

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

November 30, 1999

PRESIDENT PHILIP:

The regular Session of the 91st General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by the Reverend Dan Seibert, First United Methodist Church, Springfield, Illinois. Reverend Seibert.

THE REVEREND DAN SEIBERT:

(Prayer by the Reverend Dan Seibert)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Tuesday, November 16th; Wednesday, November 17th; and Thursday, November 18th, 1999.

PRESIDENT PHILIP:

Senator Myers.

SENATOR MYERS:

Mr. President, I move that the Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Myers moves to approve the Journals just read. There being no objection, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Burzynski, Chair of the Committee on Licensed Activities, reports House Bill 539 Do Pass, as Amended.

PRESIDENT PHILIP:

Mr. Secretary, have there been any motions filed?

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SECRETARY HARRY:

Yes, Mr. President. The following Members have filed motions with respect to the following bills -- House Bills: 523, Senator Bowles; 1165, Senator Radogno; 1232, Senator Obama; 1261, Senator Watson; 1325, Senator Robert Madigan; and 1723, Senator Jacobs. House Bills: 421, Senator Hawkinson; 427, Senator Fawell; 526, Senator Dudycz; 721, Senator Obama; 1366, Senator Luechtefeld; 1383, Senator Maitland; 1388, Senator Rauschenberger; 1676, Senator Fawell; 1766, Senator Weaver; 1816, Senator Petka; 1832, Senator Syverson; and 2005, Senator Trotter.

PRESIDENT PHILIP:

Mr. Secretary, the Chair requests these motions be printed on the Calendar. So ordered. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 849, offered by Senator Peterson.

(Secretary reads title of bill)

House Bill 1936, by Senator Peterson.

(Secretary reads title of bill)

And House Bill 2920, by Senator Welch.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1284, offered by Senator Sullivan.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCH)

Senator Smith, what purpose do you rise?

SENATOR SMITH:

Thank you, Mr. President. I stand on the personal privilege -- point of -- purpose -- personal privilege.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR SMITH:

I have visiting in our city today with us a very, very astute friend of mine, Miss Carol Jordan, who is very well versed in politics and in many of -- construction, et cetera. And I just wanted to introduce her and let the people know that she's here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guest please rise and be recognized? Welcome to Springfield. Resolutions.

SECRETARY HARRY:

Senate Resolution 226, offered by Senator Demuzio and all Members, as is Senate Resolution 227.

Senate Resolution 228, offered by Senators Lightford, Jones and others.

They're death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar.

SECRETARY HARRY:

Senate Resolution 229, offered by Senators Syverson, Rauschenberger and others.

It's substantive.

Senate Joint Resolution 46, offered by Senator Watson.

It's also substantive.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Committee on Revenue - the Motion to Concur with House Amendment 1 to Senate Bill 1144; and Be Approved for Consideration - Senate Amendment 4 to House Bill 1175, Senate Joint Resolution 46, House

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Bill 567 and House Bill 1124.

PRESIDING OFFICER: (SENATOR DUDYCZ)

For the information of the Membership, we are waiting for Supplemental Calendar No. 1 to be distributed on Members' desks. Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Cronin has filed a motion with respect to House Bill 1762.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. If you turn your attention to the top of page 2 of your regular Calendars to the Order of House Bills 3rd Reading, we will be going to House Bill 1175. Senator Luechtefeld, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Luechtefeld seeks... Senator Luechtefeld.

SENATOR LUECHTEFELD:

Yes, we've changed sponsorship to -- Senator Dillard will handle this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The paperwork has been filed. Senator Luechtefeld's sponsorship has been changed to Senator Dillard. Senator Dillard seeks leave for the Body to return House Bill 1175 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1175. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Senate Amendment No. 4 to House Bill 1175.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1175 is an amendment which becomes the bill and is in response to a recent Illinois Supreme Court decision dealing with a problem that we had with the single-subject rule. I'd like to put the amendment on and I'll discuss it in full on 3rd Reading, if I may.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments adopted {sic}.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading is House Bill 1175. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1175.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We just put an amendment on this bill in response to a recent Illinois Supreme Court decision in a case called People versus Wooters. The court in that case declared that Public Act 89-203 was unconstitutional because it violated the single-subject rule. That Act contained provisions relating to mortgage foreclosures and other things, including amendments that were related to crime. It's purpose -- the purpose of this Act now is to re-create the crime provisions that were included in Public Act 89-203. And I won't explain all of them, but the most important part of this Act

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is that there is a mandatory life imprisonment provision for any defendant over the age of seventeen who kills a child under the age of twelve and the death penalty is not imposed. I'll be happy to answer any questions. Again, this is a bill that is intended to follow the Supreme Court's lead and reimpose the criminal provisions of something they said were in violation of the Illinois Constitution's single-subject rule.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1175 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 1 voting Present. And House Bill 1175, having received the required constitutional majority, is declared passed. If you now turn your attention to Supplemental Calendar No. 1, which has been distributed and is sitting on the Members' desks. The top of page 2 of Supplemental Senate Calendar No. 1 is House Bills on -- House Bills on 2nd Reading is House Bill 539. Senator Syverson, do you wish this bill read? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 539.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Licensed Activities adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Turn your attention to the middle of page 2 on the Order of Motions in Writing to Override Total Vetoes.

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Senators Bowles, Radogno, Obama, Watson, Madigan and Jacobs. We'll be going in that order. House Bill 523. Senator Bowles. Madam Secretary, read the motion, please.

ACTING SECRETARY HAWKER:

I move that House Bill 523 do pass, the veto of the Governor to the contrary notwithstanding.

Motion filed by Senator Bowles.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles. Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. House Bill -- 523 does four things. First, it authorizes non-home rule municipalities, by front-door referendum, to impose a local option sales tax. Second, it provides that the tax will take effect two years after the referendum has passed and verification has been provided to the Department of Revenue. Third, it provides that non-home rule municipalities may not impose nor collect a tax -- excuse me -- prior to 1-1-2002. And it excludes local option sales tax on the sale of food that has been prepared for immediate consumption, on prescription and nonprescription drugs. I would move that the House Bill 523 do pass, the veto of the Governor to the contrary notwithstanding.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I rise to make an announcement. There will be a Republican Caucus in Senator Philip's Office immediately.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There will be a Republican Caucus in Senator Philip's Office immediately. Senator Smith, what purpose do you rise?

SENATOR SMITH:

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...I stand -- request that the Democrats will have a caucus immediately in -- in Mr. -- in Senator Emil Jones' Office...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- the Democratic Caucus in Senator Jones' Office. Republican Caucus in Senator Philip's Office. Senator Lightford, what purpose you rise?

SENATOR LIGHTFORD:

Thank you, Mr. President. I rise to request suspension of the rules for immediate consideration and adoption of Senate Resolution 228, for Representative Wanda Sharp's mother, so that I can take it this evening.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lightford, that motion is out of order at this point. We'll come back -- we'll come back to you. Both caucuses are going to meet immediately. Then we will be returning to the regular order of business. The Senate stands at ease until the call of the Chair.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Senate will be reconvening very shortly. We will be going to the order of Supplemental Calendar No. 1, to Motions in Writing to Override Total Vetoes. When we interrupted proceedings for caucuses earlier, we were debating motions in writing to override total vetoes. House Bill 523. Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. When we -- just prior to our going into caucus on both sides of the aisle, I moved that the House Bill -- that House Bill 523 do pass, the veto of the Governor to the contrary notwithstanding. Be glad to answer any questions.



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PRESIDING OFFICER: (SENATOR DUDYCZ)

There any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

The sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates -- sponsor indicates she will yield.  
Senator Geo-Karis.

SENATOR GEO-KARIS:

If I heard correctly earlier today, this bill can only change  
it with the front-door referendum. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

That is correct, Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

So if the people don't want it, all they have to do is vote  
against it. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

Precisely.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall House  
Bill 523 pass, the veto of the Governor to the contrary  
notwithstanding. All those in favor will vote Aye. Opposed will  
vote Nay. And the voting is open. Have all voted who wish? Have  
all voted who wish? Have all voted who wish? Take the record.  
On that question, there are 38 Ayes, 16 Nays, and 1 voting  
Present. And House Bill 523, having received the required  
three-fifths vote, is declared passed, the veto of the Governor to

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the contrary notwithstanding. House Bill 1165. Senator Radogno.  
Mr. -- Mr. Secretary, read the motion.

SECRETARY HARRY:

I move that House Bill 1165 do pass, the veto of the Governor  
to the contrary notwithstanding.

The motion, by Senator Radogno.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. House Bill 1165 amends the  
Municipal Code to make discipline a permissive subject of  
collective bargaining for non-home rule communities. The Governor  
expressed concern that the appointed boards of police and fire  
commissioners currently handle disciplinary matters and that their  
accountability may be weakened if an arbitrator makes the  
decision. However, I need to stress that this is permissive only.  
So if a municipality chooses not to bargain this item, they do not  
have to. So I would seek your support on this override.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno has moved that House Bill 1165 do pass, the  
veto of the Governor to the contrary notwithstanding. Is there  
any discussion? If not, the question is, shall House Bill 1165  
pass, the veto of the Governor to the contrary notwithstanding.  
All those in favor will vote Aye. Opposed will vote Nay. And the  
voting is open. Have all voted who wish? Have all voted who  
wish? Have all voted who wish? Take the record. On that  
question, there are 51 Ayes, 2 Nays, and 2 voting Present. And  
House Bill 1165, having received the required three-fifths vote,  
is declared passed, the veto of the Governor to the contrary  
notwithstanding. House Bill 1232. Senator Obama. Mr. Secretary,  
read the motion. Senator Thomas Walsh, what purpose do you rise?

SENATOR T. WALSH:

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Thank you, Mr. President. I just want the record to reflect that I was having a little trouble with my switch here and I'd like to be recorded as a -- a Yes on Senator Bowles' bill. Was it 523 or...

PRESIDING OFFICER: (SENATOR DUDYCZ)

The -- the record will reflect Senator Walsh would have voted affirmatively on House Bill 523 had he been paying attention. Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. This bill - House 1232 - some of you may recall. We passed this in the regular Session...

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon, Senator Obama. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move the House -- that House Bill 1232 do pass, the veto of the Governor to the contrary notwithstanding.

The motion, by Senator Obama.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Mr. President. As I was saying before, some of you may be familiar with this bill. It deals with the issue of child support here in the State of Illinois. And it's a relatively straightforward, commonsense bill. What we have right now is a situation where Illinois last year - just to take an example - collected eighty-eight million dollars in child support payments on behalf of needy families. As a consequence of federal guidelines, they send half of that money - forty-four million - to the federal government to support the bureaucracy. They -- then the State of Illinois keeps thirty-five million for itself, and gives only eight million dollars to the actual children who need

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it. In other words, of every ten dollars that is collected in child support here in the State of Illinois on behalf of these needy families, only one dollar ends up in the child's hands, and the other nine dollars goes to both the federal and State bureaucracies. What House Bill 1232 does is it simply says that for those working families who are on TANF - those working, needy families who are on TANF, who are already working and struggling to get off the welfare system - that we should have a system where at least two-thirds of the money that is collected for child support, in fact, ends up in the hands of the children who need it. It is a smart bill because it helps working families become more self-sufficient and ultimately get off the TANF system. It provides a strong incentive for noncustodial parents to pay child support. Right now they don't have much of an incentive because they know that no matter how much they pay into the system, only fifty dollars is actually going to end up in the hands of their children. And most importantly, it is a program that sends a signal, I think, to the State, as a whole, and to these needy families that, in fact, we want to support their children and we applaud the efforts that they're making in terms of working themselves into the economic mainstream. I should just add that the Governor over -- the Governor vetoed this bill, but in the House, when we were in two weeks ago, the motion for override passed overwhelmingly, 102 to 15. There was bipartisan support for this bill. There is bipartisan support in this Chamber for the bill. The bill will end up costing six million dollars, but it's not really six million dollars out of General Revenue funds. This is six million dollars that should be going to the children in the first place, and I would urge that you support this motion to override.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama has moved that House Bill 1232 do pass, the veto

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of the Governor to the contrary notwithstanding. Any discussion?  
Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President. I applaud my fellow sponsor on this legislation, Senator Obama. And he is correct: There is bipartisan support on this bill. If -- if there is a family values bill in front of us, this is it. I've spoken many times over the summer about this bill to local civic groups in my district and -- and, not surprisingly, they were appalled that we even have to discuss this. They're appalled that the federal government takes half of the money automatically to fund their bureaucracy and they're amazed that we still need to address the rest of this issue. Do we want to fund larger bureaucracy or do we want to encourage parents to pay for their children? There's a great disincentive right now not to pay -- pay for your children because of the way the system is set up right now. I think it's our duty to stand up and encourage these families to get together and the parents to pay for their children. Much better idea than paying for bigger -- bigger government. I encourage an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President. Members -- or, a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Is it -- I've been told that it is possible for a person -- and -- and again, I think what you're trying to do is the honorable thing to do, give incentives to finally work your way off of -- of welfare. Is it possible, though, that you will -- if you -- if this thing passes, that, for instance, you will get less

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money in food stamps? I understand that's the case. As it raises the amount of -- of income, you will receive less money in food stamps. That -- that is a fact, I think. Is that right?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

I'm not precisely certain about the food stamp issue. What I know is, is that the program is modeled after the Work Pays program that we already have and is highly successful here in the State of Illinois. So that -- under the Work Pays program what happens is, is that families who are working but are still receiving TANF because they're still under the poverty line will get to keep two out of every three dollars that they earn. So that -- they actually have an incentive to work: There's not a dollar-for-dollar discount from their salaries from -- from their welfare payments. The same principle applies here. Now, it's conceivable that a certain portion of their food stamp allotment might be impacted as a consequence of higher incomes. But, of course, that's something that we want to encourage. I mean, ultimately what we want to do is to encourage folks to be more self-sufficient, to keep more of the dollars that they're earning in work. We also want to make sure that noncustodial parents are doing more to support the children who they've born, and as a consequence, over time they will, in fact, see a reduction in the amount of overall federal and State support that they receive. So that, in fact, is a -- is -- is a healthy thing and to be encouraged.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

One other thing that concerns me that you might be able to answer is we've had a -- a real problem with child support

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payments in -- in my -- in my area. I mean, it's -- it's sort of a shame, really. And will this complicate it even more, to fit this into the formula? I -- I see this being even a bigger complication for these people, because they're going to figure out, you know, what percentage here, what percentage there, and it could -- will it not complicate things even worse?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

I do not believe that this will complicate this at all. Right now the calculation is made that they get fifty dollars out of the amount of -- of child support that's paid, and then they have to divide up that money between the State and the federal bureaucracies. In this situation, all we're saying is, for a certain number of families who are working and on TANF, they get to keep two-thirds. It's basically an accounting issue, and they're already having to do this accounting because right now we don't have a hundred percent pass-through. It would only be more complicated if we had a system where all this money was going to these children and then we were going to try to tinker around with that. But as it is, only a portion is going there anyway. We're just saying that a bigger portion should -- should go into it, and so it's a matter of just changing the math.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just think there's some things that -- that Members of this Body ought to take into consideration as they vote on this bill. It is certainly compelling and sounds like a wonderful idea to increase the amount of child support pass-through. But a very quick, short history lesson. Early in the 1990s, as welfare reform kind of

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came to the fore and discussion began about the State being responsible for half a million people in the State of Illinois under the AFDC program and on our Medicaid program, a discussion was held that -- that maybe a lot of these children that were born - in some cases out of wedlock, sometimes in wedlock and then not supported by their noncustodial parent - ought to be -- we ought to make an effort to find those deadbeat dads and make them help pay for the system that was supporting their wife and their children. So they -- the initial -- the initial thrust was to -- to set up a mechanism to go find dads that weren't participating and help them pay back the taxpayers, to reimburse the taxpayers for the system that was supporting their children. Now, we created a trust fund to do this and -- and the money that we collected in this child support -- when we found a dad, went into the trust fund, and the uses of that trust fund were: one, to reimburse the federal government for their fifty-percent share; two, to reimburse the State taxpayers for their fifty-percent share; and the rest could be spent to pay for the system of collection. Well, a discussion came along, in 1993/1994, that there was no reason for a -- a welfare family to cooperate in finding the deadbeat parent, because they didn't have a financial stake. So we -- we walked down the road of what they call the pass-through, where we took an extra fifty -- we took fifty dollars of what we collected in child support and gave that - in addition to the grant money - to the family so that there was an incentive for the -- the -- for the custodial parent to help us find the noncustodial parent, because we had to have paternity and we had to establish records to prove who was responsible. And that's all well and good, and at that time, there were five hundred thousand people in our -- in our AFDC system. Today, in the best economy we've experienced in the United States in -- in years, there's under two hundred and fifty thousand people in our



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system. The child support trust fund receives far less money in recovered child support, because we don't get reimbursement for six or seven years that someone might have been on the AFD {sic} and TANF system. We only get reimbursement for the period that we find the father and that they remain on welfare. So, as this trust fund has shrunk - okay? - we've added additional responsibilities here in the General Assembly. We now require that child support trust fund to assist any custodial parent, in finding the noncustodial parent, in getting child support. So we're adding additional -- over the last five years, we added additional collection responsibility. The net result is that we now spend seventy-six million dollars' worth of additional General Revenue to support the child support collection unit. Earlier this year, we also complied with federal law and tried to make a change in that child support system and end up with a central disbursement unit in DuPage County. That's additional stress on that unit and additional cost. In an effort to -- to make people whole, as that system kind of worked its way through, we spent an additional thirteen million dollars that we mailed out as emergency checks, which there's some question now about how we collect it. And in the middle of us trying to do social policy through a -- a central child support collection unit, when -- when parents and families ought to be responsible for their kids, we're now saying, "Don't worry about all that. Change the system again," in the middle of all this -- this stress, "and take another six million dollars of State resources out of the system," without thinking it through. So I don't -- I don't agree with the -- the proponents who say, "This is the kids' money." It's not the kids' money. This is reimbursement from a father or from a noncustodial parent who wasn't paying to support their children while the taxpayers were. This is not money that goes back to bureaucrats. This is money that's returned to the State Treasury,

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where we recover all kinds of things. Now, vote this bill on -- on however you believe in it, or whatever your -- your political contingencies are, but don't buy into the rhetoric somehow that this is good for kids because we're punishing bureaucrats. I find it very, very interesting that -- that choking bureaucracy and starving bureaucrats is coming from that side of the aisle. It normally doesn't. In fact, most of the initiatives to expand the responsibilities of the child support collection unit have come from people who believe that -- that more government's a good idea. So I just think we need to be thoughtful and we need to keep the discussion limited. There's not some bureaucrat running around with a bag of money spending child support dollars to take care of themselves. These are responsibilities that we have accepted as State government. The reimbursement paid back State expenditures for State taxpayers. Increasing that grant level may be good for those families, but we are paying for it with General Revenue. This is a General Revenue expenditure. It is not somehow giving them what they had coming to 'em. I mean, this -- this is purely the end of reimbursing State government for expenses that we incurred to collect those resources. So just keep that in mind in that discussion, and, you know, keep a little balance here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Petka.

SENATOR PETKA:

Mr. President, I move the previous question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are two additional speakers. Further discussion?  
Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. You know, it's amazing the arguments that you hear in this Chamber. And I know Senator

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Rauschenberger personally. He's been with me in my district, in public housing - Cabrini Green, Henry Horner, Rockwell - and I know the argument that he just made came from the Chairman of Appropriations, not from Senator Steve Rauschenberger. Because he doesn't believe himself. He's simply making the argument because certain people hold certain positions in State government. That's all. It makes absolutely no sense and, in fact, my illustrious, dear friend made a key point that all of you on that side of the aisle, which -- something I don't say often, should take into consideration. The Republicans are often, at least in ideology and argument, talking about cutting big government - cutting big government, cutting taxes, giving more money to business. And yet, Senator Barack Obama is carrying what could be considered a Republican initiative, but yet he's being criticized, and oh, the liberal Democrats are normally for the big government. Well, who's for big government if the State of Illinois is keeping a vast majority of the money and the United States of America is keeping a vast majority of the money, and the poor babies are getting little of nothing? Eighty-eight million. Eight million makes it to the children. Come on. I'm for cutting big government. When the -- the bills were out here to -- to downsize State government, I voted for every, single one of 'em, because we should get more money back to the people and less money to the bureaucrats. So I am certain that every -- all the citizens of the State of Illinois, especially those who listen to the rhetoric of downsizing big government and getting more money into the hands of the people, are going to watch how you vote. Now, I understand there's a resolution coming up asking the federal government to take less, and I'm going to support that, too. Because William Jefferson Clinton should not have all the people's money, nor should the State of Illinois. So I urge you to just think about your own self-preservation when you cast your vote on this bill.

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Are you for the children, or are you for the big government, the bureaucrats and those who hold the lofty positions and have to make an argument that they don't even believe in themselves?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. First of all, we should make this clear that the -- the Governor's opposition and our concerns with this legislation is not on the desire to get more dollars to those who need it. The issue really comes down to who should be paying that, the states or the federal government. The concern that Senator Hendon just raised, saying pass this bill and then pass the resolution, if we pass the bill and the State agrees to pay all this money, what reason or rationale would there be for the federal government to ever want to turn around and change their philosophy if the State's already picking up more of the federal government's responsibility? That's just the opposite of what we should be doing. We should be passing the resolution. We should be looking for the waiver. We should be pushing our congressmen and our Senators to push for this waiver. If we don't get the waiver, then, as a State, come back and react. But certainly before we do this, we should be working with the federal government. Couple questions that I think that have already been raised, but I want to stress. All of us are receiving more calls on this child support situation than probably any other call in the last few years. We are working through the problems of that system, but it is very complicated and is causing considerable amount of hardship for families in this State. Now we turn around and we pass legislation that goes into effect immediately that cuts their food stamp dollars. Who's going to answer the phone calls when they get checks now and food stamps that are less than they got the month before? Who is going to be answering those

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phone calls? Who is going to be trying to explain that to those individuals? Who are going to be talking to editorial boards as why the State is paying more and now the federal government pays even less than what they were paying before? That issue wasn't raised before, and I know, Senator, and let me just follow up with a question that was raised earlier. It's my understanding that the food stamp formula is tied to this, and it would be potentially -- for some individuals, the loss of food stamps could be almost as great as the increase that they receive in benefits. Can you respond to that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

I'd be happy to respond to this direct question, and I'm assuming when I close I can respond to some of the other issues that have been raised. On this particular issue, the -- there is -- here's what I know: There will not be a dollar-for-dollar reduction in food stamps relative to the amount of increase that these parents keep as a consequence of this bill. All right? Now, as I stated when this issue was raised by Senator Luechtefeld, it is a good thing that as these families become more self-sufficient - these are working families that we're talking about - that as they become self-sufficient and are able to take care of their children on their own with the assistance of the noncustodial parents more effectively, that their food stamps will decrease. That is part of -- that is part of the design of this program. We're trying to encourage self-sufficiency and boost people's income so that they can, in fact, move off TANF. So this notion that somehow this will result in -- in cuts in food stamps, and you're going to be getting calls with -- with folks outraged about their cuts in food stamps, just is not accurate. And -- and I think that -- that that is not a realistic argument. If you

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want to address the issue of the six million dollars and the issue that Senator Rauschenberger raised, I'd be happy to do so, but I just wanted to address that food stamp question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Clearly, though, there is, and again we -- you may not have the exact amount, but clearly there is a -- there is a cut that'll be taking place in the food stamps. We can debate whether that's good or bad. The point is, at a time when families are already confused because of the child support problems that we're going through, to burden them more with an immediate change in the system that is going to be cutting their food stamp programs. And from an accounting standpoint, we have the federal government paying less and the State paying more. I don't understand, as a state, why we are encouraging the federal government to send less money back to our states and have the state taxpayers pick up and pay more of the federal responsibility when we should be encouraging the federal government to not be withholding half of these child support dollars. Is there a reason why we cannot wait -- and this is a question: Is there a reason why we cannot wait until next Session to see if we, in fact, can get a waiver through, if the federal government will approve it or disallow it. If they will disallow it, then come back and respond to how we can help these individuals.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Let me respond to the waiver issue in -- in two ways. And -- and I plan, by the way, to support this resolution, because I think it's why -- part of what's happened here is we have an unwise federal policy. Okay? So I want to concede that. My

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impression is, number one, in conversations that we've had, a waiver is not going to be forthcoming. All right? We -- we have already had discussions -- the -- the groups that are supportive of this legislation have already had discussions. If there's going to be an overhaul, it'll be an overhaul of the federal policy, as opposed to a waiver. Okay? So that's point number one. We will not be able to get a selective waiver. Point number two, though, and this is more important, and I'd like people to pay attention to this, because this is -- this addresses Senator Rauschenberger's argument, as well. What we have right now is a ill-conceived federal policy that ends up sending fifty percent of the money to the feds and we, as a state, are allowed to benefit from that booty that -- that is -- is -- is taken by the federal government. Okay? Think about this. Eighty-eight million dollars: Forty-four million of it goes to the federal government, we keep thirty-five, eight goes to the children. Now, Senator Rauschenberger said that that thirty-five million dollars was, in fact, General Revenue funds. That is not the case. This is money that was collected from these children to pay for the child support bureaucracy that we have created. And if there are complications with respect to the child support bureaucracy in this State, I assure you that they do not arise as a consequence of this bill. And we can have a long conversation about how we've screwed up the child support system in this State. Thirty-five million dollars we currently keep. Under this proposed bill, we would still keep twenty-nine million dollars of the money that is being paid into the child support system by noncustodial parents to support the child support system. We will still be subsidizing on the backs of these children our child support system that we've created and oftentimes have screwed up. So my point simply is this: If, in fact, we believe that this is a poor system, that it provides a disincentive for families and that the federal

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government should change its policy, why would we want to wait for another year or two years or five years till the federal government figures it out when, in fact, we could do it at the state level right now so that, at least, we're not complicit in this dopey policy? Makes no sense. If we think this is wrong, and this resolution would appear to indicate that you agree that this policy does not make sense, then why don't we do the right thing at the State level first? And maybe we'll become a good role model for the federal government.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Last question. Do you believe that in the passing of this, the likelihood of getting a waiver is increased or decreased because we have passed this legislation and have taken on the financial burden that should be the federal government's? Do you believe that the federal government is more likely to grant us a waiver now that we've decided and agreed to say, "We'll pick up and pay your responsibility"?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Yes, I do. And the reason is because I think that if we show that the states find this -- this policy to be wrongheaded, just as every editorial that's written on the subject has decided that this is wrongheaded and not family-friendly, then I think that we're sending a strong message to the federal government that, in fact, this policy needs to be changed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama, to close.

SENATOR OBAMA:

I -- I think the arguments have been made. I -- I simply



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would -- would ask all of you to think about this issue from a commonsense perspective. If we were going to design the system from the start, we would not have designed it in this fashion. The only reason that we're even having a debate here right now is because we are, as a state, benefiting from this bad system and to try to modestly scale it back and change it so that more money goes into the hands of the children who need it is going to cost six million dollars. That's the only reason we're having this debate. Well, let's try to think -- rethink this issue and -- and think of it from -- from a fresh perspective. And let's simply say, if we were going to design an ideal child support system, how would we design it? And the answer would be that we would ensure that the majority of money that is collected for child support, in fact, goes into the hands of the children who need it, this -- while still allowing for a small portion -- a smaller portion of that money to be used for the State's costs of collection. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 1232 pass, the veto of the Governor to the contrary notwithstanding. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 7 Nays, 14 Present. And House Bill 1232, having received the required three-fifths vote, is declared passed, the veto to the contrary notwithstanding. Senator Syverson, what purpose do you rise?

SENATOR SYVERSON:

Like to call for a verification.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request is in order. Senator Syverson has requested a verification of the affirmative vote. Will all Senators be in

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their seats? The Secretary will read the affirmative votes.

SECRETARY HARRY:

Following Members voted in the affirmative: Berman, Bowles, Clayborne, Cronin, Cullerton, DeLeo, del Valle, Demuzio, Geo-Karis, Halvorson, Hawkinson, Hendon, Jacobs, Emil Jones, Lauzen, Lightford, Link, Lisa Madigan, Mitchell, Molaro, Munoz, Noland, Obama, O'Daniel, O'Malley, Parker, Radogno, Shadid, Shaw, Silverstein, Smith, Sullivan, Trotter, Viverito, Larry Walsh, Weaver and Welch.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Does Senator Syverson question the presence of any Member voting in the affirmative?

SENATOR SYVERSON:

Senator Cullerton.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is Senator Cullerton in the Chamber? Senator Cullerton. If not, Mr. Secretary, strike his name.

SENATOR SYVERSON:

Senator Weaver.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver. Senator Weaver in -- in the Chamber? Strike his name. Does Senator Syverson question the presence of any other Member voting in the affirmative?

SENATOR SYVERSON:

No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On a verified roll call, the Ayes are 35, the Nays are 7, those -- there are 14 voting Present, and having failed to receive the required constitutional majority, House Bill 1232 is declared lost. Ladies and Gentlemen, we have effectively concluded the business of the day. The Chair will remain open for paperwork, but there are two committees that have been scheduled for 2

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o'clock: the Revenue Committee and the Executive Committee. So we will be standing at ease for paperwork, but effectively have concluded all the business of the Senate. And we will be convening tomorrow morning at 10 o'clock. Senator Klemm, what purpose do you rise?

SENATOR KLEMM:

Well, just for purposes of an announcement, Mr. Speaker. The Executive Committee will meet immediately upon our recessed adjournment here today. Room 212. We only have one House bill. I do encourage all the Members of the Executive Committee to get right down to 212 and we'll be done in about five minutes. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson, what purpose do you rise?

SENATOR PETERSON:

Thank you, Mr. President. For the purposes of an announcement. The Senate Revenue Committee will meet immediately in Room 400. So please get up there as soon as possible. It should only take us fifteen minutes to conclude our business. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs, what purpose do you rise?

SENATOR JACOBS:

Purpose of an announcement, Mr. President. There will be a going-away party for Jimmy Rea, Senator -- there will be a going-away party for Senator Jimmy Rea tonight, 6 to -- 5 to 7 at Norb Andy's. All Senators and staff are welcome. So we look forward to seeing you there, if at all possible.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There will be a Rules Committee meeting immediately in the President's Anteroom. Rules Committee meeting and shortly afterwards the Senate Executive Committee will be meeting at 2 --

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or, at Room 212, and the Revenue Committee will be meeting at Room 400 in five minutes. Senator Jones, what purpose do you rise?

SENATOR E. JONES:

Thank you, Mr. President. Purpose of an announcement. This evening at the Hilton between the hours of 6 and 8 p.m., Mr. Educator of the Illinois General Assembly, Senator Berman, there will be a party because he's going away, you know, to deal with the new millennium. And so Members from all sides of the aisle -- both sides have been invited. He's already here. The other guy is already gone, but we're going to go there anyhow. But you want to be there for Senator Berman.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Jones. The Senate will convene at 10 a.m., Wednesday, December 1st. The Senate stands at recess for the purpose of receiving paperwork. Members of the Rules Committee, we are meeting in the Anteroom immediately. Rules Committee in the Anteroom immediately.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR NOLAND)

The Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Committee on Education - Senate Amendment 1 to Senate Joint Resolution 41, and Senate Amendment 1 to House Bill 567.

PRESIDING OFFICER: (SENATOR NOLAND)

Senate will stand at ease until the call of the Chair.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Klemm, Chair of the Committee on Executive, reports House Bill 1202 Do Pass.

And Senator Peterson, Chair of the Committee on Revenue, reports House Bill 1120 Do Pass, as Amended; and Senate Bill 1144, the Motion to Concur with House Amendment 1, Be Adopted.

PRESIDING OFFICER: (SENATOR DONAHUE)

Pursuant to the announcement by the Chair earlier this afternoon, the Senate will stand adjourned until 10 a.m., Wednesday, December 1st. Senate is adjourned.

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