

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

103rd Legislative Day

2/16/2016

Speaker Riley: "The hour of 12:00 having come and gone, the House of Representatives of the State of Illinois will come to order. Members and guests are asked to be in their seats, refrain from starting all laptop computers, silence all cellphones and rise for the invocation and Pledge of Allegiance. We'll be led in prayer today by Reverend Dr. James E. Hunt, who is with the New Hope Christian Community Church in Monee, Illinois. Dr. Hunt is the guest of Representative Thaddeus Jones. Dr. Hunt."

Reverend Dr. Hunt: "Good afternoon. Let us pray. Gracious and eternal God, creator of all things, we come to this place today to give You honor and praise as we greet You in this august Assembly. Oh Lord, we thank you for the opportunity to come together and we humbly ask that Your mighty hand would guide and direct this Session. Eliminate any rancor or division and instead let it flow like a river in harmony and peace and brotherhood knowing that we are all here for the same noble purpose. Now, Oh Lord, we know that there are difficult days ahead filled with difficult conversations to be had and even more difficult decisions to be made, but also let this Body know that nothing is too hard for You. Don't let them get caught up or bogged down in minutia but help them to soar like eagles on the wings of new idea and grand thoughts. Give them, grant them the blessed assurance to know that they were appointed especially for such a time as this. Almighty God, even as we celebrate Black History Month, we reminded of Fregric... Frederick Douglass' words that if there is no struggle there is no progress. And so, let us remember that racism does still exist, that random gun violence does

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still persist, that discrimination in our neighborhoods and our communities still resist our best efforts to eliminate it from our society. And so, Lord, we just ask right now that You would bless us with the will to press on, to renew and reinvigorate our efforts to ensure that every black life matters and together let us forge a shared legacy that will give hope to all of our children and our children's children. Oh Lord, we pray that You would provide these mighty men and women with the wisdom and the discernment to reason together and especially the perseverance to go the second mile with each other on those programs that are vital to the community so that the impossible may become the possible. Help them in all manners to seek justice for the disinherited, to restore hope to the disenfranchised and to return dignity to the dispossessed. Encourage every heart, inspire every mind, stir up all the wonderful gifts in each and every one of them in such a mighty way that walls will fall and doors will open. Anoint them afresh with a servant's heart and strengthen their hands for the work ahead. Finally, Heavenly Father, I ask that You pour out your favor on all those involved in this great work for your glory, all those who are in attendance now. We pray especially that You will help us to become, in the words of Dr. Martin Luther King Jr., members of a beloved community loving our neighbors as ourselves so that all of us may more closely come to resemble and fulfill the promise of being one nation under God, indivisible, with liberty and justice for all, Amen."

Speaker Riley: "We'll be led in the Pledge by Representative Mayfield."

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Mayfield - 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 Riley: "Roll Call for Attendance. Leader Currie."

Currie: "Thank you, Speaker. Please let the record reflect the excused absence of Representative Lilly."

Speaker Riley: "The record will reflect that. Leader Brown."

Brown: "Thank you, Mr. Speaker. Please let the record reflect that Representative Charlie Meier is excused today."

Speaker Riley: "Thank you. The record will reflect that. Mr. Clerk, take the record. With 116 present, we have a quorum established and ready to do the business of the people of the State of Illinois. Mr. Clerk, Committee announcements."

Clerk Hollman: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on February 16, 2016: recommends be adopted, approved for consideration, referred to Second Reading is House Bill 114 and House Bill 557; approved for consideration, referred to Third Reading is House Bill 107 and 10... 108; recommends be adopted, referred to the Order of Resolutions is House Joint Res... Resolution 77. Introduction of Resolutions. House Resolution 1014, offered by Representative Ford; House Resolution 1015, offered by Representative Bourne; House Resolution 1017, offered by Representative Williams; House Resolution 1018, offered by Representative Bill Mitchell; House Joint Resolution 130 and House Joint resolution 131, offered by Representative Meier are referred to the Rules Committee."

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Speaker Riley: "Mr. Clerk, please read House Resolution 913."

Clerk Bolin: "House Resolution 913, offered by Representative Jimenez, Durkin and Butler."

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that that we commend the Honorable Raymond Poe for his service to the Illinois House of Representatives; and be it further

RESOLVED, That we congratulate Representative Poe upon his selection as Director of the Illinois Department of Agriculture, with the knowledge that Illinois farmers can have no better friend in a challenging time; and be it further

RESOLVED, That we urge Director Poe to visit the Illinois House of Representatives often, to share the priorities of his Department and to share his family recipe for fried chicken; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Honorable Raymond Poe and his wife, Carol Poe."

Speaker Riley: "The Chair recognizes Representative Jimenez."

Jimenez: "Thank you, Mr. Speaker. It is my privilege to present House Resolution 913 to honor our friend and former colleague Raymond Poe today. We've not had a chance yet to honor him for his service and it's my pleasure to do that today. I first met Representative Poe when I was a young reporter at the local television station here in Springfield. I then went on to work with him as a staff member here in the General Assembly. Always a Gentleman, honest, and sincere he was always someone I looked up to for his service and love for our district. Raymond Poe was born in Lincoln a few decades ago to a family that was producing food for World War II and

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raising children for the challenging world that would follow victory and war. He has always put central Illinois and its farm heritage first returning to Sangamon County after studying in Chicago to take on the increasingly challenging demands of modern art... agriculture. As devoted to agriculture as Representative Poe was, he has dedicated his life to serving his neighbors. He served as a member and eventually as president of the Williamsville School Board, and as president of his local Farm Bureau, and the Lincoln Land Farm Supply. In 1994, he was elected to the Illinois House of Representatives where he served for 11 terms. He always worked to bring all sides together on key issues facing our state. As both a farmer and expert in agriculture policy, Representative Poe was appointed to the House Agriculture Committee. He returned to the panel in 2013 in the 99th General Assembly widely respected by the entire farming and agriculture community for his expertise. The House of Representatives was brought to both joy and sadness in November of 2015 by the news that one of its most respected Members would mov... be moving on as the newly appointed director of the Illinois Department of Agriculture. The Members of the House of Representatives will miss Representative Poe as a friend. We will miss the generosity of him and his family, and most of all, we will miss the shining example of moral and physical courage that he has demonstrated to his neighbors, friends, and colleagues over the course of his career and especially in the last few years. We recognize that Representative Poe is and always will be our friend. We also know that foremost in his heart are... are

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some of the members of his family and friends here in the chamber with us today: his wife, Carol, his children; Lance and wife, Angela, Cheryl Lynn and her husband, William; Collette and her husband, Joe and grandchildren, Celine, Charles, Allie, Grant, Christian, Mason, Ava, and Blaine and one great-grandchild, Lily Schultz; his sisters, Kay, Joyce and Marie and beloved mother Sarah to whom this House wished a happy 99th birthday last year. We commend the honorable Raymond Poe for his service to the Illinois House of Representatives and the residents of central Illinois. We congratulate him upon his selection as the director of the Illinois Department of Agriculture with the knowledge that Illinois farmers can have no better friend in a challenging time. We urge Director Poe to visit the Illinois House of Representatives often, to share the priorities of his department and share his family recipe for fried chicken. Thank you very much, Representative Poe, for your service. I know I have big shoes to fill both literally and figuratively in this chamber and in this community. Thank you very much."

Speaker Riley: "The Chair recognizes Representative Butler."

Butler: "Thank you, Mr. Speaker. Director Poe, it is wonderful to have you back here in this chamber today. You know, when Raymond came back last March after he'd been gone for a few months his first day back was my first day in the House of Representatives. So, I kind of got overshadowed a little bit by my friend, Raymond Poe, the day that I came in, but we... there couldn't have been a better reason to celebrate than the day that he came back last March 3. I got him a little bit of a one-up though. When he was named director of

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Agriculture, *Farm Week*... on the front page of *Farm Week* it had a below-the-fold photo or below-the-fold story of Representative Poe getting his new gig at Agriculture, but I got an above-the-fold photo with me and a bunch of turkeys at a turkey farm in Tremont? So I beat you on that one, Raymond. I've known Raymond Poe for more than 20 years. When he first ran for the Illinois House of Representatives in 1994, I was a young staff person on the campaign of one Ray LaHood when he ran for Congress and Raymond and I have been traveling in the same circles ever since then. He is someone that I was honored to... to serve and have the same suite of offices here in the Stratton Building and somebody that's been a real mentor to me as I've moved into my new role in the House of Representatives here. He is truly a giant in Sangamon County from being on the school board to being involved with the Farm Bureau to being... his family being involved in the catering business. There's no one in our area of the state that does not know Raymond Poe and the impact that the Poe family has had on our community here. Raymond, you're going to be... you're going to be missed here, but we know you're doing great things at the Department of Agriculture. It's great to see your family here and so many friends and supporters from the area. I'll say we'll miss you here, but I... I don't think the chickens around here will probably miss you being gone much because... there's... I... I don't smell any chicken being served today behind the... behind the doors there. But good to have you back here, my friend, and... and Godspeed. You're going to do a great job at Agriculture. Thank you."

Speaker Riley: "The Chair recognizes Leader Leitch."

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Leitch: "Thank you, Mr. Speaker. I really don't ever recall a finer Member of this chamber than Raymond Poe. He's got a wonderful sense of humor; we know he's an outstanding cook, and he also has spectacular political skills. And I say that because, like Tim, I remember that Primary that Raymond was in. And we were all being assured, Lee Daniels was telling us, others were telling us, everyone except Jim Fletcher; a neighbor, that his opponent would win and Fletcher said no, he won't. If you think he won't win, then you don't know Raymond Poe. And how true that... that was. So, Raymond, I just cherish our time together here on the floor and wish you Godspeed and thank heavens you're still at the director... the director of Ag and will do an outstanding work for the people there. Thank you."

Speaker Riley: "The Chair recognizes Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. Director Poe, seatmate, friend since you started. I was... had two years when you started. It's a bitter-sweet moment. Bitter because you have left the Illinois House, but sweet because you will be an outstanding director of Agriculture and you will do even more good on a statewide basis. You did tremendous good in your district, but now it's statewide and from that standpoint it becomes acceptable what was really bitter-sweet. Lots of things have been said, important, but with you as director of Agriculture, farmers in Illinois have a friend, agriculture as an industry has a friend, but all of Illinois; consumers, producers, businesspeople, all have a friend, and someone that knows the importance of agriculture. You have been that kind of friend. If you had a problem, a need, a question, assistance on

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something in the middle of the night, you're the kind of guy we could call and I did a time or two. Whether it was car trouble or... or just whatever, but you were always there for all of us and I... I personally called on you late at night those times and that's very much appreciated. It's to the Governor's credit to seek you out, to put someone with the experience, the background, the confidence, the commitment, the dedication to this department. You set an outstanding example. We all shared in the trial that you faced a few months ago, but you did it with such courage, and dignity, and determination. You set that bar very high and thank God for the outcome and that you're back with us. So, today, I join as my colleagues saying it's bitter-sweet, but it... for the greater good. The position you're going to fill no... fill now or are filling now it just benefits everyone. So, I'm thankful that we've had the time together as a colleague, but look forward to many years even now in this new position. Thank you, Director Poe. It's been an honor."

Speaker Riley: "The Chair recognizes Representative Costello."

Costello: "Thank you, Mr. Speaker. As the chair of Ag & Conservation in the House, I've worked with and.. and served with Representative and now Director Poe for almost five years. I know him to be a very fair person, someone who's bipartisan, someone that I could always go and talk to. And he would always shoot straight with me; even if we disagreed, he was someone who was always honest. I think the Governor did a tremendous service to the ag community in our state when he named Ray as director and Ray, congratulations."

Speaker Riley: "The Chair recognizes Representative Scherer."

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Scherer: "Thank you, Mr. Speaker. I just wanted to take a quick second to tell my good friend, Raymond Poe, that I really appreciate his friendship. I appreciate his guidance. We've been neighbors ever since I came over. Our offices are next door and geographically we're right next door as well and the time we spent on our Ag Committee together. I just want to reiterate what everyone else has said. He's really been a good and decent human being, and I appreciate the time spent together."

Speaker Riley: "The Chair recognizes Representative Bill Mitchell."

Mitchell, B.: "Thank... thank you, Mr. Speaker. I would like to add my voice to the many just to congratulate the director on your new position. Couldn't be a finer choice than making Raymond Poe Director of Agriculture. Just a little bit, I arrived here in 1999, so '98 was my first race. I wasn't supposed to win it and my first introduction wa... to Representative Poe was he came over. I had the district right next door over in the Decatur area. I don't know how many time Raymond drug that truck over there and cooked for me in 1998 and we became friends. Then, because I was a targeted race, as everyone knows how that is, they set me next to Raymond Poe. So, he had to keep me, you know, sometimes back... I was a younger man then and maybe a little bit independent, and saw he was supposed to sit on me every now and then and you did a great job. And then we traveled the state a few years ago and we got to know each other. And Raymond is a great Legislator; he will be a great director, but one thing that I think people don't know he's a self-made man. No one

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gave Raymond Poe anything. He made it himself and what he's noted for and will be noted for is you're a great family man; a good husband, a great father. God bless you. All the best."

Speaker Riley: "The Chair recognizes Leader Bellock."

Bellock: "Thank you ver... thank you very much, Mr. Speaker. I'd just like to say thank you to Raymond for all you've done for not only for our caucus but for also the entire State of Illinois. You have been a tremendous leader and Sara does have big shoes to fill. And just want to thank you and talk just briefly from a northern Illinois woman's point of view. When I came down here, how you reached out to all of us especially the women, bipartisan, both sides and how you and Carol inviting us over to dinner to your home and just making us at ease with you all the time. So I want to say thank you for that, and Carol also. And especially for the butter cake because we all miss that, too, but thank you very much, Raymond, and best of luck in your new job as director. Thank you."

Speaker Riley: "The Chair recognizes Leader Durkin."

Durkin: "Hey, Ray, let me just first say that I'm just glad you're with us. I really am 'cause I hate to admit it, but there was a time a few months back that I'm not sure if you were going to be with us, and you know what, God bless you, man. You have overcome something that a lot of people have not been able to do and it's because of your determination, your love for your family, and your love for this state; it's what's kept you alive. I really believe that, Ray. A lot of prayers here, too, kept you there too. It all works. I just... I was appointed at the end of 1994. I bring this little moment where

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I first met Ray Poe. It was my first day in Springfield. I was the spry age of maybe 30 years old, not as gray, more naïve than I am now, but I recall running into you not knowing that you were a Representative and your wife, in Springfield, asking you the question, where's the State Capitol? You gave me a response that really embarrassed me and you really put an exclamation point on it and deservedly so. So I've done a lot of really embarrassing things in... in my life and that's one of them, but I just had to remember the response you gave me is something that I don't think I can say on the record, but it was sure as hell was pretty funny, but Ray, I just remember that first moment. I know you do too. But I will say this, Ray, that Ray and I, when I took this position, we had this internal scrum match in which... you know, for Leader and it was Ray and I. And I will just say this that you should wish you have a Gentleman like Ray, any of you, to oppose you or to run against you for office. We talked a lot, and you know, it's an adversarial process. We talked but we joked and kind of... kind of figured out where we were at, and you know, it was a little bit of a card game going on... a little poker game going on at the time with that, between Ray and I. But he did... you know, we came to a conclusion the night before we were going to take the vote and I've said this to Ray before, but Ray, what you were able to do was to unfracture a caucus and to bring us back together as a caucus when you made the Motion to support me as the new House Republican Leader. Greatly thankful for that. That meant more than just that moment. What it did for our caucus was something that I don't know if you realize how important it was, but I will say this,

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we hear this a lot in... in politics, we hear it in sports, the old expression that, you know, good guys finish last. Well, not in this case. With Ray Poe, in that race, good guys finished first. I just want you to know that, Ray. And Ray, my one regret, everybody talks about the chicken, is that with your absence on... from the House of Representatives on to the Department of Agriculture I'm afraid that I'll never be able to see my dear friend Ronnie Wait again 'cause I know no matter what part of the world he's at when you're making chicken he finds a way to get here. So, as I said, that is my one regret, but Ray, thank you for being a friend of our caucus, the Democrat Caucus, your constituents in the Sangamon County region, but also, thank you... your family for allowing us to take you away from them in some very difficult times. God bless you, my friend."

Speaker Riley: "Members, the question is 'Shall House Resolution 913 be adopted?' All those in favor state by saying 'aye'; all those opposed 'nay'. In th... in the opinion of the Chair, the 'ayes' have it. And House Resolution 913 is hereby adopted. The Chair recognizes Representative Meier (Sic-Poe)."

Poe: "I shrank a little. Again, thank you for all the nice things you've said. Thank you to the family and friends. And is Sara here? Feigenholtz? Sara and I are the las... was the last two in 1994. There was 27 of us and she'll be the last one in that class that's still in the General Assembly. So, thank you, Sara and most of the time it's been a pleasure, but one thing about it we could always talk our differences out and served on committees and did a good job. So, thank you. And..."

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and it is a humbling experience and I thank you for that. And I guess the words of wisdom would be, don't stay too long. Thank you."

Speaker Riley: "Thank you. Mr. Clerk, House Resolution 1000."

Clerk Hollman: "House Resolution 1000, offered by Representative Jehan Gordon-Booth.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we honor abolitionist and civil rights pioneer John Jones for his tireless efforts in fighting for the repeal of the Illinois Black Codes; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of John Jones as an expression of our esteem and respect."

Speaker Riley: "Leader Gordon-Booth."

Gordon-Booth: "Thank you so much, Mr. Speaker. Today with us in the gallery, we have a group of fifth-and-sixth grade students from Peoria, Illinois, that attend Glen Oak Community School. House Resolution 1000 came about because of these students. They invited me to their school about a month ago to talk to me about the research that they had done on John Brown."

Speaker Riley: "Members, Members, shh, shhh. Very important Resolution. Proceed."

Gordon-Booth: "And if I could take a moment and share with you what these fantastic wond... this fantastic wonderful young people... the work that they did inspired me to introduce this Resolution. And if you don't know about John J... John Jones, let me tell you a little bit on behalf of the fifth-and-sixth grade students at Glen Oak Community School. John Jones was

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one of the most prominent advocates for the repeal of what were known as the Black Codes the series of laws that were designed to restrict the ability of African Americans to experience citizenship and equality. And John Jones was born a free man in Greene County, North Carolina. He became an indentured servant to a tailor named Richard Clere who sublet him to another man an... as an apprentice. After his apprenticeship was up, he moved to Alton, Illinois. He became concerned that the family of the man for whom he did his apprenticeship might attempt to claim him as a slave; and so, in a preemptive move, he returned to North Carolina and obtained a Certificate of Freedom in 1838. He returned to Illinois a certified and bonafide free person. He moved to Chicago in 1845, where he set up a successful tailoring shop on Dearborn Street. Once in Chicago, John Jones began to fight for equal right for people of color. In 1850, President Millard Fillmore signed the Fugitive Slave Act, giving slaveholders the right to seek runaway slaves in free states. He forcefully... forcefully denounced the Fugitive Slave Act and he and six other men set up Liberty Association to watch for slave catchers seeking runaway slaves. He and his wife, Mary, brought fugitive slaves and anti-slavery activists into their home including John Brown and Frederick Douglass. In 1864, the *Chicago Tribune* printed John Jones's pamphlet entitled *The Black Laws of Illinois and a Few Reasons Why They Should Be Repealed*. He approached the Illinois General Assembly Members and spoke to them at the State House, now the Old State Capitol Building, about why Black Codes should be eliminated. His efforts succeeded in February of 1865,

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when the General Assembly voted in favor of repealing the Codes; and John Jones went on to be elected as the first black Cook County Commissioner in 1871, serving a second term from 1872 until 1875. During his time in office, he helped pass legislation that outlawed segregation in local schools. His tailoring businesses continued to thrive. After the death on May 29, 1879, the *Chicago Tribune* reported that he had been the most prominent black citizen in the city and John Jones refused to allow the discrimination of African Americans to continue unchallenged in Chicago and throughout the nation. His efforts brought about real change in Illinois, moving the state closer to true equality, he dedicated much of his time, energy, and money to the repeal of these repressive laws. I share all of this with you today in hopes to, one remind us of the courage that it takes to really move and advance the agenda of people who are oftentimes in vulnerable situations forward. The young people in Glen Oak Middle School, fifth and sixth graders, it is... it is moved them so greatly that not only have I but other Members that are elected officials in Peoria, as well as the media, have all descended upon this classroom wanting to tap the minds of these young people who have so valiantly worked to want to create a Resolution that honors John Jones so not only their class but children from now on have the ability to learn about John Jones. I move for the adoption of the Resolution."

Speaker Riley: "The Chair recognizes Representative Mayfield."

Mayfield: "Thank you. I just want to commend Leader Gordon for presenting that Resolution for the young men and women that she has here in this chamber. And I'd just like to say it was

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very disrespectful that none of you gave her the courtesy of taking your con... conversations to the back while she presented that when we have young students here that wanted to hear that Resolution be read. But I do commend you and I thank you. And to our students, thank you, again."

Speaker Riley: "The question is, 'Shall House Resolution 1000 be adopted?' All those in favor state by saying 'aye'; all those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 1000 is hereby adopted. The Chair recognizes Leader Lang."

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

Speaker Riley: "Make your point."

Lang: "Thank you. While we're on the subject of former Members of the House and former Ag Directors, up in the gallery on the Republican side is a Gentleman who was a Member of the House for many, many years and my roommate, so you can get some answers to some questions from him. Chuck Hartke's up in the gallery."

Speaker Riley: "Good to see you, Chuck. Mr. Clerk, read House Joint Resolution 129. Leader Currie moves for the adoption of House Joint Resolution 129. All those in favor state by saying 'aye'; all those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. House Joint Resolution 129 is hereby adopted. The Chair recognizes Representative Sommer."

Sommer: "Thank you, Mr. Speaker. I'd like the chamber to recognize some guests from my hometown of Morton, my alma mater Morton High School. In the gallery behind me, we have some really accomplished young men and women. We have Jeff Neavor, the leader of the marching band, and they are Class 2A State

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Champs 11 years in a row. And also we have Coach Jamie King of the boy's 2A golf team. They are State Champs 2 years in a row. Please give them a warm welcome."

Speaker Riley: "Congratulations. Thank you for coming to your Capitol. The Chair recognizes Representative Zalewski."

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

Speaker Riley: "Make your point."

Zalewski: "We are having a U of I watch party tonight. The Illini are playing Rutgers. Dee Brown will be joining us. The doors open at 7 at D.H. Brown's. We welcome all Illini fans to come, enjoy the game and hang out with Dee Brown. Thank you, Mr. Speaker. We look forward to seeing everybody tonight."

Speaker Riley: "Thank you. The Chair recognizes Representative Reis."

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

Speaker Riley: "Make your point."

Reis: "Like to indulge the... the Body. This evening is the Annual Pork Producer Reception and for the first time in over 30 years we've incorporated our trade show into the reception. So it's a great way to meet pork producers and see the modern day equipment that's used to produce them and have a great, great pork chop. So that's tonight at the Prairie Capital Convention Center not at the hotel where it's usually at. So I encourage you to stop by."

Speaker Riley: "Mr. Clerk, Agreed Resolutions."

Clerk Hollman: "Agreed Resolutions. House Resolution 1013, offered by Representative Cavaletto. House Resolution 1016, offered by Representative Welch. And House Resolution 1019, offered by Representative Nekritz."

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Speaker Riley: "Representative Currie moves to accept the Agreed Resolutions. All those in favor state by saying 'aye'; all those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are hereby adopted. Moving to the House Calendar, page 11. House Bill 4326, Representative Phelps. Mr. Clerk, read the Bill."

Clerk Hollman: "House Bill 4326, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Riley: "Third Reading. On page 12, we have House Bill 4579, Representative Evans. Mr. Clerk, read the Bill."

Clerk Hollman: "House Bill 4579, a Bill for an Act concerning education. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Riley: "Third Reading. Mr. Clerk, read House Resolution 964."

Clerk Bolin: "House Resolution 964, offered by Representative Brown.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Dr. Gayle Saunders on her retirement as President of Richland Community College and we wish her the best in all her future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Dr. Saunders as an expression of our esteem and respect."

Speaker Riley: "Leader Brown."

Brown: "Thank you, Mr. Speaker. It's my honor and privilege to recognize a guest with us here today. Dr. Gayle Saunders, if you could stand and be recognized. Dr. Saunders is retiring

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from Richland Community College after a presidency that lasted from 2001 until today. Dr. Saunders spent over 31 years as a community college administrator and 37 total years in higher education. On top of that, she received a number of awards: in 2004, the Athena Award; 2006, the YWCA Woman of the Year Award; in 2007, the Salute Honoree for Partners in Education and in 2014, the *Herald & Review's* 20 over 50 Award. I think that actually should read 20 under 50 Award. If... if you take a look at Dr. Saunders resume, you'll be amazed at her accomplishments, but if you take a look... if you stop of... at Richland Commun... Community College just off of I-72 in Decatur, you'll see first-hand the accomplishments, the expansions that have grown under Dr. Saunders' leadership. She's actually facilitated over seven expansions on that facility not to mention the first carbon sequestration plant in the entire United States with the cooperation of ADM. She's als... also ensured a number of other private/public partnerships which have caused great accolades to be bestowed upon the community college. If you take a look at Richland Community College, it is the ideal that we set for all community college systems and it's been ranked as one of the top community colleges in the entire nation because of Dr. Saunders' leadership. I recognize her today, thank her for her leadership and thank her for growing our community by growing and inspiring minds. Thank you, Dr. Saunders."

Speaker Riley: "The Chair recognizes Representative Scherer."

Scherer: "Thank you, Mr. Speaker. I, too, rise to recognize our President of Richland Community College, Gayle Saunders. It's been a real pleasure to work with you, Gayle, over the years.

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First time I met you, we had a real connection I felt having my children have gone to Richland and seen the... the great opportunities that exist there. Gayle always had... Richland was her number one priority in her life. It was so obvious. Anything she could do to increase job opportunities through the career programs they have at Richland, she would always be there any hour of the day or night to help us get through what we need to get through to try to help the... the residents of our area. So, along with Lisa Gregory's help, we really appreciate you being here today, but most importantly, thank you for always being there for everyone whenever they needed you. We really appreciate it, Gayle, and best of luck to you in your next adventure in life."

Speaker Riley: "Representative Brown moves to adopt House Resolution 964. All those in favor state by saying 'aye'; all those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. House Resolution 964 is hereby adopted. House Bill 580, Representative Welch. Mr. Clerk, read the Bill."

Clerk Hollman: "House Bill 580, a Bill for an Act concerning State Government. This... this Bill was read a second time on a previous day. No Committee Amendments. Floor Amendment #2, offered by Representative Welch, has been approved for consideration."

Speaker Riley: "Representative Welch on Floor Amendment #2."

Welch: "Thank you, Mr. Speaker. Can we adopt House Floor Amendment #2 on the floor and then argue the Bill on Third Reading?"

Speaker Riley: "House... Chair recognizes Representative Sandack."

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Sandack: "Thank you, Mr. Speaker. Point of personal privilege. Actually, a point of parliamentary inquiry. I believe some notes were filed with respect to this Bill."

Speaker Riley: "Mr. Clerk."

Clerk Hollman: "A fiscal note and pension impact note has been requested as amended by Floor Amendment #2."

Speaker Riley: "Mr. Welch."

Welch: "Can we move the Bill to Third Reading and argue on Third Reading? Well, one second. Mr. Speaker, I move to waive the.. Mr. Speaker, I move to adopt House Floor Amendment #2."

Speaker Riley: "Representative Welch moves to adopt House Resolution... I... I'm sorry... Floor Amendment #2. All those in favor state by saying 'aye'; all those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #2 is hereby adopted. Mr. Clerk."

Clerk Hollman: "No further Amendments. A fiscal note and pension impact note has been requested but not filed at this time."

Speaker Riley: "Mr. Welch."

Welch: "Mr. Speaker, I request a waiver of the notes that have been filed and find them..."

Speaker Riley: "Inapplicable?"

Welch: "Yes, Mr. Speaker. I ask that the notes be found inapplicable."

Speaker Riley: "Representative Sandack."

Sandack: "Thank you, Mr. Speaker. A few inquiries of the Sponsor, if you wouldn't mind, Sir?"

Speaker Riley: "Make your inquiries."

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Sandack: "Thank you. Representative, how is it that you come to determine that a fiscal note is inapplicable with respect to your Bill, Sir?"

Welch: "Representative, we know that this particular legislation substantively has been addressed before. That note was filed before and it was found inapplicable then as it is now."

Sandack: "Well, that... that's all well and good, but I'd like an answer to my question. Substantively, do you... is it your position there was no fiscal impact on your note... on your Bill?"

Welch: "It's my position, Representative, that an fiscal note is inapplicable on this particular matter."

Sandack: "With all due respect, Chris, why is it inapplicable? Can you please give me the rationale behind your conclusion?"

Welch: "Representative, as you know, from your experience here that any fiscal impact would still be subject to the appropriations process."

Sandack: "Sir, have you asked any financial resource? Have you... have you asked the... the Office of Budgmt... Budget and Management, COCGA (sic-COGFA) or any outside third party service with respect to whether there's a fiscal impact on your Bill?"

Welch: "I have not because we don't know what the final impact will be."

Sandack: "I'm sorry?"

Welch: "No, I have not."

Sandack: "And why not, Representative?"

Welch: "Because we don't know what the final fiscal impact will be until there's a final contract."

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Sandack: "Well, is... wouldn't it be prudent, Sir, to ask and make those inquiries before presenting your Bill? There is no emergency, right? Isn't it more prudent and better process to get potential fiscal impact prior to repre... to presenting the Bill of this consequence, right now?"

Welch: "Representative, there's just no possible way to answer your question right now because we don't have a contract. We can't determine the fiscal impact without a contract, which would then be subject to appropriations."

Sandack: "Well, I said... Chris, with all due respect, there are two proposals and you're asking, actually, we're in the middle of negotiations actually, the matter is before the Labor Relations Board and you're going to... you're asking I think for something that would disturb the status quo and have a new arrangement. We know that there are fiscal parameters from the Governor's perspective and from AFSCME's perspective. Certainly, with those parameters, you could ask the effect of COGFA and/or the Budget... the Office of Budget... Budget and Management what the affect would be if it were A or B, or the realm of which both proposals are made. We know there's a fiscal impact. It's just to what extent. And I'm asking why you haven't gone to that length and made that inquiry. There is no adjacency here."

Welch: "Well, whether it's A, B or an entirely different proposal, whatever the final contract would be, Representative Sandack, the issue would be subject of appropriation."

Sandack: "And I assume, Sir, with the Speaker's indulgence, that both these would be taken as one vote, I'm assuming. Mr.

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Speaker, there's two notes. Or are we taking two items separately?"

Speaker Riley: "Going to take them up separately."

Sandack: "All right. Then I will reserve any questions with respect to the pension note that was filed. I... I will conclude by simply saying it is incredible that a Bill of this consequence, that is this important has not been given any fiscal analysis, has not been given any... and by the way, I appreciate it, Mr. Mapes. Thank you for the head gestures. I'll watch for those type of gestures when Members of your Party speak. This is an important Bill and it requires financial analysis not guessing. There's no reason for the... for this Bill to proceed right now. Thank you, Mr. Speaker."

Speaker Riley: "The Chair recognizes Representative Ives."

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

Speaker Riley: "Indicates he will."

Ives: "Representative Welch, when you were presenting this Bill in Labor & Commerce last week, there was a little bit of a discussion and a dispute as to how much this Bill actually costs. And if I remember correctly, there were Members of my caucus saying that essentially, you know, it's \$1.6 billion, maybe it's upwards of \$4 billion and I distinctly remember the AFSCME gentleman saying, oh no, it's no more than \$25 million per year. So my question to you is, do you know the cost of this contract since you don't want fiscal notes to be applicable? Do you personally know? Have you analyzed this? Do you have any idea? Because that's not... that's not even in the ballpark. I mean, \$25 million is basically a rounding error on, you know, a billion dollar appropriation. So I'm

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just curious if you know that number and if you don't know it, why is it so inappropriate to not take the time and find out definitively for the taxpayers of the state how much this Bill really costs."

Welch: "Representative Ives, it seems your side wants to talk about costs today. And we don't know what this contract will cost because..."

Ives: "Well, we know that you guys are not used to never talking about costs, but yeah, we would like to know the cost of this."

Welch: "I... I allowed you to speak. You should let me speak in return. Well... that's how we should do this today. And you want to know the cost. We don't know the cost because the Governor has stopped negotiating. We need to get these parties back to the table, get a contract and then we will know the cost which could be subject to appropriation. That's how things work around here."

Ives: "Well, here's what we do know. We do know that AFSCME asked for 11.5 percent pay increase at a cost of over 1.25 billion over four years. We know that in some cases employees are going to get a 29 percent pay increase. We know that there's a 25 percent increase in longevity pay for state... staff aid employees. We know there's still only a 37.5 hour work week after which overtime is paid. We know that health insurance is costing us more. Your side has even admitted that. So, why not take the contract provisions that AFSCME has asked for and cost them out? And then, come to us and say, well, you know what, it really is only 25 million a year. 'Cause I'd like to see if it really is only 25 million a year or is it

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more like multiple billions of dollars that are going to cost us over the next four years. And oh, by the way, the pricing out a contract for one year is a ridiculous idea. The contract, if it only lasted for one year that would be fine. This is a multiyear contract. We need to know the multiyear cost of that contract. And so for you to sit there and pretend that a fiscal note is inapplicable just... it's... it's an incredible disservice to the taxpayers. It's just an incredible idea. I... I can't even believe it."

Welch: "We are not talking about a specific contract. We're not talking about negotiating a contract on the House Floor today. We are talking about a process that will allow us to get to a contract that we will then know costs and we could make that subject of appropriations. But you're talking about a contract right now, Representative, that doesn't even exist."

Ives: "You're... you're pretending that there's not physical contract details, real details that we already know and have been negotiated with and you're pretending that those don't have real costs. So to the Bill... or to the... to the discussion here. I absolutely disagree. I think everybody should know how much this costs. I had a Bill that basically said taxpayers should know what these costs are ahead of time before anything is finalized. And I... I still feel the same way. We should understand how much government's going to cost us before we get involved in contracts where we promise too much and can't pay for it which is exactly the situation Illinois is in now because we have an unbalanced budget since at least 2001. Thank you."

Speaker Riley: "The Chair recognizes Representative Martwick."

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

Speaker Riley: "He indicates he will."

Martwick: "Representative Welch, I have a couple of questions to follow up on the previous speaker. So you... you said that the fiscal note would... you thought it would be inapp... inapplicable. Is that correct?"

Welch: "I... I do believe it's inapplicable, Representative."

Martwick: "Thank you. So Representative Welch, if this Bill passes, will the employees get everything that they're asking for in the contract negotiation?"

Welch: "I highly doubt that."

Martwick: "Okay."

Welch: "This... this is about a process..."

Martwick: "Right."

Welch: "...right that will lead us to a contract."

Martwick: "Okay. Is there a possibility that the employees get everything that they want in this contract negotiation, possibility?"

Welch: "Anything is possible. I don't... I don't see how..."

Martwick: "Is there also a same possibility that the Governor gets everything he wants in this negotiation?"

Welch: "Anything is possible."

Martwick: "But... but also..."

Welch: "I won't say never..."

Martwick: "...it's highly unlikely."

Welch: "Right."

Martwick: "So in fact, the process of collective bargaining means that the two sides will start and they will negotiate until they find a compromise."

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Welch: "Correct."

Martwick: "Can you tell us exactly what that compromise will be?"

Welch: "No, not right now."

Martwick: "You don't know?"

Welch: "I have no idea..."

Martwick: "So, there's a possibility..."

Welch: "...it has to go through a process."

Martwick: "...that it could be everything that the employees ask.

That would be one cost, right?"

Welch: "Yes."

Martwick: "To the state. And there's the impossibility that the Governor will get everything that he wants, which would be a very different cost to the state. But the likelihood is if they compromise somewhere in the middle which... What you're saying is you have no idea where that will be?"

Welch: "That's correct."

Martwick: "Oh. So..."

Welch: "Somewhere."

Martwick: "...teaching them the fiscal impact on this piece of legislation to the state would then be, by definition, impossible?"

Welch: "That is correct."

Martwick: "Thank you. Nothing further."

Speaker Riley: "The Chair recognizes Representative Cassidy."

Cassidy: "Thank you, Mr. Speaker. First of all, I just want to thank the Sponsor and the advocates for bringing this before us and... and really presenting an opportunity to get beyond some of the troubling rhetoric that we're facing, taking off the table the devastating possibility of shutdown. But I also

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want to draw attention... I apologize. I did not realize this was the note. I will come back to this later."

Speaker Riley: "To the note. The Gentleman moves to declare the fiscal note on House Bill 580 inapplicable. This is a record vote. All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. With 67 Members voting 'yea', 47 voting 'nay', 0 voting 'present', the fiscal note on House Bill 580 is hereby declared inapplicable. Clerk."

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

Speaker Riley: "Mr. Welch."

Welch: "Mr. Speaker I request that this pension note be ruled inapplicable."

Speaker Riley: "Mr. Sandack."

Sandack: "Thank you, Mr. Speaker. May I inquire of the Sponsor?"

Speaker Riley: "Yes, you may."

Sandack: "Thank you. Representative, why is it that a pension component to your Bill is inapplicable?"

Welch: "Representative, I don't know what Bill you're reading, but the Bill I'm reading... I... I don't see any impact on pension cost at this time."

Sandack: "Well, I don't know what Bill you're referring to, but I suspect yours has to do with contract negotiations with state employees, which necessarily means a pension component. Is that something I'm making up?"

Welch: "Pensions are not subject to contract negotiations."

Sandack: "Pension com... contributions are not subject to state employee con... contracts? There not part of compensation?"

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Welch: "We don't have a contract here."

Sandack: "Yes, I know that, Sir. That's why you're presenting your Bill. And I'm asking you why a pension component, why a pension note, is inapplicable to a cu... to a dispute that has compensation at its core, or at least an element of compensation at its core."

Welch: "I've answered your question."

Sandack: "You haven't answered that."

Welch: "I have."

Sandack: "I'm asking you why a pension component is inapplicable. How have you made that determination?"

Welch: "You're... you're asking me to guess and..."

Sandack: "I'm not."

Welch: "You are."

Sandack: "I'm asking you to tell me what your analysis was."

Welch: "You're asking me to guess here and I'm not going to guess with you today. We don't have a contract. All this Bill will do is get us a process in place that will help us get to a contract."

Sandack: "Yes, Sir, and if we get to a contract, there'll be a pension expense associated with it. We both know that there is... there are offers from the Governor's Office and there are offers from AFSCME. There are pension components and pension costs that derive there from and I'm asking you if you've done any analysis and if you sought any analysis from either cof... COGFA or the Office of Budget and Management?"

Welch: "No."

Sandack: "And why not, Sir?"

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Welch: "Because we don't know. There's no contract in place. You're asking us to guess."

Sandack: "I'm not asking you to guess. To the... the note, Mr. Speaker. The Gen... the Gentleman is simply erroneous. He's mistaken when he says that some fiscal impact of both pensions and the overall costs associated with his Bill are inapplicable. They are indeed very applicable. There's real dollars at stake and the idea that this analysis is not pertinent to the overall debate is nonsensical. Anywhere but here, folks would have asked for the fiscal impact. Anywhere but here, folks advancing this initiative would've sought what pension expenses are. But instead, because we're in the political heightened season, we're at a rush to move forward on something we don't know its expense. Vote 'no'. Thank you, Mr. Speaker."

Speaker Riley: "Chair recognizes Leader Sullivan."

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

Speaker Riley: "He indicates he will."

Sullivan: "Representative, some of the things we're asking right now probably should have been the subject of analysis before today. And so, that's the point of the discussion that we're having right now. Since the failed override of Representative Smiddy's version of this Bill, it's been five and a half months. So in five and a half months, are you telling me that nobody has taken to an... put any type of analysis of the fiscal impact or the pension impact of this Bill and what it would be? Is... is that your belief?"

Welch: "I don't know how anyone can give you an analysis of a contract that doesn't exist."

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Sullivan: "Okay."

Welch: "The Governor has cut off negotiations. What we need to do, as a collective Body, is say get back to the table so that you can get a contract and we can then know that there's... that's the point to doing the analysis."

Sullivan: "Well, and so this Bill kind of goes into, right now, we're debating pensions... you said in your debate with the previous speaker that pensions aren't subject to collective bargaining. Are wages subject to collective bargaining?"

Welch: "Yes."

Sullivan: "Are wages or pensions the direct result of whether wages go up or down?"

Welch: "You're asking for an analysis of a contract that doesn't exist."

Sullivan: "No. Well... well, right now, I'm just asking you a very simple question. Wages are part of the collective bargaining process; therefore, they would be part of this Bill. Pensions are a direct result of what happened to wages, whether they go up or down, right?"

Welch: "You're asking what the... the total cost of that would be when we don't have a contract."

Sullivan: "Well, right now, I'm just asking you a simple question. Do wages affect pensions?"

Welch: "You know, going back to something earlier that Representative Martwick mentioned, if the Governor gets everything he needs, that means wages will go down in this next contract."

Sullivan: "Exactly."

Welch: "So, you're asking us to speculate."

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Sullivan: "I'm asking a simple question."

Welch: "You want me to speculate on the high end of the low end?"

Sullivan: "Do wages affect pensions in any way?"

Welch: "Of course they do."

Sullivan: "Okay. So, we're asking for a simple analysis. What happens if wages go up or down? That would be part of this analysis. Don't you think the Body would be better off if we had that information ahead of us to make a better educated guess on what's going to happen, before we vote for this Bill?"

Welch: "I don't think we should be guessing here today. I think we should put a process in place..."

Sullivan: "But we are guessing because we don't have an analysis..."

Welch: "We're not guessing at all."

Sullivan: "...so I agree with you actually, Representative."

Welch: "We're not guessing at all. We're... we're going to argue a Bill that talks about a process that will get them to a contract. We're not talking specifics; we're not negotiating here today. I know you guys want to do that, but we're not going to negotiate a contract."

Sullivan: "Okay. Well, thank you."

Speaker Riley: "The Chair recognizes Representative Demmer."

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

Speaker Riley: "He indicates he will."

Demmer: "Representative, what is the purpose of a pension impact note?"

Welch: "You tell me."

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Demmer: "Well, I'm curious. I mean, you're... you're making the Motion that it's inapplicable here. What, in your mind, is the purpose of the pension note?"

Welch: "You guys filed the note. You tell me."

Demmer: "The purpose of the pension impact note is to determine the impact on the pension system. Why do you believe that it's not... not applicable? How would you define the purpose of a pension impact note?"

Welch: "Because it can't be determined."

Demmer: "I'm sorry?"

Welch: "You're asking us to guess about the impact of something that doesn't exist right now."

Demmer: "I'm not asking you to guess about it. You don't have to personally file a pension impact note. What... what do you believe the purpose of the note is? Why does that Act exist in... in statute?"

Welch: "I didn't file the note, Sir. You... you guys filed the note."

Demmer: "You're really getting inapplicable."

Welch: "So, you... you tell us what..."

Demmer: "What's your basis for ruling it inapplicable? You must have a definition in mind."

Welch: "I... I know what my basis is. My basis for it being inapplicable is that we don't have a contract. We don't know what the costs are associated with that contract. So, you're asking us to guess."

Demmer: "Would it be reasonable to say that one of the purposes of a pension note is to help us determine that impact, to help us give study towards that? Would you say that's a fair

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analysis to say that a... that a pension impact note helps us better understand the pension impact?"

Welch: "Sure."

Demmer: "So in this case, if you're saying we don't know what it is, wouldn't it be a good idea for us to at least make a few steps towards better understanding it?"

Welch: "Not if it's all speculation. You guys are asking us to get an analysis that would come back that would be pure speculation. How about we get a contract in place, with an agreement, that has numbers contained in it, and then the matter will be subject to appropriation at that point."

Demmer: "Wouldn't most analyses be subject to some level of speculation? We make the best... the best inferences we can, given the current circumstances?"

Welch: "The fact that you're asking us to speculate, Representative, is exactly why this note is inapplicable."

Demmer: "Would... Wouldn't any analysis be subject to some degree of making the best decision you can, the best analysis possible, based on current information?"

Welch: "You can make that argument. I guess that's the argument you're making."

Demmer: "And... and perhaps, that's better than no analysis at all. Perhaps an analysis based on the current circumstances, understanding it's not perfect, is better than simply ignoring all analysis because they're not final."

Welch: "I think a speculative analysis is a waste of everyone's time."

Demmer: "The pension impact note legislation says, the pension impact note is for any legislation or Amendment that a

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Commission on Government Forecasting and Accountability determines would result in an increase in benefits or an increase in costs to the pension funds. Are there circumstances... are there circumstances resulting from this legislation that could potentially result in increased benefits or increased cost?"

Welch: "Let... let me restate for you. We're not going to negotiate a contract on the floor here today. You're asking for an analysis of an increase in benefits and this has nothing to do with benefits."

Demmer: "There is a circumstance under which the legislation we're discussing today though could have an increase in benefits or an increase in costs to pension funds. There's a circum... there is a potential outcome of this legislation that would result in that. Isn't this precisely what the Pension Impact Note Act was passed to address?"

Welch: "You're asking me to address could haves and possibilities, and we're not going to speculate here today."

Demmer: "Of course, any legislation that's pending before this Body is could and not would. That's the very basis of a deliberative Body is that Bills brought before this chamber are not accomplished yet. They have to go through a legislative process; they have to be sent to the Executive Branch for action. Every Bill that comes before us is speculation, is a possibility. It's not a forgone conclusion. The very purpose of the pension impact... pension note study is to determine what that impact could be based on our action today."

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Welch: "I think we're going through that process by debating this on the floor. This is going to have a Roll Call vote. It's going to be voted up or down. You believe it's applicable; I believe it's inapplicable because you're asking us to speculate."

Demmer: "I appreciate that, Representative. And... and as we debate it on the floor, I think it would be in all our best interest to have as much of the facts as we possibly can, as much of the... based on current information, the information that's available to us, is a critical part of us making an informed decision on behalf of our constituents. That's precisely why this Act was put into place to begin with, and that's precisely why this pension note is applicable today. Thank you."

Speaker Riley: "The Chair recognizes Representative Wehrli."

Wehrli: "Thank you, Mr. Speaker. Will the Sponsor yield? So I haven't quite understood..."

Speaker Riley: "Ah, ah, ah, ah. He indicates he will."

Wehrli: "Thank you. Sorry, it's been a while. Representative, I... I was distracted here. Could you explain to me why you think the pension note isn't applicable here, again, please?"

Welch: "Because there's no contract. Without a contract, we don't know what costs are associated therewith, and you're asking us to speculate."

Wehrli: "Well, okay. But this... this underline... this Bill deals with union contracts that have payroll as part of the compensation, it is collectively bargained for under this practice. So, how does that not impact somebody's pension?"

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Welch: "Representative, you're... you're asking for a random guess. You know, how about we pass a good Bill that will put a process in place, then get a contract, with costs associated therewith, and we won't have to randomly guess. We can actually get good analysis."

Wehrli: "Well, I would... right. My colleague here suggests that maybe we tried to get good analysis. And here we are, I mean, we're... we're well known down here in... in Springfield for continuing to try to do things but with no objectivity, and no facts, and no data, we're just careening from crisis to crisis and this is another example of that."

Speaker Riley: "The Chair recognizes Representative Breen."

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

Speaker Riley: "He indicates he will."

Breen: "Thank you. Now, Representative, we... we had this in committee yesterday and I... I got my Irish up a little bit on the gentleman who was with you. But I mean, I... we were talking about speculation. I have in my hand a letter from Miss Roberta Lynch, who's the executive director of AFSCME Council 31, who's talking about wages; year one, thousand dollar bonus; year two, 2.25 percent increase; year three, 3 percent increase; year four, 3 percent increase. So thi... this isn't speculative in terms of the impact on pensions. I mean, this is calculable, pretty quickly. Can't our pension experts get their... get their shot at this and tell us exactly what this will cost us?"

Welch: "Representative, I think the... to quote numbers here today is going to be a waste of everyone's time because there's proposals out there on one side, there's proposals on another

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side. If you put these proposals before a very methodical and fair arbitration panel, you may come up with a whole entirely different proposal. So to ask us to speculate here today on one side's proposals or another isn't quite fair. It's a waste of time."

Breen: "Well, no. But Representative, we... we get notes back all the time that talk about the potential cost to the state of a particular piece of legislation. Give us a potential, give us at least the outside. Hey, what are we... what are we looking at possibly here? And we know full well that if we get an interest arbitration, the in... the interest isn't going to come out at zero. I mean, it's going to come out more than zero; there's going to be a cost here. Give us a range so that we've got some idea in the midst of this budget crisis. Wouldn't... wouldn't we want to know? I mean, the number that you said... don't get numbers, but I mean, it... this is all about numbers. That's what a pension note's for. Isn't it? I mean, that... that's the whole point of giving us some time here to figure this out."

Welch: "Is that a statement or a question?"

Breen: "And... and counselor, you know full well a leading question when you hear it. But if... if you'd prefer, I can go to the Bill, or the... the Amend... the note, rather."

Welch: "I'd prefer that."

Breen: "Okay. Look, I... we... we have specifics. They're right here, from AFSCME, in a letter that is public. We've got step increases. We've got health insurance, modest increases in premium and annual deductibles, but maintain current health care framework. We've got, you know, all of the regular steps

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and things like that. So we have numbers that our pension gurus can go and... and look to and figure out. So certainly this note is applicable, and we should allow our experts to come back with numbers, prior to, you know, waiving all of these things that are helping us in this terrible budget crisis, to try to... to have some modicum of control over our numbers. I mean, we... we made a comment, the numbers are no... you know, that... that they don't matter. The numbers are all that matters. So again, please vote 'no'. Thank you, Mr. Speaker."

Speaker Riley: "The Chair recognizes Representative Thapedi."

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

Speaker Riley: "He indicates he will."

Thapedi: "Chris, the Motion that we're dealing with right now deals with the Pension Impact Note Act, correct?"

Welch: "Correct."

Thapedi: "Its applicability to your Bill or not, correct?"

Welch: "Correct."

Thapedi: "All right. Now, looking at your Bill, I'm looking in here to see if there are any references to the Illinois Pension Code. Are there any such references?"

Welch: "No."

Thapedi: "Okay. And I'm also looking at your Bill to see if there are any references to the State Pension Funds Continuing Appropriation Act. Are there any references to that particular provision in the law?"

Welch: "No."

Thapedi: "All right. So we heard people talking about what the pension impact note is applicable for, and I think that

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they've left out exactly what the language in the Act actually says. And the language in the actual Act says that, if your Bill were to amend, revise, or add to either two of those particular provisions in the law, then, in fact, it would be applicable. But because you're telling me now that your Bill has nothing to do, and it's not making any changes, any Amendments, any revisions, any additions to the Illinois Pension Code or the State Pension Funds Continuing Appropriation Act, by definition, it's not applicable, correct?"

Welch: "That is absolutely correct."

Thapedi: "Let's move on. Thank you, Mr. Speaker."

Speaker Riley: "The Chair recognizes Representative Dunkin."

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

Speaker Riley: "He indicates he will."

Dunkin: "Representative, I know we... we recently talked very, very recently on an old subject that has been discussed since I've been here for my 13 years, regarding promotion of African Americans within State Government. The Illinois Minority... Minority Employees in Government, or IAMG, have been having this discussion, what I very recently shared with yourself, such as fairness as it relates to underutilization."

Speaker Riley: "Representative Dunkin, we're still on the..."

Dunkin: "I'll... I'll come back. I'll come back..."

Speaker Riley: "...the pension note."

Dunkin: "...as it relates to... after the... the note discussion."

Speaker Riley: "Thank you. The Chair recog... recognizes Representative Batinick."

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

Speaker Riley: "He indicates he will."

Batinick: "Hey, I'm trying to catch up to speed on all this stuff.

I appreciate what the... the Representative to my left just outlined. I am not a counselor like Representative Breen from... from Wheaton. Can you explain exactly...? 'Cause I am confused here. I mean, it's always speculation when you're... when you have these fiscal notes. It's never... it's... it's often, you know, there's a grey area there. Can you... can you kind of explain why the pension note doesn't apply to... in layman's terms to a nonlawyer, please?"

Welch: "Honestly, I think Representative..."

Batinick: "I... I'm trying to hear you, clearly."

Welch: "The last Representative just did a very good explanation of why, specifically, the pension note doesn't apply. We're not trying to change the Pension Code or... or anything with this Bill. And the... the plain reading of House Bill 580 it makes that clear."

Batinick: "So, right. But this... this obviously... this Bill would potentially impact pensions. Are you telling that that Code... I don't have the Code memorized, Representative, so I'm asking. I... So, are we saying that the... the Code for the pension note doesn't allow for any discussion on fiscal impact towards the pensions?"

Welch: "Well, as the... the learned counsel just spoke, the pension note is specifically whether or not you're going to address changes in that particular Code. We're not... we're not addressing that at all here today. And you guys are over, and

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over, and over again asking us to speculate, and we could have been actually debating this Bill for 30 minutes by now."

Batinick: "I... I'm tryin... I had simpl... I was just trying to just clarify whether that... whether that Code has anything to do with impact on pensions, not just changes to the pensions. Those are... those are two different questions. Because clearly, any negotiation that happens with ASFCME is going to have an effect on pension and pension funding, and how much we need... we need to spend on pension... pensions. Obviously, any negotiation that happens impacts pension. I don't have the Fiscal Pension Note Code memorized, and I'm... I'm guessing most of us on the floor don't. That's why I was asking for the clarification. Now you're telling me that that pension note, that pension note Bill, the Act has nothing to do with impact on pensions from a fiscal standpoint. Because clearly... clearly we deal with estimates in... in this chamber. We're... we're always... there's always, you know, what you call... when somebody calls speculation, somebody calls... else calls... calls a guesstimate. But you make the best... you know, we're dealing with a lot of stuff here. We're... we're this deep, and we're a mile wide. We don't... we're... we're dealing with mental health, education, pensions, a million different things. So it's hard to... it's hard to know everything about everything. And that's why I'm asking, that's why we depend on the speculation or guesstimates, as you call it, we need that information to make a good decision. And that's why I would like to see that note addressed. I'll leave it at that. Thank you very much."

Welch: "Thank you."

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Speaker Riley: "The Chair recognizes Representative Ives."

Ives: "Thanks. Mr. Speaker, will the Sponsor yield?"

Speaker Riley: "He indicates he will."

Ives: "Thank you. So I'm also reading the pension impact note myself, and I do note as a pervious speaker said that it does... if... if it affects a continuing appropriation, then it is fair game for a pension note. And I think it's important to realize that when you're looking at this section... Well, first of all, to the Sponsor of the Bill, would you say that salaries and benefits do affect pensions?"

Welch: "Representative, we're not talking about benefits here today."

Ives: "Okay. Would you say that..."

Welch: "We're not even talking about a contract because a contract doesn't exist because the Governor just stopped negotiating. This Bill, if we ever get to talking about it on the floor, would actually talk about a process that will get us to a contract. Now, you guys are asking questions about a pension note, which comes from the Pension Note Act. This Bill does not address any increases or changes to the Pension Code at all. Going back to questions earlier, I think it's pretty clear on the face that this note is inapplicable."

Ives: "Well, okay. My question was though, do salaries affect pension?"

Welch: "Of course."

Ives: "Yeah, of course, they do, right? And what we're talking about is the con..."

Welch: "But we don't know what those salaries are or will be."

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Ives: "You know, the AFSCME representative is pretty willing to put out his own number but now won't give us any of the more impact on that number. He was willing say 25 million a year."

Welch: "But they were also clear..."

Ives: "And so why don't we find that out."

Welch: "I was sitting next to them, and they were also clear that if they were still at the table that they still had room to move."

Ives: "Well, he promised..."

Welch: "And..."

Ives: "...me information, specific information on what they think the cost of their side, their proposal would be. He promised that to myself. He promised that to Representative Phillips, who was sitting next to me, and I haven't seen that yet. I think all taxpayers should see it. But back to the idea that a pension note is inapplicable. If you actually read under Section 3, Part (b) of the pension note legislation, the pension impact note for any legislation or Amendment that the Commission on Government forecasting and Accountability determines would result in an increase in benefits or increased costs to a pension fund established under Article 3 or 4 of the Illinois Pension Code may demonstrate the fiscal impact of the legislation being considered on selected individual municipalities and pension funds. So, here you go again. I mean, we... we can definitely find out the impact of the pen... of what this should be financially with respect for taxpayers. So right there, if it's going to have a fiscal impact, if it's going to affect a continuing appropriation on pensions, then we have a right to know it according to the

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Pension Impact Note Act. So I don't know why... why the rush to pass this legislation today. Why not give us some time, get the numbers from both sides and make a decision as to whether or not we can economically afford this at this time. Because while you're talking about a process, that process of interest arbitration never takes into consideration and nor the arbitrators required to ever think about the economic impact. So it behooves us to insert the economic impact at some point in the process, and I say we're doing that right now by requiring a pension note and a fiscal note. Thank you."

Speaker Riley: "The Chair recognizes Representative Fortner."

Fortner: "Thank you, Speaker. Inquiry of the Sponsor of the Motion."

Speaker Riley: "He indicates he will take your inquiry."

Fortner: "Representative, in your conversation, I think with a number of inquiries from our side, and particularly even from the last person who spoke, you talked about the underlying Bill that you're seeking to remove this pension note from as being just about process and not about the contract because we don't have a contract. Did... did I understand that correctly?"

Welch: "This is about a process. I think the Bill will speak for itself."

Fortner: "Okay."

Welch: "If... if we... if we didn't continue arguing about a note that's inapplicable, we could actually talk about the substance of the Bill."

Fortner: "Right, but this is about the question of whether or not this note is applicable. So, I just want to make sure I first

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understood what you had said. And I think you agreed that you're describing this as a process. In a comment that you made to another person who raised questions about the applicability of the note, I think you used the phrase that this could go to an arbitrator, and we might see something totally different in terms of a contract. I mean, maybe not exactly those words, but certainly words to that effect. Is that... did I understand that correctly?"

Welch: "Yes."

Fortner: "And if that's true, if this process creates the ability for an arbitrator to create to a contract, which could have provisions, and if those provisions could have an impact on the liabilities of the pension system, that, to me, seems that it's certainly qualified. So even though, I would agree with you, this Bill is about the process, the underlying Bill on which the note is, but that process creates a mechanism, and that mechanism then would be able to in... certainly in some cases and certainly within the cases bounded by the... If we go to arbitration, as I understand it, usually that requires each side putting forward what their position is and the arbitrator then reacting to the points between that. So we've set boundaries through those two positions as it relates to what the potential impact in salaries and in this case, those salaries would have associated with them a pension cost. So I guess I don't understand. Maybe you could help explain to me why that process doesn't in itself create a potential impact on the pension fund."

Welch: "I think the answer is simple. It's because no one knows what the end result will be."

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Fortner: "But as I said, if we go to arbitration, each side is going to put forward where their position is with the arbitration. So there are going.. though we don't know what the end point is, we would certainly have boundaries, and I use my own personal experience. I have filed on past Bills to address the pension systems here in Illinois. They have gone. They had pension notes filed on them. And there's been an analysis done of those Bills, and that analysis has then provided.. They don't know exactly.. So for instance, if in one of those things, there is an offer for people to switch from a defined benefit to a defined contribution on a voluntary basis. Well, they don't know how many people will choose that, but they make reasonable assumptions based on the bounds of the limits of the Bill to say, well, we know it's not going to be less than this, and it's not going to be more than this. And they then provide a reasonable range of outcomes. So I would contend that, in this case, the sides of the dispute over the contract will put forward their positions to an arbitrator. Those then provide the bounds and just as has happened with pension Bills that I have filed and have pension notes put on them, we would be able to use the same procedure and analyze how this process would be impacted based on the bounds set by the two sides in the dispute. What am I missing here?"

Welch: "Well, I... I think that you're missing that, one the proposals that are out there now may very well change. And if those proposals change going into an arbitration process, they may change yet again during that process. So..."

Fortner: "But I... but I thought that during the arbitration..."

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Welch: "The whole thing is speculative right now..."

Fortner: "...but you... but the two sides..."

Welch: "...'cause you guys aren't allowing it to get to a process."

Fortner: "But for arbitration, isn't it the case the sides are going to put forward to the arbitrator what their position is, and the arbitrator is going to look at those two. I mean..."

Welch: "To start..."

Fortner: "...they're not..."

Welch: "...to start..."

Fortner: "...they're not going to be changing."

Welch: "...but we don't know what those proposals will be."

Fortner: "Well, they... in arbitration it's usually based on what the last offers are at the time things go to arbitration. So in this case, do you think it could just be anything all over the map? This... this doesn't seem reasonable. I think we have a good idea, at least from both the memos we've seen from the union and the memos we have seen from the Governor's Office what the bounds of their... of their positions are where disputes are. So, I... I really think there is applicability in this note. And I would urge a 'no' vote. Thank you."

Speaker Riley: "The Chair recognizes Representative Wheeler."

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

Speaker Riley: "He indicates he will."

Wheeler, K.: "Chris, back in my district, like a lot of our districts, I get asked a question that I don't really know how to answer sometimes. And it's oftentimes at somebody's front door when I knock on it to meet them, understand what their needs and concerns are. And that concern usually is, how much money did you take out of my pocket last week. And

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I've said, I don't know exactly, but I try to give them the reasons why we're trying to do things smarter and more intelligently here. And I think the pension note is one of those things that is a smart thing for us to do. And I really don't understand how we can say on one hand we don't have any idea what it is. When we have parameters... we both know there's parameters that are out there right now, that give us at least a ballpark, a general answer, then I can back to John Smith at his front door and say, hey, listen, I need an idea what's going on here. He asks me that. I'm asking you that. I think it does apply, and we should be able to do some simple math off this at some point in time, Chris. Anyway, I appreciate where you're going. Please, let me know if there's a possible way to get a note on this. Thank you."

Welch: "Thank you."

Speaker Riley: "Representative Welch declares the pension note on House Bill 580 inapplicable. Again, this is a record vote. All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, with 70 voting 'yea', 46 voting 'nay', 0 voting 'present', the pension note on House Bill 580 is hereby declared inapplicable. Mr. Clerk."

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

Speaker Riley: "Representative Welch."

Welch: "Thank you, Mr. Speaker. I move that the state government mandates note be ruled inapplicable."

Speaker Riley: "Chair recognizes Representative Sandack."

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

Speaker Riley: "He indicates he will."

Sandack: "Representative Welch, do you know... can you explain to me what a State Mandate Act is?"

Welch: "I'm sorry. Can you repeat your question?"

Sandack: "Yes. Can you tell me what you believe the State Mandates Act is, and what it holds?"

Welch: "Well, I just served on the task force that the Lieutenant Governor ran, and we talked about unfunded mandates. This doesn't even come close. This Bill does not contain a mandate on any unit of State Government. And therefore, we shouldn't spend the next 30, 45 minutes talking about another inapplicable note."

Sandack: "Well, I... I simply asked what you thought the State Mandates Act provided and holds. You went on to what your commission is doing, which is all well and good. I... le... let's just here... let's agree that a mandate is an official order or a commission to do something. Is that a fair definition of a mandate, an order or direction to do something?"

Welch: "Sure."

Sandack: "Okay. So see we're... we're... this is bipartisan right now. So we agree on what a mandate is; it's a direction or a commission, an order to do something. Your Bill says, mediation of outstanding issues shall be indicated and shall be required. So your Bill is a mandate; it orders the parties to do something, and so by definition this is a mandate. And I've asked if you've gone through the analysis of under the Mandate Act. Care to comment, Sir?"

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Welch: "I... I haven't gone through the Act, no."

Sandack: "Okay. So, would you agree that the Mandate Act is applicable..."

Welch: "I..."

Sandack: "...in this instance?"

Welch: "I do not agree with you, Sir."

Sandack: "Tell me why?"

Welch: "I think I said it before."

Sandack: "You didn't actually."

Welch: "I did. I'll... I'll say it clear."

Sandack: "Repeat it then. Maybe I... I didn't hear you."

Welch: "More clear. This particular Bill does not create a mandate on any unit of State Government. Is that clear enough for you?"

Sandack: "Well, it... it is. Except that this... the unit of government is the State of Illinois. It mandates; your Bill uses the word 'shall' and we agreed what a... what a definition of a mandate is. And I would direct your attention and commend for your reading your Bill which sa... which utilizes the word 'shall' which is a mandate, Sir. So with all due respect, your Bill is a mandate by definition, and it mandates the state to negotiate in a different realm with its collective bargaining unit, in this instance AFSCME. Do you care to dic... take issue with that?"

Welch: "Well, I take issue with the fact that you don't... you have a problem with negotiating."

Sandack: "No."

Welch: "You know..."

Sandack: "I have a problem with..."

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Welch: "...the idea that..."

Sandack: "...the mandate and you not..."

Welch: "...the idea that you're supporting shutting down state government..."

Sandack: "Oh, my gosh..."

Welch: "...bothers me. I think what we should be promoting as a policy maker, is a policy of getting folks to the table and talking, so that we can keep government running, open and efficiently."

Sandack: "Well, to... to the note, Mr. Speaker. That was nonresponsive response was basically an agreement by the... the good Sponsor, when he can't get out from the fact that his Bill is a mandate. It's a mandate on the State of Illinois, and it... the... the note is absolutely applicable. And so instead of saying why it wasn't, he... it kind of an ad hominem attack on what he thinks I promote or don't promote. The ad hominem attack notwithstanding, the good Gentleman did not answer the question. The fact of the matter is, it is an escapable. This is a mandate and the note applies. Vote 'no'."

Speaker Riley: "The Chair recognizes Representative Zalewski."

Zalewski: "The Sponsor yield?"

Speaker Riley: "He indicates he will."

Zalewski: "Representative, this Bill, as much as I love a good discussion of notes on a Tuesday afternoon, is the same as House Bill 4104, correct?"

Welch: "This is similar to Senate Bill 1229."

Zalewski: "1229."

Welch: "Yes."

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Zalewski: "Do you know if any note requests were filed on Senate Bill 1229?"

Welch: "You know, I don't know the answer to that right now. I thought they were."

Zalewski: "We had motions so there were. And we had Motions on all of those notes, didn't we?"

Welch: "Yes. And they were all ruled inapplicable."

Zalewski: "So we're really recreating the wheel here. There's no new ground being broken, is there?"

Welch: "Correct."

Zalewski: "Okay. Thank you, Chris."

Speaker Riley: "The Chair recognizes Representative Guzzardi."

Guzzardi: "Thank you, Mr. Speaker. A quick question of the Sponsor. Will the Sponsor yield?"

Speaker Riley: "He indicates he will."

Guzzardi: "Thank you. Representative Welch, just on the subject of the questioning from my colleague from Downers Grove, he mentioned the State Mandates Act. And I want to read from the definitions Section of the State Mandates Act, Section 3(b). State mandate means any state-initiated statutory or executive action that requires a local government to establish, expand... blah... blah... blah... Would you say that your Bill requires local governments to do anything, Representative Welch?"

Welch: "It does not."

Guzzardi: "Okay. Thank you. That's all I needed to know."

Speaker Riley: "The Chair recognizes Representative Thapedi."

Thapedi: "Speaker, I move the previous question."

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Speaker Riley: "Representative Welch moves that the state mandates note on House Bill 580 be declared inapplicable. Again, this is a record vote. All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, with 68 voting 'yea', 46 voting 'nay', 0 voting 'present', the state mandates note on House Bill 580 is hereby declared inapplicable. Mr. Clerk."

Clerk Hollman: "No further notes have been requested."

Speaker Riley: "Third Reading. Mr. Clerk, read the Bill for the third time."

Clerk Hollman: "House Bill 580, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Riley: "Representative Welch."

Welch: "Thank you, Mr. Speaker. House Bill 580, as amended, establishes an interest arbitration process to resolve collective bargaining impasses between the state and certain state employees. This arbitration mechanism, which is identical to the one used for public safety employees, applies to disputes over collective bargaining agreements, initially scheduled to expire between June 30, 2015 and June 30, 2019. People are commonly referring to this as the AFSCME no strike Bill. But I think it's very important to note that we're talking about several unions that currently do not have a contract with our state, including: SEIU Healthcare, the Illinois Nurses Association, the Laborers, and IFT. We're talking over 70 thousand employees that could be impacted by a strike or a lockout. And what we're asking by the passage

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of House Bill 580 is for this policy-making Body to say, let's keep State Government open, let's keep State Government moving efficiently, and let's keep the parties at the table ensuring a process to come into a fair contract. I ask the Body for approval of House Bill 580 as amended."

Speaker Riley: "The Chair recognizes Leader Durkin."

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

Speaker Riley: "He indicates he will."

Durkin: "Representative Welch, I got a bold prediction I'm going to make. I think you're going to get 60 votes today. Okay?"

Welch: "Thank... thank you, Leader. Can I get..."

Durkin: "All right."

Welch: "...a unanimous vote?"

Durkin: "No."

Welch: "We... we should."

Durkin: "No. Just preliminary question. I don't recall you were the Sponsor of the Bill back in September. What happened? Why are... why have you switched sponsorship?"

Welch: "Well, I wasn't the Sponsor before, but I... I wish I was, because I supported the Bill then, and I support it now."

Durkin: "All right. But the previous Sponsor performed. Not sure why, I'm just kind of curious why you switched. Why Mr. Smiddy has now ceded the Bill to you?"

Welch: "Well, it... it's a Bill that I wanted to sponsor. And I... I think it's very important from a policy standpoint that this issue be addressed."

Durkin: "Well, that's a good answer. Okay. All right. So..."

Welch: "Thank you."

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Durkin: "...Representative Welch, you and I have known each other for a long time, so we'll try to have a civil dis... accord... debate as we can, in the spirit of what the President of the United States preached last week. Bipartisan, cooperation..."

Welch: "Yes."

Durkin: "...civility. So I think we're going to have a, you know, a healthy debate today. I want to talk first and foremost about the... what I believe are the constitutional powers of this Governor, previous Governors, and future Governors. Article IV, Section 8: The Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws. My question to you, do you believe that the Governor of Illinois has the supreme executive power to negotiate and sign labor contracts on behalf of the citizens of Illinois?"

Welch: "Yes. And he still would after passage of this Bill."

Durkin: "Does your Bill, if you place this in the hand of a arbitrator for interest arbitration, doesn't it take it out of the hands of the Governor?"

Welch: "Well, it... you know, Leader, and I have the utmost respect for you, but let... let me explain why this is a good Bill that the Governor should be..."

Durkin: "Nevermind."

Welch: "...jumping up and down about."

Durkin: "The question was that it takes it out of the... this... this..."

Welch: "You asked me a question. I'm going to..."

Durkin: "...process takes it out of the hand of the Governor."

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Welch: "Absolutely not. Absolutely not. Because this Bill gives the Governor, I think, additional enhanced authority that he doesn't currently have. First of all, the... if this were to go to interest arbitration, there's three arbitrators: one appointed by the union, one appointed by the administration, and if they can't agree, a third would be appointed by the Labor Relations Board. You know who appoints the Labor Relations Board? The Governor. And the last I checked, the Governor has appointed the majority of that board. And in essence, he would end up with two arbitrators to one. The Governor should be embracing this. I don't understand it from a... a management attorney's perspective..."

Durkin: "This..."

Welch: "...why he isn't."

Durkin: "...this is such a great Bill. Why wasn't this placed upon Governor Quinn, who clearly had problems with Council 31 with his negotiation? Why was this Bill not used back then, and why didn't your Party..."

Welch: "Well..."

Durkin: "...pass the Bill back then?"

Welch: "...I think the answer to that question is... is Governor Quinn stayed at the table, and the current Governor, who told us he would stay at the table, has broken his promise and has not."

Durkin: "All right."

Welch: "He is seeking..."

Durkin: "Well, we'll get to that in a few minutes."

Welch: "...he is seeking impasse, and they're not negotiating."

Durkin: "Okay. Now getting back to the arbitrators, you have one that's picked by management and one is by labor. You have a

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third, if they can't reach an agreement, then the Labor Relations Board selects one. Now I asked the question last spring of the Representative from Rock Island, do you know how many arbitrators are in that pool that could be selected?"

Welch: "You know, I don't. No, but..."

Durkin: "Fifty-four."

Welch: "How many?"

Durkin: "Fifty-four."

Welch: "Fifty-four."

Durkin: "And of those 54, only 2 were appointed... or came at a time when... under Governor Rauner. Did you know that?"

Welch: "No."

Durkin: "Well, it's true."

Welch: "But what I do know..."

Durkin: "I'm..."

Welch: "...what I..."

Durkin: "...telling you right now."

Welch: "...what I do know..."

Durkin: "So 52 of them were kind... came from the past two adm... past two administrations. Governor Quinn, Governor Blagojevich, Democrat appointees, who, I think, have a difference of opinion on how these negotiations... they should go. So the point I'm making is that I think that what you're doing is that you're going to allow, and I think this is wrong, an opportunity for an individual to be selected from the Labor Relations Board that could, I mean, as far as I'm concerned, I believe it's... it... being from a pool of previous... from the previous admis... administrations, I think is not a wise way to move forward, in any event. I just need to know,

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again, what... just explain to me why you... you, I think you... you kind of danced around a little... not danced, excuse me, you mentioned it. Why are we changing the law? Why are we doing this right now, Chris? Why is it important that we do it at this moment?"

Welch: "You know, first, I think this is just good policy. And I think the fact that we collectively would be saying that we want to keep State Government open is very important. But I also want to say, to your last point, you know, I've used this process in my experience as an attorney. And what I have seen, and... and the data shows, is that management wins at interest arbitration more than the union. I think if you had looked at the data, it's about 43, 44 percent on management's side. So to leave the impression, Leader, that interest arbitration's going to be tilted toward the... the unions, because of Governor Rauner only appointing two people to the panel, I... I don't think that's fair. I think the facts demonstrate that interest arbitration is fair, and it's actually leaned a little bit more in favor of management."

Durkin: "Yeah. Maybe with the police and fire..."

Welch: "And this is a process that will..."

Durkin: "...pub... and you know... you know, public safety. There's some reasons behind it. One, they don't have the ability to... to strike. And that's why they're given a little extra... little more leniency within the Code. Now it's my impression is that we have this Bill, right now, before us because Council 31 doesn't like the fact that Governor Rauner is exercising his rights, and I emphasize 'his rights', under the tolling agreements that was entered into by both parties. And I have

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the tolling agreement right here, on September 9, 2015, which states, The parties may either mutually agree that an impasse exists, or if a dispute exists with respect to the existence of an impasse. The parties agree to submit the matter to the Labor Relations Board. This states that the... either one of the parties has that opportunity to go to the Labor Relations Board and seek a declaration of whether or not impasse exists. This is what both AFSCME and the Governor signed off on. What's the problem?"

Welch: "Well, I think the first problem is continuing to refer to this as the AFSCME Bill. Because I think that we're talking about a lot more people than AFSCME. Certainly their members are impacted, but so are the members of SEIU, so are the members of Laborers, so are the IFT members, and the Nurses Association. People all across this state are impacted by a failure to talk."

Durkin: "Well, none of them filed a slip in support of this in committee. The only one that filed their support in committee was AFSCME."

Welch: "I... I don't believe that's true, Leader."

Durkin: "All right. Now, I think it's not prudent that we move with this legislation. I think we need to let the parties live up to the obligations that they signed on in September, which states we're going to seek a... some... a declaration from the Labor Relations Board to determine whether or not an impasse exists. And we're talking about negotiations that have had 60 days... 67 days of meetings, 24 negotiating sessions, and approximately 300 proposals. Now, at what point does this have to come to an end? I think the administration

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has shown enough, these parties have been at it for quite a long time. And the fact is they're just not going to agree. That is what this tolling agreement's about. And that's what they negotiated for. Let me ask you, when... at what point do you believe there would be an impasse?"

Welch: "Well, I don't know. And I don't think we're there yet. And I think we owe it to the hardworking people that work... get up and go to work every day on behalf of this state, to put a process in place that will guarantee that talks will continue. To... to allow a situation where the Governor could just impose a contract on them that he knows is not fair..."

Durkin: "I... I disagree."

Welch: "...that's not fair to hardworking people that can barely make it as it is, I think we should step in and say here's a process, at least let's keep them at the table. Let's keep government open, Leader."

Durkin: "Does AFSCME believe that this document, the tolling agreement, is advisory? That there's nothing binding to it?"

Welch: "Well, I want to say, first of all, House Bill 580 does not conflict or interfere with the tolling agreements in place between the administration and the other unions that I've mentioned."

Durkin: "All right."

Welch: "In fact, existing tolling agreements already apply to many state employees who already have the right to interest arbitration. So you continue to refer to this tolling agreement, and House Bill 580 doesn't conflict with it, at all."

Durkin: "Sure it does."

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Welch: "No, it doesn't."

Durkin: "What it's going to do if it becomes law, it's going to... basically, it's going to preempt anything that the administration is seeking under an agreed-upon process with AFSCME back in September. So, I disagree with you, Representative. And as far as I'm concerned, and to me, this legislation says, never mind to the tolling agreement that was negotiated between both sides. But I... let me ask you this. I think there's a better way to going about this. Why don't we just change the Constitution? I just referred earlier to what the Governor's supreme executive power is. I think it's easier just to amend the Governor's power for circumstances like this. Your side of the aisle routinely puts constitutional questions on the ballot. And I'll help you write the... the language, too, Representative. Don't you think that's a better way going about it, as opposed to going through another slugfest here in the chamber?"

Welch: "I... I don't think we're impacting the Governor's constitutional authority. I think House Bill 580, all it does is keep the parties at the table."

Durkin: "I think it's a direct conflict with the Governor's authority and I disagree with you. It takes him out of, what I believe, is his inherent role to negotiate labor contracts, as every other Governor has, on behalf of the taxpayers of Illinois."

Welch: "This... this is a major concession from unions. To give the Governor this type of power, to give up a right to strike, that's a major concession. And it... and then, the Governor,

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only the Governor, has the right to reject the arbitration panel award, over and over and over again."

Durkin: "Has AFSCME voted on the Governor's contract?"

Welch: "I... I don't know what AFSCME's done."

Durkin: "Have they given up their right to strike? Have they voted on that?"

Welch: "I... I don't know what AFSCME's done, leader."

Durkin: "Okay. Now, recently there was an unfair labor practice filed by the administration."

Welch: "Correct."

Durkin: "Now, we're both lawyers. Now would you agree, that a ULP is similar to filing a complaint in the Circuit Court? Similar thing; we're seeking some type of determination from a third party on what is believed to be a wrong. Would you agree that a ULP is similar to a complaint in nature?"

Welch: "I... I would agree to that."

Durkin: "Thank you. Let's get back to last year... last year in September. We did, I think... as far as I'm concerned a similar Bill 1229, correct? That was the Bill we talked about earlier, changed the sponsorship. We did that last November, correct?"

Welch: "Yes."

Durkin: "What's the difference between 1229 and 580? Any difference at all?"

Welch: "It's very... it's a very small technical change."

Durkin: "Could you please explain to me the technical change 'cause we know words mean something in this process?"

Welch: "I..."

Durkin: "If you need some time, come back."

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Welch: "You know, the only difference between Senate Bill 1229 and House Bill 580 is a clarification of the expiration of the... of the law?"

Durkin: "Could you explain to me what was the... why was that necessary?"

Welch: "Well, we just wanted to make sure there was no confusion in the intent, and the language was cleaner and that's the only change in the Bill."

Durkin: "Okay."

Welch: "Substantively, it's the same Bill."

Durkin: "So, 1229 came about in the last minutes. Let's talk about before... override was last September, but 1229 first popped it's head up in waning days of the last General Assembly in the end of May, correct?"

Welch: "I... I'll take your word for that."

Durkin: "Thank you. And... let's be perfectly honest. 1229 came about because of AFSCME's dissatisfaction with negotiations with the Governor, correct? With the current... with the contract negotiations, correct?"

Welch: "You know, I... I know AFSCME's one of the unions involved. I've mentioned the other unions, and I know they all want to stay at the table. They say they still have room to move. They believe they're far from impasse. And I think the fact that they want to stay at table, that's a good thing."

Durkin: "All right. Well, I disagree. Now the unfair labor practice was filed on January 15 of this year. You first sought action on this Bill in committee last week on February 11, approximately three weeks from the filing of the ULP, correct?"

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Welch: "Yes."

Durkin: "Now you and I as lawyers, don't we both agree that upon a filing of the complaint, or in this case, a ULP, that certain rights vest with the parties. Wouldn't you agree as a matter of law?"

Welch: "Not necessarily, but I... I see where you're going."

Durkin: "Would you agree that, attorney to an attorney, that certain rights vest upon the filing of a complaint, or a process... a procedure we agree that a ULP is like filing a civil complaint? Don't we believe that certain rights vest upon that filing?"

Welch: "I... I don't agree that other avenues can't be sought after."

Durkin: "All right. Well, we... we'll explore a little bit more of that."

Welch: "Okay."

Durkin: "All right. We talked initially about interest arbitration. Refresh my memory again about what, in this particular case, interest... interest arbitration is going to do to these negotiations."

Welch: "I... I think interest arbitration is a fair process. You know, you... you will have independent, impartial people who will take proposals from both sides and vet them thoroughly. And one arbitrator's appointed by the Governor, one is appointed by the union. If they can't agree on a third, it goes to the Labor Relations Board which, I've mentioned to you, is appointed by the Governor. A majority of the current members have already been appointed by this Governor. So he would, in essence, get two of the three arbitrators."

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Durkin: "No."

Welch: "You know and..."

Durkin: "Fifty-two of the 54 are under the previous Governors, 52."

Welch: "...and they would render a decision that if he doesn't like, and only him, if the union doesn't like it, they're stuck."

Durkin: "All right."

Welch: "If he doesn't like it, he can keep rejecting."

Durkin: "All right."

Welch: "I think that's a major concern."

Durkin: "Well, let's agree that this process before the Labor Relations Board has already started. This administrative quasi-legal process has started, correct?"

Welch: "I know he's filed a charge at the Labor Board, yes."

Durkin: "Yes. Is this arbitrator... let's... let's be perfectly honest with each other. If we get to that point and if there is going to be one arbitrator selected by the Governor, one by Labor, they're never going to come to an agreement. So, what's going to happen is that you're going to... one person will be selected to make the decision, the person who will play God. They are only allowed to decide upon the last offer from each side, correct?"

Welch: "In... in my experience if the parties agree, they can work out a whole new deal."

Durkin: "Not under this Law. Not under the session that you're... I believe that you're... you're trying to amend, you're taking the police, and fire, and public safety, and putting this particular process into that section. That doesn't say it in the Law; I don't believe it does."

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Welch: "House Bill... House Bill 580 makes a similar process for all other state employees, that public safety employees already have. It's no different."

Durkin: "I dis..."

Welch: "If they... if they don't like what happens, they can still keep negotiating. They can keep talking and come to an agreement."

Durkin: "Look..."

Welch: "It works."

Durkin: "It doesn't work because what happened is that Council 31 has decided that what was going to work, which was an agreement on a tolling agreement on how they were going to move forward, they've decided to abandon it and to force legislation. Force legislation down the throats of taxpayers in Illinois. I don't think it's right. Is this arbitrator an elected official?"

Welch: "No."

Durkin: "The person, if they get to that point, which I believe if we, if this goes down this path, there won't be an agreement. See, that one person is making a decision on whether or not there's... which I still need an answer for. That sole arbitrator is picked from the panel."

Welch: "Is there a question?"

Durkin: "They have one of two proposals to pick from, correct?"

Welch: "They have proposals before them, on each issue, from both sides and they're going to methodically go through those proposals and reach agreement on what they believe the contract should be. The Governor, if he doesn't like it, and only the Governor, can reject that."

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Durkin: "Under this process though, this arbitrator, if we get to that point, does not have the authority to reconcile both proposals. That's my problem with this."

Welch: "If... if the parties agree that the... the panel can go through and reconcile proposals, they certainly have that power."

Durkin: "All right. Let's move on a little bit. Let's, lawyer to lawyer, this is a significant change in the law, correct?"

Welch: "It's a significant change in that it's a major concession that a union is giving up the right to strike."

Durkin: "This is not..."

Welch: "That is a major tool that they have at their disposal that they're walking away from."

Durkin: "And here's my response to... that's your point. What this legislation does is some... it's significant. And it goes back to my original comments. It takes the Governor out of in... his inherent role to negotiate on behalf of the people who elected him, the people of the State of the Illinois, the taxpayers of Illinois. So you'd... you would agree with me. This is not just a minor procedural change. This is a sub... substantive change in law, correct?"

Welch: "I think this keeps the Governor at the table where he said he would be until he broke his promise."

Durkin: "Under the... I think I'm going to go back to the tolling agreement. The Governor was given it and so was AFSCME, given the... both the right, to seek a declaration from the Labor Relations Board of whether or not impasse exists. He didn't break a promise. He's just exercising the rights of a document of... of an agreement that he agreed upon with AFSCME. So, but

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let's get back to it. This is a substantive change in the law. Taking the Governor out of his inherent role to negotiate contracts on behalf of the State of Illinois. This is not some procedural change, a little procedural change. This is a substantive change. Would you agree?"

Welch: "I... I think this enhances the Governor's powers."

Durkin: "Could you ask... could you please answer my question?"

Welch: "I did."

Durkin: "This is a substantive change in Law."

Welch: "It's a substantive change of the Law that enhances the Governor's powers."

Durkin: "All right. Let me ask you this. Representative, I know you file complaints. I do. Mr. Sandack, we all file complaints. We defend complaints. I... I don't know... you'll have plenty of time, Mr. Sandack. If... Let me just. If you filed the complaint in the Circuit Court, and you found out after the fact shortly afterwards that a law was changed that would have compromised your client's interest, and you knew that that legislation was specifically filed for that situation against you, how would you feel as a lawyer?"

Welch: "You... you're asking me to speculate."

Durkin: "No."

Welch: "That's never happened to me before so I'm not going to speculate."

Durkin: "How would you... I'll tell you what. I'd be mad as hell. I would be mad as hell because that's the type of stuff that we shouldn't be doing at all. It flies in the face of fair play. It flies in the face of due process. We've already got a proceeding that is already existing that was filed about a

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month ago on a process that started... on a process that you and I agreed is similar to filing a complaint in the court of law. And to change the rules of the game after the complaint was filed when we both agreed that rights vest upon the filing of the complaint, I don't think is right."

Welch: "Well, I don't think it's right that the Governor is seeking to impose his last best final offer upon state employees. I have those state employees in my district. I know they're in your district."

Durkin: "They're in everybody's district."

Welch: "The p... and they deserve a fair contract. And what we need to do is put them through a process that we know at least, they're going to get a fair shake at."

Durkin: "Well, why don't they go to the Labor Board and... determine... and... and they're going to say that there's no impasse. They have a right to do it. They have the every legal right under this tolling agreement to exercise, nothing's impaired. But again, there's an agreement in place, in which, I think we have to be... I have to... we can't disregard."

Welch: "Leader, I think it's important to keep, 'cause you keep saying it, House Bill 580 does not conflict or interfere with the tolling agreements and..."

Durkin: "I disagree."

Welch: "...and I think that's an incorrect statement."

Durkin: "It... just... this is just the opposite; it preempts it. Absolutely preempts it 100 percent. And let me ask you this. Let's go back to this tolling agreement, signed by both parties. Would you agree... it's... it is a contract?"

Welch: "I think..."

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Durkin: "This agreement is a kin to a contract, correct?"

Welch: "The tolling agreement is a... an agreement between the parties, yes."

Durkin: "Yes, thank you. It's... a contract is a voluntary arrangement between two or more parties that is enforceable law as a binding legal agreement. This is a contract. Give me one second. So what you are doing with this legislation... let's be... be perfectly honest with each other... that you want to have this legislation retroactively apply to a process, a legal proceeding, which we both agreed upon on the floor, between... loc... Council 31 and the Labor Relations Board and the administration. So, you want to have this legislation retroactively apply to the process of the negotiations between the parties, correct? Correct?"

Welch: "The Bill has to pass this chamber, go to the Senate and the Governor do whatever he's gonna do to it, maybe comes back here or doesn't. It still has to become law and then it would be... per... so that's perspective. The..."

Durkin: "No, retroactively because we already have a process in place, which is going to... which this legislation preempts the tolling agreement."

Welch: "It's not law yet, Leader."

Durkin: "It is... The longer it goes out, the worse it gets for making an argument on whether or not this is an ex post facto law. Do you believe that it is fair to change the rules of the game, midstream?"

Welch: "I think we have legislation before us that we are, whether you agree or disagree, properly vetting and debating here today. And I just believe from a policy standpoint that we

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should lead by example and say it is good policy to keep State Government open. Do I think it's fair that one side would like to as he say, shut things down like Ronald Reagan did? That maybe we have to do that? This isn't a game; this is people's lives. We shouldn't shut gov... government down. Someone needs to stand up to this Governor and I'm doing it today by putting forth good policy."

Durkin: "Well, thank you. But I also believe that there's something called a contract where parties have to live up to the obligations of what they sign and what they agree to."

Welch: "And... There is nothing in... there is nothing in this Bill..."

Durkin: "And what this Governor has done nothing other than say we need to determine, I want somebody else to determine whether it's an impasse after 300 proposals have gone back and forth, there's been 60 meetings, 27 negotiating sessions, at some point there's got to be an end to this. So I will just say this. I believe firmly that this legislation would have a retroactive implication upon this process and also what's going on at the Labor Relations Board, ex post facto violation. Whether it's our Federal Constitution or State Constitution it says the same. This goes back years and years and years, decades, centuries ago of how our Founding Fathers have said this is bad process. And let me start with Thomas Jefferson, we all kind of think he was a good guy, the sentiment that ex post facto laws... ex post facto laws are against natural right is so strong in the U.S. that few if any state Constitution have failed to prescribe them. The Federal Constitution interdicts them in criminal cases, but they are equally unjust in civil cases, which we have right

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now with the process before the Labor Relations Board. Let me also talk a little bit about what our Supreme... U.S. Supreme Court has said about passing legislation which is clearly intended to have a retroactive implication or effect. And this is the United States Supreme Court who in 2012 in an immigration case called *Vardelis V. Holder* which upheld longstanding U.S. Supreme Court policy in case law. Here's what they say in the majority opinion, the presumption against retroactive legislation embodies a legal doctrine centuries older than our republic. Several provisions of the Constitution, the court noted, 'embraced the doctrine among them the ex post facto clause, the contract laws of the Fifth Amendment. Here's what our Illinois Supreme Court also said, in *Alegis V. Novack*, No new law shall be construed to repeal a former law or any right accrued or claim arising before the new law takes effect. Save only the proceedings thereafter shall conform so far as practical through the laws enforced at the time of such proceedings. The proceedings which was... were filed in January when the unfair labor practice was filed, a civil legal proceeding. We talk about contracts, there's a thing called the contract clause also, it's also in our Constitution; it's in the State Constitution, it's in the Federal Constitution. Section 16, No ex post facto law or any law impairing the obligation of contracts or making of an irrevocable grant of special privileges or immunities shall be passed. We have a tolling agreement that was negotiated in good faith because it was signed by both the administration and also Council 31. It stated that we have a process in place for one party to determine whether or not impasse should be...

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of whether or not impasse exists. This legislation directly conflicts with that contract, completely in violation of the contracts clause that we have in under our Illinois Constitution but also unfairly and unconstitutionally retroactively applies as an ex post facto law to this process which started back in January. So, here we are again, Ladies and Gentlemen, we went through this process last... last September, last... last March, last May, clearly the intent of this I will suggest... I don't suggest strongly... it's about politics not policy. Relieving at the end of the day under this Bill the rights of an unelected arbitrator to decide whether or not the State of Illinois taxpayers should be imposed upon with an additional \$3 billion, possibly, spread over three years of spending on a labor contract. And that's a person who's never been elected to office, when we do have a person who's elected of office who is the Governor of the State of Illinois. I know some of you have strong feelings about it, but the fact is he has authority under our Constitution and I believe wholeheartedly that he has the inherent right... the inherent right to negotiate on behalf Illinoisans and taxpayers, everyone in this state, a contract of this nature. And I think to... to cut his legs off at this stage after a legal proceeding has already started it's not what this state and this country is about. And I would request a 'no' vote."

Speaker Lang: "Representative Lang in the Chair. The Chair recognizes Representative Sandack."

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

Speaker Lang: "Sponsor yields."

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Sandack: "So, Representative, let's take a step back here and let's talk about the here and now. As you and I stand here debating your Bill, State Government, albeit many will argue has some impairments and some challenges that are special and unique to our existing times, government's running, correct?"

Welch: "Yes. Yes."

Sandack: "And state employees whether covered by the AFSCME contract, another collective bargaining unit, or not covered by a collective bargaining unit, they're working and being paid, correct?"

Welch: "Correct."

Sandack: "And there has been no strike by AFSCME or the other unions that are collectively negotiating or were collectively negotiating with the Governor. Isn't that correct?"

Welch: "That is correct."

Sandack: "And so, too, the Governor has not locked out anyone including, but not limited to, AFSCME members and the other unions negotiating or maybe not negotiating with the Governor. There's been no lock out, isn't that correct?"

Welch: "That's correct."

Sandack: "All right. Well, I want to make sure we have the record of proceedings and the status quo agreed upon and we do because there was some invective language by yourself with respect to where we are. Yeah, you gave Leader Durkin a little bit about you're standing up to this Governor, and you know I... I appreciate that. That's some interesting context. But as you and I stand here, there's no shutdown of government, correct?"

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Welch: "There's no shutdown of government, Representative Sandack, but the Governor in his filing before the Labor Relations Board.."

Sandack: "Well, I'll get to that; I think that's fair."

Welch: "Okay."

Sandack: "But there's no shutdown is there?"

Welch: "He... he's trying to force it."

Sandack: "Well, let's... let's talk about that."

Welch: "And you and I both know that."

Sandack: "Well, let's... It's a fair point. You're getting a little ahead of me. You're... you're a good attorney who's not being a good witness right now. So here's the thing, Representative, there was a tolling agreement. In fact, I believe there were three, is that correct?"

Welch: "I... I know of at least one."

Sandack: "Okay."

Welch: "And there's nothing about House Bill 580 that conflicts with the tolling agreement."

Sandack: "You're not going to let me ask the questions and I'd appreciate if you would simply answer what I ask. And I will get there, 'cause I... I'm going to be very brief. So there is at least one tolling agreement, isn't that correct?"

Welch: "Correct."

Sandack: "I would suggest there was many... there... there were more, but irrespective. There was a signed agreement with respect to the process, which in no small part held no lock out, no strike, we're going to take talking. Isn't that right?"

Welch: "That is correct."

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Sandack: "Okay. How many times did the parties meet? Do you know, Representative?"

Welch: "I don't know."

Sandack: "Well, if I told you it was a lot, like 60 times, would that surprise you?"

Welch: "It... it would not."

Sandack: "Okay."

Welch: "I think they should meet more."

Sandack: "That's fair. But you're not the Governor and neither am I, but that's fair. You have an opinion that there should be more meetings; that's not unfair. However, the tolling agreement, which you may have in front of you says, the parties can agree that they're at impasse, or either party can ask for determination of impasse. That was the basis of the bargain in the last tolling agreement or the only tolling agreement. Isn't that correct, Sir?"

Welch: "That is correct."

Sandack: "So the agreed upon process, which you think should continue forward, fair, but that's Representative Welch substituting his perspective into an analysis that frankly, Sir, you and I aren't part of. The tolling agreement was between AFSCME and the other unions, and the Governor's Office. Isn't that correct?"

Welch: "Yes."

Sandack: "So, your..."

Welch: "But... but House Bill 580 does not conflict with the tolling agreement."

Sandack: "Well, I'll get to that, because it... it obviously does. It supersedes it and preempts it is my suggestion."

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Welch: "No, not at all."

Sandack: "So the agreement that the parties had said either party could go and seek a determination from the labor board, that an impasse has occurred. Isn't that what the agreement says?"

Welch: "That's what the tolling agreement says."

Sandack: "I need you to speak up."

Welch: "That is what the tolling agreement says."

Sandack: "Thank you, Sir. And the Governor has done just that, isn't that correct?"

Welch: "The Governor has gone to the Labor Relations Board seeking impasse but also imposition of his last, best, final offer."

Sandack: "Hold on. Let's not get ahead of ourselves again. So as you and I stand here, as you and I stand here, the Governor has taken from the agreement signed by AFSCME and others to a procedure saying, I believe there's an impasse. I'd like you to say yes or no. That's the extent of the inquiry right now. Isn't that correct?"

Welch: "Yes."

Sandack: "So if the board disagrees with the Governor and says they take a Welchian-like approach and say, I believe more should occur. That would be the ruling and they'd have to go and negotiate some more. Isn't that correct?"

Welch: "That's correct. That's correct."

Sandack: "Okay. So, notwithstanding the process agreed upon by the parties, you have filed your Bill, and I do say it preempts because and it is retroactive, I commend for your reading your Bill, Sir. If it was, if it becomes law whether by Governor's signature or by override, it has not only a perspective three year reach, it has a retrospective reach

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with respect to the proceedings now being engaged in, whether or you like them or not, but they would apply to AFSCME and the other unions. Isn't that correct?"

Welch: "I... I don't agree that it has retroactivity, no."

Sandack: "Well, then let's not do it. Let's put... let's put your Bill aside. Let's get fiscal impact. Let's get a pension impact. Let's slow it down, and let the proceeding that the parties agreed to, go forward. There's no need for your Bill then, Sir."

Welch: "I... I think there's very much a need. And..."

Sandack: "But why? It doesn't apply to the current negotiations."

Welch: "...what... what we're... what we're saying as a policymaking Body is, is that we want to make sure State Government stays open. We want to make sure there's no shutdown..."

Sandack: "But time out, Chris."

Welch: "...and if this Bill becomes law, it would apply to..."

Sandack: "To what?"

Welch: "...continuing agreements that are in place, including your tolling agreement."

Sandack: "I'm sorry? Including..."

Welch: "It would apply to continuing agreements that are in place."

Sandack: "So, okay. So I... I hate to be..."

Welch: "Continuing unresolved issues."

Sandack: "So, it would apply to the AFSCME unresolved situation assuming it was unresolved. Yes or no?"

Welch: "Going... going forward."

Sandack: "Chris, I need you to ans... what I answer, ask what I... what I ask you. Is it your contemplation, as a Sponsor of

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this legislation, that if there is no signed agreement between the Governor's Office and AFSCME, and if your Bill became law, that it would apply to the current situation?"

Welch: "Yes."

Sandack: "So it is retrospective, Sir?"

Welch: "That's your perspective."

Sandack: "Okay. It is mine. Let's talk about contract impairment. So you say, and I think you said it to me twice, and to Leader Durkin, that the tolling agreement isn't preempted if your Bill becomes law. Explain to me how that works."

Welch: "Well, let... let me be clear about something, on the record. This Bill, House Bill 580, does not conflict or interfere with the tolling agreements in place between the administration and the other unions. In fact, existing tolling agreements already apply to many state employees who already have the right to interest arbitration. The tolling agreements deal with how the parties will proceed up until the point which impasse occurs. Once impasse is reached the tolling agreement ceases and it... ceases to exist."

Sandack: "So, explain to me... so... how it works from a practical standpoint. I... I read... I've heard you read that statement, so let's make it apply, hypothetically, to the... to the situation that I think you'd want to have happen. So your Bill becomes law, one way or another. AFSCME and the Governor have not reached an agre... a contract. How does your Bill... how does your law, then work?"

Welch: "My law would keep them at the table through the interest arbitration process."

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Sandack: "And how does that not affect the tolling agreement, which says any party, once they think there's impasse, can get an adjudication of that, and then if they're presumed correct, proceed accordingly under existing law. How does that not impair that existing law and contract?"

Welch: "If... if there is impasse, there's no contract. If there's impasse, there's no tolling agreement."

Sandack: "So, what... wait a minute. Hold on. Go back. If there's no impasse, say again?"

Welch: "If there is impasse..."

Sandack: "The parties continue to negotiate."

Welch: "...if there is impasse declared..."

Sandack: "Right."

Welch: "...there's no contract. There's also no tolling agreement."

Sandack: "Correct. But the relationship with the... but there is existing law, Chris. Counselor, there is existing law that fills the void of what goes on next. We don't live in the abstract. We live in the concrete world. We know that if there is an impasse declared, there is no contract, there are rights the parties have under existing law. Correct? Your fifth... Bill 580 would impair existing law, and retroactively apply a new set of rules to the existing situation. That's the bottom line."

Welch: "I... I think this Body changes existing law all the time. And I think that the change..."

Sandack: "Well not an existing contract..."

Welch: "...the change to existing law that's being proposed here today is good policy that would keep government open..."

Sandack: "Good policy. So..."

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Welch: "...and keep the parties at the table."

Sandack: "Well, I... I, look it, Representative, you and I can have an agreement that we think the parties should still be at the table, but we weren't elected to be the Chief Executive Officer of the State of Illinois. I think because you said it two or three times, your legislation seeks to impart your worldview and substitute your judgement for that of the Executive. And I can agree with you that you disagree with them, but I can't agree with you with changing the rules midstream, actually, fourth quarter, 11th hour. You name the analogy; it's really late. And you want to make an impactful change to the procedures and the substance of this dispute. Isn't that correct?"

Welch: "You know, you... you keep talking about the Chief Executive, but we've never had a Chief Executive like this one, who openly states, like he did at the Cumberland County Lincoln Day event, that he wants to take a strike and shut down government for weeks and redo everybody's contract. That's a possibility. This Governor said, I will do it proudly because it is the right thing to do. Then he says at the Tazewell County Lincoln Day Dinner that, I apologize, we may have to go through some rough times. We may have to do what Ronald Reagan did with air traffic controllers, sort of have to do a do... a do-over and shut things down for a little while. This Governor... this Chief Executive wants to shut this state down. Do you think that's the right thing to do?"

Sandack: "Well, I'll ask the questions."

Welch: "Absolutely not."

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Sandack: "I'll ask the questions, Representative, and I think the record belies your point. I think the record of 60 meetings, I think the record of 3 tolling agreements, I think the record of attempted negotiation and using the procedure, pursuant to the contract each party signed, is fair. You may not think it's fair, but then again, no one elected you Governor. Let's talk about your experience. You said, as an attorney, interest arbitration has worked. Let's be clear, Representative. When you were involved, you were involved as an advocate for one side or the other, isn't that correct?"

Welch: "Correct."

Sandack: "Sorry?"

Welch: "Yes."

Sandack: "You were a school board president. Did you ever seek to change the rules of engagement with your teachers and the teacher's union and say, you know what, ladies and gentlemen, we're going to change the rules right now. We can't get an agreement, but we're going to go to interest arbitration. You can't strike. You can't strike. Did you ever do that as school board president?"

Welch: "No, and I never said I wanted..."

Sandack: "No, you didn't."

Welch: "...to shut the school down either."

Sandack: "And why... and why is it, Sir..."

Welch: "I stayed at the table."

Sandack: "...that your Bill only goes for three years. If you believe that this is good policy, if you believe that the... in the propriety of this procedure, let it go ad infinitum. Why three years?"

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Welch: "We have sunsets in Bills all the time, Representative."

Sandack: "Why three years?"

Welch: "We have sunsets. We can see if this works. If it doesn't work, then we can address it again. We... we use sunset provisions in Bills all the time."

Sandack: "To the Bill, Mr. Speaker. Ladies and Gentlemen, I respect the Gentleman very much. He is a thoughtful, articulate, really smart guy, but there's no chance he believes in the propriety, in the legitimacy of changing midstream the rules of engagement, because he didn't do it when he was the Chief Executive, school board chairman. He never said, you know what, let's go to interest arbitration now. Mr. Welch seeks to substitute his judgement for that of the Chief Executive of Illinois, because he thinks, in his objective... right, come on, he's subjective, position, that it's not fair where things are right now. It's not fair. Well, taxpayers may disagree with Representative Welch. Taxpayers elected Governor Rauner to be the voice at the chair at the table for negotiations. The idea of trying to switch the arrangement now, for three years only, is disingenuous. This is the most cynical piece of legislation I have seen in my tenure in the General Assembly. Vote 'no'."

Speaker Lang: "Ladies and Gentlemen, there are still five speakers who wish to speak on this Bill. The Chair would ask for restraint, if possible. The Chair recognizes Mr. Kay."

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

Speaker Lang: "The Sponsor yields."

Kay: "So Chris, I would admittedly tell you that I'm not a trial lawyer, so you're in good shape today. I'm... I'm at a

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disadvantage, so I will just try and answer some real simple questions to you about your Bill. Does your Bill have a title?"

Welch: "Does it have a title?"

Kay: "Yeah."

Welch: "House Bill 580."

Kay: "Well, it sort of looks like the Open Day on Governors Act, the way it appears. The Open Day on Governors Act, but maybe not. I'm curious about all the questions that have been asked today, and some of the half-answers, or no-answers. And I don't... I don't necessarily blame you, I'm just curious. Because I'm hoping this is not a Bill we have to pass to then understand, and that seems where we are today. Do you agree or disagree with that?"

Welch: "I... I think I missed the question. What's the question?"

Kay: "Well, I guess we have to pass the Bill, and then we'll really know what it's about, we'll finally understand what the implications are because we haven't got too many clear-cut answers today."

Welch: "I... I think this Bill has been thoroughly vetted before, when it was Senate Bill 1229. I think we came before the committee and you asked questions last week, and we would have answered more if you had more. I'm here today to answer your questions to the best of my ability."

Kay: "Okay. Well, let me... let me begin..."

Welch: "You know, you may not like my answer..."

Kay: "Yeah. No, I'm..."

Welch: "...but we're here... we're here debating the Bill."

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Kay: "Your answers were fine. I don't know that we... we came to any conclusion in committee, and we probably won't today, but let me talk about interest arbitration a minute. By the way, I disagree with your... your numbers when it comes to hit and misses, and who does well and who doesn't. Maybe school boards do that well, but I'll tell you, in business, that just doesn't happen. That number doesn't exist."

Welch: "I'm not making them... the stats up, Representative."

Kay: "Okay. Well,..."

Welch: "Forty..."

Kay: "...I heard you made some comment..."

Welch: "...43 percent of the time management has won in interest arbitration."

Kay: "Well, that must be in Indiana."

Welch: "No, that's in Illinois."

Kay: "Let me... let me ask you this question about your Bill. Will the interest arbitrator, as you understand the concept, take an oath to uphold the Constitution of the United States, and take a separate oath that he will uphold and faithfully execute his duties?"

Welch: "Interest arbitrators are not elected officials."

Kay: "Precisely. And therefore, he would not take the oath of office. Is that not correct?"

Welch: "Well, most..."

Kay: "And who is an interest arbitrator responsible to, Chris?"

Welch: "Well, let me... let me say this, most of the arbitrator... arbitrators that I've gone before are lawyers."

Kay: "I can't hear you, I'm sorry."

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Welch: "Mr... Mr. Speaker, can we ask for quiet in the chamber? Most of the arbitrators that I've gone before have been lawyers. Lawyers of the court, sworn to take an oath when they were sworn in to the bar of this state. And to assume that these folks will not uphold their oath that they took when they became attorneys-at-law, is not right."

Kay: "Yeah. But they don't... they're..."

Welch: "The data shows the process works."

Kay: "Okay."

Welch: "It's fair and methodical."

Kay: "Sure. Okay. But you... you did answer my question..."

Welch: "I think I have."

Kay: "...that they don't take... they don't take an oath of office; they're not elected officials. So that brings me to my next question. What if both sides don't approve of what an interest arbitrator is doing? What's the remedy?"

Welch: "Well, both sides don't have the option in this case, only the Governor."

Kay: "Well, what if... well..."

Welch: "The unions would be stuck from whatever they decide."

Kay: "What's... what's the remedy? What's the remedy?"

Welch: "They also... but they do have judicial review. They can go into a court of law..."

Kay: "Well, that would be... would that be in Federal Court?"

Welch: "Circuit Court, state court."

Kay: "Okay. All right. See, I... I'm... you're... you're helping me out a little bit here today. So, a commission. Will the arbitrators be paid a commission?"

Welch: "I don't know the answer to that."

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Kay: "Well, how would they be compensated?"

Welch: "I know in my experience arbitrators submit an invoice, hourly..."

Kay: "Chris, I'm sorry, I can't hear you, I really, I apologize."

Welch: "You asked if they receive a commission..."

Kay: "Yes."

Welch: "...which to me implies a certain..."

Speaker Lang: "I'm going to ask both Gentlemen to suspend for a moment. Ladies and Gentlemen, we've been debating this Bill and various Motions for quite a while. It's an important piece of legislation, and whatever length of time it takes, it takes. But it'll take a lot longer if we don't have the chamber quiet. So there's no reason Members who are speaking to each other, and to staff, cannot remove their conversations to the rear of the room or outside of the chamber, because we have to finish this debate. Thank you very much."

Kay: "Thank you, Speaker. I'm not sure I know where I was, but I think we were talking about compensation... compensation for an interest arbitrator."

Welch: "In... in my experience the arbitrators would submit an invoice with their hourly rate that both sides would be responsible for paying, 50 percent each."

Kay: "Okay. What vested responsibility, and I say vested responsibility, would an interest arbitrator have?"

Welch: "Other than to be fair and impartial?"

Kay: "Well, I... I would assume, let... let's just assume that to be a given. What vested responsibility? Where does that person get his authority?"

Welch: "Statute."

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Kay: "Doesn't get it from the General Assembly, does it?"

Welch: "It's in statute. There's an interest arbitration statute, Sir."

Kay: "Does that apply both to public and private entities?"

Welch: "We're talking about public, a public employee process."

Kay: "Yeah. Are you familiar, Representative, with the Supreme Court... Supreme Court case *the Department of Transportation versus the American Railroad Association*?"

Welch: "I am not."

Kay: "Handed down in March of 2015."

Welch: "I am not."

Kay: "Basically said that there's a thing called constitutional avoidance and that you can't do that, but you can't cut a Constitutional Officer out of their job. Are you aware of that?"

Welch: "I'm not aware of the case, Sir, but..."

Kay: "Well..."

Welch: "...I can tell you, Representative, that we're not doing that with House Bill 580."

Kay: "Well, sure you are."

Welch: "No, we're not."

Kay: "That's exactly what you're doing. You're trying to take a Governor down and the U.S. Supreme Court says you can't do it. And matter of fact, not only are trying to avoid the Governor, you're trying to do it in a rather obnoxious way. Because the Governor is vested with certain powers, just as we are, just as the Supreme Court is. So let me walk through this, just a moment with you. I know you're not familiar with it, but the principle of accountability that the court talked

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about in this particular case. How does that apply? How does the principle of accountability apply to an interest arbitrator?"

Welch: "You're asking me to comment on a case that I haven't seen, read or..."

Kay: "Well, I... I'm..."

Welch: "...know anything about?"

Kay: "...I'm just asking. If you don't answer, I understand."

Welch: "You know, I... I think, arbitrators are... are accountable to the oath that they swore to take when they became attorneys. They're accountable to the Labor Relations Board. They're accountable to uphold the law."

Kay: "But they're just ordinary citizens. Isn't that correct?"

Welch: "Just like you and I."

Kay: "They're just... Yeah... they're just ordinary citizens. That's my point, Representative."

Welch: "That... that have a responsibility to follow the law."

Kay: "Are you familiar with the oath and commissions clause?"

Welch: "No."

Kay: "Okay. That also says that you can't make a Constitutional Officer irrelevant when he is defined by the Constitution to do certain things. It says you can't do it. Are you familiar with that?"

Welch: "I'm not familiar with that and I... I disagree with you continuing to refer to us..."

Kay: "Well, you can disagree with the Supreme Court."

Welch: "...stripping the Governor. I think we're enhancing the Governor's powers under this Bill."

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Kay: "Sir, you can disagree with the Supreme Court. You don't need to disagree with me. Isn't it true, that by your Bill, that you are trying to lay a penalty on the Executive Department because you personally don't like the way they've negotiated?"

Welch: "First of all, there's nothing personal about this Bill. Do I believe in this Bill? Am I passionate about protecting our hardworking state employees? Absolutely. Do I believe as a policymaker we shall allow government to be shut down? No, we should not allow government to be shut down."

Kay: "Well, we're not shutting down."

Welch: "You shouldn't allow government to be shut down..."

Kay: "I don't... I'm not shutting it..."

Welch: "You should represent those state employees in your district just like I'm doing."

Kay: "Well, you know I do and..."

Welch: "We have a responsibility to those people."

Kay: "Yeah. I... I get the passion, Representative. But let... let's just stick with the questions here because, so far, there's a very, very pivotal case here that you're not aware of and bringing this Bill, I thought you would be. So, let's just... let's get rid of the hyperbole and all of the good stuff that goes with it. Let's just stick with facts here. Isn't it true... isn't it true that one of the things that this Supreme Court says was that you can't penalize the Chief Executive for doing his job by trying to carve out a piece of his job? Isn't that true?"

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Welch: "You're asking me to comment about a case that I'm not aware of. You said that you're not a lawyer. We're not going to talk about a case that doesn't apply here."

Kay: "Well, it does apply here."

Welch: "But this Bill actually..."

Kay: "This is right on point..."

Welch: "...enhances the Governor."

Kay: "...this is right on point."

Welch: "No. It sounds like it's not on point."

Kay: "Well, if you haven't read it, you wouldn't know I guess. Let me ask you something else. Does the Constitution say anything about binding arbitration? Does our Constitution here say anything about binding arbitration?"

Welch: "Not that I'm aware of."

Kay: "Not that I'm aware of either, not... not one thing. Matter of fact, it doesn't say one thing in respect to what the Governor does, that he has to have binding arbitration, doesn't even suggest it. Doesn't even suggest it. Are you familiar with the term private non-delegation, the private non-delegation doctrine?"

Welch: "No."

Kay: "You're not. Well, that's essentially saying that you can't delegate a responsibility that belongs to somebody duly elected to a position by passing legislation that carves that constitutional responsibility out. Are you aware of that?"

Welch: "I... I don't think we're doing that here, Representative and what we're saying is that the Governor should stay at the table to do his job."

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Kay: "Well, I don't think the Governor's, you know, I think he would be happy to stay at the table; that's not the issue. But let me keep running through here, we have a bit more to get through. Let me ask you this. Isn't it true that your Bill is an attempt at compromise force... a compromise forcing mechanism to bring the Governor to a position that you believe is agreeable to all parties?"

Welch: "No."

Kay: "It's not a mechanism?"

Welch: "I believe it's a mechanism, a process, that will allow fair and impartial arbitrators to come to a contract that I think we all will agree is fair."

Kay: "Chris, I... I couldn't agree with you more. Well, I'm trying to... to bring to you and I'm going to close out here real quick, 'cause I know you don't know the case, and it's... it's kind of silly to go through this thing that you are not familiar with, but essentially this case basically says what you're doing here today doesn't cut legal muster. And this has been upheld. So, I, you know, I... I think you're headed off in the wrong direction, but let me just say this. This is a compromise forcing mechanism, and that's not the way I think we should be operating. In short, if we were to have one to one... one man to one man conversation, it would seem to me that we would be one man short here. And that would be those people who don't want to negotiate further. They don't like the terms; they don't like the... terms plus maybe some work restrictions. And so, they have decided that this isn't something they can do, but that's why you keep negotiating. That's why you keep negotiating. There are check points in

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the Constitution and you just mentioned before that one of them in ours is not interest arbitration, that's what this case says also. So we're trying to inhibit the Governor from doing his job by something that really is not permissible, at least that's what the U.S. Supreme Court says, and so that in my view makes it a bad policy judgment. Not necessarily yours, because I know you're carrying the Bill for somebody else, but a bad policy judgement. I might tell you, just to quote from the case, that the Justices said, 'There's not even a fig leaf of constitutional justification,' for trying to substitute interest arbitration where a citizen like you and I takes over the responsibility of spending taxpayer dollars, taking money from people who can't afford it, the taxpayer body, to, in some way, promote their contract. So what we're trying to do here, again, is we're trying to withdraw the Governor from the mix so that he can't... can't have a word in it anymore so that we can get this contract done. And this, this Supreme Court case says, can't do it. In fact, as I said before, they quote, 'It's the most obnoxious form of government.' I'm going to close by saying this. Private dispute resolution has a place, but it doesn't have a place in a... a system that has a Judiciary, a Legislature and a Governor. We all have separate purposes and when we start incringing... infringing on those purposes, then we're asking for something other than a democracy. And I think that's just where you're headed, and I hate to see that because it's simply not right. Lastly, I would say this, that the whole concept here... the whole concept here that we can't get this done is simply, I think, a figment of someone's imagination

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who says that arbitration is better than negotiation. Negotiation is 250, 280 years old in this country and has worked just fine until people don't get their way. But I'm telling you this, Chris, what you're doing is unconstitutional for many different reasons, you need to read the case. I'm not going to vote for your Bill, obviously, and I would recommend that the rest of the Body do likewise. Thank you, Mr. Speaker."

Speaker Lang: "Representative Cassidy."

Cassidy: "Thank you, Mr. Speaker. To the Bill. We've spoken a lot about the... the main focus of this Bill being the... the negotiations with AFSCME, but I... the Sponsor has made it... made it clear that other unions are also affected. But I want to draw folks attention to the... the folks that are deeply affected by, for example, the SEIU contract. We are talking about the people who provide child care and community care for some of the most vulnerable people that we serve. The positions at the bargaining table with this... with this union have been that these folks who already make a very low wage, a barely livable wage to begin with, the position of the administration has been that they should give up health care coverage, accept a wage freeze, and eliminate paid training. Now, we're asking elimination of training for the people who are taking care of vulnerable eld... elderly and disabled people. House Bill 580 ensures stability for the populations that cannot afford the kind of instability that a strike or a lockout would bring about. It's quite one thing for an executive, for a bank executive, for example, to miss a check. It's quite another for a poor senior to miss a meal or a

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change of bedding, and that's what we're talking about here. We're talking about bringing some stabil... stability to our bargaining process, keeping people working, keeping our state working. And I urge an 'aye' vote."

Speaker Lang: "Mr. Bradley."

Bradley: "Will the Sponsor yield?"

Speaker Lang: "Sponsor yields."

Bradley: "Let me get this straight. This is a huge concession by organized labor and an olive branch, correct?"

Welch: "Yes."

Bradley: "You didn't pull this out of the air? This is a tried and true method of settling labor disputes and essential services currently being utilized in the public safety sector, correct?"

Welch: "Yes."

Bradley: "Can you think of any reason why someone would be against this Bill as a huge concession and as an olive branch by working men and women throughout the State of Illinois in order to keep the State of Illinois open?"

Welch: "No, I cannot. I am surprised that the Governor isn't embracing this Bill."

Bradley: "Mr. Speaker, I stand in strong support of this Bill. I stand in strong support of the speaker's efforts. I stand in strong support of the concessions and the attempts by organized labor and working men and women to resolve the issues of this state in a tried and true method, in a not hostile but amicably anticipated method. And Mr. Speaker, I would encourage, I would strongly recommend, and I would say vote 'yes'."

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Speaker Lang: "So, we still have four speakers. Representative Ives."

Ives: "Mr. Speaker, to the Bill. I have a novel idea; why doesn't AFSCME simply submit the Governor's proposer... proposal to its membership and have them vote on it? Why don't they do that? If they don't ratify it, then it's back to the drawing board. If they ratify it like 17 other unions have already done with over 80 percent ratification in many cases, then we've got a contract and we've settled this dispute. Why not do that? I think it's because the AFSCME leadership is afraid their membership is smarter, more nuanced and less political than they are. I think they don't want a deal. I think they would rather or prefer to keep their union membership in the dark as to what is really going on. So I'm not going to talk about this interest arbitration deal; I'm going to talk to the union membership. This is what happens when your contracts are out of sorts, when we can't afford it, you get laid off. You get laid off. That's what happens when you can't have a reasonable contract that the taxpayers can afford. This is exactly what happened to municipalities in 2009 at the... after the 2008 con... crash. Municipalities who could not afford the contracts laid off staff. And AFSCME is not listening to its union membership, but they can. They can submit Governor Rauner's proposal to their membership and have them vote on it, up or down, yes or no. You keep deciding for them rather than letting them decide for themselves. You think you're smarter than them and they're citizens of the State of Illinois, they understand taxes, they understand what they're getting, they understand the pensions that they're receiving, they

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understand job security and that's what they want. Perhaps they also are interested in other provisions, oh, like merit pay or maybe moving up based on your abilities and not how long you've been there. Maybe they like the... those provisions in the contract too; regardless, I say, AFSCME, the ball's in your court. You submit it to your membership and give them an up or down vote. Thank you."

Speaker Lang: "Mr. Dunkin."

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

Speaker Lang: "Sponsor yields."

Dunkin: "Representative, I know we talked briefly about the Amendment that I wanted to propose, Amendment #3, that spoke to... well, I'll read the Amendment to you. Amendment #3, it also allows public policy for the State of Illinois to eliminate underutilization and promote the advancement of African Americans in State Government jobs. Were still... with still... with skill, excuse me, with the same level of skill, and ability, and relatively equal, and there exists an underutilization of African American employees in a given geographical region or a job category. And... and so, we're looking at the state's moral obligation to set aside arbitrary barriers like seniority rules that stand in the way of eradicating underutilization. In other words, if you have an African American with the same skill set, with the same expertise but yet they have the least seniority in an underutilized area across the state or in a particular job category, would you accept this Amendment that would allow that opportunity for fairness for black state employees?"

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Welch: "Representative, I agree with your effort and desire to have minorities, particularly, African Americans, you know, get good paying jobs. And I'll be happy to support a Bill. If you're willing to sponsor it, I'll get a cosponsor with you on this very issue. But I think we need to stay focused on House Bill 580, which talks about protecting those who you want to employ. The..."

Dunkin: "Representative..."

Welch: "...the people that we're trying to protect in House Bill 580 are largely minority. Are largely lower wage employees, that if we force them out on strike how are they going to take care of their families?"

Dunkin: "Representative, to the... I want you to speak towards the Amendment because my history here..."

Welch: "I'd be happy to support that as another Bill."

Dunkin: "...in this General Assembly... excuse me. My history here in this General Assembly has been a strong ASFCME and state employee across all regions of this state, so I get that. My question to you is, will you accept Amendment #3 that ensures the opportunity for black state employees that are underutilized that have the exact same skill set, that have the exact same ability as their white counterpart to be allowed for promotion of seniority, yes or no?"

Welch: "Representative, you talked to me right before we started arguing this Bill about this Amendment, which I have not even had an opportunity to read in its entirety. Do I agree that African Americans deserve a better shake at some of these jobs? Absolutely. I'd be happy to cosponsor a Bill that you file and we can push that through."

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Dunkin: "Representative, I just filed the Amendment and quite frankly, a little history. I know you... you're relatively new here, but in my 13 years here and prior to this of my 13 years there have been constant issues of black state employees as well as min... Latino employees in particular on issues of promotion, on issues in certain job categories. And all I'm simply saying is, since they're negotiating at the table today would you accept Amendment #3 that will allow black state employees to have the opportunity, those with the same skill set, those who have the same ability, that are relatively equal, there... where there exists an underutilization of blacks in those categories will you accept this Amendment for a vote up and down on this contract?"

Welch: "I will not accept this Amendment on House Bill 580, but I will be more than happy to support the filing this as a Bill and cosponsoring it with you."

Dunkin: "Representative, are you aware of the history of this Amendment or at least of this concern that I'm presenting?"

Welch: "I am aware of the history of African Americans wanting, needing, and deserving good paying jobs. And I support that."

Dunkin: "Okay, great. So you would accept this Amendment #3?"

Welch: "Not to House Bill 580. I think we need to file a separate Bill and take it through the process, Representative."

Dunkin: "Representative, are you aware of the... what's going on at the negotiation with this Governor as well prior Governors on this particular subject?"

Welch: "No, I'm not."

Dunkin: "Let me educate you. Currently with this Governor, currently or previously with Governor Quinn and previously

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with Governor Rod Blagojevich, two Democratic Governors, this issue was addressed or at least brought up by Governor Blagojevich, it was brought up by the Quinn administration when they were negotiating this contract. It's also recently brought up and negotiated or at least talked about, presented by this current Governor to simply create an atmosphere of state employee fairness. And all that Blagojevich, that Quinn, two Democratic Governors and now this current Governor requests is an opportunity where there is an underutilization, where there is a particular job category of a black employee that has the same skill set, that has equal qualifications yet they don't have the... the seniority to give them an opportunity to be promoted. And this is what we're asking for this Amendment. Will you accept black state employees in this negotiation process to give them an opportunity for equal protection and promotion for a job opportunity of our state employees?"

Welch: "I think we should find another Bill and... and move that Bill forward immediately."

Dunkin: "Representative, maybe you can ask your staffer what the answer should be?"

Welch: "Pardon?"

Dunkin: "You can ask your staffer what the answer should be. I'm telling you, prior to you coming here, prior to myself coming here this has been an issue with Democratic Governors. And now this Governor is saying, listen, let's put this on the table because there is an underutilization of black state employees in State Government. And the... the current

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negotiating group of the AFSCME negotiators have flatly refused it. Are you aware of that, Representative?"

Welch: "I... I am not aware of that. But let me ask you a question..."

Dunkin: "So you're not aware of..."

Welch: "...strike that."

Dunkin: "...the current negotiation team that's at this... at the bargaining table with the Governor and with prior Governors them rejecting fairness for black state employees being promoted in areas where there is an underutilization or there are no black employees and yet they have the same skill set, they have the same qualifications? And we're simply trying to allow this as an option for the Governor, for this administration, for the state employees to be fair to black state employees. That's all this Amendment does. This Amendment gets to and speaks to what it is that they're trying to negotiate. Will you accept this Amendment to allow black state employees fairness for job promotion?"

Welch: "I think I've answered that question."

Dunkin: "Representative..."

Welch: "I've answered your question."

Dunkin: "And what... what's your answer?"

Welch: "My answer to the question for the third time is, I will not accept it as an Amendment to House Bill 580. I think we should file this as a separate Bill and debate this as a part of that process."

Dunkin: "Well, Representative, you have a Bill that speaks directly to job sustainability, health benefits, promotion, merit pay, et cetera. They're negotiating this as we speak. And as a... as a matter of fact, Representative, this current

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Governor, Governor Quinn, and Governor Blagojevich wanted this to be a part of the negotiation. What's wrong with it being a part of the negotiation right now? To allow black state employees an opportunity for fairness and to be promoted and to move on into areas where there is a dearth of black state employees?"

Welch: "File your Bill..."

Dunkin: "This is exactly appropriate what we're talking about."

Welch: "...file your Bill, happy... I'll be happy to cosponsor it."

Dunkin: "I've filed an Amendment, Sir."

Welch: "I hope the Governor..."

Dunkin: "It's already filed."

Welch: "...I hope the Governor would sign it immediately upon passage."

Dunkin: "Representative, have you seen my Amendment?"

Welch: "I have seen what you gave me right before we started debate; I have not had a chance to read it."

Dunkin: "Are you... are you familiar with IMAG or the Illinois Minorities in Government?"

Welch: "Yes."

Dunkin: "Are you familiar or do you know that this has been an issue for them for decades in State Government?"

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

Dunkin: "Okay. So now is the time for this Bill to be presented at the negotiation table. Are you... do you know why AFSCME leadership is not even entertaining this legislation even under Governor Quinn? Do you know why they're... they're flatly saying no we don't want black state employees promoted? We don't want black state employees to be in the areas where

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there's an underutilization yet they have the same skill, the same qualification as a nonblack state employee."

Welch: "I don't believe AFSCME's doing that. And as I've said here all day, this... House Bill 580 is larger than AFSCME."

Dunkin: "Excuse me, you said what now? You don't what?"

Welch: "I don't believe AFSCME is currently doing that, Representative. And I've said here all day today that..."

Dunkin: "Have they confirmed..."

Welch: "...this Bill is larger than AFSCME."

Dunkin: "...Representative, have... if you don't believe it but do you know if it's true or not that they have flatly rejected black state employees being promoted even though they have the same skill set and they're using seniority to keep them down or to keep them dismissed from various promotions in certain areas, in certain job categories? You're not familiar with this issue, Representative?"

Welch: "I'm not aware of that."

Dunkin: "Are you not familiar with some of the issues and discrimination that we have here in the State Government?"

Welch: "I'm not aware of the specific issue that you're raising here today, accusing AFSCME of the things that you're accusing them of. I'm not aware of that."

Dunkin: "So you don't talk to any of these black state employees and hear some of the concerns or issues that they have with promotion in this state?"

Welch: "I talk to black state employees all the time, particularly the ones in my district, who are concerned about the Governor shutting them down and locking them out and them not being able to take care of their basic necessities at home. That's

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why we're talking about House Bill 580 here today, which I'm hoping that you will support."

Dunkin: "Representative, the Amendment is real simple. All you have to... if you sup... believe what I what... I stated, what I'm telling you what state employees have talked about for quite some time, what white state employee directors have talked about, will you accept this Amendment given the fact that you are negotiating right now by way of legislation on behalf of AFSMCE?"

Welch: "I've said it repeatedly here today, we're not negotiating a contract here today. I haven't even tried to negotiate a contract here today. And we're not going to start by adding this Amendment."

Dunkin: "Representative, so right now you are complicit in engaging the discrimination of black state employees who want to be promoted, who are seeking fairness, Representative Welch?"

Welch: "I... I think that's quite insulting, Ken, to say that I'm implicit in African Americans not being promoted. You of all people know that I stand in that fight to make sure African Americans are taken care of. For Black History Month..."

Dunkin: "Representative, I'm asking you to accept the Amendment, Rep..."

Welch: "...I stand..."

Dunkin: "...I'm asking you to accept the Amendment. And it... it codifies fairness for black state employees with the same skill set, with the same qualifications to go into job categories where they don't exist. The only missing component is that they don't have the seniority as maybe their white colleague or counterpart."

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Welch: "You should file..."

Dunkin: "This Amendment simply addresses that. Will you support black state employees in this process?"

Welch: "I support black state employees and all state employees. And I think you should file this as a Bill and I'll be happy to cosponsor it."

Dunkin: "Representative, the... the Amendment is filed. I'm asking if you can accept the Amendment that will give and allow black state employees an opportunity for fairness? Will you support it, yes or no?"

Speaker Lang: "Mr. Dunkin, you have asked this Gentleman the same question seven or eight times; he has answered it seven or eight times. The Chair suggests you move on."

Dunkin: "Representative, you know this is interesting... Mr. Speaker, thank you. To the Bill. This is Black History Month. For some of us, it's ceremonial. For some of us, it's political. For some of us, it's convenient. We have an opportunity to right certain wrongs that we know that we have talked about in our few years, in our 13 years, in the 20-plus years that some of us have been here. This Amendment simply addresses exactly what is being negotiated with this Governor. Now, I'm telling you what former Governor Quinn and his predecessor Blagojevich and now this current Governor has or is talking about at the negotiation table. This is not some political game when it comes to fairness of employees across this state. The Amendment is very clear. It's not a hand out; it's not a quota. It's about an equal skill set, an equal qualification since we're talking about giving a third party the opportunity to arbitrate on behalf of state

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employees who are not elected. There is absolutely no reason why we should fight any Governor when it comes to fairness of black state employees. And you, my friend, my colleague who I respect, should really accept this Amendment. There's nothing political about this. You're here on behalf of state employees, finish the job and make sure that all state employees, including the black ones, that represent that vote in our respective state and in your district and in my district. It's a simple acceptance of an Amendment. It's a fair Amendment. It's an issue that black state employees, white state employees, brown state employees have been discussing and talking for decades here in this state. That things are not fair when it comes to promotion. Things are not fair for black employees across this state in various categories of jobs. And so to pass by this Amendment as something that's not deemed important is a feral and blatant disrespect and disconnect from the very people who also pay their state taxes, who also are vested here in State Government. But you and I know, or maybe some of us don't know, that there is a major chasm of communication or understanding of fairness be... between some of these employees who don't get a fair shake, for those individuals who hide behind seniority and they don't get an opportunity. Many of us are chairman of these committees and we don't even see Hispanics, we don't see black folk in Leadership and management and supervisory positions. Yet, we have an opportunity today to spen... to add value to their lives. And as I close, quite frankly, it's sad that the unions are at the negotiation table and yet, this is a nonissue for them.

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They're fiercely opposed to this legislation, Mr. Speaker. They're fiercely opposed to fairness at all levels of governance. Why would the Sponsor not accept the Amen... an Amendment of fairness? Blacks have led the issue, the argument of fairness in this state. And that's all this Amendment does. So if not now, when will we accept fairness for all state employees? I have a real problem with this Bill moving forward and this Amendment not being accepted. Since you don't have a problem with it, you should accept the Amendment so we can make sure that this Bill that I voted for before back in May of '15 to be on the table today."

Speaker Lang: "Mr. Mitchell."

Mitchell, C.: "Thank you, Mr. Speaker. To the Bill. I find it interesting and perhaps even troubling that the last speaker, given his recent voting records, spoke about complicity, but I suppose that's why the President said some folks don't change. So, let me... let me start by noting, I... I'm interested in this sudden belief... that I... I am speaking to the Bill, Sir. You might want to take his second bit of advice and which was to sit down. Now, here's the deal. I find it interesting that the... the patron whose talking points were repeated by the previous speaker, has a sudden interest in minority participation given composition of his administration and the composition of his private equity firm before that, but putting those things aside for a moment, here's what the facts said. What the facts say is that AFSCME has asked during this contract negotiation for the data on minority participation. They were not provided that data but the administration... but the administration did not provide that data. The previous

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administration, Governor Quinn's administration did provide that data. And the reason why the Quinn administration withdrew the request that the Gentleman alleges the Governor is making, is because it was found that minorities do better under the current system. That's what the facts say, that's what the data says. Now what this Bill does, just in terms of pure arbitration, is it actually gives to majority/minority unions, unions with high concentrations of... of women and minorities, the same rights that are currently enjoyed by public safety unions that are currently dominated by white men. So we're having conversations about race; that is also a relevant factor in the conversation. It should be noted that this would also affect groups like SEIU which is low-income, predominately minority workers and the people who rely on those services for in-home care for public safety. The final note on this is that we are not debating this Bill in a vacuum. If we were debating this Bill in a vacuum perhaps there would be merits to the arguments against it, but the bottom line is, you have a Governor who came into office after declaring and like Ronald Reagan he was going to break the union by creating a strike situation. Now when you start with that negotiating position, you are inherently not negotiating in good faith. Therefore, what we are trying to do is to keep State Government open, keep it working, keep those in-home care workers and others, public safety workers, folks who provide critical services for this state, we are trying to keep government open for them. That is all this Bill is trying to do. There is no situation. We've seen the data and arbitrators decide for management and unions at about

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the same ratio. So the question again is, what are you afraid of? This is a good Bill; it's a good piece of legislation. It is in fact better than the process the previous speaker talked about. For folks who look like me and look like him, this Bill deserves an 'aye' vote. Thank you, Mr. Speaker."

Speaker Lang: "Mr. Breen."

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

Speaker Lang: "Sponsor yields."

Breen: "Thank you. Representative, just a... so that I'm... I'm clear on the process here, we've got a... there's a 30-day mediation requirement in the Bill, correct?"

Welch: "Yes."

Breen: "After which you then go into... either party declares an impasse and you're pushed into arbitration, right?"

Welch: "The... the parties can... the parties could decide to keep negotiating at anything."

Breen: "Right. But presumably we would move in... they would move into arbitration as soon as they have the opportunity given to them by the General Assembly here, otherwise, what's the point of the Bill?"

Welch: "They can keep negotiating or they can move to interest arbitration. Either way I think they're at..."

Breen: "Okay. Once... once they move..."

Welch: "...they're at the table and they're talking."

Breen: "Right. We presume they're going to go into interest arbitration though that's the whole point of this. How does the panel then get put together?"

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Welch: "The union gets to pick one, the administration gets to pick one, and then if they can't mutually agree on the third, the Labor Relations Board gets to pick the third person."

Breen: "Fair enough. Now, I had... I had a time on a municipal board where we dealt with interest arbitration a couple times, and it was the understanding of our folks that whenever you go to interest arbitration, I... they didn't know of a time when there had ever been a reduction in a contract, a future contract awarded by an interest arbitrator. Are you aware of any time an interest arbitrator has ever reduced a benefit under a contract or... in sum?"

Welch: "I'm not aware of specifically where that has occurred, but I know that they have the authority to do that."

Breen: "It... it could, hypothetically, somewhere in the country, least never in Illinois as best we know. So, yeah, there's... there's been talk... I mean, one... one of the problems too is the factors that in interest arbitration, well, they will look at. And... and there's a concern, particularly on this side of the aisle, that the... the budget process will be ignored by an interest arbitrator and... and I know from my time on the municipal board that there was never any concern for our budget at the municipal level. We were assumed to be a piggy bank from which an unlimited amount of money could be extracted. Is there any protection for the taxpayer in this process?"

Welch: "Well, the language of the statute for interest arbitration, specifically Section 3, Representative Breen."

Breen: "Right. So they Sub 3."

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Welch: "It says that the... the interest... yes, 3(h), you're there. The interest and welfare of the public and the financial ability of the unit of government to meet those needs, those costs would be considered."

Breen: "And... and haven't you openly advocated for higher taxes... additional revenue for the state?"

Welch: "I have stated multiple times that we cannot act on cuts alone. We definitely need a... need new revenue. How do we generate that new revenue, we can discuss that."

Breen: "But it's fully within our power to increase the taxes to whatever rate we... we so desire, short of everyone moving out of the state. I mean, isn't it? That... we have a full unlimited power to do that."

Welch: "Was that a question?"

Breen: "Yes, it was."

Welch: "We do."

Breen: "Okay. So really this Sub... h(3) doesn't even apply here. So really, the welfare of the taxpayers is not going to be considered at all. So with that as a backdrop and understand that interest arb always results in either the status quo or better for the union, what happens if... if and likely when the Governor rejects the interest arbitration decision, if this Bill goes into effect?"

Welch: "You're making a leap that I'm not willing to make with you."

Breen: "Well, okay..."

Welch: "I... I think you're wrong. I think..."

Breen: "... the interest arbitrator's got to make a decision..."

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Welch: "The interest arbitrator by statute is allowed to consider the financial ability of the unit of government and you're assuming that they won't do their job. That's not fair."

Breen: "No, I..."

Welch: "These are professionals we're talking about."

Breen: "Sure, and they're professionals and every single time it's been considered anywhere else in the State of Illinois and presumably around the country, believe that the taxpayers don't really have a seat at the table. You've got unelected arbitrators making decisions that we here in this General Assembly are normally charged with making. I mean, that's what... we are the ones who are supposed to be defending the taxpayers and the interest of the State Government. But again, so you got to get a decision. What happens, the Governor rejects the decision?"

Welch: "It goes back to negotiation. It goes back to the panel."

Breen: "Back to the panel. Now throughout that entire thing though, the existing... the status quo contract stays in effect the whole time."

Welch: "Yes."

Breen: "Now, maybe I'm a cynic and I know someone else in... invoked the President and others have invoked the President repeatedly, but when I see a Bill that gives an interest group status quo or better when everybody else is getting cut, that sounds like a special deal. And when I hear, oh wait, well, the Governor can reject it. It'll go back to panel. The same process starts over with the same group of people and the same result then comes out and he rejects it again. So in... the extent of the Bill is still 2019. So from now to 2019, at

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absolutely worst, they get the exact same contract terms, the same step increases, pay raises, same health insurance at a very low price, the same stuff that we enjoy here in the General Assembly. They get all of that at worst instead of negotiating in a place where we all know... and actually, at this point, Mr. Speaker, I'm going to the Bill. I mean, look, at this point we know full well that we can't keep on the current course. Our budget won't allow it, our finances won't allow it, our people won't allow it. People are moving out of my district in droves; they're going to other states because they don't want to be a part of financing a corrupt and out of balance government. And so when we have this Bill that essentially gives a heads... heads I win, tails you lose deal to any group in this state, it's unsustainable, it's unfair and it's unjust. I urge a 'no' vote. Thank you, Mr. Speaker."

Speaker Lang: "Mr. Batinick."

Batinick: "Mr. Speaker, will the Sponsor yield."

Speaker Lang: "The Sponsor would be proud to yield, Sir."

Batinick: "I'll try to be quick. I got a quick question for you.

Can the General Assembly delegate its power of taxation arbitrators?"

Welch: "No."

Batinick: "How about its power of appropriations?"

Welch: "No."

Batinick: "Okay. This is what we're doing here. I'm going to ducktail off of what the previous Representative said and go right to the Bill. If this passes, here's our choices. Higher taxes, layoffs, cuts to social services, or a mix of each. We're essentially giving away our power of taxation and

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appropriations to arbitrators. We have the courts running our budget. Everybody has to give. I haven't seen the give yet here. Everybody's going to have to give. The budget's upside down. I don't know where all this money's coming from. So, if you want to vote for higher taxes or layoffs or cuts in social services you can vote for this bill. I urge a 'no' vote. Thank you."

Speaker Lang: "Mr. Wheeler."

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

Speaker Lang: "Of course."

Wheeler, K.: "Representative, are you aware that we haven't adopted a revenue estimate yet? I put it in for fun. We've done this Bill so many times I thought I would say the same thing I say every other time. So, humor me a little bit there Chris."

Welch: "I am aware."

Wheeler, K.: "Chris, isn't the best solution a negotiated agreement between both parties?"

Welch: "Say that again. It's kind of loud in here."

Wheeler, K.: "That's all right. Isn't the best solution for the state a negotiated agreement between both parties?"

Welch: "I think that is the best solution, but the Governor's walked away from the table."

Wheeler, K.: "That... that's not kind of how I understand it. But just let me follow up questioning with you. How long did the last contract take to negotiate with Governor Quinn?"

Welch: "I don't know."

Wheeler, K.: "Well, it was discussed in Labor Committee last week and it was far beyond the time table we are on currently. I

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want to say it was 17 months is what I recall, but I could be wrong on that specifically. But it's definitely longer than we've gone so far. And help me understand this Bill a little bit. Does this Bill place all State Government workers under Section 14 of the Illinois Public Labor Relations Act?"

Welch: "To answer your question, only those with expiring contracts."

Wheeler, K.: "Okay. So..."

Welch: "With... within that time period."

Wheeler, K.: "Currently, to my understanding, just the essential workers, Corrections, fire, police, are involved currently under that Section 14."

Welch: "That's correct."

Wheeler, K.: "Okay. So under Section 14 is... is there a lockout option available to management?"

Welch: "No."

Wheeler, K.: "There's not."

Welch: "No."

Wheeler, K.: "But if you move all these workers into Section 14, they're not essential, they still retain the right to strike up until the point... moment that arbitration begins, is that correct?"

Welch: "Well, I... I think the fact that we have people that... child protection workers, people that keep our roads safe, people that take care of our elderly, you know, you want to get into the essential and nonessential, I think they're all essential. And you know, we shouldn't lock out any of our state employees and that's what this Bill says."

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Wheeler, K.: "No, I'm just trying to find the balance of where the legislation actually lands us because Section 14, to my understanding, and again, I'm one of the new guys here, not far behind you, but those essential employees as they're defined, gave up the right to strike in... in... for interest arbitration. That was part of the arrangement."

Welch: "Correct."

Wheeler, K.: "Now we're going to move all the rest of the employees of the state into Section 14, but we're going to give all the rest of them the right to strike right up until the moment arbitration begins according to this legislation. That's our analysis."

Welch: "I understand your question, I see where you're going. I just don't think the employees have an incentive to strike. The contract continues. So, why would they strike?"

Wheeler, K.: "I don't think the Governor has an incentive to lock out. He said it over and over and over again, Chris, that he does not want to lock out the employees, and to this date, so far..."

Welch: "I think we've made clear on the record what the Governor's statements in the past have been and what he would like to see happen. And there's no need to rehash that..."

Wheeler, K.: "Well..."

Welch: "...again and again."

Wheeler, K.: "...I think those... some of those statements are made outside of a negotiation are... are oftentimes taken in different ways for different reasons. You mentioned earlier that the Governor should embrace this legislation."

Welch: "I think he should."

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Wheeler, K.: "Have you talked to him about it? Is he willing to embrace this legislation that we've put forward so far, Chris?"

Welch: "I have not talked to him personally."

Wheeler, K.: "Okay. Is AFSCME in favor of this legislation?"

Welch: "They filed as a proponent."

Wheeler, K.: "Agreed. That's... and I think that's kind of the point we're trying get to. It may advantage one side more than the other kind of contrary to what's been brought up on a couple of different question so far. I got some questions about the Labor Relations Board process. Didn't both sides agree to three tolling agreements?"

Welch: "As I said earlier, I'm not aware of three and I know there's one at least."

Wheeler, K.: "Right. Like it got extended twice."

Welch: "Yeah."

Wheeler, K.: "Okay. Has the Labor Relations Board composition changed since the last tolling agreement?"

Welch: "It's my understanding that the Labor Relations Board has had four appointees by Governor Rauner which makes up a majority of the board."

Wheeler, K.: "All right. I believe it. Well, hang on a second. And... and has anything else changed since the second tolling agreement went into effect or the first?"

Welch: "No."

Wheeler, K.: "And you said that it's your understanding that the Governor appointed four..."

Welch: "Yes."

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Wheeler, K.: "...two of those reappointments to family members? Is that correct?"

Welch: "Correct."

Wheeler, K.: "And of those two new members, were they confirmed by the State Senate?"

Welch: "I'm not aware of that."

Wheeler, K.: "Okay. I believe they were and I... I also believe they went through unanimously and I bring that for a reason. Actually, one more question. Let's do a little contrast... a little context to the situation here. How many... or which Governor appointed the current Relation Board Chairman?"

Welch: "Governor Rauner."

Wheeler, K.: "No, actually he reappointed the chairman from Governor Quinn's administration. So..."

Welch: "That's an appointment."

Wheeler, K.: "What's that?"

Welch: "That's an appointment."

Wheeler, K.: "Okay. Well, I'm looking from the who... who selected him and reappointed, him means he's probably a balanced person. That's my... my point to this. The Labor Relations Board may be a good place for some of this to end up. How long in... in the context of what's happening, we all understand, we've talked about it before, Representative over here mentioned that when the Governor's administration went to the Labor Relation Board, it wasn't saying we're at a impasse, it was to ask, are we at an impasse under the rule of the tolling agreement that's in place, correct?"

Welch: "Yes."

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Wheeler, K.: "Well, I have the letter here from Roberta Lynch: Dear Legislator... dated January 22... and it says in here, 'AFSCME still had room to move on proposals and was prepared to continue to bargain.' Well, if... if the Labor Relations Board is a pretty balanced makeup and that's where the Governor is taken according to the tolling agreement that both sides agreed to, repeatedly, why not let the Labor Relations Board just fulfill the process? Why this Bill? Why now?"

Welch: "Well, I think as we've talked about here a few times, the Governor has appointed a majority of the Labor Relations Board. The Governor has made his intentions well known on what he would like to see happen. I don't have to rehash his statements that he's made repeatedly about wanting us to go through rough times and to shut the state down."

Wheeler, K.: "Okay. I'm talking about legislation here based on what's in front of us. The statements that were made, I wasn't there, so if I don't... you're telling me for the first time some of these things, Representative, so I... I can't address those directly. What I'm talking about is the fact that there are eight people on the Labor Relations Board. Two of them were appointed by Governor Rauner, six of them were previously appointed by other Governors and then reappointed at some level by Governor Rauner. That's a pretty balanced board. For this state, it's especially balanced. I think we should let the process play through and let... I'm told it's a couple of months by our staff as to when we should expect some kind of a... of a ruling from them regarding this, are we at impasse or not? If we're not, we go back to the negotiations again."

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Everybody's agreed to that. That's... what I take this letter to mean and that's what the Governor said. So let's let the process play. This Bill's not necessary. To the Bill. This legislation was in effect, but last year during negotiations, it was discussed again during the override Sessions in the summertime. Now after the administration has asked the Labor Relations Board to declare an impasse, we're seeing not... to try our best to find out if we are at an impasse, we're seeing it yet again. AFSCME leadership is doing one thing at the negotiation table by agreeing to the tolling agreement, then they're doing a different process using this interest arbitration Bill away from the table. I think it's disingenuous. You know, there's more than just a slight chance that the arbitrators could side with the union, since most of the arbitrations... arbitrators come from organized labor. So what we really have here with this Bill in Illinois isn't collective bargaining, it's selective bargaining. With this Bill ASCME leadership can say, we tried but we did... didn't get to select our Governor... our choice for Governor when the votes were counted and we aren't getting where we want to in the current negotiations, said, we'll just select an arbitrator who will be able to select our offer potentially without any concessions or alternations, never mind the bargaining aspect of it or the cost to the Illinois taxpayers. This legislation is willing to stick the Illinois taxpayers with another \$3 billion in labor costs whether it keeps the elected Representative even getting a seat at the table. We already have an agreed process for collective bargaining. This Bill would just give us selective bargaining. Vote 'no'."

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Speaker Lang: "Mr. Unes."

Unes: "Thank you, Mr. Speaker. To the Bill. Mr. Speaker, I have had many, many conversations with numerous state workers, and I have to tell you that I firmly believe that I have spoken personally with some of the hardest working, most passionate state workers that our state has. They care very deeply about our state, just like everyone in this Body cares very deeply about our state. And Mr. Speaker, they are frustrated. And I understand their frustrations; I sincerely do understand their frustrations. Both sides are frustrated with each other. Both sides have said and have felt like the other side hasn't negotiated in good faith. But Mr. Speaker, there's a pathway for... that both sides agreed to that if they get to this position how to properly proceed down that path. Now, I sincerely believe that both sides need to collectively bargain in good faith and reach an agreement that is fair to all concerned. I, also, sincerely believe that it is not a good idea to have an all or nothing arbitration. I don't think that's a good idea to either side. I can tell you this, that there is frustrations and I've had numerous conversations and one thing that both sides can agree to, this is fact, both sides both agree on this. They both say that the other side isn't telling the truth. That they both can agree to. We aren't in the room. We weren't in the room; we haven't been in the room. This isn't our fight in the Legislature; we don't belong in that room. Now I will say this that I do believe, at the end of the day, I do believe that both sides will end up going through this process and I do think that both sides will ultimately be back at the table, which is something that

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the Sponsor thinks should happen and... and I think that ultimately they will end up back at the table. We don't belong in this dispute. And I hope that at the end of the day we can start to... to talk about the things that we really ought to be focused on, mainly, the fact that we are... don't have a budget and we're eight months into the new fiscal year. Hopefully, those can be the conversations that we focus on and put our attention towards. Thank you, Mr. Speaker."

Speaker Lang: "Mr. Welch to close."

Welch: "Thank you, Mr. Speaker. Thank you to my colleagues for the healthy debate on both sides. Today, I chose to wear a purple tie, not just because I'm proud of my Alma Mater North Western, not just because it's my favorite color but also because of the majestic beauty that is created when you combine blue and red together. Together, we can create some amazing things. Last week President Obama asked us in his historic speech right here in this chamber, what can we do, all of us together to try to make our politics better? What can we do, Illinois Legislature? What can we do? Let's start here today by approving House Bill 580. Why this Bill, why now? House Bill 580 is a good place to start because of what we all have in common. Whether you are from Hillside or Hillsdale, from River Forest or Rockford, from Evanston or Edwardsville, from Maywood or Mt. Vernon, the gold coast or the soul coast, we all represent hardworking middle-class families in our districts. We all represent hardworking state employees. House Bill 580 is a good place to start, Ladies and Gentlemen, because we all have a responsibility to avoid a shutdown of state services. State workers remove children

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from dangerous situations every day. They care for our elderly veterans and they keep our roads safe during the winter as we travel down 55 to get here. These are jobs that support and protect us all, especially our most valuable... most vulnerable citizens. This legislation simply keeps state employees on the job as a contract is negotiated and it is the same process police and fire departments use during their negotiations. We're not reinventing the wheel. House Bill 580 is a good place to start because it is a sensible compromise that will ensure a fair and constructive path to resolving contract negotiations. House Bill 580 is a good place to start because we all know, politics aside, arbitration is fair. President Obama said last week, we're in one of those moments. We've got to build a better politics. Let's start today. Let's start in Illinois. This is not a red issue or a blue issue; this is a purple issue. Let's start by voting our districts. I ask you to vote 'yes' on House Bill 580."

Speaker Lang: "The Gentleman moves for the passage of House Bill 580. Those in favor of the Bill with 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', 46 voting 'no', 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Leader Currie is recognized."

Currie: "Thank you. I just wish to announce that the House Education Task Force will meet this afternoon in Room 400 as soon as we adjourn... in 114."

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Speaker Lang: "Thank you, Leader. Mr. DeLuca is recognized. Mr. Luc... DeLuca has moved to suspend the posting requirement so that House Bill 4434 can be heard in the Cities & Villages Committee. I understand there's no objection with the other side. There... Is leave granted? Leave is granted and the Bill will be posted. Mr. Clerk, committee announcements."

Clerk Hollman: "The following committees are meeting immediately: Cities & Villages is meeting in Room 115, Juvenile Justice & System Involved Youth is meeting in Room 122-B, the House Education Task Force is meeting in Room 114. The following committees were canceled for tomorrow morning: Health Care Licenses has been canceled for tomorrow morning, Personnel & Pensions has been canceled also for tomorrow morning."

Speaker Lang: "Representative Cassidy."

Cassidy: "Thank you, Mr. Speaker. I just heard from the Sponsor of the only Bill before Juvenile Justice & System Involved Youth that she is not ready to proceed. So, the Juvenile Justice & System Involved Youth Committee is not going to meet."

Speaker Lang: "Thank you, Representative. And now, leaving perfunctory time for the Clerk, Leader Currie moves that the House stand adjourned 'til Wednesday, February 17 at the hour of 11:30 a.m. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And the stands adjourned until Wednesday, February 17 at the hour of 11:30 a.m."