

STATE OF ILLINOIS
99th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

132nd Legislative Day

5/18/2016

Clerk Hollman: "House Perfunctory Session will come to order. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on May 18, 2016: approved for consideration, referred to Second Reading is sen... Senate Bill 1810; approved for consideration referred to Third Reading is House Bill 6162."

Speaker Lang: "The House will be in rder. We shall be led in prayer today by Pastor Walter L. Mosby, III who is with Greater Faith Baptist Church in Chicago Heights. Pastor Mosby is the guest of Representative DeLuca. Members and guests are asked to refrain from starting their laptops, turn off cell phones, and rise for the invocation and Pledge of Allegiance. Pastor Mosby."

Pastor Mosby: "Thank you. It's truly an honor to be here today. I was just sharing with Representative DeLuca that today... to this date it's 13... 13 years since I've been Pastor in Greater Faith Baptist Church. So, it's truly an honor to be here on this day and to celebrate that momentous occasion. So, I know we're not here to hear about me, so let us pray. Dear gracious and eternal God, our Father, Lord, we come at this time just to thank you and praise in Your holy and righteous name. Father, we thank You for this day, we thank You for this opportunity, Lord, to assemble here in... in the State Capitol, Lord. We pray right now, Father, that the business that will be discussed today will be discussed decently in order. Father, we pray right now for all of our Leaders. Father, continue to bless them coming in and going out, Lord. We love You, we praise You, we pray for the State of Illinois, Lord,

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we pray for all the decision makers, Lord, that we can move forward in a positive way that Your children will be blessed because of the great Leadership in which we have here. We thank You and praise You. It's in him who... whom I love, we pray, Amen. And thank God."

Speaker Lang: "Be led in the Pledge by Mr. Meier."

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

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

Currie: "Thank you, Speaker. Please let the record show that Representatives Ford and Monique Davis are excused today."

Speaker Lang: "Mr. Brown."

Brown: "Thank you, Mr. Speaker. Please let the record reflect that Representative Grant Wehrli is excused this afternoon. Thank you."

Speaker Lang: "Mr. Clerk, please take the record. We have 115 Members answering the roll and we do have a quorum. Mr. Clerk."

Clerk Hollman: "Committee Reports. Representative DeLuca, Chairperson from the Committee on Cities & Villages reports the following committee action taken on May 17, 2016: do pass Short Debate is Senate Bill 2227. Representative Hernandez, Chairperson from the Committee on Consumer Protection reports the following committee action taken on May 17, 2016: recommends be adopted is House Resolution 1162. Representative Sims, Chairperson from the Committee on Judiciary - Criminal reports the following committee action

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taken on May 17, 2016: do pass Short Debate is Senate Bill 210, Senate Bill 212, Senate Bill 392, Senate Bill 2213, Senate Bill 2282, recommends be adopted is Floor Amendment 1 to House Bill 1016. Representative William Davis, Chairperson from the Committee on Appropriations-Elementary & Secondary Education reports the following committee action taken on May 17, 2016: do pass Short Debate is Senate Bill 238. Representative Costello, Chairperson from the Committee on Agriculture & Conservation reports the following committee action taken on May 17, 2016: do pass Short Debate is Senate Bill 2910; do pass as amended Short Debate is Senate Bill 3130; recommends be adopted is Flo... House Resolution 1144 and Floor Amendment #2 to Senate Bill 3003. Representative Monique Davis, Chairperson from the Committee on Insurance reports the following committee action taken on May 17, 2016: do pass Short Debate is Senate Bill 2355. Representative Phelps, Chairperson from the Committee on Public Utilities reports the following committee action taken on May 17, 2016: do pass Short Debate is Senate Bill 2522. Representative Beiser, Chairperson from the Committee on Transportation: Regulation, Roads & Bridges reports the following committee action taken on May 17, 2016: recommends be adopted is Floor Amendment #1 to House Bill 750, House Joint Resolution 145, House Joint Resolution 147. Representative Crespo, Chairperson from the Committee on Elementary & Secondary Education: School Curriculum & Policies reports the following committee action taken on May 18, 2016: do pass Short Debate is Senate Bill 565, Senate Bill 2840; do pass as amended Short Debate is House Bill 2736, Senate Bill 2393;

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recommends be adopted is House Resolution 1199. Representative D'Amico, Chairperson from the Committee on Transportation: Vehicles & Safety reports the following committee action taken on May 18, 2016: do pass Short Debate is Senate Bill 2567, Senate Bill 2835, Senate Bill 3018. Representative Zalewski, Chairperson from the Committee on Health Care Licenses reports the following committee action taken on May 18, 2016: do pass Short Debate is Senate Bill 2433; recommends be adopted is Floor Amendment #2 Senate Bill 42, Floor Amendment #2 to Senate Bill 462, Floor Amendment #1 to Senate Bill 3335. Representative Bradley, Chairperson from the Committee on Revenue & Finance reports the following committee action taken on May 18, 2016: do pass Short Debate is Senate Bill 2600; do pass as amended Short Debate is Senate Bill 2585, Senate Bill 2746, Senate Bill 3337. Representative Kelly Burke, Chairperson from the Committee on Higher Education reports the following committee action taken on May 18, 2016: do pass Short Debate is Senate Bill 579; do pass as amended Short Debate is Senate Bill 3319. Representative McAsey, Chairperson from the Committee on Elementary & Secondary Education: Charter School Policy reports the following committee action taken on May 18, 2016: recommends be adopted is House Resolution 1169. Representative Hoffman, Chairperson from the Committee on Labor & Commerce reports the following committee action taken on May 18, 2016: do pass Short Debate is Senate Bill 2531, Senate Bill 3104; recommends be adopted is Floor Amendment #3 to House Bill 3554. Representative Nekritz, Chairperson from the Committee on Personnel and Pensions reports the following committee action

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taken on May 18, 2016: do pass Short Debate is Senate Bill 2584, Senate Bill 2819, Senate Bill 2820, Senate Bill 2822. Representative Chapa LaVia, Chairperson from the Committee on Veterans' Affairs reports the following committee action taken on May 18, 2016: do pass Short Debate is Senate Bill 3401; recommends be adopted is House Resolution 1202."

Speaker Lang: "Chair recognizes Representative Hammond."

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

Speaker Lang: "Go right ahead."

Hammond: "I would like to welcome to the House chamber today a group of students and faculty from Illini Central in Mason City, in the gallery on the other side of the aisle. They are here to witness how smoothly things run in the Illinois House of Representatives. Please give them a round of applause."

Speaker Lang: "Welcome to the House chamber. We'll try to do that smoothly for you. Mr. D'Amico is recognized."

D'Amico: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Lang: "Please proceed."

D'Amico: "I want to let everyone know that in the back of the chambers we have our softball jerseys, in the back, so please go back there and take one. We have the annual game tonight. We want to make sure this trophy stays here in the House. So the game is at Lincoln Park, 5:30, so get over there. If you didn't get to practice last night, please come on out and warm up. And let's have a big game tonight and win the trophy back. Thank you."

Speaker Lang: "Somebody pull out an extra-large for me. Mr. Sommer is recognized."

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

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Speaker Lang: "Please proceed, Sir."

Sommer: "I'd like to introduce my two Pages for the day. Down front are Brooke Tiller and Emma Skinner from the Blessed Sacrament School in Morton. They're going to be seventh graders next year, if they'd rise and in the gallery are their grandparents, Ron and Connie Pfautsch, up to my right. Please welcome them to Springfield."

Speaker Lang: "Welcome to the House chamber. Thank you for being with us today. Mr. Morrison."

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

Speaker Lang: "Go right ahead."

Morrison: "I'd like to welcome my Page for a day, Daniel Doty and his parents, Charles and Sara. They're from Alexander County in southern Illinois. So they're actually in Brandon Phelps district, but his brother, Robert is from Palatine. So welcome today."

Speaker Lang: "Welcome. Representative Bellock."

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

Speaker Lang: "Go right ahead."

Bellock: "I have two groups here this morning. I'd like to first introduce the women from the YWCA from DuPage County who do a very important job of rape counseling in DuPage County and they're up there behind me. And then I also have a Page for the day today, Mike Yelovich and he's come all the way from Western Springs, but he goes to school up in New York State to Marist College. And he wants to major in political science, and observe how the State of Illinois runs government here

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today. So I'd like to ask all of you to give them a big warm welcome, and his mom is up there, too. Thank you."

Speaker Lang: "Welcome to all of you and thank you for joining us today. Representative Williams."

Williams: "Point of personal privilege."

Speaker Lang: "Go ahead."

Williams: "I wanted to take a moment to announce my Page for the day, her name is Tessa Sheridan and she... as you can tell from her t-shirt... is from one of my amazing, fabulous elementary schools Hamilton Elementary. These kids are working so hard, the parents committed, the teachers amazing. Let's do what we can to fund CPS schools fairly."

Speaker Lang: "Thank you, Representative, for the commercial announcement. Welcome to the House chamber. Ladies and Gentlemen, we're proceeding from where we left off yesterday on the Calendar. Page 9 of the Calendar, Senate Bills-Second Reading. The first Bill on this list is Senate Bill 2944, Mr. Brady. Mr. Brady. Please read the Bill."

Clerk Hollman: "Senate Bill 2944, a Bill for an Act concerning regulation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Se... Senate Bill 2947, Mr. Anthony. Mr. Anthony. Out of the record. Senate Bill 2956, Representative Williams. Please read the Bill."

Clerk Hollman: "Senate Bill 2956, a Bill for an Act concerning health. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Senate Bill 2970, Representative Lilly. Please read the Bill."

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Clerk Hollman: "Senate Bill 2970, a Bill for an Act concerning education. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Senate Bill 2972, Mr. Davis. Please read the Bill."

Clerk Hollman: "Senate Bill 2972, a Bill for an Act concerning public employee benefits. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Senate Bill 2974, Representative Hurley. Please read the Bill."

Clerk Hollman: "Senate Bill 2974, a Bill for an Act concerning transportation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Senate Bill 2975, Mr. Costello. Please read the Bill."

Clerk Hollman: "Senate Bill 2975, a Bill for an Act concerning education. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Senate Bill 2994, Mr. McSweeney. Please read the Bill."

Clerk Hollman: "Senate Bill 2994, a Bill for an Act concerning local government. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Senate Bill 3003, Mr. Costello. Please read the Bill."

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Clerk Hollman: "Senate Bill 3003, a Bill for an Act concerning wildlife. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #2, offered by Representative Costello, has been approved for consideration."

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

Costello: "Thank you, Mr. Speaker, Members of the Body. The Amendment would allow for a box that checks off turkey hunting for landowners on the same form where you currently have landowner deer permits."

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

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

Speaker Lang: "Third Reading. Senate Bill 3005, Representative Cassidy. Please read the Bill."

Clerk Hollman: "Senate Bill 3005, a Bill for an Act concerning local government. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Senate Bill 3007, Representative Hernandez. Out of the record. Senate Bill 3034, Representative Mayfield. Representative Mayfield. Please read the Bill."

Clerk Hollman: "Senate Bill 3034, a Bill for an Act concerning local government. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Senate Bill 3129, Mr. Anthony. Please read the Bill."

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Clerk Hollman: "Senate Bill 3129, a Bill for an Act concerning law enforcement. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Senate Bill 3164, Mr. Stewart. Please read the Bill."

Clerk Hollman: "Senate Bill 3164, a Bill for an Act concerning criminal law. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Senate Bill 3166. Please read the Bill."

Clerk Hollman: "Senate Bill 3166, a Bill for an Act concerning civil law. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Senate Bill 3301, Mr. Fortner. Please read the Bill."

Clerk Hollman: "Senate Bill 3301, a Bill for an Act concerning education. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Page 6 of the Calendar, Senate Bills-Third Reading. Senate Bill 2536, Representative Ammons. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 2536, a Bill for an Act concerning public aid. Third Reading of this Senate Bill."

Speaker Lang: "Representative Ammons."

Ammons: "Thank you. These lovely Gentlemen who are visiting me this... in front of my desk. Thank you. Senate Bill 2536, this... the Child Care Worker Health Fund provides services to 3,500 child care providers. The overwhelming majority of these

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providers are women, 99 percent of them are. These women are disproportionately women of color making up 47 percent of the workforce and many of them make less than \$5 an hour after expenses. Low-income women and women of color face great health disparities of which this Bill will help to remedy. Governor Rauner's attempt to take away Child Care Workers Fund, if successful, would eliminate health care for thousands of women across Illinois. Senate Bill 2536 protects and defends against these attacks on the workers and specifically on women. This Bill also protects a central training for child care providers that help keeps children in their care safely, an important pathway to career advancement and economic opportunity for many of the women in this workforce. We ask today that the Members of the General Assembly work together to help to navigate this very serious market for women. Many of these workers are low-wage earners after expenses. And this Bill will help protect their health care and their training. And we urge an 'aye' vote in support of the women."

Speaker Lang: "Mr. Sandack."

Sandack: "Thank you, Mr. Speaker. I had a hard time hear... I... I'd like to ask some questions of the Sponsor, but I had a hard time hearing her."

Speaker Lang: "Mr. Sandack is as usual... sometimes correct. It's noisy in here. So, let's... let's pipe down, boys and girls. Mr. Sandack. Sponsor yields."

Sandack: "Thank you. Representative, I... I heard a lot but not all of what you said..."

Ammons: "Thank you."

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Sandack: "...so I apologize if some of the questions are redundant."

Ammons: "That's okay. No."

Sandack: "Is your Bill a mandate?"

Ammons: "Sa... say it one more time."

Sandack: "Is it a mandate?"

Ammons: "This is actually mandated by Federal Law for us to provide the training that is in my Bill. This is already something that we have to do and so this is what the Bill codifies."

Sandack: "Well, hold on. If it's in Federal Law, are you saying your Bill is... is an unnecessary redundant law?"

Ammons: "Well, I think in this case that... this is on the chopping block unfortunately, as you know and the Governor's proposal to eliminate this is access point for the workers. And so, it's not protected from that... from that action from the Governor."

Sandack: "All right. Explain that to me. What part is redundant? What part is not redundant in your Bill?"

Ammons: "This part of this Bill is to protect the workers, the child care workers who need actual health care, as well as, training dollars and that's what this Bill does."

Sandack: "So that Bill... so that portion is not currently covered by Federal Law?"

Ammons: "No."

Sandack: "No, I'm right or no..."

Ammons: "No. That portion is not covered by Federal Law..."

Sandack: "Thank you."

Ammons: "...only what they have to train under is covered by Federal Law."

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Sandack: "All right. So the training is already required?"

Ammons: "The actual training modules are required."

Sandack: "So when you have... when you have this stuff... when you have provisions that talk about shall participate in comprehensive orientation and preservice trainings, that's already covered?"

Ammons: "That is... that is a requirement. That training is a requirement."

Sandack: "Okay. But it... it's already the law, is what I'm asking you, Representative."

Ammons: "How you get it covered and paid for is not covered by law."

Sandack: "We'll get to that in a second. I got it. But, the training is already required?"

Ammons: "The training is required federally."

Sandack: "The hourly fee, is that required under Federal Law or is that not required currently under..."

Ammons: "That is not required under Federal Law."

Sandack: "What is the Federal Law provision with respect to compensation?"

Ammons: "I don't have that information on Federal Law. Yes. So, it's clarified that we are already committed to paying for this, the state is already committed to paying for the training that is required by Federal Law. This Bill allows that to be at a living wage of \$15 as opposed to the \$13 that's in there."

Sandack: "Okay. So that goes back to another quest... an earlier question that clarifies. What I had just asked you was, under

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the existing Federal Law, is there an hourly rate prescribed by statute?"

Ammons: "I don't... no. There's no... the feds don't prescribe that right."

Sandack: "Well, they sometimes do 'cause there's a federal minimum wage, isn't there?"

Ammons: "Not for training, not under this. The Federal Government is not..."

Sandack: "Okay."

Ammons: "...prescribing the rate in this Bill."

Sandack: "All right. So what is the current hourly rate?"

Ammons: "Thirteen."

Sandack: "All right. How... when was that arranged at? When was that arrived at, the 13 per hour?"

Ammons: "That's what DHS had indicated to SEIU is what they would be paying. That's what DHS indicated that that's what they would be paying. That's what they calculated."

Sandack: "That's what they cover by and that's the... well, a policy decision or is that a prescribed rule?"

Ammons: "No, that's basically what they said that they offered in the contract."

Sandack: "Okay. So isn't that a matter of collective bargaining though?"

Ammons: "I think in this case it's not necessarily a matter of collective bargaining because what we see happening is the attempt to take away that requirement, the protection of health training, as well as, health care."

Sandack: "Representative, isn't it fair to say that you are in some way trying to codify in statute portions of a

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collectively bargained arrangement between workers and the state relative to child health... to health care... home health care, excuse me."

Ammons: "I'm sorry. Say that one more time."

Sandack: "Are you trying to codify a portion of the contract between SEIU and the State?"

Ammons: "No."

Sandack: "Well, isn't that what you do when... when you're putting in a... a dollar amount per hour in the statute?"

Ammons: "I think in this case we are looking for an hourly wage that is fair for the worker..."

Sandack: "Well, but isn't that... isn't that..."

Ammons: "...and for the women."

Sandack: "...a function of collective bargaining?"

Ammons: "Not necessarily, all though there has been some work around this issue and others that are much smaller labor contract organizations I'm told. But this is... this legislation would impact about 25 thousand workers."

Sandack: "Representative, do we put..."

Ammons: "And so that's the goal."

Sandack: "...in an hourly rate for state... for State Police officers?"

Ammons: "No."

Sandack: "Do we put in an hourly rate in statute for any state employee?"

Ammons: "Well, actually, my great colleague just said yes. Black State Representatives, we're in actual legislation. Salaries are actually in legislation for State Representatives, but no other... no other bargaining unit."

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Sandack: "Any... any full-time employees not constitutionally prescribed to be paid get an hourly wage put into a law."

Ammons: "No, not that I know of."

Sandack: "All right. So this will be the first time we do that, isn't that right?"

Ammons: "Perhaps, this will be the first time."

Sandack: "And don't you think then that we'll have kind of a run on the... the process where every state employee that maybe doesn't really like their collective bargaining arrangements come see us about a Bill to go around the collectively bargained process?"

Ammons: "I... I mean, this legislation is set to codify health insurance and training."

Sandack: "I get that."

Ammons: "This is for the most..."

Sandack: "Those are call... those are called..."

Ammons: "...vulnerable in our sector. That's what it does."

Sandack: "...those are called arm's-length negotiations between collective bargaining units and their employer. That's what unions do on..."

Ammons: "Certainly this doesn't... the Governor can continue to work on whatever he's working on with the bargaining unit. But in this legislation it's to protect health... health insurance and training for these workers."

Sandack: "Thank you, Representative. To the Bill, Mr. Speaker. Ladies and Gentlemen, this SEIU initiative seeks to go around the collective bargaining process to codify in statute an hourly wage that they want to have accomplished. Good for them, bad for the process and bad for us. And it undermines

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collective bargaining at its core, when... after a deal is made or maybe in the process thereof, when one side to the deal doesn't really like it, they just go codify it by way of their favorite Legislator in this august chamber. This is a bad vote. Vote 'no'."

Speaker Lang: "Representative Bellock."

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

Speaker Lang: "Sponsor yields."

Bellock: "Thank you very much, Representative. I just had a couple questions and it was a little loud, so I'm not sure if you've already answered these. But number one, does this Bill itself mandate the orientation?"

Ammons: "This... the orientation training in this Bill mandates that orientation, as well as, the 11 items that are federally required are within the training..."

Bellock: "Okay."

Ammons: "...requirements of this Bill."

Bellock: "Okay. And does everybody have to take the orientation once a ye... annually, once a year?"

Ammons: "Not... not relative caregivers, but everyone else."

Bellock: "Everyone else."

Ammons: "Nonrelative care... nonrelative providers."

Bellock: "Okay. Thank you. And must it be in person or can they take that on a CD, like a virtual training?"

Ammons: "I think both options are available."

Bellock: "Both options are available?"

Ammons: "Online, as well as, in person."

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Bellock: "Thank you. So besides the orientation and I just want to clarify that there... about the training. So, must they take the training in person also?"

Ammons: "So, they can do no more than 50 percent online so the rest has to be in person."

Bellock: "Okay. And is the training... must be taken annually, like the orientation?"

Ammons: "Yes, it is annual."

Bellock: "Okay. So and what is the cost of this specific Bill? I know we've had several Bills that were somewhat similar."

Ammons: "The cost of this one is just a little bit over 14 million."

Bellock: "I thought it was around 30 million?"

Ammons: "No. The... the projected amount that is given is \$14,689,000 annually for the mandatory training."

Bellock: "I have the fiscal note for Senate... Senate Bill 2536 and in the fiscal note, the estimated cost is 30.3 million."

Ammons: "I think that's a projected cost not the actual current cost based on the numbers that exist currently."

Bellock: "Okay. And then... I don't... I don't know if that's correct or not. This is... I'm not sure if that includes... I wanted to ask a question about the insurance. Of... oh, I'm sorry. I thought you were looking something up. So, as far as..."

Ammons: "Oh, no, no. I'm sorry."

Bellock: "Okay. The fiscal note that... I'm sorry... the fiscal note that we have from DHS says that the cost of the program is 28.4 for the mandatory training and 1.9 million for the health insurance for a total cost of 30.3."

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Ammons: "I... I think when we were in committee we got 28 million at the time in committee; initially, we got 10 million, and then we got 28 million, and now you have 30. I think there is some numbers that are not taken into consideration to what they're already having to pay. And so, that may be the discrepancy between what you have and what we have."

Bellock: "Okay. Thank you, Representative. I think this fiscal... I think this document I have right here was filed after the committee and that's what the DHS had said was the cost, 30.3 together. So one of the other questions I wanted to ask was is... ther... when we did the analysis of the Bill, I'm sorry I didn't ask you that then, but I thought some of the people were at 9.85 an hour. But are all personal assistants at \$13 an hour?"

Ammons: "I... I'm sorry it..."

Bellock: "Oh, sorry."

Ammons: "...was a little unclear."

Bellock: "That's... Sorry, those are the day care providers, correct. Something else I wanted to ask was regarding the health insurance. Are people in this Bill and that do this work, are they covered at just... with health insurance at just 25 hours?"

Ammons: "Yes. So... I'm... just to clarify. This... this only codifies what is currently taking place. We're not changing any of the actual... what... the hours that they are currently covered under health insurance. This doesn't change it, it just codifies what currently takes place."

Bellock: "Okay. And what is that?"

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Ammons: "So, it... it's the bargaining unit as a whole and it's not changing. I think the 25 hours might actually be the number of hours. I can clarify that, certainly."

Bellock: "Okay. Thank you very much. Thank you very much, Representative and I know your Bill is very well-intentioned."

Ammons: "Thank you."

Bellock: "And we've had several Bills that have come through our committee that are also well-intentioned, but totally I think four of the Bills that we have recently done regarding some of these issues have totaled close to \$3 billion. Not your Bill alone, but a couple of the others, one was 1 billion, couple of others together. So that's the concern of everybody is with the fiscal constraint that we're in right now that's our hold back is how we're going to pay the \$5 billion deficit we have right now and still move forward, not that we don't think that some people do need incentives, but at this time with the fiscal constraints that we have I would not support the Bill for that reason. But thank you for your intentions. And I respect your Bill. Thank you."

Ammons: "Thank you ver..."

Speaker Lang: "Representative Wallace."

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

Speaker Lang: "Sponsor yields."

Wallace: "Can you... inform me again how many... what's the percentage or the proportion of individuals in this field who happen to be women?"

Ammons: "Ninety nine percent."

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Wallace: "Okay. And... and we're talking about child care providers, correct?"

Ammons: "Yes."

Wallace: "So we're speaking about the individuals who are entrusted with our children zero through about 12 years old, depending on the type of program, correct?"

Ammons: "Yes. Yes."

Wallace: "Okay. And so they have to have a specific amount of training. And can you... do you have some of the topics that they are trained upon or... or trained on that would make them the people we would want to trust with our... our youngest citizens?"

Ammons: "Some of the trainings that are mandatory in this is prevention and control of infection diseases, SIDS and use of safe sleep practices, administration of medication, prevention and response to food allergies, building physical premises for safety, prevention of shaken baby syndrome, abusive head trauma, emergency preparedness and response, and many others that are very serious important trainings."

Wallace: "So would it be safe to say that these child care providers are on a pathway to being experts as opposed to your typical 13-or 14-year-old who's babysitting after school?"

Ammons: "Certainly this... the preservice training and orientation training under this list and there are many others, provides the provider with the necessary information to keep the child safe in the home and how to respond in case of an emergency. And so, we want to make sure these workers are not only paid appropriately for that training that they can attend and

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afford to attend, which is part of the impetus for this legislation."

Wallace: "Okay. And so, these are full time workers then?"

Ammons: "Correct."

Wallace: "Or are these people who are just doing something to get by on the side?"

Ammons: "These are full-time workers who have to, of course, adjust to try to make sure they meet the mandatory training hours, as well as, cover the expense for when they're away from their businesses at the time."

Wallace: "Okay. And then, I... I think my final question is, there's been some discussion about whether or not this impacts collective bargaining or how collective bargaining plays a part in this. But basically, we're saying that individuals who are going to provide this service to our... our state have to be trained well enough to do so and we're suggesting that they'd be paid in a way that allows them to also provide for their own families?"

Ammons: "That... that's... that is correct."

Wallace: "Okay. Well, thank you. To the Bill. I do understand that we have quite a difficult fiscal state that we're in, but when we think about the fact that these are individuals who are working with our most vulnerable citizens... children can enter child care facilities at just six weeks old... they can't hold their heads up, they cannot hold their own bottles, they cannot provide any care for themselves. We also know that these particular services help as children get older to prepare them for K through 12 education. We know that for older children the after school programs keep them safe and

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off of the streets, which we could perhaps incur more costs if they are doing things that we would not want them to do. And we have to really, really be honest about the fact that, I don't think that as a society we value what we call women's work. You mention 99 percent of the individuals who provide this service to our state are... are women and there's a large number who are also women of color. We know there's a huge pay discrepancy for women across-the-board. We also know that, again, female-dominated roles or female-dominated industries and services are less paid than male-dominated industries. Yet, the backbone of our society is being able to care for the next generation so that they can go on and be productive citizens in our state. For that, I think we need to appreciate the workers for the service they provide to each and every one of us. Whether it is our own child, the child down the street, a niece or a nephew or a grandchild, this is an important, important profession and we should allow for adequate training. They should be paid in a manner that will allow them to take care of their own families; and they should have access to health care which is, again, something that women are disproportionately edged out of. And for all of those reasons, I encourage an 'aye' vote. And I thank the Sponsor for bringing this Bill."

Speaker Lang: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker. To the Bill. I... first of all, want to thank the Lady for bringing forth this very important piece of legislation. Because all of us as politicians we all ran on making family values our priorities, we all ran on making the issue of protecting our children, we ran on making

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that a priority, but yet, we're talking about a mere \$15 an hour for providers for taking care of our children. We don't want to pay that. But when I think about, for those of us who have pets, how much it costs to have a veterinarian to take care or have pet care that's between 9 and 14 dollars an hour and we don't complain. When we talk about how some pet sitters even charge upwards from 10 to 25 dollars an hour, we pay that and we don't complain. So surely to pay providers for taking care of our children, to invest into the future, to make sure that they're safe while we're off working or going to school so we all can become tax contributors, we should not complain. And to pay a mere \$15 an hour to... for providers who take care of our children as far as I'm concerned it's not enough. And thank you, Representative, for bringing forth this legislation."

Speaker Lang: "Representative Jesiel."

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

Speaker Lang: "Proceed."

Jesiel: "Or... to... to the Bill, rather."

Speaker Lang: "Okay."

Jesiel: "I just wanted to say in response to Representative Wallace and the comments about the Bill about being for women, speaking as a woman, I just have to say that this is a concern for all of us. It's not necessarily a woman's issue; it's a particular issue that speaks to the legitimacy of codifying a rate... a salary into... in the law outside of collective bargaining. So, I just have a big concern about using this as a woman's issue when it's more about the process. And I just wanted to be sure that were not making accusations that are

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not fair with regards to women. This side of the aisle, of course we support women, of course we support women in the workplace, and of course we support adequate pay because there's nothing that lifts people out of poverty better than ag... adequate pay. But what we can't do is put... this into law where it should be a part of a collective bargaining agreement. So, I hope for that reason that we'll vote 'no' and we'll find a better way to do this. Thank you very much."

Speaker Lang: "Representative Ammons to close."

Ammons: "Thank you. And thank all of the speakers to the Bill. From the beginning of negotiations which began last year the Rauner administration has shown the hostility toward child care work... to the cho... toward child care program and child care workforce in a way that has not been seen in recent history, ever. He's seeking to strip away health insurance training and enact a freeze from some of the lowest paid workers in the state. In recent negotiations he did try to link care of people with disabilities in an attempt to enact a multiyear freeze on child care providers. This was truly an outrageous overreach. Now in the 12th month of bargaining, Governor Rauner showing no sign of letting up in his efforts to extract concessions out of this destabilized workforce many children who have gone without child care and their providers who have closed. As a Member of the General Assembly we should not let this happen. I urge an 'aye' vote for this legislation. And I urge an 'aye' vote for the child care worker, providers, and the children. Thank you, Mr. Speaker."

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

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Have all voted who wish? Have all voted who wish? Please record yourselves. Mr. Clerk, please take the record. On this question, there are 68 voting 'yes'; 43 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page... page 9 of the Calendar, under the Order of Senate Bills-Second Reading, there appears Senate Bill 2931, Representative Harper. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 2931, a Bill for an Act concerning State Government. This Bill was read a second time on a previous day. No Committee Amendments. No Floor Amendments. No Motions are filed."

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

Clerk Hollman: "Senate Bill 2931, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Lang: "Representative Harper."

Harper: "Thank you, Mr. Speaker, Members of the House. I'm pleased to bring before you Senate Bill 2931 which overall mission is to protect and invest in home care for persons with disabilities. Now, currently, there are more than 21 thousand state home services program assistants who provide everyday care to nearly 25 thousand people with disabilities. So, Senate Bill 2931 basically does three things; it codifies the basic health insurance program for DORS hair home care providers at no new cost to the state; it codifies that critical existing training programs for DORS home care providers at no new cost to the state and it also provides for a \$15 an hour wage for more than 21 thousand providers who are among the lowest paid workforce in the state with an

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average salary of \$17 thousand a year. And so... also, due to the nature of the work, many of these workers are typically not able to work 40 hours a week and currently they make \$13 an hour. I welcome any questions about the Bill."

Speaker Lang: "Mr. Sandack."

Sandack: "Thank you. Will the Representative yield for a few questions?"

Speaker Lang: "Sponsor yields."

Sandack: "What is... who initiated this legislation, Representative?"

Harper: "SEIU Healthcare."

Sandack: "And do you know why they asked you to run this piece of legislation?"

Harper: "To stand up for the home care workers in the State of Illinois."

Sandack: "Isn't that their job? Isn't that what they're supposed to do as the duly elected, collectively bargained unit representing home health care workers? Isn't that exactly what they're supposed to do?"

Harper: "You're absolutely right, but we share a common mission in that many of their workers and the people that they represent, as well as, the persons who they provide for are in my district. So..."

Sandack: "Well... that's..."

Harper: "...we share that same admission and protecting the home care workers of this state."

Sandack: "Are there any other state employees that you know of that... that get codified hourly wages within the law, those

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that are also collectively bargained. Do you know of any others that do this?"

Harper: "Not ho... not hourly wages specifically, except for General Assembly Members."

Sandack: "How much would your Bill... if your Bill was put into law, how much would it cost the State of Illinois?"

Harper: "Roughly \$43 million."

Sandack: "Where do you get that number from, Representative?"

Harper: "From discussions with proponents and also the department."

Sandack: "The department told you it would cost, how much?"

Harper: "About 43 million."

Sandack: "Because the wage increase is for individual maintenance home health care workers would cost the state an additional 73 million annually, the training provisions would cost an additional 13.8 million and that's at sum total of just under 87 million. So one of us is way off."

Harper: "Well, a lot of it is eligible for federal Medicaid match, so..."

Sandack: "Oh, okay."

Harper: "...that is a depending factor as well."

Sandack: "Okay. So... so give the math; give me the gross, then net math. How much does this cost in total and what do you think is subject to some federal match?"

Harper: "Almost all of it is subject to federal match and it would gross between 41 and 73 million dollars."

Sandack: "Have you seen the fiscal note that... that DHS supplied with respect to your Bill?"

Harper: "No, I have not."

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Sandack: "Well, you might want to because what it says... the department says, unlike what you've represented, these amounts total an estimated 86.8 million annual increase in cost that are not included in the Governor's FY17 proposed budget. Where are we supposed to get 87 extra million dollars?"

Harper: "Well, we do need to have a discussion about revenue and I believe that this should be a part of that package... part of that discussion."

Sandack: "Well, we could have that discussion, but we shouldn't spend money we don't have until we know what we're going to have. To the Bill, Mr. Speaker. This Bill does what the previous Bill does, as well. It mandates an hourly wage, it mandates training, it goes around the collective bargaining process and is a special set-aside sought by SEIU. This is bad policy, bad process, and bad finances. We just heard from the Sponsor herself that she has very little idea of what the actual costs are and has no idea how we're going to pay for it. Vote 'no'."

Speaker Lang: "Representative Bellock."

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

Speaker Lang: "Sponsor yields."

Bellock: "I just wanted to ask about the question about the personal assistants. When the new Federal Law came down this last fall, we did a lot of work on that between the fall about the... that there was no overtime to be paid. Are they still paying that overtime or did that end for the personal assistants?"

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Harper: "I don't think... I don't think they're still paying that overtime, but this Bill would not affect that."

Bellock: "This Bill does not affect that?"

Harper: "No."

Bellock: "Well, I think it does if we're paying time and half, wouldn't it in the overtime?"

Harper: "The DHS is discontinuing that policy, the overtime policy."

Bellock: "Wh... I know it was extended in January, you know, because the law came down so fast a lot of people couldn't find the personal assistants. So we asked for an extension, that Department of Human Services would give us that extension, but I'm not sure if they ended that in May 1 or if it's still in effect."

Harper: "Well, they discontinued it as of May 1, 2016."

Bellock: "And I..."

Harper: "About two weeks ago, yep."

Bellock: "Okay. Okay, so is the overtime limited now?"

Harper: "Yes, to 40 hours a week."

Bellock: "Okay."

Harper: "Is the limit."

Bellock: "So, is the health insurance... like in the previous Bill, is the health insurance paid into for people that just put in 25 hours or must they put in the full 40 in order to get the health insurance?"

Harper: "Essentially, you're correct. The answer is the same, yes."

Bellock: "Oh, so it's 25 hours? Okay."

Harper: "Yes."

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Bellock: "So I'm trying to figure out what the total cost of this Bill is. I think it's around 86 or 87 million. Is that correct?"

Harper: "It... it depends on how much is available for a federal match, but we believe it to be much lower than that."

Bellock: "Again, I have the fiscal note from the Department of Human Services, I think this is recent since we just did the committee and so the estimated cost annually of this particular Bill is 86.8 million increase."

Harper: "Well, that's based upon the Governor's proposed bud... budget which lowered the base."

Bellock: "I'm not sure what the base of that was. But anyways, you know, I... again, Representative, I know this is a well-intentioned Bill and we know that people need raises in these fields. And my concern is just at this time as a lot of our concern is with doing the budget this year with the \$5 billion deficit and 9 billion of unpaid bills, it's hard to look at increasing the budget, you know, by a couple of billion dollars with a whole package of four Bills. So that's the concern that we have. And I appreciate your intentions on this Bill. And I thank you for your answers. Thank you."

Harper: "Thank you."

Speaker Lang: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. I, again, would like to commend the Lady for bringing forth this very important piece of legislation, when you take into consideration what the personal assistant service providers do to help people that are handicap, help people this... are... that are disabled. This is not a luxury

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Bill; these people are in need of this service. Now, I heard one of the previous speaker talk about how this might cost upwards of 86 million dollars, but I tell you what, it will cost you more... it will cost you much more if these people had to live in some type of institution. I guarantee you would be paying more than that. But more importantly, again, this is discrimination. People with disability are supposed to, by Federal Law, be able to live in their home independently if they so choose to, that's number one. And number two, the help that they need in order to feed themselves, take their medicine, get back and forth to work, they are entitled to that, again, according to Federal Law. We get matching funds. What is the problem here? And if you need some more money to pay for this, please stop by my office on the second floor of the Stratton building and I'll be more than happy to discuss with you the Financial Transaction Tax. And I can tell you how we can get some more money to pay for all of these Bills. Thank you."

Speaker Lang: "The Chair is gathering himself. Mr. Martwick."

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

Speaker Lang: "Sponsor yields."

Martwick: "Good afternoon, Representative Harper. I... I just have a couple questions for you. What are the... the... these workers currently making? How... what are they making per hour?"

Harper: "Thirteen dollars an hour."

Martwick: "Okay. So it's at... you're... you're looking at a two dollar increase, right?"

Harper: "Yeah. Just two dollars."

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Martwick: "So I... I just have a question for you. I had some information that said that on average these workers make \$17 thousand a year."

Harper: "Yeah, and most of them are not working 40 hours a week."

Martwick: "They're not?"

Harper: "No."

Martwick: "You see that... that's where my question goes 'cause I actually did \$13 an hour, right? Times 40, times 52, meaning working every day of the year and I came out to 27 thousand. So you... you're saying that even though their earning potential is \$27 thousand a year, they're only making on average 17?"

Harper: "Correct."

Martwick: "That's interesting 'cause, you know, I couldn't figure out how we got an 87 thousan... \$87 million cost. 'Cause I thought, you know, surely the Department of Human Services would do something more than basic simple math. But, you know, the interesting thing is, is you take two dollars an hour and you multiple it times 40, and then you multiple it times 52, and you multiple times the 21 thousand people that are working, and it comes out to \$87 million. So apparently DHS calculated a cost based on hours that are not actually being worked."

Harper: "And remember almost all of that is eligible for federal match."

Martwick: "Fascinating. You know, it's... we file these notes you would think that you would get something that approximated, even came close to real math but not... not in this chamber perhaps. So \$17 thousand an hour... I mean, excuse me... 17... \$17 thousand a year. Where does that fit in the poverty scale,

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Representative Harper? Do you know if that's above or below the poverty?"

Harper: "Below the poverty level."

Martwick: "Okay. So the people that we're charging to work in our... the homes of our peo... of our citizens with disabilities are working at an annually salary, at least average, that falls below the poverty line?"

Harper: "Yes."

Martwick: "So, how... how do they get by with that?"

Harper: "Es... especially if they have children."

Martwick: "Yeah. So, how do they... how do they make ends meet if they're living below poverty standards?"

Harper: "Oh, it's very hard. I've been in that situation myself as a single mother and..."

Martwick: "How did... how did you get by?"

Harper: "I had to take on multiple jobs, spend less time with my child, and so forth, and so on."

Martwick: "Would it be crazy to think that some of these people that were... that the government is paying to care for our most vulnerable citizens are actually receiving some sort of government assistance themselves?"

Harper: "And exactly that. I also had to depend on government assistance because I could not make enough money at work to support my basic needs."

Martwick: "So, what you're saying is that the people that we employ to care for our most vulnerable citizens, that the taxpayers pay to care for our most vulnerable citizens, we also likely have to pay to help them survive?"

Harper: "That's exactly right. That's what's going on right now."

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Martwick: "So, perhaps a small increase in wages might actually reduce their dependence upon the government workers... their own dependence upon government aid and services."

Harper: "Of course, I would like to think so and workers themselves would love that. They don't want to depend on public assistance; they would like to earn a livable wage."

Martwick: "Not every cut is... saves the taxpayers money, does it? In fact some cuts actually cost the taxpayers money, don't they?"

Harper: "Exactly."

Martwick: "This is a good Bill. Please vote 'yes'."

Speaker Lang: "Representative Soto."

Soto: "Thank you, Speaker, Members of the House. This is a very important Bill and I just want to urge this General Assembly to support it. I mean there's so many people who need the services that are out there and really sometimes these caregivers work more than the... than they... that they volunteer to do. And again, just even the... the income that they make per year it's very low. Keeping the wages low and stripping caregivers of the little benefits that they have to higher turnover, making it more difficult for people with disabilities to find care and result... resulting in increased administrative cost. Home health care has a national turnover rate of 62 percent. So, I just want to mention to my colleagues this is a very important Bill. I know some of family members on both sides have these same issues, so let's be a little more sensitive with the needs of other people. And please support this Bill for... Thank you."

Speaker Lang: "Mr. Dunkin."

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

Speaker Lang: "Sponsor yields."

Dunkin: "Representative, what union is... would be in charge of the... the PAs and these workers here?"

Harper: "SEIU Healthcare."

Dunkin: "That... that's the one in Illinois, Indiana?"

Harper: "Correct."

Dunkin: "Okay. Who are... who's the... who's the... the director of this, the President, the head of the SEIU union from that particular local? Yes. Who is it Keith Kelleher; is it Tom Balanoff? Is it who?"

Harper: "Keith Kelleher."

Dunkin: "Okay. And what is his salary, his annual salary?"

Harper: "I don't know."

Dunkin: "What about their vice president, Jackie Alleyne, what's her salary?"

Harper: "I don't know."

Dunkin: "What about their legislative director salary? One of them is Greg somebody."

Harper: "I don't know, Ken, I didn't research that as part of this Bill."

Dunkin: "All right. Well, this is not at you, I mean, you're carrying the Bill. So, we're talking about salary increases, hourly rate increases. As I understand it, all those individuals make over \$120 thousand for the year. As their... as the head of the SEIU union, the vice president, President, the legislative directors, they're all six figure salaries. Are you aware of that, Representative?"

Harper: "No, I was not aware of that."

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Dunkin: "Did they give you any indication at least of what the average top tier salaries and how they would increase or would they stay the same? Any idea?"

Harper: "In relation to this Bill, I don't think that that's... Yeah, this has nothing to do with the Bill. So, those aren't... that's not information that I went after or care to know right now in relation to what we're talking about today."

Dunkin: "Sure. I understand and I support it... this in... salary increases for these workers throughout my 14 years here. You know, just so you know."

Harper: "Okay."

Dunkin: "But I'm also aware that... their... their president, the vice president, the legislative director, the political directors make six figures or more of these particular... of this particular client population that we want to increase, so that I've played a role within helping. Just trying to understand, you know, how would they be impacted. Will their salaries increase as it relates to us mandating 41 to 73 million dollars to be increased for these worthy employees, who are personal assistants and home service providers, to a mere \$15 dollars an hour?"

Harper: "Well, there are ov... over 80 thousand people represented by SEIU. So, I don't think it would be outrageous for their director to make over a \$100 thousand salary."

Dunkin: "Is that right? And we... we're struggling to get them 13 or 15 dollars..."

Harper: "However, that is not germane to this Bill and what we're talking about today. We're talking about protecting the home care for persons with disabilities and also protecting the

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people that work for them so that they may be able to earn a living wage themselves and not depend on government assistance, which is what we really all want."

Dunkin: "Thank you for your response, Representative."

Harper: "Thank you."

Speaker Lang: "Representative Wallace, chooses not to speak. Mr. Batinick."

Batinick: "Thank you, Mr. Speaker. To the Bill. I think this is somewhat a symptom of the problem instead of the problem itself. It pains me that I have to vote against a Bill for people that do this sort of home health care work, that they do at such a low wage, yet that's the state that we've.. that's the state that we've put the state in. Every Bill that seems to be coming by it's spend, spend, spend, mandate, mandate, mandate. And I.. I ask this Body, what have we done to make things better in the private sector so we can raise revenue through private sector growth? What have we done to give families better opportunities, not through raising a government job, but through raising private sector jobs the last few Sessions? You know, if we spent half the time working on helping families, not just through government but.. but through creating better opportunities for everybody, I think we'd be a lot better off. Unfortunately, I have to vote 'no'. Thank you."

Speaker Lang: "Mr. Thapedi."

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

Speaker Lang: "Sponsor yields."

Thapedi: "Representative, would you agree that every person with disabilities with a personal assistant saves Illinois an

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average of \$17,518 per year compared to living in a nursing home?"

Harper: "I... I would agree with that."

Thapedi: "And the only reason why I ask that question is because for some reason this has now turned into a financial debate when we're talking about the betterment of lives for the most vulnerable people in our community."

Harper: "Exactly."

Thapedi: "Would you also agree that adding those figures up, that the savings from home health care amounts to hundreds of millions of dollars in savings?"

Harper: "I would agree."

Thapedi: "All right. Mr. Speaker, to the Bill. Keeping people with disabilities in their homes saves the State of Illinois hundreds of millions of dollars. Keeping the workforce properly trained, healthy and paving the way for them to make a living wage protects these savings and is a critical investment. At a time when we are experiencing a historic budget impasse, wouldn't it make sense for us to invest in a program that saves the state money? Absolutely. I urge an 'aye' vote."

Speaker Lang: "Representative Harper to close."

Harper: "In closing, I would like to say that this legislation would protect health insurance, vital training, and provide a living wage for home care workers who, again, on average make only \$17 thousand a year and therefore, live in poverty. They work in an industry where there is approximately 60 percent turnover rate and saves the State of Illinois hundreds of millions of dollars by enabling people with disabilities

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to stay in their homes, in the community and not have to submit themselves into nursing homes. Let us provide stability to this important workforce and provide these workers with the tools, as well as, dignity to care for people with disabilities. Finally, I just want to pon... point out the broad coalition of support this legislation has including advocates for low income seniors and people with disabilities like the Jane Addams Senior Caucus, Access Living, and Illinois Alliance for Retired Americans. I encourage an 'aye' vote."

Speaker Lang: "Those in favor of the Lady's Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 67 voting 'yes', 44 voting 'no', 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Leitch is recognized."

Leitch: "Thank you, Mr. Speaker. I would like to... the House to welcome my Page today, a very intelligent seventh grader who goes to Dunlap School, Aadi Bhanti. Aadi is a very... very intelligent, very interested, and very well-schooled youngster even at this point in his life about the process and the workings of Springfield. So please join me in welcoming."

Speaker Lang: "Welcome to the House chamber. Thanks for being with us. Representative Reaves-Harris is recognized."

Reaves-Harris: "Could the record reflect that my intent to vote 'yes' on Senate Bill 2931?"

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Speaker Lang: "Thank you. The record will reflect your intentions. On page 7 of the Calendar, under Senate Bills-Third Reading, there is Senate Bill 2964. Mr. Hoffman. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 2964, a Bill for an Act concerning employment. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2964 is amending the Prevailing Wage Act. What it would do is, it put a mechanism in place for ensuring that the prevailing wage should not be less than the rate for similar work performed in a locality under a collective bargaining agreement. When no such collective bargaining agreement is in place, then the Department of Labor will make that determination. It puts the determination of this under the Department of Labor, it removes it from local government so we can be consistent and would require all prevailing wage rates be posted on the department's website. The history of prevailing wage, as you may know, goes back to 1931 when two Republicans, and I'll repeat that, two Republicans, Davis and Bacon sponsored the Federal Prevailing Wage Act. I know because they were two Republicans we'll have much Republican support on this side of the aisle to make sure that people who work on public works projects actually get a fair wage. I ask for an 'aye' vote."

Speaker Lang: "Mr. Sandack."

Sandack: "Will the Gentleman yield for a few questions?"

Speaker Lang: "Of course."

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Sandack: "Jay, what's the current state of the law? How is prevailing wage determined now?"

Hoffman: "The history of how we determine prevailing wage, under previous Departments of Labor, is that we have used collective bargaining agreements as the guide and that's been the long-standing... that's been a long-standing practice in the Department of Labor whether it was under Republicans or under Democrats who... administrations. However, in the fall of 2015, the dep... department began sending correspondence to contractors with a survey period of July 1, 2014 through July 30, 2015 and asking these contractors what they're paying in wages. I'd like to note that in testimony... in Dept... in the Labor Committee, representatives from the Operating Engineers indicated that no union contractor that they spoke to have received such a survey or a letter. So the concern here is that long-standing practice is not being followed, long-standing practice should be codified, and long-standing practice is the way to go to make sure people make a decent wage on public works projects."

Sandack: "Well, I'm looking at the actual law an... and thank you for that elaborate answer about long-standing practice... but let's look at the actual law itself and th... and the words therein because at Section (d), as in David, the old law said, shall ascertain the general prevailing wage of hourly wages in the locality in which the work is performed. So it was done at a local level. So, how was that accomplished? Do you know?"

Hoffman: "We're not changing that. It's still going... Oh, excuse me."

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Sandack: "Yeah, you are."

Hoffman: "Excuse me."

Sandack: "It's stricken out."

Hoffman: "I meant... hold on. We're not changing the fact that you will have a local prevailing wage, but we are saying that the... that the Department of Labor will be the person that's going to determine what the collective bargaining agreement wage is for a given trade. And in addition, the Bill indicates that you have to... the collective bargaining agreement has to represent at least 30 percent of the workforce in that region for that given trade."

Sandack: "So, let's go back to what the law was, forget the policy or the practice. Didn't local governments have a say and a role in what the prevailing wage was in their locality?"

Hoffman: "Yes, they did. However, it's my understanding that the vast majority, like nearly 100 percent of them, would simply adopt what the department had."

Sandack: "Okay. So that may be well what they did, but that was at their option. Isn't that correct?"

Hoffman: "That's correct."

Sandack: "Now your law would take that option away. Isn't that correct?"

Hoffman: "That is correct."

Sandack: "So irrespective of the practice employee, you are seeking to codify and basically make the law the... a... the collective bargaining prevailing wage be the law of the land in Illinois and take local government and local information out of the equation entirely?"

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Hoffman: "No, we wouldn't be taking the local information out of the prevailing wage. We would accept and adopt..."

Sandack: "No, from the local governments."

Hoffman: "Yeah, we would accept and adopt the collective bargaining agreements if they represent at least 30 percent of the workforce in a given region by trade. And then that would be accepted on a state... and it would be codified on the state level as opposed to having several different types of local government determination. So, what we're trying to do is provide consistency, not only to organized labor and the worker, but also consistency to the employer. Because they should know, when they're bidding a job, what the prevailing wage is going to be, what they're going to have to pay their employees, and what is the standard for that region."

Sandack: "Well, that kind of assumes that they don't know that now and you just told me that over the rich history of several Governors that was well known and made known to employers. And you also said, local governments... local entities including nonunion employers they obviously knew what prevailing wage is. So I'm... I'm just trying to figure what the impetus of this rule change is and why we're codifying this in such a way as that... you say, 30 percent is the minimum requirement of collective bargaining?"

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

Sandack: "Where did that number come from, Jay?"

Hoffman: "I'm trying to recall the testimony and the department in the Labor Committee."

Sandack: "Well, it didn't come from the Labor Committee testimony. It came from someone who drew the statute up and while that

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committee testimony may have been consistent with it, that Bill was out before the testimony was induced. So, I want to know where the language came from."

Hoffman: "In order to address the uncertainty, and the inconsistency in ascertaining these rates, what we propose is statutory frame work. It established the prevailing wage rates based collectively where at least 30 percent of the workers in a particular trade or occupation receive a collectively bargained rate of wage. The reason we're saying that is we want to make sure it's reflective of the actual prevailing wage in the area."

Sandack: "Well, I mean..."

Hoffman: "That 30 percent... the 30 percent I think or I understand is basically a number that generally is going to reflect, most regions of the state are going to have 30 percent. At least reflected in public works contracts."

Sandack: "What if they don't?"

Hoffman: "If they don't, then the provisions and the Department of Labor will make the determination."

Sandack: "Irrespective of the locality and any governing or local issues that may be better attributed and/or determined by local governments."

Hoffman: "I would assume they would... they would conduct a survey that they're conducting now."

Sandack: "Do they... yeah, I was going to say, they... they do that now, right?"

Hoffman: "Well, they're attempting to do it. Our concern is... it's very simple here."

Sandack: "You know, I..."

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Hoffman: "There is a wage rate that's established by collective bargaining. That's a collective bargaining agreement that's between two parties, employer, employee."

Sandack: "Right."

Hoffman: "They come together, they negotiate..."

Sandack: "Cut a deal."

Hoffman: "...they... they determine what the rate is and they can live in the locality."

Sandack: "Yes, Sir."

Hoffman: "We're saying, why reinvent the wheel? My concern is this is that the Department of Labor is doing these surveys and they're not sending out... the survey's out to union employers. Therefore, they're going to artificially set a lower rate for public works."

Sandack: "Have you talked to the department about that?"

Hoffman: "They came and testified as to what they were doing, yes."

Sandack: "And they said they didn't send out surveys to union employers?"

Hoffman: "They did not say that. It was testified in committee that the... the survey was not sent out to any of the Operating Engineers employers according to 150 who testified."

Sandack: "Okay. But did... were there any employers that were a part of a collective bargaining agreement with the 150 Operating Engineers? Was... I mean was there any employers that said, yeah, I didn't get the survey?"

Hoffman: "According to them they had... they had asked their employers and they indicated they had not received it."

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Sandack: "Okay. There are at least according to my analysis, Representative, quite an array of opponents including the Illinois Green Industry Association, the Illinois Association of County Engineers, the Illinois Tollway, IDOT, Mid-West Truckers Association, the Illinois Policy Action, Northwest Municipal Conference, South Suburban Mayors and Managers Conference, the Illinois Association of County Board Members, the Illinois State School Management Alliance, the Associated General Contractors of Illinois, Illinois Road and Transportation Builders Association, DOL, CMS, IML, the Associated Builders and Contractors, NFIB, the Illinois Chamber, obviously the Governor's Office. I only see.. the only.."

Hoffman: "Obviously."

Sandack: "...proponents.. yeah, well, you're taking.. you know, you're going around the process, but the proponents are only labor. Is there.. are there any nonlabor proponents of your Bill?"

Hoffman: "Yes."

Sandack: "Who?"

Hoffman: "So, the.. the Management Labor Alliance of the Operating Engineers, management and labor are proponents of the Bill. Public Workers Contractors that I have talked to in my area, who build roads, and bridges, and schools are in favor of the Bill."

Sandack: "They didn't slip in though, did they?"

Hoffman: "I don't know if they did or not; I don't know."

Sandack: "Well, I mean.."

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Hoffman: "But I can tell you who's in favor of it: the Operating Engineers, the carpenters, the bricklayers, the plumbers, the laborers."

Sandack: "Right."

Hoffman: "People, teamsters, do you want me to keep going?"

Sandack: "Well, I... I don't show the teamsters on this, but..."

Hoffman: "The people who are outside of this building today wanting to get a fair wage so they can raise their family. They're for it."

Sandack: "They bargain for their fair wage, they know their fair wage. This is talking about prevailing wage with respect to nonun... union work. So, they bargain away for what their wage is and they do a good job of it in some instances, maybe not so good in others. But that's the basis of the bargain between an employer and employee represented by the trade union or other union. Isn't that right? But we're talking about prevailing wage and you want to codi..."

Hoffman: "I think you're making my argument for me."

Sandack: "No. 'Cause you want to codify a process and take away local control or any local involvement and that's... that is a deviation from, I don't know, how many years of practice, 30?"

Hoffman: "I... I don't know. I could tell you what practice is and that was the local governments would adopt what the Department of Labor had..."

Sandack: "Which is fine."

Hoffman: "...and the Department of Labor would adopt..."

Sandack: "Has any locality..."

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Hoffman: "...what we're talking about here, collective bargaining agreement."

Sandack: "...has... has any locality signed onto your legislation? Has any unit of government in Illinois, any unit of government said, yeah, this is a good idea, we're in favor?"

Hoffman: "I've not heard from anybody. I've not heard of... heard... I have not heard from my locals opposed to it either."

Sandack: "Thank you, Representative. To... to the Bill. There's more than a touch of... of skepticism with respect to this Bill. This is a new administration and this is an attempt to sidetrack... sidetrack the process. The idea that local governments had a say in what the prevailing wage is and/or involved in, in their area is being stripped from local governments, local control which is what many of us talk about when we're in our districts is being stripped away here. This is an attempt again to codify in one party's favor an area that should be subject to local control. This is a mistake. Vote 'no'."

Speaker Lang: "Mr. Kay."

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

Speaker Lang: "Absolutely."

Kay: "Jay, I'm curious. This kind of has the feel of a state mandated collective bargaining agreement. Would you agree with that?"

Hoffman: "I... I'm sorry. There's... I couldn't under... I couldn't hear. Sorry."

Kay: "Yeah. Okay. This kind of has the flavor of being a Bill that mandates a state collective bargaining agreement. Would you not agree with that?"

Hoffman: "No, that's not correct."

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Kay: "Why would you say that?"

Hoffman: "Because what... what this would do is it would indicate that in a given region the collective bargaining agreement for that region. So in the Metro East, where we live, the ironworker would make less than an ironworker in Chicago. So the prevailing wage under this Bill would be what the ironworker... if it's... if it's a project in Collinsville, the ironworker in Collinsville's agreement would be the one that would... would be the prevailing wage as opposed to the one in Chicago. So it's not mandating a statewide collective bargaining. It's still done by region, but it would indicate that the collective bargaining agreement would be the prevailing wage, yes."

Kay: "Well, what if every locality though doesn't have a prevailing wage?"

Hoffman: "Well, if they have... if there's a collective bargaining in place and at least 30 percent of the workers are subject to a collective bargaining on public works projects, then the collective bargaining wage would be the prevailing rate. If you don't have that or meet that criteria, then the Department of Labor would make a determination as to what the prevailing rate is in that particular region."

Kay: "So there's no chance that Collinsville, as an example, would be paying a prevailing wage that would be equal to or around what they're being paid in the collar counties?"

Hoffman: "They would be subject to the local collective bargaining agreement in the Collinsville area."

Kay: "Okay. This 30... 30 percent, how many... how many people... workers in Illinois are unionized?"

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Hoffman: "I don't know that."

Kay: "How many are... how many total workers are there that would be subject to this 30 percent?"

Hoffman: "I would think generally the entire State of Illinois on public works construction projects, 30 percent of the workforce is subject to a collective bargaining agreement. So I would think there'd be very little, if any, area of the state that would not be covered by collective bargaining agreement that would set... set the prevailing wage."

Kay: "Well, as an example, in Belleville, how many... how many people... how many laborers are there and how many are subject to the collective bargaining agreement or prevailing wage?"

Hoffman: "I think on public works projects probably 100 percent are subject to collective bargaining and prevailing."

Kay: "So you met your goal there, pretty much. Is it fair for me to say that prevailing wage is synonymous with unionization?"

Hoffman: "No."

Kay: "Is that good or bad?"

Hoffman: "Look, I'm a proponent of people's right to organize. Fundamentally I'm a proponent of that."

Kay: "Yeah. And... and you know, I... so am I. I think that's not so bad. But I... I guess I'm curious as to why it is that we're forcing something like this, if we're not trying to somehow codify a collective bargaining agreement, because what I read in my analysis says that this will be a part of a collective bargaining agreement, period. Is that correct?"

Hoffman: "The wage rate that will be the weight... wage rate that has to be paid on a public works project; a road, a bridge, a school, a courthouse, a jail. When those are being built,

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we currently demand prevailing wage to be paid. This simply is saying that prevailing wage will reflect what practice has been, long-standing practice in Illinois, that it will reflect a collective bargaining agreement and the wage and Fringe benefits that are paid as... in conjunction with that collective bargaining agreement in that region."

Kay: "How many people in the State of Illinois today reach... reach that 30 percent threshold?"

Hoffman: "I think... I think maybe we're just talking over each other. So maybe I... I haven't really described it adequately. In a region... in a region where 30 percent of the workforce is, you know, public works projects is subject to collective bargaining agreement, then you'll... you will use that prevailing wage that is a part of that collective bargaining agreement."

Kay: "Okay. And if they're not subject to a collective bargaining agreement, not applicable?"

Hoffman: "If the critr... criteria is... is met, then any public works project has to pay that rate, whether it's union, nonunion, whether it's in... people from in state or out of state."

Kay: "Okay. Ther... ther..."

Hoffman: "Any public works project would have to pay..."

Kay: "So..."

Hoffman: "...that prevailing wage."

Kay: "...whether you're unionized or not, we're trying to set a rate for either union or nonunion workers at a 30 percent level. Is that correct?"

Hoffman: "That's... that's not correct, no."

Kay: "Well, how am I... how am I in error?"

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Hoffman: "Again, I'll go over it again, so everybody understands. To address the uncertainty and inconsistency... inconsistencies, a statutory framework would be established, prevailing wage rates based on a collective bargaining agreement where at least 30 percent of the workers in a particular trade or occupation receive a collectively bargained rate of wage. Then the prevailing wage... wage rate would be the rate that has to be paid on a public works project. Whether you're a union employee or whether you're a nonunion employee, whether you're from Illinois or from Missouri, it wouldn't matter. If it's a public works project, then you would have to pay that collectively bargained wage rate, as well as, fringe benefits."

Kay: "Okay. How many counties have collective... or prevailing wages or collective bargaining agreements with prevailing wage in them?"

Hoffman: "It has nothing to do with whether a county has a collective bargaining agreement."

Kay: "To the Bill, Mr. Speaker. I... I have a sense that this is our first step in the direction of trying to unionize everybody in the State of Illinois. And it's a rather subtle move; it's very clever. I compliment the Sponsor for his acumen here in really taking something that he says means this, but it really means that because we're going down a path where we're going to try and up everyone's ante so that they're all union and we can pay prevailing wage to everybody. And the problem with that is the taxpayer pays the bill. And the taxpayer in Illinois is pretty fed up with paying for extraordinarily high cost for anything. And I know the

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argument that somebody does the job better than somebody else and this worker is better than that worker, not sure I accept that. But for whatever reason, we seem to think that we have to have a state collective bargaining agreement that sets a wage rate and Mr. Speaker, that's simply wrong. And I would advise my side of the aisle to vote 'no'."

Speaker Lang: "Mr. Harris."

Harris, D.: "Thank you, Mr. Speaker. Before I ask questions, an inquiry of the Chair."

Speaker Lang: "State your inquiry, Sir."

Harris, D.: "Both my analysis and what's on the screen indicates that this Bill preempts a local municipality's opportunity to opt out of prevailing wage requirements. Does... what's the vote total required on this Bill, please?"

Speaker Lang: "I will inquire, Sir."

Harris, D.: "Thank you."

Speaker Lang: "The Sponsor yields for your questions."

Harris, D.: "Thank you. Representative, help me understand if I may... or if you would, first of all, as... as you've heard from my inquiry of the Chair, can a... can a public body now opt out of a provision of prevailing wage requirements?"

Hoffman: "Under this purposed Bill?"

Harris, D.: "No, no. I mean, current... under current statute?"

Hoffman: "I don't believe that they can opt out of prevailing wage, no."

Harris, D.: "But... so then... then why does the Bill prohibit a body from opting out of prevailing wage requirements?"

Hoffman: "What it would do is..."

Harris, D.: "If there's no... if there's no..."

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Hoffman: "Yeah."

Harris, D.: "...possibility to do that now?"

Hoffman: "What it would do is, currently, under current law we'll have the... the state will set a prevailing wage and then local governments can also. They normally just adopt what the state has done as far as what the prevailing wage would be paid. So, what we would do is simply codify current practice and say well, we're going to look at these collective bargaining agreements and we're going to put them on to the Department of Labor's website so employers know what they're going to have to pay when they're bidding these public projects and that will then be the prevailing wage for that area."

Harris, D.: "So the municipality... what you're telling me then the municipality cannot set its own prevailing wage?"

Hoffman: "That... that under this... under this Bill."

Harris, D.: "That's what you mean about opt out?"

Hoffman: "I'm... I'm... under this Bill the municipality could not set its own prevailing wage."

Harris, D.: "Okay. So, you are preempting that provision, okay. So help me understand now, is... is prevailing wage set on a countywide basis?"

Hoffman: "I believe it's set on... they're set on a regional basis. So under this, let's say that the... the Laborers Local Union 100 has a collective bargaining agreement or their district council does, so for the laborers in my area the collective bargaining prevailing wage would be that jurisdiction."

Harris, D.: "So, as an example let's look at Cook County and DuPage County, right next door to each other. There is... whatever the prevailing wage is in that immediate area in

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that region would be the same whether it's Cook County or DuPage County? I thought it was set by county and maybe I'm wrong in that... in that understanding."

Hoffman: "Yeah, so I'm not a... I'm not an expert on these agreements, but it's my understanding for example if you're a member of the Operating Engineers Local 150 you would be cu... you... you would... they have jurisdiction not only under Cook, but also the... the surrounding counties, the collar counties."

Harris, D.: "Okay. So..."

Hoffman: "They would have... but within their agreement, they would have different wages based on the locations of where the work is being done."

Harris, D.: "Okay. So, tracking a little bit on what the previous Representative asked you in terms of how this works, right now if a nonunion contractor came into an area and wanted to bid on a project, and if there is a standard prevailing wage in that area, that nonunion contractor is going to have to pay the prevailing wage anyway, right? I mean, you're not... this doesn't change anything in that regard, does it?"

Hoffman: "No. It... it does not. All this does is it standardizes the... the setting of the wage."

Harris, D.: "Right. So... so, if a contractor as an example from Kentucky came over and wanted to work in Illinois, I mean, that contractor is going to know that, hey, in that area if it's a public works project I'm going to have to pay the prevailing wage in that area just as a contractor from Illinois would have to pay, correct? So, he... that contractor

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from Kentucky doesn't have any advantage, correct, at least when it comes to wages?"

Hoffman: "Yes."

Harris, D.: "Okay."

Hoffman: "You're correct."

Harris, D.: "Okay. So the... the collective bargaining agreement, isn't that currently factored into prevailing wage, anyway? I mean, isn't... isn't the... when the Department of Labor looks at what the prevailing wage is in an area, don't they look at the collective bargaining agreement that is currently in place and say, okay, that is the prevailing wage in that area?"

Hoffman: "Current practice is this... is... current practice has been that they would really generally adopt a collective bargaining agreement wage as a prevailing wage, however, as I indicated in my opening remarks, I believe in... in July of 2015 the dep... the department started taking a different approach where they would establish prevailing wage rate through surveys and they sent out a survey for the period of July 1, 2014 through June 30, 2015. And the point being, a lot of the union contractors didn't receive the survey. So here's the concern for me and I'll just put it out there, right? My concern is the Department of Labor is attempting to not reflect what the actual prevailing wage is in a given area, as a result of collective bargaining agreements and is trying to drive down the prevailing wage by not including in a survey the union contractors."

Harris, D.: "Okay. I appreciate that answer. And then, in an area where there is not a collective bargaining agreement, let's

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say in a county in... in central Illinois, a rural county in central Illinois where there may not be a collective bargaining agreement, the Department of Labor would still determine what the prevailing wage is in that area?"

Hoffman: "Yes."

Harris, D.: "Even under this Bill?"

Hoffman: "Yes."

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

Speaker Lang: "Mr. Wheeler."

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

Speaker Lang: "Sponsor yields."

Wheeler, K.: "Jay, you just mentioned the... the survey process that was discussed a little bit in committee and you mentioned that the administration is testing a pr... or it was mentioned in committee that... the administration is testing a process to perform this survey that hasn't been done for a long time. Is that right?"

Hoffman: "I believe in the fall of 2015 the department began sending correspondence to contractors which would survey the period of July 1, 2014 through June 30, 2015."

Wheeler, K.: "But you were mentioning that the union contractors weren't getting those surveys?"

Hoffman: "That was a testimony in committee."

Wheeler, K.: "Isn't it clear that the union contractors are the collective bargaining agreement which should already be published wages they already know what they're making?"

Hoffman: "But I don't have any indication that the department is taking that into consideration."

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Wheeler, K.: "Well, I would think that's just commonsense myself, but..."

Hoffman: "Well, that's why you should vote for the Bill to make sure it's taken into consideration."

Wheeler, K.: "Well, I actually have a different perspectives on the Bill."

Hoffman: "I like your argument."

Wheeler, K.: "Thanks, Jay, but I think they will take it into account and I believe that... that that's why they didn't reach out to those people by mail. That's my impression at least. What happens in a situation where a county has multiple Locals that have different collective bargaining agreements? How we going to... what... what prevails in that situation?"

Hoffman: "Well, you wouldn't. You wouldn't necessarily, each trade would have their own. So the jurisdictional disputes between the trades worked out amongst the trades. So, they would have... the laborers would have one, the ironworkers would have one, the plumbers might have one, carpenter's might have one."

Wheeler, K.: "Right. I get that because... but... I mean... I was in labor... labor local... 149 as a youngster, okay? But we didn't... they didn't cover the whole county so I guess I'm trying to figure out, you know, if... if my CBA had a better rate than the one in the southern part of the county, would... which one would prevail? Does this legislation affect or address that issue?"

Hoffman: "I believe what would happen is it would depend on what... what jurisdiction you we're wor... doing the work in. So it could potentially just like if it were a... if it were a

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nonpublic project, you would pay a different wage based on that collective bargaining agreement."

Wheeler, K.: "I... I would... these are published wages. You can look online and see them, and I... I bring it up because these people have contacted the people. I live in Kendall County. The prevailing wage in my home county ranges from \$28 an hour to \$50.10 an hour, plus benefits that reach as high as \$30 an hour. So you're looking at a total package could be as high as \$80 an hour. If I'm a contractor wanting to compete in that area for public works project, I'd want to know what that is specifically to get my... my contract or my bid as... as low as I can. Not knowing what it really is, is the question I have, Jay. I'm just trying to figure out... what... how the Bill addresses that kind of an issue."

Hoffman: "It's my understanding that the Department of La... Labor... I just want to kind of get the previous question answered maybe a little better... it's my understanding that the U.S. Department of Labor would use the terms in... in these collective bargaining agreements to determine which... which prevailing wage is applicable. This is done on the federal level, currently."

Wheeler, K.: "That's fine. I'm just... I'm just pointing out that... I'm trying to understand how it is... as a person who's been in the contracting world before would deal with this if it's not the published rate that's on the county's website that's... What would you use? That's my..."

Hoffman: "You would use... under this Bill, you would use the published wa... rate that would be on the Department of Labor's

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website... the State Department of Labor's website for that region."

Wheeler, K.: "'Cause you're making... you're using regions instead of counties now. Is that what I understand?"

Hoffman: "Yes."

Wheeler, K.: "All right. With respect to the Bill the way I understand it was introduced, now we're going to tie the prevailing wage directly to the collective bargaining agreement which would then specifically give... or the potential to give union contractors a better advantage over nonunion contractors. Is that a fair or unfair statement?"

Hoffman: "I think that's an unfair statement. It would... it would make sure... this isn't changing prevailing wage. What it's doing is it's ensuring that the prevailing wage is standardized and is actually what the true prevailing wage is in a given region."

Wheeler, K.: "Well, to a degree it is because the way I understand this, Jay, if we're not going to do the survey and if just 30 percent of the workers in that region are under that collective bargaining agreement, then we're going to use that collective bargaining for 100 percent of the workers there. Thereby the prevailing wage is just based on the CBA. Wrong? Right?"

Hoffman: "If... if there is a collective bargaining agreement in place and that is... that is what has been done in the State of Illinois for as long as we can remember."

Wheeler, K.: "Okay. But the... the current law states that that's not necessarily the case. We just do it that way 'cause it's more convenient?"

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Hoffman: "That's fair."

Wheeler, K.: "But the administration has taken under a way that they want to do a survey that says, what is the real prevailing wage, and we're trying to prevent that affectively from happening here is how I see this legislation. Because we're not going to take into account any nonunion wage rates in an area, if there's 30 percent unionized work, correct?"

Hoffman: "The prevailing wage would be what is under the collective bargaining agreement."

Wheeler, K.: "Okay. Thank you. To the Bill. I come from a union background. I was union laborer my college years. It helped me get through college, pay for it. A union contractor later in my life, but I also believe that the market has a purpose and a place and in this case that purpose is to protect the cost to taxpayers. This expansion of the Prevailing Wage Act by directly tying the CBA to the prevailing wage totally eliminates any market-based wages being taken in account for nonunion companies and it isn't necessary, and here's why. Our union contracting company paying full union wages and benefits, perfectly, successfully won a number of contracts regularly against nonunion companies who weren't paying rates that high. Our costs were definitely higher, but our workers were better trained and more efficient. I don't think union contractors, like the one I come from, need any kind of a special or enhanced minimum wage like this to compete and win. Therefore, I do not support this legislation. Thank you."

Speaker Lang: "Mr. Harris, in answer to your inquiry previously. The Chair has read the Bill; it does not preempt Home Rule. The Bill will require 60 votes. Mr. Demmer."

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Demmer: "Thank you, Mr. Speaker. Should this Bill receive the requisite number of votes, I'd like a verification."

Speaker Lang: "Your request will be acknowledged, Sir. Mr. Davidsmeyer."

Davidsmeyer: "Just to alleviate any perception of conflict of interest, I will be voting 'present'. Thank you."

Speaker Lang: "Representative Ives."

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

Speaker Lang: "Sponsor yields."

Ives: "Mr... Representative Hoffman, I'm just curious. Who... who has a problem with their current prevailing wage rate around the State of Illinois? Which organization specifically has a problem with their current rate?"

Hoffman: "Well, I can't answer an organization specifically. We're just trying to put consistency into the setting of the prevailing wage rate and trying to codify what has been the long-standing practice in Illinois."

Ives: "So your testimony today is that nobody has actually said that they have a problem with the amount that they are getting paid under current county determined prevailing wage rights, is that correct?"

Hoffman: "Again, the long-standing practice in Illinois has been that what we will do is we'll accept the collective bargaining rate as a prevailing wage rate, that's number 1; and number 2, the localities in... in nearly almost all cases will accept that... that rate as well."

Ives: "Okay. Mr. Speaker, to the Bill. So what you've just heard is that essentially nobody has made a complaint in the entire State of Illinois that we know of, or at least the Sponsor

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knows of, that the prevailing wage rate is unfair and should be... should be determined by a different method. Nobody has made that argument and the reason is, is that these prevailing wage rates are actually very generous. And testimony in the committee with the representative from the union, he laid out exactly how this prevailing wage rate is determined for these particular jobs. I brought with me to com... my committee the collective bargaining agreement that we use in the City of Wheaton and I said this is a collectively bargained agreement on wages that is done by Local 150 because they run our... our operations for public... public works. And he said, oh, no, no. We don't use that collectively bargained agreement to use those rates; we use other collective bargains... bargaining agreements that are used because the work is different and more importantly, we base our prevailing wage rates on about a 1446-hour work year versus the regularly paid work of 2,000 hours which is typical in public works departments. The point being is these prevailing wage rates are so generous as to take in account that these people only work about 1400 hours a year. But when they're not working, what are they doing? They're collecting unemployment benefits. So when you look at prevailing wage rates in DuPage County a laborer, a basic laborer... will start out at \$39 per hour, but when you add in all the additional requirements and other compensation, his... his wage of rate per hour approaches \$67 per hour. That's \$120,000 laborer job, \$120,000. If you took it at 1400 hours of work, it's still over \$95,000 that he's getting paid. Now what's interesting, it's really not the prevailing wage because in DuPage County if you go to the Bureau of Labor

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Statistics the median hourly wage for all occupations is \$18.68. So they're making easily \$20 more per hour just on the wage part. The mean hourly wage is 25.68. Looking down all the occupations, it is easy to see that this prevailing wage is really not a prevailing wage, it's a prevailing union wage. That's what it is. It's not the prevailing wage. It's not even the prevailing wage when you look at other collectively bargaining agreements with police, fire or public works. So there... they've got a standard out here that is... is something that nobody can afford in the private sector to do private sector work. So I don't... there's been no complaints about prevailing wage rates, they're very generous. It's a very open and transparent way that they're... they're conducted already and... and yet, we're running this Bill. We're running this Bill for no reason. I just think it's important to highlight exactly where these rates come from, how they're used and how they're... that... that there's no reason to have this Bill. I think it's egregious. I think, you know, this is simply welcome to Labor Day in the Illinois General Assembly. One labor Bill after another labor Bill. The next Bill's going to be something about sick days and an additional requirement on employers. So welcome to Labor Day 2016. Vote 'no'."

Speaker Lang: "Mr. Dunkin."

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

Speaker Lang: "Sponsor yields."

Dunkin: "Representative, so what would happen if this Bill did not pass or we didn't have prevailing wage here?"

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Hoffman: "Well, the concern, if this Bill does not pass, is that the department is attempting to have an artificially low prevailing wage by this new survey process where they're not including union contractors."

Dunkin: "An... and so what's the rationale for this survey process; whereas, that they would not have... well, they would... it would produce a lower wage?"

Hoffman: "Yeah, I don't... you'd have to ask the Department of Labor that. I'm just telling you what long-standing practice has been in Illinois. They've accepted the collective bargaining rate as the prevailing wage rate."

Dunkin: "I see the Association of Builders and Contractors, and the Chamber, they're opposed to this Bill. Why is that?"

Hoffman: "I... I don't know. They didn't... they didn't testify, I don't believe."

Dunkin: "Would... would this have an... a negative impact on local property taxes in a particular county, where prevailing wages are higher, much higher? I mean, the former Representative, Jeanne Ives pointed out \$69 in Naperville and up. Does that have or would it have a negative impact on the local population and particularly property taxes, in some of these areas?"

Hoffman: "I don't believe it would because the rates in every county are currently collectively bargain rates for each trade in each county, currently. Thi... this essentially codifies that practice, so it would not have a negative impact, no."

Dunkin: "You're saying it would not, but... there are... from what I... from me reading this analysis now, they're saying that it

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would have a negative impact on property taxes for the local residents."

Hoffman: "I... I think that they are incorrect."

Dunkin: "So is this equivalent to mandating rates for the trades?"

Hoffman: "This is a... this is equivalent to standardizing rates and making sure we codify the long-standing practice as it currently exists."

Dunkin: "Do we mandate teacher, fire, and police rates across the State of Illinois?"

Hoffman: "Look, prevailing wage... the Prevailing Wage Act was passed in 1931. It's been the law of the land since 1931 federally. And then soon it was adopted; I don't even know what year in the state, okay? And the decision was made that on public works projects we should not undercut the wages of workers. We should use our taxpayer dollars to fairly pay a worker who does a day's work, who goes to work and builds our projects. That was a decision that was made fundamentally and philosophically a long time ago before... before this Bill. All this Bill does is it ensures that there's a fair mechanism of setting that wage rate."

Dunkin: "But Representative, is that necessary today? Given that there's... there are 40 cranes in Chicago, downtown Chicago now. There's dev... new development sprouting up around universities, certain places downstate prob... possibly your district as well. Is there a need today given where the economy is going in some of these areas? And are unions really suffering as it was potentially let's say back in the '30s or the '40s?"

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Hoffman: "So prevailing wage rate my... by adopting the collective bargaining rate that isn't going to change one bit a... a union job 'cause they're already ready... they're already subject to the collective bargaining agreement. What this would do is say on public works projects if it is not subject to that collective bargaining agreement, then what it would pay, it would pay that person who would actually be a non-union employee that rate."

Dunkin: "So what about... what's the impact on private development or private works?"

Hoffman: "It... this does not deal with any private development."

Dunkin: "So if we were to donate land, let's say, to the Luc... George Lucas Museum in Chicago, which we all..."

Hoffman: "San Francisco?"

Dunkin: "Let's... let's say if they... if they're successful in our great state and we get a great museum, which I think we should have. What would be the impact on the union or the local workers there given that it... it's public land and it's... but it's all private money, as I understand it."

Hoffman: "I... I'm not an expert on this, but it's my understanding if there is any federal or state dollars that are a part of the project, it is subject to Prevailing Wage Act, currently, and it would still remain that way."

Dunkin: "It... so if there are no dollars, but it's public land, does the prevailing wage requirement come into effect?"

Hoffman: "I'm not sure."

Dunkin: "That's important to know because, you know, a lot of projects that we... that we are looking for in our state. Let me ask this here. Last year we... myself, I think you were

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carrying the Bill if I'm not mistaken, we talked about the trades and the... the gross discrimination that they have towards blacks and Latinos. What progress has been made since we've had this conversation on the floor openly with these trade unions who are now before us asking for money to be sustained in their special category of predominately white guys only?"

Hoffman: "Well, I can tell you this, Representative Dunkin, I've been at the forefront the times when I have helped negotiate Capital Bills to when I was... as the chairman of Labor, and previously as the chairman of the Transportation Committee. I've been at the forefront of attempting to ensure adequate representation of minorities in public works projects and I think we've gone a long way and made some progress. Are you... am... am I going to say that we have made as much progress that needs to be made, I would not stand here and say that, no."

Dunkin: "Representative, you know, I... I've known you for almost 14 years now and your record and who you are as a person is stellar. The folks in your district they love you for good reason, so I know who you are and what you stand for. My concern and issue is with the individual organizations that will benefit and have benefitted for decades with the State of Illinois mandating a base salary at a substantial amount of money and I'm not arguing whether it's a good or great rate or if it's not a good rate. It doesn't make a difference. My concern has been every year I've been down here is, what's the status of the electrical workers, the ironworkers, the road builders, et cetera? And what's been the progress? Because when we drive up and down these expressways, more

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often we don't see anyone... we see very few blacks and Latinos, very few women on these particular projects. And then when we see private projects and when we see public projects, we don't see representation of black folk or Latinos in the trades. And so, my concern and typically you know when Representative Lou Jones was here or when Representative Chuck Morrow was here, you were here and I was here, when Art Turner, Sr. was here, this was a major issue; you had Senators as well. This Bill would get the Black Caucus and the Latino Caucus excited about what it is that the trade unions that we've been taking care of here that I voted for every year or every time they've come here with... with great union Bills including prevailing wage, including this not becoming a right-to-work state. I've supported that as most Black Caucus and Latino Caucus Members have over decades here. But yet, we're still having this conversation as it relates to the lack of or the very abysmal amount of blacks in the trades, but yet, they... they come here and ask for a mandate on them making more money off of everybody. But they discriminate against the same blacks who live in my district, who live in your district, the same Latinos who live in my colleague's district here, be they on that side of the aisle or this side of the aisle, and that seems to be no plan. I'm just perplexed in trying to figure out what have been the tangible steps that they've taken outside of taken tens of millions of dollars in pre-apprenticeship programs knowing damn well they have no intention on bringing them in even as apprentice on jobs, certainly not allowing them to become journeymen. But every year its excuse, after excuse, after excuse on us saying we

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must have prevailing wage and with us knowing well that across this state the standards of living are simply not the same. Folk who may live in my district in Chicago live a different quality of life in your district in Effingham, in Quincy, here in Springfield. I'm just trying figure out what the next steps are, Representative, as it relates to us hooking up, taking care of the predominately white trades and yet they have not delivered since I've been here. And I know what you want, you've been... you have taken the lead with other colleagues over the years, and I've seen with my own eyes and heard with my own ears that you want some resolve with this here, and I respect you for that. But they haven't acted. They've given us lip service, donations, but no real substantive plan. When you go to McCormick Place where they're setting up a show when you go, hell, you can go right here in this convention center here in Springfield. It's the same situation, stagehands. At what point, Representative, are we black folk who play... pay taxes, the Latinos in this state who pay taxes, the women in this state who pay taxes, when will they prevail in the trades?"

Hoffman: "Well, I can only tell you that I've been an advocate for adequate representation and minorities in the trades and I will continue to do this... do that."

Dunkin: "Well, Representative..."

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

Dunkin: "Yes, Mr. Speaker. I guess my question to the... to my good friend and colleague is, it's the same old, same old. Come here and mandate that every taxpayer gets on the hook in every

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county, every municipality across the state for a certain amount, a very generous amount on average and I'm glad Representative Jeanne Ives highlighted in her district what some of these base salaries are \$46, \$39 an hour, \$60-plus an hour. God bless them. And yet, we ask as black Legislators, as good Legislators, not just black Legislators the same question when we go to East St. Louis. When we drive to Danville, to Decatur, to the southeast side of this town in Springfield, west side, south side of Chicago, the suburban area, Peoria, Illinois, south suburbs, it's the same old script. It's a bamboozle good wink scenario that the trades have been prevailing throughout this entire... I guess, that's the... the history of the State of Illinois. This used to get the black and Latino Caucus excited, this type of legislation, because we know the facts in our district and we know the facts in those unions that they have not been fair, they have not been open, they have not walked the walk in terms of what it is that they should be doing, but yet they come here and mandate that we pay them a particular public dollar that only they can benefit from. At some point, we're going to do things right and start holding everybody accountable who come here to benefit, Mr. Speaker, from the public and for our... from our votes. Thank you."

Speaker Lang: "Mr. Walsh."

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

Speaker Lang: "Sponsor yields."

Walsh: "Representative, we've heard a lot of debate here over this Bill and I just want to be clear that what we're talking

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about is setting a standard in statute that would set the prevailing wage, is that correct?"

Hoffman: "That is correct."

Walsh: "And that standard is going to be based off of a 30 percent evaluation of collective bargaining agreements throughout the different regions in this state, would that be fair to say?"

Hoffman: "No. What it would be is, is if in a given workplace in the trade 30 percent of the... of the individuals who perform those projects are part of a collective bargaining agreement, then that collective bargaining agreement would be the prevailing wage."

Walsh: "What happens if there's not 30 percent? Do they go off of the wages that are being paid at that particular time including benefits?"

Hoffman: "Then... yeah... then the Department of Labor would make the determination as to what the prevailing wage would be in that area and for that trade."

Walsh: "And all of organized labor is fair with that assessment?"

Hoffman: "Yes, they're in favor of that provision in this Bill."

Walsh: "So, I mean, this isn't a really controversial issue. Basically, there's concern about the way the Department of Labor is evaluating these rates throughout the different regions 'cause each region is different whether it's central Illinois, southern Illinois, suburban, City of Chicago, those rates vary depending on where you're at in the state. Is that correct?"

Hoffman: "Yes."

Walsh: "So, all we're trying to do is codify that so everybody's on the same page?"

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Hoffman: "Yes."

Walsh: "I... I think this is a very simple Bill. It's... it's just it... it's kind of self-explanatory and it doesn't make sense why we're having an hour debate on this because all we're trying to do is give fairness across the state so contractors, whether they're union or nonunion, know exactly what their rates of pay are going to be when they bid on these public work jobs. And these are just public work jobs whether it's road building, school construction, et cetera. Would you say that's correct there?"

Hoffman: "That's exactly correct."

Wallace: "Well, again, I just I don't understand why we're having this argument, but thank you much for your answers."

Speaker Lang: "Mr. Hoffman to close."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The previous speaker, I think, summed it up very succinctly. This is simply is s... looking at what is current practice for setting prevailing wage on public works projects, it's codifying it, and it's making it the law of the land. So that, we as a Body and a public policy in the State of Illinois are going to say, if we're going to use state taxpayer's money, if we're going to use public... or if we're going to have to build public works, that we're going to the have people who do that work get a decent wage so they can feed their family so they can make sure their kids can go to college, make sure they can go to a trade school, make sure they can get a decent education and they're not one... they're... they're not always struggling to just get by. That's what the public policy has been. That's consistent with what

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Davis-Bacon was when there... two Republicans passed it way back in 1931. And I ask for a favorable Roll Call."

Speaker Lang: "Gentleman moves for the passage of the Bill. Mr. Demmer has asked for a verification of the roll. So, Members will be in their chairs and vote their own switches. Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 72 voting 'yes', 40 voting 'no' and 2 voting 'present'. Do you persist, Mr. Demmer? Mr. Demmer withdraws his request for a verification. And this Bill, having received a Constitutional Majority, is hereby declared passed. Page 3 of the Calendar, House Bill 5628, on the Order of House Bills-Second Reading, Representative Williams. Please read the Bill."

Clerk Hollman: "House Bill 5628, a Bill for an Act concerning regulation. This Bill was read a second time previous day. No Committee Amendments. No Floor Amendments. No Motions are filed."

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

Clerk Hollman: "House..."

Speaker Lang: "Let's have some order in the chamber, please."

Clerk Hollman: "House Bill 5628, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Lang: "Representative Williams, not quite yet. Representative Williams."

Williams: "Thank you, Mr. Speaker. I'm here today on House Bill 5628, which would eliminate insurance coverage caps for

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preventative physical therapy for MS patients. And if you were here in 2006, you were probably one of the many Legislators that provided for physical therapy to be covered under insurance plans for... specifically for MS. And that was done at the time because if anyone's familiar with this condition they're aware that in many cases medication is ineffective in symptom management and in fact, providing for physical therapy, not only provides relief and quality of life improvements for patients, but it does save money in the long run for insurance plans as well. So what this Bill does is eliminate the further restrictions that have been imp... put in place by insurance companies that would elim... that would limit the availability of this sort of therapy for MS patients. And I'm, of course, happy to take any questions."

Speaker Lang: "Mr. Sandack."

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

Speaker Lang: "Sponsor yields."

Sandack: "Representative, my analysis says that your Bill removes requirements that coverage be subject to the same waiting period, cost sharing limitation, treatment limitation, calendar year maximum or other limitation as provided for other physical or rehabilitative therapy benefits. Is that accurate?"

Williams: "What the Bill does... I know you're taking language right out of the Bill... is in 20... as I mentioned in 2006 the General Assembly as a Body and the Governor agreed that MS patients could... in many cases, physical therapy is the best and only option in many cases for treatment and coverage. Unfortunately, however, due to cost cutting measures,

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insurance companies have basically emasculated this provision of the law by providing extreme limitations on the availability by putting limitations on the number of visits, maximums. So for example, if a doctor... if a physician orders and you know, in order to get physical therapy you need to get a prescription. If a physician, your personal physician says you need weekly physical therapy your insurance company can say, sorry, we're max... our max is 30 visits per year. So the patient's forced to oftentimes strategize on when they go to their visits and... and skimp on the number of visits in order to accommodate what the insurance cost cutting requirements are. And... and that's actually costs... ends up costing more in the long run because injuries take place, patients are forced to go to the ER for treatment when there's a fall or something. Physical therapists say this is the frontline treatment for many, many people with MS."

Sandack: "Do you... and thank you for that answer. Do you think this is a new mandate if your law... if your Bill becomes law?"

Williams: "I do not and the reason for that is because we in 20,006... 2006 the General Assembly already mandated the coverage. This just provides that that is actually what we're... we're going to be able to do as a practical matter. So by eliminating the limitations on the number of visits, for example, we're just providing that the law is actually followed as we originally intended in 2006."

Sandack: "So I'm looking at the proponents and opponents, and I see obviously the Multiple Sclerosis Society as a proponent, the Illinois Chiropractic Society as a proponent and the ATI

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Physical Therapy. Are you aware of any other on record proponents?"

Williams: "I would say the thousands... tens of thousands of MS patients around Illinois are the proponents and their families, caregivers, physical therapists, and physicians."

Sandack: "Well, I... I qualified it with on record proponents, but I'll... I'll accept your answer nonetheless."

Williams: "Okay."

Sandack: "But of course, on the opponent's side there are... there's significant opponents including: Cigna, Blue Cross Blue Shield, the Chamber of Commerce, Health Alliance, Illinois Life Insurance Council, the IMA, the Illinois Statewide School Management Alliance, and NFIB. So, my guess is many of those propon... I'm sorry... opponents are concerned about whether this is a new mandate or not, notwithstanding your answer, and the fiscal cost if it's determined to be a mandate. Do you have any understanding of what the expense might be?"

Williams: "You know, it's interesting. I guess the insurance companies and some of the business groups are opposed saying it's... they're concerned about cost, but I think if you talk to the people on the frontlines of treating this condition, for example, the physical therapist that testified in committee. They're say... you know, there's very, very real and tangible evidence that money is saved in the long run, money for hospital visits. For example, I heard from one physical therapist that people with MS who are in need of preventative or maintenance physical therapy, but have exhausted their cap already they may elect to not seek services. What does that

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result in it? It results in falls, it results in increased injuries, and those are more costly in the long run. Not to mention the quality of life impacts on people with MS. I... I would think of it this way. I would think of it this is really no different than a medication. For people with MS there is no other option in many cases. So would we put these kind of limitations on a diabetes drug, for example? You can only get it 30 weeks a year, not 52."

Sandack: "What committee was this... was your Bill vetted at?"

Williams: "This was in Health and Human Services."

Sandack: "So it wasn't in the Insurance Committee, was it?"

Williams: "No. Well, we... we did present the subject matter testimony in the Insurance."

Sandack: "I'm sorry. I didn't hear the last part."

Williams: "We presented a subject matter hearing in the Insurance Committee."

Sandack: "That's interesting. Why... why did that happen?"

Williams: "I'm not sure."

Sandack: "Isn't it fancy how sometimes we just... things just happen? Bills go in certain committees for subject matter and then suddenly somehow go into a different tribunal for vetting. I wish I knew how that happened. Maybe someday you can find out for us. Thank you for answering my questions, Representative. To the Lady's Bill. I have no doubt as to her intentions, but let's be clear, there is a fiscal impact. Let's be clear, it's likely that this is a mandate, and let's be clear, that this is kind of a dangerous precedent of legislating or exercising some legislative control over some pretty prescriptive, literally and figuratively, medical

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treatments, and then all of a sudden saying that certain coverage or not coverage should occur. We should get rid of waiting periods for certain diagnosis or health conditions. We should get rid of certain cost sharing provisions for certain diagnose or health conditions. We should have a treatment limitation for certain conditions or health treatments. We're starting to play health care provider which I think is a legislatively dangerous thing to do. And I do recommend a 'no' vote. Thank you, Mr. Speaker."

Speaker Lang: "Mr. Demmer."

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

Speaker Lang: "Sponsor yields."

Demmer: "Representative, I appreciate the conversation that we had in committee about this Bill and I just want to follow up by some of the questions we asked there and see if we might have a little bit more information today. The first question I have I guess is kind of about the core of this Bill. You... you talked about exempting individuals with MS from waiting periods, cost sharing limitations, treatment limitations, those kinds of things. Why do you think those limitations exist in the first place, for any condition?"

Williams: "Well, I... I'm unsure what you're getting at in your question, but you know, in 2006 we did acknowledge that physical therapy, preventative physical therapy, was basically a... an appropriate way to treat... to treat that specific condition. And by putting those requirements in the law having the insurance companies utilize those sort of very restrictive rules about the pre... provision of physical

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therapy, we basically in effect eliminated what we did in 2006."

Demmer: "Why do you think we allow any condition to have those kind of limitations?"

Williams: "Well, I'm unsure actually because these... keep in mind, you can only get physical therapy treatment if your doctor prescribes it. So you're not going to prompt care and getting a prescription for physical therapy for a condition like MS. You're going to your MS specialist who prescribes it specifically because they believe it will help your condition. Often it's the only thing that will help your condition. And often there is no other option for you as a patient."

Demmer: "Do you think it's fair to say that some of these limitations are meant as a check in the process to ensure that we're balancing their limited resources that we have with the services that need to be provided?"

Williams: "You know, I think it's really... someone... a previous speaker mentioned that we're playing health care provider; I would argue just the opposite. I think if we're not allowing our health care provider our... the physician that's treating a patient to make a decision as to how much physical therapy they need, I think that's a real problem and jeopardizes the health of the patient in the long run, and costs more money. So I disagree with your premise."

Demmer: "What happens if there's a disagreement among members of the medical community about what's medically necessary?"

Williams: "Well, are they all seeing that patient?"

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Demmer: "Can you just simply shop to different doctors to find one who says what you want them to say?"

Williams: "I... no. I can't imagine an MS patient that is shopping to different doctors. It's a very serious, lifelong, debilitating disease."

Demmer: "It certainly is..."

Williams: "And you need to get..."

Demmer: "...an... and there are many others. And I think we have to recognize..."

Williams: "Well, in 2006 we didn't include the others."

Demmer: "...we have to recognize the legitimacy of... of the idea that we should have multiple pieces of input here to make sure that we're making an effective decision given the resources that we have."

Williams: "But would you say the same..."

Demmer: "If... under the current..."

Williams: "...for medication?"

Demmer: "...under the current... under the current situation if an individual is prescribed additional treatment above and beyond the limitations, is there any way for them to get that, right now?"

Williams: "I think it depends on the individual insurance plan."

Demmer: "Right. So the insurance company, what's... what's their procedure?"

Williams: "I don't know the procedure of every insurance company. I've never appealed a medical... a medical determination, but I would, again, go back to the medicine example. This is really no different... should it be... if you... say, you need 52 weeks of a certain blood pressure medication. Would you want

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the insurance companies to say you only get it for 30 weeks and if you... you need to appeal, what happens in the meantime?"

Demmer: "So under the course of an appeal, this is a widely accepted insurance industry practice, they convene a panel of independent medical professionals. Each of whom are physicians with a specialty in... in various areas who will understand what their... or the case that they're reviewing and they make a determination. Not just one person, not just your doctor, not just the person you talked to, but this brings in other members of the medical community to make sure that what the treatment that's been prescribed is the right and the correct treatment for that... that condition."

Williams: "I... I don't think..."

Demmer: "That what's... that's what exists today."

Williams: "...many of us in this room would want..."

Demmer: "Doesn't that sound like... doesn't that sound like a good procedure?"

Williams: "It certainly does not. I would hope that the... the physician that actually treat a patient would be the ones deciding on the course of treatment, the type of treatment, the amount of treatment that's necessary. I can't imagine how... if all of us had to go and present our medical needs to a team of doctors before we could a medication prescribed... physical treatment issue."

Demmer: "I think getting input from a team of doctors is commonly used in the medical industry. In fact, getting a second opinion, getting a third opinion, asking for a referral from a colleague, those kind of things happen all the time because we know that there's not one specific way to do things and

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that different members of the medical community have different opinions about how things should be... should be pr... proceeded with."

Williams: "I'm only taking about..."

Demmer: "So when we see you see a situation like this, we're bringing in extra, extra scientific minds to the process to ask, is this the appropriate course of treatment?"

Williams: "Well, the patients I heard from would prefer their own treating physician to handle that part of the discussion."

Demmer: "Representative, I... I also have a question about how this specific provision may be interpreted as an essential health benefiter expansion of ex... of the essential health benefits. Isn't it true that if this is seen by the Federal Government in... is a expansion of the essential health benefits as determined by the Affordable Care Act that the state bears some financial re... liability?"

Williams: "Well, I did look into that issue and it's my opinion that, and there's no definitive answer of course it would have to be something you present up the chain, but it doesn't make sense that it would be considered such. This is already required in the 2006 law. It's just a matter of changing the number of or... or limiting restrictions on the number of visits that can take place. So I don't believe it's a new benefit. It doesn't..."

Demmer: "So that is... that would be an expansion then if we're... if we're..."

Williams: "...logically..."

Demmer: "...taking away the limit, that's an expansion."

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Williams: "If you look at what... how essential health benefit is defined, it doesn't discuss the amount of any particular treatment or the provision of a certain treatment. It's the substance; it's the actual treatment itself. This is already on the books; this is already included. I don't believe that changing how it's the... the frequency would impact that. That's my opinion and that's the informal opinion I have received from the inquires I've made."

Demmer: "Sure, I... I appreciate that. And... and to the Bill. I think this is an issue where we see a couple of really key questions. The first of which is, how do we define medical necessity? Do we allow one individual provider to determine medical necessity or do we use the collaborative group-based approach that's used in so many other instances to ensure that we're delivering the right kind of care? That's the first question. The second question is, what is an essential health benefit? We've heard an informal opinion that maybe this is not an expansion of essential health benefits. We really don't know that right now. So I... in many other piece of legislation we've considered in this chamber there have been language that's been inserted that said, if this is found to be a mandate then it will be removed because we acknowledge that the state could be signing up for a really large and unknown financial obligation, should this be found to be a... an expansion of essential health benefits. So, really keep in mind those two very important factors when we're looking at this Bill. Of course we all want to support individuals who struggle with multiple sclerosis. I know many of us know people personally who struggle with the disease. We want to

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make sure though that we're providing the right kind of treatment and then we're bringing the right minds into the process. This just opens a couple of doors I think in... in areas that could call into question the way that we handle so many other treatments. Thank you."

Speaker Lang: "Representative Feigenholtz. Lady does not wish to speak. Representative Williams to close."

Williams: "Thank you so much, Gentlemen. I appreciated the discussion. Just a few points to make. In 2006, we as a Body decided that for MS patients specifically, physical therapy... preventative physical therapy should be covered under insurance plans. This means a doctor must prescribe physical therapy. They prescribe the type of physical therapy; they prescribe the amount that any particular patient would need much like a medication. By limiting the access of patients to this very important sometimes only treatment you're really impacting not only their quality of life, but costing more in the long run. Often without physical therapy these patients issue... are subject to increased fall risk, they may impact impaired function and mobility which can be dramatically, dramatically improved with the use of physical therapy. I appreciate your support. And I'd... I ask for an 'aye' vote."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 69 voting 'yes', 38 voting 'no', 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Under the Order of House Bills-Third Reading, House

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Bill 5580, Mr... Representative Wallace. Please read the Bill,
Mr. Clerk."

Clerk Hollman: "House Bill 5580, a Bill for an Act concerning
public aid. Third Reading of this House Bill."

Speaker Lang: "Representative Wallace."

Wallace: "I'm sorry. Can we please withdraw this from the record?"

Speaker Lang: "Out of the record, Mr. Clerk. On page 2 of the
Calendar, House Bills-Second Reading, House Bill 4312, Mr.
Martwick. Mr. Martwick. Out of the record. Page 4 of the
Calendar, House Bills-Third Reading, House Bill 5931,
Representative Gabel. Please read the Bill."

Clerk Hollman: "House Bill 5931, a Bill for an Act concerning the
care for persons with a dev... developmental disabilities,
which may be referred to as the Community Disability Living
Wage Act. Third Reading of this House Bill."

Speaker Lang: "Representative Gabel."

Gabel: "Thank... thank you, Mr. Speaker. So, House Bill 5931 raises
the base wage for direct support persons or DSPs, those who
work with persons with developmental disabilities to \$15 per
hour. This Bill is supported by service providers, advocates,
and labor. The State of Illinois has failed to address the
issue of rates for developmental disability services for the
last eight years. Currently, we rank 45th out of 50 states in
funding of these services. Today the system is imploding and
we can no longer afford inaction. The average wage of DSPs
now in our state is \$9.35 per hour. By comparison, the average
wage for full-time workers at Walmart is now \$13.38 an hour.
Macy's is paying \$12.70 per hour. In January of this year,
most importantly, a federal monitor found that Illinois was

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noncompliant with the Ligas Consent Decree. A court decree that ordered... that requires access to community care for persons with developmental disabilities. If we don't... if we don't pass this Bill and make some changes, the courts are going to require it. Wages for DSPs have fallen so far behind that agencies are reporting staff vacancy rates of 30 percent and it used to be the problem was high turnover now the problem is that they can't even fill these positions. This means that newly built group homes are standing empty, agencies are turning away potential clients, group homes and day programs are operating with skeleton crews filled with exhausted employees who have worked excessive overtime. What's more, inadequate staffing levels put our state at risk of failing to meet federal standards for developmental disability services and failure to meet those standards puts hundreds of millions of federal matching dollars in jeopardy.

I'm open for any questions. And asking for an 'aye' vote."

Speaker Lang: "Mr. Sandack."

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

Speaker Lang: "Sponsor yields."

Sandack: "Representative, did... did you see DHS's response to the fiscal note?"

Gabel: "Yes."

Sandack: "And how much does the department estimate the expense increase will be?"

Gabel: "I think it was about \$398 million."

Sandack: "Now, there was some tes... some, I don't want to say it's testimony... there was some..."

Gabel: "Three hundred and thirty million."

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Sandack: "Three hundred and thirty is what I have, but have you talked to anyone at the department about the basis of their estimate that this could cost the state an additional 330 million?"

Gabel: "Have I spoken with them about it? They... they talked about it in committee."

Sandack: "Okay. So other than that committee, you haven't had any conversations about their math or how they came to the conclusion that 330 million would be added expense, if your Bill became law?"

Gabel: "I have not had detailed conversation with them. Half of that is match though, half of that is federal match through Medicaid."

Sandack: "Okay. So if we cut it in half and we'll... we'll just cut it in half. What do you... how do you expect the state to fund that additional expense?"

Gabel: "So this is my concern. My concern is that if we don't fund it that the federal... that the federal and the courts will require us to fund it. I mean, we could lose more federal dollars if we don't fund this program adequately."

Sandack: "Well, okay. That's fin... I... I..."

Gabel: "I mean, I think it needs to come out of our general budget. Yeah."

Sandack: "...that's a legitimate concern. I... I woul... certainly wouldn't quibble with your legitimate concern. But my question was, how are we paying for it?"

Gabel: "Yeah."

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Sandack: "How do we find the money if we're going to add, you know, \$170 million roughly, \$165 million roughly. How are we going to pay for that?"

Gabel: "Well, I think it needs to be included in the budget when we finally pass a balanced budget for the state."

Sandack: "Well, we haven't passed a balanced budget in a long, long time."

Gabel: "I'm hopeful."

Sandack: "Well, I... I actually I kind of am too, but 'cause... because I choose to be hopeful because otherwise, you know, what hope do we have? However, I wish we were working on a budget right now because we're still putting the cart in front of the horse, like a previous Bill earlier where someone said, you know, well, we'll find the money for it later. We're passing new appropriations, expensive appropriations, without any idea of how we're going to pay for these services and I think that's kind of a dangerous precedent. You know, I... look, I think your intentions are good and you're right, the Federal Courts will do what the Federal Courts will do, but we don't have a way to pay for this. And saying we'll get to a balance budget after we throw another \$165 million on top of our going expense I think is... it's... it's a tough haul. So I mean, don't you think you are getting ahead of yourself by not having the budget conversation first?"

Gabel: "I... I think though by passing this Bill it will be included in the budget and we can include it when we have our conversations about the budget."

Sandack: "Okay. I appreciate the answers. Obviously, to the Bill, Mr. Speaker. We're... you know, we're still doing it wrong and

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this day I understand has some ceremonial importance to some folks we want to push some Bills for purposes of optics, I get it. But the fact of the matter is, the optics we should be looking, pun intended, to achieve frankly is talking about a budget rather than new expenditures for good services well intended that we can't afford. We can't even afford to do what we're doing now, but to add a 165 million or so on top is plainly irresponsible. It's plainly sustaining the unsustainable financial burden we are putting on our taxpayers by not planning accordingly. This is more feel good legislation well intended, but unfunded. Vote 'no'."

Speaker Lang: "Representative Bellock."

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

Speaker Lang: "Sponsor yields."

Bellock: "Oh, thank you very much Representative. And of course, you know, we would all like to see increases in wages for these people. I mean, a lot of the names on here we work with all the time. We all have people... we all have groups in our district that we know need to have wage increases. But, with this Bill, this Bill alone, do you know the cost of this Bill..."

Gabel: "Yes..."

Bellock: "...to the state?"

Gabel: "Yes. We just discussed it with..."

Bellock: "I think it was..."

Gabel: "...Representative Sandack."

Bellock: "...was it 330 million or 336?"

Gabel: "Three hundred and thirty million dollars."

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Bellock: "Right. So I'm just bringing out that..."

Gabel: "Half of which is paid for... is matched by the feds."

Bellock: "Right."

Gabel: "So 150 million."

Bellock: "But that 330 million is an increase to what we're already spending now, correct."

Gabel: "It is... it's correct. And, as I've mentioned, the Federal... Federal Government is saying that our program is inadequate, and the court monitor is saying that our program is inadequate, and they are going to be requiring us to pay people enough money so we can have enough staff for all the facilities."

Bellock: "All right. But also a concern is that by setting the wages in statute that means that DHS is going to have to start providing oversight to ensure that the providers are paying employees the contracted rate. Is that accurate also?"

Gabel: "I'm not sure about that."

Bellock: "Okay. Well, I think that..."

Gabel: "I mean, they already mon... have to monitor the contract. I don't think this will cause any additional monitoring as we..."

Bellock: "I think it's more..."

Gabel: "...as we give out large contracts to community-based organizations. The state has the responsibility already to monitor those contracts."

Bellock: "I think... yeah, I think that we would have to do additional monitoring and administration because we're setting the rate in statute. Anyways, I'm... I just wanted to bring up that concern and of course, again, you know, we all

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care about the people that are taking care of our most vulnerable. If I thought we had the money because, I just want to bring out right now in the three Bills because I've brought out the two other Bills and what they cost. So right now, with just those three Bills not the other Bills that we've passed today, but the three that have come through our committee Human Service Approp that will be close to a half a billion dollars. That's a half a billion dollars. So again, I'm just going to say we've been trying to do a budget, we've been trying to say what we could afford, how we're going to bring down the deficit, \$5 billion in deficit. We know we're only going to take in 32 mill... billion this year; we're going to spend close to 37 billion. I just don't know with a \$5 billion deficit and \$9 billion in unpaid bills. I don't want to put this in jeopardy of then another half a billion dollars that we won't be able to afford. So thank you very much, Representative. And I respect you for bringing this up and of course, we care about trying to do better and I would hope that next year, if we could get our fiscal house in order, we could start an approach to bringing these rates up. But right now, at this time, I... I just don't see how we can afford it. Thank you very much."

Speaker Lang: "Representative Ives."

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

Speaker Lang: "Sponsor yields."

Ives: "Just a couple questions. I recall probably about 5, 6 years ago Illinois was actually ranked 51 out of 50 to include th... the District of Columbia in its ability to service the

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developmentally disab... disabled community. Is that correct?
Are you aware of that statistic?"

Gabel: "I... I'm not aware of that statistic. What I am aware of that today it ranks 45th, so I guess we've done some improvements."

Ives: "So we have had a little improvement. So we rank 45th today. Do you know what we ranked about 2 years ago?"

Gabel: "No."

Ives: "Well, I imagine it was less than 45th, so maybe it was 48th? So, are you... are you happy with the 45th rank? How do you feel about?"

Gabel: "I... I'm not happy with 45th, but I am pleased that we are moving in the right direction."

Ives: "Okay. So, Mr. Speaker, to the Bill. So here's the problem we have. They... the Democrats have controlled Illinois for essentially the last decade minus the last 18 months. You've controlled it. We used to be 51st out of 50 in servicing developmentally disabled. And that was during the entire time when you had complete 100 percent control of both Houses and the Governorship. You never ran a Bill like this, then, to increase rates to this level. Nobody ran a Bill then to do this, nobody ran this Bill five years ago, four, three, two. This Bill when you had a 100 percent control was never ran. This Bill is being run now because there's a Governor who's trying to hel... hold peo... hold expenses down and to really treat those most in need. And it's unfortunately that... that this community... this community is getting hurt the most. That's what's happening. You could have helped solve this problem a long time ago. We could pass pension reform; we

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could pass workers' comp reform. We could pass any other sou... We did Medicaid expansion to the detriment of the disability community. So now we're funding... we have ex... extraordinary expenses in Medicaid for able-bodied adults that you expanded and knew full well you couldn't pay for that. And now we're having to pay for that, and we can't afford to do the right thing by our disability community. And that's the truth. So it's very cynical for folks like you to be running a Bill like this when you should have been doing this years ago to increase the standards of the disability community. And, now when the state is dead broke, dead broke with no money at all you want to do this to try and pin it on a Governor who's trying to make reforms. What a sad day in the State of Illinois."

Speaker Lang: "Representative Gabel to close."

Gabel: "Thank you, Mr. Speaker. Well, let me just say that I wasn't here. I... and... that many years ago. But the Ligas Consent Decree was filed in 20... was resolved in 2011 and it was only through court orders that the... that the rates for folks serving people with disabilities started to improve. I think we need to continue that. As we... as we said already that the federal monitor found Illinois noncompliant with the Ligas Consent Decree and that this court order can only require us to truly be able to pay people at the rate that... that we need to so we can keep DSP workers in the... in the facilities. Beyond quality and access to services though, beyond compliance with court decrees and federal rules, there's a basic issue of justice for the... these workers. We give a lot of lip service to the value of community services

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to persons with disabilities. Lip service is not enough. We need to value what these workers do by providing them with a living wage and.. and providing needed.. the needed qualified experienced stable workforce to care for the health, safety and well-being of people with disabilities. I urge an 'aye' vote."

Speaker Lang: "Those in favor of the Lady's Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 67 voting 'yes', 43 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4312, on the Order of Second Reading, Mr. Martwick. Mr. Clerk, please read the Bill."

Clerk Hollman: "House Bill 4312, a Bill for an Act concerning education. This Bill was read a second time a previous day. Amendment 1 was adopted in committee. No Floor Amendments. No Motions are filed."

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

Clerk Hollman: "House Bill 4312, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lang: "Mr. Martwick."

Martwick: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Today I present to you House Bill 4312. House Bill 4312 would provide in statute for an elected representative Board of Trustees for the City College System of Chicago, which is the Community College System of Chicago. Established in 1966, the City Colleges were originally designed to be an appointed board and it has been that way since its inception.

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It is the only Community College System in the country that has an appointed board and then unelected board. This would make those board of trustee positions elected by the voters and the citiz... constituents of the City of Chicago. You may remember a while back we had a robust debate and a Bill passed overwhelmingly that would create an elected school board for the City of Chicago Public Schools K through 12. This is identical. So these are the same provisions, the same board structure and the same concerns that were brought up by my colleagues on the other side of the aisle that we addressed in that Bill have made it into this Bill. This is an identical Bill. We passed the CPS Bill with a 110 votes. I hope that we could achieve a similar Majority here. I ask for an 'aye' vote and I'd be happy to answer any questions."

Speaker Lang: "Mr. Sandack."

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

Speaker Lang: "Sponsor yields."

Sandack: "So I... I have a feeling like we debated this already in some fashion or form, but my questions are about process. I'm fully with you, Representative, with respect to the best process is an elective process. I know the city and City Colleges are still opponents, but forget that for a second. What's going to happen if it flies out of here? Is it going to the same potential graveyard that the CPS Bill went to?"

Martwick: "You know, I... Representative, I hope not. You know, it's interesting that, you know, think the world is a little bit upside down. It seems like Bills come out of our chamber now and die over there. But no, I... I'm very hopeful that this Bill will get the consideration it's due. Again, I... I think

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that this is just a matter of communicating these issues over in that other chamber. I think the Members are very aware that I think they're encouraged and they're interested in it. It's just, you know, we need to get the President to move it."

Sandack: "Look, I... I know you got to be careful with your language and you have to be respectful and all that stuff. I get it."

Martwick: "Try to, yeah."

Sandack: "I get it. But what... what is a little irritating for someone on my side of the aisle that can't get anything out of Rules and I think every Bill today has been a Democratic sponsored Bill. All fine, right? But then we address a Bill like this and let's be honest, unless you have a firm commitment from the Sponsor in the Senate and that person can actually get that Bill out of Assignments there..."

Martwick: "Right."

Sandack: "...this is just really cool, you know, hypothetical discussions. So I guess what I'm politely asking, trying to be sensitive to your position, is maybe not ask for a vote yet until you have some level of assurance that there's going to be actual movement because we're kind of doing nothing here when we just move stuff over there to have it die and vice versa. I know that happens on the... the other way too."

Martwick: "Right. Well, I... I appreciate your concerns. What I would suggest is that on these bits of legislation that are making pretty profound changes to the system as it currently exists, sometimes, it doesn't happen all in one bite and we have to work on it. I think that the idea of... of Members on both sides of the aisle, like we did with the K through 12

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Bill with CPS, same to the City of Chicago. Yeah, it's time for the voters, the residents, the taxpayers, they're going to be on the hook for that situation to begin to have some control over it. When we sent that out with a 110 votes, I think we sent a strong message and I believe that the Senate is hearing that message. And I think... I really do believe that this will be part... as we address all of the education issues that we're doing... I think that Bill will be a part of it and... and I hope that this one will be too. So I don't think it's in vain. I think it's a good stop."

Sandack: "So you're... Okay, so you're saying it takes a little time and this is part of a longer process?"

Martwick: "Yes. And..."

Sandack: "And..."

Martwick: "...the good... the good news here is... is that my Senate Bill was a shell... I mean, my K through 12 Bill was a shell which meant it was already under their control. Here we'll be able to choose our own..."

Sandack: "Right."

Martwick: "...House Spon... Senate Sponsor."

Sandack: "Well, I... I might go back and relisten, and rewatch the sentiments you just expressed because I couldn't agree with them more whether it affects this Bill or not, who the heck knows? I certainly don't. You have a better chance of determining that. But it's the same kind of sentiment that we ought to be thinking about for some of those verboten concepts that the Governor wants us to talk about too. I know term limits, and fair maps, and procurement reform are somehow verboten. Those are types of big... big deal items that we can

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incrementally address whether it moves over or not, whether it's a part of a grand bargain or not, but its fair game for discussion. And so, I just want to put that in the back of your craw because I think exactly what you said could apply to other principles, too."

Martwick: "Fair enough."

Sandack: "Thank you."

Martwick: "Thank you."

Speaker Lang: "Representative Ives."

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

Speaker Lang: "Sponsor yields."

Ives: "One quick question. I just... what is the opposition of the Illinois Community College Trustees Association? Why are they opposed?"

Martwick: "Give me one second. Let me just..."

Ives: "Yeah."

Martwick: "So to... to be honest with you, Representative, I do not know. They did not testify in committee. We didn't really hear anything from them, so I... I really don't know."

Ives: "Okay. Thank..."

Martwick: "I'm trying to ascertain it, but I don't..."

Ives: "No problem. Thanks. That's all I have."

Martwick: "Thank you."

Speaker Lang: "Mr. Riley."

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

Speaker Lang: "Sponsor yields."

Riley: "Representative Martwick, wholeheartedly support your Bill. It's higher education, self-determination for the people of the City of Chicago. But I'm interested in how... how

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are they going to cut the districts? I understand that the people will be elected from a district and there'll be one at-large member. Does the Bill address how those districts are going to be carved out?"

Martwick: "So, it... it does. And this is... it addresses it in the same manner that the CPS elected board did, which is the... the maps will be drawn by the Legislature. And they will be drawn with an eye towards ensuring that we... that the districts are reflective of the... the racial, and ethnic, and demographic breakdown of the City of Chicago. So hopefully to ensure minority representation on the board. That's the goal."

Riley: "Okay. Thank you."

Speaker Lang: "Mr. Martwick to close."

Martwick: "I ask for an 'aye' vote."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 112 voting 'yes', 2 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, under the Order of House Bills-Third Reading, appears House Bill 5580. Representative Wallace. Out of the record. Chair recognizes Mr. Reis. For what reason do you rise, Sir?"

Reis: "Inquiry of Chair, Mr. Speaker."

Speaker Lang: "Chair is here to try to answer your inquiries, Sir."

Reis: "I'm sure it's just an oversight, but we noticed that no Republican Bills were called today and you seem to be at a

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lull this afternoon and I thought maybe you might have a couple for our side."

Speaker Lang: "Seems to me there were some recalled yesterday. I'll get back to you on that, Sir."

Reis: "No, I said today."

Speaker Lang: "I'll try to get back to you on that, Sir."

Reis: "Before we adjourn?"

Speaker Lang: "I will... I will consult the higher authority. Mr. Clerk, Agreed Resolutions."

Clerk Hollman: "Agreed Resolutions. House Resolution 1244, offered by Representative Chapa LaVia. House Resolution 1245, offered by Representative Andersson. House Resolution 1246, offered by Representative Andersson. House Resolution 1247, offered by Representative Willis. House Resolution 1248, offered by Representative David Harris. House Resolution 1249, offered by Representative Stewart. House Resolution 1250, offered by Representative Stewart. House Resolution 1251, offered by Representative Batinick. House Resolution 1252, offered by Representative Kifowit. And House Resolution 1253, offered by Representative Kifowit."

Speaker Lang: "Leader Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And Agreed Resolutions are adopted. Members, if you'll check the House Bulletin that's being distributed, you'll see that Friday's Session is canceled. And you'll see that Monday's Session is still on at 2:00. Is that all you say, Mr. Franks, is just boo or yah and that's it? Page 5 of the Calendar, Senate Bills-Third Reading, there appears

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Senate Bill 2221, Mr. Beiser. Please read the Bill, Mr. Clerk."

Clerk Hollman: "Senate Bill 2221, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Beiser."

Beiser: "Thank you, Mr. Speaker, Members of the House. This is the Senate version of a Bill we just passed unanimously out of this chamber dealing with the Sexual Assault Evidence Submission Act. It requires the State Police to notify law enforcement agencies when there's been a hit on a DNA profile. It requires the law enforcement agency starting January 1 of '16, to connect the inventory of all the sexual assault cases in their custody and forward those findings to the State's Attorney. And it requires the State Police starting January 1, 2017, to publish a formal report indicating a breakdown the number of cases submissions from every law enforcement agency. Be happy to answer any questions. I'd ask for an 'aye' vote."

Speaker Lang: "Those in favor of the Gentleman's Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please rec... please take the record, Mr. Clerk. 115 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2228, Representative Cassidy. Please read the Bill."

Clerk Hollman: "Senate Bill 2228, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lang: "Representative Cassidy."

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Cassidy: "Thank you, Mr. Speaker, and Members of the House. This Bill represents the changes that we made to the Uniform Civil Enforcement of Cannabis Act, at the request of the Governor. This Bill passed our chamber and the Senate last year with bipartisan support. It's the result of many, many years of work. And the... the Governor's Amendatory Veto is completely encapsulated in this Bill. We have... we have committed to respecting the language of the Amendatory Veto and that is what is in this. What is represented here is a shift from what we have here in... in the state is a patchwork of... of local ordinances that permit some people to get tickets for very low level possessions, some people to get arrested. What this will do is create a threshold under which arrest is not an option. Tickets are... would be the way to go with very, very low level cannabis possession, we're talking about less than 10 grams. And I welcome your questions. We have... we have debated this thoroughly several times, but I'm sure there will still be some questions."

Speaker Lang: "Mr. Sandack."

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

Speaker Lang: "Sponsor yields."

Sandack: "Representative, we did debate this last Session and you're correct. This Bill essentially is the Governor's Amendatory Veto. We also talked in committee, and you and I have talked off line a few times about a concept, a proposed Amendment that I have that is stuck in the dungeons of Rules. I do not suspect that it would ever come out, but the concept is something that's important to me because I think we kind of saw a potential loophole, meaning, someone that may be a

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re... recidivist of civil violations under the Act. That is not your intention to have someone repeatedly violating the law and getting civil violations ad-in-finitum in a short period of time, right?"

Cassidy: "My intention is to keep people out of the criminal justice system."

Sandack: "I'm with you."

Cassidy: "What we have found in our experience is that... there... that these... these local ordinances they're not seeing that, but I hear your concerns."

Sandack: "No. I... I totally and actually agree with you. And I think the Bill, even in its... its first incarnation let alone slimmed down, is still consistent with the Governor's goal of keeping people out jail that shouldn't be in jail and reducing prison populations and jail populations. I think 25 percent is a goal over 10 years. This is certainly in that realm and certainly consistent with that message. But what I'd like... because it didn't come out of Rules and we couldn't discuss it in... other than hypothetically... is for you to be mindful and keep in the back... kind... as we watch this play out assuming it passes, assuming th... the Governor signs it and it... it becomes the law. If we're seeing lots of repeated violations in short period of times, being open to the conversation of a possible Amendment to kind of make sure we're not encouraging people to break the law and we're... and the... in case there's a treatment and/or a need for a criminal in... involvement with the criminal system that you're open to that conversation continuing to go forward."

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Cassidy: "Absolutely. And I think by Amendment you mean trailer, or follow-up legislation, or whatever."

Sandack: "A potential trailer Bill, yes. Exactly."

Cassidy: "And... and absolutely. I actually believe this is the beginning of a lengthy conversation about this issue that's going to go both ways, right? I mean, we may see that the sky doesn't fall and we could go further. We may see that there's a problem and we need to repair it. In all of the areas, whether we're talking about the quantities, whether we're talking about repeat offenders, whether we're talking about the... the fine levels, all of those things I actually believe we need to keep talking about this area of policy and you've been a great partner in this and..."

Sandack: "And, you're open to a trailer Bill as it... if it's needed irrespective of whether maybe it's even dialing back or refining as we move ahead based on experience?"

Cassidy: "I am committed to doing what... what experience and data shows is the right thing to do to keep this area of the law appropriate and current."

Sandack: "Thank you. To the Bill. I was a chief cosponsor of the original Bill that was vetoed or AV'd by the Governor. And I know that the Sponsor is working within the strict guid... guidelines and confines of what the Governor vetoed and this is exactly that. And while we may quibble over whether it's perfect, I think my Amendment actually would've added to this Bill. The fact of the matter is we are trying to keep people out of the system who are not dangerous, who are not... who shouldn't be in prison. Whether it's the right exact ingredient or not, we're going to see as experience plays

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out, but I commend the Sponsor for her vigilance and for being open to a trailer that makes sense, if it's needed at all. Thank you, Mr. Speaker."

Speaker Lang: "Those in favor the Lady's Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Please record yourselves, Members. Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 64 voting 'yes', 50 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2303, Mr. Harris. Please read the Bill."

Clerk Hollman: "Senate Bill 2303, a Bill for an Act concerning business. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Harris."

Harris, G.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is an initiative of the Secretary of the State, Jesse White. It moves forward by a couple... I think by about 60 days the period for mandatory transfer of some funds from funds of the Secretary of State into GRF in order to clear lapse period spending. I know of no opposition. I'd be happy to answer any questions."

Speaker Lang: "Those in favor the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 115 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2331, Mr. Mitchell. Please read the Bill."

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Clerk Hollman: "Senate Bill 2331, a Bill for an Act concerning public aid. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Mitchell."

Mitchell, C.: "Thank you, Mr. Speaker. This is a clean-up Bill to a Bill that passed last year. Making sure that sensitive health care services would not be disclosed in a case, for example, domestic violence treatment or some other sensitive services that would be sent to a home. This was in response to clarify current practice based on some concerns expressed by some of the care entities. I would ask for an 'aye' vote."

Speaker Lang: "Those in favor of the Gentleman's Bill will vote 'yes', opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. There are 115 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2332, Representative Nekritz. Representative Nekritz. Please read the Bill."

Clerk Hollman: "Senate Bill 2332, a Bill for an Act concerning public aid. Third Reading of this Senate Bill."

Speaker Lang: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. Senate Bill 2332 is a follow-up to legislation that this Body passed back in, I believe, 2007 to authorize license clinical social workers to be... or behavioral therapist to be able to bill Medicaid. The rules were never implemented under that and this would simply require that the rules would be in place within 90 days."

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

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voted who wish? Have all voted who wish? Mr. Clerk, please take the record. There are 115 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2343, Representative Williams. Please read the Bill."

Clerk Hollman: "Senate Bill 2343, a Bill for an Act concerning the use of cell site simulator devices. Third Reading of this Senate Bill."

Speaker Lang: "Representative Williams."

Williams: "Thank you, Mr. Speaker. Unlike my previous Bill, this has a widespread bipartisan support. This Bill is to regulate law enforcement use of what is commonly known as a stingray device which is actually a cell site simulator. And it what... what this device does is it's a powerful technology often used in the military and it allows law enforcement to obtain personal data from cell phones. And what we're saying is, to utilize this technology we're happy that law enforcement uses it, but we want to ensure that those that... how it's used complies with all constitutional protections and that data gathered on innocent people is deleted. So, I'll be happy to answer any questions."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. 115 voting 'yes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2354, Mr. Martwick. Please read the Bill."

Clerk Hollman: "Senate Bill 2354, a Bill for an Act concerning civil law. Third Reading of this Senate Bill."

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Speaker Lang: "Mr. Martwick."

Martwick: "Thank you, Mr. Pre... Mr. Speaker, and Ladies and Gentlemen of the House. Senate Bill 2354 is an initiative of the Common Interest Community Associations and the Domes... Common Interest Community Associations Act, and Condominium Property Act to expand the reasons a board of an association can hold a closed meeting for. Currently, a board can hold a closed meeting to discuss litigation, the appointment, employment or dismissal of an employee, and violations of rules and regulations, and number 4, a unit owner's unpaid common in... common expenses. What this does is this allows them to close any portion of a meeting to dis... to also discuss third party engagements or the dismissals of independent contractors, agents, or other providers of goods or services, or also to interview potential employees, independent contractors, agents or providers of goods or services, and to consult with an association's legal counsel. The... these are to... to change the law in order to adopt the... the idea that many of these condominium associations are dealing with more than just employees these days. Much of this is third party contracts and allows them to discuss these matters in closed session, but they cannot make any changes or adopt any... have any votes until they're actually in an open session when the... the residents would have a chance to attend the meeting. I ask for an 'aye' vote."

Speaker Lang: "Mr. Thapedi."

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

Speaker Lang: "Sponsor yields."

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Thapedi: "Representative Martwick, just to clarify. The Chicago Bar Association, what is their position now? My analysis is indicating that they're opposed. Have you resolved their conflict?"

Martwick: "I... I have not resolved their conflict. My understanding is that they are opposed. My understanding is that it was and... and again, I... I'm wary to speak on behalf of the Chicago Bar Association, so I wouldn't take my word as law here, but my understanding is, is that they were somewhat split and there was a portion of the Bar Association that drove this opposition. At first, they had no opposition, but then there was something that happened with a part of the association and that drove that opposition. So it's mixed, is my understanding."

Thapedi: "So, if you know what... what portion of the Chicago Bar was opposed and what were the two factions? Was it the legislative branch of the Chicago Bar Association or was it the condominium association team from the Chicago Bar? Just to get some clarification as to exactly what their opposition was and whether or not this is something that you can cure over in the Senate."

Martwick: "You know, my understanding was is that there was an... and of course I... I'm happy to work with the CBA on this. But... but, as... as you might remember during the... our committee hearing, they filed in opposition, but appearance only. So there was no testimony from the CBA. I'm happy to work with them if there's something to work out. I believe that the issue was around the notice of the closed meetings. Th... the legislation as it drafted removed the requirement that they

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notice up these closed sessions, which are discussion purposes only. There is... there are no votes being taken, but there... there way a problem where they were noticing it to the residents. The residents would show up only to be told that this wasn't a meeting that they could attend. So they removed that requirement and... and there was some concern from some members of the CBA in this, but not, again, not all of them. But ultimately, they are an opposition."

Thapedi: "No, I appreciate that. And again, I'm not looking at the actual language in the Bill, but I'm going to rely on the analysis that I'm reviewing and I'm going to trust that our lawyers have adequately analyzed the Bill. It indicates that one of the basis in which there can be a closed meeting would be for a provider of goods or services. Could you expand upon that a little bit?"

Martwick: "Well, again, thi... this is... I think this anticipates the reality that..."

Thapedi: "And I say that, Bob, because the other aspects make a lot of sense that they want to consult with counsel; they want to interview a potential employee. I could see why they would want to close the meeting off from the remainder of the residents to discuss those issues, but I was kind of focusing in on that one provision that looks like almost like a catchall, the provider of goods and services. What... what the intent is there?"

Martwick: "And again, my understanding, Representative, is that it is... allows them to... to the flexibility because they're... they're doing so much more through private contracts as opposed to hire staff and employees, that this just allows

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them to discuss contracts with these providers of goods and services. And then, any action or vote would be taken in the open meeting."

Thapedi: "Thank you, Representative."

Martwick: "Thank you."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 111 voting 'yes', 3 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2358, Mr. Martwick. Please read the Bill."

Clerk Bolin: "Senate Bill 2358, a Bill for an Act concerning civil law. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Martwick."

Martwick: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is Senate Bill 2358 which, again, amends both the Common Interest Community Association Act and Condominium Property Act to require that an assignment of an successors developer's interest will be effective only after the successor developer obtains it in writing and records it in the county in which the property is located. This is an entity that develops or sells real estate after requiring the rights to develop and/or sell the real estate from the person who created or other successive developer. Currently, the Acts do not require this in writing, the assignment of interest. And again, this is... it's a real simple thing. It just provides clarity as to who holds the developer interest because it'll now be in writing and recorded. I ask for an 'aye' vote."

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Speaker Lang: "Mr. Franks."

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

Speaker Lang: "Sponsor yields."

Franks: "Rob, have you... where are the banks on this? Our summary doesn't indicate that they've hav... have weighed-in, but they would be directly a... affected by this."

Martwick: "As... as far as I'm aware, Representative, they did not weigh-in. They have taken no position on this legislation. They were not there at committee and did not testify one way or the other. In fact, I don't even believe they filed an appearance on this."

Franks: "Which is interesting because this would directly affect, for instance, if a bank had actually loaned the money to a developer and the developer then, you're requiring them to obtain in writing an assignment, you'd think that the bank would be affected as an assignee. So I... I'm just surprised. I'd just like to know what their thoughts are."

Martwick: "Well, I... and again, Representative, I... given your area of expertise, I'll defer to your expertise on this. I would... I would not have presumed that myself just 'cause I'm not aware of that, but they did not weigh in as far as I can tell."

Franks: "I'd like to find out 'cause here... here's the thought process... what I'm thinking. Let's assume there's a developer and what we saw after 2007 is that many developers went... went bankrupt and they were buying property on speculation. And then as a result there was a question of who would be the developer and whether the... whether the... a successor developer or whether there's an assignment of a beneficial interest,

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whether the developer's rights go away. And I just don't think this really spells that out. Because I'm concerned, if there's a bankruptcy issue, what happens with the assignment? And I'm not sure that's been discussed so. With your indulgence, would you mind taking it out of the record and I can try to do a little bit of research, and we can talk about this tomorrow? But I just... I'm not sure that this Bill is soup, but it might be. But I just want to make sure."

Martwick: "Give... give me one second, Representative."

Franks: "Okay."

Martwick: "Again, Representative, I... obviously, you have some personal expertise in these matters. I just... we're... we're at this point now where this Bill is..."

Franks: "I know..."

Martwick: "I mean, it's gone through the process..."

Franks: "No... I..."

Martwick: "...without anybody weighing in and and I mean, if there is a problem going forward, I mean, this Bill obviously has to get its way to the Governor's Office. I'll be happy to work with you in that next step. I'd just hate to hold it up on this short Calendar."

Franks: "I get it and I... and I..."

Martwick: "We just canceled Friday."

Franks: "I just sent a text..."

Martwick: "An... and I really think it's... and I understand. But I... I really think this is just memorializing that assignment. Currently, condominium associations... the associations are finding out that these assignments are happening without any... without... without anything being obtained in writing or being

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recorded so that there is uncertainty as to who is responsible."

Franks: "Oh, I get it..."

Martwick: "So this is sort of tightening that up, but I would be happy to do trailer legislation with you."

Franks: "There may be... I think..."

Martwick: "Is that possible?"

Franks: "...you might be right. I agree with what you're trying to do because I think it's critically important, but I'm just... want to make sure it's done right because I think there might be some gapping loopholes. So I'm happy to do anything you need. I was... as you said, it's just that I'm trying to reach out to some of those stakeholders."

Martwick: "I... I appreciate that. I... with your intelligence, given the short time I'd like to put this on the board and... and if we need to follow up with trailer legislation, I'll be happy to work on that with you."

Franks: "Thank you very much."

Martwick: "Thank you."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. There are 110 voting 'yes', 4 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2386, Representative Gabel. Representative Gabel. Please read the Bill."

Clerk Bolin: "Senate Bill 2386, a Bill for an Act concerning regulation. Third Reading of this Senate Bill."

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Speaker Lang: "Representative Gabel."

Gabel: "This Bill is just a technical cleanup. It... it adds a Section for the DD Facility Advisory Board. It provides that any format or rules being adopted by the Department of Public Health in relations to a facility's license will be discussed before the board. It's a technical cleanup. It was a part that was left out when the Bill was changed last year."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 115 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. And now, leaving perfunctory time for the Clerk, Leader Currie moves that the House stand adjourned 'til Thursday, May 19 at the hour of 11 a.m. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And the House stands adjourned until Thursday, May 19 at the hour of 11 a.m. Go, House."

Clerk Hollman: "House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 6580, offered by Representative McDermed, a Bill for an Act concerning animals. First Reading of this House Bill. Introduction and First Reading of Senate Bills. Senate Bill 3011, offered by Representative Rita, a Bill for an Act concerning criminal law. First Reading of this Senate Bill. There being no further business, the House Perfunctory Session will stand adjourned."