

STATE OF ILLINOIS  
93rd GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

104th Legislative Day

3/4/2004

1 Speaker Madigan: "The House shall come to order. The Members  
2 shall be in their chairs. Everyone can move away from the  
3 cookies, Mr. Dunkin. Mr. Dunkin, you're only entitled to  
4 one. That's the men... that's the rule for men. We ask the  
5 Members and our guests in the gallery to turn off their  
6 laptop computers, their cell phones and their pagers. And  
7 we ask the guests in the gallery to rise and join us for  
8 the invocation and the Pledge of Allegiance. We shall be  
9 led in prayer today by Pastor Rebecca Gordon of the  
10 Nativity Lutheran Church in Wonder Lake, Illinois. Pastor  
11 Gordon is the guest of Representative Jack Franks."

12 Pastor Gordon: "Let us lift our hearts before the One who is  
13 all loving and all powerful. Holy and gracious God, we  
14 give You thanks for this day and the world You have created  
15 for us to enjoy. We give You thanks for the blessing and  
16 privilege of meaningful work, of strong and supportive  
17 communities, of family, friends and neighbors. We give You  
18 thanks for these leaders and their workers in our state who  
19 are gathered here. Guide them with wisdom, skill and  
20 vision as they seek to build up people and communities, to  
21 build up infrastructure and industry. Give them courage,  
22 empathy and honesty as they make decisions about social  
23 welfare, economics and education. Make them trustworthy in  
24 their representation of all peoples, not just the wealthy,  
25 the powerful and those with influence so that the greatest  
26 good is sought for our society. Create attentiveness for  
27 the protection of the vulnerable, care for our delicate  
28 natural ecosystems and perception of those people and

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1 things that are most vulner... vulnerable to exploitation.  
2 Give these leaders and their staff and all who work here  
3 the rest and refreshment they need to care for themselves  
4 and their families when the responsibility and burden of  
5 their work strains them. Surround them with people who  
6 will both support the integrity of their work with one hand  
7 and call them to accountability with the other. We pray  
8 for all the nations of the world. We pray for peace where  
9 there is strife and division, for comfort and safety for  
10 those who are forgotten, hungry, oppressed, homeless, for  
11 stability where there is corruption and unrest, for  
12 protection for the weak where there is greed and malice.  
13 We pray for our President and Governor Blagojevich. Give  
14 wise and clear-sighted counselors to them. Give them and  
15 the leaders of our nation discernment, understanding and  
16 knowledge so that our nations may know stability and  
17 wellbeing, internally and abroad. We also pray for the  
18 people of this state that we would use the privilege of  
19 citizenship, of voting, of advocacy wisely, speaking and  
20 acting with hearts of justice, compassion and equality.  
21 Keep us mindful of our responsibilities to one another so  
22 that our neighborhoods and relationships will be strong.  
23 Again, we pray for these women and men gathered here, give  
24 them hearts of servants, characters of integrity that they  
25 will place the good of the people of Illinois their  
26 priority. Bless them with Your presence this day as they  
27 set about the work and the decisions they have before them.  
28 And keep us all always in the arms of Your care. Amen."

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1 Speaker Madigan: "We shall be led in the Pledge of Allegiance  
2 by Representative Giles."

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

7 Speaker Madigan: "Roll Call for Attendance. Representative  
8 Hannig."

9 Hannig: "Thank you, Mr. Speaker. Would the record reflect that  
10 Representative Barbara Currie is excused."

11 Speaker Madigan: "Mr. Bost."

12 Bost: "Thank you, Mr. Speaker. Let the record reflect that all  
13 Republicans are present today."

14 Speaker Madigan: "The Clerk shall take the record. There being  
15 116 Members responding to the Attendance Roll Call, there  
16 is a quorum present. Mr. Clerk. Mr. Clerk, on page 11 of  
17 the Calendar, on the Order of Concurrence, there appears  
18 House Bill... let's delay that for a minute. The Chair  
19 recognizes Representative Gordon for the purpose of an  
20 announcement."

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

22 Speaker Madigan: "State your point."

23 Gordon: "Thank you. Ladies and Gentlemen of the House, I would  
24 ask you to welcome some very special guests that I have  
25 here this afternoon. They are the three team captains of  
26 the Wilmington High School football team; Brett Farmer,  
27 Mark... Mike, excuse me, Mike Flores and Tony Vercelli. As  
28 long... with two of their coaches, Mr. Brian Goff and Mr.

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1 Jeff Reents. Ladies and Gentlemen, it was the first time  
2 in the history of Wilmington High School that this team led  
3 by these captains went down to the state championship game.  
4 They were the runners up in the 3A finals on November 28th  
5 of 2003. I would ask for a warm round of applause for this  
6 very special team."

7 Speaker Madigan: "Representative Mulligan."

8 Mulligan: "Thank you, Mr. Speaker. I rise to a point of  
9 personal privilege."

10 Speaker Madigan: "State your point."

11 Mulligan: "Capital Forum on America's Future is sponsored by  
12 the Secretary of State and the Illinois human... Humanities  
13 Council has a number of students here. They're gonna be on  
14 the House Floor tomorrow discussion international law, and  
15 I have students here from Maine South with their teacher  
16 Sandy Deines who are in the gallery right behind us."

17 Speaker Madigan: "Mr. Osterman."

18 Osterman: "We're... I have some students here from St.  
19 Scholastica High School that are down for the same program  
20 Representative Mulligan spoke of. If everyone would give  
21 them a round of applause I'd appreciate it."

22 Speaker Madigan: "Mr. Clerk, House Bill 585, on the Order of  
23 Concurrence. The Chair recognizes Mr. Hannig."

24 Hannig: "Yes. Thank you, Mr. Speaker and Members of the House.  
25 I would move that we concur on the Senate Amendment to... to  
26 House Bill 585. I think most of us recall that one of the  
27 first things that... that Governor Blagojevich accomplished  
28 last year was that he was able to provide us with a...

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1 methods of... of putting additional money into our pension  
2 system through the pension obligation bonds. And the way  
3 that system worked was that the payments that were to be  
4 made in this fiscal year were put into a fund and then as...  
5 and then as the payments became due to the pension systems  
6 they were simply transferred. What we know now is that the  
7 pension systems are doing an excellent job of managing that  
8 money. They're... they're beating their 8.5 rate of return  
9 expectations. And meanwhile, portions of that money are  
10 simply sitting in a state account earning about 1 percent.  
11 So, what this Bill does, it simply authorizes us to prepay  
12 the balance of those obligations to our pension systems so  
13 that we could transfer all the money that will be owed for  
14 the rest of fiscal year to the pension systems now and they  
15 could begin earning their maximum rate of return as opposed  
16 to the 1 percent that we're earning at this time. So,  
17 that's what the Bill does. It's an opportunity to make  
18 more on the money that we have in our accounts now. And  
19 I'd be happy to answer any questions. And I'd ask for your  
20 'yes' vote."

21 Speaker Madigan: "Mr. Black."

22 Black: "Thank you very much, Mr. Speaker. Will the Sponsor  
23 yield?"

24 Speaker Madigan: "Sponsor yields."

25 Black: "Representative, this is an extremely complicated Bill.  
26 And I know you were here when we passed the law that  
27 clearly states we must meet the actuarial demands on our  
28 pension system because they were dramatically under funded

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1 for a number of years. Now, it would appear to me that by  
2 diverting funds that currently go to the pension system to  
3 GRF, one could make a case that contributions may be less  
4 than actuarially sound. And in fact, staff... our staff  
5 would indicate that should this become law there is a  
6 strong possibility that the contributions to the State  
7 Employees Retirement System, SERS, in the next fiscal year  
8 would miss the actuarial target by several million dollars.  
9 And I... I don't understand, one, if we can do that legally  
10 or two, why would we want to if... even if we could."

11 Hannig: "Representative, I'm advised that the amounts that were  
12 certified by the systems is the amounts that will be sent  
13 to them under this proposal. That what we're really trying  
14 to do is to prepay those amounts and earn the maximum  
15 amount of interest that we can. And that if we do nothing,  
16 that money will sit in the 1 percent account until the  
17 payment is actually due and then it will be transferred, as  
18 opposed to this Bill which is saying let's just transfer it  
19 now and begin earning the higher rate of return."

20 Black: "But I... I think you would agree. I think reasonable  
21 people might disagree on what the net impact will be.  
22 There's certainly a school of thought that would say that  
23 you're right. I think there's a school of thought that  
24 would say our staff is right. But one of... even if... even  
25 given the fact that reasonable people can often see div...  
26 have divergent views on... on where we're going, we may... we  
27 may differ on how to get there. My concern is when you  
28 divert money from a designated fund like the Road Fund that

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1 would go to SERS for those people that are covered under  
2 the IDOT, State Police, et cetera. Now, we're going to  
3 divert money from the Road Fund and instead of going in and  
4 putting it to the pension system, we're putting it into  
5 GRF. Now, that sounds to me like yet another diversion of  
6 Road Fund money from what is a designated source at this  
7 point and... and I think a related source, now, we're  
8 diverting Road Fund money instead of going for pensions it  
9 goes to GRF where it could be spent for anything. Why... why  
10 would... why would that be good public policy?"

11 Hannig: "Rep... Representative, I think that some of the  
12 transfers that you're concerned with would still happen  
13 whether we did this Bill or not, that that's something that  
14 was done prior to this time. And then what we're really  
15 trying to do today is to maximize the rate of return that  
16 we can on the monies that we have. And there is a  
17 continuing appropriation language that's still in place  
18 that will ensure that the systems do get whatever monies  
19 that they certify."

20 Black: "But I... I don't see any sunset on this. So, if we...  
21 should this become law, then these diversions from other  
22 funds that currently go to the pension system would now go  
23 to the General Revenue Fund and if I'm reading this  
24 correctly, that will go on until or unless this law is  
25 specifically changed. It would seem to be, it'd make more  
26 sense to me, Representative, if you would put a time limit  
27 on this."

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1 Hannig: "Representative, I'm advised that this is only  
2 applicable to fiscal year '04, the year that we're in now."

3 Black: "So, you're advised that it's only a one-year diversion?  
4 Let me check, just a second. All right. Staff tells me  
5 that is, in fact, correct. I... I stand corrected, you're  
6 right. This is only for fiscal '04. But they've also now  
7 pointed out a... and it may be a law of unintended  
8 consequences that the way this is drafted there is a  
9 potential, based upon what the pension contribution may be,  
10 if it's more than is outlined here, we may for the first  
11 time in recorded history move employee pension  
12 contributions from the pension system to GRF. I don't  
13 believe that's ever happened. Now, it may not happen in  
14 this Bill, we're not saying that it will. But what staff  
15 has pointed out to me, that the way it's drafted, that  
16 might happen. It... it could happen, it may happen. My god,  
17 I sound like Harry Caray. But whatever, I think it sets a  
18 very dangerous precedent if... if direct employee  
19 contributions would be diverted at the end of the year  
20 because actuarially they may not be needed and direct  
21 employee contributions go back to GRF."

22 Hannig: "I... I think maybe I'm not totally understanding the  
23 question, Representative Black, but the... but I'm advised  
24 that we will pay the certified amount that the... that the  
25 pension systems have indicated to us already for fiscal  
26 year '04. So..."

27 Black: "And I think... I think we're in agreement on that."

28 Hannig: "Okay."



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1 Black: "That we... that we will meet the actuarial payment.  
2 Given interest rate fluctuations and what happens wi... in  
3 this fiscal year, our staff is concerned that a law of  
4 unintended consequences may... may come into play, that we do  
5 make the required contribution. Now, under normal  
6 circumstances direct employee contributions would go to the  
7 pension fund and if it's over the actuarial amount, that's  
8 good. But we... our staff feels that this Bill is drafted in  
9 such a way that once you hit your actuarial target that you  
10 would then be able to take pension contributions that  
11 employees have deducted and rather than put it in the  
12 pension fund, divert pension deductions to GRF and we don't  
13 think that's ever been done in the history of the state.  
14 And... and the only reason that would be done,  
15 Representative, is that you would meet... if you do meet the  
16 actuarial figure as mandated by law and then contributions  
17 continue right up 'til the last day of the fiscal year,  
18 that you would then say or be able to say, we've met the  
19 figure so let's just take the pension contributions from  
20 these paychecks of the workers and move it to GRF. I think  
21 that's a very... we're not... I'm not saying that will happen.  
22 We're saying that we think the law would allow that to  
23 happen and we think that's absolutely bad public policy."

24 Hannig: "Representative, we just simply don't think that that  
25 will happen. And I would agree with you we wouldn't want  
26 that to happen. So, it's certainly not the intention of  
27 this Bill to do that."

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1 Black: "And... and I would agree with you. And I think our staff  
2 would as well. I don't think that's your intention. But  
3 we rely on staff on both sides of the aisle a great deal  
4 and they work very, very hard and they have put hours... our  
5 staff has put hours into analyzing this. My fear is, and  
6 I'll listen to the rest of debate and... and I have great  
7 confidence in our staff as I know you have in yours, if  
8 there is an opening that would allow this to happen, the  
9 pressures on the budget might be so great that, if that  
10 door is not specifically closed and we don't think it is  
11 the way the Bill is drafted, it would be possible to take  
12 say May and June pension contributions taken out of  
13 workers' checks when it comes to the state put it in GRF  
14 account. And... and we... we think that should specifically be  
15 stated by amendatory language that that 'may' not or  
16 'shall' not happen. Because while we have to meet the  
17 actuarial minimum, there's certainly no reason that we  
18 couldn't put more money in if we get to that actuarial  
19 period early. I... I want reasonable assurance that in no  
20 way will an employee's pension contribution end up in the  
21 General Revenue Fund for whatever the reason or whatever  
22 the loophole that might exist in this law."

23 Speaker Madigan: "Mr. Black, are you finished?"

24 Black: "If... if he would answer that question. We think the  
25 possibility exists, Mr. Speaker, as I said to the  
26 Representative..."

27 Hannig: "Well, Representative, we..."

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1 Black: "...that... that that transfer could occur. We don't think  
2 it's the intent, but it could occur."

3 Hannig: "Representative, we don't..."

4 Speaker Madigan: "Mr. Hannig. Mr. Hannig."

5 Hannig: "Representative Black, we simply do not believe that  
6 that will happen. And it's not the intent of the Bill to  
7 do that. We're at this point where we're looking at a  
8 concurrence on a Senate Amendment. And... and so I would... I  
9 would ask that you work with us."

10 Black: "Well..."

11 Hannig: "If you have a specific language you'd like to bring  
12 forward when we come back, we'd be happy to look at that,  
13 Representative. But at this point, I think it's important  
14 that before we adjourn for the next few weeks that we  
15 address this problem."

16 Black: "Our staff would be willing to work with yours right  
17 now. And one of... one of the problems that we have  
18 sometimes, Representative, is that we don't get adequate  
19 time to review this. We think that loophole does exist.  
20 You're on the record as saying that's not the intent and  
21 that shouldn't happen and... and you have a degree of  
22 integrity and credibility in this process. We would like  
23 language added, if it could be done in a timely fashion,  
24 that says clearly not only is it the intent it won't  
25 happen, it will not happen. It cannot happen. I think it  
26 would set an extremely dangerous precedent."

27 Hannig: "Representative, I... I... all I can add is that we have a  
28 Bill here that's in front of us. The Senate has gone home.

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1 We think that this takes a step forward. It allows us to  
2 maximum... maximize our rate of return. And we would... we  
3 would ask for your indulgence and help in moving this  
4 forward..."

5 Black: "And..."

6 Hannig: "...in what we believe's an important Bill."

7 Black: "Representative, I agree with you. I think it is an  
8 important Bill and we don't want to artificially stand in  
9 the road. But let me... let me tell ya having been here for  
10 some time, this Bill has been bounced around since  
11 November. It was popped out of the Rules Committee last  
12 night. And now we're here on the floor and the Senate has  
13 gone home, gee, there's a surprise and... and we're asked to...  
14 to accept this and to join with you when we have serious  
15 reservations that there is a loophole, unintended as it may  
16 be, that would allow pension contributions from employees  
17 to be diverted to General Revenue Funds if the actuarial  
18 total had already been met. That is a dangerous precedent  
19 and in light of... of... in light that there is no specific  
20 language prohibiting that, I stand in opposition to the  
21 Bill."

22 Speaker Madigan: "Mr. Parke."

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

24 Speaker Madigan: "Sponsor yields."

25 Parke: "Thank you. Representative, I have just a question. Ya  
26 know, we're... we're talking about affecting the state  
27 pension systems. I'd like to know how much money do you  
28 expect to be affected by your legislation?"

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1 Hannig: "I'm advised that... that the amount left in the fund is  
2 \$660 million, Representative."

3 Parke: "So, we're talking that this could affect \$660 million?"

4 Hannig: "So... so, it's getting 1 percent right now and we're  
5 suggesting taking that 660 million, putting it into the  
6 pension funds where they're averaging 9 and 10 percent  
7 right now."

8 Parke: "So, you're saying that this plan will divert state  
9 employee contributions to the General Revenue Fund instead  
10 of going into the pension systems?"

11 Hannig: "No, Representative, I'm saying that we should prepay  
12 money that we know we will owe to our pension system  
13 throughout the rest of this fiscal year. We know we're  
14 gonna owe this money in April and in May and in June, but  
15 rather than sitting... letting this money sit in a fund  
16 that's earning 1 percent now, we're saying let's just  
17 prepay those pension contributions and start earning 9 and  
18 10 percent, which is what the pension systems are earning  
19 right now. So, if we don't do anything, eventually this  
20 money will trickle out of this 1 percent fund into the  
21 pension systems. But I'm saying let's maximize our rate of  
22 return by doing it all, by transferring it all out right  
23 now, the whole 660."

24 Parke: "So, you're... in other words, you're prepaying... you're  
25 not gonna prepay the pension contribution?"

26 Hannig: "Well, Representative, the way the system works it's  
27 like... like our paychecks. You know that you're gonna get  
28 paid and I'm gonna get paid this month and next month and

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1 the month after that. And we can wait and those paychecks  
2 will show up. And we can do the same thing with the  
3 pension payments. We can wait and eventually those  
4 transfers will be made into the pension funds or since we  
5 already have the money from the pension obligation bonds  
6 that we sold, since we already have this money in a fund  
7 earning 1 percent, we're saying let's accelerate those  
8 payments. Let's prepay 'em. Let's just move the money  
9 that we already have... earning 1 percent into the pension  
10 funds, so that they can earn 9 and 10 percent."

11 Parke: "You know, Representative, that sounds great. Mr.  
12 Speaker, to the Bill. And Mr. Speaker, I can't hear the... I  
13 had trouble hearing from the Sponsor of this. Could we  
14 have some quiet, please?"

15 Speaker Madigan: "Ladies and Gentlemen, please give your  
16 attention to Mr. Parke."

17 Parke: "You know, what we have is the Sponsor's trying to solve  
18 a problem on behalf of the state and we can all appreciate  
19 that. But what we're doing is that the Governor, yesterday  
20 when he spoke to the state Senate, said that he had a \$5  
21 billion challenge last year and a 1.6 billion challenge  
22 this year. There's no guarantee that we're gonna get this  
23 money in the way they want. There is no guarantee. So,  
24 what we're doing is that this is... this is on the... this is  
25 on the... this is what we want to achieve. But you know, we  
26 could end up being short again into the state employee  
27 contribution. Ladies and Gentlemen, I understand what he's  
28 trying to do. He's trying to solve a problem short-term.

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1 But Ladies and Gentlemen, I tell you, this is bad public  
2 policy. We ought not to be doing this. We are cutting  
3 spending instead of paying into our pension systems and  
4 this could affect especially... especially the State Employee  
5 Pension System. Once it's done, we can't say we're sorry  
6 we made a mistake. It's done. Ladies and Gentlemen, we  
7 need to find another way. This is gonna be the beginning.  
8 For the rest of this Session, we're gonna try to tinker  
9 with the State Pension System that is woefully under  
10 funded. This is not what we ought to do. I put in  
11 legislation last... six years ago for a catch-up provision on  
12 our pension systems that are one of the most under funded  
13 pension systems in the United States. And now, to try and  
14 find a solution to try and help the Governor, what we're  
15 gonna do is we're gonna monkey with these pension systems  
16 more than we are now. This is bad public policy. I ask  
17 you to vote 'no' on this legislation."

18 Speaker Madigan: "Mr. Leitch."

19 Leitch: "Thank you, Mr. Speaker. Will the Gentleman yield?"

20 Speaker Madigan: "Sponsor yields."

21 Leitch: "Does this represent the full certified amount..."

22 Hannig: "Representative, yeah..."

23 Leitch: "...as required by the continuing appropriation?"

24 Hannig: "Yes, Representative, and the money's already in the  
25 treasury."

26 Leitch: "Six hundred million, I thought it was 1.9 billion?"

27 Hannig: "This is... the 660 million is what is left. So in other  
28 words, we started out with over a billion dollars, almost 2

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1 billion and each month some of that money trickles out to  
2 make the payments. So, as of today, the early part of  
3 March, we still have 660 million left, earning 1 percent  
4 interest."

5 Leitch: "What about next year? My understanding of the Bill is  
6 that this Bill interrupts and changes the continuing  
7 appropriation language that we've had in the Bill ever  
8 since we passed that some years ago."

9 Hannig: "It doesn't, Representative. It... it... the language that  
10 we passed last year in the pension obligation bonds  
11 created... it created a arbitrage where we would have enough  
12 money to make this year's full payments to the pension  
13 systems. That is FY04. And as I said, we... we've been  
14 making those payments each month as they become due. All  
15 this Bill says is, look, we're only getting 1 percent."

16 Leitch: "I understand that, but..."

17 Hannig: "And let's... let's get the full amount."

18 Leitch: "Is it..."

19 Hannig: "So, we're not changing the continuing appropriation  
20 language here."

21 Leitch: "Is a year..."

22 Hannig: "And ne... and next year, unless we make some other  
23 changes. But next year we'll go back to the old way with  
24 the continuing appropriation language."

25 Leitch: "Is it your commitment that the '05 budget will have  
26 the fully certified amount?"



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1 Hannig: "Representative, I think we've all seen the Governor's  
2 proposal where he showed how he can get to paying the full  
3 amount that's required, and... and the continuing..."

4 Leitch: "No, I haven't seen that. Are you suggesting that we  
5 will, under our continuing appropriation language..."

6 Hannig: "Yeah, Rep..."

7 Leitch: "...keep faith with that law and fund the full 1.9  
8 billion..."

9 Hannig: "This Bill does not change..."

10 Leitch: "...in '05?"

11 Hannig: "Let me make two points. This Bill does not change the  
12 continuing appropriation language which... which exists right  
13 now and if we do nothing else except pass this Bill, we  
14 will go back to the old system in '05 and be under the  
15 continuing appropriation language."

16 Leitch: "Well, I'm very concerned about this Bill. And I'm  
17 especially concerned about some of the proposals for the  
18 Governor's Office because were he, over the next four  
19 years, to 'save money' by using proceeds from that \$10  
20 billion bond fund that would actually wind up costing  
21 taxpayers \$21 billion over the course of that event and it  
22 would also have grave risk implications in the systems  
23 putting the entire arbitrage scheme that was adopted last  
24 year at risk because those pension systems would have to  
25 earn at least upwards of 8 percent a year, 7.75 to 8  
26 percent a year, just to be able to support that arbitrage  
27 gimmick. So, I have very grave reservations about this.  
28 And would strongly urge a 'no' vote."

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1 Speaker Madigan: "Mr. Hannig to close."

2 Hannig: "Yes, thank you, Mr. Speaker and Members of the House.

3 This Bill is very simple. We have \$660 million left in the  
4 pension obligation account. We can allow ourselves to earn  
5 1 percent interest on that for the balance of the fiscal  
6 year or we can put the money into the pension systems today  
7 and earn 9 or 10 percent. Do you think we should be  
8 earning 9 or 10 percent instead of 1 percent? Vote 'yes'."

9 Speaker Madigan: "The question is, 'Shall the House concur in  
10 Senate Amendments #1 and 2?' Those in favor signify by  
11 voting 'yes'; those opposed by voting 'no'. Have all voted  
12 who wish? The Clerk shall take the record. On this  
13 question, there 64 'ayes' and 52 'nays'. The House does  
14 concur in Senate Amendments #1 and 2. And this Bill,  
15 having received a Constitutional Majority, is hereby  
16 declared passed. Mr. Jefferson. The Chair recognizes Mr.  
17 Jefferson."

18 Jefferson: "Thank you, Mr. Speaker. I would move to table  
19 House Bill 4350, 4350."

20 Speaker Madigan: "The Gentleman moves to table House Bill 4350.  
21 Is there leave? Leave is granted. The Motion is adopted.  
22 And the Bill is tabled. Mr. Parke"

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

25 Speaker Madigan: "State your point."

26 Parke: "Thank you. In the gallery to my left there are  
27 students and teachers from Streamwood High School. If the

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1 Streamwood High School students would rise and wave. I  
2 want to recognize them by the House. Thank you."

3 Speaker Madigan: "Representative Soto."

4 Soto: "Thank you, Speaker. I move to table House Bill 4311 and  
5 4829. Thank you."

6 Speaker Madigan: "The Lady moves to table House Bills 4311 and  
7 4829. Is there leave? Leave is granted. The Motion is  
8 adopted. And the Bills are tabled. The Chair recognizes  
9 Mr. Franks."

10 Franks: "Thank you, Speaker. I make a Motion to recommit House  
11 Bill 3906 to State Government Administration Committee."

12 Speaker Madigan: "You've all heard the Gentleman's Motion. Is  
13 there leave? Leave is granted. The Motion is adopted.  
14 And the Bill, House Bill 3906 is recommitted to committee.  
15 Representative Phelps, House Bill 4462. Mr. Clerk, what is  
16 the status of this Bill?"

17 Clerk Mahoney: "House Bill 4462 has been read a second time,  
18 previously. No Committee Amendments. No... Committee  
19 Amendment #1 was adopted. No Floor Amendments. All  
20 Motions have been filed."

21 Speaker Madigan: "Mr. Clerk, take this Bill out of the record.  
22 And Mr. Clerk, do you have a Committee Report?"

23 Clerk Mahoney: "Committee Reports. Representative McKeon,  
24 Chairperson from the Committee on Labor, to which the  
25 following measure/s was/were referred, action taken on  
26 Wednesday, March 03, 2004, reported the same back with the  
27 following recommendation/s: 'do pass Short Debate' (sic-  
28 House Bill) 4374, House Bill 4851, House Bill 4883, House

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1 Bill 5037, House Bill 6617, House Bill 6869; 'do pass  
2 as amended Short Debate' House Bill 4730; recommends 'be  
3 adopted as amended' House Joint Resolution 64; recommends  
4 'be adopted' Floor Amendment #2 to House Bill 4462."

5 Speaker Madigan: "Mr. Clerk, put House Bill 4462 back in the  
6 record. The Bill's on the Order of Second Reading. Are  
7 there any Amendments?"

8 Clerk Mahoney: "House Bill 4462 has been read a second time,  
9 previously. Amendment #1 was adopted in committee. Floor  
10 Amendment #2, offered Representative Phelps, is approved  
11 for consideration."

12 Speaker Madigan: "The Chair recognizes Mr. Phelps for the  
13 purpose of an Amendment."

14 Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
15 House. Amendment #2 strikes the emergency rules and makes  
16 it a matter of law in the statute to keep the status quo  
17 for overtime compensation for Illinois workers. It takes  
18 the good components of the Federal Government rules and  
19 updates the threshold that has not been changed in 28  
20 years. I move for the adoption of Amendment #2."

21 Speaker Madigan: "The Gentleman moves for the adoption of the  
22 Amendment. The Chair recognizes Mr. Parke."

23 Parke: "Thank you. Will the... Mr. Speaker, will the Sponsor  
24 yield?"

25 Speaker Madigan: "Sponsor yields."

26 Parke: "Now, Representative, you said this is technical but our  
27 staff said it has a lot more than technicality to it. Can

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1           you tell the Body a little bit more about what this does  
2           and how it affects white-collar and... and the duties tests?"

3 Phelps:   "Yeah, Representative Parke, the... Amendment #2 to two  
4           components.    It maintains the status quo of how we  
5           compensate overtime for over 375 thousand Illinois workers.  
6           The other thing that it adopts is it makes the salary test  
7           of what the Federal Government wanted into this Bill, House  
8           Bill 4462."

9 Parke:    "Well, wouldn't you, I'm talking about Amendment 2."

10 Phelps:   "That's Amendment 2."

11 Parke:    "How does this affect 350 thousand people?   I still  
12           don't understand that."

13 Phelps:   "Because under the Federal Government guidelines or the  
14           rules they want to change by March 31st, 375 thousand  
15           Illinois workers may not get overtime compensation that  
16           they deserve because the Federal Government wants to go to  
17           straight time.   This is gonna affect nurses, policeman,  
18           firefighters, all kinds of assorted workers in Illinois.  
19           And what we're doing in Illinois is trying to be a leader  
20           and tell the Federal Government that if they worked those  
21           overtime hours they ought to be... deserve 'em and they ought  
22           to get 'em and be compensated for 'em."

23 Parke:    "Yesterday in committee, you mentioned that you were  
24           going to put a technical Amendment 2 on this.   But again,  
25           this seems like it's more than technical.   What... what was  
26           wrong with the Bill that was presented to us yesterday?"

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1 Phelps: "Representative, this was what we presented yesterday.  
2 This is exactly what we had the... the discussion on  
3 yesterday in Labor Committee."

4 Parke: "Well, then why are you doing it? We passed the... we did  
5 not pass. I mean it passed out of committee. Why are you  
6 doing it again?"

7 Phelps: "No. It makes it a matter of law into the statute.  
8 That's what it does. Instead of going to the rulemaking  
9 authority it makes it a matter of statute... matter of law."

10 Parke: "Okay, thank you. To the Bill. Ladies and Gentlemen..  
11 to the Amendment. I think you... those of you who are  
12 concerned about this legislation need to read this  
13 Amendment. It's complex. It does affect it. This  
14 Amendment I believe now is opposed by the Illinois State  
15 Chamber of Commerce, the National Federation of Independent  
16 Businesses and the Illinois Hospital Association opposes  
17 this legislation. Let me... one quick thing if I may, Mr.  
18 Speaker. How does this affect the Illinois... the nurses who  
19 work on our... in our state? Does this affect them directly  
20 in any way or is this the overall effect for all of our  
21 union mem... workers?"

22 Phelps: "Representative Parke, I know you're... you feel dear  
23 like me with the Illinois Nurses Association. They are so  
24 strongly backing this it's amazing because they know that  
25 there is a nursing shortage right now in the State of  
26 Illinois. And this is gonna be harmful for businesses and  
27 harmful for our hospitals because we can't find nurses  
28 today to give proper patient care to our citizens and our

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1 constituents. They know that a nurse is not... if they don't  
2 get the time and a half overtime compensation and they only  
3 get straight time they're gonna leave in droves and that's  
4 gonna kill our hospitals and kill our nurses. All this is  
5 doing is maintaining the status quo of what the Illinois  
6 businesses and Illinois workers are used to today."

7 Parke: "Ladies and Gentlemen, to... to this Amendment. The  
8 Amendment will go on. Mr. Speaker, is it your intent to  
9 call the Bill after the Amendment is on today? Was it your  
10 intent to move to the passage of this Bill on Third Reading  
11 once this Amendment goes on?"

12 Speaker Madigan: "Yes."

13 Parke: "Then I will speak to the Bill after the Amendment is  
14 on. Thank you, Mr. Speaker."

15 Speaker Madigan: "Mr. Davis."

16 Davis, S.: "I'll wait until the Bill gets on Third Reading, Mr.  
17 Speaker. Thank you."

18 Speaker Madigan: "Mulligan."

19 Mulligan: "Mr. Speaker, I don't think the Amendment's on the  
20 system."

21 Speaker Madigan: "Representative Mulligan, what do you see on  
22 your screen?"

23 Mulligan: "I don't see it. She told me to hit refresh, which  
24 I did and nothing came up. So, is it back?"

25 Speaker Madigan: "All right. Ladies and Gentlemen, the  
26 question is, 'Shall the Amendment be adopted?' Those in  
27 favor say 'aye'; those opposed say 'no'. The 'ayes' have

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1           it.    The Amendment is adopted.    Are there any further  
2           Amendments?"

3 Clerk Mahoney:    "No further Amendments.    All Motions have been  
4           filed."

5 Speaker Madigan:    "Third Reading.    Mr. Clerk, read the Bill."

6 Clerk Mahoney:    "House Bill 4462, a Bill for an Act concerning  
7           employment.    Third Reading of this House Bill."

8 Speaker Madigan:    "Mr. Phelps."

9 Phelps:    "Thank you, Mr. Speaker and Ladies and Gentlemen of the  
10           House.    House Bill 4462 is an issue of the State  
11           Comptroller's Office.    This piece of legislation has the  
12           strong backing from the AFL-CIO, the Department of Labor,  
13           the Illinois Nurses Association, the UFCW, IFT, SEIU, the  
14           Associated Firefighters of Illinois, the Illinois Fraternal  
15           Order of Police as well as the Veterans of Illinois.    These  
16           supporters all agree that the Illinois General Assembly  
17           must stop the U.S. Department of Labor's proposed rule  
18           schedules to take effect at the end of this month that  
19           hurts Illinois workers a great deal.    House Bill 4462  
20           overrides harmful new federal regulations.    Under these  
21           federal rules fewer Illinois workers will now become  
22           eligible for overtime compensation at time and a half.  
23           Over 375 thousand Illinois workers will be hurt by this.  
24           House Bill 4462 prevents these rules from taking effect  
25           maintaining, maintaining the status quo that Illinois  
26           businesses, Illinois employers and Illinois workers had...  
27           now have.    If there's any questions I'll be glad to answer  
28           them."



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1 Speaker Madigan: "The question is, 'Shall this Bill pass'?  
2 There being no discussion, those in favor signify by voting  
3 'yes'... I guess there's been an awakening. Mr. Cross."

4 Cross: "Mr. Speaker, I think if you could give us just a second  
5 I think there are a few people on our side that would like  
6 to talk on it. This is a fairly comprehensive Bill. If  
7 you could give us a few moments."

8 Speaker Madigan: "Well, Mr. Winters is seeking recognition. We  
9 could..."

10 Cross: "That would be a good way... that would be an opportunity  
11 to give us a few moments."

12 Speaker Madigan: "...if we could recog... recognize him. He made a  
13 big difference on the 7 percent cap Bill on real estate  
14 taxes. Mr. Winters."

15 Cross: "Well, maybe..."

16 Speaker Madigan: "Mr. Cross. Cross."

17 Cross: "We're hoping he does a little better on this Bill."

18 Speaker Madigan: "Right. Mr. Winters."

19 Winters: "Thank you, Mr. Speaker. Will the Sponsor yield? I...  
20 I assume that the Sponsor will yield so I'll go ahead.  
21 Having just downloaded a 9 page article from the Nursing  
22 Executive Watch and having not read it yet, I will put on  
23 my nursing cap and we'll get started on this Bill. First  
24 off this again, having not had a good chance to re... to  
25 review this but looking at the... the summary of this, it  
26 does point out that many of the nursing groups around the  
27 country have really gone on the record as saying that the  
28 change in Federal Labor Law will very adversely affect

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1           them.    This that I have in my hand really refutes that.  
2           Says that there... our ends will not be affected by the new  
3           law.    What we're trying to do is instead update it for the  
4           first time in 25 years.    We have a weekly maxima... or  
5           minimum of \$155 to enable you to become eligible for  
6           overtime payments.    That is being raised to 425, I believe,  
7           in round numbers?    That's correct, is it not?"

8   Phelps:   "Correct."

9   Winters:   "Okay.    So, we're... we're trying to... to bring this  
10          labor law on minimum wage to a more modern setting for  
11          almost 28 years I believe it is since we've done anything  
12          on this.    And as we see society change, you see job  
13          classifications change, you see the ramifications between  
14          labor and management change throughout industry.    We need  
15          to update this.    What this Bill does is to cherry pick.  
16          There has been a compromise reached in Washington between  
17          business and labor.    And there... there are positives on both  
18          sides, there are negatives on both sides.    Both sides are  
19          trying to reach a compromise that's not going to sandbag  
20          industry.    And I think we ought to stick with the federal  
21          compromise that has been reached.    What we've done in this  
22          Bill is to instead say, you know, we really like these  
23          provisions that labor has won.    That business has agreed to  
24          give up.    But we really don't want to balance that with  
25          anything that... that labor might have given up themselves.  
26          We're just gonna take the best things from one side and  
27          ignore the best things on the other.    What we're doing is  
28          we're gonna make Illinois once again be the only state in

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1 the nation and I checked in debate in committee. No other  
2 state has tried to decouple from this Federal Law. We are  
3 the only ones. Once again, we're sending a message to... to  
4 the business community in Illinois. It's time that we  
5 shutdown your doors. You might as well pull up and leave.  
6 Now, small changes and I'm sure the argument's gonna be  
7 made that this minimum wage or overtime wage, excuse me,  
8 is... is it minor, the business will be able to manage around  
9 it. I just got a letter this morning. A company that is a  
10 printing company in my district just made a major  
11 expansion, added 350 jobs last year, while we happen to  
12 exclude from the sales tax exemption printing company  
13 machinery. It cost them \$800 thousand that they were not  
14 counting on. They'd already put the plans into effect but  
15 had not quite completed them when we changed the law last  
16 year. They're gonna move not only the 350 jobs that they  
17 added in Illinois, but an additional 300. A total of  
18 almost 700 jobs are gonna be moving out of this state.  
19 This is going to do the same thing. Any company in  
20 Illinois that has overtime situations that the Federal  
21 Government is... is not going to match the State of Illinois,  
22 they're gonna look around at every state on our border,  
23 every state in the nation and say, you know, they want us  
24 as businesses trying to employ people in their states, why  
25 the heck are we going to sink our roots any deeper in  
26 Illinois? It's time that we consider that any plant  
27 expansion or any new plants at all we're not gonna look at  
28 Illinois, we're gonna look at any other state other than

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1 Illinois, we might even look at California which is known  
2 as a bad business climate. Illinois is now ranked as the  
3 fifth worst state for business expansion. When they look  
4 around at what the state climate, the tax climate is, the  
5 unemployment rules, the unemployment compensation rates  
6 that they pay, the business liability insurance rates that  
7 they pay, Illinois ranks almost at the top for being a  
8 lousy place to do business. No wonder we're lagging the  
9 U.S. economy on jobs created. Our unemployment rate is  
10 almost 1 percent higher than the rest of the... the rest of  
11 the country. It's because we have made this a business  
12 unfriendly state. This is simply another way that we're  
13 gonna penalize Illinois business. Stay with the federal  
14 compromise that was reached. Both business and labor are  
15 getting good parts out of that Bill and instead of making  
16 Illinois once again, stand out on the edge of the cliff  
17 while we crack the ground under our businesses feet. We're  
18 gonna watch 'em slide down that the cliff and there gonna  
19 take our unem... our employees with them. I urge a 'no' vote  
20 on this Bill."

21 Speaker Madigan: "Mr. Black."

22 Black: "Thank you very much, Mr. Speaker. Will the Sponsor  
23 yield?"

24 Speaker Madigan: "Sponsor yields."

25 Black: "Representative, have these federal rules been... have  
26 these... have these federal rules been placed in effect yet?"

27 Phelps: "Representative, as of March 31st they will be in  
28 effect. And I have a... just so you know I have a article

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1 here from the Washington Post from President Bush's  
2 Secretary of Labor, Chao, saying that they will not delay  
3 the new overtime, it will go into effect by April 1st."

4 Black: "So, we're going to pass a Bill on the 4th of March  
5 acknowledging rules that as we stand here today do not  
6 exist?"

7 Phelps: "I just think when we know it's coming why should we  
8 work under one day with these rules that's gonna hurt  
9 Illinois workers."

10 Black: "Oh, I see and could you share your crystal ball with  
11 me?"

12 Phelps: "Well, I'm just... from the administration of President  
13 Bush and all of his cabinet said that these are gonna go in  
14 by April 1st."

15 Black: "So, we're going to pass a Bill on March the 4th  
16 implementing changes in the State of Illinois that no other  
17 state has done, acknowledging federal rules that are not in  
18 effect and don't even exist. Okay, that's fine. I mean  
19 that's... just so I understand what we're doing here because  
20 now this begins to make a lot more sense."

21 Phelps: "Representative..."

22 Black: "Let me ask you another question if I could? Do these  
23 proposed federal rules that the Washington Post that you  
24 quote says is inevitable and certainly will never  
25 disappear, and anything that appears in the Washington Post  
26 is certainly... I... I read their horoscope and I follow  
27 whatever the Washington Post says, is the way I live my

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1 life. Do their proposed federal rules in any way prohibit  
2 nurses from working overtime?"

3 Phelps: "No, not the hours, Representative."

4 Black: "Ah ha."

5 Phelps: "All it will do is take the time and half away and make  
6 them work straight time. That's what it would do."

7 Black: "Oh, now... let me follow you up with another question  
8 then. Do, in fact, the proposed federal rules prohibit  
9 nurses from being paid overtime if overtime was worked?"

10 Phelps: "Representative, no."

11 Black: "I'm sorry what was your answer?"

12 Phelps: "No."

13 Black: "Ah ha. So, the sky isn't falling, is it? If a nurse  
14 works overtime even if these rules are implemented on March  
15 31st, and that nurse works on April 1st a 12 hour shift,  
16 that nurse is still going to be paid overtime isn't she or  
17 he?"

18 Phelps: "No... no... no, Representative."

19 Black: "Oh, no... no... no, okay."

20 Phelps: "It will be straight time. It will be straight time.  
21 Not time and a half..."

22 Black: "Okay."

23 Phelps: "...straight time."

24 Black: "Could you tell me then, show me the specific rule the  
25 language that clearly states a nurse that works overtime on  
26 April 1st will not be paid overtime?"

27 Phelps: "That's why though she will be paid. She'll be paid  
28 straight time. But that's why I want Illinois to quit

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1 being a follower and be a leader and make sure that that  
2 does not happen."

3 Black: "Oh... oh... we're... we're a leader... we're a leader and you  
4 all should give yourselves a hand. We've lost more jobs in  
5 the last three years than any state in the country. We're  
6 leaders, there isn't any question about that."

7 Phelps: "And if we, Representative, if we... if we don't  
8 implement this we will lose jobs because nurses, and Joan  
9 Larsen will tell you, from the INA, they will be leaving in  
10 droves because there are nurses, single mothers and single  
11 fathers that rely on overtime to help their families."

12 Black: "Yeah... yeah, you're right, Representative. Malpractice  
13 doesn't have anything to do with the fact that the only two  
14 brain surgeons, neurosurgeons left in Southern Illinois,  
15 left a month ago. That... that must be because of these  
16 proposed... proposed federal rules? Is that right?"

17 Phelps: "No, that's a whole another issue, Representative."

18 Black: "Yeah, it sure is. One your side hasn't wanted to talk  
19 about in the last 10 years. Let's see, is there any part  
20 of these federal rules that have not yet taken effect that  
21 you like?"

22 Phelps: "Yes, I agree..."

23 Black: "What's... what would that be."

24 Phelps: "...I agree with the President of raising the threshold  
25 from \$155 a week to \$425 a week."

26 Black: "So, you like the part..."

27 Phelps: "It should have been... and... and, Representative, that  
28 hasn't been done in 28 years and actually the Economic

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1 Policy Institute says we're already under \$5000 a year less  
2 than what it actually should be today."

3 Black: "So, you like the like the part where the minimum salary  
4 amount is raised before the exemption would apply, right?"

5 Phelps: "Yeah, and that's why we put it in the Bill."

6 Black: "And is that because more individuals under that federal  
7 scenario will not be exempt and thus will be eligible for  
8 overtime?"

9 Phelps: "Yes, that's correct."

10 Black: "Ah, I thought a while ago nobody was gonna get  
11 overtime."

12 Phelps: "That was the... that's the Executive Branch's decision  
13 and I thought that was a very welcomed deal on that, that's  
14 why we put it in."

15 Black: "Okay. Thank you, Representative. Mr. Speaker, Ladies  
16 and Gentlemen of the House, to the Bill. One thing I  
17 certainly can't answer or can't argue with the young man  
18 on, Illinois' a leader. We're the leader of lost jobs.  
19 We're the leader in exporting industrial plants to other  
20 states. We're the leader in decoupling from... let's see the  
21 Federal Estate Tax, which will impact most farmers in  
22 southern Illinois who have managed to accumulate land.  
23 We've decoupled from that. We've decoupled from the  
24 accelerated depreciation schedule, one of only five states  
25 to have done that. That will help us attract big business  
26 that has to... that has to spend a \$150 million for a piece  
27 of equipment. Yeah, they'll... they'll flock to Illinois  
28 because now they won't be able write off their piece of



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1 equipment in an accelerated period of time, they'll have to  
2 write it off over 10 years. Yeah, we're a leader all  
3 right. I'd like to share a story with you if I might. And  
4 it just kind of sums my whole philosophy on this. My... my  
5 late father-in-law was a remarkable man. A veteran of  
6 World War II, came home, worked for Standard Oil for a  
7 number of years. Wanted to get off the road and he moved  
8 to Des Moines, Iowa and he opened up an auto parts store.  
9 And he was open eight hours a day for five days a week and  
10 four hours on Saturday, 44 hours. He had an agreement with  
11 all of his employees that that's what they wanted to do.  
12 They wanted a 44-hour week and they were very, very happy  
13 with what my father-in-law said he would pay them for a 44  
14 hour week. So, everybody was happy, four people had a job,  
15 the business was paying taxes and about, oh, I don't know,  
16 two years I think after Jack opened the business an  
17 inspector from the Bureau of Labor Statistics came in. And  
18 they did an audit. And they said uhoh... uhoh, you can't  
19 work somebody 44 hours a week. Only 40. And my father-in-  
20 law said everybody agrees to that. They're being paid for  
21 the four hours on Saturday. What's the problem? Well,  
22 I'll tell you what the problem is. You as a business owner  
23 don't have the right to determine that. We in the Federal  
24 Government through the Bureau of Labor Statistics will  
25 determine that. And here's what you owe your employees in  
26 back time and half wages. He went bankrupt. Four people  
27 lost their job. The auto store closed and America was  
28 somehow better off. Boy, that makes a lot of sense to me,

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1 Representative. Let's regulate every aspect of our lives.  
2 Let's continue to be the leader in lost jobs. And while  
3 we're at it and I hate to be this way, you know why this  
4 Bill is up here? Do you... give me the real reason that this  
5 Bill is before us on March the 4th. Give me the real  
6 reason."

7 Phelps: "I think it's a great Bill."

8 Black: "Yeah. Would it have anything to do with Dan Hynes'  
9 Senate Campaign?"

10 Phelps: "This is... you know what, Representative, with all due  
11 respect..."

12 Black: "Tell me the truth."

13 Phelps: "AFL-CIO..."

14 Black: "Tell me the truth."

15 Phelps: "Well, then I think you should talk to..."

16 Black: "Tell me the truth or sit down."

17 Phelps: "I think you should tell... talk to the AFL-CIO..."

18 Black: "You tell the truth."

19 Phelps: "...the NIA, the INT."

20 Black: "You tell the truth. You got the guy sitting right next  
21 to ya. Tell me the truth, you little weasel."

22 Phelps: "We've got timeline by March 31st, Representative. I'm  
23 just making sure Illinois does what's right and maintains  
24 the status quo."

25 Black: "This happens to be... this happens to be the cornerstone  
26 of Dan Hynes' campaign commercial. This Bill doesn't need  
27 to be here today. Except the Democrat powers thinks he  
28 needs some help before the commercial. So, have your fun.

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1 Do your thing. But someday, Mr., have the common courtesy  
2 and guts to tell me the truth."

3 Phelps: "Representative, we got March 31st deadline on this and  
4 we gotta get it to the Senate as well. So..."

5 Speaker Madigan: "Representative Steve Davis."

6 Davis, S.: "If... if it is an initiative of Dan Hynes it's a hell  
7 of a good issue, Representative. Will the Sponsor yield?  
8 Listen Representative, can you tell us how many jobs in  
9 Illinois are going to be affected by the President's new  
10 overtime rules?"

11 Phelps: "Eight million... over 8 million in the... in the country  
12 and over 375 thousand in the State of Illinois."

13 Davis, S.: "So, you mentioned in the debate that the nurses  
14 certainly are going to be affected. What... what other... what  
15 other groups, Representative, are going to be affected by  
16 the new overtime rules?"

17 Phelps: "The veterans of Illinois are going to be affected by  
18 this, SEIU, IFT, teachers, 375 thousand workers. And  
19 here's the other thing, you know, Representative Davis,  
20 that we have to remember. We've had time and a half on the  
21 books since 1938, with the federal changes it will go to  
22 straight time. So, why do we change something that we've  
23 had since 1938? We're maintaining the status quo to  
24 protect Illinois workers."

25 Davis, S.: "Is there anything in the... the... the new federal  
26 overtime rules that would lower the age where children can  
27 go to work full time? Because, you know, we used to have  
28 that in this country, too."

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1 Phelps: "Right."

2 Davis, S.: "Where 8, and 9, and 10-year olds went to work  
3 because the corporations were using them to their  
4 advantage."

5 Phelps: "Right."

6 Davis, S.: "But is there anything in there to change that?"

7 Phelps: "No."

8 Davis, S.: "Okay, just... just trying to double check. Ladies  
9 and Gentlemen of the House, we have an opportunity here in  
10 this legislative Body to do something right and to do  
11 something good for the working families in the State of  
12 Illinois. You know this is one time where the status quo  
13 should actually matter. Or we should stick with the... with  
14 the status quo. By us decoupling we're... we're not just the  
15 only state in the Union to decouple from the proposed  
16 federal overtime rules. We're... we're the leaders. We're  
17 the leaders in this country by decoupling from the federal  
18 overtime rules. We can stand up today and tell the workers  
19 in the State of Illinois that this Body cares about them,  
20 that we care about their future, that they care about... we  
21 care about their children and their grandchildren. We care  
22 about their pension benefits and we care about their health  
23 care benefits. That's what we're going to do today by  
24 voting for this Bill. Why in the world would anybody in  
25 this chamber want to take away hard earned money from  
26 people who earn a hard day's wage, especially those who are  
27 working over eight hours a day or over 40 hours a week? If  
28 you work over 40 hours a week you should be paid a decent

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1 wage for that sacrifice. I... you know, many of these  
2 corporations have mandatory overtime rules, mandatory.  
3 It's not voluntary, it's mandatory. So, they're gonna  
4 mandate that you work overtime for straight wages. That is  
5 not right. We... and many of these people that are being  
6 affected they are not represented... represented through  
7 collective bargaining. This is just not a union issue.  
8 This is a workers' issue. This is a family issue. It has  
9 nothing to do with collective bargaining. Actually, you  
10 can collectively bar... collectively bargain for overtime for  
11 time and a half, double time two and half times and three  
12 times. We're talking about people who need the help from  
13 the Illinois Legislature, from the Governor and from the  
14 people who represent them. Stand up and make the right  
15 vote. Vote 'yes' on House Bill 4462."

16 Speaker Madigan: "Representative Mulligan."

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

18 Speaker Madigan: "Sponsor yields."

19 Mulligan: "Representative Phelps, I understand that under the  
20 federal rule where it was streamlined from one duty test to  
21 two... from two duty test to one duty test. Would you  
22 explain the duty test to me?"

23 Phelps: "Yeah. The duties test, Representative, gives the  
24 employer the ability to substitute actual work experience  
25 for a formal education. So, that would mean also for... if  
26 you had a veteran, for example, if you leave the military  
27 and go to a private company and you're in the military and  
28 you have training of specialized content that could be used

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1       against you when you go to... to a place of work. They could  
2       say that you're too qualified and too skilled, so therefore  
3       I don't have to pay you overtime."

4 Mulligan: "All right. So, what the federal Bill did was it  
5       changes the... the qualification to be considered  
6       professional staff rather as nonprofessional staff. And it  
7       increased the salary threshold which would be considered  
8       professional staff as nonprofessional staff."

9 Phelps: "Yeah, correct."

10 Mulligan: "All right. I realized that when I worked for a law  
11       firm when I went from nonprofessional staff to professional  
12       staff I worked twice as hard and got less pay, if I counted  
13       the hours. Not... the increase in pay was substantial but  
14       not to cover the time I spent maybe sitting at meetings at  
15       night covering them for the law firm. But there was a  
16       qualification there that I was considered professional  
17       staff, which to some people is important. What appears to  
18       me is what we want is all of that. We want to be  
19       professional staff but we want to have... be judged under  
20       union standards of how we're paid. So, we want the best of  
21       all worlds. But that's also at the expense of partly at  
22       the state budget. Last year we increased the minimum wage  
23       without any thought to what human service providers pay  
24       people. So, we put an additional burden on them. You're  
25       going to do that once again. Just recently in the state  
26       budget all the merit comp employees will now have to pay  
27       their own pension. The union employees don't. Is that  
28       going to happen if you're considered professional staff?"

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1 Phelps: "No."

2 Mulligan: "So, we've stream... we've streamlined all of this and  
3 then what does this come under the Department of Labor?"

4 Phelps: "The Department of Labor. Correct."

5 Mulligan: "Will they have to come through JCAR to implement  
6 these rules or do they just automatically get to implement  
7 these rules without going before JCAR?"

8 Phelps: "We worked with the Department of Labor here in the  
9 State of Illinois. They helped us implement this because  
10 they don't even want one day to go under over this because  
11 of all the rules they... they probably wouldn't be able to  
12 get done in time."

13 Mulligan: "So, there's cer... they're gonna go by the Joint  
14 Committee on Administrative Rules when this Bill is going  
15 to allow them to bypass those hearings, directly implement  
16 the law and go around this?"

17 Phelps: "It may need fine tuned, but we're gonna make it a  
18 matter of law."

19 Mulligan: "Well, Representative..."

20 Phelps: "And then we can go back to JCAR, Representative."

21 Mulligan: "You're not... you're not... you're not only introducing  
22 this Bill, as we often do introduce legislation at a time  
23 when we're walking out of here in hurry and what  
24 Representative Black said to you may be true. It may be  
25 for a campaign. But there is no overall policy under this  
26 administration or this Body in the last two years that  
27 adequately looks at the balance between labor and business.  
28 This state has gone to hell in a hand basket because of

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1 stuff like this. You do not actually sit here and say  
2 we're gonna pass a big change by introducing an Amendment  
3 at the last minute and running it out of here when  
4 everybody wants to go home."

5 Phelps: "So..."

6 Mulligan: "It's irresponsible."

7 Phelps: "...well, Representative, let me... let me clarify this.

8 So, we're here March 4th. We're gonna be gone and not come  
9 back until March 23rd. It'll take at least six Session  
10 days to get this to the Senate and to the Governor before  
11 the federal guideline of April... of March... of April 1st."

12 Mulligan: "If this Bill has to go through JCAR and not thr... if  
13 the Department of Labor has to present the changes before  
14 JCAR it'll be a lot longer before that. So, it doesn't  
15 matter when it is implemented. It still will have to go  
16 through different rules and it has to be signed. And if  
17 the Governor signs this and makes it into law immediately,  
18 we're losing a lot of stuff. Right now he's raiding the  
19 Road Fund. The Federal Government is in the process of  
20 giving Road Fund money to the State of Illinois. If you  
21 have a Governor that's taking the Road Fund money you're  
22 not going to get Road Fund money out of the Federal  
23 Government. If you go after the Federal Laws we're gonna  
24 have less Road Fund money, we're gonna have less  
25 consideration from the Federal Government. But you just  
26 keep on doing this with no time at all to have a logical  
27 discussion and weigh the consequences of this. So, now  
28 you're gonna im... implement another law that makes us



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1 unfavorable to business in this state. Labor can only have  
2 jobs if there's businesses. There are only so many state  
3 jobs that you can have people employ. The object of the  
4 state taxpayer is not to pay for every employee to be a  
5 state employee, you have to have some business jobs. So,  
6 if you make a totally nonbusiness friendly state, which we  
7 are doing, and we're the slowest in economic recovery, how  
8 can you justify that to your people when they come to you  
9 and have no jobs? Overtime with no jobs is zero just as  
10 salary with no job is zero. So, how can you implement  
11 something like this without an adequate time for  
12 discussion?"

13 Phelps: "Representative, nurses are gonna leave. There's  
14 single mothers and single fathers out there that rely on  
15 overtime to keep their family together..."

16 Mulligan: "Representative, I was a single mother..."

17 Phelps: "...that'll be taken all away, Representative."

18 Mulligan: "...I was professional staff and I did not get  
19 overtime."

20 Phelps: "Thank you."

21 Mulligan: "I managed to put my kids through college. Now if  
22 you want to make this a nonfriendly state with no jobs,  
23 just keep it up. Don't... don't give me this 'oh, poor me'  
24 if..."

25 Phelps: "Representative..."

26 Mulligan: "...we don't vote for this."

27 Phelps: "...this is gonna take something away what Illinois  
28 workers had. This maintains the status quo what business

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1 and employers and employees have right now. That's all  
2 it's doing. You can try to say what you want but it  
3 maintains the status quo, what we're used to now."

4 Mulligan: "You're preempting the federal change. All you're  
5 doing this for is for publicity, for campaigns and for  
6 other issues. But what you're doing is you're making  
7 business move, when I have people in my district say to me  
8 if this keeps up I will be out of here in two years, I'm  
9 planning on moving my business. We're losing jobs like a  
10 big sucking vacuum. This is the kind of stuff with no  
11 discussion that makes us an unfriendly state to business,  
12 which means no jobs."

13 Phelps: "Thank you, Representative."

14 Speaker Madigan: "Mr. Watson."

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

16 Speaker Madigan: "Sponsor yields."

17 Watson: "Representative, could you tell me if... if I'm an  
18 employer right now and this Bill goes into effect will I be  
19 able to have salaried employees?"

20 Phelps: "What kind of employees, Representative?"

21 Watson: "If I... if I'm just an employer and I have a salaried  
22 employee right now who does not get overtime but has a  
23 decent salary, will I still be able to have a salaried  
24 employee?"

25 Phelps: "Representative, whatever it... yes. Whatever it is  
26 today will maintain the status quo with this Bill. It's  
27 what we're used to right now. It's not changing it. Just  
28 changing the threshold from 155 to 425, that's it. And

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1           that was a President Bush initiative. That's all we're  
2           doing."

3   Watson: "Is... is the primary goal of this to affect nurses?"

4   Phelps: "No. No, it's just they're gonna be affected by it  
5           because they rely on overtime to help their families out.  
6           When this Federal Law goes in it's straight time not time  
7           and half. We've had time and half on the books since 1938.  
8           We're not changing that. That's what the Federal Law does.  
9           And we don't want to harm those workers."

10   Watson: "Okay, so... so do you thi... I guess my concern is... is  
11           the... the employers out there will they under... are they... is  
12           there gonna be mass confusion? Are they gonna understand..."

13   Phelps: "Representative, no, because there would be mass  
14           confusion if these Federal Laws go in. We're maintaining  
15           status quo. That's all we're doing, Representatives."

16   Watson: "So, will this job, in your opinion, will this job  
17           increase labor costs? Or will this Bill increase labor  
18           costs?"

19   Phelps: "No, 'cause it's what... whatever's going on now it'll be  
20           the same way. The wor... everybody's used to this anyway in  
21           Illinois. That's all we're doing with this Bill."

22   Watson: "Okay, thank you. Thank you, Mr. Speaker."

23   Speaker Madigan: "Mr. Osterman, to add to the debate."

24   Osterman: "Thank you, Mr. Speaker. I won't add too much more.  
25           I... will the Sponsor yield?"

26   Speaker Madigan: "Sponsor yields."

27   Phelps: "Yes."

28   Osterman: "Repre... Representative Phelps..."

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1 Phelps: "And thank you, for asking."

2 Osterman: "...I agree that what you said earlier this is a good  
3 Bill and I would ask people to support, it and it's a Bill  
4 that you and I can support together unlike some of your  
5 Bills. But I just have one question. And that is do you  
6 have a Senate Sponsor of this Bill?"

7 Phelps: "Yes."

8 Osterman: "Who's that?"

9 Phelps: "Senator Gary Forby."

10 Osterman: "Okay. But if other Senators wanted to come on as  
11 cosponsors like Senator Barack Obama would you be willing..  
12 you'd be willing to entertain that, wouldn't you?"

13 Phelps: "Sure."

14 Osterman: "Okay. Thank you."

15 Phelps: "Representative, I think he's a..."

16 Speaker Madigan: "Mr. Verschoore."

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

18 Speaker Madigan: "Sponsor yields."

19 Verschoore: "In answer to Representative Mulligan's statements  
20 I was on both sides of the coin on this thing. Being with  
21 the plumbers and pipe fitters, I worked out in the field  
22 and I wanted to tell ya how important overtime is. When I  
23 was elected business manager I went in, and I was  
24 management so I didn't get overtime so I put in probably as  
25 many hours as you did. And... overtime is important to  
26 working stiffs, let me tell ya, especially in construction.  
27 They might not get 40 hours a week. They might get three  
28 days a week so they need that... that overtime to make a

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1 decent living. So, this is why we need to have this Bill  
2 pass. Thank you."

3 Speaker Madigan: "The question is, 'Shall this Bill pass?'  
4 Those in favor signify by voting 'yes'; those opposed by  
5 voting 'no'. Have all voted who wish? Have all voted who  
6 wish? The Clerk shall take the record. On this question,  
7 there are 57 'aye' and 44 'no'. Mr. Phelps."

8 Phelps: "Mr. Speaker. Thank you, Mr. Speaker. Put this on  
9 Postponed Consideration, please."

10 Speaker Madigan: "Put the Bill on the Order of Postponed  
11 Consideration. Mr. Black."

12 Black: "Mr. Speaker, a point of personal privilege. Ladies and  
13 Gentlemen of the House, no matter how hard debate gets in  
14 this chamber, no matter how upset I can get at an issue  
15 there is never, ever an excuse to call a fellow Member of  
16 this chamber a little weasel. That is inexcusable. I am  
17 embarrassed that I did so. I apologize to Representative  
18 Phelps. That... that is not the kind of conduct that I would  
19 condone on this floor and I am very, truly and sincerely  
20 sorry. That kind of language is disrespectful and has no  
21 place on this floor and I apologize to you, Sir."

22 Speaker Madigan: "Mr. Phelps."

23 Phelps: "Representative, thank you, but I've been called a lot  
24 worse."

25 Speaker Madigan: "Mr. Clerk, for an announcement."

26 Clerk Mahoney: "The House Personnel & Pensions Committee will  
27 meet immediately in Room 118. The House Personnel and  
28 Pensions Committee will meet immediately at Room 118. The

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1 House Rules Committee will meet immediately in the  
2 Speaker's Conference Room. The House Rules Committee will  
3 meet immediately in the Speaker's Conference Room. The  
4 House shall stand at ease until 4:45."

5 Clerk Mahoney: "Committee Reports. Representative Barbara  
6 Flynn Currie, Chairperson from the Committee on Rules, to  
7 which the following legislative measures and/or joint  
8 action motions were referred, action taken on March 4,  
9 2004, reported the same back with the following  
10 recommendation: Barbara... House Bill 4031, Amendment #2  
11 offered by Representative McKeon, recommends 'be adopted'.  
12 Representative Burke, Chairperson from the Committee on  
13 Executive, to which the following measures were referred,  
14 action taken on March 3, 2004, reported the same back with  
15 the following recommendations: 'do pass Short Debate' House  
16 Bill 4003, House Bill 4015, House Bill 4055, House Bill  
17 4232, House Bill 4651, House Bill 6654, House Bill 6683,  
18 House Bill 6866; 'do pass as amended Short Debate' House  
19 Bill 3883, House Bill 3954, House Bill 4361, House Bill  
20 4960, House Bill 5011, House Bill 5875, House Bill 4452,  
21 House Bill 4782, House Bill 5884 and House Bill 6633.  
22 Representative Fritchey, Chairperson from the Committee on  
23 Judiciary-Civil Law, to which the following measures were  
24 referred, action taken on March 3, 2004, reported the same  
25 back with the following recommendations: 'do pass Short  
26 Debate' House Bill 3893, House Bill 4310, House Bill 4389,  
27 House Bill 4652, House bill 4703, House Bill 4777, House  
28 Bill 4895, House Bill 6563, House Bill 6564, House Bill

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1 6618; 'do pass as amended Short Debate' House Bill 4856,  
2 House Bill 5130; 'do pass Standard Debate' House Bill 4498;  
3 'do pass as amended Standard Debate' House Bill 3994.  
4 Representative McCarthy, Chairperson from the Committee on  
5 Higher Education, to which the following measures were  
6 referred, action taken on March 3, 2004, reported the same  
7 back with the following recommendations: 'do pass Short  
8 Debate' House Bill 3877, House Bill 4688, House Bill 4744,  
9 House Bill 5018; 'do pass as amended Short Debate' House  
10 Bill 4686, House Bill 6621. Representative Holbrook,  
11 Chairperson from the Committee on Environment & Energy, to  
12 which the following measures were referred, action taken on  
13 March 3, 2004, reported the same back with the following  
14 recommendations: 'do pass as amended Short Debate' House  
15 Bill 4850, House Bill 4959 and House Bill 5094.  
16 Representative Franks, Chairperson from the Committee on  
17 State Government Administration, to which the following  
18 measures were referred, action taken on March 3, 2004,  
19 reported the same back with the following recommendations:  
20 'do pass Short Debate' House Bill 3850, House Bill 4005,  
21 House Bill 4103, House Bill 4269, House Bill 4489, House  
22 Bill 4532, House Bill 4621, House Bill 5042, House Bill  
23 5129, House Bill 5131, House Bill 5175, House Bill 6648,  
24 House Bill 6989; 'do pass as amended Short Debate' House  
25 Bill 4247, House Bill 5165 and House Bill 5320; 'do pass as  
26 amended Standard Debate' House Bill 4127; recommends 'be  
27 adopted' House Bill 620... House Resolution 629, House  
28 Resolution 677; a Motion to Concur with Senate Amendments 1

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1 and 2 to House Bill 585. Representative Giles, Chairperson  
2 from the Committee on Elementary & Secondary Education, to  
3 which the following measures were referred, action taken on  
4 March 3, 2004, reported the same back with the following  
5 recommendations: 'do pass Short Debate' House Bill 3970,  
6 House Bill 3974, House Bill 3979, House Bill 3980, House  
7 Bill 4225, House Bill 4265, House Bill 4431, House Bill  
8 4444, House Bill 6841, House Bill 6954; 'do pass Standard  
9 Debate' House Bill 4266, House Bill 5041, House Bill 6714;  
10 'do pass as amended Short Debate' House Bill 3942, House  
11 Bill 4058, House Bill 4167, House Bill 4522, House Bill  
12 5215, House Bill 5562, and House Bill 6906; recommends 'be  
13 adopted' a Motion to Concur with Senate Amendment #2 to  
14 House Bill 754. Representative Saviano, Chairperson from  
15 the Committee on Registration & Regulation, to which the  
16 following measures were referred, action taken on March 3,  
17 2004, reported the same back with the following  
18 recommendations: 'do pass Short Debate' House Bill 4057,  
19 House Bill 4229, House Bill 4410, House Bill 4864, House  
20 Bill 4989, House... and House Bill 6552; 'do pass as amended  
21 Short Debate' House Bill 4200, House Bill 4436, House Bill  
22 5890, and House Bill 5891. Representative Lang,  
23 Chairperson from the Committee on Gaming, to which the  
24 following measures were referred, action taken on March 3...  
25 March 3, 2004, reported the same back with the following  
26 recommendations: 'do pass Short Debate' House Bill 4283.  
27 Representative Delgado, Chairperson from the Committee on  
28 Human Services, to which the following measures were



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1 referred, action taken on March 3, 2004, reported the same  
2 back with the following recommendations: 'do pass Short  
3 Debate' House Bill 4116, House Bill 4560, House Bill 4718,  
4 House Bill 4953, House Bill 4964, House Bill 6920, and  
5 House Bill 7038; 'do pass as amended Short Debate' House  
6 Bill 3963, House Bill 3975, House Bill 4302, House Bill  
7 4612, House Bill 4735, House Bill 4862, House Bill 4476,  
8 House Bill 4493, House Bill 4558, House Bill 4870, House  
9 Bill 5164; recommends 'be adopted' House Resolution 593,  
10 House Resolution 594, House Resolution 703, and House Joint  
11 Resolution 48. Representative Scully, Chairperson from the  
12 Committee on Commerce & Business Development, to which the  
13 following measures were referred, action taken on March 3,  
14 2004, reported the same back with the following  
15 recommendations: 'do pass Short Debate' House Bill 4640,  
16 House Bill 5023; 'do pass Standard Debate' House Bill 6679;  
17 'do pass as amended Short Debate' House Bill 4227.  
18 Representative Molaro, Chairperson from the Committee on  
19 Revenue, to which the following measures were referred,  
20 action taken on March 4, 2004, reported the same back with  
21 the following recommendations: 'do pass Short Debate'  
22 House Bill 3833, House Bill 3985, House Bill 4224, House  
23 Bill 4263, House Bill 4351, House Bill 4461, House Bill  
24 4510, House Bill 4700, House Bill 4887, House Bill 4914,  
25 House Bill 4976, House Bill 4977, House Bill 5014, House  
26 Bill 6632, House Bill 6745, House Bill 6806; 'do pass as  
27 amended Short Debate' House Bill 4400, House Bill 4501,  
28 House Bill 4716, House Bill 5095, House Bill 5157, House

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1 Bill 5533, House Bill 5732, House Bill 6583, House Bill  
2 6691, House Bill 6760, House Bill 7006. Representative  
3 Flowers, Chairperson from the Committee on Human Services,  
4 to which the following measures were referred, action taken  
5 on March 4, 2004, reported the same back with the following  
6 recommendations: 'do pass Short Debate' House Bill 4622,  
7 House Bill 6739; recommends 'be adopted' House Bill 650...  
8 House Resolution 654 and House Resolution 713.  
9 Representative McAuliffe, Chairperson from the Committee on  
10 Veterans' Affairs, to which the following measures were  
11 referred, action taken on March 4, 2004, reported the same  
12 back with the following recommendations: 'do pass Short  
13 Debate' House Bill 4371, House Bill 4372 and House Bill  
14 4491; 'do pass as amended Short Debate' House Bill 4992,  
15 House Bill 4996; recommends 'be adopted' House Resolution  
16 688. Representative Fritchey, Chairperson from the  
17 Committee on Judiciary-Civil Law, to which the following  
18 measures were referred, action taken on March 4, 2004,  
19 reported the same back with the following recommendations:  
20 'do pass Short Debate' House Bill 4723. Representative  
21 Delgado, Chairperson from the Committee on Judiciary-  
22 Criminal Law, to which the following measures were  
23 referred, action taken on March 4, 2004, reported the same  
24 back with the following recommendations: 'do pass Short  
25 Debate' House Bill 3978, House Bill 4027, House Bill 4036,  
26 House Bill 4135, House Bill 4271, House Bill 4287, House  
27 Bill 4288, House Bill 4426, House Bill 4739, House Bill  
28 4827, House Bill 5016, House Bill 5021, House Bill 5061,

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1 House Bill 6874, House Bill 6951, and House Joint...; 'do  
2 pass as amended Short Debate' House Bill 3869, House Bill  
3 4023, House Bill 4067, House Bill 4120, House Bill 4395,  
4 House Bill 4424, House Bill 4505, House Bill 4650, House  
5 Bill 4790, House Bill 4825, House Bill 6786, House Bill  
6 6902, and House Bill 7015. Representative Hoffman,  
7 Chairperson from the Committee on Transportation & Motor  
8 Vehicles, to which the following measures were referred,  
9 action taken on March 4, 2004, reported the same back with  
10 the following recommendations: 'do pass Short Debate'  
11 House Bill 4920; 'do pass as amended Short Debate' House  
12 Bill 4337, House Bill 4457 and House Bill 5020.  
13 Representative Daniels, Chairperson from the Committee on  
14 Developmental Disabilities & Mental Illnesses, to which the  
15 following measures were referred, action taken on March 4,  
16 2004, reported the same back with the following  
17 recommendations: 'do pass as amended Short Debate' House  
18 Bill 4092 and House Bill 5000. Representative Franks,  
19 Chairperson from the Committee on State Government  
20 Administration, to which the following measures were  
21 referred, action taken on March 4, 2004, reported the same  
22 back with the following recommendations: 'do pass as  
23 amended Short Debate' House Bill 6983; 'do pass Standard  
24 Debate' House Bill 3906 and House Bill 4363; 'do pass Short  
25 Debate' House Bill 6681, House Bill 6848 and House Bill  
26 6893; recommends 'be adopted' House Resolution 627.  
27 Representative Burke, Chairperson from the Committee on  
28 Executive, to which the following measures were referred,

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1 action taken on March 4, 2004, reported the same back with  
2 the following recommendations: 'do pass Short Debate'  
3 House Bill 4720; 'do pass as amended Short Debate' House  
4 Bill 4572 and House Bill 6753; recommends 'be adopted'  
5 Floor Amendment #1 to Senate Bill 1626. Representative  
6 Franks, Chairperson from the Committee on State Government  
7 Administration, to which the following measures were  
8 referred, action taken on March 4, 2004, reported the same  
9 back with the following recommendations: 'do pass as  
10 amended Short Debate' House Bill 6848 and House Bill 6983;  
11 'do pass Standard Debate' House Bill 3906 and House Bill  
12 4363; 'do pass Short Debate' House Bill 6681 and House Bill  
13 6893; recommends 'be adopted' House Resolution 627.  
14 Representative Collins, Chairperson from the Committee on  
15 Juvenile Justice Reform, to which the following measures  
16 were referred, action taken on March 4, 2004, reported the  
17 same back with the following recommendations: 'do pass as  
18 amended Short Debate' House Bill 4566 and House Bill 4610;  
19 'do pass Short Debate' House Bill 4975. Representative  
20 Bradley, Chairperson from the Committee on Personal &  
21 Pensions, to which the following measures were referred,  
22 action taken on March 4, 2004, reported the same back with  
23 the following recommendations: 'do pass Short Debate'  
24 House Bill 6616; 'do pass as amended Short Debate' House  
25 Bill 4109 and House Bill 4575. Representative Howard,  
26 Chairperson from the Committee on Computer Technology, to  
27 which the following measures were referred, action taken on  
28 March 4, 2004, reported the same back with the following

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1 recommendations: 'do pass Short Debate' House Bill 6992.  
2 Representative Osterman, Chairperson from the Committee on  
3 Local Government, to which the following measures were  
4 referred, action taken on March 3, 2004, reported the same  
5 back with the following recommendations: 'do pass Short  
6 Debate' House Bill 3890, House Bill 4239, House Bill 4280,  
7 House Bill 4779, House Bill 4958, and House Bill 7263; 'do  
8 pass as amended Short Debate' House Bill 2633, House Bill  
9 4017 and House Bill 4238. Introduction of House  
10 Resolutions. House Resolution 725, offered by  
11 Representative Madigan. House Resolution 726, offered by  
12 Representative Younge."

13 Speaker Madigan: "The House shall come to order. Mr. Clerk.  
14 Mr. Clerk, what is the status of House Bill 4031?"

15 Clerk Mahoney: "House Bill 4031 has been read a second time,  
16 previously. Amendment #1 was adopted in committee. Floor  
17 Amendment #2, offered by Representative McKeon, has been  
18 approved for consideration."

19 Speaker Madigan: "Mr. McKeon."

20 McKeon: "Thank you, Mr. Speaker. Floor Amendment #2 restricts  
21 the Bill solely to the City of Chicago. Makes no other  
22 substantive changes."

23 Speaker Madigan: "The Gentleman moves for the adoption of the  
24 Amendment. The Chair recognizes Mr. Black."

25 Black: "Thank you very much, Mr. Speaker. Will the Sponsor  
26 yield?"

27 Speaker Madigan: "Sponsor yields."

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1 Black: "Representative, so, this... the Amendment then would  
2 alleviate any concerns that a downstate... or actually in any  
3 other county or city in the state other than Chicago would  
4 not have to worry about the 100-foot minimum being changed,  
5 correct?"

6 McKeon: "It would make no... have no impact whatsoever."

7 Black: "Fine, thank you."

8 Speaker Madigan: "Those in favor of the Amendment say 'aye';  
9 those opposed say 'no'. The 'ayes' have it. The Amendment  
10 is adopted. Are there any further Amendments?"

11 Clerk Mahoney: "No further Amendments. No Motions filed."

12 Speaker Madigan: "Third Reading. Mr. Clerk, what is the status  
13 of House Bill 2626?"

14 Clerk Mahoney: "House Bill 2626 is on Supplemental Calendar #1,  
15 is on the Order of Concurrence."

16 Speaker Madigan: "The Chair recognizes Mr. Hannig. Mr. Hannig"

17 Hannig: "Yes, thank you, Mr. Speaker and Members of the House.  
18 Last year we authorized the State of Illinois to issue  
19 variable rate bonds. The... the Governor's Office of  
20 Management and Budget has advised us that some bond  
21 councils around the state, not all, but a few feel that we  
22 need to make some adjustments in the language that  
23 authorized that... that procedure. Now, all the bond  
24 councils are in agreement that we have to make a very  
25 simple change. So, this proposal says that for the  
26 purposes of limiting it... it... its changes from words  
27 'limiting interest rate risk' to 'limiting, reducing or  
28 manage interest rate exposure.' It's a very simple

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1 proposal that allows the bond councils throughout the State  
2 of Illinois to all agree that we can proceed along the  
3 lines that we authorized the Governor's Office to proceed  
4 last year. So, that's what the Bill is about and I'd be  
5 happy to ask... answer any questions and I'd ask for your  
6 'yes' vote."

7 Speaker Madigan: "Mr. Cross. Mr. Cross. Mr. Cross."

8 Cross: "Mr. Speaker, I... I won't take a lot of time up. But I'm  
9 gonna encourage the Members on our side of the aisle to at  
10 least vote 'present' on this Bill and no more. If they  
11 don't want to vote 'no', that's okay. This may be a great  
12 idea, Mr. Speaker, but the reality is we all found out  
13 about this Bill within the last hour or two. May be a  
14 great idea, may be a bad idea. We don't know. But for  
15 this Bill, that deals with a large amount money, it deals  
16 with financing for the State of Illinois, has implications  
17 on how we handle our budget, we feel is something that  
18 should be given to all of us in a more timely manner.  
19 Again, it may be a good financial move. We don't know  
20 because of the amount of time we've had to analyze this  
21 particular Bill. I would caution and I would urge all of  
22 the people on our side to vote 'present' or 'no'. I would  
23 think that given the history of this caucus of trying to  
24 work with people, we've been wanting... we've worked with the  
25 Governor's Office over the past year, that we could have  
26 had a little more heads-up on this particular topic. And I  
27 want to stress this may be a fine idea. It may be a good  
28 management tool for the budget director. And we all feel

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1 we have an obligation to solve this budget problem. But I  
2 would ask that those working on the budget be a little more  
3 respectful of this side of aisle in giving us documents  
4 such as this, Bills such as this with the significance that  
5 this Bill provides in a more timely matter. Thank you, Mr.  
6 Speaker."

7 Speaker Madigan: "Mr. Black."

8 Black: "Thank you, Mr. Speaker. I won't belabor the point. I  
9 certainly agree with the House Republican Leader. But I  
10 would ask if the Gentleman would yield for two questions?"

11 Speaker Madigan: "Sponsor yields."

12 Black: "Representative, there is also language in this Senate  
13 Amendment that says clearly no additional bonding authority  
14 is granted, correct?"

15 Hannig: "That's correct."

16 Black: "So, we're only dealing with the base borrowing of a... of  
17 a year ago, right?"

18 Hannig: "Well, we're... yet... that's correct."

19 Black: "All right."

20 Hannig: "This authorizes no additional..."

21 Black: "All right."

22 Hannig: "...borrowing."

23 Black: "All right, no additional borrowing. Now moving back  
24 and forth from a fixed rate to variable whichever would be  
25 in the best interest and no pun intended, in other words,  
26 that we pay the least interest. Do you have any idea what  
27 a bond trader or a broker would charge every time we would  
28 move from variable to fixed or fixed to variable? In... in



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1 all honesty, this isn't a trick question. I have no idea  
2 what these people would... would charge. My guess is it  
3 would be a substantial amount of money."

4 Hannig: "I was advised that we... we have a rate for... of \$2.40  
5 per bond which is pretty much a stable rate for this next  
6 issuance instead that the..."

7 Black: "In other words..."

8 Hannig: "...that the Governor's Office anticipates..."

9 Black: "...that would be the fee charged... it's a set fee that  
10 they charge for the trade or to move back and forth?"

11 Hannig: "...it's a... it's a bid amount, Representative."

12 Black: "And that would be per \$10 thousand per million dollars.  
13 I mean, what would the rate..."

14 Hannig: "Representative, I... I apologize that I don't know the...  
15 the... I know it's the \$2.40 but I don't know what the base  
16 is."

17 Black: "Okay. And... and the only..."

18 Hannig: "But... but it's a bid amount, Representative..."

19 Black: "All right."

20 Hannig: "...and it's a competitive market that we're in."

21 Black: "And... and very competitive. And the only reason I ask  
22 is that I wanted to make sure that when we... when we get all  
23 these details worked out that we will, in fact, save more  
24 money in... in later interest costs than we will incur in  
25 expense for the expense of the trade."

26 Hannig: "Absolutely, Representative."

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1 Black: "And... and I was sure that that's where you're headed, I  
2 just wanted to... to make sure that's... that we were on that  
3 page."

4 Hannig: "Yes."

5 Black: "Thank you very much."

6 Speaker Madigan: "Mr. Hannig to close."

7 Hannig: "Yes, thank you, Mr. Speaker and Members of the House.  
8 The safeguards that exist for bonding the 9 percent limit  
9 in interest rates, the 20 percent amount that we can use in  
10 variable rates, they're not affected by this Bill. This  
11 Bill does not authorize any additional borrowing. All this  
12 Bill does is clarify some language so that the lawyers who  
13 issue these variable rate bonds or who rule on these  
14 variable rate bonds are satisfied that the language that we  
15 passed last year, the bipartisan language that we passed  
16 last year can be perfected, that we can save the maximum  
17 amount of moneys for our State of Illinois. So, that's  
18 what this Bill's about and I'd ask for your 'yes' vote."

19 Speaker Madigan: "The question is, 'Shall this Bill pass?'  
20 Those in favor signify by voting 'yes'; those opposed by  
21 voting 'no'. The Clerk shall take the record. On this  
22 question, there are 62 'aye' and 35 'no'. Mr... there are 62  
23 'yes' and 35 'no'. This Bill, having received a  
24 Constitutional Majority, is... excuse me, the House does  
25 concur in Senate Amendment #3 and the Bill, having received  
26 a Constitutional Majority, is hereby declared passed.  
27 Agreed Resolutions."

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1 Clerk Mahoney: "Agreed Resolutions. House Resolution 710,  
2 offered by Representative Steve Davis. House Resolution  
3 712, offered by Representative Monique Davis. House  
4 Resolution 714, offered by Representative Chapa LaVia.  
5 House Resolution 717, offered by Representative Cross.  
6 House Resolution 718, offered by Representative Jakobsson.  
7 House Resolution 720, offered by Representative Yarbrough.  
8 House Resolution 722, offered by Representative Capparelli.  
9 House Resolution 723, offered by Representative Froehlich.  
10 House Resolution 724, offered by Representative Gordon.  
11 House Resolution 727, offered by Representative Lang.  
12 House Resolution 728, offered by Representative Rose.  
13 House Resolution 729, offered by Representative Flider.  
14 House Resolution 730, offered by Representative Dugan.  
15 House Resolution 731, offered by Representative Flider.  
16 House Resolution 732, offered by Representative William  
17 Davis. Senate Joint Resolution 66.

18

19 RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY  
20 OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES  
21 CONCURRING HEREIN, that when the two Houses adjourn on  
22 Thursday, March 04, 2004, the Senate stands adjourned until  
23 Tuesday, March 23, 2004 at 12:00 noon; and the House of  
24 Representatives stands adjourned until Tuesday, March 23,  
25 2004, at 1:00 o'clock p.m. Adopted by the Senate March 4,  
26 2004."

27 Speaker Madigan: "On the question of the Agreed Resolutions,  
28 Representative Hannig moves that the Agreed Resolutions be

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1 adopted. Those in favor say 'aye'; those opposed say 'no'.  
2 The 'ayes' have it. The Agreed Resolutions are adopted.  
3 On the question of the Adjournment Resolution, Mr. Hannig  
4 moves that the House stand adjourned until Tuesday, March  
5 23 at 1:00 p.m., providing perfunctory time for the Clerk.  
6 Those in favor say 'aye'; those opposed say 'no'. The  
7 'ayes' have it. And the House does stand adjourned until  
8 Tuesday, March 23 at 1:00 p.m., providing perfunctory time  
9 for the Clerk."

10 Clerk Mahoney: "Road condition reports are on the Speak... in the  
11 well of the chamber. House Perfunctory Session will come  
12 to order. Committee Reports. Representative Bradley,  
13 Chairperson from the Committee on Personnel & Pensions, to  
14 which the following measure/s was/were referred, action  
15 taken on Thursday, March 04, 2004, reported the same back  
16 with the following recommendation/s: recommends 'be  
17 adopted' Motion to Concur with Senate Amendment #3 to  
18 House Bill 2626. On the Order of First Reading. Senate  
19 Bill 2171, Spons... offered by Representative Coulson... Senate  
20 Bill... Senate Bill 2171, a Bill for an Act concerning  
21 professional develp... development, offered by Representative  
22 Coulson. Senate Bill 2552, offered by Representative  
23 Molaro, a Bill for an Act concerning taxes. Senate Bill  
24 2744, offered by Representative Flowers, a Bill for an Act  
25 concerning insurance coverage. Senate Bill 3083, offered  
26 by Representative Hamos, a Bill for an Act concerning  
27 finance. Senate Bill First Reading. Senate Bill 2620,  
28 offered by Representative Mathias, a Bill for an Act

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1           concerning insurance.  There being no further business, the  
2           House Perfunctory Session will stand adjourned."