be \$175 thousand. Clearly, that has a part to do with what... where and how a doctor practice. The second thing is that these specialties are not just for everybody. There are quite a few numbers that may enter medicine but there are quite a few who will not become the specialists that we all think people should be. I believe those individuals are special and within their own right. The last point that I'd like to make is that traditionally, and at least in some of the testimony heard, caps hurt those of lower income, those of women, and those of minority status. And so, when we... when we... as an African-American healthcare provider, I'm actually in quite of a qua... quandary here. Because some of the fact of the matter is that those may not... those may complain about the lack of physicians in downstate Illinois, but I could also complain about the lack of physicians in Roseland. I could also complain about the lack of physicians..."

Speaker Hannig: "Representative Miller, could you bring your remarks to a close, please?"

Miller: "I can also complain about lack of physicians all across the state, not just in Southern Illinois. And because of the multitude of reasons that... and if we don't... at least a \$250 thousand, I believe it is low. And so, as a healthcare provider, I... I would ask the Members of the

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General Assembly, African Americans of the General Assembly to really think about this. Many of us do not agree with caps all together and many don't vote for that... 'no' for that reason. But however, given the lesser of two evils, some may decide to go ahead with the higher cap. Thank you."

Speaker Hannig: "Representative Sacia."

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

Speaker Hannig: "He indicates he'll yield."

Sacia: "If I could start my comments by asking for verification if this reaches the majority."

Speaker Hannig: "There... there's already been a request for that, Representative."

Sacia: "Ladies and Gentlemen of the House, I have the privilege of sitting on Judicial I and I have, like so many of us on both sides of the aisle, traveled here for extra hours to listen to the testimony. Until this very morning in committee, I had never asked a question. I simply sat through the hearings and I listened. This morning, Mr. Jim Tierney, who many of you know, spoke on behalf of the doctors and the hospitals and he basically said that what this Bill does, it... in simple terms, is three issues: medical discipline, litigation reform, and insurance reform. And that's basically correct. Shortly thereafter, Mr. Conway, I believe he's the outgoing president of the trial lawyers, said he would like to address two of those issues. He addressed medical doctors, discipline and he addressed insurance concerns. I found it very interesting

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that he did not address litigation reform because, Ladies and Gentlemen, that is truly what this is all about. And I'm going directly to the Amendment. Mr. Conway and maybe it was Mr. Haybeisen, made a comment that caps don't work in other states. And he used the example of California. And I cited the fact that I had just recently visited with an OG.. OBGYN in California who is paying \$46 thousand a year for her medical malpractice insurance. Everybody in this chamber knows that in Illinois it's in the neighborhood of a couple hundred thousand dollars a year. The point is, Ladies and Gentlemen, he convinced everybody in that room that caps are not working in California. No one had an opportunity to refute that, I simply couldn't. But the fact is, every one of us looks at medical malpractice as an issue between the doctors and the trial lawyers. Oh sure, the hospitals are involved, certainly the victims who are represented by the trial lawyers. But I submit to you, Ladies and Gentlemen, this is a Bill about doctors and spin doctors. We are getting classic spin put on this and what has happened to us this very day is an absolute insult. I cannot believe what is happening here today. I am a sophomore Legislator, I have defended this process to everyone back home, but I will not defend what is happening here today. This is a sham, every one of us on both sides of the aisle know it. And I ask for your 'no' vote on this Amendment. Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Molaro."

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Molaro: "Thank you, Mr. Speaker. Ya know, it... it never ceases to amaze me that I don't know if people don't read the Bills or don't get the process or what's going on here. Let me make two observation and then I wanna say something to the previous speakers. As far as the process is concerned and what we should've done or not should've done, we could debate that forever. We could get upset with the process. You could scream, we could defend it. I don't know where that gets us. Okay. I think it's not a bad idea to have some of the debate on the floor as opposed to in committee with 12, 14 Members. Let's have it on the floor. But let me understand one other thing, and this is the part where I think why everybody raised their voice, why we even got Rep... your Leader to come to the floor, Representative Cross even on the floor to talk about this, Representative Black is losing his voice, and that's this. And what I think everybody failed to realize, if ya just read Representative Lang's Amendment, the people who are for med society reforms, who are for caps in Illinois should be poppin' champagne right now. Maybe you forgot to be out of... how to be gracious winners. Did you read his Amendment? Lou Lang, myself, people who've been with the lawyers and trial lawyers for the last 25 years... you know what his Amendment says? He's for caps. Now, it might be a million dollars and ya might not like that, but the battle's over. The public policy in Illinois is now gonna be caps. Don't you see that? Don't you get that? That's what happened with this Amendment. That's what happened in

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committee today. The public policy in Illinois is changing. So, if you stand there and say it's disingenuous, all that could happen is; (a) it passes and now we got a Bill with a million dollars or it gets defeated. Now, do you really think... do you really think that the vote's in the bag on this Bill? Do you really think there's gonna be 60 Democrats voting 'yes' on this Bill? If you think that's what's happening and that's how we usurp the process, then maybe after the vote you might owe some people an apology. This is a Bill... this is an Amendment... this is an Amendment that's brought by Lou Lang. And Lou Lang and even myself make... I hate caps, but I'm getting the message. And I think a lot of Democrats and some Republicans who may not be... have been for caps are getting the message. We got the message in committee and I'm not even on it. We're getting the message. So to say that it's... it's a sham, for some Representative to get up and say maybe it should be a million bucks... should have it been done in committee? Okay, maybe it should've been done in committee. Ya got us. Okay? We'll give ya that. But now we get to debate it in front of a hundred and eighteen Members, not some backroom deal by our Leaders. Not by 12 Legislators on a committee. Here's our chance. Folk... again... and I'll end by saying this, look at the Amendment and look what just happened in the State of Illinois today. The Speaker of the House was in a committee where the Bill that contained caps was passed. Pop the champagne. Public policy has changed in Illinois. Ya won. Now we come up

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and here's an Amendment even by trial lawyers, people, that are saying caps have won. Caps are here. All we're sayin' is maybe it should be a million or two. Maybe you'll come back with 5 hundred or a million, I don't know. That's where the debate has turned. So, if you're a doctor out there, if you're with the Med Society out there, you should be jumping for joy, not attacking the process or attacking a few Legislators that say, 'I'd like the whole Body to discuss what the caps should be.' You remember the old joke, ya know, would you do something for a million dollars? Now you establish what they are, what... let's negotiate price. Listen, caps... this is a Bill... and even the Amendment admits caps are here. It's a victory. Be a little bit gracious."

Speaker Hannig: "Representative Molaro, could you bring your remarks to a close?"

Molaro: "With that... I don't know where this is going and I don't even know now I'm voting. All I can tell ya is this, it sure seems to me that what happened in committee today and with this Amendment, caps have won in Illinois. And the people who are with the Med Society and were with this all along should be gracious winners and not just go after people who were against it. Thank you."

Speaker Hannig: "The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. To the Amendment. I think there are two issues here: first, it's the process and second, it's the Amendment itself. Over the last year working with the Speaker, I've had a great deal of respect

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for things that he's done, particularly for the benefit of the State of Illinois on a lot of issues that were not going right. And I kinda had hopes that perhaps that's where we were going here. But I think Representative Black is truly right, the process here was really convoluted. It wouldn't have taken much to do this right. The Bill was disussed... discussed earlier today and the Amendments could've been introduced in that committee with no problem for discussion. Our staff could've been given the Amendments in a timely fashion before the Rules Committee, they chose not to do that. I don't understand, you have the Majority, you could've jammed this Amendment no matter how you did it. But you could've done it by the process and you could've done it correctly. We have a long way to go here before we have a budget. And then let's go to the second part, let's go to the Amendment itself. By all practical means, putting this Amendment on makes this ineffective for any kind of caps. And quite frankly, what's going on in this state means we have to do something about doctors. Last year, my hospital, and I come from a very medical intensive area, Lutheran General, lost their top two OBGYN teachers. They went to Kenosha on June 30, because it would've cost them a million dollars to stay in Illinois on July 1. Many of you have heard me say that I'd like the budget done early this year because I have a new grandchild due June 1. Well, last night that granddaughter was born. And the reason she was born early was because my daughter-in-law, who lives in Wilmette in a medically



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intensive area, went to her OBGYN that day for her checkup and the doctor determined after a few tests that there was some problems with amniotic fluid and they should go ahead and induce labor. The baby was born and when my son called me a little after 11:00 last night I could hear her screaming in the background and believed she truly was a member of our family, loud lungs and lots of talk. But I would venture to say, of the five Gentleman who are sponsoring the underlying Bill, if my daughter-in-law lived in any one of their districts she would not have had the medical care that she received yesterday. And any one of them that votes for this Amendment that guts this Bill and then goes home and tries to sell to the people in their district that they tried to do something for their area of the part of the state is perpetuating the worst sham I have ever seen. Don't tell me that my daughter-in-law would've gotten that kind of care yesterday in any one of their districts. Don't vote for this Amendment. Move the process forward and do something for this state."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you, Speaker. And just a quick question to the Sponsor... I guess a statement to the Sponsor of the Amendment as well. I appreciate the opportunity of having to vote on this idea. A lot of Members here don't realize or haven't been here long enough to understand that this is how we did things. Prior to abdicating control of every issue to someone else, a Member could come up in this chamber and have his own idea. So, I... I don't support your

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Amendment but I appreciate the opportunity to stand here and tell you that my rights as a Member to not only vote on yours but to offer an Amendment of my own is something we should look forward to in all the things that we do. As Members, we have a chance to create and direct the policy of the State of Illinois. We haven't done that for a long time. So, as you look forward, I hope there's a hundred Amendments on this Bill. In 1991, we did every Amendment without going to Rules Committee. Since I don't sit on that committee, we would file it and then that Amendment had to be dealt with. And it was a truly solid legislative process. The underlying Bill that we have here has some areas that I may want to fix. And I would like that opportunity in the coming days as we debate this policy. Although I don't support the Amendments as structured, I support your right as a Member and our rights to shape policy."

Speaker Hannig: "Representative Kosel. Okay, she does not wish to speak. Representative Holbrook is next on the list."

Holbrook: "Thank you, Speaker. I don't support House Amendment #1 and I would ask that everyone vote 'no' on this Amendment. And I understand there's already been a verification requested, is that correct?"

Speaker Hannig: "That's correct, Mr. Holbrook."

Holbrook: "Okay. And as for the other two Amendments, I don't think I support those either. But when they come up I want to make sure there's a verification on both of those. Thank you."

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

Rose: "Thank you, Mr. Speaker. To the Bill."

Speaker Hannig: "To the Bill."

Rose: "Or to the Amendment, excuse me. Let's talk about the process, folks. This morning in committee Members were subbed on for... well, since January we've been having hearings on this topic. And then suddenly today, Democratic Members show up out of the thin blue air to vote on a Bill. They hadn't been there for the last several months as we've been studying this. Then, 90 minutes later the Rules Committee meets, no advanced warning, not even a courtesy of a heads up to our House Leader that, hey, we've got three Amendments to this Bill. Comes out, nothing to our staff, comes right to the floor. The point of having a committee is to go over it. I don't know if a million dollars is good or bad. I don't know if 2 million's good or bad because we didn't have a chance to ask anybody in committee this morning. What was in committee this morning was 250 and 500. That's why we have committees. Ya know, as for this whole concept of 2241 from last year, I guess, why should we expect a different process from the same party? You recall 2241 from last year. That's the one where we took a Roll Call vote on the Amendment in Second Reading and it was pulled from the record, never to be seen again. So why should we expect anything different right now? Now, as to the substance of the Amendment. Is it good, is it bad? I don't know. We didn't have the

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opportunity to talk about it in committee. A brief conversation in Med Society tells us that their actuaries say that a million dollars will not lower, will not lower the premiums. And that's the problem in this state. The whole problem is we can't recruit and retain specialties. Frankly, I don't care if we have the same amount of family practice physicians today as we had 5 years ago 'cause it's the specialties we're losing, the obstetrics and gynecology, the neurology. My best friend, a kid I went to high school with in Charleston's a doctor in Wisconsin right now. His obstetrics endorsement up there, it would cost him \$40 thousand to move back to Illinois. He's a family practice physician up there in Wisconsin. He delivers babies on the side 'cause he enjoys it. He'd like to bring his wife... his wife's from Geneseo, he's originally from Charleston. They now have a baby, they're getting ready to have another baby. They'd like to bring their family back to Illinois to be closer to grandparents. But guess what? He can't afford to do it. Bottom line, this is a sham and this is a charade."

Speaker Hannig: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I agree with the previous speaker. The whole thing is a sham against the people of the State of Illinois, not only this Bill but the one that they have pending as well. I was reading yesterday's newspaper, The Chicago Tribune, and the headlines says that doctors haste seems to be hurting patients. Doctors haste is hurting

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patients. And what I've missed throughout this entire debate has been about the patients. What about the patients and this system that we're talking about that's broken? If I thought for one minute that voting to put a cap, a price on a person's life, would fix this broken system, I would gladly stand up and vote for this Amendment as well as this Bill. But that's not the problem and we are not addressing the real problem. In this survey that was done, it says, 'Doctors are failing to provide Americans with the best care that modern medicine offer. Physicians often see revolving door of patients coming in with the wrong prescription, the wrong medicine.' And it says, 'Patients' care... patients should have the right to know about the care that they rightly deserve, but yet they're not getting it.' This Bill does not talk about the quality of care. The article goes on to talk about that if... 1 out of 10 doctors said that sometimes they saw the patient with the wrong drugs, wrong doses, and other procedures that are wrong. And it says that if the medical system... if this medical system was a bank... if it was a bank, that you would not want to deposit your money in this bank because of the medical errors. Is this Bill addressing the medical errors that is placed on the people in this state? People are dying. There's over 98 thousand people dying every year and we don't know the reasons why. In the hospitals, in their doctor's office, in their homes from their prescription. Nobody knows the reason why and you want to put a cap on a person's life, that's not the

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answer. We should not be addressing this issue. What we need to be doing is educating the people on what the problem is, changing the system, and bring the real culprits to the table. The real culprits are the insurance industry. The real culprits are the system that we haven't changed in the last 50 years ever since we had a healthcare system in this state, in this country. The real systems are, again, the doctors and the other professionals as well as the trial lawyers. There's no one that's innocent of this issue. But until such time that we all sit at the table and stop playing the boogiemans, stop saying that your doctors are running out. Doctors are leaving because they're aging out, doctors are leaving because they cannot afford the insurance. And for whatever reason it may be, it's not right that we violate people's civil rights, tell them that they cannot go into court and they cannot sue because you signed your rights away when you went into the hospital. In this Bill, there's a... a section there that says you've signed your right away to sue. In every type of... in every situation that we have you have a three-day clause where you can change your mind, except for in this Bill. There is no three-day clause that you can change your mind for a doctor who did not... who did violate their Hippocratic oath to do no harm because of whatever reason. We must address why is there hastiness in their first place in the doctors' offices. Why our smaller offices have the bigger problems. This is the issue that we need to be addressing, Ladies and Gentlemen. Thank you."

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Speaker Hannig: "The Lady from Cook, Representative Howard."

Howard: "Thank you very much, Mr. Speaker. I appreciate your allowing me to take this brief moment to introduce people who have come to visit us today. We have with us individuals from the Illinois Judges Association. Judges Jim Epstein, John O. Steele, Michael W. Stuttley, and Mark A. Schuering. Please help me to welcome the judges to Springfield."

Speaker Hannig: "Representative Eddy."

Eddy: "Thank you very much, Mr. Speaker. Would the Sponsor of the Amendment yield?"

Speaker Hannig: "The Sponsor will yield."

Eddy: "Representative, I... I have some questions regarding the Amendment. My understanding, based on what other states are doing... and I want you to understand, I represent a part of the state that borders Indiana, about 130 miles long. I... I feel like I need to answer the folks in Mt. Carmel, with their hospital, their doctors, in Lawrenceville, in Robinson, and in Paris. How did you come to the conclusion of 1 million and 2 million? What... what was the process you used to come to that as being the... the determining factor for the cap?"

Lang: "The... well, the easy answer is it's just as arbitrary as a lower number, but I'll give you a better answer. During the several days of hearings that we had about this, the... those who wanted caps were asked over and over and over again what level of cap will work, what level of cap will you support? They al... they talked a little about what

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level of cap they would support but they never said what level of cap would work. In fact, they aren't even sure a 250 cap will work, and you can put 'work' in quotes. And you would ask the question, 'What does work mean?' And you would answer by saying, 'Well, we're talking about the premiums that doctors pay.' And then you would ask them a question rhetorically, 'Well, what if we put in a law that capped premiums instead of capping awards?' Well, they're not for that because the docs and the insurance companies can't agree because the insurance company won't let... won't really take care of the docs. What they want to do is make money for the insurance company."

Eddy: "So... so, let me... let me see if I can capsulize your answer because you gave me a lot more than what I asked for, and I appreciate that."

Lang: "It's what I do."

Eddy: "I... I appreciate that but the answer the my question is there is no basis in data or fact that use those numbers, and you also mentioned there... there isn't for the other numbers. But let me... let me just refute that with this. When you look at Wisconsin, the total cap... the total's \$500 thousand. In Missouri, it's \$350 thousand. In Indiana, which borders my state, which is the ones that... that I'm tremendously concerned about because those healthcare providers up and down Route 1 are losing... and I don't care what anybody says about doctors not leaving this state, doctors and healthcare providers are leaving this state for surrounding states. That's a fact. That's a fact."



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Lang: "I agree with that."

Eddy: "My question..."

Lang: "I agree."

Eddy: "...then is if we're looking at surrounding states as one of the criteria to begin to establish some numbers for the caps, and that is the basis for those, so I don't... I don't agree with your... your comment that they're no... they're arbitrarily chosen at 250 and 500, what is the beginning of the basis for 1 and 2 million?"

Lang: "Representative, the insurance people that came to the committee and have been talking at us and to us for a very long time on this issue have their hand on the spigot. They decide how much the premiums are. And when you ask them what a number would be that would lower the premium, they can't give you a number. All of their numbers are arbitrary as well. And then they say, 'Well, we're just trying to stop the frivolous lawsuit.' Oh, yes, we still believe in the jury system, but just for these kinds of cases let's have caps. Let's not have caps if I run you over with a car. Let's not have caps for any kind of case but med mal cases, but let's make up a number. And that's what they did. And so..."

Eddy: "Thank you. Representative..."

Lang: "And by its very na..."

Eddy: "Representative, I don't want to interrupt you..."

Lang: "I'm gonna answer your question."

Eddy: "...but you haven't answered my question. My question was..."

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Lang: "And by its very nature..."

Eddy: "My question was..."

Lang: "...if a jury would award somebody a million dollars, it cannot be a frivolous lawsuit."

Eddy: "My question was how you came to the figure. I understand all the issues. And by the way, this is not about caps alone. I don't think anybody ever here... ever sa... on this side every said it was about caps alone. There is substantive language aside from that in the underlying Bill that, I think, goes to the very heart of the fact that we all believe that there are several sides to this. My question is, how do we get to the number that has some actuarial backing? And I'm told by staff that the numbers we use are used because they have some... some factual actuarial backing. And I think if we're going to go down this road we should use something that has real data behind it and nothing arbitrary."

Lang: "May I, Mr. Speaker?"

Speaker Hannig: "Representative, the Gentleman's time has expired so why don't we... you'll be able to close, Representative Lang. Representative Patterson."

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

Speaker Hannig: "He indicates he'll yield."

Patterson: "Okay. Representative, I need to get something clear for my own mindset 'cause I have a way of doing a little inverse thinking. Voting 'yes' for the Amendment does not speak to the fact that you're for caps, it's just

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that you're in disagreement with the ridiculous low amount of \$250 thousand. Is that correct?"

Lang: "It's correct in part, Representative. I have been convinced that we should be debating the issue of caps and that's what we're doing. And eventually, after we go through a series of Amendments, we'll get to a Third Reading Roll Call. And I, as you and every one else in this chamber, will have to determine whether the Bill, as it comes to us on Third Reading, is a Bill we can support. All I know is that for right now, today, the cap that came out of that committee, a committee I normally serve on but was in the Executive Committee presenting another Bill today, I cannot support the way it came out of committee. I will not support that Bill the way it came out of committee and I'm trying to address this to have... at least for this moment, to provide a cap for surety for doctors, for surety for hospitals, to deal with some of the lawsuits and to make sure that the victims of medical malpractice get reasonable compensation."

Patterson: "And just a follow-up to that, Representative, if one is in agreement that the current amount that's listed in the Bill is ridiculously low but because someone votes for the Amendment does not mean that they are in agreement with a cap provision?"

Lang: "That is exactly the case. I expect some people to vote for this Amendment who will not vote for this Bill on Third Reading."

Patterson: "Thank you."

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Lang: "Thank you."

Speaker Hannig: "Representative Kosel."

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

Speaker Hannig: "He indicates he'll yield."

Kosel: "Representative Lang, I think I showed you this picture earlier today. This is Trisha. Trisha was born Monday at 8:10. The doctor who delivered her has told my daughter-in-law that if she decides to have another baby, he is... does not know if he will be in this state. The pediatrician that is holding the stethoscope on... on... on her right here has told me it isn't if he's going to leave, it's when he's going to leave. This Bill, after just talking to one of them, I... the other one hasn't called me back yet, will not make a difference. This is not enough. This Amendment will gut the Bill. This will not keep them in the state. If this has not affected your family yet, it will."

Speaker Hannig: "Representative Reis."

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

Speaker Hannig: "He indicates he'll yield."

Reis: "Representative..."

Lang: "Are you gonna ask me a question?"

Reis: "...do you know the caps of the... the surrounding states, Indiana, Wisconsin, Missouri, what their caps are at the current time?"

Lang: "We have the information. I'm sure you have it or you wouldn't be asking the question. Lower than the million, higher than the 250, in some cases."

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Reis: "Okay. And L.. I bring this up because I'm a farm boy, I'm common sense. And we've seen what happens when we raise trucking fees, the trucks leave the states. We see what happens when we... we have too high work comp premiums, our jobs leave the states. We see what happens when... when we tax our corporations, when we're uncompetitive, they leave. And that's what's happened with our doctors. And we can argue caps, we've argued the process. But if our caps are still higher, which cause our premiums still to be higher for our doctors, we're going to continue to see our doctors leave. Now, if you think a million dollars is good, you vote for this Amendment. If you're like me when I think it's too high, it will not bring out premiums down, what are we really accomplishing other than some folks on your side of the aisle got to say I got to vote for caps."

Lang: "Is that a question?"

Reis: "I'm a realist, I see our doctors leaving. I have nine counties, three hospitals that deliver babies, that's it. No neurosurgeons, no jobs, because there's no healthcare facilities. I want to see results. The people of my district and so many other districts wanna see results, not just campaign mailers that say, 'I voted for caps'. And that's why I don't think your million dollar cap will work because it's not putting us on a level playing field with the surrounding states."

Lang: "Was that a question?"

Reis: "Well, it's a statement. I mean..."

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Lang: "You asked me to yield, I thought you were gonna ask me a question."

Reis: "I asked you the question and you gave me the one answer, so... Ya know, when the tires hit the road we have to make Illinois competitive with our surrounding states or we're gonna continue to lose doctors, plain and simple. We can go through show, we can go through smoke and mirrors, but we have to be competitive with our surrounding states. I think the cap needs to be at \$250 thousand so that we are competitive. It's proven. We talked about... one of the Representatives say we need real data. The real data is we have no caps, our premiums are too high, and our doctors are leaving. Period. Plain and simple. That's the data. So, I hope that people will vote 'no' on this Amendment, beyond the procedural things that the people that have been here longer know how the process really should work. I think from a substance standpoint that this Amendment is not right and I urge your 'no' vote."

Speaker Hannig: "Representative Monique Davis."

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

Speaker Hannig: "He indicates he'll yield."

Davis, M.: "Representative Lang, I have I think one or two questions. Is there any correlation between insurance rate increases and malpractice suits that are filed or won?"

Lang: "Well, it depends who you talk to, Representative. You can get any evidence from any person you want and get a different answer on that question. I would just simply say

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this, in all fairness, the data is inconclusive.  
Inconclusive."

Davis, M.: "Well, I've looked at several charts and they show a rise or an increase, a continual increase of medical malpractice insurance. But there is not that similar increase with malpractice cases either filed or won. There is a large gap in the statistical data on a line graph."

Lang: "I've seen that graph. And so you're suggesting that there have been astronomic in... increases in premiums but not an astronomic increase in number of cases filed, is that correct?"

Davis, M.: "That is exactly the way you'd have to read that information."

Lang: "I read it the way you read it."

Davis, M.: "Thank you. To the Amendment, Mr. Speaker."

Speaker Hannig: "To the Amendment."

Davis, M.: "I'm very concerned when people name or address a problem but the solution to the problem is really not affecting the cause. I hear people say, oh, doctors are moving, they're leaving the... what, the downstate area because of the rise in insurance, the rates of the insurance, the increases in insurance. But even... it appears to me if Lou Lang's Amendment passes it is not going to reduce nor stop the rise in the insurance rates. I think the problem we're attempting to solve, number one, is to get the very best medical services in this state that we can get. I think we do not want people to ever feel that they don't have to be concerned with making major

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errors on particular groups of people because they won't be responsible for those errors. Because these kinds of... this kind of legislation removes the onus on the hospital, on the doctors, on the medical profession to be as careful, as... as concerned as they should be. I believe that as Legislators, even when a promotion has taken place, pushing the wrong buttons... it is not up to us to go along with this incorrect information and say we're gonna solve the problem that has been presented, which really is not the problem. Rising insurance rates that reduces the income of the medical profession will not be halted by this legislation. Thank you, Mr. Speaker and Representative Lang."

Speaker Hannig: "Okay, that concludes our debate on Floor Amendment #1. Representative Black. Representative Black, for what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. I appreciate your indulgence. I have filed in writing under House Rule 55, under precedence of Motions. If you'll look at House Rule 55, Subsection (c), I've filed a Motion to Commit Amendment #1 back to the Civil Judiciary Committee and the rules are very clear, no action can be taken until action is taken on my Motion."

Speaker Hannig: "So, Representative Black moves that the House commit Floor Amendment #1 to House Bill 4074 to the House Judiciary Civil Law Committee. All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion, there are 53



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voting 'yes' and 61 voting 'no'. And the Motion fails. And Representative Lang is recognized to close on the Amendment."

Lang: "Well, thank you, Mr..."

Speaker Hannig: "Representative Hoffman, for what reason do you rise?"

Hoffman: "Yes, my switch is not working. If I could have the Clerk please look at it. I wanted to vote 'no'."

Speaker Hannig: "Okay. And Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I appreciated the spirit of debate although I didn't necessarily appreciate the tone of the debate. Let me state that for those on the other side of the aisle who believe that this is part of some Democratic conspiracy to overthrow the Republican side of the aisle, let me say that I am one Representative. As you know, the Speaker sat in on the Judiciary Committee today. That Bill came out of Judiciary Committee, I think, with his support exactly the way it was written. I am one Representative, this is not a Democratic conspiracy. This is my Amendment, I'm entitled to provide the Amendment. You're entitled to vote 'no' if you wish. That's the democratic process. Additionally, we've had a lot of talk on this floor about procedure. Let me remind you that when you had a caps Bill last year it came directly to the floor. No one tried to commit it to committee, no one tried to play tricks. You got your vote and, in fact, you adopted your Amendment for caps last year. I am actually dumbfounded by the level of debate on

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this Bill because I heard nothing from any of those who are opposed to this Bill about the victims of medical malpractice. Now, even the doctors and the insurance people who came to testify in the dozens of hearings we had said, look, we know mistakes are made, we know people are injured, we know death results, we know brain injuries happen, we know blindness happens, we know deafness happens, we know there are mistakes. So let's not pretend that this whole debate is about doctors. We all, those who vote for this Amendment, those who don't vote for this Amendment, know there's a crisis in medical malpractice in this state. But to talk about caps on awards as the be-all and end-all when there were 48 agreements out there that people backed off from, and to talk about this as the be-all and end-all when if you really want to provide some relief you go to where the source is. The insurance company is the one charging the rates, why don't you vote a cap on insurance rates? But no, you're not gonna do that. And so, Representative Molaro, in his usual cogent way, I heard some of it, talked about 'ya won'. He's right. Here's Representative Lou Lang, used to chair the Judiciary Committee. I stated on this floor last year that I was unalterably opposed to caps and here I am with a cap proposal. What's so terrible about it? You think it's too high, vote 'no'. But don't vote 'no' because you think you have a better number, because no one knows the right number, 250's made up, 500's made up, 10 million would be made up. It doesn't matter what the number is, it's made

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up. It's arbitrary. So, because it's arbitrary and because there are people in this state with injured family members in wheelchairs and blind family members and injured family members, we have to err on the side of the victims. And while we're trying to keep doctors in the state, let's talk about how to keep victims healthy and let's talk about real healthcare in Illinois. It isn't just about medical malpractice, it's about the 12½ million people that live in Illinois and all of their healthcare. Not protecting people who injure people but protecting the people that live in the State of Illinois. And here I am with a Bill for caps. You think they're too high? Vote 'no'. But don't start talking about public policy because no matter what number you put on the table you made it up. Vote 'aye'."

Speaker Hannig: "And the question is, 'Shall Floor Amendment #1 be adopted?' There's been a request for a Roll Call vote. So, all in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 22 voting 'yes' and 93 voting 'no'. And the Motion fails. Representative Holbrook, for what reason do you rise?"

Holbrook: "I'd like this Bill pulled from the record at this time."

Speaker Hannig: "Okay. The Gentleman asked that the Bill... that this be out of the record. Mr. Clerk, read the Agreed Resolutions."

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Clerk Mahoney: "Agreed Resolutions. House Resolution 396, offered by Representative Sullivan. House Resolution 397, offered by Representative Flider. House Resolution 399, offered by Representative Pihos. House Resolution 400, offered by Representative Hultgren. House Resolution 401, offered by Representative Hultgren. House Resolution 402, offered by Representative Brady. House Resolution 403, offered by Representative Phelps. House Resolution 405, offered by Representative Monique Davis. House Resolution 406, offered by Representative Monique Davis. House Resolution 407, offered by Representative Monique Davis. House Resolution 408, offered by Representative Holbrook. House Resolution 409, offered by Representative Washington. House Resolution 410, offered by Representative Washington. House Resolution 411, offered by Representative May. House Resolution 412, offered by Representative Hannig. House Resolution 413, offered by Representative Hannig. House Resolution 414, offered by Representative Boland. House Resolution 415, offered by Representative Daniels. House Resolution 416, offered by Representative Millner. House Resolution 417, offered by Representative Bassi. House Resolution 418, offered by Representative Howard. House Resolution 419, offered by Representative Younge. House Resolution 420, offered by Representative Younge. House Resolution 421, offered by Representative Joyce. House Resolution 422, offered by Representative Bellock. And House Resolution 423, offered by Representative Phelps."

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Speaker Hannig: "Representative Currie moves for the adoption of the Agreed Resolutions. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Agreed Resolutions are adopted. Representative Parke, for what reason do you rise?"

Parke: "Thank you, Mr. Speaker. Point... point of information. What are the... what is the schedule on committees? Are we gonna ha... still have committees today?"

Speaker Hannig: "Yes, the..."

Parke: "And if so, when?"

Speaker Hannig: "The 2:00 committees... and... and let's have a little attention. Why don't we just make this an announcement. The 2:00 committees will meet immediately after we adjourn, momentarily, and then the 4:00 committees will meet after the room becomes available. So, that will be the..."

Parke: "And what time... what time are we expected to come in tomorrow?"

Speaker Hannig: "And we're gonna adjourn until 12:30 tomorrow."

Parke: "12:30. And will we be in long do you think, tomorrow?"

Speaker Hannig: "We didn't do so good today, Representative Parke."

Parke: "Well, maybe you should have better Amendments."

Speaker Hannig: "We'll try to come up with some better ones tomorrow. Representative Soto, for what reason do you rise?"

Soto: "Thank you, Speaker. On a point of personal privilege. Just to let the Labor Committee know that the room... the

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hearing room has been changed to D-1 at the Stratton Building. Thank you."

Speaker Hannig: "Okay. Is there any further announcements?

Then Representative Currie moves that, allowing perfunctory time for the Clerk, that the House stand adjourned 'til tomorrow, Thursday, May 12, at the hour of 12:30. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order.

Reading of Senate Bills-First Reading. Senate Bill 776, a Bill for an Act concerning State Government, offered by Representative Jefferson. Senate Bill 1848, offered by Representative Giles, a Bill for an Act concerning education. Senate Bill 1849, offered by Representative Giles, a Bill for an Act concerning education. Senate Bill 1853, offered by Representative Giles, a Bill for an Act concerning education. And Senate Bill 1854, offered by Representative Giles, a Bill for an Act concerning education. Introduction and Reading of House Bills-First Reading. House Bill 40... 4075, offered by Representative Mulligan, a Bill for an Act concerning appropriations. First Reading of this House Bill. Referred to the House Committee on Rules is House Resolution 398, offered by Representative McKeon; House Resolution 404, offered by Representative Acevedo; House Resolution 424, offered by Representative Hoffman; and House Joint Resolution 57, offered by Representative Flowers. There being no further

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business, the House Perfunctory Session will stand  
adjourned."