

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

68th Legislative Day

November 17, 1999

Speaker Madigan: "The House shall come to order. Mr. Murphy, could you take your chair? Representative Currie, could you take your chair? The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend Bob Vanden Bosch with the Quinton Road Bible Baptist Church in Lake Zurich. Reverend Vanden Bosch is the guest of Representative Jerry Mitchell. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Rev. Vanden Bosch: "Let's pray. Father, we thank You for this great day that You've given us and this great opportunity, once again, to be able to exercise the freedoms that we have in this land. Lord, I thank You for each of the Legislators that are here, for their willingness to sacrifice, for their willingness to serve, to spend time away from their families, to be able to work on behalf of the people of Illinois. Father, I'd ask that You'd bless each one and give them wisdom, give them understanding of issues. Help them, give them the strength that they need. We pray, too, that You'd be with their families as they are back home. That You'd bless their families as well for the sacrifices that they're putting in. Lord, we ask that Your hand be upon this Session. In Jesus name, we pray, Amen."

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

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

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank You, Speaker. Please let the record show that

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Representative Monique Davis is excused today."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that all Republicans are present today."

Speaker Madigan: "Thank you, Mr. Poe. Mr. Clerk, take the record. There being 117 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Coy Pugh, Chairperson from the Committee on Revenue, to which the following measure was referred, action taken on November 16, 1999, reported the same back with the following recommendations: 'do pass as amended Short Debate' Senate Bill 1144. Representative Joe Lyons, Chairperson from the Committee on Child Support Enforcement, to which the following measures were referred, action taken on November 16, 1999, reported the same back with the following recommendations: 'do pass as amended Short Debate' House Bill 2920, 'do adopt Short Debate' House Resolution 462. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on November 17, 1999, reported the same back with the following recommendations: 'amendatory veto accept Motions approved for consideration' House Bill 421, House Bill 1388, House Bill 1816, House Bill 1832, and House Bill 2005. To the floor for consideration, House Resolution 448."

Speaker Madigan: "Mr. Clerk, for the purpose of a distribution of a Supplemental Calendar."

Clerk Rossi: "Supplemental Calendar #1 is being distributed."

Speaker Madigan: "Mr. Moffitt. On the Supplemental Calendar, House Bills-Second Reading, there appears House Bill 2920."

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Do you wish to move the Bill? The Bill is concerned with the Illinois Public Aid Code. Mr. Moffitt."

Moffitt: "Mr. Speaker, there will be an Amendment coming for that yet so... I believe we should hold it on Second, at the present. If we could revisit it when we get the Amendment that was..."

Speaker Madigan: "Yeah, Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2920, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Mr. Clerk, on the Order of Senate Bills-Second Reading, there appears Senate Bill 1144. What is the status of that Bill?"

Clerk Rossi: "Senate Bill 1144, a Bill for an Act amending the Property Tax Code. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Have you read the Bill a second time?"

Clerk Rossi: "The Bill has been read a second time."

Speaker Madigan: "Okay. Mr. Biggins, will there be an Amendment on this Bill? We're on 1144, Senate 1144."

Biggins: "Yes, Mr. Speaker, there was a Committee Amendment that was adopted yesterday in the Revenue Committee after adjournment."

Speaker Madigan: "So you're prepared to move the Bill to Third Reading?"

Biggins: "Yes, Sir."

Speaker Madigan: "Okay. Mr. Clerk, put the Bill on the Order of Third Reading. Winkel. Is Mr. Winkel in the chamber?"

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Mr. Leitch, do you wish to call House Bill 1388? Mr. Leitch."

Leitch: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to accept the Governor's Amendatory Veto of House Bill 1388. The Bill is essentially the same as it was. The Bill has to do with requiring people who are driving state vehicles on personal time to have insurance. The Amendatory Veto simply exempted police officers from it and I would urge its favorable consideration."

Speaker Madigan: "The Gentleman moves to accept the Governor's Amendment. And is there any discussion on that Motion? Mr. Black, do you have any discussion on this Motion? The question is, 'Shall the House accept the Governor's specific recommendations for change relative to this Bill?' This is final action and this Motion will require 71 votes. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? This is final action. The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding this Bill and the Bill is hereby declared passed. Mr. Cross, do you wish to call House Bill 1816? School records."

Cross: "No."

Speaker Madigan: "Mr. Cross, do you wish to call it today?"

Cross: "I would like to call it today, but not right this moment. If I could have a second?"

Speaker Madigan: "Okay, fine."

Cross: "Thank you."

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Speaker Madigan: "Mr. Stephens. Mr. Stephens. Mr. Ron Stephens. Mr. Stroger. Is Mr. Stroger in the chamber? Representative Lyons, do you wish to call your Resolution? House Resolution 448. It's concerned with the Solid Waste Tipping Fee Surcharge Task Force. Do you want some time? Okay. Mr. Stroger. Mr. Stroger. Mr. Stroger, on a Supplemental Calendar, there appears House Bill 2005, and it's an Amendatory Veto. Do you wish to consider the Bill? Mr. Stroger."

Stroger: "Mr. Speaker, I rise to support the Governor's Amendatory... accept the Governor's Amendatory Veto."

Speaker Madigan: "All right, the Gentleman has moved to accept the Governor's Amendment to the Bill. Is there any discussion? The question is, 'Shall the House accept the Governor's specific recommendations for change to this Bill?' This is final action. This Motion will require 60 votes. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. The Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change, and this Bill is hereby declared passed. Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like you to join with me in welcoming the fourth grade class from the La Salle Northwest School. They're down here joining us to observe the actions of the House today. I'd like to say welcome to all of you."

Speaker Madigan: "Mr. Black."

Black: "Yes, Mr. Speaker, if I could make an inquiry of the Chair. Yes, since we seem to be at ease. Many of us are

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very ill at ease on the House Floor. This is the second day we've been back. We notice above our head is some kind of a net left over from a performance of Ringling Brothers, Barnum and Bailey Circus, I think. But we've been told, and we've read accounts in the press, that it's because the ceiling is falling down. It reminds me of Chicken Little. And I was just curious, Mr. Speaker, if you could enlighten the Members of the House. Number one, will you be furnishing all of us hard hats, in case it falls? Number two, has OSHA inspected this? I mean, are we, in fact, safe? And number three, would you confirm a rumor that a large piece of plaster has, in fact, fallen from the ceiling and landed on Representative Gash's desk? We were just wondering if that's some kind of sign from above? So, in any order that you would, Mr. Speaker, if you could set our minds at ease, we'd be most grateful."

Speaker Madigan: "Mr. Black, we've been advised of the following: that plaster has been falling from the ceiling and that the net will catch any more pieces of plaster that might fall; that the job will be completed sometime toward the end of the next calendar year. And that much of the damage is being caused by people who speak rather loudly on the House Floor. Mr. Black."

Black: "Yes, I agree with that and I wish you would tell Lou Lang to hold it down. We're in absolute agreement with you. Mr. Speaker, also, since your side of the aisle is always, I know, always concerned about the safety of workers and Legislators, has OSHA inspected this? Are we, in fact, in compliance with all federal safety rules so we can rest easy? I just noticed a piece of, a very small piece of plaster fell into my grapes and I just want to make sure that OSHA has inspected this and that we're in full

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compliance. And you didn't also... I answer... one of the concerns we have is that we did hear a large piece of plaster did fall, in fact, on Representative Gash's desk, may have caused injury if she was here. And we were just curious as to whether that was some kind of a subtle message or what in the world happened there? Of course, I think she's going to be leaving us."

Speaker Madigan: "I don't have the answer to that question. But we know that you're very..."

Black: "Yes."

Speaker Madigan: "... You're very sorry."

Black: "Well, I know that you're working on that issue and..."

Speaker Madigan: "You're very sorry that she's going to be leaving."

Black: "...at the appropriate time you'll get back to us. Thank you."

Speaker Madigan: "We know that, right. Mr. Cross."

Cross: "Thank you, Mr. Speaker. I'd like to announce the birthday of one of our Members today. He is 50 years old. It's Representative O'Connor. I think we should all give him a big round of applause, a big round of claps. My understanding is the cake is on its way. The Mayor of Cicero will be providing the birthday cake today."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. Speaking for Mr. Black and I, I think we resent the notion that the noise in this chamber could make the plaster fall. But thank you, Mr. Black for the concern you have shown for the workers who might be up on that scaffolding and I know that Representative Dart and I appreciate the fact that you'll be helping us sponsor the Reconfigured Scaffolding Act and we know you'll be supportive of that. And I think if Representative Gash's

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leaving our chamber may have something to do with the plaster falling on her desk, so maybe Mr. Black and I can make a list of others whose we'd like to see plaster fall on their desk. Thank you."

Speaker Madigan: "Mr. Hoffman. Mr. Jay Hoffman, would you like to consider House Bill 2883? Mr. Clerk, what is the status of House Bill 2883?"

Clerk Rossi: "House Bill 2883 has been read a second time, previously. It was held on the Order of Second Reading, pending the filing of a state mandates note. That note has now been filed."

Speaker Madigan: "Mr. Clerk, put the Bill on the Order of Third Reading and read the Bill."

Clerk Rossi: "House Bill 2883, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You may recall yesterday we talked about the Amendment to House Bill 2883, which becomes the Bill. Essentially, what this Bill is, is it's a result of Secretary of State, Jesse White's Highway Safety 2000 Advisory Committee meetings, which were conducted after the terrible tragedy that took place in Bourbonnais, Illinois, when an Amtrak and a semi-trailer had an accident. As you may recall, there were 11 people killed in that terrible tragedy. Ultimately, individuals from throughout the state served on Secretary White's Highway Safety 2000 Advisory Committee. One of the main recommendations is what you see here as House Bill 2883. In particular, in this accident and in this incident, the driver of the semi-trailer truck, as you may recall, was later found to have court supervisions in several counties in this state. What this



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Bill will do, it will ensure the prosecutors and judges in each individual county will have the information as to the complete driving history of individuals when they are charged with a crime. In other words, what will happen is, the supervisions will be kept in a central repository by the Secretary of State's Office, will then be made available to local counties for their use in making determinations as to the proper penalty in traffic instances. I would ask for a favorable roll call."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. Parliamentary, parliamentary inquiry of the Chair. Does this preempt home rule? And then if the Sponsor would yield."

Speaker Madigan: "Mr. Cross, if we can take your inquiry under advisement and the Sponsor yields. Mr. Cross."

Cross: "Representative Hoffman, how many people were on this task force or committee and from what walks of life... from where did they come?"

Hoffman: "I believe, Representative, there were 30 people. Representative O'Connor, whose birthday... is today your birthday, was also a Member of that committee and he as you see is a cosponsor of this Bill. And there were individuals who not only worked, and were experts in the area of traffic safety, also members of the Judiciary, the Circuit Courts, prosecutors, Members of the Secretary of State's Office, members of the Senate and a variety of other individuals, including I believe, the insurance industry and the trucking industry were represented, also."

Cross: "Well, I appreciate you pointing out Representative O'Connor. As a general rule he's usually on top of issues and is a leader in handling tough issues in this state and I'm glad to know he was on that committee. And I'm glad to

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see that he's a cosponsor of this Bill, because I know he is very thoughtful and handles issues in a diligent and bright way."

Hoffman: "Well, actually, Representative O'Connor sat next to me and that one of my jobs in the committee was to get him coffee everyday and I gladly did that."

Cross: "Well, he's good at finding people that'll do that. I'm glad you fell for that. Representative, are all the clerks in the State of Illinois for this? And I know we debated this yesterday and it was impossible to hear any of your answers and I'm not pointing that at you, but are the clerks for this?"

Hoffman: "I don't know that. I have not called all 102 clerks. The clerks that were on the committee were for it. But I don't know."

Cross: "The Clerks Association hasn't taken an official position on it, that you know of?"

Hoffman: "It's my understanding from the Secretary of State's Office, they have not taken an official position."

Cross: "The Secretary of State's Office has taken an official position in favor of this?"

Hoffman: "Yes, absolutely, absolutely."

Cross: "All right. How about the police? I assume the police organizations are in favor of this."

Hoffman: "The Illinois State Police are in favor of it and I believe that the Illinois Sheriffs' Association, the Illinois Association of Chiefs of Police are all supporters of this legislation."

Cross: "If anybody in this chamber has ever gotten supervision before, would they have a conflict in voting for this Bill? Do you know?"

Hoffman: "Only is they're trying to hide it."

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Cross: "Jay, when would this go into effect? I mean, there's no retroactivity."

Hoffman: "It'll go into... The Bill, I think, actually goes into effect immediately, however, it won't be... they have till October 1st of 2000 to begin to report."

Cross: "All right."

Hoffman: "All the information. I may be wrong. The effective date of the Bill is October 1st, 2000, I'm sorry. So that will give us the time period within which to set this up. And you will not report old supervisions, only supervisions that occur after that date."

Cross: "After October 1 of 2000?"

Hoffman: "Yes."

Cross: "And I don't mean to be... I'm curious about our debate or questioning yesterday with respect to the local municipalities that do local ordinances. And Jay, I'm not... I'm just curious if anyone ever found an answer to that. It's not the end of the world if you did, Jay, 'cause I'm just still curious about it."

Hoffman: "Yeah, I think the answer... that I stated it yesterday, that this does not affect what currently exists with regard to the local courts. This would have no effect on that. If the local courts are required to report convictions of these moving violations, they would be now required to report supervisions. But I don't think that they are. I think that is the purview and that is the Circuit Clerk's job. So, that's essentially the answer."

Cross: "You know, as we're sitting here, Jay, one of the things that occurred to me, I think, I believe and you may know this. Don't the local municipalities, in essence, adopt the Vehicle Code when they do their ordinance violations? So, there may not need to be a change. And I maybe

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reversing my thought process on it, I don't know."

Hoffman: "That's normally the case. Normally what happens is, is that in the ordinances of the local municipality, they will just adopt the entire Vehicle Code and make reference to the entire Vehicle Code instead of rewriting and saying each individual offense. So, yes, you're correct."

Cross: "It appears then that you're not aware, Jay, of any opposition? And I haven't heard of any."

Hoffman: "I'm not aware of any opposition."

Cross: "And just one final note. My understanding from reading the Bill, and from your debate yesterday, this information will not be available to insurance companies. Is that correct?"

Hoffman: "That's correct."

Cross: "All right, Jay. Thank you very much."

Speaker Madigan: "Any further discussion? Mr. Hoffman, to close."

Hoffman: "Thank you, Mr Speaker, Ladies and... "

Speaker Madigan: "Mr. Hoffman, Mr. Hoffman, there was an inquiry and the parliamentarian is prepared to respond."

Parliamentarian Uhe: "On behalf of the Speaker, Representative Cross, in response to your inquiry, House Bill 2883 requires Clerks of Circuit Courts to provide certain reports in electronic format to the Secretary of State's Office and requires the Secretary of State's Office to maintain those records in a central database. The Bill does not contain any language preempting home rule, therefore, pursuant to House Rule 70, this Bill does not preempt home rule."

Cross: "Thank you very much."

Speaker Madigan: "Mr. Hoffman, to close."

Hoffman: "Thank you once again, Mr. Speaker, Ladies and Gentlemen

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of the House. As I indicated yesterday and earlier today in my opening remarks, I think this closes a loophole in the law that's going to allow local prosecutors and courts to make informed decisions throughout this state, whenever it comes to the issue of supervision and penalties concerning traffic violations. We've seen what the lack of information can provide. It can result in tragedies that, unfortunately, many families have had to live with. So, I would just ask a favorable roll call. I think that this is a reasonable proposal that's put forward by the bipartisan Highway Safety 2000 Advisory Committee. And I would like to thank the Members on the other side of the aisle who served on that committee, particularly, Representative O'Connor, as well as the Senators who served on that committee. And I would ask for a favorable roll call."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? This is final action. The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Lyons, Eileen Lyons."

Lyons, E.: "Thank you, Mr. Speaker. We have students from Argo High School today, here from the Village of Summit and I would like everyone to help me to give them a great big welcome to Springfield."

Speaker Madigan: "Mr. Winkel. Is Mr. Winkel here? Mr. Winkel on the Supplemental Calendar, Amendatory Veto Motions, there appears House Bill 421. Did you wish to move the Motion?"

Winkel: "Yes. Thank you, Mr. Speaker. House Bill 421 creates a percentage child support order. The Governor has

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recommended changes, technical changes, to make it clear that the rule would be to have a set dollar amount with an option for a percentage. And I would recommend that we adopt the Governor's recommended changes and so move."

Speaker Madigan: "The Gentleman moves to accept the Governor's Amendment. The Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, who is going to administer this program? The Department of Public Aid or some other entity? Or how will it be done?"

Winkel: "This only goes, Representative Black, to the court's discretion as to entering the final order for child support and it changes nothing, under current law, as to who administers the disbursement or distribution of the child support. It only goes to the child support order itself and it gives the court, it gives the judge wider discretion to deal with incomes that are more inconsistent and it allows for a percentage order to be created and that permits then a quicker, more timely receipt of child support. But the actual delivery and disbursement system that's now in place, which I believe is what you're getting at, is not affected by this Bill in any manner."

Black: "Okay. So, only a judge could order a percentage-based support payment. Only a judge issuing a court order. Correct?"

Winkel: "That's absolutely right."

Black: "Is there anything after the amendatory language, is there anything in the Bill that would indicate that the percentage is an ongoing or continually increasing percentage. In other words, what I'm after, if it's a flat

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20% of a person's adjusted gross income, the person gets a raise two years from now, does he have to go back to court to lower the percentage or does that percentage just keep taking the percentage of whatever salary increases you might expect over the course of your career?"

Winkel: "Well, absent an amendment of the order by the court, that percentage that was ordered on that, when it's entered, would continue. That's correct."

Black: "So, if a noncustodial parent, who was making a six-figure income, wanted to lower the percentage... Say he was ordered to pay 25% of adjusted gross income and over a course of time, that noncustodial parent's income reached \$250 thousand. Does the noncustodial parent have to go back to court to seek a reduction of the percentage? Or is that something that the judge could take into consideration? That 20% of a quarter million dollar adjusted gross would certainly be different than 20% of a \$25 thousand income."

Winkel: "Representative, this is actually designed to make it easier so you do not have to continually go back to court to adjust to these changes, these inconsistencies in the income. Your observation is correct. This would be on a percentage basis. Now, if the payor wants to go in and have that changed or examined, you'd go in and ask for an amendment. But this is designed so that you don't have to continually go back, you don't have to frequently go back to get adjustments."

Black: "All right. I was under the impression that there was in statute, a percentage guideline that a judge could use if he or she wanted to impose a percentage basis. I thought in current statute they were already allowed to do that. In fact, that the percentages were spelled out in current

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statute."

Winkel: "Well, actually, here's what happened, Representative. The practice was for a number of years... What we're really doing with this Bill is going back to what was the practice for years and years. Now, this is not my area of expertise, I am an attorney, but I don't practice in this area. My understanding is that this was the practice for years, that the courts would order... enter a child support order with the percentage basis included. What happened was about two years ago, the Illinois Supreme Court reviewed such an order and ruled that the statute, as they interpreted, would not allow anything but an amount certain. And therefore, they struck down any percentage-based order. What we're doing with this, is we're recodifying essentially, in so many words... recodifying past practice."

Black: "Okay. I thank you for your indulgence. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. Just to clarify Mr. Black's question. At current time, there is a minimum guidelines in the statute, depending on how many children you have. However, once the judge determines, based on current income, in today's law, for example, if you have one child, it's 20% of your net income. Once the judge determines what that 20% is in today's dollars, then a fixed dollar amount is put in the order, not a percentage. What this Bill does is then takes care of raises in income, or I suppose, it also could take care of decreases in income depending on, for example, if someone is a salesperson and his income fluctuates through the year or he's the type of worker that maybe he doesn't work as much in the winter



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than he does in the summer. This takes care of it. Current law, it's just a fixed amount and regardless of how your income varies, today under current law, you would still pay the same amount. Thank you."

Speaker Madigan: "Mr. Winkel, to close."

Winkel: "I would ask for a 'yes' vote. Thank you."

Speaker Madigan: "The Gentleman has moved to accept the Governor's Amendment. The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to this Bill?' This is final action and this Motion will require 71 votes. Those in favor say 'yes'; those opposed say 'no'. Have all voted who wish? This is final action. Have all voted who wish? Have all voted who wish? One person has not voted. Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 1 person voting 'no'. The Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change and this Bill is hereby declared passed. Cross. Is Mr. Cross in the chamber? Mr. Cross, did you wish to call your School Records Bill now? House Bill 1816. Mr. Cross."

Cross: "Thank you, Mr. Speaker. This Bill passed out of the House and I think the Senate, overwhelmingly. And the Governor's amendatorily vetoed it with some cleanup language that everyone seems to be in agreement with. It just cleans it up a little better. I would appreciate an 'aye' vote. And I'm not aware of any opposition."

Speaker Madigan: "The Gentleman moves to accept the Governor's Amendment. Is there any discussion? Is there any discussion? The question is, 'Shall the Motion to accept the Governor's Amendment be adopted?' Those in favor

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signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? This is final action. This Motion will require 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? One person has not voted. One person has not voted. Mr. Scott. Mr. Clerk, take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. The Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change relative to the Bill and the Bill is hereby declared passed. Mr. Stephens. Mr. Stephens. Representative Lyons, did you wish to call your Resolution? On the Supplemental Calendar, on the Order of Resolutions, there appears House Resolution 448, Representative Eileen Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 448 is merely extending the deadline for the Solid Waste Tipping Fee Surcharge Task Force, which was created by House Resolution 329. It merely extends the date from December 31st of '99, which we are closing in on, to December 31st of the year 2000. And I would urge your support."

Speaker Madigan: "You've all heard the Motion. Those in favor of the Motion will signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 1 person voting 'no'. The Motion is adopted and the Resolution is adopted. Mr. Clerk, on page 2 of the Calendar, there appears House Bill 709. What is the status of that Bill?"

Clerk Bolin: "House Bill 709 is on the Order of Consideration

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Postponed."

Speaker Madigan: "Mr. Clerk, put that Bill on the Order of Second Reading. On page 4 of the Calendar, on the Order of Total Veto Motions, there appears House Bill 1232, Representative Hamos. Representative Hamos."

Hamos: "Mr. Speaker, I would like to defer to my cosponsor, Representative Eileen Lyons, to explain the Bill. And I'll be happy to answer questions in close."

Speaker Madigan: "Representative Eileen Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I join Representative Hamos as Sponsor of this Bill. And we do not move to override the Governor's Veto lightly. But, I truly believe in the merits of this Bill. House Bill 1232, constitutes better public policy than the present process. If we're serious about welfare reform, if we believe in individual responsibility, and promoting personal independence, then I urge you to join Representative Hamos and myself in this override. Many of you who have been called because they have not received their child support checks from constituents. That's happened because of the SDU, the State Disbursement Unit catastrophe that's going on right now. I point that out only because it indicates just how crucial it is for people to get their child support payments. Knowing how important that is, House Bill 1232 provides that working parents who are on TANF, which is one of the compromises of the Bill. It is a built-in compromise. We are limiting this to just those families that are on TANF. They are working towards self-sufficiency. This provides that they will receive 2 out of every \$3 they receive in child support as opposed to the present mere \$50 pass through. Last year, out of the \$88 million that was collected, 44 million of that money

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went to the Federal Government, 35 million went to the state and the children got a mere \$9 million. Now, who would participate in a system with such a disincentive? One father's very words were, 'It hurts my heart that my children are no better off with my support payments.' Again, if we are serious about welfare reform, if we are serious about promoting independence and personal responsibility... This is a philosophy that we all claim to have. If we want people to get off of welfare, then we have to make sure that they're getting the support they need. We have to make sure that the dollars that are intended for those children, get to those children. Please help us to get the support for these children and help those who are struggling to be more independent and help them get there. I urge all of my colleagues to join Representative Hamos and I in this override. Thank you."

Speaker Madigan: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in very, very strong support of the Motion to Override the Veto. Ladies and Gentlemen, the issue of child support is an important one. The House Child Support Enforcement Committee is going through the process now of trying to figure out why the new State Disbursement Unit does not work. That has cost the state an additional \$6 million because of our inability to properly turn the key on that system and make it work the way it's supposed to work. Because of that, thousands of single parents around the state are at risk, late charges, evictions, utility turnoffs and the like. Apparently, the Governor vetoed this Bill because he was concerned about what he thought was a \$6 million cost. Interestingly, exactly the same amount that our inability to run the Child Support

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Disbursement Unit has cost us. Ladies and Gentlemen, if we want single parents to be able to take care of their children, this is an excellent program to allow them to do that. Every newspaper editorial that I've read in the state, every commentator I've read in the state, on the issue of this Bill, has discussed the value of it for the single parents and for the children. Our failure to override this veto will be giving in to financial pressures that don't even exist in a state budget of \$43 billion. But even if they did exist, what is more important in the State of Illinois than taking care of our children? What is more important than seeing to it that the single parents who take care of those children have the wherewithal to make sure those children's lives are moving in a positive direction? Their shelter, their health care, their education, their clothing depend on our ability to help them retrieve the dollars that they need to live their everyday lives. The veto of this piece of legislation by the Governor was ill-advised. I appreciate the comments of Representative Eileen Lyons on the other side of the aisle, who recognizes the need to take care of the children of Illinois. And I would invite all of you to join us to make sure that the children of single parents who depend on child support for their very survival are taken care of in an appropriate way by this General Assembly. I think the only appropriate vote is a 'yes' vote on this Override Motion."

Speaker Madigan: "Is there any further discussion? There being no further discussion, Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

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Black: "Representative, what I don't understand about this Bill, and I'm not trying to shift responsibility... We've just come through six weeks of absolute chaos because of a federal mandate. We need to get the federal mandate changed on the State Disbursement Unit. At the same time, your Bill calls for passing through money that Federal Law says, 'We don't care what you pass through but you're going to send us, you're going to send the Federal Government 50% of what you collect.' So, while I have no philosophical objection to what you're trying to do, the taxpayers of Illinois are going to end up spending more money because the Federal Government says, 'You will send us 50% of what you collect.' So, you're going to need an appropriation to keep us current with the Federal Government and I don't understand how you can do that. I mean, it's... I'd stand with you if you want to change the stupid federal mandate on the pass through. But unless you can get the Federal Government off our back, how can we, in fact, give out more child support dollars to those people who may very well and, in fact, often deserve it, when you have to turn around and write a check to the Federal Government? You're going to give more money to people than you collect. And anybody with elementary math knows there comes a time when you can't do that."

Hamos: "Okay. Representative Black, Ladies and Gentlemen could we have a little quiet? Thank you. Representative Black, last year in Illinois we collected \$88 million for families on welfare. We gave the families 8 million. We sent the Federal Government 44 million. We'll call it 8.9, we'll call it 9 million. Illinois made a profit on these families of \$35 million. Under this Bill, by giving more money back to children, letting children keep their own

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child support, not the state's money, the child support money, Illinois will still make a profit of 29 million. And that's because we were mindful not to break the bank when we wrote this Bill. We built into this Bill some very important compromises that would still allow Illinois to keep, make a profit, essentially, to pay for our child support system. The first compromise, it only applies to families on welfare who work. That's about 50%. The second compromise, it only gives back two-thirds. One-third still goes back to repay the state for welfare costs. The third compromise, it only applies to current child support, not arrearages ordered by the court. When arrearages are ordered by the court in many of these cases, that also goes back to repay the state for welfare costs. And the fourth compromise, by the way, the Senate Republicans asked us to evaluate this program a few years from now, because we were all very interested in knowing whether our theory about incentives was really going to work. But because of those compromises, we are not going to pay out more money than we collect, we are still going to make a \$29 million profit. And yet, we are also going to provide the incentives for dads to pay more. We think we'll make more than \$88 million in the future because for the first time, dads will have some incentive to be part of our child support system."

Black: "Couple of follow-up questions, Representative, And I do appreciate your answer. But let's work with figures that all of us understand. Well, I mean, some people in here understand millions, I'm just a poor old downstater and we deal in hundreds, twenties preferably, but hundreds if our ship comes in. If the state collects \$200 in child support, a hundred dollars of it goes to the Federal

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Government in Washington, correct?"

Hamos: "Yes."

Black: "Of the hundred dollars that's left, how much do you pass through then to the family on TANF?"

Hamos: "For a specific family where \$200 comes in, and by the way \$200 is an average child support payment... "

Black: "Right."

Hamos: "...for a working family on... a welfare family. That family, under this Bill, would be allowed to keep \$132. Two-thirds."

Black: "All right, so, we've sent a hundred to the Federal Government, as is their law, dumb as it is. We've now given the family 132 of the money, that's \$232. All we collected was 200. So, where does the \$32 come from? How do we get the figure of \$32? Do we appropriate that out of the State Treasury? Or how does that work?"

Hamos: "No, we have fund in the... child support fund... We have a child support fund into which we deposit all of the collections for families on welfare. Last year, that amount was \$88 million. The Bureau of Budget is the one that prepared the fiscal note for this Bill and said that the way we structured the Bill, with all of those compromises built into it, we were only going to let the children keep 6 million more. So, 6 million plus the 8.9 million is going to be about \$15 million. So, we're not going to have to appropriate because we're giving the Federal Government 44 million, we're going to give the children 15 million and the rest is the \$29 million profit that Illinois will still continue to make."

Black: "Is the Bureau of the Budget in agreement with your figures on that transaction? Or do they refute the surplus dollars?"



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Hamos: "No, everybody agrees with that. I mean, Representative Black."

Black: "Well, if everybody agrees with the figures in the transaction, we wouldn't be here discussing a veto. So, obviously, somebody doesn't agree with the math."

Hamos: "No."

Black: "Is it the Bureau of the Budget? The Department?"

Hamos: "Representative Black, I don't think we're having a dispute about the figures. I think we're having a dispute about the policy and about the fact that we like keeping that \$6 million. It pays for more child support workers out there. This is truly between the children versus big government. Big government likes that money. We like it. We've given out a lot of contracts with that money. We don't want to give it back to the children on whose behalf we collected it. We're not having a dispute about the bottom line numbers."

Black: "All Right. Okay. The second question that I need to make sure I'm clear in my mind. Historically, if the taxpayers have subsidized a custodial parent and children through benefits, cash benefits, then we suddenly start collecting child support, historically, we have offset the cost of the taxpayers' dollars to subsidize that family. We intercept those child support payments to pay the taxpayers back. And that's been a historic procedure. Does this change that in any way, shape or form?"

Hamos: "No, it does not change that at all. And furthermore, the way I described those compromises, the families on welfare would continue repaying the state as well. In one-third of the child support money and with those arrearages that the court orders. So, the state will continue to get repaid, but not at 90% rate, at quite the same rate that we've been

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getting it."

Black: "All right so, I'm trying to anticipate some arguments when all of the emotion disappears and people start to look at this in three or four months. I'm trying to make sure that I'm comfortable in talking with my constituents. Because many of them will say, 'Now look, if family 'A' drew over the last three years', we'll say \$30 thousand in cash benefits to subsidize that family because the child support was not being paid by the noncustodial parent. Their question to me would be, 'Now surely, you're going to offset the cash benefits we've given them, by what you now collect. And when we get paid back, i.e., the taxpayer, as harsh as that sounds, when we get paid back, when the State Treasury is paid back for the benefits given to subsidize the family because of somebody who didn't meet their responsibility, if we can collect that money from the noncustodial parent, who wasn't meeting his or her obligation, and the state is paid back, then we pass it through.' I'm just trying to make sure that I don't get into a discussion with somebody that said, 'My taxes subsidized that family for three years. I expect to be paid back, i.e., the Treasury, to be paid back for that subsidy.' You're not altering that. That's what you're telling me. We will still get paid back for... "

Hamos: "Exactly."

Black: "...benefits we have extended to those families who are on public aid, not necessarily because they've done something, it's because a spouse refused to meet their obligation to the family."

Hamos: "Exactly."

Black: "So, we'll still recover that money, correct?"

Hamos: "We will still be recovering that money. But,

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Representative Black, this is the way that I think about this. If this is considered a loan from the state to the poorest families, and it is, and they're going to repay it. This is the equivalent of going to a bank to get a loan to get you over a difficult hump in your life, difficult problem, but every time new money comes in, the bank takes 90% off the top. You're never going to be able to repay your loan and get back on your own two feet at the same time."

Black: "Okay."

Hamos: "That's all we're saying here. The state will continue to be repaid, but we're going to help families get on their own two feet faster. We're going to reduce the TANF costs sooner. So, it makes sense all the way around in this era of welfare reform."

Black: "You're not changing anything in what is considered income in this, are you? Currently, correct me if I'm wrong, currently, child support received by a custodial parent is not considered as income for state income tax purposes. Am I right or wrong?"

Hamos: "I'm sorry, I don't really know all the ins and outs of that. Maybe somebody else can help. I'm not sure."

Black: "Yeah, I don't know if anyone from DOR is within earshot. But that question has come up as to whether anything in this Bill will change a definition of income. And from what I've been told, and I don't know the answer either, I've been told that the custodial parent does not have to claim child support as income. In fact, the noncustodial parent, that's income and he or she has already paid taxes on it. But again, I don't know the answer to that question and I would hope that we not, if that's the case, that nothing in this Bill would be construed to change that

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definition of income. So, obviously, it's not your intent. Now let me pursue one last thing with you that's very important to me. I have asked, without success, I have asked people in State Government and I've written to people in the Federal Government seeking a waiver from the State Disbursement Unit disaster. Now, some states have sought and have gained a waiver. It's my understanding that legislation has passed both Houses in Washington that may very well mandate the SDU. I hope that's true. I haven't been able to find a Bill reference, but I've been assured that that has passed and if a conference committee works it out, the State Disbursement Unit mandate may disappear. And I can only hope that that's true. But it's my understanding that the State of Wisconsin has done something very similar to what you're proposing. And they, in fact, have supposedly asked for a waiver from Washington saying that, 'We're going to pass this money through, therefore, we should not have to send 50% of what we collect to you.' And that, in fact, they may have gotten this waiver. Are you aware of this and are we pursuing any kind of similar waiver?"

Hamos: "Let me answer that in three ways. First of all, it is true that Wisconsin is passing through 100% of child support to their welfare families. And they did succeed in getting a federal waiver. And that's because Wisconsin has been trying so many different kind of things with their welfare policy, that apparently, the Federal Government owed them some money for some other things. Secondly, I did pursue trying to get a waiver. I have talked to our Regional Director of the Health and Human Services Department and apparently, that is not in the cards right now. Thirdly, this policy is being talked about all over

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the country and there are other states that, in fact, without that waiver, are now passing through a hundred percent of their child support. Ours is a unique approach in doing only two-thirds and only for the working families on welfare. But states all over the country are looking at this because it complements welfare reform. And it makes sense with welfare reform. And that's why the Federal Government should really change their policies, too, along with welfare reform. And Senator Dick Durbin, I know, has already expressed interest in this and I think we should continue pursuing that."

Black: "Okay. Representative, I appreciate your very forthright answers to what is a ... this is a difficult issue. I think most of us know what we want to do. I'm not sure all of us yet are comfortable what we can do or what we should do. But I hope to work with you and the other Sponsors with this legislation in the coming Session. You know, President Clinton said clearly in his 1996 State of the Union Address, and I'm quoting, 'The era of big government is over.' Well, I hope that we can work with you to get a message to our President. If the era of big government is over, then do away with the SDU mandate which is absolutely ludicrous. And do away with the requirement that when we collect child support, we have to send 50% of it to the bureaucrats in Washington, who the last time I looked, none were starving to death, as far as I know. So, if we could just get rid of those two mandates in this issue, we could do a great deal more for custodial parents and the children. And I applaud what you're attempting to do. And I look forward to working with you to get rid of two particularly bothersome federal mandates in this issue. Maybe we can get a waiver on one, or better yet, on both."

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Speaker Madigan: "Mr. John Turner."

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

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Thank you, Mr. Speaker. Representative, I have tried to listen to the debate... Where are you? Oh, there you are... as closely as I could. It's kind of loud in here but one thing I need clarified for me is whether or not, if this Bill passes or fails, does it have any affect whatsoever on the current SDU?"

Hamos: "This has no relationship to the SDU, except that we may not be able to straighten out the problems with the SDU right away, but we sure can do something about this group of families."

Turner, J.: "Yes, and certainly we all know the SDU has been a terrible problem and as it is in my district. But just for the Members and for anyone who may be listening to this debate or following it then, either a 'yes' vote or a 'no' vote is not going to either further harm the SDU that's not working right now, nor is it going to give it any assistance whatsoever. This is completely different than the SDU and has nothing whatsoever of any kind to do with that. Is that correct?"

Hamos: "That is correct."

Turner, J.: "All right. Now, I was also wondering if, since this is an area of expertise for you and one that I find a bit confusing, if you could kind of walk me through how this particular program works and then how the Bill would affect it. Start me off at the very basics. For example, if a custodial parent is receiving support payments, when does TANF kick in for that custodial parent and how is support handled? Now, I think if you can answer that for me, then maybe I'll be able to explain what the Bill does."

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Hamos: "Okay."

Turner, J.: "Or, I mean understand."

Hamos: "Ladies and Gentlemen, it is complicated in Illinois to understand the interactions of really two things; welfare, well, welfare and work pays; what happens when welfare families begin to work. Right now, if a family applies for welfare, TANF, the mom is required, usually it's the mom, the custodial parent, is required to cooperate with the child support system naming the dad, finding the dad, finding out where he works. When the money starts coming in, that family, no matter how much comes in, is allowed to keep only \$50. That's called a \$50 pass-through. That \$50 is added to the TANF grant and that's what the family receives as their resources. Now, if that family begins to work and she's now in the Work Pays Program, she's allowed to keep two-thirds of her earnings, her cash grant, her TANF grant is reduced quite a bit, and she continues to get the \$50. Under this program, only for that latter group, the TANF families who work, she would be working and keeping two-thirds of earnings. She would be keeping two-thirds of child support and she would be getting a reduced TANF grant. It would help her move toward self-sufficiency faster, so that she can get off of TANF. Does that help?"

Turner, J.: "Yes. I think I would have it if I could have heard everything you said. And I'm saying that with all honesty. But I was trying to follow and watching you as you spoke and hopefully picked up most of it. But if the custodial parent goes to work, as I understood what you just said, they are allowed under current law, to keep two-thirds of whatever they earn, correct?"

Hamos: "Right. Yes."

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Turner, J.: "And under current law, they would be allowed, this is where I didn't hear you for sure, under current law, they would be allowed to keep an additional \$50. But if we pass this Bill or do the override, I think you said they would be allowed to receive two-thirds of something and I presume that is of what the child support would be."

Hamos: "Child support."

Turner, J.: "But could you go through that with me again?"

Hamos: "Yes."

Turner, J.: "Speak as loud as you can."

Hamos: "Okay. Under... "

Turner, J.: "I know it is very difficult to hear me perhaps, because I can't hear you."

Hamos: "Okay. Under this Bill a working family receiving welfare would be allowed to keep two-thirds of her earnings. And receives a small... wait, let me step back one. Under current law, not under this Bill, under current law, she keeps two-thirds of her earnings. And if her earnings are not high enough to get her off of welfare, then she gets a small welfare grant. Now, that self-sufficiency standard is at three times the welfare grant. When she gets to three times the welfare grant with her earnings and her welfare grant then she's off of welfare. Under this Bill, she would keep two-thirds of child support, two-thirds of earnings and a small TANF grant, welfare grant, so that she could reach that self-sufficiency standard more quickly and be off of TANF."

Turner, J.: "All right. Then so it... the Bill then would increase the \$50 payment up to two-thirds of what child support is ordered to be paid, correct?"

Hamos: "Right. Yes."

Turner, J.: "Okay, now how... Is there a ceiling then on how much



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the \$50 can be raised up to what the new benefit would be?  
I mean, is there..."

Hamos: "The ceiling is, the self-sufficiency standard is what I call it, which is the total resources available to the family, which is three times the welfare grant. Now, if in the case the noncustodial parent gets a great job and he starts paying \$500 a month, she would get two-thirds of that. Hurray, we salute her. We salute that dad. We want that to happen because then, for sure, with her two-thirds earnings and that two-thirds child support, she would be off of TANF. That's what we should want and that's the kind of goal our policy should reflect."

Turner, J.: "All right then. So, if the Bill passes there will be additional requirements on the state from a cost analysis, in that, instead of paying \$50, they would be paying more than that and what would the cost then to the state be? Am I right? I mean, this is an additional cost to the state then, correct?"

Hamos: "A cost to the state?"

Turner, J.: "Is this a cost to the State of Illinois, then?"

Hamos: "We are letting the families keep more of their own child support, is that what you mean."

Turner, J.: "Yes."

Hamos: "Yes. We are letting... "

Turner, J.: "Okay. Where does the additional revenue come from then, in order to allow them to keep the additional revenue that you just spoke about?"

Hamos: "It's their own child support. Right now, those families on welfare are paying \$88 million to the state, they're getting about 9 million. Under this they would be getting 15 million. But it's from the noncustodial parents. The poorest dads in Illinois are paying \$88 million to the

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state. That's the good news. We spent a lot of time talking about 'deadbeat dads' in our chamber. This is about the dads who pay. But we don't give the money to the families. Under this Bill, more of the child support paid by the dads would go directly to the families."

Turner, J.: "Where is that money going now?"

Hamos: "It's going into the child support fund to pay for child support bureaucrats."

Turner, J.: "Okay. If it's going into that fund, it is coming to the state then. If it goes to the bureaucracy, it goes to the state, correct?"

Hamos: "Right. Yes."

Turner, J.: "So, there is a cost to the state..."

Hamos: "Yes."

Turner, J.: "...that's what I was trying to get at before. How much is that cost on an annual basis, if you know?"

Hamos: "Well, we are letting the families keep 6 million more, under this Bill."

Turner, J.: "All right. So, the bottom line then, is that it would require \$6 million more in the annual appropriation... to the department?"

Hamos: "Well, let me answer that in two ways."

Turner, J.: "Okay."

Hamos: "First of all, there are 35 states that have never chosen to pay for their child support bureaucracy off the backs of the poorest children. We did that when, before welfare reform, that might have made sense. When we thought these children were going to be on welfare for generation after generation, it made sense to repay us. But under welfare reform, we want these families off of TANF. Thirty-five states don't pay for child support bureaucrats this way. The second thing I would say is that we've spend a lot of

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time in our Child Support Committee this year, looking at the child support bureaucracy. It doesn't function very well and some of us think that maybe we could do some cost savings just by taking a better look at how we can make it more effective and efficient."

Turner, J.: "Do you feel that this \$6 million price tag should be the burden of the state or perhaps the Federal Government?"

Hamos: "Burden of who?"

Turner, J.: "Federal Government."

Hamos: "Well, I would like to see the Federal Government change their policy, too, and let the State of Illinois keep more of what we collect."

Turner, J.: "All right. Thank you for going through that with me. You were very gracious in answering my questions."

Speaker Madigan: "Representative Hamos, to close."

Hamos: "Thank you for the excellent hearing on this Bill. It's a very important new policy for Illinois. It mirrors the Work Pays Policy. You remember a long time ago, it used to be that a person on welfare couldn't keep their earnings. You couldn't work. And then, we figured out that didn't work as a policy. So, under this Bill we're trying to make a change the similar way to create the incentives and the good public policy. I think we've been through it and I don't think we need to delay the vote any longer. And thank you very much. I urge, very strongly, a 'yes' vote to override the veto."

Speaker Madigan: "Representative Hamos moves to override the Governor. The question is, 'Shall this Bill pass the veto of the Governor, notwithstanding?' This Motion requires 71 votes. This is final action. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? The Clerk shall take the record. On this question, there are 102 people voting 'yes', 15 people voting 'no'. This Motion, having received the required Three-Fifths Majority, the Motion to Override prevails, and the Bill is declared passed, notwithstanding the Governor's Veto. Mr. Stephens. Mr. Stephens. Mr. Stephens. House Bill 1832."

Stephens: "Thank you, Mr. Speaker. I would move to accept the Governor's Amendatory Veto. Simply, I believe we... the only change was to make an effective immediate date. Make the effective date immediate. I'd appreciate your 'yes' vote."

Speaker Madigan: "We've all heard the Gentleman's Motion. There being no discussion, the question is, 'Shall the Motion be adopted?' Those in favor will signify by voting 'yes'; those opposed by voting 'no'. This Motion will require 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Three people have not voted. Two people have not voted. One person has not voted. Mr. Clerk, take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. The Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding the Bill, and the Bill is hereby declared passed. On page 4 of the Regular Calendar, on the Order of Total Veto Motions, there appears House Bill 523. Mr. Mautino. Mr. Mautino on a Motion."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to override the Total Veto on House Bill 523. This legislation, as you remember, would be the opportunity for nonhome rule units of government to implement by a front door referendum up to a half-cent sales tax on the purchase of goods, with the exception of

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food and drugs. This Bill had passed out of here on Third Reading and on Concurrence. And it will give the citizens in these home rule communities the opportunity to vote on a project which is much needed for public health or safety. It will give them the opportunity to access some of the state dollars that are available to raise those matching funds, to help promote their growth. Many nonhome rule municipalities, they need an alternative means of financing and this will allow them to let their people decide what is best and how to pay for it. And I appreciate the work that's been done by Representative Scott and Mathias, who have brought this forward and put in some of the protections that are necessary in the Bill. I think we have a good piece of legislation which is going to help all of the nonhome rule communities when their people decide they need a project. And I'd thank you for an 'aye' vote. Be happy to answer any questions."

Speaker Madigan: "Mr. Skinner."

Skinner: "Mr. Speaker, this is an attempt to impose taxes on people who will receive no benefits from those taxes. No farmer in the state lives in a municipality that I know of, yet all of them would be subject to a tax if the local nonhome rules village voters decided to impose this sales tax on them. Now, some of you could say, 'Well, why don't the farmers just incorporate? That way they could get benefits. That way they could tax themselves.' I would suggest that does not have a real strong chain of logic behind it. What we have here is, what we're giving here is people living in small villages who are the only place that people can go shop, the ability to tax more than themselves. We are giving them the ability to tax their neighbors. That is why I object to this Bill and that is

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why I praise George Ryan for vetoing it."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, in the actual Bill, if you have a copy of the Bill, can you show me on what page or line... I'm trying to find specificity in the Bill as to what the proceeds of this sales tax could be used for. Is it open-ended or does it specifically state in the Bill what this money could be used for?"

Mautino: "If you'll hold for just one second. Let me get a copy of the Bill and I'll go to that... I don't have that Section of the Bill there, but it's, the tax revenues would continue to be used for public infrastructure expenditures."

Black: "Is that in the Bill somewhere, Representative? Or is it referenced to existing statute?"

Mautino: "Representative Black, if I can get back to you in just a minute on that, we'll find that for you."

Black: "Okay. I think it's important that we know whether or not there's anything cross referenced in existing statute that makes certain that for a community to utilize this, in however much money they take in, could only be used for infrastructure and not simply go into operating expenses."

Mautino: "And I will get you that answer here in a moment. It's also..."

Black: "Okay. All right, let me ask you another question that's come up about this issue. Many cities are very creative, and I suppose we bear some responsibility for that, in the various limitations that we have placed on them over the years. But it's come to my attention that several

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communities use some very creative ways to finance city services. For example, in my community, if you water your lawn, or take a shower, or flush the commode, the total gallons of water you use... a tax is placed on your consumption to pay for sewers. Many cities have done that. At one time in the city of Danville, property taxes paid for the maintenance on the fire hydrants. And then that got to be a portion of the water bill. The point I'm trying to make is, of all these fees, some of which have been very creatively imposed on the taxpayer over the years, everytime we develop a new funding source, I never see any of the old fees disappear. It's just always more money. Now, what I would like some reasonable assurance of, and I live in a home rule city. So you might say I'm being hypocritical, because my home rule city does, in fact, I think already impose the tax. But what I would like to see on behalf of the taxpayer is some kind of reasonable accommodation that if we go to a sales tax for a public infrastructure... and that say it's a sewer project, which most cities need. But if I'm also paying a 4% tax on my water consumption, then I shouldn't have to keep paying both; a 4% consumption tax for sewers and now a quarter cent sales tax for sewers. I don't know that there's any way you can assure me of that but I know that I've had some people say, 'Come on, give me a break here.'

Mautino: "You know, you kind of get to the heart of the question on this. The nonhome rule communities have an ability to go ahead and either use their water bill to finance water and sewer project, maintenance there. If they need to go and replace pump systems, wells, infrastructure, they have that ability. Now, the nonhome rules that are out there and those cities that are under 130 thousand, have only the

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ability that we give them through the General Assembly, as far as going out and financing. That's the idea behind saying this is going to be a front door referendum and the people of that city who are affected are going to have to go forward with it and pass the referendum and then there's a year wait on the implementation. So, you have the opportunity for the project, or improvement that's needed to be presented, before the people who will initially pay for it. That's something that the City of Chicago and any of the home rule communities can do that a city like mine of Spring Valley, LaSalle, who need to go out and run a water line or access Illinois First dollars, can't do because we can't come up with that match. And so the people who live in that city would have to say, 'Yes, we need this', and then from that point vote for it to put it into place to allow a specific infrastructure improvement. And I think that goes to the point. I share your concerns on that. A lot of the smaller communities and nonhome rules don't really have any other option than to jack your water bill and your sewer bill for something that they need and the people say they need it."

Black: "Frank, did this emanate from communities primarily in property tax cap counties? Would that be a safe assumption?"

Mautino: "No, but there has been interest from communities there. This Bill has been... this is something that nonhome rule communities have been looking at for a number of years, even preceding the tax cap."

Black: "Okay, Representative, if I might... "

Mautino: "And if I would, I'd like to answer your question."

Black: "Okay. Sure, if you could, thank you."

Mautino: "I apologize it took so long to get the reference



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section, but if you'll go to page 3 and line 13, about halfway through defined as, 'public infrastructure as defined in Section 8-11-1.2. If approved by referendum as provided for in Section 8-11-1.1'."

Black: "I'm sorry, Representative, page 3... what line did you reference?"

Mautino: "Reference line 13, starts out with, 'Of 1%.'"

Black: "Are you looking at an existing statute? Because I don't have that language in the copy of House Bill 523."

Mautino: "Yeah, it's the existing language."

Black: "All right. So, you're quoting existing statute."

Mautino: "Yes. That's the existing statute."

Black: "And then 523 references then the existing statute. So, it's very clear."

Mautino: "Yes. It is absolutely clear."

Black: "It's very clear that this cannot be used for operational expenses. Okay now..."

Mautino: "That is not the intent of the Bill, nor would it be allowed."

Black: "Thank you. That certainly helps me and... but let me ask you a further question? Does existing statute define in any way, shape or form what is public infrastructure? Because I've had people ask me. Does it include police cars? Does it include fire trucks? Does it include emergency communication system for the 911 answering point? I mean, I'm not sure we've ever defined what public infrastructure is."

Mautino: "I'm just referring here and discussing with Representative Scott and we're going to see if we can find that for you, as well. I don't know the answer, so we're checking with staff right now."

Black: "Okay. Well, I would think, prior to any referendum that,

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obviously, that question would be asked and I would assume that local elected officials had best answer that question as to what they intend to use it for."

Mautino: "And in reality, out there with the voters, you would have to justify the improvement. I don't know that a referendum on that for a sales tax would be determined as passable by those voters."

Black: "Yeah. All right. Okay. Let me ask you just a couple of questions, then I'm through. And I do appreciate you getting back to us on that reference about what the proceeds of the referendum could be used for. It's my understanding that the Municipal League supports this override. Is that your understanding?"

Mautino: "Yes, it is."

Black: "I don't remember... Representative, I was here when sales tax reform passed. I believe it was in 1990. I may be off a year or two, I don't know. To the best of my recollection, didn't the Municipal League also support sales tax reform that had been the Whitley Commission had for some years told us, 'You have the most confusing sales tax rates of any state in the country. You need to shape this up.'? I think we did so, or we tried to in 1990. I thought we made some substantial progress. And I'm just curious, was the Municipal League also a proponent of sales tax reform? And obviously, you know the reason I'm asking it. They seem to be going backwards."

Mautino: "Okay. With that, I'm not familiar with who was in favor or opposed to that Bill prior to when I got here."

Black: "And it's probably not a fair question. I apologize."

Mautino: "But I understand the point that you're making on here and..."

Black: "I shouldn't of asked it. But I guess, and thank you very

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much, Representative. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill. Again, this is a rather innocuous Bill. I didn't vote for it last spring and I've heard from several cities, particularly their city attorneys who are not happy with my 'no' vote and not happy with the explanation of why I made a 'no' vote. I realize there are 146 home rule cities that can impose this kind of a tax. My only fear is, and I don't know what we can do to stop it. I'm sympathetic to particularly small communities trying to find ways to upgrade their water system, and particularly, in upgrading their sewer system. It is a major, major problem in rural Illinois. But saying that, my fear is, we're going to go back to where we were in the mid-eighties where we had literally thousands of sales tax rates across the State of Illinois. And I was here when we heard from businesses that said, 'that's not, it's not a good way to do business.' I heard it from retailers who may have to program their cash registers differently in literally every community in which they did business, because sales tax rates were being imposed at various amounts on various items, by counties, by municipalities. It was just absolute confusion. And so we bit the bullet and we came up with sales tax reform and I'll admit it's already eroded. But if you vote 'yes', I think what you're doing is destroying the whole concept behind sales tax reform, throwing this thing open again to where we will literally be asking the J.C. Penneys', the Wal-Mart's', the Sears and Roebucks', even the main street merchant who might have two or three locations now, rather than one. There's going to be some serious expense involved with this, in reprogramming, recomputing. It's going to cost DOR additional time, staff, and money to figure out all

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these various sales tax rates and while the cause, I think, is beyond... I certainly don't fault the Sponsor for what he is attempting to do. My fear is that if we're not careful, we're going to be right back where we were in the 1980's with just a potpourri of sales tax rates levied on different items, levied in some areas at this rate, some areas at that rate and before you know it, we're right back where we were. And it's for that reason, I intend to cast a 'no' vote."

Speaker Madigan: "Mr. Scott."

Scott: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think this is a really good Bill for a lot of reasons. I represent the only nonhome rule municipality that already has this ability to do this. If you look at the current statute, Rockford would be a nonhome rule municipality that already has the ability by front-door referendum to impose this sales tax. And what it does... And over the last few years if you follow what we've done in terms of tax policy here, we've put some significant clamps on nonhome rule municipalities. The last speaker mentioned tax caps, for example. And in some municipalities we may not think of this everywhere we represent, but in some municipalities, including my own, the equalized assessed evaluation is actually going down this year. But the infrastructure needs aren't going down. The same roads are there, the same sewers are there. The same need to staff or maintain a police station, fire station, all of that is still the same as it was before, but the EAV is going down. And I know in other communities throughout the state, that's happening. When tax caps, what they allow for is new equalized assessed evaluation, you get the benefit of that for a year and that works just

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fine. But if you're in a situation where it's going down, what this will allow nonhome rule municipalities to do is to present to their voters a choice. Simply to say, 'We can do this by property tax, if you want to. We need to fix this number of roads or we need to build a new fire station. Or we need to upgrade our municipal water or our sewer plant and we can put a referendum on to do that by property tax.' But perhaps the voters in this particular jurisdiction would rather do it by sales tax. And all that 523 allows them to do is to put that question before the voters. Nothing happens unless the voters in that municipality say, 'Yes'. Now, one of the earlier speakers made reference to the fact that the people who come in to that particular community end up getting hit for that. And that may be true. But they're also using the roads to drive to those stores. They're also, if they have a car accident when they're driving to that store, they use the fire department, they use the police department. They're using the services of that particular municipality. It's not a stretch to be able to say that that municipality should be able to present to their own voters, the ability to do this. For home rule municipalities, they already have this ability. And when the last Representative was correctly pointing out that municipalities are getting very creative in trying to figure out ways to impose different fees, they are, but those are home rule municipalities. The nonhome rule municipalities can only do what we as a Legislature allow them to do. That's the difference between home rule and nonhome rule. And so, all we're doing here is saying to those people, 'We're going to allow you to do by referendum, what home rule communities can already do.' And just impose it on their own citizens.

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And that is if the citizens choose to fix their roads, to fix their infrastructure, to build a new fire station, to do it through sales tax, they can do that by this referendum. It's simply an option to do that. And the Governor didn't veto this, if you look at the message. He didn't veto it because he was afraid about protecting the people who were going to drive into the cities or because he didn't see the need for this to happen. He vetoed it going back to what Mr. Black just said, the rationale was that it might be too confusing to do that. But I tell you what, right now in this day and age, it makes sense to me when we've imposed certain other restrictions on nonhome rule municipalities to allow their citizens to be able to say they're willing to tax themselves through the sales tax and provide this as an option, just as they do it with property tax right now, to fix their infrastructure and maintain it. It makes sense. It's a good common-sense Bill. It provides for what we talk about a lot down here. It provides for the ultimate at local control. It's a good Bill and I would urge the override of the veto. Thank you."

Speaker Madigan: "Mr. Mautino to close."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Simply ask for an 'aye' vote to override the veto of the Governor on House Bill 523. This will allow for nonhome rule communities to do what home rule communities can already do. Provides them an opportunity to make the improvements that they need by those people who live in that area, of voting for a front-door referendum. And I'd appreciate your 'aye' vote."

Speaker Madigan: "The Gentleman moves to override the Governor's veto. Those in favor signify by voting 'yes'; those

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opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 73 'ayes' and 43 'noes'. The Motion, having received the required Three-fifths Majority, the Motion to Override prevails, and the Bill is declared passed, notwithstanding the Governor's Veto. Mr. Bost."

Bost: "Yeah. Mr. Speaker, on page 5 of the Calendar, appears Motion #1 concerning House Bill 669 which the Governor returned and with specific recommendations. To date the Rules Committee has not made a Motion to a... or has not brought that Bill out. I believe it's probably because the committee chairman believes that the Governor has exceeded his Constitutional authority under Subsection (e) of Article IX of the Illinois Constitution. And I recognize that we differ on what the Governor's authority is on these matters. But I would like to have the opportunity to bring that to the floor and have a vote on that Bill, and the people can make that decision in that vote. So, according to and pursuant to Rule 18(g), I move to discharge the Rules Committee from further consideration of Motion #1 to House Bill 669, and to advance the matter to the House Floor immediately, Sir."

Speaker Madigan: "Mr. Bost, the parliamentarian advises me that your Motion requires unanimous consent and the Chair hears an objection. Thank you, Mr. Bost."

Bost: "Thank you."

Speaker Madigan: "Mr. Schoenberg. Mr. Schoenberg, you have a Resolution on the Calendar. On page 10 of the Calendar, under the Order of Resolutions, House Resolution 270. Mr. Schoenberg."

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Schoenberg: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Resolution 270 is a noncontroversial matter. It is an initiative of the American Jewish Committee and several other organizations who wish that the State of Israel have equal opportunity to participate in the U.N. Western European Group like all the other counterpart nations in the United Nations. As I indicated, this is a noncontroversial matter, and I urge your support for House Resolution 270."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. Is there any discussion? There being no discussion, the question is, 'Shall the Resolution be adopted?' Those in favor signify by saying 'yes'; those opposed by saying 'no'. The 'ayes' have it. And the Resolution is adopted. Representative Mike Smith."

Smith: "Thank you, Mr. Speaker. On a point of personal privilege. I'd like to recognize in the Speaker's Gallery today, the Illini Bluffs Middle School Lady Tigers who are the State Champions for softball from the Illinois Elementary School Association. And I'd like to ask my colleagues to join in welcoming them to the State Capitol."

Speaker Madigan: "On page 4 of the Calendar, on the Order of Total Veto Motions, there appears House Bill 1165. Mr. Hoffman. Mr. Hoffman. Mr. Jay Hoffman. House Bill 1165. Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to override the veto of the Governor with regard to House Bill 1165. (1165), essentially, what it does is it indicates that nonhome rule municipalities will have discipline as a permissive subject of bargaining for nonhome rule municipalities who have not negotiated arbitration of discipline in the past. In addition, if



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they have negotiated arbitration in the past, then the legislation would make arbitration of discipline historical, mandatory subject of bargaining for these nonhome rule municipalities. Also, the contract provision that were in effect prior to what's called the Markham Appellate Court Decision would, essentially, be back in place. I think this is something that's reasonable. It's an initiative of the Association of Firefighters of Illinois, and would address the issue of how we're gonna ensure that disciplinary provisions that have been previously negotiated are back in force. I ask for an 'aye' vote in overriding the Governor's Veto."

Speaker Madigan: "The Gentleman moves to override the Governor's Veto. The Chair recognizes Mr. Cross."

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

Speaker Madigan: "The Sponsor yields."

Cross: "Jay, I apologize, it's a little noisy over here. Can you explain again the genesis... what the Bill did?"

Hoffman: "Yes. Actually, I believe, the underlying Bill was eventually amended with the Senate Amendment #1 and that's what passed. So, you want to talk about the Amendment as we passed it to the Governor, correct?"

Cross: "Correct."

Hoffman: "Okay. Essentially, it does three things. It says with regard to nonhome rule municipalities that the issue of discipline and how individuals will be disciplined with regard to firefighters and police will be a permissive... a permissive subject of bargaining. It also indicates that if, indeed, you had previously bargained regarding the issue of discipline, then you would have to continue to bargain. It also says the contract provisions that were in effect prior to what's called the Markham Appellate Court

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ruling, essen... will be back in place. So, previously bargained agreements that prior to the Markham Decision would be... would also be back in place."

Cross: "So, where are the municipalities on this?"

Hoffman: "It's my understanding that the Municipal League is... is opposed to this Bill."

Cross: "All right. Is there a distinction between the home rule municipalities and the nonhome rule on this... the support of this Bill?"

Hoffman: "Nonhome rule municipalities already have this ability. All this is doing is providing for permissive bargaining between entities with regard to discipline. Permissive bargaining with regard to discipline between entities and nonhome rule municipalities. Home rule municipalities already can do this."

Cross: "So, this would deal with discipline of firefighters and..."

Hoffman: "Yes."

Cross: "...like whether or not home... whether or not municipalities can require timeouts or something."

Hoffman: "Right. What essentially happens, is this would say that all we want to happen here is a municipality as well as, for instance, the firefighters, would sit down across from each other, across the table, begin to talk about what's the best way to provide discipline, whether it be through arbitration or other means. We're essentially saying this would be something that would be permissively bargained. Right now, the Markham Decision, I think throughout what for years had been thought of as the appropriate law. What it said is that you must go through the police and fire boards or the police and fire commissions with regard to discipline and was specifically

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established in the statute, and essentially, in nonhome rule municipalities it could not be the subject of bargaining. What we're saying is, we think that this should be a permissive subject of bargaining between the municipalities and whatever entity we're talking about when we're talking about the issue of discipline."

Cross: "So, where are the firefighters on this, Representative?"

Hoffman: "This is their initiative."

Cross: "What about... would this affect law enforcement officers in any way? Where are... where's the law enforcement agencies?"

Hoffman: "It's my un... this does not affect sheriffs, but would affect law enforcement officers in nonhome rule municipalities. And it's my understanding that they're supportive, also."

Cross: "Would they support it? Has the Attorney General's Office issued opinions in this... on this, at all? So... all right. Where's the Attorney General's Office? Have they issued opinions on it?"

Hoffman: "I don't know. If they did, I don't... I've not received it."

Cross: "Where's the Governor's Office on this?"

Hoffman: "Well, he... That's why we're here."

Cross: "Are they... don't... down on this?"

Hoffman: "Well, he vetoed it, Representative. I don't know that he's down on it, but he did veto it."

Cross: "All right. Thank you, Representative. I don't have any other questions."

Speaker Madigan: "Mr. Scott."

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

Speaker Madigan: "Sponsor yields."

Scott: "Representative Hoffman, when this Bill was debated in the

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spring, you and I went through a rather lengthy legislative intent repartee, you remember that?"

Hoffman: "Yes, I do, Representative."

Scott: "Would all your answers to the whole legislative intent that we established back this spring be the same today?"

Hoffman: "The legislative intent that I indicated was the intent in the spring, is the same today."

Scott: "Thank you. I think this is a good Bill. I appreciate your work on it and I'd ask everyone to vote for the override."

Speaker Madigan: "Representative Bellock."

Bellock: "Thank you, Mr. Speaker. I'm standing to uphold the Governor's Veto on this Bill, 'cause I think the important issue here is local control. Already we have the local control with the fire and police commissioners, the local commissions, who are doing their job right now. And I think that that is the most important issue to keep that with the local control in those communities which are doing it already and doing a very good job of it. Thank you."

Speaker Madigan: "Mr. Bost."

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

Speaker Madigan: "Sponsor yields."

Bost: "Representative, it's my understanding that even today we were trying to work and get the parties together... involved with this. Was there one group that wouldn't get involved and what was that? Can you give me..."

Hoffman: "Well, I was told, Representative, by really, the Municipal League as well as the firefighters, that they would be willing to sit down and talk about it. Unfortunately, it's my understanding, that there's really... they don't believe that there is any room for compromise, that the firefighters believe they've gone as

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far as they can go and the Municipal League simply opposes the legislation."

Bost: "All this legislation really does is allow us to continue or municipalities continue what they were doing in the first place, is that correct?"

Hoffman: "Yes, and the previous speaker had talked about being in favor of local determination. That's exactly what this does. This allows local governments to put back into place negotiated agreements that they already had with their employees with regard to disciplinary procedure. So, this is the ultimate in local control because it's allowing them to sit down face-to-face and negotiate the type of procedure that they want in place and it's permissive. It's a permissive language in this Bill that says, all we want you to do is sit down and try and talk about how best to have the procedure for discipline within your own municipality."

Bost: "Thank you for clearing... because of what the previous speaker said, I'm really glad that you brought that up, because it is local control. By overriding the Governor, bringing this Bill back and implementing this Bill, will do just that. It'll allow local control. It'll allow what has existed all along. This Bill flew out of here before. I believe that we should give it an 'aye' vote."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, because of a court case that involves a particular municipality, one should not jump to any conclusion that the underlying practice that many communities have been following, as Representative Bost

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pointed out, for years, doesn't necessarily abrogate any of those agreements. It's just a court case involving one community, correct?"

Hoffman: "Yes. Well, Markham is one community, yes. Yes."

Black: "Yeah. And so because the judge ruled in that case does not automatically negate a practice, statute. I think a lot of times somebody jumps up and says, 'well, the court said you couldn't do this.' That's just that decision. There hasn't been any definitive appeal or any ruling by the Supreme Court, has there?"

Hoffman: "No, that's an opi... you're... it is an Appellate Court decision. There hasn't been a ruling by the Supreme Court. However, I think, like other case law and like other precedent, or when you look at statutory construction, you look at what various Appellate Courts have said. There has not been a ruling on the Supreme Court. So, when you make a determination as to whether it is permissive to bargain these issues, you would look at what courts have ruled. And that's what happened in this case. So, certainly, there could be a different decision in another appellate district, which then would probably necessitate the Supreme Court to potentially take this case. However, I think that as in other laws, you look to the courts as to how they have interpreted a statute when trying to tailor your practices."

Black: "So, if I understood the Bill we talked about last spring and the debate I've heard here this afternoon, if a city does not want to bargain those issues, they're under no obligation to do so, correct? And this Bill doesn't change that."

Hoffman: "This... that's exactly right. All this Bill says, is it allows for bargaining. So we're saying, 'permissively',

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you sit down and you begin to talk about whether or not you believe that the statutory language that provides for discipline is something that you think should be in effect in your community. And this allows for that dialogue to begin and allows you to bargain. Right now, the Markham Decision, it's believed that because of that decision that that is not necessarily the case."

Black: "So, if the local board of fire and police commissioners in my hometown, do not want to bargain an existing rule that says, police officers must wear black shoes, otherwise it's three days off, no exceptions and the firefighters come in and say the firefighters come in and say, we want to wear brown shoes. And the board of fire and police commissioners says, no, we're not bargaining that. It's been our rule for years; we're stickin' to it. It's one color shoe. That's it. That's not a bargainable issue. So the board and fire police commissioners then don't have to sit down and go into months of negotiations as to whether they're gonna change the color of the work shoe, right?"

Hoffman: "Yes, it's permissive. Now, I don't know that the police and fire board would be the proper individuals you would actually be bargaining with. You'd probably be bargaining with the city administrators or the city council, unless you previously had an agreement that was negotiated."

Black: "Okay."

Hoffman: "Unless you previously had an agreement that was negotiated, it's permissive."

Black: "All right. So, I was fully prepared to go to a meeting today. I thought we would have a meeting today to discuss the ramifications of the issue. From what I've heard, from

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what Representative Bost has told me, there is to be no meeting. That's my understanding."

Hoffman: "That's my understanding. I would hope that if there is some common ground after we, hopefully, override this veto that maybe between now and the time that the August Body across the way takes this up, that they may attempt to sit down and talk. But it's my understanding that they didn't believe that there was really any common ground to be found between the two sides."

Black: "Well, I've never understood why, if you refuse to negotiate, you then should be surprised that certain things happen. And since, evidently, we're not allowed to meet or not willing to meet with all concerned parties, it kind of makes up my mind how I'm gonna vote. So I intend to vote for your Motion."

Hoffman: "Thank you, Representative."

Speaker Madigan: "Mr. Hoffman and then Mr. John Turner."

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, thumbing through some of the paperwork I've received on this particular measure and there seems to be a dispute whether or not it is permissive or whether it would become mandatory. What I'm reading from was actually supplied to me, you probably have it as well, from the Illinois Fire and Police Commissioners Association. And it is their assertion that if this is to pass, that is if we support your Motion, that your language combined with the State Labor Relations Act would actually make the collective bargaining mandatory. Can you respond to that for me?"

Hoffman: "I think that, potentially, I think you have to look and when I talked about when I first described what this Bill



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does. It's permissive if it has not been historically bargained. Okay? Nonhome rule municipalities, it would be permissive if it has not been historically bargained. Okay? If there has been an agreement or a prior agreement with regard to and has been historically bargained, then it would be mandatory. So if the municipality has a history of coming to an agreement prior to what was called the Markham Decision, then it would be mandatory. But they had already been doing it. Okay? And they had already made that decision to do it. However, if it is a nonhome rule municipality and has not been historically bargained, it would be permissive."

Turner, J.: "All right. Well, that's a little different. You said two things. You said on the fir... on one hand that if there had been a 'prior agreement' with the municipality, but then as you did your concluding remarks, you said, that if it had been a 'prior practice'. I think that's fairly significant. Does it require a prior agreement or is it just historical practice whether or not this becomes mandatory?"

Hoffman: "Yeah. I think if I did say that, I apologize. If they have traditionally bargained over disciplinary matters, so if there is a history and they have traditionally bargained over that, then it would be mandatory. So..."

Turner, J.: "What if it..."

Hoffman: "I apologize if I misspoke."

Turner, J.: "I'm not sure that you did. I just want to make sure I was hearing you correctly. That language is a little bit loose to me, when you say there's a history of it. What if over two or three negotiating sessions they had used collective bargaining and what if over others, they have not? Now, is that a history; like one out of five times or

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does it take two out of five or what? What is a history?"

Hoffman: "It's my understanding and in talking with staff, that language is what has existed previously in the Labor Relations Board for over 15 years for other issues. Okay? So they just adopted that language with regard to discipline. So I'm sure that there are cases and decisions that actually define specifically what traditional bargaining over disciplinary matters means."

Turner, J.: "So there is case law then interpreting the language?"

Hoffman: "Staff says, not exactly on this issue with regard to discipline, but we believe that there would be case law in decisions with regard to what constitutes traditional or a history of bargaining."

Turner, J.: "Is the legislation, it's been at least intimated that from other comments, is it in direct response to an Appellate Court case?"

Hoffman: "Yes. I think what happened was is the Appellate Court case threw this whole issue to the forefront because many municipalities and local organizations for years had been bargaining over this issue with regard to discipline and they believe that the court case, essentially, said what had historically been done could no longer be done. And agreements that had been historically reached may not be in force and effect. So I would say, yeah, it is a result of the court decision."

Turner, J.: "Well, I'm sure that the Appellate Court wouldn't just make an illusory or spurious argument. What was the rationale for that decision that whatever had happened historically would not be required to be followed any longer?"

Hoffman: "Yeah. I don't think that I necessarily agree with what

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the Appellate Court said, but they made a distinction between home rule and nonhome rule municipalities. And they said with regard to home rule municipalities they can bargain with regard to the issue of discipline. Okay? But they said with regard to nonhome rule municipalities, the actual statute governing boards of fire and police commissioners laid out how disciplinary decisions will be handled."

Turner, J.: "All right. I'm not sure I followed what the last statement you just made, that the ruling of the court, if you can be as specific as possible, then was what? And how does this Bill, in effect, undo what the court has done?"

Hoffman: "Well, the ruling of the court in what was called City of Markham v. State Municipal Teamsters Local 726 ruled that nonhome rule municipalities lacked the statutory authority to deviate from disciplinary procedures that are set forth in the Illinois Compiled Statutes. In other words, the statute allows for discipline appeals to be heard only by the board of fire and police commissioners or Civil Service Commission. And they ruled that in the case of nonhome rule municipalities they essentially could not deviate from what was contained in the statute with regard to how discipline needed to be carried out by the board of fire and police commissioners or the Civil Service Commission. And so it took away the ability of local municipalities to bargain and come to an agreement with the local organizations that represent the employees that come up with either an arbitration proceeding or other type of proceeding that would deal with disciplinary matters."

Turner, J.: "So, the Associated Firefighters then, on this particular issue, are at odds with the Police Commissioners' Association?"

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Hoffman: "I'm sorry."

Turner, John: "All right. Are the Associated Firefighters are at odds with the police commissioners then on this particular issue?"

Hoffman: "I would assume. I've not really heard from the police commissioners, but I've heard from the Municipal League, who I guess, would represent the individuals who serve on the police and fire boards. And they're against the Override Motion."

Turner, J.: "Thank you, Representative."

Speaker Madigan: "Mr. Hoffman, to close."

Hoffman: "Yes. I wanted to clarify just for the edification of everybody on the floor. This Bill, it is a permissive Bill. And all it does is says, that what we're going to do is we're gonna have a policy in this state for nonhome rule municipalities, that we would like you to sit down across the table from your employees and begin to talk about the issues with regard to disciplinary procedures. It was done in the past. It's been done for a long time in this state. However, this Appellate Court decision threw it into flux. The issue, with regard to whether traditional bargaining over disciplinary matters, whether that is mandatory, actually the letter from the Associated Firefighters, it indicates that it would be mandatory where traditional bargaining over disciplinary matters is reflected in a collective bargaining agreement. Therefore, I may have misspoke earlier and it has to be reflected in a collective bargaining agreement in order for it to be a mandatory subject of bargaining. So, essentially, it's my understanding that this Bill would put us back to where we were prior to the Markham Decision and that when there were agreements that were reached between organizations that

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represent employees and municipalities on a voluntary basis, that that agreement will be in force and effect and we can allow those municipalities to bargain in good faith with regard to disciplinary procedures. I ask for an 'aye' vote to override the Governor's Veto."

Speaker Madigan: "The Gentleman moves to override the Governor's Veto. All those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 90 'ayes', 24 'noes'. This Motion, having received the required Three-Fifths Majority, the Motion to Override prevails, and the Bill is declared passed, notwithstanding the Governor's Veto. Mr. McCarthy on House Bill 1325."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to override the Governor's Total Veto on House Bill 1325. The House Bill 1325 passed this chamber 116-0 and the gist of the reason for the Governor to veto this Bill was covered in both debate and committee and also here on the House Floor. It was basically that he said, this information was already being made available to him. And we just asked that this information should be made available on a quarterly basis to all the Members of the Legislature as well as to tell other interested parties across the state. This has to do with the state-operated facilities for mentally ill and developmentally disabled citizens. We ask for simply seven things for the department to tell us what is going on in their facilities for those three-month periods. Truthfully, the report could be done on a 3x5 index card if they wanted to do it that way. We've made it very concise. It's important

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information. I've been here for three years, and whether you've been here for three months, three years, or three decades in our most senior colleagues, I'm sure everyone has had someone come into their district office looking for help, who has a loved one that needs to go to one of these facilities. And we get these annual reports late, about openings at the facilities. We've all had to turn people down, we've all had the heartbreak of people coming to us and we don't even have the information readily available. I think this information that should be readily available to the General Assembly and to the interested groups. I know that the department and the Governor's Office, of course by vetoing it, are against the Bill. But the supporters who have asked me to override the Governor's Veto include, the Mental Health Association of Illinois, Advocates United, Alliance for the Mentally Ill of Greater Chicago, the Coalition of Community and State Facility Advocates, and the Illinois League of Advocates for the Developmentally Disabled, as well as the Equip for Equality group. I ask for your 'aye' vote."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. As I'm sure you know, I'm the Chairman of the House Mental Health and Patient Abuse Committee. This committee has worked long and hard over a long period of time, in a bipartisan way to try to improve the mental health delivery system in the State of Illinois. We have uncovered over a period of time that the mental health delivery service system in our state is not always what we would like it to be. And so this was an important piece of legislation that came out of our committee and passed this House unanimously. It's a piece of legislation that requires the department to report a

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number of things to us, not only the Mental Health Committee, but the Members of this Body, as to what decisions are being made as to bed closures, staff/patient ratios and the like, critical issues in the delivery of mental health services in the State of Illinois. In the last reported year the department, after having a certain number of beds scheduled for closure, being taken out of the system, closed and made unable for use four times as many beds as they put in their reports early in the year, taking 5 or 600 beds that serve the mentally ill out of the system and presented it to the General Assembly in the following year as if we had already approved it. We had not approved it. The department is unilaterally making decisions regarding the closure of facilities, the closure of beds, the decreasing of facilities and services we provide to the mentally ill, without sharing that information with the General Assembly. We do get some annual reports. We do get some other reports but these reports are not in the kind of detail that Representative McCarthy in his Bill require. If we are to improve services that we deliver to the mentally ill in our state, we must have all of the facts at our disposal, all of the information available to us, so that we can make logical and reasonable decisions as to how to improve services to the mentally ill. As we stand here today, Illinois is in the bottom 10 of states that provide services to the mentally ill. We cannot allow this to continue. And we cannot improve upon this sorry record unless the Members of the General Assembly, and the Governor's Office, and the department all share the same information. So, Representative McCarthy's excellent piece of legislation that flew through this chamber and the other chamber, that

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was vetoed by the Governor, is a piece of legislation that we should continue to endorse. I would urge this Body to give it the same overwhelming support that it was given many months ago. I urge an 'aye' vote."

Speaker Madigan: "Representative Skinner."

Skinner: "I move the previous question."

Speaker Madigan: "I don't think it's necessary, Mr. Skinner. Let me simply recognize Mr. McCarthy, to close."

McCarthy: "Thank you, Mr. Speaker. I thank the Chairman of our Mental Health Committee for his remarks, as well. And I ask the Body to give us an overwhelming 'aye' vote so we can send this over to Senate and get these reports that are so necessary to so many people in our state. And those of us who want to be advocates for those people will be better equipped to do our job with this information. So, I would appreciate an 'aye' vote on the question."

Speaker Madigan: "The Gentleman moves to override the Governor. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? One person has not voted. Mr. Clerk, take the record. On this question, there are 105 voting 'yes', 12 voting 'no'. The Motion, having received the required Three-Fifths Majority, the Motion to Override prevails, and the Bill is declared passed, notwithstanding the Governor's Veto. The Chair recognizes Representative Bill Mitchell."

Mitchell, B.: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Madigan: "State your point."

Mitchell, B.: "I would like to welcome the class from Argenta-Oreana High School. Will they stand and the House welcome them? Thank you."



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Speaker Madigan: "Representative Bellock."

Bellock: "Yes. Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Madigan: "State your point."

Bellock: "To introduce four students here from the Advance Placement Government Class of my hometown, Hinsdale Central High School."

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

Clerk Rossi: "The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Madigan: "On page 4 of the Calendar, on the Order of Total Veto Motions, there appears House Bill 1723. Mr. Steve Davis. The Gentleman indicates he does not wish to call the Bill. On the same Order there appears House Bill 1959. Mr. Stroger. Mr. Stroger, do you wish to call your Motion on House Bill 1959? It's on the Order of Total Veto Motions it's concerned with contracts for the delivery of human services. The Gentleman indicates he does not wish to call his Motion. Report from the Rules Committee, Mr. Clerk."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure was referred, action taken on November 17, 1999, reported the same back with the following recommendations: 'to the floor for consideration' Floor Amendment #2 to House Bill 2920."

Speaker Madigan: "On the Order of Supplemental Calendar #1, House Bills-Second Reading, there appears House Bill 2920. Mr. Moffitt. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "The Bill has been read a second time, previously. The Bill has not been read a second time, previously."

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Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Moffitt, has been approved for consideration."

Speaker Madigan: "Mr. Clerk, read the Bill for a second time. The Clerk advises me that the Bill has been read for a second time. The Chair recognizes Mr. Moffitt for an Amendment. Mr. Moffitt for an Amendment."

Moffitt: "On the Amendment?"

Speaker Madigan: "On the Amendment."

Moffitt: "Thank you, Mr. Speaker. The Floor Amendment is one that was language that was developed as a result of our committee meeting yesterday. It was a bipartisan effort with Chairman Lyons, Representative Black, Representative McCarthy, and both staffs, clarifying some language. It was just a clarification that this is interest for every... each 30 days that a check might be late, spelling that out, removing any questions. So it's just a clarification."

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

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. The Chair recognizes Mr. Joe Lyons for the purpose of an announcement."

Lyons, J.: "Thank you, Speaker. In light of the Rules decision on the last Bill that we've just voted on, 2920, we will not have a Child Support Enforcement Committee tomorrow morning at 9:00. That Committee will be cancelled. Thank you, Mr. Speaker."

Speaker Madigan: "The Chair is prepared to adjourn. Representative Lindner."

Lindner: "Thank you, Mr. Speaker. The Republicans will have a

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caucus immediately after adjournment."

Speaker Madigan: "Okay. Anything further? We shall convene tomorrow morning at 9 a.m. And we expect a short Session. So, Representative Currie moves that the House does stand adjourned until 9 a.m. tomorrow morning providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. And the Chair would like to announce that the Prison Management Reform Committee will meet immediately right after the Republican Caucus. And we will convene tomorrow morning at 9 a.m. The House stands adjourned."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction-First Reading of Bills. House Bill 2948, offered by Representative Leitch, a Bill for an Act to amend the Illinois Municipal Code. First Reading of this House Bill. House Bill 2949, offered by Representative Curry, a Bill for an Act amending the School Code. House Bill 2950, offered by Representative Bradley, a Bill for an Act to amend the Public Utilities Act. House Bill 2951, offered by Representative Bradley, a Bill for an Act to amend the Public Utilities Act. House Bill 2952, offered by Representative Bradley, a Bill for an Act to amend the Public Utilities Act. First Reading of the House Bills. Introduction and First Reading of these House Bills. House Bill 2946, offered by Speaker Madigan, a Bill for an Act to create the Community and Local Government Assistance Act. House Bill 2947, offered by Speaker Madigan, a Bill for an Act to amend the Children and Family Services Act. First Reading of these House Bills. There being no further business, the House Perfunctory Session stands adjourned."