

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

64th Legislative Day

5/27/2013

1 Clerk Hollman: "House Perfunctory Session will come to order.  
2 Committee Reports. Representative Barbara Flynn Currie,  
3 Chairperson from the Committee on Rules reports the following  
4 committee action taken on May 27, 2013: recommends be adopted  
5 is the Motion to Concur with Senate Amendment #1 to House  
6 Bill 513, Senate Amendment #1 to House Bill 595, Senate  
7 Amendment #1 to House Bill 702, Senate Amendment #1 to House  
8 Bill 827, Senate Amendment #2 to House Bill 1288, Senate  
9 Amendment #1 to House Bill 1309, Senate Amendment #3 to House  
10 Bill 1349, Senate Amendment #1 to House Bill 2339, Senate  
11 Amendment #2 to House Bill 2432, Senate Amendment #2 to House  
12 Bill 2471, Senate Amendment #2 to House Bill 2508, and Senate  
13 Amendments 1 and 2 to House Bill 2695."

14 Speaker Lang: "Happy Memorial Day. The House will be in order.  
15 Members will be in their chairs. We shall be led in prayer  
16 today by his Lordship Bishop Camillo Ballin, Apostolic Vicar  
17 of Northern Arabia. Bishop Ballin is the guest of  
18 Representative Demmer. Members and guests are asked to  
19 refrain from starting their laptops, turn off all cell phones  
20 and rise for the invocation and the Pledge of Allegiance."

21 Bishop Ballin: "We thank You, Lord, for Your presence, for Your  
22 grace, for Your bounty, for Your mercy. We thank You for this  
23 Assembly which is greeting the problems of their brothers and  
24 sisters. We thank You for this a great country which is the  
25 leader in the world, the leader for freedom. We thank You,  
26 Lord the Father, for Your presence, for Your grace. Bless us  
27 all, bless these people, bless their family, bless this  
28 country, bless all the world. We ask this through Christ, Our  
29 Lord."

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1 Speaker Lang: "Be led in the Pledge today by all of our veterans."

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

6 Speaker Lang: "Roll Call for Attendance. Leader Currie."

7 Currie: "Thank you, Speaker. Please let the record reflect that  
8 there are no excused absences among House Democrats today."

9 Speaker Lang: "Mr. Bost."

10 Bost: "Thank you, Mr. Speaker. Let the record reflect that  
11 Representative Pritchard is excused on the Republican side of  
12 the aisle today."

13 Speaker Lang: "Mr. Clerk, please take the record. There are 117  
14 Members present and we do have a quorum. Mr. Clerk."

15 Clerk Hollman: "Committee Reports. Representative Phelps,  
16 Chairperson from the Committee on Public Utilities reports  
17 the following committee action taken on May 27, 2013:  
18 recommends be adopted is Floor Amendment #2 to Senate Bill  
19 105. Introduction of Resolutions. House Resolution 405,  
20 offered by Representative Tryon, is referred to the Rules  
21 Committee."

22 Speaker Lang: "Mr. Demmer."

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

24 Speaker Lang: "Please proceed, Sir."

25 Demmer: "I... I'd just like to, again, welcome and thank for doing  
26 the invocation, Bishop Camillo Ballin. He's the Apostolic  
27 Vicar of Northern Arabia, meaning that he works with more  
28 than 4 million Catholics in Kuwait, Qatar, Bahrain and Saudi  
29 Arabia. And we know that there are many American servicemen

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1 and women who are stationed there and a large part of his  
2 ministry includes serving their needs and helping bring them  
3 peace and comfort as they're deployed overseas. So on this  
4 Memorial Day we thank him for being here and welcome to  
5 Springfield."

6 Speaker Lang: "We welcome you. Thank you very much, Bishop.  
7 Representative Tabares."

8 Tabares: "Thank you, Mr. Speaker. I rise on the point of personal  
9 privilege."

10 Speaker Lang: "Please proceed."

11 Tabares: "Just want to welcome my family who is visiting here  
12 today from Chicago. They're up on the gallery, my aunt, my  
13 uncle, my... my mom and my grandmother who recently celebrated  
14 her 90th birthday, just like to give them a warm welcome to  
15 Springfield. Thank you."

16 Speaker Lang: "Thank you. Welcome to Springfield. Happy you're  
17 here with us. Representative Halbrook."

18 Halbrook: "Thank you, Mr. Speaker. A point of personal privilege."

19 Speaker Lang: "Please proceed."

20 Halbrook: "Yeah, I'd like to introduce my guests and their family...  
21 my... my Pages for the day and their families, if I could. Over  
22 here to my right is Brock McMorris. Brock, if you would stand.  
23 Brock is 13, getting ready to enter into the 3rd... or 8th  
24 grade, his sister Anna is 17, getting ready to enter in as a  
25 senior. They're from Newton, Illinois, actually guests of  
26 Representative Reis also. Up here in the gallery behind us,  
27 if they would stand, is their parents. Yes, they're there;  
28 thank you, Tony and Lisa McMorris. Tony is a licensed funeral  
29 director and a fourth generation newspaperman. They have a

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1 business in Greenup, which is Cumberland County. Actually,  
2 that's in the 110th. And his wife, Lisa, is also with us and  
3 she is a special education administrator in the South Eastern  
4 Special Education Unit. Let's please give them a nice warm  
5 House welcome and to Springfield. Thank you."

6 Speaker Lang: "Welcome to the House, happy you're here. Mr.  
7 Smith."

8 Smith: "Standing for a personal privilege... points of personal  
9 privilege."

10 Speaker Lang: "Please proceed, Sir."

11 Smith: "Just want to wish my wife a happy birthday. She came down  
12 to be with us today, Valerie Smith."

13 Speaker Lang: "Oh, happy you're here. Happy birthday. On page 3  
14 of the Calendar, under the Order of House Bills-Third Reading,  
15 appears House Bill 2562, Mr. Jones. Please read the Bill."

16 Clerk Hollman: "House Bill 2562, a Bill for an Act concerning  
17 employment. Third Reading of this House Bill."

18 Speaker Lang: "Mr. Jones."

19 Jones: "Sorry, Mr. Speaker, I had three other Members talking to  
20 me. House Bill 2560... House Bill 2562 is an initiative of the  
21 Department of Labor. This Bill just simply provides that there  
22 will be a fund established by the Department of Labor,  
23 provides that... I'm sorry, give me a second. The Personal  
24 Review Act, it allows the Department of Labor to hold the  
25 employees in violation if they don't allow employees or person  
26 to review their employment information. It also establishes  
27 a fund. As I stated, this is an initiative of the Department  
28 of Labor. I know of no opposition to this Bill and I ask for  
29 your support of this Bill."

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1 Speaker Lang: "Mr. Bost."

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

3 Speaker Lang: "Sponsor yields."

4 Bost: "Representative, you explained that there was no opposition  
5 to the Bill but yet we have that... that business groups are  
6 opposed, specifically the Illinois Chamber and the NFIB. Are  
7 you aware of that?"

8 Jones: "Well, I'm mistaken, yes, the Illinois Chamber but this...  
9 this group, of course, the Illinois Chamber also represent  
10 the Tooling and Manufacturing Association. The gentleman who  
11 filed a slip against this Bill, Mr. Shattuck, we tried to  
12 work out the issues with the Department of Labor but he wanted  
13 it changed from 7 days to... I guess, the Bill calls for a  
14 violation. He was against that. We tried to work it out; we  
15 couldn't remove his opposition from the Bill."

16 Bost: "All right... all right, thank... thank you, Representative.  
17 And... and not directed at you but the Bill itself, let me  
18 explain to you once again, Ladies and Gentlemen. We continue  
19 go... to go down a path that we claim in the act of good  
20 government, that we continue to put a stranglehold on the  
21 businesses of the State of Illinois. A hundred... I've said it  
22 so many times, 177 thousand jobs in the last 12 years have  
23 been lost. Yet, when we have talked about different issues to  
24 try to make it to where we swing the door open in support of  
25 business to try encourage them, yet even you might think that  
26 this isn't that important, but it is. It's another burden  
27 that is on the backs of the small business and... and large  
28 business alike, here in the State of Illinois. We've got to  
29 stop. We've got to stop. There has to be a time that we

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1 encourage business. Now, I don't think this is done in any  
2 other state. So, there's got to be a time that we wake up and  
3 say, we want your jobs, we want your businesses here, we want  
4 to put the people of the State of Illinois to work. I don't  
5 know when it stops. Ladies and Gentlemen, I encourage a 'no'  
6 vote on this piece of legislation."

7 Speaker Lang: "Mr. Durkin."

8 Durkin: "Will the Sponsor yield?"

9 Speaker Lang: "Sponsor yields."

10 Durkin: "Representative Jones, can you tell me what problem we're  
11 trying to fix with this legislation?"

12 Jones: "Well, Representative, thanks for that question. The  
13 problem is when people leave employment, they are not allowed,  
14 currently, to receive a copy of their records. This Bill  
15 simply just says that employers have to make sure that people  
16 get a copy of their employment record; they're allowed to  
17 review it. This Bill triggers once a company is violating.  
18 Now, it just..."

19 Durkin: "But is... who's violating? Is it... is it a pervasive  
20 problem?"

21 Jones: "And according, they are allowed under the law, it's not  
22 being enforced right now. This allows the Department of Labor  
23 enforcement techniques which is not being done now. So,  
24 employers can just ignore the law and the Department of Labor  
25 doesn't have any enforcement mechanism."

26 Durkin: "If I look to my left, I'll see about 10 different volumes  
27 of state statutes which allow every agency to do whatever  
28 they want against any employer or against any person in the  
29 State of Illinois. I don't believe... can you give me one

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1 specific problem or an issue which has arose... which this Bill  
2 will cure? And I'm not asking for any generalities. Do you  
3 know of anybody who's come to you and said this law needs to  
4 be changed because this is what's happened to me?"

5 Jones: "Well, I... I can't cite a specific, but all I can just tell  
6 you is according to the Department of Labor they have over  
7 300 or 500 complaints and they don't have any enforcement  
8 mechanism. So, this is just to cure that."

9 Durkin: "I understand. I... let me just... To the Bill. I... I, again,  
10 we... we often pass Bills that I think are well-intentioned,  
11 but I'm not sure if there's a problem that exists which  
12 warrants us to be able to add more ink to the Illinois state  
13 statutes. And I do believe that when the business associations  
14 are... are opposed to it, we need to listen to it. And I would  
15 recommend a 'no' vote."

16 Speaker Lang: "Mr. Kay."

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

18 Speaker Lang: "Sponsor yields."

19 Kay: "Representative, are you aware of the fact that in law today  
20 there is a thing, an Act, called the person... Personnel Records  
21 Act?"

22 Jones: "Yes."

23 Kay: "And what does that Act do?"

24 Jones: "It simply requires that the employer provides the  
25 personnel record to the employee or the employer itself."

26 Kay: "Well, and that's my point. We have laws on the books today  
27 that already entitle an employee to request any and all  
28 records in the personnel files contained in any office,  
29 whether it be a terminal or a home office, and at the expense

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1 of whatever the going rate is for copy. So, there's a law in  
2 place now and I'm trying to figure out what we're doing with  
3 this."

4 Jones: "Well, we're just simply allowing the Department of Labor  
5 to have more enforcement tools. Currently, the... as you stated,  
6 the employers... Walmart, for example, is one of the biggest  
7 violators of this law. So this is not, as you can understand,  
8 Representative, this is not to penalize Walmart. This is  
9 simply to say that if you do not follow the law, we have this  
10 enforcement tool because currently the Department of Labor  
11 does not have that tool in effect."

12 Kay: "Well, under... I'm sorry, Representative."

13 Jones: "Well, this Bill will simply allow the Department of Labor  
14 to say, well, if you violate this law, you have to pay this  
15 penalty. And if you see in this Bill, Representative, it's  
16 \$250 plus a \$25 per day and the department will not institute  
17 that only if the company violates it. So, it... it's an  
18 enforcement mechanism."

19 Kay: "I understand. I... I think we've got a law in the books that  
20 does just what you're wanting to do today and I think this is  
21 duplicative. So therefore, I'm going to simply remind you  
22 that we do have a situation in the State of Illinois where we  
23 are in the process of diminishing the capacity for any  
24 business to operate because of the regulations and the fees  
25 and the burdens we put on them and then we wonder why we can't  
26 create jobs. This is another, not... may not be as big a deal  
27 as some of the things we do, but it's just another signal  
28 that we don't have open doors or a good environment for the



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1 businesses in this state. So, I'm going to recommend an 'aye'  
2 vote. Thank you, Mr. Speaker."

3 Speaker Lang: "Mr. Sacia."

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

5 Speaker Lang: "Sponsor yields."

6 Sacia: "Ladies and Gentlemen of the House, two weeks ago  
7 Representative Arroyo brought to the floor a Bill that seemed  
8 to come out of nowhere and what it did is it 'pierced the  
9 veil of corporate protection'. I had never heard that term  
10 before, but it was so well articulated by Representative  
11 Sandack and others. But it, again, it was one of these Bills,  
12 and Representative Durkin and Representative Bost and Kay  
13 have all articulated that this, again, is an attack on  
14 business. We... we are creating something here and  
15 Representative Kay pointed out that there already is such  
16 protections in place, but you have the Department of Labor  
17 going after business for an issue that isn't even an issue.  
18 Ladies and Gentlemen, why do we continue to punish the  
19 business creators? Those that are providing the jobs, the  
20 ones that are going to take their businesses and leave this  
21 great state. I'm not going to pontificate. This is, simply  
22 put, bad legislation and it needs to be stopped. This is not  
23 necessary in Illinois. Your prominent business organizations  
24 are saying that it's a boondoggle. Listen to them, Ladies and  
25 Gentlemen, and vote 'no'. And Mr. Speaker, should this Bill  
26 reach the requisite Majority, I ask for verification."

27 Speaker Lang: "Your request will be acknowledged. Representative  
28 David Harris."

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1 Harris, D.: "Thank you, Mr. Speaker. And a quick question of the  
2 Sponsor."

3 Speaker Lang: "Please proceed."

4 Harris, D.: "Representative, I notice here that Amendment 1 was  
5 added to the Bill. Does Amendment 1 remove the General  
6 Assembly from the provisions of the Act?"

7 Jones: "Representative, you are correct. It does remove repre...  
8 General Assembly from the Act."

9 Harris, D.: "Is there a reason why we're doing that?"

10 Jones: "The reason is simply... it just removes the General Assembly  
11 from the Act, Representative."

12 Harris, D.: "Okay and I guess... I guess to the Bill. One of the  
13 things that people always complain about is that the laws  
14 that are passed in Washington, D.C., Congress conveniently  
15 exempts themselves from the laws that they pass. So, I have  
16 a concern here that you are exempting us from the laws that  
17 we are passing. I mean, if it's good enough for everybody  
18 else, it ought to be good enough for us. Thank you very much."

19 Speaker Lang: "Mr. Davidsmeyer."

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

21 Speaker Lang: "Sponsor yields."

22 Davidsmeyer: "All right. To the Bill. We continue to create laws  
23 in this state that make the government out to get people.  
24 Everyone's afraid of their government right now. We need to  
25 quit making laws that penalize people and create laws that  
26 allow people to follow the law and help them in that  
27 direction. I... These laws are horrible. They're out to get  
28 everybody. And we need to vote 'no' on this Bill."

29 Speaker Lang: "Mr. Sullivan."

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

2 Speaker Lang: "Sponsor yields."

3 Sullivan: "Representative, there's going to be a civil penalty  
4 assessed, it could be a thousand dollars, it could be  
5 thousands of dollars. It's... if they don't fix the problem  
6 it's \$25 a day. Is that correct?"

7 Jones: "No, Representative, that's incorrect."

8 Sullivan: "Okay."

9 Jones: "If you notice, currently, as I stated, there are estimated  
10 200, 300 cases that are filed with the department each year.  
11 This triggers only if the employer doesn't comply with the  
12 Department of Labor. As you notice, the civil penalty is \$250  
13 plus \$25 per day. Currently, the law states and it allows the  
14 Department of Labor to go to court."

15 Sullivan: "Right."

16 Jones: "The Department of Labor has not gone to court. This just  
17 allows that enforcement mechanism."

18 Sullivan: "So, if someone did not comply with the court... with the  
19 Department of Labor and chose to go to court, they  
20 theoretically could get the \$250 plus the \$25 a day?"

21 Jones: "Yes, but it's too costly to do it that way,  
22 Representative. This will..."

23 Sullivan: "I... I'm just... I'm just building a case here, if... if you  
24 will."

25 Jones: "Yes."

26 Sullivan: "So, this money is going to be then directed to  
27 Personnel Records Enforcement Fund?"

28 Jones: "Yes."

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1 Sullivan: "Okay. That fund, of all the moneys used, will be the...  
2 the moneys used will be for the enforcement of this particular  
3 part of Department of Labor. Is that correct?"

4 Jones: "That's correct, Representative."

5 Sullivan: "What happens if there's excess money beyond what they  
6 need to do this portion of this legislation?"

7 Jones: "Representative, it's... if you see in the law, it says it's  
8 for any other department to use. It can be transferred from  
9 one fund to the other account from the Department of Labor to  
10 any other..."

11 Sullivan: "So, if there's extra money, it doesn't go back to  
12 anybody. It goes..."

13 Jones: "I'm sorry."

14 Sullivan: "...to the general upkeep of Department of Labor?"

15 Jones: "Yes. Yes, Representative."

16 Sullivan: "Thank you very much. To the Bill. Ladies and Gentlemen,  
17 you just established another tax. Don't call it a fee, don't  
18 call it anything else, call it a tax on business. Because  
19 what happens is they're going to use this money to run the  
20 organization and if there's excess money, they're going to  
21 use it as a little slush fund to run the rest of the  
22 organization. What do we call that? We call it a tax. No  
23 different than anything else except it's subject to one group  
24 of individuals and one group of people, businesses. It's a  
25 tax on business, Representative. You cannot call it anything  
26 other than what it is. Please vote 'no'."

27 Speaker Lang: "Mr. Zalewski."

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

29 Speaker Lang: "Sponsor yields."

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1   Zalewski:   "Thaddeus, in a rush to decry everything that is... is  
2           deals with the Department of Labor and their inability to  
3           enforce the laws and call it antibusiness, I think it's  
4           important for the Body to know what the Bill does. Tell the...  
5           tell us exactly what happens when an employer violates this...  
6           this Act right now."

7   Jones:   "Well, currently, if an employee, if... if I leave a job and  
8           I want to see my records, currently I can go and I can ask  
9           the... the company, I want to see a copy of my records. They  
10          have 30 days... 30 days to provide that to me. Currently, they  
11          are not providing that. So, we have over 300 cases, 2 to 3  
12          hundred cases where employers, such as I mentioned Walmart,  
13          are ignoring the law and not providing you a copy of your  
14          employment record."

15   Zalewski:   "So, we have... we have employees who wish to go in and  
16          access confidential information about themselves and the  
17          employer in violation of the law is saying no?"

18   Jones:   "I'm sorry, Representative."

19   Zalewski:   "In violation of the law, the employer says, no, I won't  
20          let you see those records."

21   Jones:   "Exactly."

22   Zalewski:   "And this has happened 2 or 3 hundred times in the last  
23          year?"

24   Jones:   "Yes, 300 documented cases with the Department of Labor."

25   Zalewski:   "And what's the Department of Labor's ability to... what...  
26          what happens now that we're fixing?"

27   Jones:   "Well, currently, if they're denying an employee of the  
28          department that stands with resolving the complaint, but if  
29          it's not resolved they have to go to court as a... they have to

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1 go to Circuit Court to enforce the provisions. And it costs...  
2 it's costly to the department. So, this way the department is  
3 saying, give us the enforcement tools to allow us to resolve  
4 these matters and we won't do this to employers if they comply  
5 with the law."

6 Zalewski: "And meanwhile, we're deterring bad behavior amongst  
7 employers that say... that willfully violate the law. Isn't  
8 that accurate?"

9 Jones: "That's correct."

10 Zalewski: "So, it's fair to say that if this Bill were to pass,  
11 we wouldn't have to go to Circuit Court every time the statute  
12 was violated and maybe, just maybe, we'd have a situation  
13 where the law was abided by."

14 Jones: "Correct, Representative."

15 Zalewski: "Okay. To the Bill. We... we had this debate a few weeks  
16 ago. We're all cognizant of the fact that the... the business  
17 climate in Illinois needs to get better. But just because the  
18 Department of Labor is a proponent of a Bill that seeks to  
19 ensure good behavior and compliance with the statute, it  
20 doesn't mean it's antibusiness. There's this perception out  
21 there because a Bill is a proponent of the Department of Labor  
22 and we're trying to do and what we can to help them enforce  
23 the law that automatically it's... it's antibusiness and we're  
24 doing something on the floor of the House that's antibusiness.  
25 So, you... you may cast judgment on the Bill itself, but realize  
26 this is a Bill that ensures that employers abide by the law.  
27 So, you can say to yourself, well, I'm not in favor of that  
28 or yes, I am in favor of that, but... but just read the Bill  
29 and understand what the Bill does and cast judgment on the

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1 policy put forth in the Bill before you decide to cast your  
2 vote."

3 Speaker Lang: "Mr. Jones to close."

4 Jones: "Thank you, Mr. Speaker. Just briefly, I've heard the... the  
5 sexy words about this is an anti or this is another tax and  
6 this is not another tax. This is not antibusiness Bill. This  
7 simply provides the Department of Labor the opportunity to do  
8 what's currently in the law and it uses the enforcement tools  
9 only if the business violates it. We have... want to correct  
10 the wrong. We need to help our... This is a consumer-friendly  
11 Bill. And I would ask for your 'aye' vote."

12 Speaker Lang: "Gentleman moves for the passage of the Bill. Mr.  
13 Sacia has requested a verification. Members will be at their  
14 own desks and vote their own switches. Those in favor of the  
15 Bill will vote 'yes'; opposed 'no'. The voting is open. Have  
16 all voted who wish? Have all voted who wish? Have all voted  
17 who wish? Please record yourselves, Members. Cassidy, Davis,  
18 Rita, Turner. Please record yourselves. Mr. Clerk, please  
19 take the record. On this question, there are 48 voting 'yes',  
20 66 voting 'no', and 1 voting 'present'. And the Gentleman  
21 asks for Postponed Consideration. Senate Bills-Third Reading,  
22 Senate Bill 41, Leader Currie. Out of the record. Senate Bill  
23 1192, Mr. Turner. Mr. Turner, 1192. 1192, Mr. Turner. Please  
24 read the Bill."

25 Clerk Hollman: "Senate Bill 1192, a Bill for an Act concerning  
26 criminal law. Third Reading of this Senate Bill."

27 Speaker Lang: "Mr. Turner."

28 Turner: "Thank you, Mr. Speakers... Mr. Speaker, Members of the  
29 House. Senate Bill 1192 provides the Department of Juvenile

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1 Justice with the authority to establish and implement  
2 aftercare release for youth who are adjudicated delinquent  
3 and subsequently released from the juvenile detention center.  
4 And also provides that the aftercare release will be  
5 supervised by aftercare specialists employed by the  
6 Department of Juvenile Justice. Funding is currently included  
7 in the Department of Juvenile Justice to implement the  
8 aftercare program throughout the state. There's no fiscal  
9 implications to the legislation. And I ask for an 'aye' vote."  
10 Speaker Lang: "Gentleman moves for the passage of the Bill. The  
11 Chair recognizes Mr. Reboletti."  
12 Reboletti: "Will the Sponsor yield?"  
13 Speaker Lang: "Gentleman yields."  
14 Reboletti: "Representative, if we didn't pass this legislation,  
15 what would happen?"  
16 Turner: "If we were to pass it?"  
17 Reboletti: "Not to pass this, what would happen? How would these  
18 individuals be supervised? I know that... that the parole agents  
19 are supervising them now. What is this transfer? Are there  
20 actually people who are aftercare specialists that would  
21 address this?"  
22 Turner: "I assume the... a parole would continue to supervise."  
23 Reboletti: "Is this... is this shifting it from the Department of  
24 Corrections to the Department of Juvenile Justice? Is that  
25 really what we're doing?"  
26 Turner: "I'm sorry, I couldn't hear you, Dennis."  
27 Reboletti: "Mr. Speaker, I'm having trouble hearing Leader  
28 Turner."



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1 Speaker Lang: "Mr. Reboletti is correct. It's very noisy in the  
2 chamber. Could we hold down the personal conversations? Could  
3 we hold down the personal conversations? Shhh. Thank you.  
4 Please proceed, Sir."

5 Reboletti: "Thank you, Speaker. Is this transferring  
6 responsibility from the Illinois Department of Corrections to  
7 the Department of Juvenile Justice? Is this a transition?"

8 Turner: "Does it... does it transition from..."

9 Reboletti: "Department of Corrections to Juvenile Justice?"

10 Turner: "Yes, Sir."

11 Reboletti: "And how many... and you may not know this, but how many  
12 of these aftercare specialists do we have? I know we've been  
13 trying to get the juveniles away from the Illinois Department  
14 of Corrections and putting them into DJJ. So, are we... are we  
15 sufficiently staffed at that position?"

16 Turner: "I'm not sure about the specific number of... of people we  
17 have working the program right now."

18 Reboletti: "And then these... these new aftercare sp... or the  
19 aftercare specialists would basically have the same  
20 jurisdiction over those individuals as the current parole  
21 agents do?"

22 Turner: "Yes. It's currently being done in Cook County."

23 Reboletti: "Thank you."

24 Speaker Lang: "Mr. Franks."

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

26 Speaker Lang: "Gentleman yields."

27 Franks: "To follow up on Mr. Reboletti's comments, this actually  
28 won't cost the state any money, will it?"

29 Turner: "No, Sir."

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1 Franks: "And this is just a way to be more efficient and to help  
2 the young people who have not been tried as adults?"

3 Turner: "You're correct, Representative."

4 Franks: "And there's nobody against this Bill?"

5 Turner: "Not that I'm aware of."

6 Franks: "I... our analysis doesn't indicate that at all. This is  
7 just a way to be more efficient and to deal with a subset  
8 that needs its own specific types of help?"

9 Turner: "That's correct. It's more efficient and it's more  
10 directed towards juvenile issues."

11 Franks: "I think it makes perfect sense, and I'd urge an 'aye'  
12 vote."

13 Turner: "Thank you, Representative."

14 Speaker Lang: "Mr. Bost."

15 Bost: "Thank you, Mr. Speaker. To this... To the Bill. And with all  
16 due respect to the Sponsor, and I'm not in... standing in  
17 opposition of the Bill, but more to the agency. We have  
18 created an agency several years ago in DJJ and taking it away  
19 from the Department of Corrections with the claim that it  
20 would bring a lesser recidivism rate to our youth. It hasn't  
21 done that. It is shown over and over again and it continues  
22 to fail and just to be... just as it actually... actually does a  
23 worse job than whenever the Department of Corrections has it,  
24 which goes to show just because you change the name and  
25 relocate something doesn't mean it's going to do a better  
26 job. As I said, this is not directed at this particular Bill  
27 or directed at the Sponsor, but I'm telling you that maybe  
28 this will help, but I think the DJJ does a terrible job and  
29 they're failing our youth."

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1 Speaker Lang: "Mr. Turner to close."

2 Turner: "I just ask for an 'aye' vote."

3 Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed  
4 'no'. The voting is open. Have all voted who wish? Have all  
5 voted who wish? Have all voted who wish? Zalewski. Please  
6 take the record. On this question, there are 117 voting 'yes',  
7 0 voting 'no'. And this Bill, having received the  
8 Constitutional Majority, is hereby declared passed. Returning  
9 to Senate Bill 41, Leader Currie. Please read the Bill."

10 Clerk Hollman: "Senate Bill 41, a Bill for an Act concerning  
11 revenue. Third Reading of this Senate Bill."

12 Speaker Lang: "Leader Currie."

13 Currie: "Thank you, Speaker and Members of the House. This is an  
14 effort on the part of the Cook County Assessor's Office to  
15 see to it that people who are deadbeats, who claim homestead  
16 or senior or other personal residential exemptions to which  
17 they're not entitled, would finally be subject to some  
18 penalties if they are obviously gaming the system. So, this  
19 measure would establish penalties for more than three  
20 violations. The wo... the... the specifics have been worked out  
21 in conjunction with the realtors, with the Taxpayers'  
22 Federation. I know of no opposition. I would remind all the  
23 Members that if somebody is cheating on his or her property  
24 taxes, all the rest of us have the opportunity to pick up the  
25 slack. So, I think this is good legislation and I am hopeful  
26 that you will join me in voting 'yes' on Senate Bill 41."

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

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1 Harris, D.: "Thank you, Mr. Speaker, and just to emphasize what  
2 the Lady said. This Bill has been addressed for the past two  
3 years. It had met opposition from the realtors for the past  
4 two years. The Cook County Assessor worked out a... an agreed  
5 Bill this time around. And I stand in support and urge a 'yes'  
6 vote."

7 Speaker Lang: "Mr. Franks."

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

9 Speaker Lang: "Lady yields."

10 Franks: "Representative, I... I think this Bill makes perfect sense  
11 'cause I... we've heard many anecdotal stories where folks have  
12 claimed multiple residences as their primary residence,  
13 receiving exemptions and then used different addresses, for  
14 instance, for voting. So, this will certainly crack down on  
15 that. My only question is, why is it only for Cook County?  
16 Because that's something I'd like to see in my county as  
17 well."

18 Currie: "I believe the answer is that the only assessor who was  
19 interested in this program was the one who serves the people  
20 of the county of Cook. I would've been happy to add assessors  
21 across the state, but there was no ground-swell of support to  
22 do that. So, my suggestion would be that perhaps we could  
23 talk to your assessor over the summer months and invite that  
24 individual to decide to participate in the program as well."

25 Franks: "Is there an opt-in for the other counties..."

26 Currie: "No."

27 Franks: "...or is this solely for Cook?"

28 Currie: "Just solely for Cook."

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1 Franks: "I may draft one legislation of this. But thank you and  
2 I..."

3 Currie: "Splendid."

4 Franks: "...stand in support of it. Thank you."

5 Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed  
6 'no'. The voting is open. Have all voted who wish? Have all  
7 voted who wish? Have all voted who wish? Mr. Ford. Please  
8 take the record. On this question, there are 116 voting 'yes',  
9 0 voting 'no'. And this Bill, having received the  
10 Constitutional Majority, is hereby declared passed. Chair  
11 recognizes Representative Senger."

12 Senger: "Thank you, Mr. Chair. A point of personal privilege."

13 Speaker Lang: "Please proceed."

14 Senger: "I'd like to welcome my two Pages, Josh Bakker and Hannah  
15 Kozlowski and their parents. Welcome to Springfield."

16 Speaker Lang: "Happy to have you here. Welcome aboard. Senate  
17 Bill 1307, Mr. Ford. Please read the Bill."

18 Clerk Hollman: "Senate Bill 1307, a Bill for an Act concerning..  
19 an Act regarding education. Third Reading of this Senate  
20 Bill."

21 Speaker Lang: "Mr. Ford."

22 Ford: "Thank you, Mr. Speaker and Members of the House. This Bill  
23 is very simple. It simply lowers the compulsory age and for  
24 school age from the age of 7 to 6. This Bill similarly passed  
25 the House on a vote of 80 something to prevail to go to the  
26 Senate. And we're still working on that one in the Senate as  
27 well. And I move for the passage of Senate Bill 1307."

28 Speaker Lang: "Representative Pihos."

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

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1 Speaker Lang: "Sponsor yields. Could we tone down the  
2 conversations in the chamber please, Ladies and Gentlemen?  
3 Mr... please proceed."

4 Pihos: "Thank you, Mr. Speaker. I think that all the Members of  
5 this chamber should pay attention to the comments and  
6 responses from Representative Ford. First of all, I commend  
7 Representative Ford because he was sent a very flawed Bill  
8 from the Senate and he has been very open-minded, even though  
9 I cannot support this Bill, in making the necessary  
10 corrections. Even though we were told this was a technical  
11 correction and it didn't have to come back to committee, I  
12 think it's a very substantial Amendment to the Bill. First of  
13 all, Representative Ford, you might want to listen to the  
14 fact that the Bill is still flawed. In the third correction  
15 on this Bill, it does not have your September 1 deadline in  
16 it. So, it still needs corrections. I just traded... checked  
17 with the State Board of Education. They agree that it needs  
18 a correction made in that Section. Second of all, is this a  
19 mandate?"

20 Ford: "No. It's a mandate for parents."

21 Pihos: "All right. Do you not think it's also a mandate? I filed  
22 a fiscal note and the State Board of Education responded that  
23 they can't begin to predict how many students can fall into  
24 this category. So, do you think it's a mandate for schools  
25 that are the receiving schools of these students as well?"

26 Ford: "No."

27 Pihos: "Basically, what you're doing is lowering the compulsory  
28 school age to age 6 by September 1. Am I correct?"

29 Ford: "Correct."

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1 Pihos: "All right. Can 4-year-olds go to school right now?"

2 Ford: "Because of you and your recommendations to make this Bill  
3 better, we've made the Amendment and yes, they are now. We  
4 went back to the... the regular language and the law after  
5 discussing with you and Representative Flowers. They are  
6 protected to continue to go."

7 Pihos: "All right. Four-year-olds who the school district deems  
8 as having readiness to go to school can go to school. Can 5-  
9 year-olds go to school right now?"

10 Ford: "Yes."

11 Pihos: "Can 6-year-olds go to school right now?"

12 Ford: "Yes."

13 Pihos: "All right. So you are changing the compulsory age at which  
14 students are mandated to go to school. So, it's not only a  
15 mandate on the schools. Is it a mandate on the parents as  
16 well?"

17 Ford: "It's a... it's a mandate for us to make sure that we get all  
18 6-year-olds in school in Illinois."

19 Pihos: "Six-year-olds who can already go to school?"

20 Ford: "Right."

21 Pihos: "Okay. My next question is, do you know what the definition  
22 of truancy is in the School Code right now?"

23 Ford: "No."

24 Pihos: "Okay. Well, the definition of truancy would be the  
25 responsibility of a parent if their children misses more than  
26 nine days of school without cause, without an acceptable  
27 excuse. Do you know what the responsibility is if you as a  
28 parent are found truant, Representative?"

29 Ford: "I understand now better what truancy means and..."

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1 Pihos: "Do you know that a parent who is found out of compliance  
2 just by these nine days that they... if they willfully permit  
3 the child to persist in truancy, it is a Class C misdemeanor.  
4 They're subject to not more than 30 days of imprisonment or  
5 a fine of \$500."

6 Ford: "I think it's worth it."

7 Pihos: "All right. My next question would be, and this would be  
8 in a special concern for the Representatives in Chicago and  
9 the outlying suburbs who often complain that there are no  
10 alternative programs from their... for their children to go to.  
11 Do you know that a children who is proved truant for nine or  
12 more days can be withdrawn in school and should be put into  
13 an alternative program? But yet, we repeatedly hear the valid  
14 concern of Chicago Representatives and some of the outlying  
15 southern suburbs that there is no alternative program  
16 available to their students."

17 Ford: "And truancy is a... is an issue and it's... there's a task  
18 force that I chief cosponsored with Leader Chapa LaVia and I  
19 think we can discuss that in that... at the task force."

20 Pihos: "Yeah, but this law is coming first and that task force  
21 only looks at Chicago truancy."

22 Ford: "You spoke of Chicago."

23 Pihos: "And this mandate is for the entire state."

24 Ford: "I... I have to say that change is not easy, but I think that  
25 when we make the necessary change for something that's good  
26 in the long run, it pays off for the betterment of society.  
27 And do you know that there's... the proponents of this happen  
28 to be the IEA, IFT, CTU, the Ounce of Prevention, the Illinois



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1           Action for Children, Voice of the Illinois Children and Stand  
2           for Children and the Chicago Public Schools."  
3 Pihos: "Yeah. I under... I do understand..."  
4 Ford: "And ISBE is..."  
5 Pihos: "...and I respect that."  
6 Ford: "...not opposed to this."  
7 Pihos: "And I understand that. But the point is a 4-year-old  
8           student with readiness can go to school, a 5-year-old student  
9           can go to school and a 6-year-old student can already go to  
10          school. The one good thing about this Bill is you put a date  
11          in place. That's the good thing about this Bill, but it should  
12          list 7 by September 1, not 6. Even though, in reality, that's  
13          going to affect a small population of students, it still  
14          should be a parent's choice. Does this affect homeschooled  
15          students?"  
16 Ford: "It... I mean, they have to follow the same guidelines."  
17 Pihos: "So, it affects all students across the state no matter  
18          what their parents think might be an appropriate decision for  
19          them?"  
20 Ford: "Right now, everyone has to be in school..."  
21 Pihos: "And again, I remind you, it's a mandate on schools and  
22          parents as well."  
23 Speaker Lang: "Representative, can you bring your..."  
24 Pihos: "Thank you."  
25 Speaker Lang: "...remarks to a close?"  
26 Pihos: "Thank you. I would urge strong consideration of a 'no'  
27          vote on this Bill. Technically, the third Section of the Bill  
28          is not correctly written. I just checked with the State Board

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1 of Education and it needs another Amendment in order to comply  
2 with what the Representative would like to do."

3 Speaker Lang: "There are still seven people wishing to speak on  
4 this Bill. We're going to use the two-minute timer. Next  
5 person to be recognized is Mr. Reis for two minutes."

6 Reis: "Thank you, Mr. Speaker. So much to ask and so little time.  
7 Representative... will the Sponsor yield?"

8 Speaker Lang: "Sponsor yields."

9 Reis: "Representative, I want to begin where the debate kind of  
10 ended there with homeschool. Why would we mandate this on  
11 homeschoolers?"

12 Ford: "Pardon me?"

13 Reis: "Why would we mandate this on homeschoolers?"

14 Ford: "I mean it's not about... it's about the age. This is all  
15 about age..."

16 Reis: "Yeah, but so many things..."

17 Ford: "...compulsory age."

18 Reis: "...that we've done, I guess to somewhat credit of this Body  
19 over the last three or four years, is we've exempted  
20 homeschoolers. They don't have to comply. I mean, they're at  
21 home with their parents now from birth on."

22 Ford: "So, right now, current law says that homeschoolers have to  
23 start... enroll their kids at 7..."

24 Reis: "I realize that, but..."

25 Ford: "And so, this follows the..."

26 Reis: "...you're going from 7 to 5."

27 Ford: "We're going from 7 to 6. So, it's the same thing."

28 Reis: "I live in rural areas; my... my home county is Jasper County.  
29 We have the largest school district in the state, geographic-

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1 wise. Reimbursements for transportation have been cut.  
2 They're proposed to being cut again. How are we supposed to  
3 keep sending more and more kids to school when our classrooms  
4 are already full and our buses are wearing out? This is just  
5 going to add more students to that."

6 Ford: "So... so, there was a task force introduced about school  
7 funding, but I have to tell you, we all, and I know you're  
8 very concerned about jobs, this is a jobs Bill. It also  
9 provides opportunities for parents to go to work and have a  
10 learning environment for their children while they're at  
11 work. It could be half-day or it could be full-day. So this  
12 is an excellent opportunity for..."

13 Reis: "Representative, that's a stretch for using my time. I mean,  
14 this is state-funded babysitting service is what this..."

15 Ford: "No, it's education. Right now, I got to tell you, the state  
16 already spent money on child care, so why not direct it  
17 directly to education that the state regulates?"

18 Speaker Lang: "Mr. Reis, please bring your remarks to a close."

19 Reis: "I will, Mr. Speaker and thank you for the little extra  
20 time. Ladies and Gentlemen, where do we stop? Next time it'll  
21 be 5, next time it'll be 4, next time it'll be 3. Sooner or  
22 later, we have to have parents... kids and allowing some time  
23 with their parents to develop the basic social skills, the  
24 responsibility, the respect that aren't being taught in our  
25 schools. And at this young age, that's when they need to be  
26 at home or with family, a tighter group of people, whether  
27 that's a babysitter or whatever. I just think that lowering  
28 it to 7 goes in the opposite of that. And Mr. Speaker, if I

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1 would, if this vote should require the 60 votes, I would ask  
2 for a verification."

3 Speaker Lang: "Your request is acknowledged. Mr. Bost for two  
4 minutes.

5 Bost: "Thank you, Mr. Speaker. I would request to have this  
6 removed to unlimited debate, please."

7 Speaker Lang: "Your request will be acknowledged. Please proceed."

8 Bost: "Thank you, Mr. Speaker. Ladies and Gentlemen, to the Bill.  
9 Ladies and Gentlemen of the House, earlier this year we moved  
10 House Bill 2762, which was Representative Scherer's Bill. I  
11 and 30... 35 others did not support that. We discussed the  
12 concerns that we had. That Bill said the... the age was 7. So,  
13 I guess that wasn't good enough, now we're going to do 6.  
14 Now, we haven't even had a chance to implement the other Bill  
15 or put it into law, but yet we're now deciding that 6. We...  
16 we've still got three to four more days, okay? Can we go ahead  
17 and make it just 3? How about 2? How about at birth we put  
18 them in? Ladies and Gentlemen, seriously, let's let the  
19 legislative process work. We moved a Bill to the Senate. Let's  
20 have that Bill move in the Senate. That's fine. I lost along  
21 with 35 others; we didn't agree. But instead, before the  
22 year's out, you come back and you try to make a Bill that we  
23 thought was bad enough, worse. Suppose it was an issue that  
24 you felt this way about? Would you just want to override the  
25 process and say skip it, never mind? Never mind. We sent a  
26 Bill over to the Senate. Tell the Senate to move that Bill if  
27 they want to, but that's what was sent over. Not come back  
28 here with something like this that many of the people I... I  
29 represent were... were not real happy with the one you sent

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1 over in the first place. That's why I voted 'no'. If it's  
2 that great of an idea, let it work, give it a couple of years.  
3 But no, no, no, we messed this up this way. Representative,  
4 if you would, I'd have you pull this Bill out of the record  
5 and actually let the process work. I don't care what side of  
6 the issue you're on, let's do what we're supposed to do. Let's  
7 pass a piece of legislation over, let them pass it if... if  
8 need be, but not change it before it even gets out like this.  
9 Folks, this is a radical move. We're jumping... we're jumping  
10 headlong into a case of... of mandatory requirement on age,  
11 moving that age. Folks, pay attention to what we're doing.  
12 Vote 'no'."

13 Speaker Lang: "Mr. Morrison."

14 Morrison: "Thank you, Mr. Speaker. To the Bill. I have... I have  
15 respect for the Sponsor. He and I are both fathers, we've  
16 talked quite a bit about parenthood and... and just the  
17 challenges of that. This... I would urge a strong 'no' vote.  
18 This is a Bill... this is an issue that is best left up to  
19 parents. I'm... I'm so pleased to have, like many of you, I  
20 brought my family down here for the weekend. I've got a six-  
21 and-half-year-old, who's right over here, a five-year-old.  
22 This is a decision that is best left... left up to parents. And  
23 parents may have any number of reasons why they would hold  
24 their children back or have their children with them longer  
25 or refrain from putting them in school. This is not a decision  
26 that should be left to the state. Please vote 'no'."

27 Speaker Lang: "Mr. Fortner."

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

29 Speaker Lang: "Gentleman yields."

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1 Fortner: "Representative, I understand what you've tried to do  
2 with your Amendment to get to what, I think, is actually a...  
3 an inconsistency in the current State Law. Our current State  
4 Law says the compulsory age is 7. That sounds clear but we're,  
5 I think there's an inconsistency is if someone turns 7 during  
6 the school year, you now have an inconsistency as to whether  
7 it's compulsory for that entire school year or just starting  
8 on the date when it becomes 7. Now I know that in House Bill  
9 2762 we addressed that in a clear way. When I look at the  
10 language of the Amendment that we're voting on that has become  
11 the Bill, I am concerned that the use of September 1 as a  
12 starting date has two effects. First of all, that starting  
13 date is not echoed in both points and a previous speaker  
14 addressed that point, that it's inconsistent, so that the  
15 group of students who would have to start if they were 6 on  
16 or before September 1, that would then apply. The second place  
17 where there could be a change that is implied here is that  
18 for those students who have summer birthdays, they would now  
19 fall into a mandate where before they didn't. So, I think  
20 there's two things going on here. Certainly at a minimum, I  
21 can't support the Bill because this is a Senate Bill. We can't  
22 do any further Amendments to this to correct the problem of  
23 the absence of the September 1 clarification in the date in  
24 the second Section where it needs to be. The other issue, I  
25 think, really I would encourage looking at the language of  
26 2762, which made it very clear that what we're trying to get  
27 at is our students who turn 7 during th... during the school  
28 year. And we want to make sure that they are in school for  
29 the entire school year. So, I supported 2762, but I'm going

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1 to have to reluctantly oppose this Bill because the language  
2 does not really fix the problem without the fixes I've  
3 suggested. Thank you."

4 Speaker Lang: "Representative Ives."

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

6 Speaker Lang: "Sponsor yields."

7 Ives: "Representative Ford, I completely respect you in the area  
8 of education. I look to work with you further on other  
9 education Bills. However, as I sat in committee when this  
10 Bill was being heard, I was refused the opportunity to  
11 question you on this Bill. So, I'd like you to be able to  
12 answer my question now. And it's simply, exactly what will be  
13 the penalties for parents who do not enroll their students at  
14 this age level? Specifically, what are the penalties to the  
15 parents? 'Cause you called this a parent mandate not a school  
16 mandate."

17 Ford: "So, the penalties are the same that's in the current  
18 statute."

19 Ives: "And could you tell me what those are specifically?"

20 Ford: "I don't have them."

21 Ives: "What we're going to do to parents of 6-year-olds for not  
22 enrolling?"

23 Ford: "They were... previously they were... previously they were read  
24 on the floor. I don't have the penalties, but they're the  
25 same. No penalty enhancements are a result of this Bill. Sorry  
26 I can't answer that right now."

27 Ives: "They're going to be assumed to be truant then. Is that  
28 correct?"

29 Ford: "You're correct."

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1 Ives: "And have the full effect of all our truancy statutes if  
2 they fail to send their child at the age of 6 to school?"  
3 Ford: "That's correct."  
4 Ives: "Okay. My next question is... is, I know you have not... you  
5 are not part of our appropriations group on K through 12  
6 education so you may not understand it, but we spent... we spent  
7 over two hours discussing a \$3 million line item dealing with  
8 technology. Technology, something that we have to have and  
9 there's no argument about that. Our analysis indicates that  
10 this Bill could cost us upwards of \$40 million. What cuts do  
11 you think should be made out of our current school budget to  
12 fund mandatory kindergarten at age 6? What cuts would you  
13 like to see done?"  
14 Ford: "Well, like you said, I'm not a part of your appropriation,  
15 so I wouldn't know. So, let's stick to the merits."  
16 Ives: "Well, I'm just... I'm just trying to point out that we have,  
17 we discussed for over two hours \$3 million in the cuts and  
18 this would add \$40 million estimated by ISBE to the education  
19 budget. I don't know how we fund that and that's just in terms  
20 of general state aid, that's not even the locals portion."  
21 Ford: "Well..."  
22 Ives: "Do you... have you thought of any funding source..."  
23 Ford: "...well, what I have thought about..."  
24 Ives: "...additional funding source for this?"  
25 Ford: "...is Article 10 of the Constitution that we should educate  
26 each person to their fullest potential. And this Bill attempts  
27 to do this at an early age and that's why ISBE is not opposed.  
28 So, if ISBE is not opposed, I think that we're in good shape  
29 to do exac..."



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1 Ives: "ISBE is a neutral, they're not also for it either."

2 Ford: "Well, they're not opposed. And they've worked with us and  
3 they have approved the language and all of the individuals  
4 that are proponents have worked at the table, not only in the  
5 House but in the Senate. And I think that this is the right  
6 thing to do and it's a cost savings to the state. The earlier  
7 we put children in school, the better off we are when it  
8 relates to dropouts and reenrollment of dropouts."

9 Ives: "Well, we're getting new information that ISBE is actually  
10 not in favor of the Bill. They think that there's language  
11 that's necessary to correct some of the date problems that  
12 are related to what Mr... what Representative Fortner said."

13 Ford: "Well, you know, that's the way it is from day to day.  
14 People change. But I tell you, this Bill has been an issue  
15 for the entire Session and everyone has had an opportunity to  
16 make their point."

17 Ives: "Okay. Thank you. To the Bill. This is something that at  
18 this time we cannot afford to do in our state. There's no  
19 proof that we have a number of kids that are not getting  
20 education at 6 years age... years of age they already can get  
21 education at 6 years of age. If they want to enroll in  
22 kindergarten, they can do so and it's certainly up to the  
23 parents to do so. Mandating this is not... is too expensive at  
24 this time for us. And I urge you to vote 'no'. Thank you."

25 Speaker Lang: "Representative Scherer."

26 Scherer: "Thank you, Mr. Speaker. I just wanted to let my fellow  
27 Members know that this was my original intent with the  
28 original Bill. I talked to just about everybody in here about  
29 this. So, if you can think back to when I came and visited

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1           your green chair, this was my original intent. So, I would  
2           very strongly urge an 'aye' vote on this Bill."

3 Speaker Lang: "Representative Kosel."

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

5 Speaker Lang: "Sponsor yields."

6 Kosel: "First of all, is it possible for a 4-year-old to go to  
7           public school now? Yes or no?"

8 Ford: "Where are you at? There you are. How you doing?"

9 Kosel: "Is it possible for a 4-year-old to go to school now?"

10 Ford: "Yes."

11 Kosel: "Is it possible for a 5-year-old to go to school now?"

12 Ford: "Yes."

13 Kosel: "Is it possible for a 6-year-old to go to school now?"

14 Ford: "Yes."

15 Kosel: "Okay. Thank you very much. To the Bill. So, we are passing  
16           legislation that we can already do. We are telling parents  
17           what they should do when they can already make those decisions  
18           themselves. And we are further putting penalties on them which  
19           could include jail time... jail time for not complying with  
20           this Bill. I strongly, strongly urge a 'no' vote. Thank you."

21 Speaker Lang: "Mr. Crespo."

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

23 Speaker Lang: "Sponsor yields."

24 Crespo: "Representative Ford, I just want... trying to reconcile  
25           something here. With the Amendment were you able to remove  
26           some of the opposition?"

27 Ford: "Well, I mean, which opposition are you speaking of?"

28 Crespo: "Well, as I see this, it seems with the Amendment ED-RED  
29           and LEND... LEND, SCOPE..."

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1 Ford: "Yes. Those were the three, SCOPE, LEND and ED-RED. Those  
2 were the three organizations that after the Amendment, after  
3 working with them, they removed their opposition."

4 Crespo: "Okay. And has... the folks who are in favor, you have the  
5 IEA, IFT, CTU, Ounce of Prevention, Illinois Action for  
6 Children, Voic... Voices for Illinois Children, Stand for Our  
7 Children and CPS, correct?"

8 Ford: "That's correct."

9 Crespo: "Thank you."

10 Speaker Lang: "Mr. Ford to close."

11 Ford: "Thank you very much, Mr. Speaker. I urge an 'aye' vote."

12 Speaker Lang: "Gentleman moves for the passage of the Bill. Please  
13 remember, Mr. Reis has moved for a verification on this Bill.  
14 Members will be at their own desks and vote their own  
15 switches. Those in favor of the Bill will vote 'yes'; opposed  
16 'no'. The voting is open. Have all voted who wish? Have all  
17 voted who wish? Please record yourselves. DeLuca, Thapedi.  
18 Please take the record. On this question, there are 64 voting  
19 'yes', 52 voting 'no'. And Mr. Reis has moved for a  
20 verification. Mr. Clerk, please read the affirmative vote.  
21 Excuse me, Mr. Clerk. Members will be in their chairs during  
22 the verification, please. All Members will be at their chairs.  
23 Please proceed, Mr. Clerk."

24 Clerk Hollman: "A poll of those voting in the affirmative:  
25 Representative Acevedo; Representative Arroyo;  
26 Representative Berrios; Representative Daniel Burke;  
27 Representative Kelly Burke; Representative Chapa LaVia;  
28 Representative Cloonen; Representative Conroy;  
29 Representative Costello; Representative Crespo;

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1 Representative Currie; Representative D'Amico;  
2 Representative Monique Davis; Representative William Davis;  
3 Representative DeLuca; Representative Drury; Representative  
4 Dunkin; Representative Evans; Representative Farnham;  
5 Representative Feigenholtz; Representative Fine;  
6 Representative Flowers; Representative Ford; Representative  
7 Gabel; Representative Golar; Representative Gordon-Booth;  
8 Representative Greg Harris; Representative Hernandez;  
9 Representative Hoffman; Representative Hurley;  
10 Representative Jackson; Representative Jakobsson;  
11 Representative Jefferson; Representative Jones;  
12 Representative Kifowit; Representative Lang; Representative  
13 Lilly; Representative Manley; Representative Martwick;  
14 Representative Mayfield; Representative McAsey;  
15 Representative Mell; Representative Christian Mitchell;  
16 Representative Moylan; Representative Mussman;  
17 Representative Nekritz; Representative Riley; Representative  
18 Rita; Representative Scherer; Representative Sente;  
19 Representative Sims; Representative Smiddy; Representative  
20 Smith; Representative Soto; Representative Tabares;  
21 Representative Thapedi; Representative Turner;  
22 Representative Walsh; Representative Welch; Representative  
23 Williams; Representative Willis; Representative Yingling;  
24 Representative Zalewski and Mr. Speaker."

25 Speaker Lang: "Mr. Reis."

26 Reis: "Mr. Speaker, I withdraw my Motion."

27 Speaker Lang: "Gentleman withdraws his request for a verification.

28 On this question, there are 64 voting 'yes', 52 voting 'no'.

29 And this Bill, having received the Constitutional Majority,

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1 is hereby declared passed. Senate Bill 1493, Mr. Sullivan.  
2 Please read the Bill. Mr. Sullivan. Out of the record. Senate  
3 Bill 1550, Mr. Sandack. Out of the record. Senate Bill 1603,  
4 Representative Kelly Burke. Please read the Bill."

5 Clerk Hollman: "Senate Bill 1603, a Bill for an Act concerning  
6 finance. Third Reading of this Senate Bill."

7 Speaker Lang: "Representative Burke."

8 Burke, K.: "Thank you, Mr. Speaker. Senate Bill 1603, Amendments  
9 1 and 3 are improvements to the functions of the Illinois  
10 Finance Authority. The primary job of the Illinois Finance  
11 Authority is to issue federally tax-exempt conduit bonds for  
12 nonprofits and some for-profit organizations. The State of  
13 Illinois is not the lender on these projects nor are state  
14 dollars involved. The Bill makes eight changes which include  
15 eliminating mandates, increasing the flexibility of  
16 municipalities for the treatment of diseased trees, making it  
17 easier for Illinois universities to finance dormitories,  
18 clarifying definitions of renewable energy to include geo-  
19 thermal, lengthening the planning period for electric energy  
20 efficiency projects to three years to better enable  
21 investment in long-term projects and exempting contracts for  
22 lawyers and financial experts who assist in the transaction  
23 from the Procurement Code to better take advantage of  
24 favorable market conditions. This exclusion affects only  
25 contracts that the IFA is a party to and does not apply to  
26 the underlying project and does not affect design or  
27 construction contracts. The final change allows for funding  
28 of multistate projects. These changes will increase the  
29 ability of many groups, universities, industrial companies,

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1 hospitals and local government to use IFA's financing  
2 opportunities, leading to more investment by Illinois  
3 employers, more jobs for Illinois workers. Senate Bill 1603  
4 is supported by several environmental groups, consumer groups  
5 and industry groups. I know of no opposition and I ask for an  
6 'aye' vote."

7 Speaker Lang: "Lady moves for the passage of the Bill. Those...  
8 Chair recognizes Mr. Reboletti, in a nick of time."

9 Reboletti: "Will the Sponsor yield?"

10 Speaker Lang: "Lady yields."

11 Reboletti: "Representative, I'm looking at our analysis and it  
12 talks about the ability of the Illinois Finance Authority to  
13 finance projects outside the state or expands that authority.  
14 What... what does that exactly mean?"

15 Burke, K.: "So, currently they are... the law allows them to do  
16 this for nonprofits and an example would be... and how the  
17 nonprofit exception came about is that there was a wave of  
18 consolidations of hospitals and some of those hospitals  
19 operated in more than one state. And so the ability of the  
20 Finance Authority to issue bonds to the hospital group to  
21 finance construction in more than one state was helpful and...  
22 and so, this would be expanded to for-profit entities and  
23 that for... and the entities seeking it would have to have a  
24 nexus to Illinois, would have to have a significant Illinois  
25 context. And it would just allow them to take better advantage  
26 of favorable... favorable bonding conditions."

27 Reboletti: "And then it talks about exempting certain bonds from  
28 the procurement process. What is... if you could give a little  
29 detail on that part?"

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1 Burke, K.: "So, the bonds themselves would not be exempt from the  
2 procurement process, but in... in the course of doing this, you  
3 have to hire lawyers and some financial experts in order to  
4 have the bonds issued. And because that can be a cumbersome  
5 process to go through the Procurement Code, the IFA is seeking  
6 an exemption from the Procurement Code only for those  
7 professionals in order to take... to... to move things quicker  
8 and take advantage of favorable market conditions."

9 Reboletti: "Thank you, Representative."

10 Speaker Lang: "Mr. Durkin."

11 Durkin: "Will the Sponsor yield?"

12 Speaker Lang: "Lady yields."

13 Durkin: "Representative, the state is not taking on any additional  
14 debt with this legislation, correct?"

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

16 Durkin: "And the IFA is strictly a pass-through agency for these  
17 special financing projects, correct?"

18 Burke, K.: "Right, authorized by federal statute and it's called  
19 conduit financing."

20 Durkin: "Thank you very much. And I support the Bill and I  
21 encourage everyone else to vote 'yes'."

22 Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed  
23 'no'. The voting is open. Have all voted who wish? Have all  
24 voted who wish? Have all voted who wish? Please record  
25 yourselves, Members. Feigenholtz, Mell, Morrison. Please take  
26 the record. On this question, there are 86... 87 voting 'yes',  
27 26 voting 'no', 1 voting 'present'. And this Bill, having  
28 received the Constitutional Majority, is hereby declared  
29 passed. Chair recognizes Mr. Acevedo."

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1 Acevedo: "Thank you, Mr. Speaker. I rise in point of personal  
2 privilege."

3 Speaker Lang: "Please proceed, Sir."

4 Acevedo: "I'd like you all please welcome a Page today, Jake  
5 McNamara, who is a nephew of my assistant, Liz Moody. He's  
6 here helping out today in the chambers."

7 Speaker Lang: "Welcome to Springfield. Senate Bill 1639, Mr.  
8 Zalewski. Please read the Bill."

9 Clerk Hollman: "Senate Bill 1639, a Bill for an Act concerning  
10 regulation. Third Reading of this Senate Bill."

11 Speaker Lang: "Mr. Zalewski."

12 Zalewski: "Thank you, Mr. Speaker. Senate Bill 1639 is a consumer  
13 protection Bill that allows an owner of a pet purchased from  
14 a pet store to have a warranty and to ensure some protections  
15 within the statute if the dog or the cat has some enumerated  
16 diseases. We've worked a lot on this in the House to address  
17 any number of concerns. We've made a lion's share of everyone  
18 neutral. There's still some concerns with the veterinarians.  
19 I've committed to the veterinarians. I'll continue to work  
20 with them over the summer to address their concerns. I'd ask  
21 for an 'aye' vote."

22 Speaker Lang: "Gentleman moves for the passage of the Bill. There  
23 being... your light was on and then it was off and then it was  
24 on. The Chair recognizes Mr. Reboletti."

25 Reboletti: "Thank you, Speaker, for not texting and recognizing  
26 me. Will the Sponsor yield?"

27 Speaker Lang: "Gentleman yields."

28 Reboletti: "Representative, is this puppy lemon law applied to  
29 other animals that are sold in the... in the store?"



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1 Zalewski: "Just dogs and cats, Dennis."

2 Reboletti: "Why haven't we... why don't we apply this to any animal  
3 that's sold in a pet shop? Why stop at the puppies and the...  
4 and the kittens?"

5 Zalewski: "I think what... what we found is that we can ensure that  
6 outbreaks of diseases among dogs, and to a lesser extent,  
7 cats, are what we need to be concerned about when... when we're  
8 dealing with consumer transactions in pet stores. So, that's  
9 the pressing policy need."

10 Reboletti: "Now, what are the rules for returning the animal? So  
11 I thought the dog is sick or the kitten is sick, when... when  
12 do I have to bring the dog or the kitten back to the store?  
13 How... how does the process start?"

14 Zalewski: "So, believe it or not, Dennis, they're... these animals  
15 are goods under the UCC and we are giving the owner 21 days  
16 to return the animal to the pet store."

17 Reboletti: "So, if a dog is sick and I begin to incur a lot of  
18 vet bills, I have 21 days to return the animal right now? Is  
19 that what the process is? Or this allows for 21 days."

20 Zalewski: "No, right now you don't have those 21 days. We're...  
21 we're instituting that in the Bill. We're amending that part  
22 of the Code."

23 Reboletti: "And do I receive a replacement animal? Do I receive  
24 my money back? Do I receive veterinarian bills?"

25 Zalewski: "You get your... you get... So, under the... so, under... under  
26 the... under the... under the Bill, if it were enacted, we'd get  
27 the option of getting a new pet or you'd get your money back,  
28 only one. We made that change from the Senate. They were going  
29 to give two times the purchase price of the animal. We're

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1           only making it the purchase price of the animal or you can  
2           simply have the veterinarian treat the animal and have your  
3           expenses reimbursed."

4 Reboletti: "Who is going to be enforcing this? Is the Department  
5           of Agriculture enforcing this, or who's going to be enforcing  
6           this?"

7 Zalewski: "The Department of Agriculture. I mean, to the extent  
8           there's going to be any enforcement. We're... you know, what's  
9           good about this Bill is that we've noticed that the pet stores  
10          have come forth and... and said that they're really... this is  
11          actually a good best practices Act and we're certain that  
12          after this Bill's enacted most of the pet store ownership is  
13          going to abide by the law and... and do what we're asking them  
14          to do in the Bill."

15 Reboletti: "Representative, my conversation with the Department  
16          of Agriculture is that they are not enforcing this and this  
17          would be a civil issue. Are you..."

18 Zalewski: "Well, they... they..."

19 Reboletti: "...are you aware of that?"

20 Zalewski: "I... you're right, Dennis. I'd hesitate to say there's  
21          enforcement here by the department. I think we're asking them  
22          to do some things in the Bill that to help pet owners know  
23          their rights, but there's... there's no enforcement in... within  
24          the classic sense of the word."

25 Reboletti: "What about animal shelters, are they included in this  
26          legislation?"

27 Zalewski: "No."

28 Reboletti: "Why is that?"

29 Zalewski: "I think..."

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1 Reboletti: "I'm certain there's issues with animals that are  
2 purchased at a shelter."  
3 Zalewski: "Representative, I think the policy judgment is that we  
4 want to enc... encourage people to use animal shelters. So, you  
5 know, when you go to a pet store it's a consumer transaction  
6 and we'd like the... the consumer to be treated under the law  
7 rightfully. A pet shelter is more of a benevolent purpose and  
8 we want people to take advantage of a pet shelter and... and  
9 use their function, so we di... we choose not to include them  
10 in the Bill to encourage more use of pet shelters."  
11 Reboletti: "Back to what the remedies are. What happens if the  
12 pet shop isn't in compliance? Do I have to go to court to  
13 enforce this? So, I try to return the animal or get some type  
14 of remuneration?"  
15 Zalewski: "It's... Dennis, it's a right of action under a contracts  
16 law. So, you'd go to court."  
17 Reboletti: "And who's this an initiative of?"  
18 Zalewski: "The Humane Society."  
19 Reboletti: "The Humane Society of the United States? They're the..."  
20 Zalewski: "Yes."  
21 Reboletti: "How many other states have a puppy lemon law?"  
22 Zalewski: "Seventeen."  
23 Reboletti: "Thank you."  
24 Speaker Lang: "Mr. Mautino."  
25 Mautino: "Thanks, Lou. Question of the Sponsor."  
26 Speaker Lang: "Sponsor yields."  
27 Mautino: "Representative Zalewski, I... I appreciate what you're  
28 doing with the le... legislation. The veterinarians have tried  
29 to do something like this a couple of years ago and are in

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1 support of it generally and on your Bill there's neutral, but  
2 they are neutral at this point, but they have some concerns  
3 and I share those as well. The... is the date still at 21 days?"

4 Zalewski: "Yes."

5 Mautino: "Okay. The... the big concern from them is with that  
6 incubation period usually 8 to 9 days by the time the purchase  
7 is made, they had a concern that you went too long out and  
8 hopefully that can be addressed..."

9 Zalewski: "Frank, you have my word to the extent it's persuasive  
10 that I'll encourage the Humane Society and I'll certainly  
11 facilitate meetings with the veterinarians over the summer to  
12 review that 21-day time period. At a certain point, we just  
13 felt like we had done our best at this point to get everyone  
14 as agreed as they could be, but I know the veterinarians'  
15 concerns. They... they're certainly value... they're certainly  
16 wor... worthwhile. I'd like to see the Bill enacted and... and  
17 see what works and what doesn't and see what we can do to  
18 make the veterinarians more comfortable with what we're  
19 doing."

20 Mautino: "I appreciate that and I take you at your word. I have...  
21 their other two concerns are the Bill is very, very vague.  
22 And most of the veterinarians see a certain number of  
23 diseases, but this would draw in other diseases that may not  
24 be the problem of the pet shop. And I think the third and  
25 final piece is it... is the Bill itself, the way it's structured  
26 is pet shops only which is about eight percent of the dogs  
27 that are out there. Most actually come from animal shelters  
28 or from other... other programs which remain unregulated. So,  
29 you have a very heavy set of regulations for one group, but

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1 the bulk of the production areas, and this is a big concern,  
2 are really uncovered. So, I know that you'll work in the  
3 future to those. I can't support the legislation.."

4 Zalewski: "Sure."

5 Mautino: "...at this time because I think it is... it doesn't hit the  
6 major areas, actually, where a lot of the disease and the  
7 problems rely. But I do appreciate you acknowledging that  
8 there are concerns from the veterinarians."

9 Zalewski: "And to the third concern overall, I would just say,  
10 Frank, that I... I mean, this is a heavily negotiated Bill among  
11 a lot of different entities and to the extent that we can  
12 ensure some good practices within the pet store community,  
13 who have been really good by the way, about what we're trying  
14 to accomplish. It's a good start. I'm not entirely sure that  
15 there'll be much more ground to cover, but what we're trying  
16 to do is just promote some good consumer practices within the  
17 pet shop industry."

18 Mautino: "Thank you."

19 Speaker Lang: "Mr. Bost."

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

21 Speaker Lang: "Sponsor yields."

22 Bost: "Now, you explained that it is only puppies and cats, not  
23 gerbils or anything like that?"

24 Zalewski: "No gerbils, Representative."

25 Bost: "Okay, just want to check. I... and you also said but it's a  
26 warm and fuzzy feel good Bill really, right?"

27 Zalewski: "No. I don't... I wouldn't... I didn't... I don't think I  
28 used that phrase, Mike. It... it's a Bill that encourages... it  
29 protects consumers and encourages good corporate citizenship

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1 among pet stores, so those are the two things it  
2 accomplishes."

3 Bost: "So... so, you would feel that it would be positive and  
4 something that you want to tell your constituents about and...  
5 and because it's, you know, puppies nobody wants... let me tell  
6 you why I'm asking that. Because in our analysis, and... and  
7 really, I was not going to get up and speak on this Bill, but  
8 in our analysis, now I understand why we have pension Bills  
9 out here, we have conceal carry, we have Bills of... of great  
10 importance, great importance. And we've not seen this. Now.  
11 I want to let you know how important this is. The office of  
12 the Governor has come... come in as a proponent for this. Can't  
13 stand up for any other things we're doing around here but the  
14 puppy lemon law, you talk about somebody riding issues to the  
15 hilt, that's ridiculous. How about he takes positions on other  
16 things and that's not directed at you or the legislation, but  
17 when the Governor comes out and gives a statement he's for  
18 this but he can't come here and work on the other issues we've  
19 got to work on, then there seems to be a problem."

20 Speaker Lang: "Mr. McSweeney."

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

22 Speaker Lang: "Sponsor yields."

23 McSweeney: "The major concern in this legislation, as a dog lover,  
24 what will happen to the dogs that are returned? Will they be  
25 automatically euthanized?"

26 Zalewski: "So, David, we don't... we don't institute any automatic  
27 fate, for lack of a better word. They... they go back to the  
28 pet store and whatever the pet store does with animals that  
29 have those diseases is... is how they would treat them."

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1 McSweeney: "Isn't it likely the dogs would be euthanized?"

2 Zalewski: "I... they... so, in instances they may have to be  
3 quarantined and separated from other dogs, David, they may  
4 have to be euthanized. I... again, I don't know that there's  
5 any one outcome that's preferable under the others... over the  
6 others."

7 McSweeney: "To the Bill. I respect the Sponsor. This is a bad  
8 idea. I urge a 'no' vote."

9 Speaker Lang: "Mr. Franks."

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

11 Speaker Lang: "Sponsor yields."

12 Franks: "Representative, presently there are laws covering these  
13 types of transactions under the Uniform Commercial Code or  
14 Contract Code that, if one gets an animal with a problem, you  
15 can... there are remedies available, correct?"

16 Zalewski: "Correct."

17 Franks: "But this seems to go much farther than those remedies  
18 that are already on the books. Why do we need these additional  
19 remedies?"

20 Zalewski: "I think that... I think it's important to note that dogs  
21 and cats under the Uniform Commercial Code are not technically  
22 goods. And... and in addition, Frank... or Jack, I'm sorry, it's  
23 important to note that what we're doing is installing good  
24 consumer protection practices and ensuring that the  
25 consumer's protected if they find themselves in a position of  
26 unknowingly purchasing a dog from a pet store that has a  
27 disease."

28 Franks: "Is there anywhere else in the statutes of the State of  
29 Illinois where we warranty a living animal?"

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1     Zalewski: "We... I don't know, Jack."

2     Franks: "I... I just think this is a large departure from... I mean,  
3         I can see warranting a widget, you know, or a car or something  
4         that's inanimate but to warranty a living animal..."

5     Zalewski: "Well..."

6     Franks: "...is... is a far stretch from where we've ever gone."

7     Zalewski: "Well, but... but to that point, Jack, it's important to  
8         note that the largest pet store company that's involved in  
9         this... in this negotiation already offers a remedy. So, we're  
10        doing that for those that choose to employ good corporate  
11        citizenship practices. What we can't account for is those who  
12        choose not to, so this isn't an outlier in terms of what pet  
13        stores do."

14    Franks: "Does this only apply to pet stores?"

15    Zalewski: "Yes, yes."

16    Franks: "So, it wouldn't apply to a breeder?"

17    Zalewski: "No."

18    Franks: "Okay. What happens if the... if the animal gets sick within  
19        21 days, but it wasn't readily apparent? I know that the  
20        veterinarian has to say that this was something that was  
21        latent or happened before 21 days, but how would they actually  
22        know?"

23    Zalewski: "You know, the veterinarian authors a statement, Jack,  
24        that he, in his medical... he or she, medical opinion, would...  
25        would conclude that the disease was found on or before the  
26        date of the sale and that's enough for the pet owner to bring  
27        the dog back."

28    Franks: "Is it rebuttable by another expert? Because oftentimes  
29        in civil matters we can have two different doctors having



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1 very different opinions. Would this be a rebuttable  
2 presumption?"

3 Zalewski: "It's... it's subject to a second opinion."

4 Franks: "Okay. Now, what happens if the new owner mistreats the  
5 dog and during those 21 days fails to feed properly or to  
6 give enough water to the animal and the animal gets sick and  
7 it might have been something that could... exacerbates  
8 something that was before the sale?"

9 Zalewski: "Again, I think we're relying on the veterinarians'  
10 medical opinion that they can discern what was mal... what was  
11 mistreatment and what was congenital from the disease that  
12 should have been noticed at the date of sale."

13 Franks: "Now there's something in here that also continues this  
14 out for one year. So, within... this isn't just the first 21  
15 days. What this says is with when... within 1 year of the sale  
16 that the dog or the cat possess a congenital or hereditary  
17 condition, so you're extending the 21 days to a full year,  
18 correct?"

19 Zalewski: "For certain diseases, correct."

20 Franks: "Correct. But oftentimes, if you're dealing with a show  
21 dog or a highly bred dog, they have... let's say they're more  
22 fragile than other dogs. Wouldn't you agree?"

23 Zalewski: "Jack, your knowledge of this is a little more... is  
24 deeper than mine about show dogs, but I'll take your word for  
25 it."

26 Franks: "No, I'm serious."

27 Zalewski: "I believe you. I don't... I don't know the answer to  
28 that question."

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1 Franks: "Because I've seen, for instance, some dogs are bred  
2 certain ways."

3 Zalewski: "Right."

4 Franks: "You look at a Harlequin Great Dane, for instance, and  
5 those that are bred for show, they don't last that long.  
6 They're much more fragile. They might have a 7-year average  
7 life, where those that aren't bred for show might be a 10-  
8 year life to 12. And I think that if you're breeding for these  
9 show dogs and they're going to be more delicate and to give..  
10 because there's more inbreeding. Correct?"

11 Zalewski: "I... and again, Jack, the best answer I can give you is  
12 we're putting a lot of faith, and rightfully so, in... in the  
13 medical licensure of veterinarians that they're able to  
14 discern what's hereditary or congenital in nature and what's  
15 a disease and what's breed-specific. So, the best answer I  
16 can give you is the veterinarians have to make a conclusive  
17 statement based on their medical expertise of... of what the  
18 problem is with the dog."

19 Franks: "I... I appreciate it. And to the Bill, Mr. Speaker, I'm  
20 not going to belabor it. I understand what the Gentleman's  
21 trying to do. I think this Bill goes too far. I know it's  
22 hard to vote against a warm and fuzzy puppy Bill, but this is  
23 not, I think, something that's begging for public policy. I  
24 think the way it's drafted is it's replete with loopholes  
25 that I don't think was intended. I think there's proper  
26 remedies right now under the law and there's no reason to  
27 extend this based on a feel-good measure. I'd encourage a  
28 'no' vote."

29 Speaker Lang: "Mr. Sacia."

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1 Sacia: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen,  
2 over the past months, once Senate Bills started coming over,  
3 many would stand on the floor and say this Bill flew out of  
4 the Senate with a hundred percent approval, failing to realize  
5 that that was about the worst thing you could say. The second  
6 worst thing you could say is to have a livestock or an animal  
7 Bill of any type and say it's supported by the biggest pariahs  
8 in the world that for \$19 a month they will send you a slicker  
9 and a magazine that says you support the humane treatment of  
10 animals. These are the same people that statistically for  
11 every \$100 you send them \$1, yes, \$1, finds its way to  
12 protecting animals. And they have the audacity to put this  
13 kind of legislation together. I join my colleagues in  
14 encouraging a 'no' vote. Thank you."

15 Speaker Lang: "Mr. Harris."

16 Harris, D.: "Thank you, Mr. Speaker. And to the Bill.  
17 Representative, I wanted to pick up on what one of the  
18 previous speakers said. Generally, I support your Bill.  
19 However, when you stretched it out to a year, there really is  
20 a concern there. Let me give you a specific example. A Bernese  
21 Mountain Dog, known as a Berner, a beautiful animal, they're  
22 absolutely gorgeous. Their life span is about 8 years. They're  
23 known to have problems. They're known to have congenital  
24 difficulties and to... to stretch that out for a year is... is an  
25 unduly, in my mind, an unduly long period of time."

26 Zalewski: "Lou, can I... David, I agree, but it's important to note,  
27 I... I don't agree it's an unduly burdensome time, I agree that  
28 there's a different standard. What I would say is, and again,  
29 I would... I would note that the difference in what came over

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1 from the Senate and what's being presented now is a hereditary  
2 disease is not often detectable within the first couple of  
3 months. There's not... this isn't an instance where a  
4 veterinarian can go in and in 21 days, three weeks, and say  
5 I... the diagnosis is x. These... the hereditary disease often  
6 take a little bit of time to diagnose. So, while... while there  
7 may be some concern amongst some of you about the difference  
8 in... in time periods, what I would say in response is this is  
9 a carefully negotiated Bill that we took those in... concerns  
10 into account and hereditary diseases aren't often detectable  
11 within the first month and there has to be some accounting of  
12 that within the statute."

13 Harris, D.: "And I... and I understand and just by way of closing,  
14 there... the breed that I mentioned is... is predisposed to have  
15 these sorts of diseases and these sorts of hereditary problems  
16 and they have a very short lifespan."

17 Zalewski: "And I'm reminded, David, in the... under the Bill, in  
18 the statute, we are allowing special pet shops to go into  
19 their warranties and offer a special warranty for the type of  
20 dog that you're talking about. It may not be... address your  
21 concerns fully, but we're... there's an accounting of that as  
22 well."

23 Harris, D.: "Thank you very much."

24 Speaker Lang: "Mr. Zalewski to close."

25 Zalewski: "I'd ask for an 'aye' vote."

26 Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed  
27 'no'. The voting is open. Have all voted who wish? Have all  
28 voted who wish? Flowers. Please take the record. On this  
29 question, there are 67 voting 'yes', 49 voting 'no'. And this

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1 Bill, having received the Constitutional Majority, is hereby  
2 declared passed. Mr. Mautino."

3 Mautino: "I'd like the record to reflect that on that last vote  
4 I intended to vote 'no'."

5 Speaker Lang: "As you said in debate, Sir. The record will reflect  
6 your intention."

7 Mautino: "Thank you."

8 Speaker Lang: "Mr. Mautino. Gentleman withdraws his request to  
9 speak. Mr. Moffitt."

10 Moffitt: "An inquiry of the Chair, Mr. Speaker."

11 Speaker Lang: "Please proceed."

12 Moffitt: "Are there any plans by the Speaker to take a few moments  
13 in observance of Memorial Day today? And if not, I would like  
14 to ask that... that we do that, unless you had other plans."

15 Speaker Lang: "Why don't we proceed to do that now, Sir. And we'd  
16 be happy to hear your comments."

17 Moffitt: "Thank you, Mr. Speaker. And I appreciate the Body taking  
18 this time. I think probably everyone in here, thoughts are  
19 with constituents and people back in their district and other  
20 folks they've known, as Memorial Day is a time to stop and  
21 honor and say thanks to those that have served and those that  
22 paid the ultimate price for service to our country. Probably  
23 had a lot of events that you would have attended had we not  
24 been in Session. So, I think we certainly would be remiss to  
25 not stop and... and give this few moments of reflection to  
26 appreciate we're only here as a democracy, as an elected Body  
27 because of, over of the generations, those who stepped forward  
28 and protected this great democracy and we must never just  
29 take it for granted. We've lost far too many soldiers

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1 throughout our history. We had recently the ceremony where we  
2 reflected and honored those who've fallen in the last year as  
3 that list during the current conflict has been a long list.  
4 But I hope all of you now, if we could just have a moment of  
5 silence, will reflect on those who have served and those that  
6 have paid the ultimate price. Perhaps a few other people want  
7 to make a few comments about Memorial Day and in appreciation  
8 of our veterans, perhaps if they had comments and then the  
9 moment of silence. So, if there are people seeking, I would  
10 appreciate they'd be recognized and then you call for the  
11 moment of silence."

12 Speaker Lang: "Thank you, Mr. Moffitt. Mr. Brauer."

13 Brauer: "Thank you, Mr. Speaker. I'll direct everybody's attention  
14 to the SJ-R today. They had an err... editorial in there about  
15 Tuck Belton. Tuck Belton was World War II heavy bomber pilot  
16 and flying over Holland, flak hit his plane, blew him out of  
17 the windshield with one arm in the parachute. He was the only  
18 one that made it down alive. He spent the next several weeks  
19 with the Dutch underground and faced many challenges which  
20 you'll be able to read in that paper. And it's because of  
21 heroes like that that we're here today. And so, I'd encourage  
22 everybody to take a moment and look at the Springfield Journal  
23 editorial page. Thank you."

24 Speaker Lang: "Representative Kifowit."

25 Kifowit: "Thank you, Mr. Speaker. I appreciate Representative  
26 Moffitt and all that was said. Last Wednesday, Representative  
27 Harris reminded us of the gravity of Memorial Day with the  
28 large amount of casualties that we've had over the years.  
29 Every Memorial Day, I wear my uniform in memory of those that

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1           came before me and those that have died serving. Also, in the  
2           Aurora area we've lost quite a few and I know that everybody  
3           here has a heavy heart for those that have gone before us so  
4           that we can live in a nation that's free for all. And so, I'd  
5           just like to thank the chamber for having their memorial  
6           service on Wednesday. And I'd like to, also, in commemorate  
7           of Memorial Day that we... we give those honor for those that  
8           are no longer with us."

9   Speaker Lang: "Mr. Bost."

10   Bost: "Thank you, Mr. Speaker. I think it was mentioned the other  
11       day on the floor we have a... we have a really unique tie in  
12       the State of Illinois to Memorial Day in the fact that our...  
13       one of the persons that is actually mentioned in the Illinois  
14       Song, General John A. Logan, who was Senator John Logan, then  
15       requested that the... and established Memorial Day for the  
16       fallen from the Civil War. Ever since then, there's not one  
17       American that has faced a time without at least war in their  
18       life. It's... it's a tragedy; it's... it is hard on all of us.  
19       But this day is to remember those who have stood in the gap,  
20       who are willing to go forth and sacrifice all so that we can  
21       have the freedoms to stand on this floor and argue back and  
22       forth and know that... and have elections and know that those  
23       elections are not a case where someone will rise up and  
24       overthrow the one who's elected, but yet we do it in a manner  
25       that is right, in a manner that many countries don't even  
26       understand. And those freedoms that we have been blessed with,  
27       they didn't come without a price. They came with a price that  
28       we remember on this day and... and we also remember on Veterans  
29       Day. I spoke the other day about the challenges of serving

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1 but even more the challenges of being a parent of someone who  
2 serves. You know, when you send them off you don't know. You  
3 worry, you... you fret; it pulls at your heartstrings. But yet,  
4 we in this nation have been raised in a manner that we know  
5 to stand for this idea, this experiment that was started 200-  
6 plus years ago to make sure that it is still working and  
7 working successfully with what the ideas of our forefathers  
8 had put forth. And unfortunately, there's times that you have  
9 to stand to hold on to those ideas and beliefs. Today I want  
10 to thank the men and women that did do that and the families  
11 that'll... that raised the children who understood the  
12 importance of that and were willing to go forward. Thank you,  
13 Mr. Speaker."

14 Speaker Lang: "Mr. McAuliffe."

15 McAuliffe: "Thank you, Mr. Speaker. Today I had the opportunity  
16 to have a press conference mainly for veterans and for  
17 everyone on the subject of hepatitis C. I filed the Bill,  
18 House Bill 3631, and I was very encouraged to have Members on  
19 both side of the aisle attend that press conference. The  
20 genesis is of the Bill is I've had a family member that died  
21 with hepatitis C. And there's many people in this country and  
22 also many veterans, especially those who served in Vietnam,  
23 that are walking around today not knowing they have hepatitis  
24 C. Once you have it, there is treatment to try and keep you  
25 alive, but like I said, there's so many veterans and people  
26 out there that don't know that they have hepatitis C, they're  
27 walking... they're brothers, sisters, husbands, wives that are  
28 walking all over the state and all over the country. And I'd  
29 just like to make an awareness that anyone that's born from



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1 the years 1945 to '65 please get treated, get a test and see  
2 if you are carrying the hepatitis C virus. Since I filed the  
3 Bill last Thursday, there hasn't been a day gone by on this  
4 House Floor or outside these chambers where somebody came up  
5 and told me that they had a loved one that died of hepatitis  
6 C. So, we know it is a silent epidemic and I'd just like to  
7 get the Bill passed and thank my colleagues, especially those  
8 on the other side of the aisle, that are trying to get this  
9 Bill heard and find out if we can stop hepatitis C and at  
10 least let the people know that have it that... that there is...  
11 there is not a cure, but there's something that can be done  
12 on it and just to make an awareness to get yourself tested.  
13 Thank you."

14 Speaker Lang: "Representative Hatcher."

15 Hatcher: "Thank you, Mr. Speaker. You know, we are graced in this  
16 Body to have a number of people who have served and put  
17 themselves in danger. I am graced to be the wife of a veteran,  
18 someone who came back from Vietnam battered and bruised and  
19 permanently disabled, but he came back and many did not. And  
20 I think we need to remember that for many mothers and fathers  
21 and brothers and sisters, every day is Memorial Day because  
22 someone was left on the battlefield. So, let's all remember  
23 that, that the ripple effect of war and the peacekeepers from  
24 America around the world make all the difference, not only in  
25 the world's peace, but in the peace in each family. Thank  
26 you."

27 Speaker Lang: "Representative Ives."

28 Ives: "I'd like to just simply add to the remarks of the others  
29 by thanking all the veterans' groups and the individuals and

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1 the old soldiers who come out on this day and pull out the  
2 faded Confederate uniform and plan for the ceremony and  
3 prepare remarks and actually hold something so dear to us as  
4 a remembrance for those who died. And I think we often take  
5 for granted, as we may be the ones simply marched in the  
6 parade and waving to the crowds, but somebody behind that  
7 actually planned it and took the care to plant the flags and  
8 get the honor guard together, and for those I'm very thankful.  
9 I'm thankful that we still remember how important our veterans  
10 are and especially those who died for our freedom. Thank you."

11 Speaker Lang: "Mr. Jefferson."

12 Jefferson: "Thank you, Mr. Speaker. I'm reminded today of a young  
13 man from my hometown in Waco, Texas, who fought in the  
14 Japanese War as it relates to Pearl Harbor. His name was Doris  
15 Miller. He was a cook at the time on one of the battleships  
16 and during the battle, he actually ran out and got in touch  
17 with artillery gun and shot down two of the enemy planes. And  
18 you know, we oftentimes talk about freedom is free and how  
19 free we are. Our freedom is free only because of the people  
20 that make the ultimate sacrifices. The people that are at the  
21 forefront protecting us and doing the things we need to do to  
22 continue to be free. So, I would honor all those veterans  
23 that's gone on before us today and all the veterans that's  
24 served in this country to make sure that we are... do have the  
25 freedom that we have. Thank you."

26 Speaker Lang: "Representative Flowers."

27 Flowers: "Thank you, Mr. Speaker. If Terry Parks was still here,  
28 he would have passed out something for each and every last  
29 one of us to read and I remember what he used to pass out to

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1 me and I would like to take the opportunity to say it. I am  
2 your flag, respect me and protect me and never forget me. I  
3 am your American flag. Thank you."

4 Speaker Lang: "In honor and memory of veterans, we'll take a  
5 moment of silence. Thank you very much. Representative  
6 Davis."

7 Davis, W.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
8 House. Certainly in this last few days of Session there are  
9 a number of young people that are coming here to act as Pages.  
10 Many of them are out of school now, so they're coming here to  
11 observe what we're doing and maybe even have the opportunity  
12 to make a few extra dollars for themselves for the summer.  
13 So, I'd like the Body to recognize a young lady that's here  
14 as a Page for me. She was here yesterday and she's here again  
15 today. If you'll give me a... join me in welcoming Miss Leah  
16 Newman to the House Floor, I would appreciate it."

17 Speaker Lang: "On page 4 of the Calendar appears Senate Bill 1817,  
18 Representative Tracy. Representative Tracy. Out of the  
19 record. Senate Bill 1830, Mr. Rita. Mr. Rita. Out of the  
20 record. Senate Bill 1842, Mr. Beiser. Out of the record.  
21 Senate Bill 1843, Mr. Hoffman. Mr. Hoffman. Please read the  
22 Bill."

23 Clerk Bolin: "Senate Bill 1843, a Bill for an Act concerning  
24 criminal law. Third Reading of this Senate Bill."

25 Speaker Lang: "Mr. Hoffman."

26 Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
27 House. House Bill 1843 just clarifies language regarding  
28 probation departments and who collects the probation fee when  
29 a probationer is transferred. It's an initiative of Illinois

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1 Probation and Court Services Association. I know of no  
2 opponents."

3 Speaker Lang: "Gentleman moves for the passage of the Bill. The  
4 Chair recognizes Mr. Reboletti."

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

6 Hoffman: "Yes."

7 Speaker Lang: "Gentleman yields."

8 Reboletti: "Thank you. Representative Hoffman, what... what  
9 currently happens? I know when I was a prosecutor there was  
10 always issues when cases were transferred, sometimes, not  
11 only from other counties but especially other states and who  
12 was supposed to get the fees. How is that determined now?"

13 Hoffman: "It's my understanding that what... what... I can tell you  
14 what this does. I'm not exactly sure how it's determined now.  
15 But this provides that a transfer case that originates in  
16 another state under the Interstate Compact for Juveniles,  
17 probation fees may only be imposed and permitted by the  
18 Interstate Commission for Juveniles. Currently, the  
19 Commission does not allow the receiving jurisdiction to  
20 charge probation fees. However, if that changes, Senate Bill  
21 1843 would allow the jurisdiction to charge the fees."

22 Reboletti: "So, right now there is no fee charge, but  
23 prospectively, if it changes federally, then we can go ahead  
24 and we can get fees?"

25 Hoffman: "If the Interstate Compact changes... so, right now  
26 they're... they're not allowed to. This would say if there is  
27 a change in the future they would be allowed to."

28 Reboletti: "That makes sense. Thank you."

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1 Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed  
2 'no'. And the voting is open. Have all voted who wish? Have  
3 all voted who wish? Have all voted who wish? Mr. Tryon. Please  
4 take the record. On this question, there are 116 voting 'yes',  
5 0 voting 'no'. And this Bill, having received the  
6 Constitutional Majority, is hereby declared passed. The Chair  
7 recognizes Mr. DeLuca. The Chair doesn't recognize Mr.  
8 DeLuca. Senate Bill 1872, Mr. Zalewski. Please read the Bill."

9 Clerk Bolin: "Senate Bill 1872, a Bill for an Act concerning  
10 criminal law. Third Reading of this Senate Bill."

11 Speaker Lang: "Mr. Zalewski."

12 Zalewski: "Thank you, Mr. Speaker. 18... Senate Bill 1872 is a  
13 criminal justice reform measure. We are seeking to modify and  
14 modernize the prostitution statute by removing the felony  
15 aspect of it and getting some mental health treatment within  
16 the statute for those that need it. It's been shown that the...  
17 the felony enhancement on this particular statute is not... is  
18 not... does not bear fruit. So I'd ask for an 'aye' vote."

19 Speaker Lang: "The Gentleman moves for the passage of the Bill.  
20 The Chair recognizes Mr. Reboletti."

21 Reboletti: "Will the Sponsor yield?"

22 Speaker Lang: "Sponsor yields."

23 Reboletti: "Representative, we added an Amendment to this Bill  
24 and I appreciate your sponsorship of that. That Amendment  
25 allowed for mental health treatment. Is that... is that  
26 correct?"

27 Zalewski: "Correct."

28 Reboletti: "And that's because we recognize that most of the men  
29 and women that are in prostitution are there because they are

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1 victims usually of domestic violence, emotional, physical,  
2 you name it. They have been through the wringer and they end  
3 up in this unfortunate position. And so we're trying... if...  
4 since we are reducing the potential penalty, that we're going  
5 to try to direct these individuals into treatment. I know  
6 Cook County has the WINGS Program and I think you and I are  
7 going to work on a trailer Bill with that to correct some  
8 language. Is that... is that fair to say?"

9 Zalewski: "Cor... correct, Dennis."

10 Reboletti: "And then, when a county has a mental health court,  
11 we're going to do some clarification language also that would,  
12 hopefully, the counties that have a mental health court  
13 recognize the need to direct people convicted or supervised  
14 under this prostitution statute, that they go, get the mental  
15 health care that they need as well as substance abuse,  
16 survivor care, you name it, that this would be available to  
17 them. Is that fair to say?"

18 Zalewski: "Correct. And I thank you, Dennis, for working with us  
19 on this. It's... it's... your opinion is persuasive on what we  
20 can do to modernize our Criminal Code. So, thank you."

21 Reboletti: "And I appreciate that and to the Bill. Ladies and  
22 Gentlemen, there's very few times that I sat on this floor  
23 and look at changing the penalties and actually reducing the  
24 penalties. And I have prosecuted these cases where you can  
25 elevate prostitution cases to a felony pretty easily. But  
26 that approach has not been working. We still see the same  
27 amount of individuals returning. They're not getting any type  
28 of substance abuse treatment, mental health treatment and I  
29 think this is a commonsense approach. At the end of the day,

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1 if this doesn't work, we can always return back to the current  
2 approach. But that's not what the intention is here. I think  
3 this is no different than people who are addicted to narcotics  
4 or that have mental health issues and they should be similarly  
5 treated. So, I'd urge your support. Thank you."

6 Speaker Lang: "Mr. Drury."

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

8 Speaker Lang: "Gentleman yields."

9 Drury: "Representative, you're... you're... we just heard from another  
10 Representative who is a former Assistant State's Attorney.  
11 You, too, are a former Assistant State's Attorney. Is that  
12 correct?"

13 Zalewski: "Yes."

14 Drury: "And would you agree based on your experience with... with...  
15 in that position, that one of the most vile crimes that exists  
16 anywhere is the crime that involves the molestation of a  
17 child?"

18 Zalewski: "Yes. But Scott, before you go any further, did... did  
19 you not equate anything that we're doing in this Bill with...  
20 with molestation of a child."

21 Drury: "Well, we're going to get there."

22 Zalewski: "Okay."

23 Drury: "I mean, and as a state, we should be doing whatever we  
24 can to... with our criminal laws, to prevent the molestation of  
25 young children."

26 Zalewski: "Correct."

27 Drury: "And the statute that you seek to amend... Well, let me ask  
28 you this. That if we knew that there was a person who was

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1 promoting the molestation of a child, we should try to stop  
2 that, shouldn't we?"

3 Zalewski: "Yes, but Scott, I'm going to ask you again to not  
4 pursue this line of questioning within the context of what  
5 this Bill does because it's inaccurate."

6 Drury: "Well, the... the statute that you seek to amend currently  
7 has an enhancement. It makes it a felony enhancement if a  
8 person is convicted of both prostitution and promoting  
9 juvenile prostitution. Correct?"

10 Zalewski: "Yes."

11 Drury: "Okay. And promoting juvenile prostitution is a nice way  
12 of saying promoting the rape of a child."

13 Zalewski: "Yes. But Scott, I'm going to ask you kindly as a fellow  
14 caucus member and as a person who has significant law  
15 enforcement experiences to cease and desist this line of  
16 questioning 'cause it's simply inaccurate. It doesn't... it's  
17 not bearing out in the statistics and it's not borne out in  
18 the statute that this is what we're doing. We're not affecting  
19 anything to do with a child. What we're saying is the felony  
20 enhancement for prostitution isn't working and therefore  
21 mental health treatment is a better course of action."

22 Drury: "Representative, this Bill gets rid of a felony enhancement  
23 that is a tool prosecutors have to fight juvenile  
24 prostitution."

25 Zalewski: "And you heard in testimony and you heard subsequently  
26 that there is no statistical evidence, none, that prosecutors  
27 are losing any tool by doing this change to go after those  
28 that would victimize children. So, to pursue the line of  
29 questioning that this affects anything to do with children is



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1 simply inaccurate. It's wrong and it's inaccurate and it  
2 misleads the Body."

3 Drury: "Well, I... Representative, I appreciate those comments, but  
4 I'm looking at the actual statute, 'cause this was marketed  
5 as a Bill that would simply make prostitution a misdemeanor.  
6 But what is crossed out in this Bill, and I'm asking if this  
7 is correct, you cross out all the enhancements for promoting  
8 juvenile prostitution, soliciting for a juvenile prostitute,  
9 keeping a place of juvenile prostitution and juvenile pimping  
10 or aggravated juvenile pimping. Those are all crossed out of  
11 this Bill."

12 Zalewski: "Is that a question?"

13 Drury: "Yeah. Is that right?"

14 Zalewski: "Yes."

15 Drury: "Okay. And..."

16 Zalewski: "But... but again, the testimony in committee and what  
17 was... what was subsequently provided to Members upon their  
18 request was statistical evidence that showed, that  
19 demonstrated, that there were no instances where a prostitute  
20 was arrested under the Codes that we're deleting. So,  
21 therefore, to suggest that we're in any way endangering the  
22 life or health or safety of a child based on this Act, is  
23 disingenuous."

24 Drury: "Well, I actually received data from those same people  
25 showing that these statutes are used. But Mr... Representative,  
26 I mean, you know that I'm a former federal prosecutor, right?"

27 Zalewski: "Yes. Yes. The answer's yes."

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1 Drury: "Okay. And as a federal prosecutor were you aware that I  
2 actually worked on these cases with some of these... some of  
3 these kids who are molested by... by these pimps?"

4 Zalewski: "You mentioned that in committee, Scott."

5 Drury: "And do you know that these sickos beat little kids?"

6 Zalewski: "Scott, are you suggesting that in... in this Bill, that  
7 if we were to enact this Bill, that anything would happen to  
8 the life or safety or health of a child? Because if you are,  
9 that, based on the evidence that was provided by the advocates  
10 for this Bill, it would be inaccurate and misleading to the  
11 Body to suggest that that's... We can go down this path of  
12 what's possible, but I'm telling you what the statistics  
13 evidence bears out and the fact that law enforcement didn't  
14 weigh in on this Bill and say no, they're opposed, to me  
15 reinforces the idea that we're not doing what you seem to  
16 suggest we're doing."

17 Drury: "All right. To... to the Bill. Members, this Bill, it's  
18 important that we listen to it because this Bill is a pro-  
19 child prostitution Bill. We... we can moan all we want, but  
20 there's a lot of bad Bills that come before this chamber.  
21 This ones in a league of its own. The proponents claim that  
22 it merely makes prostitution a misdemeanor and if that were  
23 true, if that's all it did, this Bill would be fine. But what  
24 this Bill is doing is its pulling the wool over the eyes of  
25 all of us or trying to. This Bill is taking away a weapon  
26 that prosecutors have to deter people from engaging in  
27 juvenile prostitution. Do we want to have a headline tomorrow  
28 that says Illinois votes to protect child rapists and pimps?  
29 I certainly don't. It is our duty to... to make sure that we

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1 have statutes that protect the kids, that don't have statutes  
2 that get rid of felony enhancements that allow, where someone  
3 is involved in prostitution and juvenile prostitution that  
4 takes away a weapon that we have. Now, I know there's some  
5 law enforcement agencies that have been neutral or... or somehow  
6 supported this Bill, and quite frankly, as someone who worked  
7 with these children and has... have seen the horrors that these  
8 crimes inflict upon children, I don't know where that's coming  
9 from. This Bill should not get a single vote. This one should  
10 go down 118 to nothing. It is that bad of a Bill. And I don't  
11 normally say that and I don't normally speak up like this and  
12 I don't normally use my background to talk about Bills like  
13 this. This is a horrible Bill for the children of our state.  
14 Thank you."

15 Speaker Lang: "We have gone from no speakers to six speakers. Mr.  
16 Durkin."

17 Durkin: "Thank you. Representative Zalewski, I just want to make  
18 sure, is the State's Attorney of Cook County supportive or  
19 neutral on this issue?"

20 Zalewski: "We're checking, Jim."

21 Durkin: "Thank you."

22 Zalewski: "Proponent, Representative."

23 Durkin: "Thank you. 'Cause I think it's important 'cause we just  
24 heard... previously heard statements about, and I'm not going  
25 to get into that, but the State's Attorney of Cook County  
26 last year, a few of us remember, created a whole human  
27 trafficking statute which is going to go after and will  
28 seriously investigate and charge those individuals who are  
29 responsible for putting juveniles out in the street and

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1 selling them as sex slaves. And the fact is, our laws are  
2 very strong and it was this Body who did this two years ago.  
3 But I come from a... from a background of working at a place  
4 called 26 California. My friend, Representative Reboletti,  
5 worked at a very high volume courtroom in Will County. Twenty-  
6 six California is the busiest courthouse in the United States  
7 for criminal cases. I was there from '90 to '95. There was  
8 not a felony prostitution statute in place at that point. But  
9 on any given day in one of those courtrooms there was probably  
10 in every courtroom no less than 10 to 15 first degree murder  
11 trials, anywhere from another 15 to 20 sexual assault trials,  
12 cases that are awaiting for trial, hundreds of narcotics  
13 cases, armed robbery and some of the most egregious cases  
14 that have occurred and some of the cases people can't even  
15 believe that human beings do to each other. But I will say  
16 this, the people that I know who work in the State's  
17 Attorneys' Offices throughout the State of Illinois believe  
18 that felony prostitution should not be in those courtrooms.  
19 Those individuals who are charged with this need help. They  
20 do not need to be sent off to the Department of Corrections  
21 for a term of imprisonment. I don't believe that the past  
22 practices... When this was put in, I was not in the State's  
23 Attorneys' Office when it was upgraded to a felony, but I  
24 know that it's no longer the right thing to do. I believe  
25 that the statements that were previously made are inaccurate.  
26 We are not decriminalizing, lowering the penalties for the...  
27 some of these crimes and some of these issues that were raised  
28 by the previous speaker. I've worked in those courtrooms. I  
29 know the people who are responsible for trying these cases

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1 and I know the police officers who are in charge of  
2 investigating these types of crimes and they all agree that  
3 these individuals need help. They don't need to be warehoused.  
4 Vote 'yes'."

5 Speaker Lang: "Mr. Reboletti, you spoke previously in debate,  
6 Sir."

7 Reboletti: "My name was used in debate, Mr. Speaker. My name was  
8 used in debate, so I'd like to address some of the comments  
9 of the previous speaker. And it's amazing where I sat in  
10 courtrooms and dealt with these issues and for somebody to  
11 tell me that if I vote for this Bill that I'm pro-child  
12 prostitution is completely absurd. I have an 11-year-old  
13 child, so don't tell me about my parenting or what I stand  
14 for. That's absolutely bonkers. It's amazing that I sat for  
15 8 years in a courtroom prosecuting felony prostitution,  
16 misdemeanor prostitution, child sex crimes, thousands of  
17 them. But if you're a white-collar prosecutor on 219 South  
18 Dearborn Street, it's a whole different world there. So, at  
19 the end of the day, this is the right thing to do. This  
20 shouldn't get 118 'no' votes and to listen to the Sponsor of  
21 the Bill be treated in the same way is terrible. That  
22 Gentleman also prosecuted for Cook County and handled  
23 thousands of cases where you're managing caseloads of  
24 hundreds of cases and you're trying to do the best that you  
25 can and then you bring your experience to the General Assembly  
26 only to be told that if you're an Assistant State's Attorney  
27 that that experience means basically nothing down here. I  
28 can't believe what I just heard come from the other side of  
29 the aisle. It's amazing. I know that people may have

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1 differences of opinion on this Bill and I realize that change  
2 isn't easy, but the process isn't working. That's why we have  
3 drug courts, mental health courts, veterans' courts, you name  
4 it. We try to defer people to get treatment and get help and  
5 to keep them off the streets and make them productive citizens  
6 because our job is to rehabilitate those that end up in the  
7 system. This system, so far, for the felony of prostitution,  
8 isn't working. I've prosecuted those cases. They would get a  
9 felony conviction, go to Stateville, be out in 61 days and be  
10 back on the street without any treatment, without any type of  
11 opportunity. They can't find a place to live, they can't find  
12 a place to work and then what happens? What we... what will  
13 happen, though, is someone will tell us that you're pro-child  
14 prostitute if you have the courage and the belief that we can  
15 change something and make a difference. Sometimes things that  
16 are said on this floor are absolutely breathtaking and those  
17 statements were some of them."

18 Speaker Lang: "Mr. Martwick."

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

20 Speaker Lang: "Sponsor yields."

21 Martwick: "Representative Zalewski, some comments made about  
22 taking away certain tools for prosecuting. Are you familiar  
23 with 720 ILCS 5/11-14.4?"

24 Zalewski: "Rob, I'm going to go ahead on a limb and say that I  
25 don't know that citation off the top of my head."

26 Martwick: "Yeah. Well, that's the... actually, that's the statute  
27 that speaks directly to the crime of promoting juvenile  
28 prostitution. So, when you take away the felony enhancement,  
29 you're not changing that statute at all are you?"

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1 Zalewski: "Correct."  
2 Martwick: "So that tool still exists for a prosecutor to charge  
3 someone for promoting juvenile prostitution?"  
4 Zalewski: "Correct."  
5 Martwick: "And the crime under that statute is a Class I Felony  
6 except for certain enhancements in there where it's up to a  
7 Class X Felony. Isn't that right?"  
8 Zalewski: "Correct."  
9 Martwick: "And that's punishable by 6 to 60 years. Let me repeat  
10 that, 6 to 60 years in a state penitentiary. Is that correct?"  
11 Zalewski: "Correct."  
12 Martwick: "And this Bill does not change that statute in one bit,  
13 right?"  
14 Zalewski: "Correct."  
15 Martwick: "So, we can still prosecute people for this crime and  
16 we can punish them to the full extent of the law."  
17 Zalewski: "Correct."  
18 Martwick: "Thank you."  
19 Zalewski: "Thank you."  
20 Martwick: "Nothing further."  
21 Speaker Lang: "Representative Williams."  
22 Williams: "Thank you, Mr. Speaker. Will the Sponsor yield?"  
23 Speaker Lang: "The Sponsor yields."  
24 Williams: "Representative, are you aware that I am not a  
25 prosecutor? I've never prosecuted a case, federal and  
26 otherwise."  
27 Zalewski: "I am aware of that, yes."  
28 Williams: "So, therefore, I have to rely on the experts to tell  
29 me how the prosecution of situations like this and cases like

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1           this moves forward. So, I spent some time before this Bill  
2           appeared before to the Judiciary... before the Judiciary  
3           Committee, spoke with the Cook County State's Attorney and  
4           spoke with the Sheriff's Office about the merits of this Bill.  
5           And they assured me that this is very consistent with strong  
6           prosecutions of people that traffic other human beings.  
7           You'll also note, in a list of proponents, it includes the  
8           Cook County Public Defender. So, we have an array of  
9           proponents that realize this is the best approach to go after  
10          the trafficking of human beings and that making it a felony  
11          is exactly what one of the previous speakers said and just  
12          warehousing human beings and it has not worked and it has not  
13          deterred this activity."

14   Zalewski: "Correct."

15   Williams: "To the Bill. When I was at the Attorney General's  
16          Office, not prosecuting, but as a Legislative Director there,  
17          we worked for years on something called the CLEAR Initiative.  
18          And this basically encompassed a complete rewrite of the  
19          Criminal Code. And in that time, when we reviewed hundreds  
20          and thousands of pages of changes to the criminal statutes,  
21          there were some crimes that were crossed out. But that was  
22          all about words and drafting and not about actually  
23          prosecution. I think that's the case here. We've took... we've  
24          taken some language, we've changed it. Prosecution for these  
25          things is not something that we wish to eliminate or will  
26          eliminate in this. I would urge an 'aye' vote and want to  
27          thank the proponents from all perspectives for their support  
28          on this very important initiative."

29   Speaker Lang: "Mr. Sacia."



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1 Sacia: "Thank you, Mr. Speaker. To the Bill. Representative  
2 Zalewski, I... I truly appreciate you moving this Bill forward.  
3 A previous speaker spoke of his extensive experience in the  
4 federal system prosecuting. I spent 28 years as an FBI agent.  
5 I worked numerous cases from white-collar crime to property  
6 crime to all kinds of felony cases. My first year in Salt  
7 Lake City, Utah, I worked a night shift that dealt strictly  
8 with interstate trafficking of prostitution and interstate  
9 transportation to aid in racketeering for prostitution. Every  
10 day, literally every day, I interviewed ladies and young men  
11 caught up in a world none of us even want to comprehend. I  
12 listened to prosecutors today speak on this floor that, to  
13 quote a street vernacular, have seen the elephant. They have  
14 been there, they understand, they get it. They don't stand as  
15 elitists, as prosecutors from a higher authority that know so  
16 much better than those that are in the trenches working it  
17 out, day by day, trying to do the right thing, trying to work  
18 with law enforcement, trying to work with other prosecutors,  
19 rather than tying up a courtroom with ladies and young men  
20 that have been caught up in an unbelievable world. The  
21 Gentleman recognizes that we want to get these people  
22 treatment. Back in my Salt Lake City days, many years ago, we  
23 weren't after the ladies of the night; we were after the  
24 Johns, the pimps, the people transferring them from one state  
25 to another. Ladies and Gentlemen, Representative Durkin,  
26 Representative Reboletti, Representative Zalewski have all  
27 prosecuted these cases at length. They recognize the  
28 ludicrousness of continuing down a road, a very unfortunate  
29 road, of giving these people felony prosecutions. They

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1           deserve exactly what the Gentleman is trying to do. I ask him  
2           to add me as a cosponsor and I ask 118 of you to push your  
3           green button. Thank you."

4 Speaker Lang: "Mr. Zalewski to close."

5 Zalewski: "A couple... a couple of things to the Body. We, this  
6           Session, are in a very serious debate about our Criminal Code.  
7           There are times when I agree with many of you and there are  
8           times when I disagree with many of you about what we should  
9           be doing. But on this particular issue, I urge you to look at  
10          the Bill and realize we have something on the books that  
11          doesn't make sense. And I would never put anyone in the Body  
12          in the position of hurting a child by their switch or doing  
13          something to endanger the life and health of a child. I simply  
14          wouldn't allow it. So, just think about that and realize that  
15          in the context of the many things we have to do down here,  
16          this is one thing that makes sense. And within the constructs  
17          of the Criminal Code, we can accomplish something that gives  
18          people treatment while maintaining, mind you, a Class A  
19          misdemeanor which is still a significant penalty. So, I would  
20          never do anything to make people do... jeopardize the life and  
21          health of a child. This Bill doesn't do that. It... it simply  
22          doesn't. It's a good Bill; it's got a significant number of  
23          cosponsors. And I ask the Body to vote for it."

24 Speaker Lang: "Those in favor of the Gentleman's Bill will vote  
25          'yes'; opposed 'no'. The voting is open. Have all voted who  
26          wish? Have all voted who wish? Have all voted who wish? Please  
27          record yourselves. Davis, Golar, Jackson, Jefferson, Tabares,  
28          Yingling. Please take the record. On this question, there are  
29          82 voting 'yes', 33 voting 'no'. And this Bill, having

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1 received the Constitutional Majority, is hereby declared  
2 passed. Senate Bill 26, Representative Feigenholtz. Please  
3 read the Bill."

4 Clerk Bolin: "Senate Bill 26, a Bill for an Act concerning public  
5 aid. Second... the Bill's on the Order of Senate Bills-Third  
6 Reading."

7 Speaker Lang: "Mr. Clerk, what is the status of this Bill?"

8 Clerk Bolin: "Senate Bill 26 is on Third Reading."

9 Speaker Lang: "Please move this back to the Order of Second  
10 Reading for an Amendment and read the Bill."

11 Clerk Bolin: "Senate Bill 26, a Bill for an Act concerning public  
12 aid. The Bill was read for a second time on a previous day.  
13 Amendment #1 was adopted in committee. Floor Amendment #3 is  
14 offered by Representative Feigenholtz."

15 Speaker Lang: "Representative Feigenholtz."

16 Feigenholtz: "Thank you, Mr. Speaker. Floor Amendment #3 is a  
17 technical cleanup Amendment. I'd be glad to answer any  
18 questions."

19 Speaker Lang: "Chair recognizes Mr. Reboletti on the Amendment."

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

21 Speaker Lang: "Please state your inquiry."

22 Reboletti: "What's the status of Floor Amendment #3?"

23 Speaker Lang: "Mr. Clerk."

24 Clerk Bolin: "Floor Amendment #3 has been approved for  
25 consideration."

26 Reboletti: "Thank you."

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

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1 Clerk Bolin: "No further Amendments have been approved for  
2 consideration. No further Amendments. No Motions are filed.  
3 All notes that have been requested have been filed."

4 Speaker Lang: "Third Reading. Mr. Clerk, please read Senate Bill  
5 26."

6 Clerk Bolin: "Senate Bill 26, a Bill for an Act concerning public  
7 aid. Third Reading of this Senate Bill."

8 Speaker Lang: "Representative Feigenholtz."

9 Feigenholtz: "Thank you, Mr. Speaker. Senate Bill 26 is a historic  
10 Bill. It is a Bill that will enable the Department of Health  
11 and Family Services to begin and op... and take advantage of an  
12 opportunity from the Affordable Care Act that will extend  
13 basic health care to people in this state who have  
14 historically been uninsured, childless adults between the  
15 ages of 18 and 64. The Bill is made up of five components:  
16 the Medicaid expansion Bill, the Medicaid reform, some SMART  
17 Act Amendments, provider-based managed care. There's a  
18 Section about nursing homes and specialized mental health  
19 reabation... rehabilitation facility. I'd be glad to answer any  
20 questions."

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

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

24 Speaker Lang: "Sponsor yields."

25 Reis: "Representative, is this better known as implementation of  
26 Obamacare in Illinois?"

27 Feigenholtz: "Some call it that, Representative."

28 Reis: "So, it could be construed as saying that, right?"

29 Feigenholtz: "I'm sorry?"

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1 Reis: "It could be taken that that's what it's doing, is it... it's  
2 implementing Obamacare in Illinois."

3 Feigenholtz: "It's the first piece."

4 Reis: "Actually, I thought we passed the first piece last year  
5 when we did it for Cook County."

6 Feigenholtz: "No."

7 Reis: "Okay. Whatever."

8 Feigenholtz: "That was a waiver to implement it."

9 Reis: "Whatever the case. So, in 2003 when... when Blagojevich took  
10 office, there was about 1.63 million people on Medicaid. Now,  
11 we're at 2.9 million and we're getting ready to add another  
12 500 thousand people. There are a number of states that are  
13 opting out of this because they can't afford it. We're adding  
14 500 thousand more people to our Medicaid rolls. We talk about  
15 the pension crisis in this state, pension crisis. We can't  
16 fund anything because we have a pension crisis. We have a  
17 public aid crisis. It's 54 percent of our budget. And now,  
18 we're getting ready to add what many conservative analysts  
19 think another billion and a half dollars to our state  
20 expenditures. How convenient. We do pension reforms so that  
21 we can pay for the implementation of Obamacare. So, we really  
22 didn't do anything to our fiscal challenges by passing pension  
23 reform, we just shifted it to something else. Now, once you  
24 opt in you can't opt out. This is something that we can take  
25 a look at this fall to see if, in fact, it's going to be  
26 implemented at the rate it's going to. I think there's other  
27 states that are sitting back and... and saying, holy cow. Even  
28 the Director Hamos said this is a train wreck. We don't know  
29 how we're going to afford this. So, I think it's ill-conceived

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1           that we're doing this right now. There's time to do it this  
2           fall, if that's the case. We can see what's happening at the  
3           federal level, but we are adding 500 thousand new people to  
4           Medicaid. We can't pay for what we have now, why would we add  
5           more? I would encourage a 'no' vote."

6 Speaker Lang: "Representative Bellock."

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

9 Speaker Lang: "Sponsor yields."

10 Bellock: "Thank you. Representative Feigenholtz, with this Act...  
11           I just want to make sure that the Body understands all the  
12           major other provisions before we start speaking of them that  
13           are in Amendment #1 to Senate Bill 26. Number 1), the Medicaid  
14           expansion; Number 2), the RUG issue with the nursing homes  
15           that I think a lot of people would like to support because  
16           they feel it's necessary to start basing care in nursing homes  
17           on acuity. Number 2), a major initiative on... with the  
18           hospitals that a lot of people would like to support and care  
19           about also is managed care and care coordination and making  
20           sure that our hospitals are okay in the transition of those  
21           and with the ACEs and everything that goes together with care  
22           coordination. Number 3), the SMURF Act, which is a major  
23           initiative regarding the IMDs in Illinois and how we treat...  
24           how we care for people with mental illness. And 4), another  
25           major part of the Act is the trailer Bill to the SMART Act  
26           and that incorporates a lot of... not a lot... but some important  
27           changes that a lot of people would like to have take place,  
28           also, especially those of us that cared about the medically  
29           fragile children, lifting that 500 percent. There are several

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1 issues in there regarding epilepsy, drugs. But the first that  
2 I'm going to speak to is the Medicaid expansion because I  
3 think that that is probably one of the most important changes  
4 in health care, not only in the State of Illinois, but in the  
5 entire United States. So, this day is probably one of the  
6 most important votes that you are ever going take in our state  
7 regarding the health care. So, I want to just clarify that  
8 all of us, I think our mission is to sustain the Medicaid  
9 program in Illinois. We spent a lot of time on addressing  
10 that issue last year. The Governor asked us to come in with  
11 \$2.6 billion in cuts in order to sustain that system. And  
12 still, as of July of this year, our Comptroller has told us  
13 we are going to again have seven and a half billion dollars'  
14 worth of bills. So, we want to address the Medicaid system  
15 and we want to provide the most fragile population in  
16 Illinois, we want to provide them a medical home with their  
17 own primary care physician. We want to provide them good  
18 access to health care and we want to provide them quality  
19 health care. What we're moving forward with now, I'm not sure  
20 that we're going to have that as the results that we would  
21 like to have. So, I'm going to ask you some questions on that.  
22 Do you find that under the U.S. Supreme Court decision the  
23 Medicaid expansion and the ACA Act is an optional expansion  
24 and there is no deadline for states as to whether they want  
25 to expand the eligibility and then we could opt in at any  
26 time?"

27 Feigenholtz: "Representative, are you asking me if this is  
28 optional?"

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1 Bellock: "Yes. If the expansion is optional and you can opt in at  
2 any time?"

3 Feigenholtz: "Yes."

4 Bellock: "Thank you. Okay. So..."

5 Feigenholtz: "I'd also like to add, Representative, that in early  
6 discussions, people had concerns that if the Federal  
7 Government ever dropped its commitment beneath 90 percent for  
8 the duration that we could opt out. We put that in the Bill  
9 as a safeguard. People should understand that it is in this  
10 Bill."

11 Bellock: "We've had that discussion before. I'm just going to  
12 touch on it because others who are speaking will also and I  
13 know that that's a topic of discussion in Washington right  
14 now, as we are here today. But what I can tell you after  
15 researching this for the last month that what I have found  
16 out is that even though Kathleen Sebelius, who's the head of  
17 HHS in Washington, has sent out a notification about this,  
18 the Supreme Court and all the other lawyers in Washington  
19 feel that in order to change that population, that would have  
20 to be changed under the Affordable Care Act by the United  
21 States Congress. The head of HHS cannot make a ruling on that  
22 by herself. So, the trigger in this Bill of opting out with  
23 those 500 thousand people I don't... Number 1), I don't think  
24 our Legislature would ever choose to take 500 thousand people  
25 off of health care in one day. And 2), I do not think the  
26 Federal Government would allow it and there has been several  
27 articles in major newspapers quoting that that will not be  
28 allowed."



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1 Feigenholtz: "Representative, I have a letter from Kathleen  
2 Sebelius stating that this is an optional program. I think  
3 that last year was a watershed year for Medicaid reform here  
4 in Illinois where we removed a lot of people who did not  
5 belong on Medicaid, were not eligible for Medicaid and that  
6 was never challenged. We took optional services off of our  
7 plans or modified them and we did not hear from the Federal  
8 Government about removing or cutting back on those services.  
9 So, I'm... I'm pretty convinced that it's a state's right issue  
10 and that we would be able to do this."

11 Bellock: "Well..."

12 Feigenholtz: "That's my understanding."

13 Bellock: "...I think when the Afford... when the Supreme Court made  
14 their decision last year, they said that they had found that  
15 there was coercion in that Bill, that you cannot mandate that  
16 all states take the Medicaid expansion and if they did not,  
17 they would have to give up their Medicaid population. The  
18 Supreme Court said that that is not... that that is coercion  
19 and that we would not be allowed to do that. And I do think  
20 that Kathleen Sebelius, even though she is the head of HHS,  
21 that others have said that that law would have to be changed,  
22 that right now, that would be considered a mandatory  
23 population and I wouldn't classify that as what we did last  
24 year in the SMART Act. But moving on to what you said, when  
25 we did do the SMART Act, one of the major compromises we had  
26 in the SMART Act when we brought forward the Obamacare in the  
27 Cook County hospital, the other part of that Bill was to have  
28 the moratorium on Medicaid because we realized at the time,  
29 all of us almost unanimously in this Legislature, agreed that

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1 we were having a hard time. We had \$3 million... I'm sorry... \$3  
2 billion still of unpaid Medicaid bills..."

3 Feigenholtz: "Representative, I don't think that any of us  
4 predicted the Supreme Court decision on that and it was always  
5 presumed that this would be the first phase of the Affordable  
6 Care Act."

7 Bellock: "...but that figure, when the Governor asked us to cut  
8 \$2.6 billion, that figure said that we had, at the time, \$3  
9 billion of unpaid Medicaid bills and we were going to try to  
10 address that issue. So, we were putting a moratorium on all  
11 expansion of Medicaid programs in Illinois until we could get  
12 our costs under control. I think all parties agreed to that  
13 almost unanimously in the House, in the Senate, and the  
14 Governor signed the Bill. Isn't that correct, Representative  
15 Feigenholtz?"

16 Feigenholtz: "I'm sorry, Representative. I was speaking to  
17 Representative... another Representative. I... could you just  
18 repeat the..."

19 Bellock: "That's okay."

20 Feigenholtz: "I apologize."

21 Bellock: "I'm just going to reiterate for everybody in the Body  
22 that less than 12 months ago, in order to address our  
23 unsustainable Medicaid program, we all voted that we would  
24 pay off \$2.6 billion worth of bills. And in one of those laws,  
25 we said that in order to have Obamacare, what we considered...  
26 a lot of us disagreed with it... to bring that forward for Cook  
27 County. In that same Bill, we all vote... or the majority voted  
28 for a moratorium in Illinois until 2015 on any expansion of  
29 Medicaid programs because we wanted to sustain the system,

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1 provide care to those who need it and pay our providers who  
2 were six months to nine months behind in getting paid. Isn't  
3 that correct?"

4 Feigenholtz: "Representative, it is correct and I think we were  
5 preparing ourselves for a population of people who live in  
6 Illinois who were uninsured, who we already pay for in other  
7 parts of our budget. You and I have discussed this. We've  
8 experienced it, we've seen it. And ultimately, this is really  
9 kind of shifting people out of emergency rooms to finally  
10 have a medical home. One of the things people have to know  
11 about this effort is that family physicians are going to get,  
12 for the first two years, a Medicare rate on... on this  
13 population to bring more physicians into care for people who  
14 need it and... and to fi... help them find medical homes to keep  
15 them out of hospital emergency rooms. I mean, I think that  
16 that is really where the driving costs have been. You and I  
17 know this. We are paying for this out of our prison lines,  
18 our county jail lines, our local government lines. We have  
19 never gotten one dime of Medicaid match..."

20 Bellock: "Mr. Speaker, I would ask for order in the chamber,  
21 please."

22 Speaker Lang: "Representative, I will give you order. However,  
23 it's time for you to close your remarks, you've been speaking  
24 for quite a while. So, please proceed and... please proceed  
25 with your comments."

26 Bellock: "Okay. Thank you. All right. I'm going to go on to a few  
27 more other questions that we have. But what my point was,  
28 Representative Feigenholtz, is that I feel that this is going  
29 totally back on the... what we put in place last year on the

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1 moratorium until 2015. So, what do you think is the total  
2 cost over the next five years of the Medicaid expansion in  
3 Illinois?"

4 Feigenholtz: "Representative, I just... for a point of  
5 clarification, I want you to understand that the moratorium  
6 was voted on before the Supreme Court decision. So, there  
7 were those of us who predicated this was in before that  
8 moratorium. Okay?"

9 Bellock: "I understand that, Representative, but that is the State  
10 Law, whether it occurred before or after the Supreme Court  
11 decision. The law of the land in Illinois right now is a  
12 moratorium on expansion of Medicaid."

13 Feigenholtz: "Representative, I'm going to answer the question  
14 about cost."

15 Bellock: "Okay."

16 Feigenholtz: "We are poised to get somewhere between... for five  
17 years, it's... we'll be getting \$9 billion from the Federal  
18 Government and it will cost us 200 million."

19 Bellock: "I think the cost by the Kaiser Foundation is not..."

20 Feigenholtz: "But it's a cost... it's a cost shift. It saves us 500  
21 million in our current state-only programs where we put  
22 general revenue out and don't get any money back. We are  
23 finally going to get match and it's going to be matched dollar  
24 for dollar for three years."

25 Bellock: "It's... the uncertainty of this Bill is the major concern  
26 of a lot of people, Representative Feigenholtz, the  
27 uncertainty of the cost. The Kaiser Foundation has said it  
28 will cost the state \$1.5 billion over the next few years, but  
29 the major concern here is if that rate changes. And I have

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1 right here, and I know that you... the uncertainty right here  
2 is that President Obama, in his budget of 2013, already  
3 suggested that there be a change in the rate after the three  
4 years. On page 169 in the Government Federal Budget, they  
5 have that they will change that rate to a blended rate. So,  
6 what the Kaiser Foundation has said.."

7 Feigenholtz: "Representative, they've taken that off the table.  
8 That has been very clearly recently taken off the table. That  
9 is no longer being considered."

10 Bellock: "I acknowledge that it's taken off the table right now,  
11 Representative Feigenholtz, but what about in the future?  
12 This program... I would like everybody to listen. This program  
13 is costing the United States tax dollar \$985 billion. The  
14 Federal Government right now has a \$16 trillion debt. The  
15 debt ceiling talks, which were supposed to have happened in  
16 March, have been pushed off to September. And Paul Volcker,  
17 who's the head of the SEC, Paul Ryan, who's the head budgeteer  
18 for the House of Representatives, both have said that every  
19 proposal in the debt ceiling talks is going to have a change  
20 in the rate and make it a blended rate. The Kaiser Foundation  
21 has said if we go to a blended rate, that will cost the State  
22 of Illinois \$6.5 billion, \$6.5 billion. So, the uncertainty  
23 here is huge. When we're looking at the State of Illinois  
24 having the worst bond rating in the United States, we have to  
25 get on a better fiscal footing. That's our concern, is the  
26 uncertainty. How many numbers, Representative Feigenholtz, do  
27 you think are going to be in the newly eligibles?"

28 Feigenholtz: "Representative, first of all, our Medicaid rates  
29 have never been lower. And you asked me what?"

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1 Bellock: "What are the numbers that are predicted to be on the  
2 newly eligibles that we're basing..."

3 Feigenholtz: "Three hundred and forty-two thousand."

4 Bellock: "Okay. The Kaiser Foundation, which is a nationally known  
5 organization, has projected at least 500 thousand in the new."

6 Feigenholtz: "So... so, Representative, I can answer that. The... the  
7 difference in the number is essentially people who are  
8 currently already Medicaid eligible, but they are not  
9 enrolled. Let's keep in mind that on January 1 and beginning  
10 in this October, everyone will be eligible for health care,  
11 whether it be Medicaid or to purchase on the exchange. So,  
12 people are going to go to the insurance portal whether they're  
13 Medicaid eligible or they're going to purchase health  
14 insurance. But we do have a significant mon... number of people  
15 in Illinois who shou... who are currently eligible but not yet  
16 enrolled."

17 Bellock: "Representative Feigenholtz, I don't think that our rates  
18 are lower. I want to say that, right now, as far as the  
19 numbers go, an honest figure which the head of HFS used for  
20 the three years prior to this was 700 thousand people would  
21 be going on to the new expansion. If you want to change that  
22 down to 325, you can do that but there are several national  
23 organizations that have predicted 500 thousand in the new  
24 eligible at 100 percent. But in the woodwork population, which  
25 comes on at 50 percent, they're saying at least 180 thousand  
26 more. So, whatever you're talking about, it's at least between  
27 500 thousand and 700 thousand new people coming on into the  
28 Medicaid system of which we have right now 2.7 million people  
29 on already. That is a huge expansion. I think it is the most

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1 major expansion of Medicaid ever in the State of Illinois.  
2 When the Federal Government puts this in, are they able to  
3 put a new maintenance of effort on to us?"

4 Feigenholtz: "No, they are not."

5 Bellock: "That's in law? I don't think so. They put a maintenance  
6 of effort on to us a couple of years ago and that's restricted  
7 us from making some of the major changes in the SMART Act  
8 that we wanted to do."

9 Feigenholtz: "Representative, that would actually take an act of  
10 Congress. I mean..."

11 Bellock: "To implement a MOE?"

12 Feigenholtz: "...a Bill would have to pass to do it, yes."

13 Bellock: "Okay. I know there are other people that want to speak  
14 to this issue. So, I'm going to wrap up this part of it and  
15 talk about, just briefly, the uncertainty. All of us want to  
16 see this population served with a medical home, a primary  
17 care physician, good access to quality health care, but with  
18 all the uncertainties here, number 1), how much is this really  
19 going to cost the State of Illinois? Is it going to be \$1.5  
20 billion which the Kaiser Foundation has said or is it going  
21 to be \$6.5 billion? There's a major uncertainty there. Are  
22 the rates going to change after three years? We think so. The  
23 President already suggested that. He has changed the payments  
24 for hospitals, the DSH payments have already been changed.  
25 They were going to be cut, now they've been put back in.  
26 Initially, you could have partial expansion, now Kathleen  
27 Sebelius has changed that. It has to be all or nothing. There  
28 have been several changes in the last six months and we all,  
29 including Paul Volcker, who is the head of the SEC, who knows

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1 more about finances in the United States than probably any  
2 individual, he is totally opposed to the expansion. He has  
3 said that every proposal in the debt ceiling talks, because  
4 we're at a \$16 trillion debt, will definitely have a change  
5 in the rate. The administrative costs, nobody has been able  
6 to answer what the administrative costs. The new hires, we're  
7 hiring 600 new people, but right now in your local public aid  
8 office, like in mine, we have 2500 clients to one case  
9 manager. Twenty-five hundred clients of needy people who need  
10 services and there is one case manager. That's with 2.5  
11 million people on Medicaid. When you expand that another 500  
12 thousand to 700 thousand, are we going to go to 5 thousand  
13 people needing services by one case manager? We can't even  
14 get a phone call through to our public aid office. The phones  
15 are not answered because they can't... they do not have the  
16 time to answer them. I am asking all of you to think of how  
17 serious this expansion is. We know we want to serve people,  
18 but we also have to look at the status of the financial  
19 ability in the State of Illinois. I ask you to defer this  
20 decision. We do not have to make this decision now. We can  
21 make this decision in Veto Session or we can make it in next  
22 spring Session after the debt ceiling talks have taken place  
23 and we have more certainty as to what the figures are going  
24 to be and how this will affect the State of Illinois. I ask  
25 you to vote 'no' on this expansion at this time 'til we have  
26 more certainty in our facts and figures and the negative  
27 impact on a state that is near financial insolvency now."

28 Speaker Lang: "Representative Flowers."

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



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1 Speaker Lang: "Lady yields."

2 Flowers: "Representative, I want to preface my remarks by saying  
3 what I have said quite a few times, that I do support Medicaid  
4 expansion. I have supported it throughout my political career  
5 and I think the problems that we're having today is because  
6 we did not ever, in the State of Illinois, have coordinated  
7 and integrated care. That's the reason why it's easy for  
8 people to throw numbers around and talk about what all hasn't  
9 been paid, what all hasn't been done. The reason why it hasn't  
10 been paid and hasn't been done because there has never been  
11 any coordinated care. We've allowed people on Medicaid to go  
12 to any emergency room that they wanted to because we figure  
13 we wasn't paying the bill and it would never catch up with  
14 us. We allowed people to go to various doctors for various  
15 prescription, no one was watching, no one cared. We hired who  
16 we wanted to. We gave contracts to who we wanted to. The  
17 hospitals charged what they wanted to. The doctors did what  
18 they wanted to. And everybody did their own thing and as a  
19 result, we had the problems that we have today. And who got  
20 the short end of the stick? It was the people on Medicaid. It  
21 was the children that suffered. It was the poor people of the  
22 State of Illinois that has suffered because there has never  
23 been coordinated care. Now, if you're really responsible and  
24 if you really care about the children, if you really care  
25 about the bills being paid, you would make sure that this  
26 Bill is done right and the proper care is in place. And I  
27 would like to begin with saying that this change that we are  
28 about to embark upon will give the State of Illinois the  
29 health care and the delivery that the people well deserve

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1           because we are talking about human beings here. These people  
2           that we're talking about, they're human, they have children,  
3           they have families and they have lost their lives because of  
4           the games that we have been playing throughout the years. In  
5           regards to the moratorium, I didn't support that. In regards  
6           to the SMART Act, I did not support that because none of those  
7           entities would have done a dog-gone thing to bring continuity,  
8           integration and coordinated care into this conversation.  
9           Representative, I have talked to you on numerous of occasions  
10          about some concerns that I have with this Bill. And the list  
11          that was passed out today at a meeting that we had I would  
12          like to ask you some questions. On the list that you passed  
13          out, the top of the list, it says restore adult dental. Can  
14          you explain to me what restore adult dental means? And before  
15          you answer that question, I want to also bring to your  
16          attention that in regards to dental for pregnant women has  
17          also... is already in the Bill. So, explain to me what do you  
18          mean by restore adult dental?"

19 Feigenholtz: "Are you talking, Representative, about what's in  
20          the Bill right now?"

21 Flowers: "Yes. This is what was passed out today at the meeting  
22          and under subtotal..."

23 Feigenholtz: "So, Representative, currently in the Bill, this  
24          Bill actually clarifies that dental procedures are... the  
25          following dental procedures are covered. Services necessary  
26          for... for other medical procedure such as transplant,  
27          extractions and dentures for diabetes or individuals with  
28          cancer and services necessary for the health of pregnant  
29          women."

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1 Flowers: "So... well, pregnant women is another line item, so that's  
2 where my confusion came in. So, would you like to explain the  
3 second line that says pregnant adult women? So, is this the  
4 same?"

5 Feigenholtz: "Representative, the specific definition, I believe,  
6 in this is that this does not provide for preventative  
7 dentistry, but it does provide for emergency..."

8 Flowers: "So, Representative..."

9 Feigenholtz: "...to prevent an emergency, I'm sorry."

10 Flowers: "Okay. Representative..."

11 Feigenholtz: "It's broad."

12 Flowers: "...it goes... The Bill is flawed. The Bill is flawed because  
13 if we cannot have regular dental care, the conversation that  
14 I just... the conversation that was had on the other side of  
15 the aisle about the cost and the uncoordinated care because  
16 people will continue to go to the emergency room. So, we're  
17 defeating our purpose."

18 Feigenholtz: "I... Representative..."

19 Flowers: "It costs \$6 thousand to go to the emergency room and it  
20 costs less than \$600 to have a doctor's visit. So, where and  
21 how will this matter be addressed?"

22 Feigenholtz: "Representative, in this Bill, although it isn't a  
23 complete restoration of dental, which is a \$40 million cost,  
24 it does begin... it does double what... what we currently are  
25 doing and provide \$15 million worth of care to people under  
26 those provisions. Also, for the entities that are providing  
27 care through the CCEs and some of the other managed care...  
28 managed care pilots that are in the state, many of them are  
29 providing dental care if the physicians feel..."

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1 Flowers: "But for those who are not, Representative... once again,  
2 for those who are not, and I am not trying to be difficult,  
3 I'm very serious about this. People are dying. They are... they  
4 have aches and pains because of something as simple as dental  
5 and we've had all of this debate about access to health care.  
6 What part of dental hygiene or dentistry or access to dental  
7 can I carve out from the rest of my body to say that this  
8 pain cannot be covered under health care? And why is it that  
9 we are finding emergency... I'm sorry... finding medical homes  
10 for ordinary care, but we cannot find medical homes for  
11 dentures or for dentists?"

12 Feigenholtz: "Representative, like I said, one of the nice things  
13 that I heard recently is that some of these CCEs and managed  
14 care entities are providing this service because they view  
15 this holistically. They also are, like you, thinking about a  
16 person as a whole."

17 Flowers: "Well..."

18 Feigenholtz: "I... I certainly agree with you that the elimination  
19 of dental completely was probably the most egregious thing in  
20 the SMART Act and commit to working with you to completely  
21 restore it. Unfortunately, we're not able to do it, but we  
22 have doubled it in this Bill. We have doubled it and I ask  
23 you to try and think to not make perfect the enemy of good."

24 Flowers: "And... and Representative, that's exactly my intention.  
25 But I have to also have it understood, for the record, just  
26 how I feel about this. And when you... I've heard some people  
27 mention about the FQHCs. The FQHCs are not being provided the  
28 necessary services that is needed in order to do the job  
29 that's going to be expected of them. FQHCs have been thrown

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1 around like they're the be all to the end all, that they're  
2 going to service all the gaps where, for instance, like in my  
3 district, there are FQHCs, there are no clinics, there are no  
4 hospitals, there are no access to health care, there are no  
5 dentists. So, what is it... what type of access to health care  
6 will the people in my district have for... and on the west side  
7 of the City of Chicago?"

8 Feigenholtz: "Representative, the..."

9 Flowers: "What type of services will they be getting?"

10 Feigenholtz: "...the Affordable Care Act and the expansion is... is  
11 really focused on... the people who will benefit the most from  
12 this are community providers who are taking care of the  
13 uninsured and the underinsured."

14 Flowers: "And that's..."

15 Feigenholtz: "This... this is an infusion of dollars to those very  
16 providers who have not had any kind of support from the  
17 Federal Government for taking care of these people. And  
18 hopefully, with the infusion of these resources, there will  
19 be a much more robust opportunity for them to provide what  
20 you are... what you are not... what you claim does not exist in  
21 your district."

22 Flowers: "Well, I just wanted to bring to your attention that a  
23 lot of the... the FQHCs are reducing their dental staff and  
24 their providers are leaving because of the lack of  
25 reimbursement and of... they are begging for private donations  
26 just to keep their doors open. But let me just move on. What  
27 about dentures and partials?"

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1 Feigenholtz: "In... in the provision in the Amendment,  
2 Representative, if you have cancer, if you're diabetic or you  
3 need a transplant, you are eligible. Right now, you're not."

4 Flowers: "And so, once again... I want to go back to the Affordable  
5 Care Act, Representative, because it's going to be the  
6 doctor's responsibility and the hospitals, they are going to  
7 be paid based on outcomes. They are going to be penalized  
8 based on readmissions. And so, if the doctors do all that  
9 they can and the hospitals do all that they can to prevent  
10 people from coming back to the hospitals and then when, the  
11 end of their contract, they're going to be looked upon in a  
12 negative manner because they have... did what they were supposed  
13 to do, but because their patient did not have access to  
14 dentures in order to digest their food properly and so it  
15 caused the stomach or the other ailments to expand and get  
16 worse and force them to go to the emergency room. What savings  
17 is there going to be?"

18 Feigenholtz: "Representative, all I know is, is that Senate Bill  
19 26 improves that. It... it is better than what we have."

20 Flowers: "Of course, Representative. If you have nothing and then  
21 you get a little something, it is a little better, but the  
22 fact of the matter is that this is supposed to be access to  
23 health care. This is a mandate. This is not something that  
24 people have a choice in. And so, my question to you, what are  
25 the poor people of the State of Illinois is supposed to do  
26 since some of them, if they, God forbid, if they were to ever  
27 get a job, get off Medicaid and go on to the exchange to get  
28 the health care, what are they supposed to do? How do they  
29 have a quality of life? How do they have... how do they digest

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1           their food? How do they articulate it and are able to talk  
2           when they have no teeth and are constantly in pain?"

3 Feigenholtz:   "Representative, as I said earlier, we're hoping  
4           that this whole transformation of health care and the infusion  
5           of this money, the whole reorganizing of health care in this  
6           country and in this state is going to provide better access  
7           simply by virtue of a new model that we're bringing to this  
8           state."

9 Flowers:       "Well, if the new model is absent something that is  
10           necessary in regards to health care and that is dentistry,  
11           and for instance, are we going to fund the universities... are  
12           we going to fund the University of Illinois in order for the  
13           College of Dentistry to keep its doors open so the poor people  
14           can continue? And then there's a school downstate, the SIU  
15           School of Dental... Medicine, are we going to continue to fund  
16           those schools?"

17 Feigenholtz:   "Rep..."

18 Flowers:       "So, at least if the poor people cannot get that type  
19           of... from their... that health care from the hospitals or the  
20           doctors, they will be able to go to a dental school since a  
21           medical doctor is not a dentist."

22 Feigenholtz:   "Representative, if you look in the Bill... I'm glad  
23           you talked about education... we are restoring EAM, Excellence  
24           in Academic Medicine, which was... we're going to be utilizing,  
25           through some creative methods, university dollars for  
26           teaching hospitals so that we... we can increase payments to  
27           them by \$27 million. Many of these hospitals... none of this is  
28           General Revenue by the way... many of these hospitals provide  
29           these services to people in our community."

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1 Flowers: "So, once again, just for the record, I need to ask  
2 specifically about SIU School of Dentistry as well as UIC  
3 School of Dentistry. Will the moneys be restored to keep those  
4 doors open so we can have those students constantly coming in  
5 to work on these students because we do like access to  
6 dentistry?"

7 Feigenholtz: "If that university is an academic medical school..."

8 Flowers: "They are."

9 Feigenholtz: "...the answer would be yes."

10 Flowers: "And... and can you please elaborate on the access to  
11 psychotropic drugs?"

12 Feigenholtz: "Currently, in this particular Bill, there is an  
13 exemption for anticonvulsants only for epilepsy treatment,  
14 not any other off-label treatment, only for epilepsy."

15 Flowers: "So, why is it that you think there needs to be only the  
16 exceptions for epilepsy when there are other issues out there  
17 that are medically necessary and the doctors, considering  
18 we're... once again, we're talking about a health care Bill?  
19 You know, this is not about health care and family services.  
20 Where is it that... it's like a nanny state, you have to go and  
21 get permission first. The doctors and the hospitals are the  
22 ultimate providers. They're the ones that supposed to be  
23 offering and coordinating this care. Why is it that it's being  
24 impede by an administrative office?"

25 Feigenholtz: "Representative, I... I think you're refer... referring  
26 to something we did last year that was actually given a very  
27 wrong name, which was the four-drug limit. The fact of the  
28 matter is, is that we are enlisting the help of pharmaceutical  
29 specialists who are reevaluating drug protocols that doctors



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1 are giving to patients to make sure that they're not taking  
2 too many drugs that are contraindicated. Ultimately, once  
3 that is done, that... that list goes down dramatically. Most of  
4 the appeals are... 81 percent of them are satisfied and if you  
5 want to continue to talk, as many of us are also very  
6 interested and share the same concerns you do, we... I saw your  
7 Amendment. I think with a few minor tweaks, so that we're  
8 specifically addressing certain things, that there may be a  
9 possibility that we could accomplish that at no or low... a low  
10 cost or no cost. But at this point, it really only takes 30  
11 minutes for prior approval for a doctor to... to get a response  
12 about this and the system seems to be working relatively well.  
13 Also, many, if not all, patients receive a three-day  
14 prescription to get them through a weekend, if that's what  
15 the issue is, so that we can reconnect with them on a workday.  
16 So, it's actually been a very productive exercise. It's not  
17 perfect and we are trying to get all the squeaks out, but in  
18 the meantime, we've been able to address patient safety,  
19 toxicity issues and save money all at once."

20 Flowers: "Well, Representative, I appreciate what it is, the hard  
21 work and the efforts that you put into this Bill. But I just  
22 wanted to remind you that one of the first things that the  
23 Affordable Care Act did was to implement the IT in regards to  
24 Internet technology to make sure that the... the people that's  
25 been floating around trying to get various prescriptions from  
26 various doctors, so those items should be in place. So, we  
27 should not have the problems in which you just articulated  
28 because everything should be on the Internet now. So, once  
29 again, I think we should leave that in the hands of the

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1 doctors. But let me just go back to a letter that I received  
2 from Dr. Cantor; he is with the Easter Seal Dental program.  
3 And basically, he said without the dental benefits, the few  
4 hospitals that had accepted our patients for treatment under  
5 general anesthesia will only accept the patients in emergency  
6 situations. This create a bottleneck and causes our needy  
7 patients to suffer for weeks and many times months before  
8 they can receive any care... before they can receive any  
9 required care. It makes a lot more sense to remove or find a  
10 patient badly decayed teeth before the pain and infection  
11 sets in. It is not only more humane but probably more cost-  
12 effective, since it cuts down on very costly emergency room  
13 visits, which only postpone the need for definitive dental  
14 care. And it goes on to say, if this Bill were to pass without  
15 the necessary dental protection, it'll... it will increase  
16 psychiatric hospitalization because a lot of these nonverbal  
17 patients are being given psychotropic drugs because of their  
18 behavior when all they really needed was a little dentist to  
19 ease the pain of a toothache. So, I need... I needed to stress  
20 that to you so you can better understand the importance. There  
21 are some nonverbal people who are disabled. They are in pain  
22 because they need a tooth extracted. And instead of going to  
23 the dentist, they are being given psychotropic drugs.  
24 Representative, I don't think that is the intent of what it  
25 is that you're trying to do. And I know that it is more  
26 important for me to focus in on the 500 to 800 thousand people  
27 who will benefit under this legislation. But if we don't do  
28 it right this time, we will continue to hear the conversation  
29 from the other side of the aisle in regards to what we can

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1 afford, how much it costs, how much we owe the providers,  
2 what all we haven't done. And it will still be the people who  
3 will get the short end of the stick because we haven't hired  
4 more doctors, more providers. We haven't even began to put  
5 these people on any type of Medicaid list, so when January  
6 the 1st come in, they're able to go to the doctors. We are  
7 behind the eight ball on this issue. So, I would appreciate  
8 that something be done on this behalf... on behalf of the people  
9 of the State of Illinois, poor people of the State of Illinois  
10 because I do have faith in the State of Illinois. I do know  
11 that because of a job that's going to be created there will  
12 be rev... more revenue coming in and we will continue to be  
13 able to pay our bills. I have that kind of faith in this state  
14 and I wish you all had the same because if you did, we would  
15 have dental care in this Bill. Thank you very much."

16 Speaker Turner: "Representative Turner in the Chair. David  
17 Harris."

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

19 Speaker Turner: "The Sponsor will yield."

20 Harris, D.: "Representative, how... Amendment #1... Representative,  
21 Amendment #1, how long is that Amendment? How many pages?"

22 Feigenholtz: "Six hundred and eighty-three pages."

23 Harris, D.: "Six hundred and thirty-three? I counted 635 but I..."

24 Feigenholtz: "Eight three, 6-8-3."

25 Harris, D.: "Oh, 683. Oh, 683 pages. Okay. You and I had a  
26 discussion and I understand the... the logic of Medicaid. You  
27 and I had a discussion that for some of the services which  
28 are currently being provided and we are not receiving  
29 reimbursement, we would receive reimbursement for those

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1 services if this population was expanded. And I believe you  
2 told me that the... the figure was roughly 105 or 110 million  
3 dollars. Is that correct?"

4 Feigenholtz: "We have \$114 million, I believe, in capacity grants  
5 in the mental health budget, much of which are services that  
6 will be matchable depending on how many people are accessing  
7 specific services in this new eligible population. Not all  
8 services, some."

9 Harris, D.: "Right, right and... but those people who would... the  
10 services that are currently being provided are at the Medicaid  
11 rate of 50 percent right now, correct?"

12 Feigenholtz: "Correct."

13 Harris, D.: "And they would be matched so, potentially it could  
14 be 110, 120 million dollars?"

15 Feigenholtz: "Those are for currently eligible."

16 Harris, D.: "Right."

17 Feigenholtz: "But for the newly eligible, it will be 100 percent  
18 matchable."

19 Harris, D.: "Oh, I understand that, for the newly eligible. Let  
20 me go for a second and the numbers are important here and I  
21 know that the... the Gentlewoman from Cook who spoke before me  
22 said we throw numbers around, but numbers are important here.  
23 What does HFS anticipate by way of new enrollees, the number  
24 of new enrollees?"

25 Feigenholtz: "Three hundred and forty-two thousand."

26 Harris, D.: "Okay. And what about... because of the publicity that's  
27 coming around because of the new enrollees, there's an  
28 expectation that individuals who are now currently eligible

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1 would sign up even though they had not signed up already. Do  
2 we have an estimate of... of how many that involves?"

3 Feigenholtz: "Well, I believe a previous speaker inflated 342 to  
4 500. My response was that these are people who are already  
5 eligible for Medicaid, Representative Harris, but have yet to  
6 apply because they're generally in good health."

7 Harris, D.: "Right."

8 Feigenholtz: "And let's not forget that, you know..."

9 Harris, D.: "Do we have... do we have an estimate of how many there  
10 might be? How... how large that population is?"

11 Feigenholtz: "About 140 thousand is a rough estimate, currently  
12 eligible. We... There's... there's actually no way we could avoid  
13 them. They could be enrolling right now."

14 Harris, D.: "I... I understand. They could be. And I know that...  
15 that there's lots of sources for information about this, but  
16 let me turn to the numbers for a second. And it's not a  
17 question that we don't want to provide health care to those  
18 individuals who don't... we don't... it's not that we don't want  
19 to provide health care to individuals who truly need health  
20 care. That's not the issue. And I understand that we stand to  
21 gain as much as \$12 billion from the Federal Government if we  
22 enroll these individuals. Is that correct?"

23 Feigenholtz: "Yes."

24 Harris, D.: "That's a big number, \$12..."

25 Feigenholtz: "Big, big, big, big."

26 Harris, D.: "...billion. Big number."

27 Feigenholtz: "Really big."

28 Harris, D.: "But Ladies and Gentlemen of the House, let's look at  
29 some specifics of those numbers and I quote here from the

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1 Civic Federation of Chicago in their recent study of the State  
2 of Illinois recommended operating budgets for... operating  
3 capital budgets, their analysis and recommendations for FY14.  
4 The Lady answered the questions right on target as to the  
5 term of what the Civic Federation suggested. However, what  
6 are the dollars and cents implications of those numbers? If  
7 we add 342 thousand individuals to Medicaid, as she said we  
8 probably would, after that 100 percent federal reimbursement  
9 expires, we are going to add \$573 million to our budget  
10 responsibilities, \$573 million. That's a half a billion  
11 dollars or slightly more. About the new population that she  
12 talked about, the 142, a slight difference from the... the Civic  
13 Federation. They reco... they thought it would more along on  
14 the order of 168 thousand individuals. What are those 168  
15 thousand individuals going to cost the State of Illinois?  
16 According to the Civic Federation, the cost would be \$1.2  
17 billion. You add 1.2 billion to 500 million and you get 1...  
18 roughly \$1.8 billion. Ladies and Gentlemen of the House, we  
19 owe, what, 5 or 6 billion? Fortunately, we had an influx of...  
20 of good dollars in April so we reduced our back bills from 8  
21 to 9 billion down to 5 or 6 billion, but they're going to go  
22 back up again. We owe 5 to 6 billion dollars in back bills.  
23 We're putting an additional \$1 billion into the pension funds  
24 for this year, a \$1 billion increase. We've told our  
25 Appropriations Committees to hold the line. You can't spend  
26 any more because we don't have the dollars to give the  
27 operating budgets for those agencies and departments, the  
28 money that they need. And guess what? Next year, next year  
29 when we come back here and try to do the budget for FY15,

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1           what's looming right in the face? A tax decrease. The tax  
2           rate decreases from 5 percent, as we know, from 5 percent to  
3           3.75, which reduces our revenue roughly 3 billion or slightly  
4           more than \$3 billion. Having said all that, with all our  
5           financial problems, with the fact that our revenue next year  
6           could be substantially less than what it is this year, we are  
7           about to take an action which is going to add 1.8, \$1.8  
8           billion to our state budget. Those are dollars, folks, we  
9           simply do not have. This isn't a case of not caring about  
10          people who need health care. This is a case of us being  
11          responsible Legislators. We have the duty to craft a budget  
12          that puts this state on a found.. sound financial footing.  
13          This Bill does not do that. This Bill weakens our financial  
14          footing. This Bill puts us again in a financially precarious  
15          situation. As much as we'd like to provide the health care,  
16          as much as the fact that the Federal Government is going to  
17          reimburse us for the first three years, the other numbers out  
18          there aren't good ones. The other numbers don't add up  
19          beneficially for us. The other numbers cause us more problems  
20          next year and the years out. That's the difficulty with the  
21          Bill. It's not just a health care Bill. Six hundred and  
22          thirty-eight pages... 680 pages, we can all find something we  
23          like, we can all find something we dislike. The bottom line  
24          here is the dollars and cents involved. And as responsible  
25          Legislators, I think it is irresponsible to vote in favor of  
26          this Bill and I recommend a 'no' vote."

27 Speaker Turner: "Thank you. Members, I know we're in the middle  
28          of a very important debate, but with leave from the Body, I'd  
29          like to take a moment just to recognize our great U.S. Senator

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1 here in the chamber with us, Dick Durbin. Thank you very much.  
2 Representative Sullivan."

3 Sullivan: "Okay, well, we'll see if we get this in. Thank you,  
4 Mr. Speaker. Will the Sponsor yield?"

5 Speaker Turner: "Sponsor will yield."

6 Sullivan: "Leader Feigenholtz, a year ago today on the House Floor  
7 we talked about a Bill that would scale back our Medicaid  
8 program that even the Governor described as on the brink of  
9 collapse, if you will. And House Republicans have been warning  
10 about this for years. In a bipartisan manner, we crafted a  
11 Bill. That was the SMART Act, was it not?"

12 Feigenholtz: "Yes, it was."

13 Sullivan: "In that Bill we were trying to get our House in order.  
14 One of the major components of that Bill was to scrub the  
15 Medicaid rolls to ensure that we have those who are eligible  
16 for Medicaid were the ones that we were paying for. Is that  
17 correct?"

18 Feigenholtz: "Yes."

19 Sullivan: "Last week, the Department of Healthcare and Family  
20 Services summary report, Maximus, the private company we  
21 hired to scrub the rolls recommended approximately 48  
22 thousand cases be canceled out of the 73 thousand they  
23 reviewed. Is that correct?"

24 Feigenholtz: "Representative, I am having a very tough time  
25 hearing you."

26 Sullivan: "I can speak louder."

27 Feigenholtz: "Thank you."

28 Sullivan: "So, last week the Department of Healthcare and Family  
29 Services had a summary report out on the private company,



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1 Maximus. And in that, they... to scrub the rolls, they  
2 recommended approximately 48 thousand cases to be canceled  
3 out of 73 thousand that they reviewed. Is that correct?"

4 Feigenholtz: "I knew that that number continues to change,  
5 Representative, and remember, it... it was a bipartisan  
6 decision to..."

7 Sullivan: "Certainly."

8 Feigenholtz: "...to do this. So... but I believe that they're doing  
9 a lot of hard work and that people who are ineligible for  
10 Medicaid are being removed from the rolls."

11 Sullivan: "Did you read the report that was put out by the  
12 Department of Family Services last week? I'm assuming you  
13 did. So, this is directly out of the report, is that correct?"

14 Feigenholtz: "Why don't you remind me what I read?"

15 Sullivan: "Okay. Well, I'm trying to build a discussion based off  
16 a report on something that you passed and I give you credit  
17 for, that we helped support, on Medicaid scrubbing that hasn't  
18 been done."

19 Feigenholtz: "Well, Representative, this is a little bit  
20 different. I... I think that we're Legislators and we can  
21 actually do more than one thing at a time, especially when  
22 the opportunity of putting uninsured adults... when we... for 100  
23 percent of federal support and finally take the burden off of  
24 our community providers, our hospitals, our FQHCs, our  
25 emergency rooms, et cetera. You need to know that the first  
26 three years there is no cost to the State of Illinois."

27 Sullivan: "Certainly."

28 Feigenholtz: "So, I... I'm... and the simple fact that we do have an  
29 eligibility system in place. It may not be perfect. I know

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1           that they're working on this to get it right. We're going to  
2           have an opportunity to reap a lot of federal support and it's  
3           something this state has needed for many, many years."

4 Sullivan:   "Representative, getting back to the point that I'm  
5           trying to make on scrubbing the Medicaid rolls, how much do  
6           you believe was built into the FY13 budget on the savings we  
7           should have had if we would have had the scrubbing done from  
8           day one?"

9 Feigenholtz: "It's been brought to my attention that we missed  
10           liability by \$77 million, but not a penny more."

11 Sullivan:   "Okay. So... so, we built... we built \$350 million into the  
12           budget. Correct? And you believe that we didn't make it..."

13 Feigenholtz: "There were other savings that made up for that,  
14           Representative."

15 Sullivan:   "Well, no, I believe that the Medicaid scrubbing portion  
16           was \$350 million alone."

17 Feigenholtz: "There were other elements of the SMART Act that  
18           achieved significantly larger savings than that."

19 Sullivan:   "Certainly, but I'm trying to focus on one point. Okay.  
20           Well, then let's talk about the SMART Act in general. We have  
21           heard previous Legislators talk about some things that are  
22           going to be done, some points in a discussion that took place  
23           today. Could you clarify what those points are going to be,  
24           more specifically, maybe in the budget or the 'bimp'? Are we  
25           going to see some hidden gems that might remove or diminish  
26           portions of the SMART Act?"

27 Feigenholtz: "Not that I'm aware of."

28 Sullivan:   "Okay. So, to your knowledge there's going to be no  
29           deal that's going to come before us this week that..."

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1 Feigenholtz: "Representative..."

2 Sullivan: "...are going to diminish some things?"

3 Feigenholtz: "...for my knowledge, anything that has anything to do  
4 with the SMART Act is in this 683 page Bill. And it's... in my  
5 analysis, I would assume it's in yours, it's enumerated..."

6 Sullivan: "Thank you. To the Bill. Exactly one year ago, or one  
7 year and one week, I guess, we had a Bill to reduce our  
8 Medicaid rolls and Medicaid liability. We're here a year ago...  
9 a year today to expand our Medicaid program under Obamacare.  
10 Let me be clear, this is an option for our state. It's been  
11 declared an option for our state. This is not a mandate from  
12 the Federal Government. You guys and those that vote for this  
13 are choosing to move it forward. Ladies and Gentlemen, I  
14 brought up the SMART Act because we are not even close to  
15 reviewing our cases. We built in the savings into our budget,  
16 FY13, which we hoped for, for FY14 that have not even come  
17 close to being realized, \$350 million. With these preliminary  
18 numbers, our Medicaid program is failing miserably to meet  
19 the obligations of our state. We have a big problem in our  
20 Medicaid program and now is not the time to expand it. Why  
21 would we expand a broken program? How can we administer this?  
22 How can we clear... I mean, clearly, we cannot administer this  
23 program and now is not the time to expand it. And Mr. Speaker,  
24 if this gets the required vote, I ask for a verification."

25 Speaker Turner: "Representative Sullivan has requested a  
26 verification. All Members will be required to vote their own  
27 switch. Representative Currie."

28 Currie: "Thank you, Speaker and Members of the House. I'd like to  
29 start with a quote from a very important political figure in

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1           this country. Her name is Jan Brewer. She is the Republican  
2           Governor of Arizona. 'With this move', the move to participate  
3           in the Affordable Care Act, 'with this move, we will secure  
4           a federal revenue stream to cover the costs of the uninsured  
5           who already show up in our doctors' offices and emergency  
6           rooms.' The issue is not cost. The issue is who's paying,  
7           this pocket or the other pocket. You should know that the  
8           cost of uncompensated care in emergency rooms adds about a  
9           thousand dollars a year on average to your constituent's  
10          health insurance premiums. That is not going to go away. Under  
11          this Act, under Senate Bill 26 as amended, we will be able to  
12          add people, real people to our state Medicaid rolls and for  
13          the first three years it will cost the State of Illinois not  
14          one penny. In fact, we will save money that is currently not  
15          covered when we provide mental health and other services to  
16          low-income, childless Illinoisans. The Federal Government  
17          will pay the full cost for the first three years and at least  
18          90 percent for the next two. In fact, the estimate.. the  
19          estimate, for those of you who want to bring money and jobs  
20          into the State of Illinois, the estimate is that through 2016  
21          this legislation will bring an estimated 5.7 billion into  
22          Illinois in Medicaid payments for newly eligible adults. Let  
23          me tell you who some of them are. Earlier today, we  
24          memorialized our veterans. Twenty-eight thousand, of the  
25          newly eligible Medicaid people in Illinois under Senate Bill  
26          26, are veterans and another 25 thou... 48 thousand are  
27          veterans, which is more than 10 percent of the total and  
28          another 25 thousand are their family members. The real point  
29          of this Bill isn't dollars and cents, although we make out

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1       like bandits if we pass Senate Bill 26, the real point of  
2       Senate Bill 26 is to make for healthier Illinoisans. It is to  
3       mean that people who face serious health problems don't have  
4       to wait until they get to the emergency room to have those  
5       problems solved. It means preventive care. It means that  
6       people who today go without the shots they need, the ordinary  
7       doctors' visits that they ought to be having on an annual  
8       basis, they'll be able to have those visits. It has been said  
9       on this House Floor that once we go into expanded Medicare,  
10      we would never take it back. Well, the premise of a decision  
11      never to take it back is that, yes, it's good. It is a good  
12      thing in our society for people to be healthy. You wouldn't  
13      want to take it away because you would be consigning people  
14      to illness, to emergency rooms, to early death. The point of  
15      this Bill is to say let us take care of our own. Let us help  
16      the least among us. Let us make sure they have access to  
17      health care that will help them live healthy and will help  
18      prevent illness and death. The only... the only conscience-  
19      appropriate vote on Senate Bill 26 is a 'yes' vote, a 'yes'  
20      vote that in fact will stabilize our finances, stabilize our  
21      medical budget and see to it that real people have the  
22      opportunity for the kind of health care the people in this  
23      room enjoy today. Please vote 'yes'."

24   Speaker Turner: "Representative Leitch."

25   Leitch: "Thank you very much, Mr. Speaker. I guess I would begin  
26      by saying nobody in the state, let alone this chamber, knows  
27      more about this subject than Representative Bellock. And I  
28      think we would all do well to listen to her admonitions, the  
29      first of which being there's no reason in the world why we

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1 should have to do this now. Indeed, it's irresponsible to do  
2 this now because the Federal Congress, later this summer,  
3 will be reviewing many of the promises upon which this measure  
4 is predicated, specifically, reimbursement levels. Indeed,  
5 the Federal Government right now not only cha... is challenged  
6 by the extraordinary deficit by the problems in Social  
7 Security, but 10 times the liability in Social Security is  
8 represented in this very matter, Medicaid. It is simply not  
9 sustainable to do what the Federal Government proposes to do  
10 and it should then be a lesson to us not to repeat mistakes  
11 we've made in the past and rely on promises that cannot be  
12 kept. I would also suggest that it was only two years ago  
13 that we asked on a bipartisan level for the Healthcare and  
14 Family Services and the Department of Human Services to  
15 identify and remove those individuals in the Medicaid rolls  
16 who shouldn't have been on there by virtue of income and... and  
17 residency. That has moved at a very, very slow pace and the  
18 numbers of people who should not have been and are still on  
19 those rolls is quite extraordinary with great financial  
20 impact to our state. I think it is also very important that  
21 we actually know how many people would be added to our rolls,  
22 that we have some idea of certainty in these formulas because,  
23 at the moment, this measure threatens to put our state in a  
24 level of even greater fiscal risk and insolvency. And by the  
25 way, we're not doing that great of job now even in this  
26 proposed budget this year. DHS will tell you that 19 percent  
27 of people who need mental health care in the state are  
28 receiving mental health care and that 7 percent of the people  
29 who need substance abuse are being served. Those numbers are

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1 shocking numbers. And rather than invest in more and more and  
2 more state employees, our resources should be refocused to  
3 community-based agencies and community levels which actually  
4 provide these services. So, for all these reasons, I would  
5 implore you, we do not need to act today. It is irresponsible  
6 to take the financial risk today. And in my view, together,  
7 working more closely in a bipartisan basis, we could craft a  
8 system that does far more to help the people whom we all  
9 serve. Thank you, Mr. Speaker."

10 Speaker Turner: "Representative Kay."

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

12 Speaker Turner: "Sponsor will yield."

13 Kay: "Thank you. Representative, I have just a few very short  
14 questions. The first being, how many people have been scrubbed  
15 from the rolls based on our activities of the last year or 18  
16 months?"

17 Feigenholtz: "Representative Kay, I think the number that I've  
18 heard is 30 thousand."

19 Kay: "And... and that's 30 thousand out of what number which... from  
20 which we started at?"

21 Feigenholtz: "I believe, Representative Kay, that 50 thousand  
22 people have been removed from the Medicaid rolls out of 80  
23 thousand that have been checked."

24 Kay: "Okay. And how much further do we have to go... starting...  
25 working backwards to get to ground zero, how much further do  
26 we have to go?"

27 Feigenholtz: "I believe in about six to eight months we'll be..."

28 Kay: "No, no. How many people?"

29 Feigenholtz: "We've actually only just begun, Representative."

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- 1 Kay: "Well, is it fair to say that there is..."
- 2 Feigenholtz: "But I... one of the things that I do want..."
- 3 Kay: "...50 to 100 thousand, 100 thousand to 200 thousand, 200 to  
4 300 thousand or more than those numbers?"
- 5 Feigenholtz: "Well, I mean, I think what's important to note is  
6 that things are moving in the right direction; that the  
7 process is working. It's a very arduous, difficult process,  
8 but there is a strong commitment to make sure that only people  
9 who deserve to be on Medicaid are on Medicaid."
- 10 Kay: "You may not know this answer, but I'm curious. Out of the  
11 30 to 50 thousand that have been eliminated or scrubbed from  
12 the rolls, how much money has that saved the state?"
- 13 Feigenholtz: "It depends on what their Medicaid utilization was.  
14 I... I don't have a specific number."
- 15 Kay: "Well, your staffer, I think she's whispering something to  
16 you, would it be in the neighborhood of 10 to 50 million, 50  
17 to 100 million? What... what neighborhood are we in here?"
- 18 Feigenholtz: "When we were writing the SMART Act last year, your  
19 caucus requested that we use a \$700 million number. We thought  
20 better of being a little bit more realistic and possibly using  
21 350 million. So, that is the goal."
- 22 Kay: "And if my math is right, we're about 20 percent of the way  
23 there. Is that correct?"
- 24 Feigenholtz: "Possibly."
- 25 Kay: "Possibly. Okay. I... I see in Amendment 3 that there's a  
26 reference to workers' compensation. Can you tell me what that  
27 reference refers to?"
- 28 Feigenholtz: "We've removed that, Representative."
- 29 Kay: "What did you remove?"



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1 Feigenholtz: "The workers' comp language has been taken out of  
2 the Bill."

3 Kay: "Okay. Is it fair to say, based on the numbers that have  
4 been provided to us today, in fact, you have related, I think,  
5 some of the numbers to us that by 2019 this program will cost  
6 us somewhere in the neighborhood of 573 to 650 million dollars  
7 out of pocket?"

8 Feigenholtz: "I think for the first three years there's no cost,  
9 Representative."

10 Kay: "I understand."

11 Feigenholtz: "And then..."

12 Kay: "I understand. You're right. Beyond the first three years,  
13 I... I'm looking..."

14 Feigenholtz: "When everything is racked up..."

15 Kay: "Yeah."

16 Feigenholtz: "...the benefit is 315 million in savings."

17 Kay: "Well, I understand the savings part. I want to look at the  
18 cost part though. I'm interested in what the state will have  
19 to pick up after the three-year expansion window closes?"

20 Feigenholtz: "What window?"

21 Kay: "Well, you're going to have the three-year window where,  
22 essentially, we have gifted health care. It's given to us.  
23 So, after that I'm wondering what the state then has to  
24 encumber themselves."

25 Feigenholtz: "Representative, it... it ramps down to 90 percent.  
26 The first year our obligation is 98 million."

27 Kay: "Ninety-eight million."

28 Feigenholtz: "But it saves 105 million, so there's... you can't  
29 ignore the offset."

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1 Kay: "No, of course not."  
2 Feigenholtz: "The offset..."  
3 Kay: "I... I understand. So, you have a... a declining schedule, is  
4 that the way it works? Expense to savings? And how far out  
5 does that go?"  
6 Feigenholtz: "Representative, could you please repeat the  
7 question?"  
8 Kay: "Well, you're... we're looking at cost to savings and I'm just  
9 asking, if you have a sliding scale, what is it and how far  
10 out does it go?"  
11 Feigenholtz: "It doesn't... We begin paying in 2017, Representative  
12 and we have numbers through 2020."  
13 Kay: "Can you ra... could you rattle those off for me real quickly  
14 on the cost side?"  
15 Feigenholtz: "The savings outweigh the costs until we're 20... we're  
16 in 2022, Representative."  
17 Kay: "Well, I... no, no. I... I understand that. I... Sara, I... but what  
18 I'd like to hear is that the cost that we have and if you  
19 want to make it a net number, that's okay. But I'm just  
20 looking at what the state is obligated to pay on either a  
21 scale basis or go net, net I don't... I don't care."  
22 Feigenholtz: "Representative, I think that the... the lowest would  
23 be 200 million... the highest would be 200 million. And I will  
24 tell you that I think that's about eight days in the Medicaid  
25 cycle."  
26 Kay: "So, you're saying..."  
27 Feigenholtz: "Seven. Seven."  
28 Kay: "...200 million is going to be the cost to the state..."  
29 Feigenholtz: "The most."

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1 Kay: "...the most... with the addition of the number of people that  
2 we've talked about today, which varies, but we know we're  
3 talking about at least 168 thousand, if not more. Is that not  
4 correct? People."

5 Feigenholtz: "A hun... I said 200 million the most."

6 Kay: "Say... that's what it's going to cost for the first... or for  
7 the 168 thousand people that will be integrated in the system.  
8 Is that what you're telling me?"

9 Feigenholtz: "No, that's for the 342 thousand people."

10 Kay: "Okay. And that's..."

11 Feigenholtz: "Not for the other currently eligible group..."

12 Kay: "Okay."

13 Feigenholtz: "...that is not enrolled in Medicaid."

14 Kay: "And that's not a one-time expense? That'll be an annualized  
15 expense and as we..."

16 Feigenholtz: "If they... if they remain on Medicaid instead of  
17 earning more money and going into the exchange and purchasing  
18 insurance, yes."

19 Kay: "Well, you mention this..."

20 Feigenholtz: "But there's a lot of people who will go off Medicaid  
21 as they do currently when they find work and they're no longer  
22 eligible. Their income is high and they will go into the  
23 exchange and purchase health insurance with a subsidy."

24 Kay: "Okay. Yeah. We probably could debate that. But I'm not...  
25 one... one last question. Wouldn't you agree that we're in some  
26 pretty serious financial debt, that we in fact might be  
27 underwater and in some cases, people consider us to be  
28 penniless?"

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1 Feigenholtz: "I think we're in much better shape this year than  
2 we were last year. I think we have curtailed our Medicaid  
3 growth lower than most states. I believe that our growth is  
4 only at 2 percent where most other states are at 6,  
5 attributable to some of the liability reductions that we  
6 enacted last year in the SMART Act. So, but I think, you know,  
7 we have the great fortune of more revenue in this state. We're  
8 paying down bills. But Representative, this is about giving  
9 people who have never had health care, insurance. People who  
10 we pay for, you and I, anybody who has a private insurance  
11 policy right now. A family of four, on average, pays a  
12 thousand dollars a year in increased insurance premiums a  
13 year. This will change that. This cost shifts that  
14 uncompensated care off of the backs of private insurance plans  
15 and it... it smooths out how we pay for care for the poor."

16 Kay: "Well, I agree with one of the previous speakers that, I  
17 think, Sandy (sic-Patti) Bellock probably has the... the best  
18 handle of where this is going to take us. And I heard a good  
19 deal of what she said and I've listened to you and my... my  
20 opinion is this. We... there's not a person on this side of the  
21 aisle that doesn't want everyone to have health insurance..."

22 Feigenholtz: "Well, then you should vote for the Bill."

23 Kay: "...but I think there's not any one on this side of the aisle...  
24 Well, but it's not a good Bill the way you've got it  
25 structured. So, let me just... let me just say this. The problem  
26 with everything we do is it sounds good and we get very  
27 emotional about it and then when it comes time to find the  
28 money and we open our wallet, we find there's nothing there.  
29 And that's true the last 3 to 5 years, maybe 10. But since

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1 1999, we've been very wasteful with money. We're not good  
2 money managers. And that's what concerns me. That's what  
3 prompted my questions. To the Bill, Mr. Speaker. I think it's...  
4 I think it's very irrational, if not totally irresponsible,  
5 to go down a path of increasing insurance, as we intend to  
6 increase it today, when we can't pay for it. This state is  
7 underwater and it's going to take a long time before the  
8 salvage operation to pull us up is complete. To put more  
9 people into a system with the promise that we can pay is  
10 simply not true. We haven't even... we haven't even made the  
11 SMART grid program work to its fullest extent and it's had  
12 plenty of time to do that. This is a matter that you need to  
13 take very seriously because we've got a serious problem with  
14 pensions. We've got a serious problem with past paid bills.  
15 We have a serious problem with managing money, period. And  
16 I'm going to encourage the Republicans to vote 'no'."

17 Speaker Turner: "Representative Gabel."

18 Gabel: "Thank you, Mr. Speaker. I stand in strong support of this  
19 Bill. The Affordable Care Act provides only one way to offer  
20 health insurance to this vulnerable population, a population  
21 who historically has had no access to regular medical care.  
22 They've used costly emergency rooms as their doctors.  
23 Individuals who earn up to \$15 thousand a year who do not  
24 have children, who are between the age... children under the  
25 age of 18, and who themselves are between 18 and 64 are the  
26 ones that will be eligible for this... this program. Now,  
27 according to the Robert Wood Johnson Report, 75 percent of  
28 the uninsured are working people, but they don't have access  
29 to health insurance through their jobs. If we don't pass this

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1 Bill, this population will also not have... not be eligible to  
2 buy into the new insurance marketplace or exchange, nor will  
3 they be able to be given subsidies by the government. It was  
4 expected that all these folks would be able to be in the  
5 Medicaid expansion program and if not they will have no other  
6 option. This is an amazing opportunity, 100 percent coverage  
7 for all these people. It's... It will bring in so much money to  
8 the state and because of that and this opportunity, there are  
9 over hundreds of supporters and among those supporters are  
10 the Illinois Hospital Association, the Illinois Chamber of  
11 Commerce, the Illinois Retail Merchants Association and the  
12 Civic Federation. Why do they support this? They support this  
13 Bill because it brings in over 1 to 2 billion... billion dollars  
14 every year into our economy and it saves 100 million in the  
15 General Revenue Fund. It also creates tens of thousands of  
16 jobs throughout the state. Now, we know that we're in fiscal...  
17 serious fiscal conditions and we know that we can't cut our  
18 way out of that problem nor can we tax our way out. The way  
19 out of it is to grow our economy. This Bill will help to  
20 create jobs to help us grow our way out. We all have people  
21 in our district who will benefit from this Bill and I strongly  
22 urge a 'yes' vote."

23 Speaker Turner: "Representative Ford."

24 Ford: "Thank you, Mr. Speaker. I rise in support of this measure  
25 because this is a long overdue measure for this country and  
26 especially for Illinois, especially with the setbacks that  
27 we've had in Illinois when we did welfare reform. And so, I  
28 think that it's important that we provide health care for  
29 everyone in this state and I think that the Bill has been

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1 vetted even before it came to the Illinois House. It's been  
2 vetted all the way in Washington D.C. And so, I think it's  
3 time. So, would the Sponsor yield? Would the Sponsor yield?"

4 Speaker Turner: "The Sponsor will yield."

5 Ford: "Thank you. Leader, could you tell me how much it will cost  
6 the state to implement the ACA?"

7 Feigenholtz: "Nothing."

8 Ford: "Nothing? You mean, we could provide health care for the  
9 poor and it will not cost us anything out of taxpayers'  
10 dollars?"

11 Feigenholtz: "This... for the next three years, Representative Ford,  
12 for every dollar we spend..."

13 Ford: "Just for the implementation?"

14 Feigenholtz: "...the Federal Government... Yes."

15 Ford: "Yes. So, nothing. If the state decides that we cannot  
16 afford this expansion after the 100 percent has been zeroed  
17 down to 90 percent, can we back out of the expansion as a  
18 state because we can't afford it?"

19 Feigenholtz: "Yes we can, Representative."

20 Ford: "Okay. So, there's no danger there. If we find out that the  
21 economy is not improving, we can back down and say that we're  
22 going to repeal this. So, that's great. Can we say that the  
23 ACA is an opportunity to provide health care for those who  
24 wouldn't ordinarily have the opportunity to have health care  
25 in Illinois?"

26 Feigenholtz: "I'm sorry, Representative?"

27 Ford: "I said, would you say that this Bill would provide health  
28 care to those that would not ordinarily have the opportunity  
29 to have health care in Illinois?"

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1 Feigenholtz: "Yes, I would."

2 Ford: "So, that's another reason why I support it. But there are  
3 some other things that I have to ask you. Will the passage of  
4 this Bill correct some of the pressures that this state is  
5 experiencing due to the fact of the high cost of health care  
6 in Illinois? Will it provide immediate relief for the State  
7 of Illinois so that we can pay other bills?"

8 Feigenholtz: "Yes, it will, Sir."

9 Ford: "Okay. Everything is good so far. The FQHCs, will this Bill  
10 provide timely payments for FQHCs and hospitals that accept  
11 Medicaid?"

12 Feigenholtz: "Yes."

13 Ford: "So, you're saying now as it stands, I know that the FQHCs  
14 in the neighborhoods that I represent and hospitals that  
15 accept Medicaid, they complain that payments are not made.  
16 And as a result, they fired people and they had to close their  
17 doors. Is this an opportunity to support strongly FQHCs and  
18 provide timely payments and provide access to health care in  
19 neighborhoods that are in need?"

20 Feigenholtz: "Yes, it will."

21 Ford: "And so, with that, the SMART Act was a big problem for me.  
22 When that passed, I voted against it because of the cuts that  
23 were made as a result of the budget problems that we had when  
24 the Bill passed. But it looks like this is a new opportunity  
25 to correct some of those problems as a result of the cuts.  
26 Could you tell me some of the programs or services that would  
27 be restored as a result of the passage of Senate Bill 26?"

28 Feigenholtz: "Certainly, Representative. There's been a lot of  
29 discussion about concerns about eye glasses, adult dental.



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1       There's different pieces in the Bill that are really slight  
2       modifications. The two that are... that are in the Bill are the  
3       medically fragile technology dependent provision that was in  
4       the SMART Act that was enjoined and taken to court. Also, the  
5       bed hold policy was found to be in violation of the Federal  
6       Olmstead decision. There's also some changes around EAM,  
7       around dental, as I spoke about earlier, that specifically  
8       addressed some changes in the SMART Act."

9       Ford: "And some of the... one of the major problems that I had with  
10       the SMART Act was it limited the number of drugs to four. Is  
11       that still the case?"

12       Feigenholtz: "Representative, the... the Bill never was designed to  
13       do that. What... what the full... what happens when a Medicaid  
14       recipient has four prescriptions is it triggers the  
15       University of Illinois who works with patients on medication  
16       management to call a physician and review the list of drugs  
17       that patients are on, many of which are suffering from severe  
18       mental illness, see multiple doctors, and are taking drugs  
19       together that give them an adverse reaction. Most of the  
20       reason for this provision in the SMART Act wasn't to limit  
21       the number of drugs a person can have, it was to manage the  
22       drugs that they have."

23       Ford: "So, will this better manage it and provide that drugs  
24       that's needed for patients when they are prescribed the drugs  
25       from their physician?"

26       Feigenholtz: "Yes."

27       Ford: "How does this Bill provide mental health services to those  
28       that need it? Is there any mental health component to this?"

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1 Feigenholtz: "Well, the underlying Bill, Representative, the  
2 expansion Bill is... I mean, it is widely believed that the  
3 great benefactors of... of the 342 thousand newly eligibles  
4 are... many people who are in need of behavioral health  
5 services, substance use services, and will greatly benefit  
6 because they have never, in the history of Medicaid, been  
7 covered. We have never given... gotten any federal money for  
8 what we expend from our Human Services budget. You sit on the  
9 committee and you see the enormous amounts of money that we  
10 spend for these people. This will now give us incentive to  
11 build our infrastructure, to put together better service  
12 systems for these people and to help them to get a health  
13 home for physical and mental illness."

14 Ford: "And for... will the Bill provide care for those with  
15 disabilities?"

16 Feigenholtz: "I'm not..."

17 Ford: "You could... we could talk about it."

18 Feigenholtz: "This improves access to mental health treatment and  
19 depending on how severe that illness..."

20 Ford: "Physi... I should say physical disabilities. Let me clarify  
21 that."

22 Feigenholtz: "I don't believe that this particular Bill impacts  
23 that. I believe that there is a lot of federal assistance  
24 that comes to the state prior to the Affordable Care Act for  
25 that population."

26 Ford: "So, will this Bill allow us to continue to reach for  
27 federal matches if we see possibilities? If there's something  
28 that we missed in this Bill, is it possible that we could  
29 continue under this measure to find more dollars from the

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1 Federal Government because of the implementation of this  
2 Bill?"

3 Feigenholtz: "Yes. Actually, I'm glad you brought that up. There  
4 have been some states that have applied for the... an 1115  
5 waiver to close the gaps on services that are not necessarily  
6 in the Medicaid service package that will create a continuum  
7 of care and close gaps. The Federal Government has granted  
8 some states a great deal of money. The Governor's Office and  
9 HFS are very seriously prepared to... they have a outline of  
10 the items that they want to bring in under the waiver  
11 including more services for youth. Wards of the state, and  
12 former wards of the state are covered in the Affordable Care  
13 Act in the Medicaid expansion up to the age of 26, so that it  
14 is... it mirrors our current insurance policies where parents  
15 can cover their children to that age. So, it is... there are  
16 many, many opportunities, Representative, to get more federal  
17 dollars if we apply for this waiver."

18 Ford: "And copayments... it's good to have access to care, but if  
19 you have the care and you get the prescriptions and cannot  
20 afford it, is there any relief for those that cannot afford  
21 their medicine and cannot afford the copayment? Does this  
22 Bill provide relief for those people?"

23 Feigenholtz: "You cannot be denied services, Representative, if  
24 you cannot afford a copay. There's nothing, I believe, in  
25 this legislation that addresses that issue in any direction.  
26 I believe that it was addressed perhaps last year."

27 Ford: "And I know we've been debating a long time. I just would  
28 like for... I know that if we do everything we can to prevent  
29 severe illnesses in the state, it'd save the state a lot of

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1 money. And the last question that I have for you is, could  
2 you tell me how this Bill deals with prevention? And that...  
3 how could that save the state money as a result of dealing  
4 with this Bill and how it provides revenues for preventative  
5 measures?"

6 Feigenholtz: "Representative, I think that the whole idea behind  
7 the Affordable Care Act was to create a value-based system  
8 for people who are look... in need of health care. I think it  
9 was pretty clear to the Federal Government that eliminating  
10 childless adults from Medicaid and they... it's not like they  
11 just... they... they don't disappear. They don't go away. They  
12 seek health care, but they seek it in very inefficient places.  
13 And this is a... the Affordable Care Act is designed to give  
14 people comprehensive health care, finally giving them a  
15 medical home, no discrimination based on whether they have  
16 children or not and what their... and again, on the federal  
17 level does not permit discrimination based on preexisting  
18 conditions which, you know, is a very serious problem in this  
19 country. So, I believe that the spirit of this on the federal  
20 level and the opportunities that we're going to have here in  
21 the State of Illinois are abundant. This is a Bill we should  
22 celebrate. It is a watershed moment and I hope you can support  
23 this Bill."

24 Ford: "And my... I thought I had... that was my last question, but do  
25 you think that this Bill will cut down on emergency room care?  
26 Because I believe emergency room care costs a lot of money  
27 for the state and right now I think there's up to 800 thousand  
28 people that use the emergency room for just simple colds and  
29 flus and things like that and that costs the state a lot of

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1 money. Do you see this Bill cutting down on the emergency  
2 room as a place for primary physician care?"

3 Feigenholtz: "I do."

4 Ford: "Thank you very much. I know that you're tired and standing  
5 on your feet. I appreciate you doing that and to the Bill. I  
6 rise in support of the measure simply because it will cost  
7 the state nothing to implement. So, if it's not going to cost  
8 us anything to provide health care for the people of Illinois  
9 that needs it, what would stand in our way for doing that? I  
10 rise in support of the measure also because if we find in the  
11 future, after the three years, that we cannot afford the  
12 Medicare expansion... Medicaid expansion, we can repeal it  
13 right here in Illinois. So, what's the fear there? And so  
14 there are some things in this Bill or there are some things  
15 that's not in this Bill that I'm not happy with, but what I  
16 am happy with is that this Bill will pass and it will benefit  
17 more than not. And I want to thank President Obama for putting  
18 his career and putting his whole focus on providing health  
19 care for all the people of this country. And I want to thank  
20 him for sending money to Illinois so that we can provide  
21 health care for those who need it. I urge an 'aye' vote."

22 Speaker Turner: "Representative Dunkin."

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

24 Speaker Turner: "Sponsor will yield."

25 Dunkin: "Representative, I know that you have worked for quite  
26 some time on this measure when you passed the SMART Act last  
27 year. Well, actually, about a year or so ago. And you have  
28 worked just tirelessly, so my hat goes off to you. This is a  
29 almost 600-page document that attempts to address what our

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1 President wants us to address and again, hats off to you.  
2 What I'd like to do is to ask a couple of questions in terms  
3 of what it is some Members here had some issues with. As it  
4 relates to restoring the adult dental costs or care, where  
5 are we with that item?"

6 Feigenholtz: "Representative, in Amendment #1 in this Bill, we  
7 have expanded the services in the emergency definition of  
8 dental to include care for people who are waiting for some  
9 surgeries where their physicians believe they may need some  
10 dental care for diabetics, transplants, people with cancer,  
11 and also to avoid emergencies with pregnant women. That  
12 doubles the size of the current program."

13 Dunkin: "Is there anything as it relates to preventive care or  
14 maintenance care for dental, basic dental services?"

15 Feigenholtz: "We haven't changed anything about that in this  
16 Bill."

17 Dunkin: "I'm... I'm sorry?"

18 Feigenholtz: "No."

19 Dunkin: "Is there a chance with that, some of those items could  
20 be reentered into this legislation here?"

21 Feigenholtz: "Representative Dunkin, earlier I discussed  
22 conversations that we were having with some representatives  
23 from insurance agencies who currently are involved in the  
24 managed care pilot program for the Innovations Project. And  
25 many of them are already providing dental care for some of  
26 their patients because they understand its value."

27 Dunkin: "Are they joining for some of our underserved  
28 communities?"

29 Feigenholtz: "These are all Medicaid clients."

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1 Dunkin: "Okay. So, they're in the HMO or coordinated care?"

2 Feigenholtz: "Correct."

3 Dunkin: "So, you're saying that that would cover most of the  
4 individuals on this plan who would vie for those dental  
5 services?"

6 Feigenholtz: "Some of them currently do, yes."

7 Dunkin: "Okay. What about the dentist... a dental clinic grant? Has  
8 that been addressed?"

9 Feigenholtz: "I don't believe that that's in this Amendment. But  
10 I... but I will say that with all of the infusion of resources  
11 coming to the states that our hope would be that there would  
12 be some addition around this state for this kind of care."

13 Dunkin: "Okay. Can you update me on what the latest is with the  
14 wheelchair rate increase and/or limit prior to approval up to  
15 about \$500 dollars? Was that addressed, as well, in this  
16 Amendment? Or how will the Department of Health and Family  
17 Services deal with or address that particular issue?"

18 Feigenholtz: "Right now we... in this Amendment are at 400 and with  
19 a one business day approval. And there is discussion about  
20 being able to bump that up to 500 with some wiggle room. So,  
21 there's a lot of discussion and agreement going on about that  
22 right now."

23 Dunkin: "And this is regarding the prior approval for the  
24 wheelchairs? That's..."

25 Feigenholtz: "Correct."

26 Dunkin: "And what's... what's the turnaround time to get a response  
27 or an answer for wheelchair approval for a... repairs and..."

28 Feigenholtz: "One day. One day."

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1 Dunkin: "One day. Okay. Thank you. What about the... did you restore  
2 detoxification?"

3 Feigenholtz: "Representative, there's been a lot of discussion  
4 about readmission and detox. There is a task force that's  
5 going to be working on this and a report, if you read the  
6 Bill, needs to be filed by the first of September as to the  
7 solution and the finalization of that policy."

8 Dunkin: "By this September of... of this year?"

9 Feigenholtz: "Correct."

10 Dunkin: "What about the restoration of the therapy, such as  
11 podiatry or chiropractic? Was there some modification with  
12 that that deals speech therapy, occupational therapy or  
13 physical therapy?"

14 Feigenholtz: "On the optionals, Representative, the changes... As  
15 you know, in the Smart Act we changed eyeglasses so that it  
16 mirrored your private insurance and my private insurance,  
17 once every two years. Podiatry is available for people with  
18 diabetes and I believe we... we extend... we provide 20  
19 chiropractic visits to people on Medicaid."

20 Dunkin: "Okay. Twenty for the year?"

21 Feigenholtz: "Correct."

22 Dunkin: "Okay. The last question is, what about the... the eyeglass  
23 limit? Did you address that?"

24 Feigenholtz: "It... And it also may be... it may be physical therapy.  
25 I'm sorry?"

26 Dunkin: "Did you address the eyeglass?"

27 Feigenholtz: "Yeah. I already talked about that."

28 Dunkin: "Okay. That's..."

29 Feigenholtz: "Once every two years."



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1 Dunkin: "...one pair. Okay. All right. Thank you."

2 Feigenholtz: "Just like private insurance."

3 Dunkin: "Thank you so much, Representative. To the Bill. Ladies  
4 and Gentlemen, this is a historic moment here in our state  
5 that addresses an issue that probably every elected official  
6 here, be you a Republican, Democrat, Independent, has talked  
7 about. That... that is health care and how it is that we get  
8 the cost down, how it is that we address and deal with some  
9 of our most vulnerable population that often use the emergency  
10 room as their preventive care, as their first and last result  
11 for medical treatment. This Bill here will bring in... Okay.  
12 I'll even... billions of dollars. Here's what the... the Civic  
13 Federation recommends. They recommended that the State of  
14 Illinois expand it's eligibility for medical care under this  
15 Affordable Care Act due to the resulting of significant  
16 increase in federal resources compared to the projected state  
17 expenditures. So, as we know, most of our counties and our  
18 municipalities here across the state, it'll be, by the end of  
19 this year or January of next year, they will pay zero. Zero  
20 dollars to treat the most vulnerable people here in our state  
21 in their respective county. That's a major accomplishment.  
22 That is something that every elected official here in this  
23 state can feel, oh, so proud of. To go back and talk with our  
24 constituents at every level and say, look, we are taking care  
25 of our vulnerable population, one. Two, it's not costing any  
26 of our county governments or our local health care facilities  
27 a red cent, at least up until 2016. That's a major, major  
28 accomplishment for us. If you go up to 2018 or 2020, that's  
29 about \$12 billion that this state would capture. That is

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1           hugely significant. Covering any and everything from breast  
2           cancer screening, HIV/AIDS or comprehensive care for  
3           HIV/AIDS, substance abuse and treatment, preventive care.  
4           That's considerable... that's a considerable amount of savings  
5           that all of our municipalities can take advantage of as it  
6           relates to them dealing with, again, their most vulnerable  
7           population. And to have, for example, a county such as Cook  
8           to receive 100 percent reimbursement or matching dollars or,  
9           excuse me, reimbursement that go directly to the cost or  
10          reducing the cost of health care that is a major, major  
11          accomplishment. This Bill also deals with a number of issues  
12          as it relates to providing access to a number of individuals  
13          who otherwise are intimidated or would not seek health care  
14          services because they don't have an ability to pay. And some  
15          facilities, hospitals or clinics, even some of our health  
16          care centers, may even shun some members who didn't have  
17          health care insurance because it's important for them to have  
18          a good, balanced mix. So now, this won't cost them a red cent.  
19          I think Illinois is in a perfect position to take advantage  
20          of this with full steam ahead, really sort of applauding and  
21          complimenting our President, who is from this state and living  
22          up to his promise when he started over four and a half years  
23          ago. And that is to take care of its most vulnerable citizens.  
24          This Bill is not perfect. At some point the state will pick  
25          up costs in the year 2016 at about \$573 million. Then it'll  
26          go up to about maybe \$1.2 billion later on to help offset the  
27          billions of dollars that we'll receive from our Federal  
28          Government. This is something that our country, certainly in  
29          our state, can feel proud of. It does a lot more than not

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1 doing some of the little things that we can hopefully work on  
2 and maybe pick up, as a state, as a priority in the budget  
3 later on. I would encourage an 'aye' vote. Again, I'd like to  
4 commend the Sponsor for her diligence in this for years it  
5 seems like. I know you've been pretty stressed out about this,  
6 but we're all proud of you and we want to see all of our  
7 citizens, especially our most vulnerable citizens, take  
8 advantage of such a great program. I would encourage an 'aye'  
9 vote."

10 Speaker Turner: "Representative Ives."

11 Ives: "Mr. Speaker, first, in regards to my Memorial statement  
12 earlier today, I want to state that I inadvertently used the  
13 term Confederate when I meant to include those who wear the  
14 ceremonial Union uniform as well. To the Bill. Most everyone  
15 would agree the reason to expand Medicaid is to provide better  
16 health outcomes to our most impoverished citizens, but just  
17 because you have a Medicaid card does not mean you have better  
18 health outcomes. Expanding our Medicaid program is not the  
19 best way to deliver care to those in need and there is now  
20 evidence to support this. In 2008, Oregon officials wanted to  
21 expand eligibility for their Medicaid program, but only had  
22 enough funding for 10 thousand of the 90 thousand eligible  
23 people wanting to sign up. So, they held a lottery and the  
24 Oregon Health Insurance Experiment was born. Health  
25 economists used this unique opportunity to create the first  
26 ever randomized controlled study of the effect of Medicaid on  
27 patients' health. The next few years, those who received  
28 Medicaid and those who did not were tracked. A new study  
29 published in the Journal of New England Medicine about this

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1 experiment showed... it showed that Medicaid coverage generated  
2 no significant improvements in measured physical health  
3 outcomes despite the fact that the Medicaid group ended up  
4 using much more health care than the control group including  
5 the use of emergency rooms. The Wall Street Journal reported  
6 specifically that the Medicaid group used about 35 percent  
7 more health services but showed no clinical differences from  
8 the identical uninsured group across basic health measures  
9 like blood pressure, blood sugar and cholesterol levels that  
10 can be improved with the right treatment. The same was true  
11 comparing subgroups such as those with chronic diseases like  
12 diabetes. Health spending on top of that was higher among the  
13 Medicaid group despite claims that using more preventative  
14 care and less emergency room will lower costs. By the way,  
15 Oregon pays physicians about 30 percent more to treat Medicaid  
16 patients than Illinois does and Illinois doctors are 1.7 times  
17 as likely as Oregon doctors to stop taking new Medicaid  
18 patients. Continuing from the Wall Street Journal, they  
19 reported that federal Medicaid rules require states to offer  
20 all you can eat benefits to everyone rather than targing...  
21 targeting public assistance to those in need. These mandates  
22 often force states to squeeze provider payments to pennies on  
23 the private dollar, further harming quality and access for  
24 the poor. Here in Illinois, we are blessed with some of the  
25 most advanced health care resources in the United States. We  
26 must work with our hospitals, managed care organizations,  
27 doctors and dentists, and health economists to figure out  
28 what works best for us, especially as our budget pressures  
29 are both unique and severe. I believe we need to work closely

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1 with all involved to see if expanding programs like Access  
2 DuPage or expanding access to health savings accounts, which  
3 give individuals more accountability for their health  
4 spending while providing the insurance coverage they need, is  
5 more of a solution. We are about to make promises we cannot  
6 keep. And promising benefits that we cannot afford or that  
7 people cannot access and for which the outcomes are negligible  
8 is the wrong way to care for our most needy. If there ever  
9 was a time to proceed cautiously with a program and rethink  
10 how we provide care to the needy, that time is now. Please  
11 vote 'no' so we can separate the good from the excessive in  
12 this Bill and direct our health care... care dollars in the  
13 most effective way possible. Thank you."

14 Speaker Turner: "Representative Demmer."

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

16 Speaker Turner: "Sponsor will yield."

17 Demmer: "Representative, this is a... this is a big Bill. This is...  
18 I think we said earlier 638 pages. It includes expansion of  
19 Medicaid, various fixes to the SMART Act, creation of an  
20 entirely new care coordination program, changes effecting  
21 nursing homes, mental health providers, prescription drugs.  
22 Why are these Bills all put together? Why couldn't we debate  
23 and vote on each of these provisions on their own merit  
24 instead of one massive sink or swim Bill?"

25 Feigenholtz: "Well, they're all related to Medicaid,  
26 Representative Demmer. They're all germane, if that's what  
27 you're asking."

28 Demmer: "Yeah, it is. And you know, I just... I bring that up  
29 because I think several Members on our side have indicated

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1 that there are significant portions of this Bill that we  
2 support. I draw your attention to the care coordination plan  
3 which, I think, is an exciting opportunity to improve care  
4 and also control costs and I'd like to have had a chance to...  
5 to look at that, to debate that and vote on that  
6 independently, you know, on its... on its own merits, rather  
7 than being tied in with all these other changes together. But  
8 I want to look at the major... the biggest portion of this Bill  
9 which, I think, is the Medicaid expansion portion. And a lot  
10 of the argument that's been made today has been based on the  
11 argument that the Federal Government will pay 100 percent of  
12 the cost for the first 3 years, that this has no financial  
13 impact on the state. And so, my question is, what assurance  
14 do we have that the Federal Government will not change its  
15 FMAP matching rate?"

16 Feigenholtz: "Representative Demmer, I don't believe ever in the  
17 history of Medicaid that the Federal Government has ever  
18 rolled back a program. I know that we had a few programs. We  
19 knew the duration of enhanced match and the second the Federal  
20 Government said it was going away, we knew it. In this  
21 situation we are comfortable because we did put a speed bump  
22 in the Bill with the drop below 90 percent provision."

23 Demmer: "But we don't have any legal assurance that nothing... that  
24 the Federal Government will not change its rate?"

25 Feigenholtz: "The only assurance we have is history and they have  
26 never repealed Medicaid."

27 Demmer: "So, what would happen... tell me what would happen if the  
28 Federal Government does drop its rates below 90 percent?  
29 What's the... what's the Bill provide for in that situation?"

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1 Feigenholtz: "The program... the expansion program phases out. I  
2 believe we've given three months to ramp down the program."

3 Demmer: "And that could happen at any time? The Federal Government  
4 could, at any time, change and that would trigger the three  
5 month... Okay."

6 Feigenholtz: "Yes."

7 Demmer: "Now, the... the trigger really only kicks in if it drops  
8 below 90 percent. Is that right?"

9 Feigenholtz: "Correct."

10 Demmer: "So, in the first 3 years, when we're basing our argument  
11 today on the assumption that the Federal Government will pay  
12 100 percent, should the Federal Government decide... I think  
13 this Bill takes effect on January 1... should the Federal  
14 Government decide on January 2 that instead of paying 100  
15 percent of costs it will now only pay 90 percent of costs,  
16 what would the... what would the maximum exposure... because under  
17 that, the trigger wouldn't be activated and the program  
18 wouldn't exist as it is. What's our maximum exposure here?  
19 What... what would 10 percent of this new population's cost be  
20 in a given year?"

21 Feigenholtz: "In the third year, it's 200 million, but  
22 Representative, I really believe it's very unlikely that that  
23 scenario would ever happen. This is a... this is, as you can  
24 imagine, the cornerstone of our President's agenda. And I  
25 believe that many of us have been waiting for this moment."

26 Demmer: "There have been..."

27 Feigenholtz: "And I'm sure he has."

28 Demmer: "Representative Bellock brought up earlier... there was a  
29 proposal, and I know you said that proposal has been

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1 withdrawn, but it certainly shows that... that, at a time when  
2 the President put together that proposal, he was willing to  
3 consider a blended rate. I mean, they even cited in the  
4 creation of that budget, they cited that it doesn't make sense  
5 to have these all different rates applying to this enhanced  
6 match for this population this... They proposed simplifying it  
7 at one single blended rate which would be lower than the 100  
8 percent. So, it's... it's very much in the realm of possibility  
9 that the President could choose to... to decrease this rate."

10 Feigenholtz: "Representative, I... I think that there have been a  
11 lot of ongoing discussions about the Affordable Care Act,  
12 including various populations, above 100 percent and what  
13 kind of hybrids will be accepted by Kathleen Sebelius. I... I  
14 think that there are a lot of moving parts to this. There's  
15 no... there's no question about it. But I believe that the  
16 blended rate issue is dead on arrival."

17 Demmer: "Well, I appreciate that and thank you. Mr. Speaker, to  
18 the Bill. I think that's a great point, that there are so  
19 many moving parts in this negotiation still. Today we still  
20 don't have a firm knowledge of where the Federal... Federal  
21 Government will go with this in years to come. I think it's  
22 important to look at. This is supposed to be, as  
23 Representative Feigenholtz said, this is supposed to be the  
24 crowning achievement of the Obama Administration. The intent,  
25 when this Bill was written, was never to allow states to opt  
26 in or to opt out of this Medicaid expansion. It's a  
27 cornerstone of their... of the program. In fact, they made it  
28 as like... as likely as they could that states would... would  
29 enter into this expansion by giving a 100 percent match for



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1 the first 3 years and by saying in the original Bill that if  
2 you said no to the expansion of Medicaid that you lose all  
3 Medicaid dollars, all of the state's Medicaid dollars. The...  
4 the Supreme Court came in and said you can't do that, that's  
5 coercion. It was so important to the Federal Government that  
6 they enact this that they coerced states into accepting this.  
7 The Federal Government put into place the option for us to  
8 say yes or no based on only the money at hand for the expansion  
9 of Medicaid. In fact, in the Supreme Court case, the Federal  
10 Government called this 100 percent subsidy 'extremely  
11 generous'. The Federal Government said this was an extremely  
12 generous subsidy. So, in a world in which debt ceiling  
13 negotiations are happening regularly, in which the Federal  
14 Government subsidy is a subject of continued debate, wouldn't  
15 an extremely generous subsidy be one of the things that's on  
16 the table to try to control this or to try to make ends meet  
17 in debt ceiling negotiations? I think today we're... we are  
18 committing to a program that is very much in motion, the  
19 details of which are very much uncertain, the landscape for  
20 which is not set yet. And the State of Illinois just can't  
21 afford to make these kind of open-ended commitments given  
22 the... the current budget situation in the state. So, I support  
23 a 'no' vote on this. Thank you."

24 Speaker Lang: "Representative Lang in the Chair. The Chair  
25 recognizes Mr. Hays."

26 Hays: "Thank you, Mr. Speaker. To the Bill. You know, I do come  
27 from a health care background. I may have a different  
28 perspective on this from many, even on my own side of the  
29 aisle. The mission of the organization that I come from is

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1 building communities of healing and hope. Before I came here,  
2 the last few things that I was involved with, very proudly:  
3 building a women's health center so women in my area don't  
4 have to travel to Indianapolis and St. Louis for noninvasive  
5 breast procedures, refurbishing a cancer center that is now  
6 working in concert with Sloan-Kettering and world class  
7 facilities right in Danville, Illinois, reaching out to those  
8 in need and those in the margins of society, making sure  
9 individuals don't leave our local hospital without the  
10 prescriptions that they need, access to health care. The  
11 emergency room at the hospital in Danville, Illinois, a  
12 community of 31 thousand, 40 thousand visits a year to the  
13 emergency room. The discussion as it relates to, is our health  
14 care system broken, to me, is a given. It is, in fact, broken.  
15 Community outreach programs that reach out to seniors and  
16 teens, teen pregnancy rate in my community, the highest in  
17 the State of Illinois and not by a little. The issue becomes  
18 not can we do better; the issue is, are we rushing in? The  
19 implementation of this Act... of this Bill has many, many  
20 positive aspects as the previous speaker just discussed. The  
21 care coordination piece should be discussed separately. It's  
22 something that I'm very interested in. It's something that  
23 Representative Bellock and Leitch and others talked about.  
24 It's something that hospitals talked about, that they want to  
25 be even more involved and engaged in instead of giving money  
26 to some third-party insurance administrator. The RUGs dynamic  
27 that should have been taken care of years ago, something that  
28 needs to be done. The United States Supreme Court has ruled  
29 that states may opt out. I have a question that relates to

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1           why the rush. States like Wisconsin, Missouri, Iowa, Indiana,  
2           have said we're going to take a cautious and deliberative and  
3           thoughtful approach. Fifteen states have said we're not just  
4           going to rush in. It is my belief that there's going to be a  
5           massive, massive renegotiation of how this is implemented. I  
6           am very, very concerned on a number of different levels. The  
7           President of the United States himself, in two consecutive  
8           budgets, has suggested less federal money for this dynamic  
9           than the year before. Less money. What more evidence do you  
10          need that the states are going to inherit more of this than  
11          was promised than that? The previous speaker spoke about a  
12          dynamic in which states were going to be coerced into just  
13          rushing in with a massive expansion of Medicaid. Certainly,  
14          when the Supreme Court ruled that that was not going to be  
15          okay, the math got thrown a curveball in a huge way on that  
16          date. I'm also very concerned about the confidence level that  
17          the department has to even implement this. Let me give you a  
18          quick review in my two and a half years in this Body of the  
19          department in implementing different dynamics and I will  
20          assign a degree of difficulty, and you see if you agree with  
21          me that I'm a little concerned. When I first got here, there  
22          was an RFP for health care, the simple health care plan for  
23          employees around the state. It was awarded to a company who,  
24          upfront, said we don't have a program around the state nor  
25          are we going to implement a program around the state. So two-  
26          thirds of our state, the employees and retirees, had no plan  
27          at all. When the Auditor General did a review and an audit of  
28          that RFP, he suggested that it was a boondoggle of the highest  
29          order, that we were assigning a letter grade to that dynamic,

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1       it would an F. I would assign that on a scale of 1 to 10, in  
2       terms of difficulty, a 1, and that's being generous. Any  
3       junior high school class could have got that right. Now, the  
4       Governor asks us to implement some very serious, serious  
5       reforms to Medicaid led by the Sponsor. The Sponsor herself  
6       pulled me aside and said, Representative, you know a lot about  
7       this. I need your help with this. And I thought it was my  
8       responsibility to do my share to help with some very, very,  
9       difficult decisions. But what happened? Three hundred and  
10      fifty million dollars in terms of scrubbing people off the  
11      rolls and these are people who don't even live in the State  
12      of Illinois or who blatantly do not meet the participation  
13      requirements. We decided upfront, on a vote of 112 to 4 in  
14      this Body and 57 to 0 in the Senate, that we needed a third-  
15      party company to do the simple scrubbing of people from the  
16      rolls. What more do you need to know, in terms of an  
17      admission, that something on a scale of 1 to 10 that I would  
18      assign maybe a 3 or a 4, we couldn't get done by ourselves?  
19      Now we have the largest expansion of services in the history  
20      of, not only this state, but in the history of the nation.  
21      Massive. Numbers that are unparalleled, yet the same  
22      department meeting after meeting after meeting, committee  
23      meeting after committee meeting, used terms like, well, we  
24      hope we can get it done, maybe we will be ready. I would  
25      argue, on a scale of 1 to 10, this implementation's about a  
26      25. And the same team is being called on to implement it. If  
27      that doesn't frighten you, you are a brave soul. How many  
28      people in this chamber, if we're being honest, have read this  
29      Bill? I would argue probably about the same percentage that

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1 in U.S. Congress admitted that they hadn't read the Bill,  
2 which is almost everybody. The biggest expansion in history,  
3 the biggest factor in terms of our economy in history and  
4 most Members haven't read the Bill. The people in Congress  
5 that handed us this admitted they didn't read the Bill. I  
6 don't know what's in it. It sounds like a pretty dog-gone  
7 good idea to me, didn't read it. I've not only read it, I  
8 went back in 2005 and 2006, many of the folks in this chamber  
9 were not here, many were, and I read some of the transcript  
10 of the debate on the floor that day when Medicaid was  
11 dramatically expanded the last time around. And it is shocking  
12 how similar that transcript is to the debate today. Won't  
13 cost us any money. It's going to save us money. And then in  
14 my first year, the Governor comes right here in this chamber  
15 in the well and says, wow, we didn't do the math. Turns out  
16 that didn't save us any money. It's cost us a heck of a lot  
17 of money. It's unsustainable. We need you to help us out. So,  
18 on a vote of 112 to 4 in this chamber, 57 to 0 in the other  
19 chamber, we said Governor, you're right, unaffordable.  
20 Twenty-four months later, it's as if the memory has been  
21 zapped from this chamber and the math skills have just simply  
22 been put aside. I would offer this. It is okay to call a  
23 timeout. It's okay to take a thoughtful and deliberative  
24 approach to this. I come from a health care background. I am  
25 deeply concerned about these issues. But to rush in and make  
26 promises that we know in our hearts cannot be kept is the  
27 wrong thing to do. I... I urge a more thoughtful and  
28 deliberative approach. I urge a road map that can actually

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1 get us to the finish line. Think long and hard about this  
2 vote. Thank you."

3 Speaker Lang: "Representative Bill Mitchell."

4 Mitchell, B.: "Thank you, Mr. Speaker. To the Bill. I believe I'm  
5 the last speaker on this Bill and I noticed that the esteemed  
6 Majority Leader quoted the Governor of Arizona, Jan Brewer.  
7 I would like to paraphrase Lady Thatcher when she said, the  
8 problem with liberalism is sooner or later you run out of  
9 other peoples' money. The State of Illinois, the United States  
10 Government, they've run out of other peoples' money. I've  
11 been sitting here listening to this debate and my good friends  
12 on the other side of the aisle take a lot of pride because  
13 Uncle Sam is going to pay for this. Uncle Sam is borrowing 40  
14 cents on every dollar it's spending. It's borrowing 40 cents  
15 on every dollar. The State of Illinois is insolvent and yet,  
16 the next few years we're going to have to pay an additional  
17 \$2 billion or nearly \$2 billion and that's from the Kaiser  
18 Foundation, not a Republican, not a Democrat. Let's just walk  
19 ourselves through the last 10 years of this horrible  
20 governance in the State of Illinois. In 2003, you expanded  
21 public assistance and our rolls were about one and a half  
22 million out of 12.5 million people in the State of Illinois.  
23 2003, you borrowed \$10 billion. Go ahead to 2005, 2006, you  
24 decided we wanted to expand public assistance rolls more. So,  
25 what are we going to do to find that money? We're going to  
26 skip the pension payments that year and you did. In fiscal  
27 years '10 and '11, you wanted to expand public assistance  
28 more, so what did you do to the pension payments? We're going  
29 to borrow \$4 billion. So, in the last 10 years, you've

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1 quadrupled the state debt and you've expanded Medicaid from  
2 one and a half million people to nearly 3 million people.  
3 Three million people out of about 12 and a half million  
4 people. It's easy to be compassionate when you're spending  
5 the taxpayer dollars. It's easy to be... say I'm compassionate  
6 and giving people health care when the taxpayers of the State  
7 of Illinois are picking up the tab. It's easy, but it's wrong.  
8 It's very wrong. So, what should Senate Bill 26 come with?  
9 What little warning should this Bill come with? It should  
10 come with a big sign on it that says 'taxpayers beware'  
11 because the working men and women of the State of Illinois,  
12 we're going to sock it to you again because we're going to  
13 promise our client interest groups more free things. It  
14 doesn't work. There is no free lunch and the people... the  
15 working men and women of this state are going to be socked  
16 billions of dollars. Thank you. I urge a 'no' vote."

17 Speaker Lang: "Mr. Reboletti."

18 Reboletti: "Thank you and to the Bill, Mr. Speaker. I hope that  
19 Leader Bellock gets to have some additional comments on this  
20 issue, as she's been dealing with this for years and works on  
21 this issue tirelessly, probably about 16 hours a day. God  
22 bless her. I'm not sure how she does it, but we would all do  
23 well to heed her warnings. As I... I think about this Bill on  
24 unlimited debate. When we were talking about concealed carry  
25 it was five minutes. This is unlimited debate because we're  
26 handing out unlimited money. So, we can all talk about all  
27 the freebies, and everybody gets something, and Christmas  
28 comes early to the Statehouse. The Majority Leader talked  
29 about it's going to come out of one pocket or the other. I

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1 would suggest to you it comes out of both pockets. Why does  
2 everybody that talks about it comes out of one pocket or the  
3 other pretend that if money comes here from the Federal  
4 Government, it's got to be other people's money, not taxpayers  
5 from the State of Illinois who put money in the Federal  
6 Treasury? It's somebody's from Florida, or Washington, or  
7 somewhere else. They're going to pay for our free health care.  
8 Maybe we should ask Senator Durbin how that's going to look  
9 3 years from now, if we'd be able to pay for everything. We  
10 talked about if veterans are covered in this Bill today. Let's  
11 carve out everybody else and just put veterans in the Bill.  
12 I bet you could get 118 votes. I'm confused as to who is the  
13 vulnerable population in this state, because for many years  
14 under Rod Blagojevich, we expanded it to be almost be  
15 everybody. You could make 400 percent of the poverty line and  
16 you could qualify for Medicaid. So, what happens after 4...  
17 after the third year out? We'll be stuck with 900 thousand  
18 new people on the rolls that we simply can't pay for. So, now  
19 if I don't support the Bill, the Leader said that we're for  
20 early death of individuals. I've heard that talking point  
21 from Alan Grayson on the Congressional Floor a few years back  
22 when Obamacare was being debated. I am going to vote my  
23 conscious. We can't afford this. The state is hemorrhaging  
24 money everywhere. So, what we'll do is add a 3, 4 billion  
25 dollar tab at the end. So, we'll talk about old bills that we  
26 have. We'll talk about new old bills. And we'll talk about  
27 the old bills that we'll be trying to pay off when these new  
28 bills come up when we add \$3 billion worth of payments. So,  
29 now what happens? I heard sirens going off not that long ago.



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1 Those were the fiscal sirens warning us that we cannot vote  
2 for this Bill. We have doctors who aren't taking Medicaid  
3 patients right now. Why are we going to hand them a useless  
4 piece of paper and say, oh, look, you have health care now.  
5 Now you can go get services when doctors aren't taking it. I  
6 think it's time to put a fork in the State of Illinois because  
7 it's... we're done if this passes. We can't afford it. I've  
8 heard on this House Floor that this saves money and I haven't  
9 seen it. And somehow, this is going to stimulate the economy  
10 and that is exactly wrong. I've talked to businesses in Itasca  
11 who know that if this passes they will simply lay people off,  
12 they won't hire more people, and you can stick a fork in the  
13 State of Illinois 'cause it's done."

14 Speaker Lang: "Mr. Tryon."

15 Tryon: "Thank you, Mr. Speaker. I wish to yield my time to the  
16 Lady from DuPage, Representative Bellock."

17 Speaker Lang: "Representative Bellock."

18 Bellock: "Thank you very much, Mr. Speaker. To the Bill. I think  
19 we've had a really, really good debate on the Bill. I just  
20 would like to close on our side by saying I want to thank  
21 Representative Feigenholtz for all the work she has done in  
22 the past along with Senator Steans, Senator Righter, and  
23 myself last year. We spent almost a year trying to sustain  
24 the Medicaid system in Illinois. We are trying to look at  
25 this in a fiscal way as well as an emotional way in trying to  
26 serve the people that the Medicaid system serves. I just ask  
27 in the end today, looking forward to the largest expansion of  
28 health care in the State of Illinois, that we would look at  
29 the uncertainty of the numbers that we're looking at right

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1 now. We're not sure if it's 300 thousand, 500 thousand, or  
2 700 thousand. We're not sure after the first 3 years if it's  
3 going to be a 90 percent rate or will it change to a 65  
4 percent rate? Will the cost to this state be 1.5 billion or  
5 will it be 6.5 billion? Right now, across the United States,  
6 this issue this week is being debated in Legislatures across  
7 the country. Only 25 states have opted in taking the cautious  
8 approach, not knowing how much it will cost their state,  
9 especially states that are in financial, fiscal, ill-footed  
10 right at the time being. So, that's why I would ask you to  
11 take a second look at this before we take this vote, because  
12 as I pointed out in one of my original questions to  
13 Representative Feigenholtz, we do not have to opt in now. We  
14 can wait 'til the fall, we can wait 'til the spring Session  
15 next year. We can wait 'til the debt ceiling talks take place  
16 in Washington in September and then we will be more certain  
17 about the facts. We will know if the options on the table in  
18 the Federal Government are going to have changes as far as  
19 the rates go. So, I would ask all of you right now to defer  
20 your decision today on this major expansion of health care  
21 until we have more clarification on the federal fiscal policy.  
22 Remember, the numbers are \$985 billion as to the cost of this  
23 expansion. With a Federal Government with a debt of \$18  
24 trillion and a State Government that Judy Baar Topinka, our  
25 Comptroller, said even with the extra 1.5 billion we got in  
26 April, that in the end of June, we will have on hand \$7.5  
27 billion of unpaid bills. We are trying to pay the Medicaid  
28 bills because we care about the population that needs their  
29 health care. And I'm asking you, by deferring this decision,

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1 to not end up having to make the heart-wrenching decisions  
2 that we did last year in the SMART Act. Please, let's defer  
3 this decision 'til we have more financial knowledge as to  
4 where we're going and protect the solvency of the State of  
5 Illinois, enabling it to take care of this most vulnerable  
6 population in the future. Thank you."

7 Speaker Lang: "Representative Mitchell."

8 Mitchell, C.: "Thank you, Mr. Speaker. To the Bill. I want to  
9 push back on a few things and then move to exactly why this  
10 is one of the best things that we can do for the State of  
11 Illinois. So, first of all, Margaret Thatcher's quote was  
12 actually about socialists, not liberals. So let me start  
13 there. Secondly, the example cited about Oregon, about  
14 Medicaid having no effect on health has been widely debunked.  
15 The sample size was too small and even if you consider that,  
16 the effects on mental health were sizeable. So, let's... let's  
17 talk from facts here. Second, it was cited that this is going  
18 to be disruptive to Illinois businesses. This does not apply  
19 to anyone with fewer than 50 full-time employees, which is 96  
20 percent of all businesses in the State of Illinois. And of  
21 those over 50 employees, only .2 percent do not currently  
22 provide coverage. In addition, we'll be setting up an exchange  
23 that will allow smaller businesses or folks with a lot of  
24 part-time workers like the hospitality workers in my district  
25 to find an affordable plan on the exchange. I'd also like to  
26 note that recent GOP Governors to sign on to Medicaid  
27 expansion are Terry Branstad, Kasich in Ohio, and Rick Scott  
28 in Florida, and Jan Brewer, that wonderful liberal from down  
29 South, has said expand Medicaid or I will veto all Bills. So,

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1       this isn't something that's just being considered by liberals  
2       or by Democrats in the State of Illinois but by people  
3       everywhere as being very good policy. But let's look at  
4       Illinois as we close this debate. So, in terms of Medicaid,  
5       our Medicaid spending growth is down. The assumed rate of  
6       growth is 2.2 percent for fiscal year 2014, which is a 20-  
7       year low. And we know that every dollar, every dollar that we  
8       receive in matching funds generates more than 2 dollars in  
9       local and state economic activity. So, it is a net stimulus  
10      to our economy. Furthermore, I would just note that  
11      nationally, the Kaiser Foundation, which has been cited  
12      multiple times here, estimates that states on average are  
13      going to increase their budgets by .3 percent, compared to an  
14      18 to 20 percent increase by the Federal Government. So, this  
15      is one of the best returns on investment we could possibly  
16      have. I would also note that we here in Illinois have the  
17      44th lowest cost of Medicaid per patient in the nation. Right  
18      now, before any of this goes into effect, 44th in the nation.  
19      We have continued to cut and we will continue to find more  
20      efficiencies, but this is actually the fiscally responsible  
21      thing to do. We are covered by 100 percent for the first three  
22      years and 90 percent thereafter. Now, some folks have said,  
23      well, hold on, what happens with that 10 percent? Well,  
24      currently, once again, according to the Kaiser Foundation, a  
25      conservative estimate is that over 10 years this will save us  
26      \$950 million in uncompensated care, care that we're currently  
27      giving but that is being passed to all of us as private  
28      citizens in the form of private insurance premiums. A further  
29      study by the Harvard Law School says that that number would

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1 be 1.7 billion over 5 years. So, either way we are saving  
2 money with this. This is the right thing to do. The matching  
3 funds will free up general revenue funds for other things,  
4 some of the restorations that we talked about with the SMART  
5 Act or spending on schools or whatever else. We are going to  
6 generate at least \$4.6 billion over the next three years, if  
7 not more. We are not just talking about people who are... are  
8 poor and have been poor all their lives. We're talking about  
9 people who were hit hard by the 2008 recession who need this  
10 coverage, who've never had to use it before but will have an  
11 opportunity now. We're talking about poor people who need an  
12 opportunity, who are trying to keep their jobs. This is the  
13 right thing to do and it's the fiscally responsible thing to  
14 do. I strongly, strongly urge an 'aye' vote. Thank you."

15 Speaker Lang: "Representative Feigenholtz to close."

16 Feigenholtz: "Ladies and Gentlemen of the House, last year, my  
17 colleague on the other side of the aisle and I had a very,  
18 very difficult day, 365 days ago, on the floor of the House  
19 where we... we did a very painful exercise. And one of the  
20 reasons that I stayed at the table on that is so I could be  
21 here today and do this. A lot of people on the other side of  
22 the aisle say, why now? Why are we rushing into this? Three  
23 hundred and forty-two thousand people in this state who have  
24 historically been discriminated against because they're  
25 childless can't wait another day for this. In October, they  
26 will begin to enroll in this program and they will become  
27 insured for the first time in the history. Why do it at all?  
28 Because, you know, there are actually people here who don't  
29 want to make perfect the enemy of good. They want to be able

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1 to take care of their constituents who walk through the front  
2 doors of their district offices and every day it's another  
3 story. Why is the mental health facility closing? Why haven't  
4 I got paid in... in 9 weeks? What is... 9 months? What is going  
5 on with the State of Illinois? Let me tell you the benefits  
6 coming to our state and the very, very interesting group of  
7 allies on this Bill. The Shriver Center and the Illinois State  
8 Chamber of Commerce support this Bill. There are 20 thousand  
9 jobs coming to this state under the Affordable Care Act to  
10 your communities. The benefit is exponential. As the previous  
11 speaker said, for every dollar we spend, we'll benefit 2  
12 dollars and 44 cents. The saddest thing is that a lot of your  
13 constituents, those of you who are considering a 'no' vote,  
14 are going to benefit dramatically from this measure over the  
15 years. We are going to be able to celebrate reconstructing  
16 health care in this state. But if you want to make it  
17 political, if you've been waiting for your chance for the  
18 last few years to hit the red button because you don't want  
19 to support Obamacare, think twice, because a lot of people in  
20 your districts can benefit from this. And again, I encourage  
21 you, this is a watershed moment for Democrats, a watershed  
22 moment for people who have been waiting for health care their  
23 whole life. I encourage an 'aye' vote. Thank you."

24 Speaker Lang: "Lady's moved for the passage of the Bill. Let me  
25 remind the Body that Mr. Sullivan has asked for a  
26 verification. So, Members will be at their desks and vote  
27 their own switches. Those in favor of the Bill will vote  
28 'yes'; opposed 'no'. The voting is open. Have all voted who  
29 wish? Have all voted who wish? Have all voted who wish? Please

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1 record yourselves, Members. Mr. Thapedi. Please take the  
2 record. On this question, there is 63 voting 'yes' and 55  
3 voting 'no'. And Mr. Sullivan has asked for a verification.  
4 Mr. Clerk, please read the affirmative vote."

5 Clerk Hollman: "A poll of those voting in the affirmative.  
6 Representative Acevedo; Representative Arroyo;  
7 Representative Beiser; Representative Berrios;  
8 Representative Bradley; Representative Daniel Burke;  
9 Representative Kelly Burke; Representative Cassidy;  
10 Representative Chapa LaVia; Representative Conroy;  
11 Representative Crespo; Representative Currie; Representative  
12 D'Amico; Representative Monique Davis; Representative William  
13 Davis; Representative DeLuca; Representative Drury;  
14 Representative Dunkin; Representative Evans; Representative  
15 Farnham; Representative Feigenholtz; Representative Fine;  
16 Representative Flowers; Representative Ford; Representative  
17 Gabel; Representative Golar; Representative Gordon-Booth;  
18 Representative Greg Harris; Representative Hernandez;  
19 Representative Hoffman; Representative Hurley;  
20 Representative Jackson; Representative Jakobsson;  
21 Representative Jefferson; Representative Jones;  
22 Representative Lang; Representative Lilly; Representative  
23 Martwick; Representative Mautino; Representative Mayfield;  
24 Representative McAsey; Representative Mell; Representative  
25 Christian Mitchell; Representative Mussman; Representative  
26 Nekritz; Representative Phelps; Representative Riley;  
27 Representative Rita; Representative Sente; Representative  
28 Sims; Representative Smiddy; Representative Smith;  
29 Representative Soto; Representative Tabares; Representative

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1 Thapedi; Representative Turner; Representative Verschoore;  
2 Representative Walsh; Representative Welch; Representative  
3 Williams; Representative Willis; Representative Zalewski; and  
4 Mr. Speaker."

5 Speaker Lang: "Mr. Sullivan."

6 Sullivan: "For the Obamacare vote, is Representative Smiddy in  
7 here?"

8 Speaker Lang: "Mr. Smiddy is in his chair."

9 Sullivan: "Is Conroy in their chair?"

10 Speaker Lang: "Representative Conroy is in her chair."

11 Sullivan: "Is Representative Beiser in his chair?"

12 Speaker Lang: "Representative Beiser is standing and waving at  
13 you."

14 Sullivan: "And Representative Drury?"

15 Speaker Lang: "Representative Drury is in his chair."

16 Sullivan: "Thank you."

17 Speaker Lang: "On this question, there are 63 voting 'yes', 55  
18 voting 'no'. And this Bill, having received a Constitutional  
19 Majority, is hereby declared passed. On House Bill... on Senate  
20 Bill 26, Representative Currie now moves that we reconsider  
21 the vote by which this Bill passed. Representative  
22 Feigenholtz moves that we lay that on the table. Those in  
23 favor say 'yes'; opposed 'no'. The 'ayes' have it. And the  
24 Motion to reconsider is laid on the table. On page 5 of the  
25 Calendar appears Senate Bill 2266. Please read the Bill."

26 Clerk Hollman: "Senate Bill 2266, a Bill for an Act concerning  
27 regulation. Third Reading of this Senate Bill."

28 Speaker Lang: "Mr. Phelps."



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1 Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
2 House. Senate Bill 2266, the purpose of this legislation is  
3 to encourage gas utilities to..."

4 Speaker Lang: "Excuse me, Mr. Phelps. Mr. Phelps, do you have  
5 Amendments?"

6 Phelps: "If we do, I'd like to adot... adopt them and debate the  
7 Bill on Third."

8 Speaker Lang: "Mr. Clerk, the Sponsor asks that this Bill be  
9 placed on the Order of Second Reading. Please put the Bill on  
10 the Order of Second Reading. And please read the Bill."

11 Clerk Hollman: "Senate Bill 2266, a Bill for an Act concerning  
12 regulations. The Bill was read a second time on a previous  
13 day. Amendments 3 and 4 have been approved for consideration.  
14 Amendment #3 is offered by Representative Phelps."

15 Speaker Lang: "Mr. Phelps."

16 Phelps: "Believe this becomes the Bill. I'd like to adopt it and  
17 debate on Third Reading, please."

18 Speaker Lang: "The Gentleman moves for the adoption of the  
19 Amendment. There being no debate, those in favor say 'yes';  
20 opposed 'no'. The 'ayes' have it. And the Amendment is  
21 adopted. Mr. Clerk."

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

24 Speaker Lang: "Mr. Phelps."

25 Phelps: "This Amendment... we exempt MidAmerican Energy and Mt.  
26 Carmel Public Utility Company. I ask for its adoption."

27 Speaker Lang: "Gentleman moves for the adoption of the Amendment.  
28 Chair recognizes Mr. Sullivan."

29 Sullivan: "I'm sorry. I want it to be on Third Reading."

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

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

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

6 Clerk Hollman: "Senate Bill 2266, a Bill for an Act concerning  
7 regulation. Third Reading of this Senate Bill."

8 Speaker Lang: "Mr. Phelps."

9 Phelps: "You.. thank you, Mr. Speaker, Ladies and Gentlemen of the  
10 House. Senate Bill 2266, the main purpose of this legislation  
11 is to encourage gas utilities to invest their infrastructure  
12 in order to improve the safety and reliability of the system  
13 for their customers. That's all we're doing. We're making it  
14 safer, making it more reliable. We don't want a San Bruno,  
15 California. Eight people lost their lives. Some of the gas  
16 lines in Chicago are as old as when President Lincoln was in  
17 office. So, that's what we're dealing with here. Not only to  
18 invest, but to prioritize the investments so that the most  
19 important improvements will be done first. The process is  
20 going to work as follows; it's not formula rate. The utility  
21 will submit their investment plan, which is going to be called  
22 a Rider. It's going to the ICC for approval and the ICC has  
23 120 days to respond. The legislation clearly lists the  
24 projects that qualify for the Rider. Some examples, and I'm  
25 not going to read them all because of time, they're going to  
26 replace old leaky pipes with new pipes, relocate meters,  
27 upgrade low pressure to medium pressure, install smart  
28 meters, replace high pressure pipelines and replace difficult  
29 to locate mains. Clearly, all these improvements are meant to

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1 do one thing, and I said it earlier, the safety and  
2 reliability of our... for our customers, and the ICC must  
3 approve these prior to construction. Now let me make this one  
4 point clear. I commend... I commend all these utility companies  
5 for taking a proactive approach, because sooner than later  
6 the feds are going to come down with unfunded mandates to do  
7 this work. So, we want to make sure that... we want to make  
8 sure we pass this today because this is a cheaper way to do  
9 it, unless the feds come in and mandate, and they're going to  
10 do that any day. So, I ask for its passage."

11 Speaker Lang: "Gentleman moves for the passage of the Bill. The  
12 Chair recognizes Mr. Sullivan."

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

14 Speaker Lang: "Sponsor yields."

15 Sullivan: "Representative, some of the financial figures that  
16 might worry some people, I'd like to kind of address some of  
17 those."

18 Phelps: "Sure."

19 Sullivan: "We have a rate cap, do we not?"

20 Phelps: "We do in this Bill. That's one of the safeguards we put  
21 in there for the... for the ICC and that also got them and the  
22 Attorney General to be neutral on the Bill."

23 Sullivan: "This rate cap ensures... obviously, the costs are going  
24 to be down, but also in there we also look at and in past  
25 things we've seen a rate of return. Can you explain in this  
26 Bill what the rate of return is?"

27 Phelps: "It's for their work that they do. The legislation, we  
28 don't make any change on really the rate of return. The ICC

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1 will determine the rate of return for the gas utility, just  
2 as they... as they've always done, Representative."

3 Sullivan: "And... and Representative, the point I was... I was going  
4 with that is, there is not a guaranteed rate of return in  
5 this Bill, like we have in previous Bills. But we have let  
6 the ICC, the rate of return is what they have previously set  
7 through the ICC action."

8 Phelps: "Absolutely."

9 Sullivan: "Okay. When we talk about cost, I believe the figure  
10 for Ameren was about a penny a day?"

11 Phelps: "The... and I'll go through these and these are on average  
12 per month. But yes, Ameren's about a penny a day. Peoples is,  
13 on average, about a dollar fourteen a month. Nicor, they're  
14 not in... they're in this Bill, but they have a... they have a  
15 three-year freeze agreement with the ICC and I don't think  
16 that expires until 2015, I believe. And theirs is going to be  
17 maybe 90 cents a month."

18 Sullivan: "Okay. Thank you. To the Bill. Ladies and Gentlemen,  
19 when we come down here or when we're in our districts we talk  
20 about creating jobs or creating an environment for businesses  
21 to create jobs, well, you get to do both. You get them both  
22 here. By passing this legislation, we will allow these  
23 companies to actually hire people so your vote will create  
24 jobs. But more importantly, and this is the function of this  
25 Bill, is to create an environment where business says, hey,  
26 we're trying to do good things here in Illinois. We really  
27 haven't done that lately. We want to create an environment  
28 for businesses to come here and invest and build their  
29 buildings. This is also about safety. And if you go up to the

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1 City of Chicago, as the Representative has said, we have so  
2 many aging infrastructures that if one of those would explode,  
3 there would be absolute Armageddon. We don't want that. We  
4 need to move forward with this Bill and we need to pass it.  
5 Please vote 'aye'."

6 Speaker Lang: "Mr. Bost."

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

8 Speaker Lang: "Sponsor yields."

9 Bost: "Representative, you know there was several... now... now, this  
10 was not... originally the Bill was... was going to go quite a bit  
11 further than this. Is that correct?"

12 Phelps: "That is absolutely right and we thought this was a  
13 smarter way to do it because of a Rider instead of formula  
14 rates, which would have been a lot more expensive."

15 Bost: "And... and because of that that's why those rates are so low  
16 that we... that we just talked about. It deals strictly with  
17 the construction side, the safety side and the implementation  
18 of... of the new valves for that safety purposes, correct?"

19 Phelps: "Right. I mean, what we're doing is, is making it  
20 definitely safer because you heard of what happened in San  
21 Bruno, California, eight people died, left a huge crater. We  
22 have pipes in Chicago, like I said earlier, that are as old  
23 as when President Lincoln was in office."

24 Bost: "Ladies and Gentlemen, to the Bill. I stand in strong  
25 support of the Bill. I agree with the previous speaker because  
26 we do not want Armageddon. Please vote 'yes'."

27 Speaker Lang: "Ford."

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

29 Speaker Lang: "Sponsor yields."

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1 Ford: "Representative, I have a few questions. One, could you  
2 tell me the last rate increase each of the energy providers  
3 received?"

4 Phelps: "Representative, I believe that rate case... I'm going to  
5 make a little bit of a guess here. I thought it was... one of  
6 the reason... I don't know exactly how long ago. I will tell  
7 you this, one of the reasons why we're doing this Bill is  
8 because to align us with 28 other states, Representative Ford.  
9 But the Illinois Appellate Court ruled that Peoples Gas case;  
10 ICC didn't have authority, that's why we're mainly doing this  
11 legislation, to give the ICC that authority."

12 Ford: "So this Bill, of course, is not an automatic rate increase,  
13 it just gives the authority to the energy companies to go and  
14 ask for a rate increase?"

15 Phelps: "Absolutely. And.. let me.. let me say this too. Not very  
16 often do you have companies that want to.. that are here in  
17 Illinois that want to put in infrastructure improvements. For  
18 example, Ameren's willing to spend in infrastructure  
19 improvements 330 million, Peoples Gas is willing to spend  
20 almost 2 billion, a little over 2 billion, to be honest with  
21 you, with a lot of jobs being created. So, you know, we're  
22 welcoming that and I commend them for doing this because  
23 they're taking a proactive approach."

24 Ford: "Do you think these companies that's asking for rate  
25 increases are big businesses or small businesses?"

26 Phelps: "I... You know, I would say, compared to the people they  
27 hire or whatever, Representative Ford, you can make your own  
28 determination. I would.. I would call them big business."

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1 Ford: "Yeah. So, that's the problem that I have with the Bill  
2 because we're here helping big businesses when small  
3 businesses continue to struggle. And you know that when a  
4 small business would like to do improvements in the  
5 neighborhoods at... at their local stores or restaurants, it's  
6 very hard for them to get the support from community banks or  
7 big banks. But in this case, we have an opportunity to provide  
8 the support for big businesses and the fact that we're doing  
9 that, you said that there will be jobs created. My mission,  
10 as a Legislator, is to make sure that I provide relief and  
11 support for families in a time of need and to provide the  
12 best policy. So, if you could tell me how, as we support these  
13 big businesses, how will the benefits trickle down to the  
14 individuals that have to pay the bills?"

15 Phelps: "Well, Representative Ford, like I said, you know, the  
16 Federal Government's going to require these companies do  
17 this. Some of the smaller companies had an opportunity to be  
18 in this Bill, Representative Ford, they chose not to at the  
19 time. So, we gave everybody a chance. But you know, I'm... I'm  
20 very glad that they're creating jobs here. I'm very glad that  
21 they're concerned and I think all of them should be glad that  
22 they're concerned about their old pipelines. And you saw what  
23 happened in San Bruno, California. I don't want people to  
24 lose their lives because where you live, and I know some of  
25 my pipes are old, down where I'm from, but mainly yours, I  
26 think back in the 1860s. So, that would be a huge concern if  
27 I was from Chicago."

28 Ford: "Well, thank you very much for your answers."

29 Speaker Lang: "Mr. Crespo."

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

2 Speaker Lang: "Sponsor yields."

3 Crespo: "Representative, let's go back to the cost per month or  
4 per day. If I understand you correctly, you said Ameren  
5 figures to add 30 cents a month; Peoples, a dollar fourteen  
6 a month?"

7 Phelps: "Yeah. And then Nicor, because of the freeze which you're  
8 very well aware of, they're... they're guesstimating around 90  
9 cents, something like that. But remember, a lot of this is  
10 got to be approved by the ICC. They can't just automatically  
11 do it, as you know. That's why we thought the Rider would be  
12 the best way to go."

13 Crespo: "And according to our analysis, the Peoples increase is  
14 around 2.5 percent, correct?"

15 Phelps: "Yeah and remember, here... here's the safeguard we put in  
16 here, because the maximum... maximum amount a bill may increase  
17 cannot exceed 4 percent on an average of two years. So, for  
18 example, if the first year was 5 percent, the second year has  
19 to be 3 percent and I think that was a very important  
20 safeguard to put in this."

21 Crespo: "Now let... let me ask you this. The 2.5 percent, is that  
22 based on the entire bill or just the distribution portion?"

23 Phelps: "I believe that's the entire bill, Representative Crespo."

24 Crespo: "I... I'm not sure about that 'cause as you, I'm not sure,  
25 you probably know this, but on your gas bill or electric bill  
26 there's two parts to your bill. There's the commodity itself  
27 which is a cost that's passed on to the customer... customer  
28 with any markup, your transmission or distribution cost, it's



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1 a fixed cost and I believe the Rider addresses that fixed  
2 cost, correct?"

3 Phelps: "I believe it does, yes."

4 Crespo: "So, that being the case it's more than 2.5 percent. The  
5 2.5 percent is based on the entire bill, the commodity  
6 fluctuates up or down. So the 2.5 is really a lot higher when  
7 you factor that it only applies to the distribution."

8 Phelps: "Yeah. It's the delivery base rate revenues. And let me  
9 say this, Representative Crespo, and I know you know a lot  
10 about this. This is... they just anticipate 2.5. I mean, you  
11 know, it could be lower because that's going to be up to the  
12 ICC as well."

13 Crespo: "I think, again, with all due respect, I think it's a lot  
14 higher than that because it really should only apply to the  
15 fixed cost or... or the distribution. Now, according to our  
16 analysis, Ameren intends to use the additional revenue to  
17 apply investments to install advanced gas meters, correct?"

18 Phelps: "Yes."

19 Crespo: "And that seems like a new technology, something new in  
20 the market."

21 Phelps: "Right. And you know, just like what we did with ComEd  
22 and some of them, you know, the smart meters could eventually  
23 lower the costs for the customers."

24 Crespo: "Okay."

25 Phelps: "They're bringing that modernization and that's one of  
26 the reasons we're trying to do this as well."

27 Crespo: "So, let me ask you this. I can understand the Ameren  
28 part and you mentioned the smart grid under ComEd. ComEd was  
29 bringing the new product into the market. so they were looking

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1 for a way to recover their cost. I can see Ameren trying to  
2 do the same thing. I'm having such a difficult time  
3 understanding what Peoples is going to do. You talked about  
4 the fact that they want... move from low pressure to medium  
5 pressure, putting the meters outside, upgrade their pipes.  
6 This is their core competency. This is what they're supposed  
7 to do. We have a framework within the ICC to do that.  
8 Approximately four or five years ago, Representative, Peoples  
9 came before the General Assembly and they were looking at  
10 decoupling. It was a method to get creative on how to increase  
11 rates; it never went anywhere, so this is their second attempt  
12 to do that. So, you need to think long and hard. If they're  
13 having an issue with the ICC let's... let's talk about that.  
14 But for Peoples, I really don't understand they're asking us  
15 to do... help them do what they're supposed to do, circumvent  
16 the ICC process. The cost, Ladies and Gentlemen, it's not a  
17 2.5 percent increase. Let's keep in mind that your customers,  
18 or your constituents are going to pay higher electric bills  
19 under the smart grid. Now, they're going to pay higher bills  
20 under this as well. So, I urge you to seriously consider what  
21 you're doing here. And with all due respect, Representative,  
22 you worked really hard on this, but I get Ameren. I could  
23 probably even vote if you were Ameren only. The Peoples part  
24 does not make any sense. There is a framework in place today  
25 to do exactly what they're supposed to do. So, I urge a... a  
26 'no' vote. Thank you."

27 Speaker Lang: "Representative Mayfield."

28 Mayfield: "Thank you, Speaker. To the Bill. Several caucus members  
29 met with the rep... the Presidents and CEOs for Ameren, Peoples

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1 Gas and Nicor last night. It was a very informative meeting  
2 and what came out of that meeting is that this... this build  
3 out on the backs of our constituents doesn't just pay for  
4 infrastructure upgrades it also pays for facilities. They're  
5 going to take taxpayer money to update their corporate  
6 offices, their satellite offices, possibly their corporate  
7 bathrooms. I don't think that we should be utilizing  
8 constituent money... constituent dollars for these purposes.  
9 There are very few jobs other than lobbyist jobs... there are  
10 a lot of chicken dinners that happened over the course, you  
11 know, while they were negotiating this Bill. However, there  
12 are no real jobs that are coming from this. Very few real  
13 jobs are going to be a result of this Bill. This is a very  
14 bad Bill. I don't think it's soup yet. They're not putting  
15 any investments back into the community. They haven't looked  
16 at the indigent individuals who cannot afford these rate  
17 increases. We just passed a rate increase. I don't think we  
18 should be forcing another one on the backs of our  
19 constituents. That is not why they sent us here. And I'm  
20 urging a 'no' vote. Thank you."

21 Speaker Lang: "Mr. Phelps to close."

22 Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
23 House. Again, this is for the safety and reliability of our...  
24 for our customers, for the people we represent here in  
25 Springfield. I think, too, the Peoples Gas probably needs  
26 this more than anything just because of how old their pipes  
27 are. I'm not going to belabor this anymore. I think we all  
28 know how we're going to vote. But I want to commend these

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1 companies for taking a proactive approach and I just ask for  
2 your approval."

3 Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed  
4 'no'. The voting is open. Have all voted who wish? Have all  
5 voted who wish? Have all voted who wish? Mr. Sommer, Mr.  
6 Thapedi. Mr. Clerk, please take the record. On this question,  
7 there are 84 voting 'yes', 32 voting 'no', and 1 voting  
8 'present'. And this Bill, having received the Constitutional  
9 Majority, is hereby declared passed. The Chair is in  
10 possession of a Motion by Mr. Turner to reconsider the vote  
11 by which Senate Bill 2266 passed. Mr. Phelps moves to lay  
12 that on the table. Those in favor of say 'yes'; opposed 'no'.  
13 The 'ayes' have it. And the Motion by Mr. Turner is laid on  
14 the table. Senate Bill 1470, Mr. Bradley. Please read the  
15 Bill."

16 Clerk Bolin: "Senate Bill 1470, a Bill for an Act concerning  
17 regulation. The Bill was read for a second time on a previous  
18 day. Amendment #1 was adopted in committee. Floor Amendment  
19 #2 is offered by Representative Bradley."

20 Speaker Lang: "Mr. Bradley."

21 Bradley: "Thank you. I'd ask for adoption of the Amendment and  
22 debate it on Third."

23 Speaker Lang: "The Chair recognizes Mr... Excuse me, he withdrew  
24 his light. Those in favor of the Amendment say 'yes'; opposed  
25 'no'. The 'ayes' have it. And the Amendment is adopted. Mr.  
26 Clerk."

27 Clerk Bolin: "No further Amendments. No Motions are filed."

28 Speaker Lang: "Third Reading. Mr. Clerk, Rules Report."

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1 Clerk Hollman: "Committee Reports. Representative Barbara Flynn  
2 Currie, Chairperson from the Committee on Rules reports the  
3 following committee action taken on May 27, 2013: recommends  
4 be adopted is the Motion to Concur with Senate Amendment #1  
5 to House Bill 3003."

6 Speaker Lang: "Senate Bill 1470. Please read the Bill, Mr. Clerk."

7 Clerk Hollman: "Senate Bill 1470, a Bill for an Act concerning  
8 regulation. Third Reading of this Senate Bill."

9 Speaker Lang: "Mr. Bradley."

10 Bradley: "Very simply, this allows the Environmental Protection  
11 Agency to require PLAs on the LUST Fund. I'd ask for an 'aye'  
12 vote."

13 Speaker Lang: "Gentleman moves for the passage of the Bill. The  
14 Chair recognizes Mr. Reis."

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

16 Speaker Lang: "Gentleman yields."

17 Reis: "Representative, has Floor Amendment #2 been adopted to  
18 this Bill as well?"

19 Bradley: "Yes."

20 Speaker Lang: "Mr. Clerk, could you give us the status of the  
21 Amendments?"

22 Clerk Hollman: "Committee Amendment #1 was adopted in committee.  
23 Floor Amendment #2 was adopted."

24 Speaker Lang: "Mr. Reis."

25 Bradley: "Yes."

26 Reis: "Okay. Could you explain what Floor Amendment 2 does?"

27 Bradley: "Floor Amendment 2 is... give me a moment, please. I  
28 believe Floor Amendment #2 is an initiative of the Department  
29 of Agriculture."

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1 Reis: "Yes, it is. It's a pretty substantial Amendment..."  
2 Bradley: "Well, you obviously have the answer in front of you.  
3 Has notice and requirements with regards to meat and poultry  
4 plants."  
5 Reis: "Now does this include Type 1 plants or Type 2 plants or  
6 both?"  
7 Bradley: "What do you mean by Type 1 and Type 2 plants,  
8 Representative?"  
9 Reis: "It's your Amendment, Representative."  
10 Bradley: "I... I'm asking you how you would define Type 1 and Type  
11 2."  
12 Reis: "Well, there's... it's in the Agricultural statute. Type 1..."  
13 Bradley: "Well, it's my understanding that it would apply to  
14 all, but if you've got a different definition of Type 1 and  
15 Type 2..."  
16 Reis: "I don't think it applies to Type 2 plants. And I'm just  
17 saying, I mean, that's... you've got two very different Bills  
18 here that really aren't germane. If this was good for Type 1  
19 plants..."  
20 Bradley: "I... I'm sorry, Type 1."  
21 Reis: "Okay. If it's good for Type 1 plants..."  
22 Speaker Lang: "Mr. Reis, just let me quiet it down here. Ladies  
23 and Gentlemen, let's give these... let's give these folks your  
24 attention, so that we can move through whatever business we  
25 have expeditiously, and then you can make all the noise you  
26 want. Mr. Reis."  
27 Reis: "Thank you, Mr. Speaker. And bear with me everybody, 'cause  
28 this is a... this is two really Bills in itself. But the  
29 original Bill was to increase inspection and requirements of

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1 packing plants in the State of Illinois. But it does not  
2 affect Type 2 plants, which are predominately in Chicago. If  
3 this is a meat inspection and a consumer protection Bill, why  
4 would we apply those same standards to Type 2 plants and  
5 instead of just Type 1 plants?"

6 Bradley: "This is an initiative that came from the Department of  
7 Agriculture which they indicated was necessary due to recent  
8 federal changes made to the Federal Meat Inspection Act. I  
9 don't know why they've chosen Type 1. I assume that they're  
10 under the belief that they feel that this is necessary to  
11 comply with this specific issue with Type 1 plants."

12 Reis: "And I heard a lot from this as this Bill was originally  
13 introduced a long time ago. We heard a lot from our small  
14 state-inspected packing plants throughout the state that they  
15 just keep having to jump through more and more and more and  
16 more and more hoops. And they partially understand that, they  
17 partially don't understand that. What they're really upset  
18 about this Bill is that the Type 2 plants, which are  
19 predominantly in Chicago, don't have to adhere to all these  
20 standards on the E. coli testing and the things like that.  
21 So, I think if we're going to be fair, we should be fair  
22 across all measures and not just sock it to our small,  
23 predominantly downstate meat packing plants that are having  
24 a hard time competing as it is because they just can't move  
25 enough product through their plants to cash flow all this.  
26 So, I guess I would ask, can we amend the Bill to include  
27 Type 2 plants?"

28 Bradley: "I'm prepared to move the Bill now. Certainly, if the  
29 Bill does not pass, that would be under consideration, but as

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1 of right now I'm not prepared to make a commitment to amend  
2 it."

3 Reis: "I have all the respect in the world for you, Representative  
4 and I know you might hear from your packing plants when you  
5 go home, but this is incredibly unfair burden that just is  
6 applied to them when it should be implied to the... the Type 2  
7 plants in Chicago that are less than stellar record of  
8 cleanliness and E. coli. You got chickens coming in, you got  
9 rabbits coming in, you got all sorts of things. If anything,  
10 they should be adhered to this before the Type 1 plants. Now,  
11 I want to go to commitment... Committee Amendment #1,  
12 Representative. Why do we need to have a project labor  
13 agreements on the LUST Fund?"

14 Bradley: "It's merely a policy decision on the State of Illinois.  
15 If you're for PLAs in this context, vote for it. If you're  
16 not, vote against it."

17 Reis: "Well, we all have that right, Representative. Bear with  
18 me, I have all the respect in the world for you. So, will  
19 this unionize the entire LUST cleanup project?"

20 Bradley: "It will require PLAs to be paid under prevailing wage."

21 Reis: "Which will in essentially require unionize this entire  
22 process. I have a story to tell about what has happened with  
23 this LUST Fund over the years and if we'd listen up, Ladies  
24 and Gentlemen. Every one of you that buys a gallon of gasoline  
25 or diesel fuel pays a small percentage of your price into the  
26 LUST Fund to help clean up spills, leaking underground storage  
27 tanks, things like that. Under Governor Blagojevich, he  
28 simply didn't pay these invoices. Just simply didn't pay them.  
29 We had a... we had a company, a private company in downstate



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1 Illinois in Salem... Mt. Vernon, that was owed \$16 million for  
2 the work they did cleaning up underground storage tanks. And  
3 I know how passionate many of you are about that issue. They  
4 had to borrow money to pay their employees. They had to borrow  
5 money to pay for the utilities. They had to borrow money to  
6 pay for their health care. On top of it, he had to pay income  
7 tax on account receivable. He had 102 employees and went out  
8 of business because the State of Illinois didn't pay him for  
9 the work that him and his employees did. Nineteen million  
10 dollars down the drain. Now, I bring this up because now we're  
11 wanting to add more cost to it, higher labor costs. It doesn't  
12 make sense. We all care about the environment. We all care  
13 about leaking underground storage tanks. Why do we dilute  
14 something down that barely has enough money to take care of  
15 the... the spills and leaks that we have now? So, with all due  
16 respect to my good friend and... neighbor Legislator to the  
17 south, I think that both of these Amendments that become the  
18 Bill are ill-advised at this time and I would encourage a  
19 'no' vote."

20 Speaker Lang: "Mr. Franks."

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

22 Speaker Lang: "Sponsor yields."

23 Franks: "Thank you. Representative, I'm a little confused on the  
24 Bill..."

25 Bradley: "I didn't yield."

26 Franks: "You didn't yield?"

27 Bradley: "I didn't yield."

28 Franks: "I've always hoping somebody would do that. I think that's  
29 awesome. But I got to ask you a question. I need your help.

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1 I'm reading this and I'm not sure if this still deals with  
2 underground storage tanks or not."  
3 Bradley: "Yeah. There's two..."  
4 Franks: "It does?"  
5 Bradley: "As... as he just... you weren't listening to Representative  
6 Reis."  
7 Franks: "I... I try to."  
8 Bradley: "He just criticized the underground storage tanks part."  
9 Franks: "You got to talk into your microphone."  
10 Bradley: "He just criticized the underground storage tank part."  
11 Franks: "I'm not even sure I... I'm not sure if that's... if it's  
12 good or bad."  
13 Bradley: "It would allow the EPA in certain context to require a  
14 project labor agreement in the context of cleaning up  
15 underground storage tanks. These are tax dollars that are  
16 collected from, I believe, fuel tax that are then used to  
17 clean up potential environmental problems. It would require  
18 prevailing wage in all context, but in certain context it  
19 would require a PLA."  
20 Franks: "And tax dollars are used for these cleanups?"  
21 Bradley: "This is tax dollars that are being used currently, being  
22 paid to private business owners to clean these things up."  
23 Franks: "Why are we amending the agricultural stuff with the  
24 underground storage tank..."  
25 Bradley: "What?"  
26 Franks: "I'm not sure why we're amending the Bill to also have  
27 the agricultural..."  
28 Bradley: "That was a..."  
29 Franks: "...aspects of it?"

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1 Bradley: "...that was an initiative of the Department of Agriculture  
2 and my understanding is that all that does, plants that are  
3 currently required to send notice, there's a change made to  
4 stay in compliance with changes in the Federal Law."

5 Franks: "Would there be any concern on your part on this violating  
6 the single issue clause?"

7 Bradley: "It is the opinion of our legal staff and my  
8 understanding that this does not violate the Single Subject  
9 Act; that this is germane. And so, obviously it's something  
10 that could come up in the future, but it's not anticipated  
11 that it would be successful."

12 Franks: "Okay. Well, thanks. I just... I couldn't really tell what  
13 was happening on this Bill and I appreciate your answers."

14 Bradley: "I appreciate your inquisitive questioning."

15 Franks: "Oh, thank you."

16 Speaker Lang: "There are still six speakers on this Bill. The  
17 Chair has... It's not on Short Debate, so the Chair will  
18 institute a five-minute limit. The timer will be on. The next  
19 speaker is Mr. Bost for five minutes."

20 Bost: "Thank you, Mr. Speaker. Will the Sponsor yield? In your  
21 last conversation..."

22 Speaker Lang: "Sponsor yields."

23 Bost: "...you know, you... you had said that you didn't feel like  
24 this violated the single subject rule. Who... Is that your  
25 opinion, staff's opinion? I mean, you're really going to two  
26 different areas here."

27 Bradley: "Yeah, I know it's loud in here, Representative, Leader.  
28 It's my understanding that that's the opinion of legal staff

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1           that has looked at it, that this does not violate single  
2           subject..."

3   Bost: "And let me tell you the reason why I'm specifically asking  
4           this, because when we're talking about this Amendment #1, I  
5           was around here when we had to actually increase the fee.  
6           Okay, and we increased the fee, everybody was afraid of the  
7           fee, and... and we know how that is around here. And so what  
8           they did was they tied the LUST Fund with a child sex abuse,  
9           okay. And then put the tie and tried to claim that because of  
10          the acronym. That didn't hold up in court. Okay? I don't know  
11          where this labor agreement with the LUST Fund and I... I don't  
12          know what... what their legal authority is, I think they're  
13          kind of stretching it, to go with meat and poultry. I just  
14          don't get that."

15   Bradley: "I... I'm a lawyer, as you know."

16   Bost: "Yeah, I don't even play one on TV."

17   Bradley: "I am relying on the opinion of staff that this will be  
18          constitutionally acceptable."

19   Bost: "Right. And... and I guess only the courts will tell."

20   Bradley: "It... it appears... it appears to me just from first glance  
21          at it that it's likely to, but I'm not rendering a legal  
22          opinion, personally, other than reliance on what's been  
23          conveyed to me by staff."

24   Bost: "Okay. I... I have a feeling that that may pan out, but it's  
25          the courts that will make that decision. But the real question  
26          now is, is that, as we have, and both you and I in our  
27          districts and all around this state, we have many areas where  
28          we still have the problem to cure with leaking underground  
29          storage tanks, by putting this labor agreement in place,

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1 doesn't that reduce the overall amount of funds that can be  
2 used to try to clean these messes up as this goes forward?"

3 Bradley: "I don't believe it will. EPA is going to have discretion  
4 to determine when a PLA is appropriate and I would hope that  
5 they were paying a reasonable wage on this very important  
6 type of work that's going on currently and I would hope that  
7 this would ensure it. So, Representative, my hope is that  
8 that would not be the case."

9 Bost: "Okay."

10 Bradley: "And potentially this could open it up to additional  
11 local businesses that might have an interest in this that  
12 currently aren't in it."

13 Bost: "Thank you. Mr. Speaker, to the Bill. Basically, the... the  
14 concern I do have is, is that it will not allow for as many  
15 of these projects to be done, even though I believe they pay  
16 a fair wage. The problem and concern that I have is, the more  
17 we direct these revenues into a situation where the cost goes  
18 up, fewer and fewer of these brownfields and/or leaking  
19 underground storage tanks problems get cured. I do have a  
20 concern about whether it violates the single subject rule. I  
21 don't see how you put the leaking underground storage contract  
22 agreements with poultry and meat. Now, as far as the poultry  
23 and meat side, you know, I... I can't do anything but listen  
24 to... to Representative Reis on that. That is his expertise.  
25 And... but I would encourage a 'no' vote."

26 Speaker Lang: "Mr. Mautino for five minutes or less."

27 Mautino: "Thank you. Message received and noted. And I just rise  
28 to support the Gentleman's legislation. Amendment 1 amends  
29 the Meat and Poultry Inspection Act. What this is designed to

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1 do is simply notify the director of the Department of  
2 Agriculture immediately if contaminated or mislabeled meat  
3 has entered commerce. There's a Federal Law which requires  
4 this. We do not have that within the State of Illinois and it  
5 sets up steps in reporting for recall and if mislabeled or  
6 contaminated products are being sent out into commerce to the  
7 general public. So, that's the idea behind the Bill itself.  
8 And I just simply rise to support the Gentleman's effort."

9 Speaker Lang: "Mr. Sacia for five minutes."

10 Sacia: "Thank you, Mr. Speaker. Representative Bradley, I heard  
11 you say that the moneys for this come from Motor Fuel Tax. Am  
12 I not correct in saying the moneys come from the ownership  
13 involved in... Well, let me ask you to answer that question  
14 first, Sir."

15 Bradley: "It's loud in here. Could yo... and you're speaking up,  
16 but I... could you repeat the question, please?"

17 Sacia: "I sure will. I'm under the impression that the moneys for  
18 the LUST Fund come from the private entities involved and  
19 that's why the petroleum marketers and the Chamber and all  
20 other business organizations are in opposition?"

21 Bradley: "Representative, it's my understanding that the moneys  
22 from... in the LUST Fund come from public tax dollars."

23 Sacia: "Well, somewhere along the line I... I've gotten some... let  
24 me make my point. The point is, we're trying to establish a  
25 minimum fee, a prevailing wage, if you will. In other words,  
26 everybody in here is concerned about environmental issues,  
27 nobody doubts that. But if I don't pay prevailing wage, if  
28 you hire the local guy that'll do it for \$20 an hour rather  
29 than the prevailing wage of, say, \$40 an hour, you're going

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1 to do twice the amount of cleanup that you would otherwise.  
2 Just... why must this be a prevailing wage Bill?"

3 Bradley: "I thought you were making a statement, I'm sorry. The  
4 question component of that was?"

5 Sacia: "Well, I... maybe it ended up being rhetorical, I... I don't  
6 know. But my question is, why must we create prevailing wage  
7 on something that in... from my point of view is paid for, at  
8 least in large part, by the private entities involved? Now,  
9 if I'm incorrect on that I will happily stand corrected. Just  
10 give me one moment. The reimbursable part of the fund is paid  
11 for from the fees of the private owners. Now, I believe that  
12 is correct, Representative, and if that is in fact the case..."

13 Bradley: "No. I..."

14 Sacia: "...why are we..."

15 Bradley: "We... we have a disagreement on that. There... and let me,  
16 let me amend my statement as well, which is..."

17 Sacia: "Thank you."

18 Bradley: "...there is a private portion, there is a public tax  
19 portion. It's my understanding that it's not solely the  
20 private portion. This is a public policy. And I respect your  
21 views and I know you respect mine..."

22 Sacia: "Sure."

23 Bradley: "...it's a public policy decision as to whether or not  
24 we're going to have prevailing wage on the LUST Fund and those  
25 that aren't for that, vote against it; those that are for it,  
26 vote for it."

27 Sacia: "Well, Mr. Speaker, I would ask for verification should it  
28 obtain the necessary or the requisite number of votes.  
29 Representative, you know, this Bill has ended up being very

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1 convoluted. We're... we're throwing a livestock issue in with  
2 a... with a... with a very important prevailing wage issue.  
3 Certainly, the prevailing wage issue needs to be killed and..  
4 and to try to put them together to make something good, it's  
5 kind of like making a silk purse out of a sow's ear. You can't  
6 do it. Ladies and Gentlemen, I encourage a 'no' vote. Thank  
7 you."

8 Speaker Lang: "Mr. Davidsmeyer for five minutes."

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

10 Speaker Lang: "Sponsor yields."

11 Davidsmeyer: "I just wanted to know if there was some excess money  
12 in this LUST Fund, currently."

13 Bradley: "I'll try to get an answer for you as to what that is,  
14 but I don't have it currently in front of me. I'll try to get  
15 that for you."

16 Davidsmeyer: "Okay. The next question, do you know what the  
17 current prevailing wage is for projects of this type?"

18 Bradley: "I would think that it would vary depending on the area  
19 of the state. But again, there's an index somewhere, I think  
20 with the Department of Labor, and that would be as accessible  
21 to you as it would be to me."

22 Davidsmeyer: "Okay. Do you know how the prevailing wage is  
23 figured?"

24 Bradley: "Again, I think that is a calculation that's made by  
25 the Department of Labor. And again, there should be a chart  
26 or index which was readily available to all Members of the  
27 General Assembly and depends on the area of the state, I  
28 believe."



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1 Davidsmeyer: "Yeah. Just... just to let you how the prevailing wage  
2 is figured. They use prevailing wage work to decide what the  
3 prevailing wage will be. They don't use any private work of  
4 similar sort. They use just state work, prevailing wage work,  
5 to decide what the rate's going to be. The... have we had any  
6 problems with the any contractors in use of this fund?"

7 Bradley: "I'm not aware of any specific issues; can't say there  
8 are, can't say there aren't. Simply making a policy decision  
9 here for the state."

10 Davidsmeyer: "It's... it's my understanding that the people who do  
11 this kind of work are highly trained and we have not had any  
12 problems with this work. I don't understand why we're going  
13 this direction?"

14 Bradley: "If they're highly trained, then they're probably... they  
15 should be getting paid a good wage and there shouldn't be an  
16 issue."

17 Davidsmeyer: "And... and that's not necessarily the issue. There's  
18 a number of people that probably are not union that have been  
19 highly trained to do this work, so the pre... the PLA..."

20 Bradley: "So it will be up to... it will be up to the discretion  
21 of the EPA, where appropriate, to determine whether or not  
22 there should be a PLA. Prevailing wage would apply across the  
23 board which, as you've indicated, these are higher trained  
24 specialties. That shouldn't be a huge issue. EPA will  
25 determine if a PLA's appropriate or not."

26 Davidsmeyer: "So, at this time, do you think it's a good idea to  
27 increase the cost of projects to the state when we don't have  
28 the money to afford current projects?"

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1 Bradley: "Well, I'm not... I'm not willing to necessarily accept  
2 that this is going to increase the cost of every project or  
3 any project. And so, if you want me to answer questions based  
4 on your own assumptions, I'm not going to do that. I'll answer  
5 direct questions, though."

6 Davidsmeyer: "I'm just... So, do you believe that currently people  
7 are paying more than prevailing wage?"

8 Bradley: "I don't know the answer to that. But based upon the  
9 statements you've made, I would guess that they're probably  
10 in that range currently."

11 Davidsmeyer: "I don't know. They could be a little bit lower."

12 Bradley: "Could be higher."

13 Davidsmeyer: "I would say if we're... if we're looking at doing the  
14 right thing and fixing these environmental problems, we need  
15 to make sure that our money's going as far as it... it will go  
16 and we need to look at, you know, paying a good wage, but the  
17 prevailing wage isn't necessarily that wage."

18 Speaker Lang: "Mr. Rosenthal."

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

20 Speaker Lang: "Sponsor yields."

21 Rosenthal: "First question, you stated a while ago that the money  
22 in the LUST Fund is taxpayer money."

23 Bradley: "Well, and then I... I amended that statement. There is  
24 a component which has to do with an impact fee. The large  
25 part is public money."

26 Rosenthal: "The majority of that money... the owners of the tanks  
27 pay 1.1 cent per 8 thousand gallons that go through their  
28 tank and that's where the money is generated. There's no  
29 taxpayer money in that."

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1 Bradley: "That's not my understanding. There's motor fuel tax  
2 that goes into LUST Fund as well. That's what I'm being  
3 advised by staff."

4 Rosenthal: "I don't think that's accurate."

5 Bradley: "Okay."

6 Rosenthal: "It's... it's their money that they pay in the fund. I  
7 think, do you know how much money's been swept out of that  
8 fund?"

9 Bradley: "I don't have an answer to that."

10 Rosenthal: "I think the last thing I heard was 58 million and  
11 that's about how far they're behind."

12 Bradley: "I know that... I know that in the past we've stood  
13 together in a bipartisan manner to try to stop that."

14 Rosenthal: "Right. Do you know... currently, in order to be  
15 qualified to... to do the cleanups, can you hire local people  
16 or where do you have... where do those people come from?"

17 Bradley: "I don't know what you're..."

18 Rosenthal: "Do they have to be certified by the Fire Marshal?"

19 Bradley: "...I don't know what you're asking exactly."

20 Rosenthal: "Anybody to do a cleanup job, do they not have to be  
21 certified by the Fire Marshal?"

22 Bradley: "It's my understanding there has to be some type of  
23 certification. I mean, this is..."

24 Rosenthal: "Okay."

25 Bradley: "...this is something that's very important."

26 Rosenthal: "Well, if this Bill is passed, who is going to submit  
27 the bids and who's going to process the bids?"

28 Bradley: "I don't think it changes the process of submission of  
29 bids or the processing of bids. It's my understanding it's

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1 handled by the Environmental Protection Agency. Prevailing  
2 wage would apply and the Environmental Protection Agency can  
3 make a determination if they think it's appropriate to require  
4 a PLA. But it's up to their discretion. I don't..."

5 Rosenthal: "You know..."

6 Bradley: "...the Bill doesn't change that, to my understanding.  
7 Now, there was a previous version of the Bill which was much  
8 more draconian and that is no longer the case and this is...  
9 this is been taken back several notches to require prevailing  
10 wage and PLAs where appropriate."

11 Rosenthal: "Well, are you aware the Pollution Control Board  
12 controls both the payment rates and the reimbursement rates  
13 and how would this affect that?"

14 Bradley: "It doesn't affect... it's my understanding it doesn't  
15 affect the reimbursement rates."

16 Rosenthal: "I think it does."

17 Bradley: "Okay."

18 Rosenthal: "So, you're... you're saying that there's no... there's  
19 not going to be any change on the preparation and  
20 documentation of the bidding process with this Bill?"

21 Bradley: "I don't think that's what I said. I think I said, what  
22 this Bill does is that the Environmental Protection Agency is  
23 going to require prevailing wage and has the ability to  
24 require a PLA where they have deemed as appropriate. Now,  
25 that may have some impact, but it's not changing the whole  
26 process."

27 Rosenthal: "But who's going to do the... who's going to process the  
28 bids and... EPA?"

29 Bradley: "The people that process the bids are the same."

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1 Rosenthal: "Currently?"

2 Bradley: "I think we're talking about two different things, but  
3 I'm listening."

4 Rosenthal: "Okay. Well, I'm like the previous speakers. To the  
5 Bill. I don't think that we should be including livestock,  
6 LUST Fund, environmental issues in the same Bill. And I urge  
7 a 'no' vote."

8 Speaker Lang: "Mr. Cavaletto."

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

10 Speaker Lang: "Sponsor yields."

11 Cavaletto: "I have worked with the LUST Fund people for about  
12 five years and when I first ran for office to get involved.  
13 I do know that there was a lot of people in trouble, losing  
14 money. Bills were not being paid. People went out of business.  
15 And the EPA were the ones who were in charge of the agency.  
16 I do know this, that there are about 8 thousand parcels of  
17 the land in the State of Illinois that needs to be cleaned  
18 up, over 8 thousand parcels. Those are tax dollars that should  
19 be... the land should be cleaned up and those properties put on  
20 the tax payrolls for the people of the State of Illinois and  
21 that's not being done. And it, from what I... from what I  
22 understand, 0.08 cents per gallon of gas at the pump goes to  
23 the LUST Fund. And that fund was raided, again, back several  
24 years ago and a lot of companies went busted, the one down in  
25 my area, and it wasn't 16 million, it was \$20 million and 103  
26 employees. So, we lost a lot of jobs through that. A lot of  
27 people paid a high price. I do know there's about 7 to 10  
28 companies in the State of Illinois that do this work and I  
29 think they've done a yeoman's job of doing it. And I don't

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1 think they're overpaid for... for the job they're doing. So, I  
2 don't understand, if we have the money and I know we do have  
3 the money and it is about 58 million in that account now to  
4 pay the people to continue to do the job as there is. So,  
5 again, I urge a 'no' vote. And I think the EPA needs to take  
6 care of it like they have in the past and the people who've  
7 been doing the work continue to do it. Thank you."

8 Speaker Lang: "Mr. Reboletti."

9 Reboletti: "Will the Sponsor yield?"

10 Speaker Lang: "Sponsor yields."

11 Reboletti: "Representative, I want to focus a little bit about  
12 the Amendment addressing the meat and poultry inspection. Why  
13 is there a difference in how we treat downstate inspections  
14 versus how we treat those in the Chicagoland area?"

15 Bradley: "So, my understanding... the Department of Agriculture is  
16 here now... my understanding is that the Federal Government  
17 came down and made changes to the procedure for inspection  
18 reportings in Type 1 facilities. That if we don't make this  
19 change and certify... get certified by the Federal Government  
20 that we'll lose \$12 million. So, my further understanding is  
21 this only applies to Type 1 facilities currently subject to  
22 inspection. It's a procedural change that the Federal  
23 Government is requiring us to do in order to continue to be  
24 certified and to get the federal funding of \$12 million."

25 Reboletti: "I can appreciate that, but I would hope that all these  
26 facilities would be held to the same type of standard because  
27 obviously food quality shouldn't matter depending on what  
28 region you live in. And I know, Representative, you're... you're  
29 well versed in the PLA community. Can you explain to me how

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1           this program works? How... how do the folks... how is this paid  
2           for? How is the LUST Fund get revenue? Where... where does it  
3           come from?"

4 Bradley:     "The LUST Fund revenue comes from a combination and I  
5           amended my statement previously..."

6 Reboletti:   "Speaker, I... I can't hear. Mr. Speaker. Thank you,  
7           Speaker."

8 Bradley:     "The LUST Fund money, and I amended my previous  
9           statement to reflect this change, comes from fuel tax and  
10          environmental impact fee which are collected at the pump."

11 Reboletti:   "So, my understanding is that the... I thought it was  
12          paid by every time that the fuel is delivered that there's a  
13          certain fee that is paid per tank or tanker. That's not  
14          correct?"

15 Bradley:     "Again, it's a combination of fuel tax, environmental  
16          impact fees."

17 Reboletti:   "But the fees are actually on the private owner. Is  
18          that... is that fair to say?"

19 Bradley:     "I think it's a combination of a fee on a private owner  
20          and a fee at the pump."

21 Reboletti:   "As I was talking to our staff, that's not our  
22          interpretation of the law. When they... let's assume you're  
23          assessment's correct. When they collect all these fees, is it  
24          fair to say that when they determine that the correct fee or  
25          what the fee should be, that did not contemplate that a PLA  
26          and prevailing wage would be in place?"

27 Bradley:     "I can't answer that."

28 Reboletti:   "Thank you."

29 Speaker Lang: "Mr. Kay."

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1 Kay: "Thank you, Speaker. Will the Sponsor yield?"  
2 Speaker Lang: "Sponsor yields."  
3 Kay: "Representative, first of all, let me just see if I  
4 understand this correctly. A Type 1 service or a Type 1  
5 category... well, that's going to pretty much apply to the small  
6 guy down in southern Illinois?"  
7 Bradley: "I don't... I don't know that. I don't..."  
8 Kay: "Well, it does. Type 2 applies to the bigger guy that's up  
9 north."  
10 Bradley: "Okay. Well, if... if you're certain of..."  
11 Kay: "So, let me ask this question about..."  
12 Bradley: "Hold it. If you're certain of that... if you're certain  
13 of that..."  
14 Kay: "...let me ask... just a minute... about prevailing wage. I..."  
15 Bradley: "...then don't ask me the question."  
16 Kay: "It's my turn, John. It's my turn, my turn. We are saying  
17 that a prevailing wage should apply across the state. I guess  
18 my question is, why wouldn't safety apply across the entire  
19 state? What you're doing here is penalizing southern  
20 Illinois, small businessmen, and telling the guys in Chicago,  
21 you know what, we don't care about safety up there. And that's  
22 not right."  
23 Bradley: "That is an unfair characterization."  
24 Kay: "No, it's not. It's not an unfair characterization. It's  
25 exactly right because prevailing wage, if you... if you want to  
26 make this Bill..."  
27 Bradley: "Whoa, whoa. Let's talk about..."  
28 Kay: "...what you think it is..."



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1 Bradley: "...one thing at a time. You're still talking about the  
2 poultry, that's not prevailing wage. If you want to criticize  
3 the second part of this Bill, which is prevailing wage..."  
4 Kay: "Well, I can criticize both of them."  
5 Bradley: "...then at least tell us when you're going to shift  
6 gears."  
7 Kay: "I'm just saying... I'm just saying add some..."  
8 Speaker Lang: "Gentlemen."  
9 Kay: "...add some continuity to your Bill."  
10 Speaker Lang: "Gentlemen. We're not going to do this while I'm in  
11 the Chair. One at a time."  
12 Kay: "I was asking questions, Mr. Speaker."  
13 Speaker Lang: "Mr. Bradley, would you please answer his question?"  
14 Bradley: "I don't know what it was."  
15 Speaker Lang: "Mr. Kay, will you please repeat your question?"  
16 Kay: "Yeah. My question is... is just this, how is it that we apply  
17 project labor agreements throughout the state and safety to  
18 only southern Illinois when it comes to category 1... category  
19 2?"  
20 Bradley: "Again, I'm not accepting that this is directed only at  
21 southern Illinois. The Department of Agriculture... the  
22 Department of Agriculture has come to us and said Type 1  
23 plants, which already are subject to reporting inspections,  
24 that there's been a law change at the federal level. And that  
25 if we don't make a procedural language change with regards to  
26 that, we're going to lose the federal money that directly  
27 benefits the plants that are subject to this because of the  
28 federal dollars coming in with regards to this program."  
29 Kay: "But that..."

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1 Bradley: "And so, again, I'm not saying you're wrong, I'm not  
2 saying you're right. But it doesn't say downstate farms; it  
3 says Type 1."

4 Kay: "Which..."

5 Bradley: "And Type 1 farms already subject to inspection, already  
6 subject to reporting those inspections, the feds have changed  
7 the procedure. We have to change the law to reflect that or  
8 we lose the money which benefits the state with regards to  
9 this program that we're required to do."

10 Kay: "But see, what happens, Representative, is in this scenario  
11 and I'm not being critical of you 'cause I understand that  
12 you're just following a procedure here, but when you put two  
13 things together that are this confusing, you convolute both  
14 issues and it's pretty clear to me that you can't argue  
15 successfully that you're carving out something for northern  
16 Illinois while you're expecting the entire state to follow  
17 project labor agreements. And I don't think you can deny that.  
18 So, I'm not going to belabor it. I know the... the Speaker's  
19 probably very upset by this point in time, but I'll just  
20 simply say that it would be better if you'd pull the Bill. We  
21 could probably get accomplished what we need to do if you  
22 just file two separate Bills, we debate those Bills and we  
23 have a fair hearing. Thank you, Mr. Speaker."

24 Speaker Lang: "Mr. Halbrook."

25 Halbrook: "Thank you, Mr. Speaker. I yield my time to  
26 Representative Sacia."

27 Speaker Lang: "Mr. Sacia."

28 Sacia: "Thank you, Mr. Speaker and thank you, Mr. Halbrook. Ladies  
29 and Gentlemen, there's some very, very, very important issues

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1 before us here in this Bill. Both sides of the aisle should  
2 recognize that this is an environmental potential catastrophe  
3 because of the unbelievable increased cost that we never,  
4 ever should have to deal with. The Sponsor, I know, is well  
5 meaning and his intention is good. The downside of this is  
6 though he has stated over and over the funding comes from tax  
7 money that is not correct. The vast majority... the vast  
8 majority, Ladies and Gentlemen, comes from the private  
9 sector, the owners of the tanks, those that have paid in. And  
10 those of you that are environmental... very environmentally  
11 concerned and are concerned about these spills where tanks  
12 have leaked over the years, you are going to increase your  
13 cost so significantly with project labor agreements. Ladies  
14 and Gentlemen, the Illinois Petroleum Marketers, IRMA, the  
15 Illinois Retail Merchants, the Illinois Chamber, Associated  
16 Builders and Contractors, the National Federation of  
17 Independent Business oppose this legislation and it is going  
18 to be a significant cost. If you are concerned about  
19 environmental issues, vote this Bill down and put something  
20 together that makes sense. Thank you."

21 Speaker Lang: "Mr. Bradley to close."

22 Bradley: "It's been thoroughly debated. I'd ask for an 'aye'  
23 vote."

24 Speaker Lang: "Gentleman moves for the passage of the Bill. Mr.  
25 Sacia has asked for a verification of the vote. So, Members  
26 will be at their own desks and vote their own switches. Those  
27 in favor of the Bill will vote 'yes'; opposed 'no'. The voting  
28 is open. Have all voted who wish? Have all voted who wish?  
29 Have all voted who wish? Please take the record. On this

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1 question, there are 69 voting 'yes', 47 voting 'no', and 1  
2 voting 'present'. Mr. Sacia withdraws his verification. This  
3 Bill, having received the Constitutional Majority, is hereby  
4 declared passed. Mr. Clerk, Agreed Resolutions."

5 Clerk Hollman: "Agreed Resolutions. House Resolution 403, offered  
6 by Representative Durkin. And House Resolution 404, offered  
7 by Representative Lang."

8 Speaker Lang: "Leader Currie moves for the adoption of the Agreed  
9 Resolutions. Those in favor say 'yes'; opposed 'no'. The  
10 'ayes' have it. And the Agreed Resolutions are adopted.  
11 Members, please listen to the Clerk. Committee  
12 announcements."

13 Clerk Hollman: "The following committees meeting this evening  
14 after Session: the Executive Committee is meeting in Room  
15 115, Revenue & Finance is meeting in Room 114, Personnel and  
16 Pensions is meeting in Room C-1."

17 Speaker Lang: "And now, leaving perfunctory time for the Clerk,  
18 Leader Currie now moves that the House stand adjourned 'til  
19 Tuesday, May 28 at the hour of 12 noon. Those in favor say  
20 'yes'; opposed 'no'. The 'ayes' have it. And the House does  
21 stand adjourned 'til Tuesday, May 28 at the hour of 12 noon.  
22 Ladies and Gentlemen, Mr. Sacia has an announcement, I  
23 believe."

24 Sacia: "Thank... thank you so much, Mr. Speaker. This is on a  
25 personal issue. Many of you are aware that there was a big  
26 event planned at Boone's this evening where our good  
27 Representatives Tryon and Hays and others with significant  
28 talent were going to perform, but due to inclement weather...  
29 Were you in on that, too, Rob? ...that it's all postponed until

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1 tomorrow night at 7:00. But Boone's will be the place tomorrow  
2 night and if you just want to go drink, it will be tonight as  
3 well."

4 Speaker Lang: "And on that note, the House stands adjourned."

5 Clerk Hollman: "House Perfunctory Session will come to order.  
6 Committee Reports. Representative Nekritz, Chairperson from  
7 the Committee on Personnel and Pensions reports the following  
8 committee action taken on May 27, 2013: do pass Short Debate  
9 is Senate Bill 1245; do pass as amended Short Debate is Senate  
10 Bill 1584. Representative Daniel Burke, Chairperson from the  
11 Committee on the Executive reports the following committee  
12 action taken on May 27, 2013: do pass as amended Short Debate  
13 Senate Bill 1495, Senate Bill 1664; recommends be adopted is  
14 the Motion to Concur with Senate Amendment #1 and 2 to House  
15 Bill 996, House Joint Resolution 38. Introduction and First  
16 Reading of House Bills. House Bill 3635, offered by  
17 Representative William Davis, a Bill for an Act concerning  
18 regulation. This is referred to the Rules Committee. Second  
19 Reading of Senate Bills. Senate Bill 1495, a Bill for an Act  
20 concerning regulation. Senate Bill 1664, a Bill for an Act  
21 concerning regulation. Senate Bill 1245, a Bill for an Act  
22 concerning employment. Senate Bill 1584, a Bill for an Act  
23 concerning public employee benefits. These Bills will be held  
24 on the Order of Second Reading. There being no further  
25 business, the House Perfunctory Session will stand  
26 adjourned."