

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

73rd Legislative Day

December 2, 1999

Speaker Madigan: "House shall come to order. House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Pastor Crawford: "May we elevate our minds as well as our hearts. Most precious and gracious God, who is the giver of life, we humbly submit ourselves to You. We ask that You would grant to us a grace that is sufficient, sufficient in all of our doings. We ask that You would grant to us a peace that would pass all of our understandings and a spirit that is willing to do what it is we've been called to do. So, dear God, I ask this day that the grace of God and the preciousness of Your spirit, I ask that it would be with us throughout this day. I ask that we find peace in it, that we would find strength in it, that we would find comfort in it, and that we would find wisdom through it. This we kindly ask, humbly, Amen."

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

Biggins - 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: "Call for attendance, Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representatives Capparelli, Steve Davis, Flowers and Sharp are excused today."

Speaker Madigan: "Representative, could you read those again? Representative Currie, could you read those again?"

Currie: "Representatives Capparelli, Steve Davis, Mary Flowers

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

73rd Legislative Day

December 2, 1999

and Wanda Sharp."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that Representative Tom Ryder is excused today and all other Republicans are present."

Speaker Madigan: "Thank you, Mr. Poe. Representative Lindner."

Lindner: "Thank you, Mr. Speaker. The Republicans would request an immediate caucus."

Speaker Madigan: "Would you want to take the Attendance Roll Call first? Mr. Clerk, take the record. There being 113 responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules to which the following measures were referred, action taken on December 2, 1999, reported the same back with the following recommendation/s: 'approved for consideration' Amendatory Veto accept Motion on Senate Bill 1136. Supplemental Calendar #1 is being distributed."

Speaker Madigan: "There has been a request for a Republican Caucus. Representative Lindner, do you know how much time you'll need?"

Lindner: "Approximately one hour."

Speaker Madigan: "Well, you've all heard the request on get away day, so the House will reconvene at 10 a.m. House shall come to order. Mr. Clerk."

Clerk Rossi: "Senate Joint Resolution #46, offered by Representative Hoffman, is assigned to the Rules Committee."

Speaker Madigan: "Mr. Rutherford, on the Order of Concurrence, on page 3 of the Calendar, there appears House Bill 809. Mr. Rutherford."

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

73rd Legislative Day

December 2, 1999

Rutherford: "Thank you, Mr. Speaker. Perhaps, I'll have a better day today than I did yesterday. Mr. Speaker, I would ask for concurrence on Senate Amendments 1, 2 and 4 to House Bill 809. One of the Amendments would make it immediate effective date. A second Amendment would do a technical cleanup on a Bill that was made into law last year that has the requirement for strobe lights on school buses. What we're clarifying in this Amendment though, would state that the buses that are manufactured after January 1, 2000, rather than after purchased on January 1, 2000. A second point is that we would also clarify language of a Bill that was passed last year that would authorize Secretary of State White the authority to spend some of the accumulated funds in the Automated Commercial Drivers License Testing Equipment Fund to be utilized for computer software and equipment. That's not clear today. The last provision also would clarify that individuals who are participating in the Circuit Breaker Grant Program will also be able to purchase the Korean War License, Veterans License Plate for \$24. That particular plate was left off the list of those that were exempt under this specific price for circuit breakers. And I'd be glad to answer any questions you may have."

Speaker Madigan: "The Gentleman moves that the House does concur in Senate Amendments 1, 2, and 4. There being no discussion, the question is, 'Shall the House concur in those Amendments?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? This is final action. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 112 people voting 'yes', 1 person voting 'no'. The House does concur in Senate Amendments 1,

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

73rd Legislative Day

December 2, 1999

2 and 4. And this Bill, having received a Super Constitutional Majority, is hereby declared passed. Mr. Hassert. On page 2 of the Calendar, on the Order of Concurrence, there appears House Bill 539. Mr. Hassert."

Hassert: "Thank you, Mr. Speaker. I would move to concur with Senate Amendment #1 to House Bill 539. This is the Irrigation Bill that we have been working on, thanks to the help of Representative Saviano, your Chief Counsel Rob Uhe, we've come to this agreement. Everybody's on board. I would just ask for their support on that and I'd be happy to answer any questions."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. First of all, I would also like to thank Representative Hassert and Rob Uhe, your Chief Counsel, for their work on this along side of myself and the Registration Regulation Committee. I think we're happy with the outcome of the agreement and it's been a long time coming. For purposes of legislative intent, I'd like to ask the Sponsor some questions. First of all, does this legislation pertain to the maintenance and repair of lawn sprinkler systems?"

Hassert: "No."

Saviano: "So, what you're saying is that this legislation only applies to the installation of lawn sprinkler systems. Therefore, if there are any irrigation contractors who only maintain and repair lawn sprinkler systems, they do not need to register with the Illinois Department of Public Health?"

Hassert: "Yes."

Saviano: "The language states that the lawn sprinkler systems does not include an irrigation system used primarily for agricultural purposes. Are production nurseries included

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

73rd Legislative Day

December 2, 1999

in the agricultural purpose?"

Hassert: "If they are zoned under the agricultural use, yes, they are included."

Saviano: "So, if they're zoned for an agricultural purpose then they would be exempt from the Bill?"

Hassert: "That is correct."

Saviano: "Okay. What are the requirements for irrigation contractors that are employees under Section 2.5?"

Hassert: "Irrigation contracts will annually register and pay the fee. The registration will require the business' name and address, telephone number, name of the principle and FEIN number. In addition, the irrigation contract shall include, on the registration form, the employee's name, home address and telephone number. Employees will not be required to pay the annual fee."

Saviano: "Thank you, Representative."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, let me ask you some questions about the... the Amendment that you have indicated becomes the Bill. Currently, under Illinois Law, does an irrigation contractor have to register with the Illinois Department of Public Health?"

Hassert: "No."

Black: "So, that's a new mandate on a small business owner? I'm talking about my district now, a rural area. So, this is a new mandate on a small business owner, correct?"

Hassert: "Representative, this is simply a registration. Yes, they'll be required to register. I suppose you could classify it as a new mandate. It's not a licensing, it's a

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

73rd Legislative Day

December 2, 1999

registration."

Black: "I understand. What will the registration fee be? Do you have any idea?"

Hassert: "I'm sorry, I didn't hear you."

Black: "What will the registration fee be? It says it shall be set by Rule. Do you... we have any idea? Will it be more than 25, less than 100?"

Hassert: "I can't honestly answer that question since it will be set by Rules."

Black: "Okay. So, the fee is also a new mandate on a small business owner, correct?"

Hassert: "No, not necessarily."

Black: "Well, do they pay a fee now to be a irrigation contractor?"

Hassert: "Well, as of December 1st, if we had the current law in existence..."

Black: "Right."

Hassert: "...they would not be in business. So, right now..."

Black: "Okay."

Hassert: "...because of the sunset on our old legislation..."

Black: "Okay."

Hassert: "...irrigation contractors are not actually there."

Black: "And, don't misunderstand me, Representative, I really do appreciate the work that you've done on this, was proud to cosponsor your Bill last year and I know how hard you've worked on this and I'm sure that this compromise is not everything you would like. But, I think you've done a great job. But, your district and mine is a little different. So, let me continue. In a rural area such as mine, in a town of 700 people, lawn and garden center may put in a irrigation system connected to a well. No public water supply in many of the small towns in my district,

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

73rd Legislative Day

December 2, 1999

they have individual wells. If they run a separate line from the well, as many do, or even in the city I've known people to drill a well because they don't want to pay the water fee to irrigate their lawn through the water meter, so, they'll drill a well. It's not unusual. If the irrigation system is hooked up to a well, a stand-alone well, do they still have to have a backflow preventer?"

Hassert: "I think if a dedicated source is just strictly for irrigation and is not used for any kind of consumption, they will not have to have a backflow prevention device."

Black: "Would it be your intent if the department wanted to enforce the inspection provision and a backflow preventer provision on a stand-alone well, would it be your intent that either through the rule-making process or legislative process, if we had to, that we could tell the department that that was superfluous and unnecessary?"

Hassert: "As I say, for on the record, and in the intent of this legislation, if the source for the irrigation system is solely dependant for that and there is not any possibility of human consumption of that water, it will not have to have... such as coming out of a pond or a independent well, it will not have to have a backflow prevention device."

Black: "Okay. In a small rural area, again in some of the small communities that I have, the system is installed, the contractor is done, would like to get paid. There may be very few licensed plumbers in a small rural county. It's my interpretation from this that until a licensed plumber inspects the installation, it can't be used or useful, right? So, you might have to wait two weeks, three weeks."

Hassert: "There is a concern... there has been a concern through this process, that these backflow prevention devices have not ever and should be inspected annually. So, part of the

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

73rd Legislative Day

December 2, 1999

process from Public Health's concern was that we put this part of the... as part of the Bill, that the devices are reassured on the citing on the safety issue we're a little bit more prevalent than make it an inconvenience for the home owner. There is also a very sincere safety issue that has came up during this process."

Black: "I absolutely, and I've never met a contractor, even in my district, who has any difficulty with the backflow prevention language. They would agree with you. That's needed and necessary. The language in this Amendment, I want to make sure I'm clear. If a plumber comes out early in the... on the job site, hooks up the backflow preventer and then leaves the job site, the irrigation contractor then finishes the job, say in the next day. Does the irrigation contractor now have to wait for a plumber to come back and inspect the completed installation before it can be utilized?"

Hassert: "Basically, the whole intent of the legislation that the irrigation contractor will either through have on his staff or contractual arrangement with a licensed plumber to do the above different things; put the backflow prevention, inspect the system. So, that irrigation contractor, yes, will have to have to have some coordination with either his staff plumber or his contractual plumber, licensed plumber."

Black: "So the, contractor may not only have to wait for the plumber to install the backflow preventer, he may also have to wait then for the plumber to come back and take a look at the overall job and put a, I assume, a stamp of approval on it, which further delays payment. And I assume, correct me if my interpretation is incorrect, I assume the plumber would also charge the contractor for coming out the second

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

73rd Legislative Day

December 2, 1999

time to inspect the job. Right? I mean that, that would be standard procedure I would think. Or would he do it for a set fee?"

Hassert: "Representative, that's, that's going to be up to the irrigation contractor and the licensed plumber. Whether he wants to put a licensed plumber on staff, which by this legislation we allow them to do so, which they couldn't do before or if he has a contractual arrangement with a licensed plumber. They're going to have to work out those details within their own structure, which is very typical in all businesses that you have to comply with certain things and figure that out on your own. I would assume there would be some cost associated with these type of additions. But, on the other hand, without this type of language that irrigation contractor won't be in business. So,..."

Black: "Yeah, I agree with you and I think that's the heart of the issue and that's what is so remarkable to me about this whole fight. I don't know why we couldn't have put a population level in. Maybe it is an issue in the fast growing, high density, suburban area. But, you know, this isn't really much of an issue down my way, and even less of an issue in counties of 10, 11,000 people. But, be that as it may, is there anything in the Bill that requires the licensed plumber to also be a union plumber? Or is it just..."

Hassert: "No."

Black: "...licensed plumber, period?"

Hassert: "Just licensed plumber."

Black: "Okay. Now, if I'm a small business man in a rural area, during the winter months, from now say until late March, I may only have besides myself and maybe a relative, I may

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

73rd Legislative Day

December 2, 1999

only have three employees, two employees. So, if I understand this I don't register. But, when spring comes, when the construction season is upon us in late March, early April, I may then employ some part-time people and by the middle of summer I may be up to 12 employees. Now, how do I handle that? At the time I'm asked to register, I may not meet the threshold of seven, but by July 1, I may have 14 people working for me. Do I register only when I meet the threshold? Or do I just... and employ a plumber or do I not employ a plumber until I meet the employee threshold?"

Hassert: "There... as far... the reading of the Bill states that from 1 to 7 that you have to have a contractual or employ a licensed plumber, 7 to 14, I think it goes to 2, 14 on up, it just progressively goes up. So, you will have to have, somehow in place, a contractual agreement or a plumber on staff."

Black: "What would the result be if a lawn and garden center, i. e., irrigation contractor, in particularly a small area, makes a good-faith effort to try and employ a licensed plumber in some kind of contractual agreement, and maybe this area only has two or three. And the plumber say, 'I don't want to be involved in this, I don't have time. I'm working 9, 10 hours a day now. I don't need to bother with you.' So, a lawn irrigation contractor calls the state and says, 'I can't find anybody willing to sign the contract. What do I do know?'"

Hassert: "There's a provision in the Bill for that circumstance to allow a three-month waiver and renewable waiver up to six months. So, there is a provision for relief in the Bill for an area that could not find a licensed plumber."

Black: "Okay."

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

73rd Legislative Day

December 2, 1999

Hassert: "It does not relieve them of the responsibility that a licensed plumber still has to install the backflow prevention device, which has been standard practices."

Black: "Okay. Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. To the Bill. I, in all seriousness, thank Representative Hassert for his work on this. And I know in talking with him and calling him in his district office, when people were calling me wanting answers, I know how hard he's worked on it. And I know how frustrated, on occasion, he has become and he is much more familiar and certainly an expert in this field and I'm not. But, I do represent several people that are in this business, and the only question they ask me and again, I find that the longer I'm here, the fewer answers I have. People who try to become businessmen and women, entrepreneurs, start out with one pick-up truck and only themselves as an employee, trying to make a living, trying to pay taxes. And all they want to do is do business. And it seems to me that increasingly the State of Illinois, i. e., the General Assembly, through its regulatory power and through turf battles and arguments and a one-size-fits-all philosophy, makes it more and more difficult for someone to realize the American dream of owning and operating your own business. And I don't know why we insist on going down that path. It doesn't make any sense to me. That's not how this country started. That's not how this state started. But, all of the sudden, we are bound and determined to regulate, regulate, regulate and overregulate. And then we wonder why in some of our areas, where your unemployment rate may be 1%, mine's 8%. Again, I thank you for the work you've done. I know how hard you've worked on it. But, I guess I'm at a point in my

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

73rd Legislative Day

December 2, 1999

life where I'm just... I've had enough. Regulation that strangles the ability of men and women to own and operate their own business isn't necessary and it's counterproductive."

Speaker Madigan: "Mr. Hassert to close."

Hassert: "I would just ask for a favorable vote. Thank you."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendment #1?' 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 wish? The Clerk shall take the record. On this question, there are 101 people voting 'yes', 12 people voting 'no'. The House does concur in Senate Amendment #1. And this Bill having received a Super Constitutional Majority, is hereby declared passed. Representative Currie, for an announcement."

Currie: "Thank you, Speaker. I rise on a point of personal privilege. My seatmate seems to be leaving this august chamber in favor of the one across the hall. And I hope my colleagues will join me in wishing Carol Ronen a fond farewell. Carol has been a first-rate Member of this establishment. She's smart, she's savvy, she shows good judgment and she's a very good friend. I only wonder about mentioning those attributes since she's decided to give us up in favor of the upper chamber, the sleepy, somnolent Senate. I can only hope that Carol will bring her energy, her breath of fresh air, her good sense and her smarts and shake up that place across the hall. I hope you will join us in cake. The cake, not only wishes Carol well it says, and I think she will need it over there, it says, 'Good Luck'. So, Carol, best wishes and by January 2nd she'll no longer be Rep. Carol Ronen, we'll have to call her

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

73rd Legislative Day

December 2, 1999

Senator."

Speaker Madigan: "Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I rise, as one of the Republican Members of COWL, to wish Representative Ronen very well in her new role as Senator Ronen. We've all enjoyed working with Carol in the Conference of Women Legislators. She works very hard to reach bipartisan consensus on many important issues and we'll miss her in the House, but will hopefully continue to see you in COWL and hopefully you'll get more Senators involved. Good Luck."

Speaker Madigan: "Mr. Giles."

Giles: "Thank you, Mr. Speaker. I rise on a point of privilege, as well. Today, we celebrate a great man's birthday today. The Majority Leader, Representative Arthur Turner. I just want everyone to come down and enjoy some cake and wish this fine Gentleman a happy birthday, his 49th birthday."

Speaker Madigan: "Representative Carol Ronen."

Ronen: "Thank you, Speaker. Thank you to Representative Klingler, Representative Currie for those kind remarks. And thank you to all of my colleagues here. It's been a true honor, a privilege and a real pleasure to work with each and every one of you these past 7 years. It's been a wonderful, wonderful learning and growth experience and I only go over to the other chamber, notice I call it the 'other' chamber, knowing that I'll be able to continue working with all of you. And that's one of the reasons that I can go over there with a smiley face knowing that we can continue to work together. And I just ask all of you to do one favor for me, if by chance I happen to ever get a Bill out of the Rules Committee, I hope somebody will pick it up here and Sponsor it for me. So, thank you very

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

73rd Legislative Day

December 2, 1999

much."

Speaker Madigan: "Mr. Schoenberg. Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. I rise on a point of personal privilege. I've had the pleasure over these past seven years to literally watch Representative Ronen's back. And on behalf of all the men in the General Assembly, I would like to extend my best wishes and congratulations to her on her recent demotion to the Illinois Senate. Those of you who have tracked Carol Ronen's career have seen that this is the third successive job that she's held in which she's taken a reduction in pay. So, she's obviously very committed to her work, because she's not in it for the money. And now that she's going to be representing Skokie in the State Senate, this is the type of problem that she's going to have to deal with. I'd like to read into the record out of the police blotter from the Skokie Revue, an incident that occurred, Mr. Lang's area, about how a Skokie Police Department Dispatcher told officers November 12th, that she had received the latest in a spate of more than 60 calls from one address on the 7900 block of North Kenneth Avenue in Skokie to the Department's 9-1-1 and nonemergency phone lines. The calls which have come in between September 19th and November 12th are from a man who asked to speak to Elsie the cow and the Robot man. The man has been asked not to use the 9-1-1 line. Senator Ronen, you'll have much more in store for you that's like this. Congratulations."

Speaker Madigan: "Representative Hamos."

Hamos: "Well, I as my district mate and now my new Senator, I also rise to wish Carol good luck. I have just learned so much in our various rides to the airport, on the plane, from the airport, cutting deals, forging coalitions. And

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

73rd Legislative Day

December 2, 1999

I'm going to miss that a lot. And what the Leaders don't yet know, Carol, is that we're going to institute a whole new era of House, Senate coalition- building, which will be very new and different. And I do believe that if you had been in the Senate the other day when my Child Support Bill went down by one vote, you might have wrangled that one vote out of somebody. So, I look forward to continuing to work with you as my Senior now, Senator."

Speaker Madigan: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I would just like to ask Carol Ronen, who has certainly been a very significant and important factor on the Human Service Committee of which I chair, that what are our people who are now in need of Human Services going to do? I thought about that and after visiting with Senator Berman and his beautiful party the other evening, I thought, now what is the House going to do when we lose such a significant, important Member from our Human Service Committee? So, Carol, knowing that you might have a little free time on your hand, we'll invite you back to all of our committee hearings. Thank you."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. I have actually a business issue. I don't know if you're through with the speeches."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. Many of us are concerned about, if you could perhaps shed some light on what's happening with Senate Bill 1155. It's the 'tarp' Bill, Representative Gash. I understand there's been a Motion to accept the Amendatory Veto. This was an issue that came out of our area. I'm just puzzled why Representative Gash's Bill has not been released from Rules, and if we can expect or anticipate that Representative Gash's Bill will

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

73rd Legislative Day

December 2, 1999

be released from Rules?"

Speaker Madigan: "The Parliamentarian has rendered an opinion that the Governor has exceeded his authority under the Amendatory Veto. And for that reason, that Motion will not be released from the Rules Committee."

Cross: "What's the Parliamentarian's ruling?"

Speaker Madigan: "That the Governor exceeded his authority under the Amendatory Veto, and therefore, the Motion will not be released from the Rules Committee."

Cross: "So, what does the significance of the Parliamentarian's... or what is the meaning of the Parliamentarian's ruling? 'Cause the Bill didn't become law by the, by that action of your Parliamentarian."

Speaker Madigan: "If the Motion is not considered, there'll be no Bill."

Cross: "All right, well. So, it's the intention of the Chair not to call the Bill."

Speaker Madigan: "That's correct."

Cross: "Okay. Thank you."

Speaker Madigan: "Representative Andrea Moore."

Moore, A.: "Thank you, Mr. Speaker. I did want to wish Carol Ronen well and certainly express what strong respect and regard I have for her. I got to know her very well for the two years while the House Republicans ran this chamber. Carol was the spokesman on the Election and State Government Committee, where I was the chair. And she was always respectful to the process and to me, understood when it was time to be partisan and understood when we could be bipartisan. And I've always really appreciated both her work and her respect for those of us that are here. And I wish you well, Carol."

Speaker Madigan: "Representative Gash."

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

73rd Legislative Day

December 2, 1999

Gash: "Yes, Mr. Speaker, I was wondering if it may be possible for the Parliamentarian to explain his ruling?"

Speaker Madigan: "Mr. Cross."

Cross: "Mr. Speaker, I guess I'm puzzled by I guess what we would label non-gubernatorial compliance, for lack of a better term. Can we, can someone shed some light on... to us? The authority, is it Constitutional, is it Rules? I've just never heard of this procedure, quite frankly, in the time I've been here."

Speaker Madigan: "Mr. Cross,..."

Cross: "And I think I'm also puzzled why the... go ahead I'm sorry, Mr. Speaker."

Speaker Madigan: "Let me just suggest that the Parliamentarian can visit with you. We have a document we can give you."

Cross: "Well, I appreciate him coming to visit with me, but I think there are 117 other Members that would like to hear the rationale behind it. If you..."

Speaker Madigan: "Sure."

Cross: "He certainly could come over, I'm not going to stop him. But, I'm just curious about this decision."

Speaker Madigan: "Yeah, okay. He'll be right there."

Cross: "I..."

Speaker Madigan: "He'll be right there."

Cross: "He's going to come right over here?"

Speaker Madigan: "Yep."

Cross: "Wow, all right."

Speaker Madigan: "Okay. Mr. Black, on House Bill 428. House Bills - Third Reading. Mr. Black, 428. Read the Bill."

Clerk Rossi: "House Bill 428, a Bill for an Act amending the Illinois Pension Code. Third Reading of this House Bill."

Black: "Yes, thank you very much, Mr. Speaker. And also let me thank the Members of the Rules Committee for advancing this

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

73rd Legislative Day

December 2, 1999

Bill that passed the Pension Laws Commission unanimously last spring, passed the House Pension and Personnel Committee, I believe, it was Tuesday, I'm not sure, unanimously. It was held in Rules Committee anticipating some kind of an Agreed Omnibus Pension Bill and I'm not sure that's going to happen. So, I do, I do appreciate the Rules Committee in advancing this Bill. I know many of you have probably heard about this from some state employees in your district. It's really a very simple Bill. It's a very straightforward Bill. It amends the State Employee Article of the Illinois Pension Code, provides that a person with at least 34 years of creditable service, who has reached the 75% maximum pension, shall be deemed to be able to round off his or her 34 years, so, that it can be considered that he or she has 35 years of service, so that they can retire without having to go through the penalty of what, under our formula change, would mean an early retirement penalty. And forgive me, I've forgotten the percentage, but I think it's 14 or 15% penalty. At the time we proposed this, SERS recommended adoption. No one has ever expressed to me any opposition. There were only about 2,600 state employees who were affected by this. We've not been able to advance it in the last two years. I believe, we're now down to about 2,000 employees, who in effect, have to work an extra year with the pension deduction coming out of their check that does not enhance their pension by one penny. So, all it says, 'if you've already reached the maximum pension of 75% and you do have 34 years of creditable service, you can round it off and we'll assume that you have 35 years, so, that you can retire with no early retirement penalty.' This, as I understand it, it was brought about when we went to the

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

73rd Legislative Day

December 2, 1999

formula basis and we, we didn't do some language in that Bill that impacted the people in this situation. So, I think it's a fair measure and I would ask for a favorable vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker. I stand in support of Representative Black's House Bill 428. I have a identical Bill, House Bill 123 and that's fine. I have no pride of Sponsorship or whatever. But, I support Representative Black in this move. It's a fairness move that we should have considered way last spring. And I stand in full support of it. Thank you."

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

Black: "Yes, thank you very much. And Mr. Speaker, I haven't had a chance to fill out the form, but would you instruct the Clerk to please add Representative Hartke as a cosponsor? He did have an identical Bill and I'm not sure why mine advanced and his didn't. But, I think he and I are on the same page. I think this is an issue of fairness. We created a little glitch that impacts about 2,000 state employees. It is a matter of fairness. It isn't giving them anything. It isn't enhancing their pension. They've already earned their pension. All they're asking for is that they be allowed to round off and not have to work an extra year when it does not impact their pension by one penny for that additional year of service. I think it's fair. I ask for an 'aye' vote."

Speaker Madigan: "Mr. Clerk, pursuant to Mr. Black's request, would you add Mr. Hartke as a hyphenated cosponsor on this Bill. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting

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

73rd Legislative Day

December 2, 1999

'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 113 people voting 'yes', 0 voting 'no'. This Bill having received a Super Constitutional Majority is hereby declared passed. House Bill 2869. Mr. Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2869, a Bill for an Act to amend the Illinois Pension Code. Third Reading of this House Bill."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. Like the previous Bill, this Bill is an effort that came out of the Pension Laws Commission, by I believe a near unanimous vote, there may have been one dissenting vote. It came out of the Pension Committee after a hearing this week with the unanimous vote and it's an effort to try to bring some equity to our pension systems for those people who are working hard out on the highway everyday for the Department of Transportation or for the tollway. What the Bill basically does, it recognizes the fact that here in Illinois we have an alternative pension system that we provide benefits for individuals who work for the Department of Corrections or for the State Police or for a few other agencies that we've deemed to be dangerous work. And consequently, we recognize that as part of their job they should have a somewhat enhanced pension system. Now, the highway maintainers have for years been trying to get the Legislature to recognize the fact that, indeed, they are probably in as a dangerous a situation as anyone else in State Government. And in fact, I've received some statistics that show that from 1951 to 1998: 24 State Police Officers have been killed on the job, 20 Correctional Officers have been killed on the job and during that same time frame 170 highway maintainers have

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

73rd Legislative Day

December 2, 1999

been killed on the job. So indeed, we know that this is a job where these people are at risk and consequently, by providing them with some additional enhanced pension benefits, it's my hope that we will, in a small way, recognize the danger that these men and women face everyday. So, this alternative formula benefit, the Bill is drafted in a way that is very specific and very narrow and would require these people to work the full 20 years before they could qualify for this additional benefit. So, I believe this is a step in the right direction and I'd be happy to answer any questions and ask for a 'yes' vote."

Speaker Madigan: "Mr. Hoeft."

Hoeft: "Thank you, Mr. Speaker. Talking on behalf of this Bill, everyone of us heading home this afternoon will probably pass some construction site and there'll be individuals standing there as we are driving by whose lives are in danger, if in fact something happens. This is simply recognizing the fact that over the last 25 years these individuals have had the most dangerous jobs in the state and this is a fairness issue. We ought to be giving these individuals the same alternative protections that we have already given to the prison and the state police employees. I would strongly urge that you think about these individuals' contribution and vote 'yes' on this Bill."

Speaker Madigan: "Mr. Clerk."

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

Speaker Madigan: "Mr. Hartke."

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

Speaker Madigan: "Sponsor yields."

Hartke: "Representative Hannig, I have no problem with the concept of this piece of this legislation, however I do

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

73rd Legislative Day

December 2, 1999

believe we're opening up a floodgates with this piece of legislation. There are a lot of workers who may be in a similar situation and next year we're going to be back here doing it again, offering hazardous duty pay or whatever retirement for many state employees. I have a question though, if this Bill should pass and the Governor sign this piece of legislation, where's the money going to come from, and what is this going to cost the pension system?"

Hannig: "Well, Representative, the State of Illinois is obviously liable for the unfunded liabilities of the pension system. So... but this has a relatively small impact. I'm told that it's about \$75.5 million dollars over the next 10 years. And in fact, I saw a suggestion that if the state's pension investments earn merely 1% more than their projected 8.5% return for just three years, that we'd actually earn enough money to cover this benefit. So the Pension Laws Commission, I think, took a look at, you know, so many different parts of this Bill, including the cost. And the reason that they were willing to let it out and send it to us for our consideration, I think in part, is because it has a relatively small cost."

Hartke: "That's a cost to the pension system, but there's another cost and problem that we're probably going to develop and that is, if these highway crews do accept this retirement and leave early, are there any provisions in IDOT where they will have the funds to rehire those 3 to 400 employees that are going to take advantage of this option and leave?"

Hannig: "Yeah, first of all Representative, most of these people that would take advantage of this, I think, would be at the senior end, the higher end of the pay scale. They would, we would hire younger replacements, probably at the lower end of the pay scale. And let me also say, this is a House

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

73rd Legislative Day

December 2, 1999

Bill that's in the House. It's going to have to go to the Senate, be considered over there for at least three legislative days. I don't think that the Governor is going to call a Special Session to hear it. We're probably looking at next fiscal year before we really get to a point where this is going to become law. And so, anything that... as far as cost that this might have, could certainly become part of the budget negotiations as we put together a budget for next fiscal year."

Hartke: "Well, is the effective date of this then in... upon being signed by the Governor, becomes law or do you want to make it July 1st? That would guarantee that we would have an option in next spring Session to make sure that special appropriations were made for the personnel line in the Department of Transportation that this would bring that all in line and sync when it does become law."

Hannig: "Yeah, Representative, you know, you and I and many of us downstate are very sensitive to the Department of Transportation's needs. And I can tell you that, and pledge to you that I'm going to work with them to make sure that they have enough money in the budget, so that they can have people on the street to continue patching, to continue plowing the snow, to continue to cutting the grass and all the other things that they do."

Hartke: "Well, that's good. And I am concerned because you know, we're going to be down here quite a bit this coming spring and there's going to be a lot of snow predicted and I want to make sure that those roads are clear so we can not only get here, but get home and the traveling public are safe. So, with that, I thank you for the answers. I'm standing in support of the Bill."

Speaker Madigan: "Mr. Parke."

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

73rd Legislative Day

December 2, 1999

Parke: "I'd like this taken off of Short Debate, please."

Speaker Madigan: "Fine. Go ahead."

Parke: "Thank you, thank you. Representative, Representative Hannig."

Hannig: "Yes."

Parke: "I'm sorry, Mr. Speaker, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields. And would the Members please give their attention to Mr. Parke."

Parke: "Thank you, Mr. Speaker. There's a problem I understand with this legislation and that's that... have you... do you know if the Attorney General's opinion has been received indicating that highway maintainers have full police powers as required in the Pension Laws Commission Section pertaining to pension benefit coverage, specifically entitled 'alternative formula coverage'? In other words, have you gotten a ruling from the Attorney General's Office saying that these highway maintainers fall under the, under the criteria that allows them to be included?"

Hannig: "Well, Representative, what this Body and the Senate is about is to make the rules, to make the laws and so, by passing this law, you know, we're going to include them. So, you know..."

Parke: "So, the answer is, you don't have an opinion from the Attorney General?"

Hannig: "Well, Representative, my answer is that this Bill, would correct an injustice that is out there in my mind, now, where a number of people are being hurt and injured and are not subject to the same type and are subject to the kind of risk that many of these people in the State Police and the Department of Corrections have, but are not subject to the same retirement benefits. And I'm trying to address that inequity."

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

73rd Legislative Day

December 2, 1999

Parke: "Well, let me ask you another question. Isn't it... if... that if these people go into the, the alternative formula, they have to then get paid for vacation time and sick time, if this Bill is effective immediately? How much will it cost, the first year cost, to the pension system to do this?"

Hannig: "The actual cost that we would be required to contribute to the pension system is about \$2.2 million dollars a year for a period of about..."

Parke: "Well, that's just for the pension, but what about the vacation time and sick time that they will be able to get paid for?"

Hannig: "I'm sorry, could you repeat the question?"

Parke: "Yes. That's just straight for the pension. What about the vacation time and sick time that they're going to cash in? Do you know what that will cost us taxpayers of the State of Illinois?"

Hannig: "Well, Representative, as I, as I said to Representative Hartke, there will be some savings to the department because we'll be seeing people at the top end of the pay scale exit state employment and we will be hiring in people, presumably, at the bottom of that pay scale. And as I also told Representative Hartke, this is a House Bill in the House, it will go over to the Senate, hopefully, they'll consider it, in course of due time and send it to the Governor. But, the earliest it's going to be effective, barring some type of Special Session, is June of next year. So, any, any adjustments that we need to make we can make them in the budget as we, for next fiscal year as we go through that process."

Parke: "Thank you. Mr. Speaker, to the Bill. Ladies and Gentlemen, most all of us know somebody that would benefit

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

73rd Legislative Day

December 2, 1999

from this program. But quite frankly, the stipulation for the alternative formula coverage was that they were supposed to have full police powers, that was the reason, we were going to give this to police and fire so that those men and women that work directly in a very dangerous area, but have police powers would have the protection of an alternative formula that would enhance their benefits. The fact of the matter also is, it's going to be over \$9,000,000 when you take in all of the benefits. And if... and if you all remember or maybe some of you weren't here when we kept saying, 'Well, you know, if we give them early retirement that they're at the top of their pay scale and therefore, we will be able to hire new people at a much lower rate.' But what happened, if I remind the Body, was when we did that with the teachers' system, what we found is that the key people in key positions left, we didn't have anybody to fill those positions because they didn't have the experience or knowledge. We hired them back as consultants and we had to pass legislation later on to say, 'Well, you couldn't hire them as consultants within a year or two years.' That's not in this plan. Now, all of us would like to see something like this go. But quite frankly, I think this needs a lot more work. I don't think this is the right answer right now and the loss of skilled people at the height of the winter season. I just don't understand why this needs to be done now or in January when they're still at the height of the wintertime and we're going to lose all those key people. And it will be a lot of inexperienced people on the roads and supervising on the roads and dealing with the weather conditions in this state. And I just think you better give this another thought before we lost all these skilled people at this

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

73rd Legislative Day

December 2, 1999

point in time. I think that's a problem."

Speaker Madigan: "Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 2869. And for a simple reason, fair is fair. When you look and see really, literally, these men and women are putting their lives on the line, out on the road every day and they don't have the benefit of a badge or a gun. They're out there and unfortunately, with the road rage that we've seen happen more and more around this state, the danger aspects continue to grow. I just think it's a common sense proposal. I salute the Sponsors of this for bringing it forth to the General Assembly. And its time is right. I say let's support House Bill 2869."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. I stand in support of the Bill. Representative Parke did make some very cogent points that will have to be addressed sometime in the process. But the alternative pension formula designed for people in hazardous jobs, I don't know how anybody can say that the highway maintainers don't fit in that category. In my district in this calendar year, I had a friend of mine killed, who was a highway maintainer, crushed, they were doing asphalt patching work on Route 1, south of Danville. To this day we don't know what happened to the driver, whether he was asleep or didn't see, managed to somehow avoid the blocking truck and ran into the back of the asphalt truck and killed a very good and decent man who had worked for IDOT for a long time. About a month after that, up north of Danville, again on Route 1, a two-lane highway, state route, again somebody doesn't pay attention

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

73rd Legislative Day

December 2, 1999

to the flagger, doesn't pay attention to the signs and hits a highway worker and seriously injures that worker. And I don't know to this day whether he is able to be back to work. For those who say, 'Oh my gosh, this isn't hazardous. They mow grass or they pick up litter or they do some road patching of potholes.' Let me just tell you on a fact sheet on job-related fatalities, people killed on the job in Illinois from 1951 to 1998, the latest figures available: the Department of Natural Resources Conservation Police, 0 fatalities; the Commerce Commission, covered under the alternative formula as a hazardous occupation, they have had no fatalities, no deaths as a job-related death; Secretary of State Police, from 1951 to 1998, certainly they deal with people who often aren't happy over a car title or a license, they've had one fatality in that time period. The Department of Corrections, probably as dangerous a job as I'm familiar with in the State of Illinois in our overcrowded prisons, they've had 20. Twenty workers have been killed in the line of duty and they too are covered under this alternative formula for hazardous working conditions. Twenty corrections officers have been killed in this 40 some year period. The State Police, again another hazardous, obviously a very hazardous position, covered under the alternative formula, the State Police have suffered 24 fatalities in that period, 1951 to 1998. Highway maintenance workers in the same period have suffered 170 deaths. A hundred and seventy highway workers have been killed on the job since 1951 through 1998. And I know in my district, as I told you, there's one in my district in 1999, with another one seriously injured. So, I don't think anybody can argue the point that they

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

73rd Legislative Day

December 2, 1999

shouldn't qualify under the alternative or hazardous pension formula. And I'm sure this will continue to get a significant debate and some of the questions will be answered. But I for one, congratulate the Sponsors of the Bill and intend to vote 'aye'."

Speaker Madigan: "Mr. McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I had the opportunity to work for IDOT and also had the unfortunate opportunity at one time to get a call at the facility saying that one of our fellow workers was in an accident. And for that 2 hours of time not knowing which one of the... our fellow workers wasn't going to come back was very, very upsetting to myself and all our fellow workers. As it came about, he suffered injuries and he passed away two weeks later. I also heard many other horror stories. As many of you are aware, that we have the minutemen that work and patrol the highways up on the Kennedy Expressway and they're also in a very dangerous position. And I would think that if anyone deserves this it is the fellow IDOT employees. They always put their selves at risk on the road. You learn when you walk back to your truck, you walk back backwards, so you can watch the cars that are following you. And I hope this Bill passes. Thank you very much."

Speaker Madigan: "Mr. Beaubien."

Beaubien: "Yes, I have just one question. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Beaubien: "I represent a district in a county that seems to get an inordinate amount of snow because of its location to southern Lake Michigan. And there's a sense from my constituents that we're going to lose an inordinate number

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

73rd Legislative Day

December 2, 1999

of snow removal employees. And I would just like to know if there's been any study as to how many we're going to lose, how they're going to be replaced and are there any contingency plans in the event that there's a mass resignation..."

Hannig: "Representative, if your... if your concern is that we're going to lose these people during the wintertime, let me remind you that... again that this is the House Bill in the House, that we're moving it through the process today, getting it over to the Senate. But, I don't anticipate that this is going to be a problem for us this winter. It's my view that this Bill, when it gets to the Governor's desk and when he does sign it, will be probably in the spring Session of next year. And we'll be taking up the budget questions at that time. And I'm very confident that we'll be able to provide enough money to the Department of Transportation so that they'll have adequate people on the street by next winter, in next winter, so that we will not feel any loss of personnel because of this Bill."

Beaubien: "Thank you very much."

Speaker Madigan: "Mr. Daniels."

Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I appreciate very much your calling House Bill 2869. And I want to congratulate our highway maintainers throughout Illinois as bringing to our attention the importance of this legislation, particularly, those excellent Teamsters in downstate Illinois and the work they did to bring this Bill before the Illinois General Assembly. I intend to support it enthusiastically and hope that all of you will do the same."

Speaker Madigan: "Mr. Skinner."

Skinner: "Yes. Would the Sponsor yield to a question?"

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

73rd Legislative Day

December 2, 1999

Speaker Madigan: "Sponsor yields?"

Skinner: "Mr. Sponsor, why don't we just expand this Bill to say that anyone who's ever worked a precinct for any Legislator can retire in 20 years?"

Hannig: "Representative, this proposal was something that, that's been around for a long time. It's gone through the Pension Laws Commission. It's gone through the House Pension Committee. It's here on the floor. We've gone through all the process and we've tried to work on this Bill in the right way. If you've got a thought on another pension Bill, as you know, you can introduce it and it can have its hearings and maybe it'll come to the floor, as well. But, this is a proposal that I believe is really... its time is due. You've heard Representative Black and myself talk about the dangers that these people, these men and women, face on a daily basis. And I think it's time that we recognize that and that we give them the same type of status as we do other state employees who have, who see themselves at risk on a daily basis."

Skinner: "So, so you agree that it would make more sense to just allow any government employee, whether state or local, who has worked for a state Legislator in a precinct to be able to retire in 20 years?"

Hannig: "Representative, no Representative, I'm simply saying that we have a process here that we use to try to weed through these Bills and say which ones we think make sense and which ones don't. This is a Bill that has come to us today, because along the line in the Pension Laws Commission and the Pension Committee people have said that it does make sense on almost a unanimous basis, on a bipartisan basis, and that's why it's here. If you've got other ideas that you'd like to present, you know, you're

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

73rd Legislative Day

December 2, 1999

free to do that, Representative."

Skinner: "Well, Mr. Hannig, you've done the best you can to allow everyone who works in your election and all the other Legislator's elections to retire in 20 years. And I guess... and I'm sure those precinct workers will praise you for that, but I'm not sure they'll be precinct workers after they retire. They'll probably do what rational people do, which is try to avoid State Government. Now, are there, is there any shortage of applicants for highway maintainers under the current benefit structure?"

Hannig: "Representative, the Department of Transportation, as you know, they test personnel for various different positions. They have a list of people who meet the qualifications, go on the list and when an opening arises they fill it as they see the need. So... but, that's not something that we do in this Body or is that addressed in this Bill. But I don't anticipate that there would be a problem in filling these slots, should this Bill pass and become law."

Skinner: "Boy, is that an understatement. There will... now, did you hear what he just said? There will be no shortage of applicants for this job, should this Bill pass. Well, of course there won't be, there's no shortage of applicants now. So, if there's no shortage of applicants that means the benefits are okay. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Johnson, Tom: "Gary, I just have a couple questions here. As I understand it, one of the premises underlying or the rationale and justification for this is that, a highway worker of the type being covered here, the danger of that job is equal or exceeds that of a corrections officer or a

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

73rd Legislative Day

December 2, 1999

police officer and so on. And so therefore, they ought have the same benefit. Do I get the gist of your argument?"

Hannig: "Yeah, I think that, that there's a logic to the idea that we provide correctional officers and State Police officers a enhanced, somewhat enhanced pension system. Because, indeed, they do serve in what can be a dangerous capacity. And as I said and Representative Black said, we've had 24 State Police officers killed since 1951. We've had 20 correctional officers killed since 1951. But during that same time frame, we've had 170 of these highway maintainers killed, as well. So, indeed, I think that these statistics would..."

Johnson, Tom: "But, the..."

Hannig: "...show that..."

Johnson, Tom: "But, the..."

Hannig: "...that it is a dangerous job."

Johnson, Tom: "...rationale there is one in terms of we will give an enhanced pension benefit depending on what we perceive is the danger of the job that you are going into and I presume that is so that we can attract workers to these jobs. Is that correct?"

Hannig: "I think that the, you know..."

Johnson, Tom: "I mean is that the policy?"

Hannig: "That's a policy that I believe that that's began a number of years ago, perhaps before either of us were here. But it's certainly one that I think is valid, that we look at correctional officers, for example, State Police officers and give them an enhanced pension. This Bill attempts to try to recognize the reality that these highway maintainers are in the same type of status, that they're out there on the highway driving a snow truck in a blinding

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

73rd Legislative Day

December 2, 1999

storm, that they're out there trying to patch a road over the top of a hill, and hope that the flagmen can slow down the folks before they come roaring through. These are the kind of dangers that they face everyday."

Johnson, Tom: "Gary, I'm very concerned and I think Representative Hartke brought it up, in terms of well it's this group this year, this group next year and every year you know we're very good at finding a rationale to do this group or that group. Now, I happen to agree with you in terms of safety and danger of a job, that perhaps maybe we ought to increase benefits for that. But wouldn't it be more appropriate that we go through the Personnel Code, and in fact, start isolating specific positions and recognizing that some are more dangerous than others? And deal with it on a Code basis, so that we don't open a door here just for a slippery slope of this group this year, this group next year, based on whatever stats that you might want to use or I might want to use."

Hannig: "Representative, in the process of drafting the Bill, we've amended it and drafted it as tightly as we can so that clearly, we're only trying to deal with those people who are out there on the highway facing this risk. It isn't to everybody who works at IDOT. It's only to the highway maintainers that are out there on a daily basis. And they would be required to have worked there for 20 years. This will not be a situation where someone's going to work in the office for 19 years and then come onboard on the highway for one year and get this enhanced pension. So, we've tried to set up the hurdles high enough, set the bar high enough, so that indeed, we're only rewarding those people who truly have earned this enhanced benefit. So, you know, there could be other ways to try to look at how

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

73rd Legislative Day

December 2, 1999

do we deal with these people. But, in my view, this is a proper way and that's why we're moving forward with the Bill."

Johnson, Tom: "Okay. Two other issues and I'll try to keep it short here. One is, I've been told by IDOT, I think, that the estimated cost in the first year of this might be about \$9.2 million. Have you heard that number? And if so, what mechanisms do we have in place in terms of paying for this initial up-front cost, say anything about the \$75 million over the long haul?"

Hannig: "Yeah, the, the \$2.2 million is the pension figure that we would be required to contribute to the pension system."

Johnson, Tom: "That would be on an ongoing basis?"

Hannig: "That's correct."

Johnson, Tom: "Okay."

Hannig: "And I think it increases the unfunded fiscal liability by about \$75,000,000. So, that's clearly an item that the Pension Laws Commission looked at, but they felt that it was adequate, that it was not of a significant amount that it was going to hurt the state's overall ability."

Johnson, Tom: "But, you're looking at this coming out of General Revenue Funds, correct?"

Hannig: "Pardon me?"

Johnson, Tom: "This would ultimately, in your view, be coming out of General Revenue Funds, correct?"

Hannig: "I believe that the most of this would come from the General Revenue Fund."

Johnson, Tom: "Okay. And this initial cost, projected cost, say it comes out to be a \$9.2 million item, for sick pay and vacation pay, should they all take advantage of this, how are we going to fund that in this upcoming fiscal year?"

Hannig: "Well, Representative, first of all, you know, I haven't

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

73rd Legislative Day

December 2, 1999

seen that figure. But I, you know, if that's what it turns out to be, again, let me say that we're going through the process with this Bill. It's a House Bill in the House. It will probably be heard in the Senate in January or February and hopefully, it will go to the Governor and he'll have a little time to look at it and he'll sign it. So what will happen, I think, in this process is that we will consider this whole cost of replacing these people for next year's budget. I don't think this is going to..."

Johnson, Tom: "So, why, why are we doing this the last day of Veto Session? Why don't we just wait till January and go through our normal process here where we can all digest it and see where this money's coming from?"

Hannig: "Well, Representative, I think it's important that we move forward with this proposal today. And as I said, it's been approved by the Pension Laws Commission. It's been approved unanimously by the Pension Committee. It has bipartisan support. And in my view, it's an item that we need to move forward on. I think it's important that this House take this step today to insure that this item stays on the agenda as when we come back in January."

Johnson, Tom: "Okay. To the Bill. I appreciate what is trying to be done here and I would like to make this possible for as many workers in this state as we can. It just seems to me that as we move through this process, here we are on the last day of Veto Session in a position where we want to pass something that it will perhaps cost us in the range of \$9.2 million next year and an ongoing hit out of General Revenue Fund. Now, it seems to me that we ought to be able to wait until January and come in here and let's see how all of this factors into the overall budget and not rush something through today. As you recall, just in the past

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

73rd Legislative Day

December 2, 1999

few days, we've all been wringing our hands because we've had to pass out roughly \$6,000,000 in emergency relief to parents who have not been receiving child support checks. We have just knocked out a pass through Bill that Eileen Lyons sponsored that would have cost the state \$6,000,000 to help out all of those individuals dependent on child support payments because the cost was too high. Now, I submit to you people in here, we ought to keep our priorities straight and if we're going to put a hit on General Revenue Fund, we should not be doing it in the last day of Veto Session. And we ought to be setting our priorities and making sure what is it that we ought to be taking care of first. And that is nothing against our highway maintenance workers, but I do think that this is a rushed job. It's certainly being done, obviously, for political reasons, otherwise there would be no reason for us being here doing this today and not doing it in January. I would respectfully request either a 'no' or a 'present' vote on this."

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

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This Bill has been around for a long time. These people have waited for a long, long time to see a Bill addressing their problem move forward. The Pension Laws Commission has studied this Bill for a long, long time and they've finally came to the near unanimous conclusion that, that it's time that the state go forward. We had a unanimous vote on this in the House Pension Committee just a couple of days ago. So, this isn't a brand new idea and I don't know, you know, what's wrong with passing it on the last day of the Session. That's what we're here to do. We're here to work, whether it's the first day or the last day.

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

73rd Legislative Day

December 2, 1999

The issue is really one of equity. We've got people that are out on the highway, men and women, who are risking their life, who are ending up in the hospital or worse, because of the job that they're doing for the State of Illinois, for us and our constituents. And I think that it's time that we recognize what they're doing for us, that we provide them with the same type of enhanced benefits that we give to other state employees who put their life on the line. And we can do that by voting for this Bill today. And I'd urge a 'yes' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' 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 wish? The Clerk shall take the record. On this question, there are 102 people voting 'yes', 10 people voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk."

Clerk Bolin: "Rules report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures were referred, action taken on December 2, 1999, reported the same back with the following recommendation/s: 'direct floor consideration' for House Amendment #1 to Senate Bill 1003; Senate Joint Resolution 46; Conference Committee Report #1 for House Bill 2773 and Senate Amendment #1 to House Bill 1120. Supplemental Calendar #2 is being distributed."

Speaker Madigan: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. I wanted to get back to the questions on Senate Bill 1155 and the ruling of the Parliamentarian, because I think the whole House should hear that ruling. I don't think that the Governor has

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

73rd Legislative Day

December 2, 1999

altered the fundamental purpose of that legislation. And I'd like to know the constitutional cite, how the Rules Committee made up of just so few people can decide that instead of giving the Body a chance to decide that? I'd like to know what other legislation the Parliamentarian has ruled that the Governor exceeded his authority and what criteria he used to decide these issues? And what criteria he used for this Bill?"

Parliamentarian Uhe: "Representative Lindner, on behalf of the Speaker, I'd like to try to address your inquiry. The ruling that has been made in this case is not made by the Parliamentarian, so it's not a parliamentary ruling. The Rules Committee, under the House Rules, determine whether the Governor's Amendatory Veto is in compliance with the Constitution."

Lindner: "Can you tell me what Article of the Constitution? What Article of the Constitution and was there debate on this in the Rules Committee? And what was the debate on this?"

Parliamentarian Uhe: "Representative Lindner, again on behalf of the Speaker, in response to your inquiry, the applicable provision of the Illinois Constitution is found in Article 4, Section 9, subsection (e), which states that the Governor's specific recommendations for change shall be limited to addressing the portions of the Bill."

Lindner: "I'm sorry, limited to addressing what?"

Parliamentarian Uhe: "Shall... I'm sorry, shall not alter the fundamental purpose of the legislative scheme that's set forth in the Bill."

Lindner: "Okay. And it was the Rules Committee that decided this, not you as the Parliamentarian?"

Parliamentarian Uhe: "It is the Rules Committee that determines whether a Governor's Amendatory Veto is in compliance with

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

73rd Legislative Day

December 2, 1999

that provision of the Constitution."

Lindner: "Okay. Could we have somebody from the Rules Committee explain then what criteria they used to decide this? And I'd like to know how many other Bills were receptive to this? And do they have a roll call from the Rules Committee that we could see?"

Speaker Madigan: "In answer to your question, Representative Lindner, is that the Rules Committee is prepared to meet on this question right now."

Lindner: "Thank you."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. So we know in the future, this Bill is on the Calendar under Amendatory Vetos, Senate Bill 1155. How would we know that the position of the Chair and the Speaker and the Parliamentarian is going to be that the Governor was in noncompliance with this Veto language? Shouldn't there be a procedure to let the Body know that you're not even going to let a vote take place on the Amendatory Veto? Shouldn't there be some procedure to let us know what you're going to do? Shouldn't we have some action on it? And I'd like to know how we can address that in the future, or how you're going to address that in the future? Because you're keeping us completely in the dark on this Bill and there's no way in the world we would have ever known about this. Representative Gash filed a Motion to discharge this Bill from Rules yesterday and I don't even think you've given a vote on that, if I'm not mistaken. Representative Gash has worked very hard on this Bill."

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

Speaker Madigan: "Mr. Novak."

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

73rd Legislative Day

December 2, 1999

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen. We had the Deregulation Committee Meeting met this morning at 9... or excuse me at 8 A. M. and we recessed the committee. So, it is our intention to reconvene the committee for about 30 minutes. So, I would ask all Members to please come to Room 114, so we can conclude our meeting."

Speaker Madigan: "Mr. Novak has the announced the meeting Deregulation Committee immediately in Room 114. The House will stand in recess for 1/2 hour."

Clerk Rossi: "Attention Members, the Rules Committee is meeting immediately in the Speaker's Conference Room."

Speaker Madigan: "The House shall come to order. On Supplemental Calendar #2, there appears on the Order of Conference Committee Reports, House Bill 2773. Representative Eileen Lyons.

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As all of you are painfully aware, that when we implemented the State Disbursement Unit as of October 1st, it was a disaster. It still is a disaster. Conference Committee Report #1 attempts to address the problems that resulted as part of that SDU implementation. What it does is it clarifies the State Disbursement Unit and the circuit clerk responsibilities in this process. It changes the current law to require all income withholding payments in non-forwarding cases to be paid to the State Disbursement Unit. It removes the spousal maintenance payments from coverage of the SDU requirement in cases where there is no child support obligation and provides that non-income withholding payments in non-forwarding cases are to be made as directed in the order of support. Essentially, what this is saying is that it is now clarifying what checks go where. It is also requiring the department to make written

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

73rd Legislative Day

December 2, 1999

notice to the circuit clerks, the obligor and the obligor's employer, to make the payments to the SDU. Again, this is making the requirements that should be done, into statute. It is also requiring the circuit clerks to make the appropriate notice to the obligors, as well. It's requiring the department to have training requirements for both the circuit clerks and for the employers. And this is to be completed on February 1st for the circuit clerks and for March 1st for the employers. And it's also setting up an Electronic Funds Transfer Committee within the Department of Public Aid, so that, eventually, these checks can be processed a lot quicker and that the appropriate people get their payments. As I said, this an attempt to address some of the problems. This is not doing all of that we would like it to do, but I think there's enough positive things in here, in this Conference Committee Report, to make sure that we're codifying what should be done. And I might ask for your support."

Speaker Madigan: "Mr. Joe Lyons."

Lyons, J.: "Thank you, Mr. Speaker, I also rise in support of Eileen Lyons' Bill 2773. As a committee, we came down on Monday to try to start negotiations. We had a long meeting in the Governor's Office, tried to iron out some of the issues, tried to agree to some of the things that came over here from the Senate. Eileen brought up a couple of points that we have written into this on dates specific and who will actually be doing the training. It'll be done by the Illinois Department of Public Aid, not by SDU employees for both the employers who are going to be part of this training obligation, as well as the clerks of the Circuit Court. Tomorrow down here, even without this legislation, there is going to be for one of the sectors, training going

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

73rd Legislative Day

December 2, 1999

on for clerks of the circuit court, I think from Central Eastern Illinois. Some of that group will be down here tomorrow, working on trying to address some of the problems. For most of the Members, who I've spoken to in the last two or three days here, or the week before Thanksgiving, you're still telling me your horror stories that are going on with getting wrong information from the SDU, with getting misinformation from the Department of Public Aid, from getting the horror stories that are coming forward now at this late date, eight weeks after the implementation, of checks that haven't gone out. There are a lot of issues yet to be resolved. To borrow a phrase from 'we're a long way from Tipperary' to getting this thing fixed, but we are at least trying to accommodate some good Senate recommendations that came over here to address some of these things statutorily, and have this at least, be part of the process of fixing a horrible disaster. So, I rise in support of what Eileen is trying to do here, Eileen Lyons, and would ask the Democrats to please support this initiative."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Let the record clearly reflect that I was the Chief House Sponsor of House Bill 2773. I have removed my name from the Bill. I have given the Bill to a colleague that I respect, Representative Lyons, who feels that the negotiated process of this Bill, people should have a right to vote on it. And while my initial reaction was that I was not going to give up the Bill and not allow this charade to continue, that would be a foolish on my part. For those of you that want to vote on the Bill, I respect that and I respect however you vote. To the Bill,

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

73rd Legislative Day

December 2, 1999

Mr. Speaker. First of all, let me just say as my tenure in public service draws to a close, this sure as heck isn't the way I wanted to leave. I am flabbergasted at what has transpired with the State Disbursement Unit and the result and difficulty that we have put custodial parents in. I wasn't invited to the meeting on Monday, even though they were using my Bill as the point of negotiation. What did the Bill originally do? The Bill originally was an Agreed Shell Bill that got 108 votes here last spring. That Bill was identified by the Office of the Governor to be used if we could reach a language to transfer the child support function from the Department of Public Aid to the Office of the Attorney General. I wonder where we'd be today if we had just continued with that Bill and transferred this mess to the Office of the Attorney General. But that didn't happen, and that's the process. So I wasn't invited to come down Monday. If it hadn't been for staff, Ed Welk and Amy Petrie, I wouldn't have known that this Bill was being amended, considered, used for this process. Was never invited to any meeting. Eileen Lyons was kind enough to call me last night and say that there was a meeting late last night and perhaps, I would want to go along since my Bill was the one being negotiated. Now Mr. Speaker, I guess maybe I've been here too long, because it didn't used to happen that way. You know that and I know that. If a Bill... the primary Sponsor of a Bill in the Senate... the Bill was to be gutted and used, it was a matter of common courtesy that the House Sponsor was usually, at least given, constructive notice. And that doesn't happen anymore, I guess. I just want you to know, and maybe I'm wrong, maybe the Senate is right and maybe the Senate Sponsor is right, and maybe I'm the one that's wrong.

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

73rd Legislative Day

December 2, 1999

Maybe I'm the one wearing brown shoes in a world where the dress code says you're to wear black shoes and somehow I didn't get the message. You can say what you want about me, and I think in the last 24 hours a great deal has been said. But when I leave here, there's one thing you'll never be able to say about me. I care very deeply about the people who send me here. And even though sometimes I don't act like it, I care very deeply about this process. What does this Bill do as amended? It puts a Band-Aid on a amputated arm and you're told 'gee you look good today'. The only checks that are going out on a regular basis are the non-forwarding checks. And then, perhaps, we want to send those to the State Disbursement Unit, an entity that has covered themselves with glory. Haven't they done a remarkable job? Two months ago yesterday, it went into effect. I still have people in my district who do not have one child support check. Thank God for the Governor. They have had, although not all of them, have even received emergency checks. But now they've received a notice to repay money, from the Department of Public Aid. And as a constituent told me yesterday, all she's received are emergency checks and she thanks the Governor for that, but she says, 'Representative Black, what am I to repay you with? I still don't have any child support checks.' I still have people who haven't received emergency checks. The Bill has some language in here that says, the department 'shall' and the department 'will'. Are there any penalty clauses? Is there any language that says if you don't this is what's going to happen? It says you're going to do training. Why didn't the training take place before October 1st? What am I going to tell a constituent when I go home and my district office has already called

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

73rd Legislative Day

December 2, 1999

and said we're getting these calls? Hey, Representative, I can't get my kids Christmas presents out of layaway. What am I going to do? My answer to anybody... my question to you is you tell me, I don't know what to do. I don't know what to do. What am I going to tell them? This isn't right. It isn't fair, and I don't have any magic answers. And I'm not criticizing those who have come up with this. Maybe the language is better than nothing. I just want you to stop and think. If this was reversed, if we had hired a private contractor to accept our income tax receipts because the Department of Revenue's computer failed, or whatever. We went to a private contractor and two months after the contract took effect, we were getting two or three income tax checks a week put into our bank account, what do you think the State of Illinois would do? What do you think we would do as the General Assembly? We would have authorized the expenditure of millions of dollars. We would have hired some of the finest consulting firms in Illinois, some of the finest accounting firms in Illinois, some of the finest computer technology firms in Illinois, probably given them a cost-plus contract without even maybe a bid, and I don't think even Representative Schoenberg would have objected because of the mess that we were in, if it was money coming to us. And we would have told those people, you get this straightened out. We'll give you 30 days. And I'll make you a bet, we would have fired the private contractor in that 30-day period. But because these custodial parents have no lobby, they can't come down. Those that are working trying to make ends meet, they can't take off and drive over here today. Some of you said it was a federal mandate. Why didn't we accept the federal mandate on the motorcycle helmet a few years ago?

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

73rd Legislative Day

December 2, 1999

Was it because ABATE. is a more effective lobby than single parents trying to raise children? Maybe not, maybe it was a philosophical thing that many of us had. So, I stand before you today wanting you to know, and I know that some of you are faced with the same problems. And I don't know who's reporting to who, I don't care. I'm telling you in my district office, and I think, some of yours as well, this situation is getting worse, not better. I know you've heard from county clerks. One lady gets a check for \$9,000. A member of my family got two checks, double the amount that she's entitled to, calls the SDU, 'What am I to do? Well, we don't know. Don't send it back to us because we don't know what to do with it, either. Well, could I have your name for future reference? My name is not important.' And hung up on her. Another case from my district, a woman who's received child support checks regularly from the circuit clerk for eight years, remarried. The checks have always come to her in her newly married name. No problems. Monday she gets a check from the SDU in her old married name, can't deposit the check. Calls SDU and is told and I'm quoting what my legislative aide told me, third hand, I'm told that the SDU told this women, 'If your circuit clerk can't get this straightened out that's not our problem and don't bother us again.' We've covered ourselves with glory on this one. And I know some of you need to vote for this so you can say, well I tried. And I commend you. And maybe the Senate has and maybe I'm the one that's wrong and maybe that's why I need to step back and re-evaluate and reexamine the priorities and what I want to do with my life. But I am not going to go home and look these parents in the eye... oh, let me tell you another couple we've had in the district.

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

73rd Legislative Day

December 2, 1999

Custodial parent was a man, never had any problems getting the checks from his ex-wife. Evidently, the data or somebody in the SDU figured you can't have a man as a custodial parent, sent the checks back to the woman, the ex-wife, then sent the child support checks, cut an emergency check and sent it back to the noncustodial parent, as well. And it's getting better, huh? I don't know what the answer is, but I don't think this is it. I've only been embarrassed twice to go home and talk to people. Once is when we didn't have any money, about nine years ago and I had 'ma and pa' businesses, particularly small drug stores in rural areas, that we couldn't pay Medicaid bills to and in a couple of those cases, they went broke. And I'm sure not looking forward to go home three weeks before Christmas and tell custodial parents I don't know how they're going to get their kid's toys out of layaway. Don't know, wish I did. I hope I'm the one that's wrong. I hope I'm the one that doesn't see this clearly. I hope I'm the one that's making a mistake here today. And I hope that Monday morning all of the problems with the State Disbursement Unit somehow are cleared up and all of the checks arrive on time, but I used to believe in the tooth fairy, too. So, we'll do what we think we have to do. I respect each and everyone of you in this chamber and I'll respect your vote on this. I'm not asking you to vote 'no'. You vote your conscience, you vote your district. I'm just telling you I'm going to vote 'no'. Must be my therapist. Oh, in the 14 years I've been here, and you won't read this in the press, seldom are we ever referred to as some of the best and brightest in the State of Illinois. But as I've worked with individuals on both sides of the aisle, I can tell you I've worked with some of

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

73rd Legislative Day

December 2, 1999

the best and brightest people in the State of Illinois. And are we asked as a Body to help resolve this issue? We're given a last minute Band-Aid on something we set up that is in need of major surgery. And all I've ever wanted in the last two weeks is for somebody to accept the responsibility, to step forward and say so, and tell us how they're going to get it worked out. Don't tell me things are getting better. They're not getting better in my district and I dare say they're not getting any better in yours. I don't know what got us in this point, but for the benefit of the media, let me just say this was a federal mandate. I understand that. And I think even the Federal Government is trying to mandate the issue because we're not the only state having these problems. There are several who are having just as many and there are some who have said to the Federal Government, I think a dozen, we are not going to do it, we can't do it, and they didn't do it. I thank you for your patience. I thank you for having had the opportunity to work with you. I wish you all the very best. And on behalf of those people who send us here, who in this issue need us to do our best, I hope it gets worked out, and I hope it gets worked out soon."

Speaker Madigan: "Representative Crotty."

Crotty: "Thank you, Mr. Speaker. I'm not going to repeat any of the remarks that were previously made. Representative Black and I have discussed this during committee and there isn't one thing that he has said that I would disagree with. But, I do have one question. I did call the director of the department, the Tuesday before Thanksgiving, and to this day I am still waiting for the call back. She was on the phone, I had a constituent in my office that needed an answer. I thought I would go right

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

73rd Legislative Day

December 2, 1999

to the department to ask that question. This person had not received any type of money at all, emergency or the payment that is due her, that is not the state's money. It's money that was to be given to her from her ex-spouse. We don't own that money. We have no business holding it. We have no business losing it. I have not, yet, received a phone call back. Obviously, that constituent went home with me sitting there embarrassed that I could not even get a phone call back or an answer to a question. I have one question, and that is, how much longer will it take for the department or SDU to straighten this problem out? I have asked that from the time that this problem arose, whether it be in committee, whether it be trying on the telephone, and now I'm asking you on the House Floor. Will someone please give me the answer of how much longer will people be waiting for their checks, especially now, with the holiday season and the cold weather setting in? Eileen, by any chance, has anybody given us an answer to that?

Speaker Madigan: "Representative Eileen Lyons."

Lyons, E.: "No, unfortunately, there is no answer to that. And this is not the answer to the problem. And I think we're all recognized the fact that this has been a disaster and perhaps we should have done this Bill months ago, and perhaps these deadlines would have been met. I think it's crying over split milk of how this could have been done properly. It was not done properly. And as I said, putting into statute what should have been going on, was not done. We're doing it now. And I want to tell everybody this is not the answer. I don't want you to go home and say we did something. We're merely putting into statute with this legislation what should have been going on all along. And I'd be happy to join everyone in this

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

73rd Legislative Day

December 2, 1999

chamber... the deadlines are January 31st, March 1st and February 1st. I'd be happy to join everyone in this chamber, with penalties, if these things are not carried out. So, what this merely does is codify what should be going on. And as I said, this probably should have been done long ago. This is a... please don't say... go home and say, well we took care of it. Because we did not take care of it. I'm ashamed to be part of a system that is so inept that we can't get this process done right. So, I'm sorry, I don't have the answers except that I do think this... and that's why I'm sponsoring this... I do think we should codify that this should be going on. And that when we come back in January, if these deadlines are not met, there should be penalties attached to all of this. And I... I'm sure there's going to be lots of legislation in January to address the problems, because by then if it's not fixed, there'll be lots of legislation. And I'd be happy to join sponsorship in that."

Crotty: "So we... we still can't... any of us... still cannot answer the question when a constituent calls. How much longer will it take to fix this problem? None of us know, the director, nobody. Nobody knows."

Lyons, E.: "No. And I'd be the first one to say that if this happened in the private business community, we would be hiring professional consultants to work this out. Why aren't we doing that? Why aren't we spending that money?"

Crotty: "We also asked that question in a committee meeting. If we knew that we would have to expend all of these dollars that we have in overtime, in getting temporary help to... "

Lyons, E.: "Right."

Crotty: "... answer the phones, etc. We could have in the very beginning when we started this committee, gotten the

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

73rd Legislative Day

December 2, 1999

computer, the training, and the personnel to help out, Bob Lyons out, with the immediate problem that we were having, without having this one, also. So, thanks."

Speaker Madigan: "Mr. Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I rise in embarrassed support of this legislation, because Eileen has said it right. It isn't going to solve the problem. And I'm not sure that we can solve the problem. I think this is one time when we attempted to do what the Federal Government told us we 'must do' and I think Bill was right. I think we should have said 'nope' because bigger's not better in this situation. Our local clerks were doing a much better job than we could do. This problem is continuing to grow. Now, the SDU has an answer to those constituents that are calling them asking how to get their toys out of layaway for their children, Bill. What they're doing this morning, according to my office, is now you get an answering machine that tells you to stay on the line and someone will get to you and then you're automatically disconnected. So my office has called them, and they're calling them repeatedly and having this continue. So they called me back and I said, well let it ring three times, hang up, call them back and continue that. Nothing is working. This system is getting worse and worse and I think that we're in a situation where we are frustrated because we put into motion a bureaucracy that can't handle what they said they could do. And I don't think they've realized, yet, that it's not going to work. And I think we'll probably come back in January and finally in desperation, give it back to the people that were handling it best and I said that during committee earlier on. This program is doomed and I don't see it getting better. It's getting worse. However,

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

73rd Legislative Day

December 2, 1999

we do have to at least try as Legislators, to put some sense into the direction that the SDU should be taking. I don't think it will make much difference. I think we'll probably let Representative Lyons call the SDU to tell them about the new Bill. However, she'll probably get the answering machine and get disconnected. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Reitz"

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

Speaker Madigan: "Sponsor yields."

Reitz: "Eileen, do you know if... do we have any, I guess, guarantee from Public Aid or from the SDU that they won't penalize employers? Because I've been directing a lot of my employers that want to, to go back to the circuit clerks. The bottom line in the interim here until they get this fixed, to try and get the checks into the hands of the people that need them. Do we have a guarantee that they're not going to penalize employers, because they apparently are still sending out checks where they're going to penalize employers for not submitting checks to the SDU?"

Lyons, E.: "No. I don't have any guarantees from the department that the employers are not going to be penalized. My understanding is that, what they're trying to do right now is to make sure that the appropriate information is attached to checks so that they get to the right recipients. If at some point we discover that employers are sending checks to the SDU and it doesn't have sufficient information and the SDU is sending them back to employers for that information, you know, there has been discussions about, oh, then maybe the employer should be penalized at that point for not getting them back at an appropriate time. Part of this Conference Committee Report

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

73rd Legislative Day

December 2, 1999

at one point, included having the reimbursement of the emergency funds, having the department come up with a plan for the reimbursement of emergency funds. I thought that should... that was... the public perception would have been that we're more concerned about getting those emergency funds back than we are about getting this SD Unit operating efficiently. We couldn't get agreement on that issue with the Senate, so we took that out completely. So that, we're not concerned about getting those emergency funds back right now. What we're more interested in doing, is getting this SDU up and operating at 100% efficiency."

Reitz: "Well, and I guess I applaud your efforts on that but, I just don't think it's going to work. I mean, under... the way it's going right now and I've talked with, I guess, the DuPage County Circuit Clerk, Mr. Kagann, and asked them and I am of the understanding at least from the SDU, that that they are returning checks instead of just depositing checks now and sending a letter back to the employers that... where they have the wrong information or not the complete information. They are sending the checks back and asking them to remit those to the circuit clerk, their local circuit clerk, just to make sure that at least the money is getting to the mothers and the dependents as it should be. Is that correct, or..."

Lyons, E.: "No, I'm under a different impression. I'm under the impression that if the clerks have gotten them, that don't forward them to SDU, process them. But, if they're going to SDU the only reason they're going back to the employer is if they have improper information."

Reitz: "Well, I guess I would like for one thing, and I have not received an answer from Public Aid also or the SDU, to make sure that the employers that are forwarding their checks to

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

73rd Legislative Day

December 2, 1999

the circuit clerks, to their local circuit clerks, instead of the SDU, that they will not suffer any penalty until we at such time at whatever date when this works, you know, sometime in the 2010 or 20 or whenever we get this straightened out."

Lyons, E.: "Well, that's my understanding, that if they are going to the circuit clerk's right now, that they should be going to the recipients, through that process."

Reitz: "Without... Okay, okay..."

Lyons, E.: "Yes."

Reitz: "... without any penalty? And what... Do you know during those discussions in the last few days, is there any... been any discussion about trying to bring on board some of the vendors that are working with circuit clerks? We have 85 circuit clerks that have vendors for their computer needs that were not even under contract or even had a discussion with them. Basically, all downstate counties and that's where, I think, we have a lot of the problem. You know, I think things are working fine for Public Aid and Cook County and some of the counties where the vendors... where the system was built around. But in downstate, it's a mess and it's continuing to get worse, just daily. And we need some sort of ability for them to interface with the SDU. I think it would have, in hindsight, it would have made it easier and I think they should have saw that to start with. But has there been any discussion about trying to bring these people on board, so that we're getting this done?"

Lyons, E.: "Yes, part of this Conference Committee Report will require the department to hold four regional seminars for those circuit clerks by February 1st. And then they were also suppose to be having additional seminars for the

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

73rd Legislative Day

December 2, 1999

employees by March 1st. Those are the deadlines that I talked about, that have to take place by those dates. Those are the deadlines, that has to happen. And we'll be back in Session during that time."

Reitz: "But I think a lot of the problem, from my circuit clerks, at least, is that the... problem isn't on their end as much. The information they are providing to the SDU is being overridden at times by Public Aid information. And it's... you know, I don't know... in a lot of the counties, not so much the counties I represent, but some in even a little farther south, Representative Fowler's district, and some of those that the... smaller counties, well they don't have the staff to run this even if the computer was working, which most of them aren't. They don't the ability to have that interface with the SDU to try and straighten out problems if they tried to. I'm not real sure they're trying to communicate at times with the circuit clerks. But, we need something in there, in some form or fashion. I was hoping that in the last few days there had been some discussion of trying to bring in their vendors so that we have the people that are actually helping the circuit clerks do their computer work that they're familiar with and have set all the computer systems up in all the court houses to allow them to try and work with them, also. That hasn't been discussed?"

Lyons, E.: "No, the only training, that as I said, had so far... that's been discussed has been... is supposed to be provided by the department. And, Dan, this is not the answer. It really isn't. It merely puts into statute what should be happening. And as I said, we should have done this long ago. I think we're going to have to do a lot more. This is just one step in the process."

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

73rd Legislative Day

December 2, 1999

Reitz: "I appreciate it. And I agree, I think we're going to have do it. We had a system and I regret voting for the Bill and almost didn't the last time, but it was one of those I guess I had faith in the system that we were almost guar... well, one guaranteed that we were going to have some sort of penalty if we did not comply with Federal Law. That's the main reason everyone in this chamber, I believe voted for it. But more than that, at the time we voted for it, thought there was enough time that by October 1, when we came on-line, we'd have some level of accuracy well above the 5% that we probably started at. But we had a system that worked, that was working very well on a local level and it's something that we screwed up. I mean, you know it was visited on us by the Federal Government in this case, but we had a system that worked on a local level. And we need to definitely concentrate our efforts before we get back in January even, but work with the department and if as some of the other Representatives said before, we need to get some better answers out of the SDU, when we call up there. Thank you."

Speaker Madigan: "Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker. I'm going home today very disappointed. I know I'm joined by 117 other Members of the House that we're not able to do more. Representative Lyons, I know... I commend you for working hard on this as well as the other Representative Lyons in trying to do something. I had several comments I wanted to make. Two weeks ago the House, at least, passed some legislation to pay recipients interest, 118 of you said 'yes' they should be paid for the inconvenience and added costs that they've had. And I commend the House for doing that. A number of things I wanted to say. Representative Black as he always

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

73rd Legislative Day

December 2, 1999

does put them so eloquently. I won't go over those again as did the other speakers and I think we all agree on that. I received a letter from a neighboring circuit clerk. And Representative Black mentioned one item there that the one recipient got a \$9,000 check. She was supposed to get a \$400 check. She also said she's had dozen of men walk into the office who made child support payments and turned around and received the payments back, as though they were the recipients. I only say those things because just to further emphasize that the problem is not solved. But even more, and this has not been mentioned, that circuit clerk said, she'd had two calls from females that stated that they had received child support checks in the mail and their husbands had been dead for several years. And that was the first time I'd heard that big a foul-up. The problem is not solved. We've had several additional things mentioned here today. I think we need to look at a private contractor, private sector, but we cannot go away from here thinking the problem's solved. If we need to be called into Special Session, so be it, but let's not let this go away... let us not go away without continuing to work on this problem. I'm going to support it. It's one... your Bill, Representative. It's one mini step working towards further solutions, but it's certainly not the final answer. Thank you."

Speaker Madigan: "Representative Hartke."

Hartke: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Hartke: "Representative Lyons, I'm confused just a little bit by what I'm reading on my analysis. It's my understanding that the Department of Public Aid is going to conduct these seminars and we're putting in a time line. What are they

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

73rd Legislative Day

December 2, 1999

going to teach the circuit clerks, with what? Do we have software that works?"

Lyons, E.: "You know I can't answer the specifics, Representative Hartke. I'm as frustrated as you are. All I know is that... and I want to know who is going to do the training, as well. We're leaving it up to the department to get this training done and I put in those specific dates to make sure that it happened by a certain time. I don't know how adequate that training is going to be but it's training that supposed to take... should have taken place long ago."

Hartke: "Now, wait a minute. Why should the Department of Public Aid do that training? Did we not contract with the Circuit Clerk in DuPage County and give him a gazillion dollars to do this training, to provide that software, to provide those computers to the circuit clerks? Does this mean that his head is going to roll, now that the Department of Public Aid is taking over his job?"

Lyons, E.: "No. The Department of Public Aid contracts with SDU and the department was willing to take on the responsibility of training everyone in this process."

Hartke: "Okay. Now, maybe the circuit clerks will bear some blame in this because they did not provide the SDU with all the necessary data to start with. SDU did not request this information in a concise form that all would be the same. Their computers got out late, we know that. The software that was put on them didn't work. Correct? What about the employers who are also confused? Is this going to help from their perspective? As I understand Representative Reitz, we're having now employers who were instructed to send it to the circuit clerks, there will be no penalties whatever, so the circuit clerks can try to catch up with these checks to the custodial parents before Christmas."

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

73rd Legislative Day

December 2, 1999

This is like a knitting ball that is so knotted up that there is no way that even by March, that this thing is going to be straightened out unless somebody takes responsibility and says you're out, we need a new contract with someone to do this, as Mr. Black suggested. I agree with Bill completely, that this is nothing more than a little Band-Aid on a sucking chest wound. It's going to get worse and each and everyone of you are going to pay out of our hearts as we talk to these mothers who are custodial parents, basically mothers, who are wanting to have some funds to put clothes on their kids and feed them through this winter coming on. I don't see an answer at all in this piece of legislation. You know, this is Veto Session and time for emergency measures to be handled that shouldn't go on. Well, believe you me, this is an emergency for those many families and I think we're doing a total injustice by passing this. Maybe we ought to call that Senate back that just adjourned. Meet here tomorrow or next week Monday and say, we need some answers and we need it now and we need the Leadership out of the Governor's Office and Public Aid and the SDU and both chambers to fix this problem, as soon as possible. This is not an answer. I don't even think it's a beginning. Someone has to be held responsible for this and take the reins on this thing and make sure that it's driven home, correctly, where it should be. And if we have to bring in the circuit clerks, we have to bring in the employers, or the representatives of those employers, we all have to be brought to the table. Now this piece of legislation doesn't even address the issue of the employers. How are they going to be notified on what's going on? They're the ones that collect the money from the noncustodial parents and then forward that money to whom?

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

73rd Legislative Day

December 2, 1999

Who are they going to put it to now?"

Lyons, E.: "Yes, this does address that. By March 1st, the training was supposed... the notification and training has to take place for the employers, as well. It's not just for the clerks, it's also that..."

Hartke: "Does it state that in the language here?"

Lyons, E.: "Yes, yes."

Hartke: "So all employers of the State of Illinois are going to be held regionally?"

Lyons, E.: "Are going to be what?"

Hartke: "The... that the training..."

Lyons, E.: "They will be... Yes..."

Hartke: "... the training for the employers..."

Lyons, E.: "The department is responsible..."

Hartke: "... clerk or treasurer, that's all going to be taken care of by a deadline that we have here?"

Lyons, E.: "That's what this Bill says is that they will be required to provide that training to employers."

Hartke: "And are there any penalties in there that the SDU and Public Aid does not comply with this Act?"

Lyons, E.: "No, that was mentioned earlier that, Representative Black had mentioned, there's no penalties in this Bill. But I think as they said, I think this should have been part of statute months ago. There are no penalties. But I can assure you that there are going to be penalties when these deadlines are not met. I think you will all be Sponsors of legislation in January and February when these deadlines are not met. And I have to say..."

Hartke: "Okay. So if by March 1st, if we haven't starved kids and families out by then, well then we're going to penalize SDU or someone for not living up to, you know the letter of the law. That's just wonderful, isn't it?"

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

73rd Legislative Day

December 2, 1999

Lyons, E.: "No."

Hartke: "No. I'm going to vote 'no'. I hope this Bill fails."

Speaker Madigan: "Mr. Skinner."

Skinner: "Well, Mr. Speaker, you're one of the people on this floor, along with myself and maybe four or five others that can remember the recession of 1974 and '75. On my desk, I had 35 cases of people who were not receiving unemployment comp checks. I finally called Billie Paige up and said, Billie, why don't you just write the checks? And she decided to do that. I can't remember what the detail was but, perhaps, a parallel could exist here. Perhaps, we could ask the Department of Public Aid to order this incompetent organization to write checks to the people that have child support orders. And that's going to cost us money, but we've indicated today that we have lots of money to spend. We spent what \$2,000,000 a year for how many years, 30 years, giving increased benefits to highway maintenance workers who received a regular check every two weeks. It's time, I mean, government doesn't work unless we have a crisis. We obviously have a crisis. I've even heard some Democrats, who, I'm sure are philosophically opposed to privatization, seemingly agree with Representative Black's suggestion, which was, let's hire someone competent. What if we had hired ADMINISTAT a professional paper pushing organization? If they had had this crisis two months ago, what would ADMINISTAT have done? ADMINISTAT would have brought in people from its organization all over the country to Illinois, to fix the problem. I am not confident. In fact, I am... excuse me, I am confident... I am confident that government is incompetent. I think, virtually, everyone on this House Floor, at least in this instance, agrees that government,

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

73rd Legislative Day

December 2, 1999

this government is incompetent. Why don't we learn the lesson from this and privatize this operation? Well, I already have a Bill drafted for it. I haven't introduced it because, perhaps, Representative Lyons should be the one that should Sponsor such a Bill. He's the chairman of the committee. When you guys, get as desperate as I did in 1974 and 1975, you'll decide that something ought to be done that perhaps, doesn't work as well as... or it doesn't work the way it should in a perfect world, but does get checks to people. I think that time probably will... I think we will reach that conclusion, probably by January. I know on Monday we got five new cases in my office, five new cases. This Bill is obviously not going to solve the problem. I concur with the Gentleman that suggested to the Speaker, that perhaps a Special Session will be necessary just to consider this problem. As Christmas comes, the number of stories that reporters will write about toys that cannot be retrieved from layaway or checks to custodial mothers whose husbands are dead, I think will indicate that the solution that has been selected isn't working. It's up to you Speaker Madigan, and the Senate President."

Speaker Madigan: "Representative Monique Davis."

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

Speaker Madigan: "Sponsor yields."

Davis, M.: "Representative, I know that this Bill is very well intended, but it appears to me that is truly... we are micromanaging a department that needs good, sound management. Now, we can mandate training for Circuit Court Clerks. We can mandate that they get training on computers and how data entry should be done, but that will not determine their ability to solve the problem that exists here. One of the major problems is, an employer has in the

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

73rd Legislative Day

December 2, 1999

past merely sent the check to a county clerk. Today when they send it all to one location, they don't know that this employee or the person they're sending the check to, may work in say Macon County, but live in another county. So they can't find the addresses of those people and they have not set up any mechanism for that to be done. So even with this legislation, it is not requiring that employers who send those checks, send the address of the recipient. I believe a few years ago when Dianna McCloud was running the Child Support Division, they came before this Body asking that division remain in place. And even with the Federal Government's requirement that we set up a central unit, Dianna McCloud would have been very valuable in setting up that unit because she had valuable knowledge in reference to what should occur. Also, we could have requested from the Federal Government a waiver, we could have sought a waiver until the state was prepared and had people qualified to do what's necessary. Now, I'm going to tell you what the letters that I have received state. Number one, should our children be denied a Christmas? Number two, when we repay the state for money that it has forwarded or lent us, who is going to help us pay the interest on the bills that we owe, that we've been unable to pay, but that interest keeps rising? I think this is a very well intended piece of legislation, but I don't believe it touches the tip of the 'berg' of what the real problem is and the real problem is skilled management, someone who is capable of thinking through these problems and finding solutions should be there. Because, in my opinion, the employer who writes the check should be trained or in service before the county clerk, because he's the one who has the address of that person who's supposed

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

73rd Legislative Day

December 2, 1999

to receive that check. Thank you."

Speaker Madigan: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Although Representative Lyons has acknowledged that this Bill doesn't fit what we need done, I think there are a lot of things that could be done. The money that could be saved from not having us in a Special Session, you could do this by rule, you could do it by executive order. And the committee could meet again on a weekly basis to have the department come in and report to them where they stand between now and the new Session. I see no problem with that. And I think either the Governor with... by executive order or by rule should demand or hire someone to solve the problem to go into Department of Public Aid and assist them, put the money in. And I think if the committee meets on a weekly basis or twice a week between now and the holidays to make the department come in and report on what they're doing, it would probably solve the problem better than what we're doing now. Whether we pass this Bill or not, it doesn't appear that anyone has any confidence that the problem is going to be solved. But, I think there are ways of doing it. I don't think we need this either as a vote for to run on election. I think what we need to do is figure out a way to solve the problem and there are ways to solve this problem. And I would suggest that those ways be invoked and we would just move forward to do it. But, I think it would help if the committee would meet on a regular basis, even if it's a joint committee or have some people from the Senate come in to just monitor what's going on and hold them accountable."

Speaker Madigan: "Representative Garrett."

Garrett: "Thank you, Mr. Speaker. I would also agree with Representative Mulligan that we should ask that the

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

73rd Legislative Day

December 2, 1999

Director of Public Aid stand before us as a General Assembly and give us an update, or review, or let us know exactly what is going on. I, too, have made phone calls to her office and have not heard back from her. I, too, have constituents who... who have not received checks and I don't understand why we can't make that office more accountable by asking her to give us an update and let us know exactly what is going on. And also, to do as much as we can between now and the first of the year. So, if there is a way in which we can do that, I would hope that, Mr. Speaker, you would consider that. Thank you, very much."

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Thank you very much. Mr. Speaker, in the absence of Monroe Flinn, I move the previous question."

Speaker Madigan: "Representative, there are three people seeking recognition. I know one of the three simply wants to give a report. So, let me simply ask if Representative Bassi and Lang could be brief and then we'll go to the report and we won't need your Motion. So, Representative Bassi."

Bassi: "Thank you, Mr. Speaker. Would a Motion be in order with the consent of the Sponsor to refuse to accept the First Conference Committee Report and ask that a Second Conference Committee be appointed?"

Speaker Madigan: "Representative Eileen Lyons."

Lyons, E.: "We're out of time, at this point, Suzie, if we want to do anything legislatively. That's what I was told last night, that we're just out of time."

Bassi: "Okay then, I would be willing to Sponsor an Amendment to appropriate a reasonable amount of money that this Body would agree to authorize the department to hire a preeminent consultant to take a look, from Illinois, to make recommendations within 15 days on how to rectify the

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

73rd Legislative Day

December 2, 1999

problems at the State Disbursement Unit."

Speaker Madigan: "Representative, I'm sorry."

Bassi: "You want me to repeat that?"

Speaker Madigan: "Please."

Bassi: "I would be glad to. I would be willing to Sponsor an Amendment to this, that this Body would appropriate a reasonable amount of money that we would agree on, that would authorize the department to hire a preeminent consulting firm from Illinois, to make recommendations within 15 days on how to rectify the problems at the State Disbursement Unit."

Speaker Madigan: "Representative, on the appropriations side, I'm sure that all of us would be prepared to work on that matter. I don't know that the committee has been advised that an appropriation is the problem today. I think the problem is probably a management problem."

Bassi: "But, a consulting firm might be able to tell us what that problem is."

Speaker Madigan: "You're absolutely correct. I would just respectfully suggest the the need of an appropriation is probably not the problem we're facing today. Just a suggestion. So, if we can go to Mr. Lang."

Bassi: "Okay."

Speaker Madigan: "Briefly, Mr. Lang."

Lang: "Was that a warning, Mr. Speaker? Ladies and Gentlemen, everyone in here shares frustration about this problem, but in my view everyone in here is responsible for a continuation of this problem. We spent a lot of time talking about this. We spent a lot of time manipulating our brains as to how to go back to our constituents and talk about this, but the fact is that Mr. Black was right. We are putting a Band-Aid on major surgery. The fact is

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

73rd Legislative Day

December 2, 1999

that I'm not on the Child Support Committee, but I sat in one of the days the director was there. The director was asked, 'What's the problem here?' And first she tried to blame the Federal Government and yes it's a federal mandate, but it's not the Federal Government's fault. And then she tried to blame the employers of the State of Illinois for not supplying her the appropriate information, but when asked she said, 'Well, we didn't ask them for the appropriate information, we didn't tell them what information to give us.' This has been a haphazard, incompetent, embarrassing child support unit. It was put together poorly. It was not properly planned and now we plan to go home and buy Christmas and Hanukkah gifts for our children while the children who live with single parents all over Illinois, will be made to suffer for our ineptitude. We should not be going home today, we should be fixing this problem. And for those that say, that's nonsense we can't fix the problem today. I would say you're probably right we can't fix it today. But if these children were lobbyists and were outside at the door with campaign checks for us, we would be fixing this problem today, or tomorrow, or the next day. And we would be staying here until we fixed this problem. These aren't simply custodial children, Ladies and Gentlemen, we have turned them all into stepchildren. We have turned the children of the State of Illinois who rely on child support into all of our stepchildren. They're being treated like stepchildren. They're being treated with the back of our hand. This a halfway measure, it's not even a halfway measure. We are not doing enough. Some of us will go home and say we did our best. This is not our best. This is not Leadership at its best. This is Leadership at its

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

73rd Legislative Day

December 2, 1999

worst. We should all be going home and hanging our heads for turning our backs on these children and these families, especially, at this time of the year. Their inability to access us, leaves us with our feeling that we can go home and do this. This is insufficient. It's failure. Don't go home and tell anybody we did anything about this problem. And to go home and say we're going to fix it next spring is nonsense. Because passing this today is a stamp of approval on the process. It says, well, we can make this process work, when we all know we can't make this process work, it says to the people of Illinois, we're willing to accept failure. We're willing to accept garbage. We're willing to accept that the General Assembly has helped put together a program that says to needy children in Illinois, 'forget about it, we're not here for you.' I, for one, believe we should stay right here until this problem is finished and those of you who are unwilling to say that out loud know deep in your hearts and souls that that's what we are supposed to do. Perhaps we should give all the children in Illinois money to become lobbyists, to provide money to our PAC funds to help us run for reelection. If we did that, we would fix this problem right now. But we're unable to do that. We're afraid and embarrassed to point fingers at where the fingers should be pointed. And so, we give a stamp of approval today on a process that doesn't work, can't work, and will never work; a process that we all know that must be completely overhauled, but we're too busy to fix it. We're too busy to go home to our families today to make this right. I'm embarrassed, you should be embarrassed, and the taxpayers will have a lot to say about the way we've handled this when we get home."

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

73rd Legislative Day

December 2, 1999

Speaker Madigan: "Mr. Daniels."

Daniels: "Well, wasn't that a great political speech? Here's a man that says that, but doesn't offer any meaningful alternative. I'll tell you what, we'll stay. We'll be happy to stay and you come up with some solutions that mean something, that has some teeth in it, that changes this, and makes it better, fine. We passed this law under this Democrat majority and now you're standing there as one of the Leaders on the Democrat side telling us to stay longer and do something. Fine, we'll stay. Remember you supported the truncated Session that reduces our time here in Springfield and you supported the Calendar that's here now that caused us to leave. As far as I'm concerned, the Republicans will stay and get the job done. Go ahead, let's do it. You're there, Mr. Lang, you're one of the Leaders, let's stay and get the job done. You don't like this, we'll do it the right way, but you give us a little guidance, give us the Bill so it can show immediate improvement, 'cause everyone of us have faced the same problem, we'll be happy to stay."

Speaker Madigan: "Representative Lyons, to close."

Lyons, E.: "Thank you, Mr. Speaker. I commiserate with all my colleagues on their frustrations with a job that was not very well done and not done at all. And I would be happy to either stay or work on alternatives, in addition, to this legislation that will solve the problem. Because as I said earlier, this is not the answer to the problem. And don't go home and say you did something that's going to solve the problem because it doesn't. I would only ask you to vote for this Bill if you think it's not the most we can do, but the least we can do. Thank you."

Speaker Madigan: "The Lady moves for the adoption of the

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

73rd Legislative Day

December 2, 1999

Conference Committee Report. Those in favor signify by voting 'yes'; those opposed by voting 'no'. This will require 71 votes. 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 94 'ayes', and 14 'noes'. The House does adopt the First Conference Committee Report on House Bill 2773. For the purpose of a point of personal privilege, the Chair recognizes Representative Crotty."

Crotty: "Thank you, Mr. Speaker. I want a... number one, congratulate Eileen Lyons for standing there all by herself without a member of the department to help you field those questions. And second of all, I want a let everyone know that about 1:00 I spoke to this issue and at 1:05 I happened to notice that, at about 1:07, that my phone light was on and Director Patla has called the Stratton Building and returned my phone call from a week ago. It would have been nice if she would have come down and answered the questions and helped you out, Eileen. Thank you and happy holidays, Ann, wherever you are."

Speaker Madigan: "On Supplemental Calendar #1 there appears House (sic-Senate) Bill 1136. Mr. Burke. Mr. Burke. Mr. Burke."

Burke: "Thank you, Speaker. I would move to concur with Governor's Amendatory Veto."

Speaker Madigan: "The Gentleman moves to accept the Governor's Amendatory Veto on Senate Bill 1136. The question is, 'Shall the House accept the Governor's Amendment on this Bill?' Those in favor will signify by voting 'yes'; those opposed by voting 'no'. This will require 60 votes. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 107

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

73rd Legislative Day

December 2, 1999

people voting 'yes', 2 people voting 'no'. The Motion having received the required Constitutional Majority, the House does accept the Governor's specific recommendations for change. And this Bill having received a Constitutional Majority is hereby declared passed. On Supplemental Calendar #2, there appears House Bill 1120. Mr. Schoenberg. Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I urge you to please concur in Senate Amendment #1 to House Bill 1120. Senate Amendment #1 clarifies, is a technical Amendment that clarifies the underlying Bill. The underlying Bill exempts reparations payments that are made to victims of Nazi persecution and their heirs from the State Income Tax. And it also, exempts these reparations payments from an individual's income when determining their eligibility for state programs such as Medicaid, the Circuit Breaker Pharmaceutical Assistance Program and the Senior Citizen Property Tax Rate Assessment Freeze. It's absolutely critical that we concur in this Amendment and pass and send this Bill to Governor Ryan's desk before the end of the year. So that those who have suffered at the hands of the Nazi's are not in jeopardy of losing their eligibility for essential state services because they received modest reparation or compensation payments. Be happy to answer any questions."

Speaker Madigan: "The Gentleman moves to accept the Senate Amendment. The Chair recognizes Mr. Tim Johnson."

Johnson, Tim: "Thank you, Mr. Speaker and Members of the House. I can't imagine a Bill that we would have before this chamber, at least this Veto Session, if not the entire last Spring Session, that is more 'just' than this one is. This Bill recognizes, to the extent we can, at a state level,

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

73rd Legislative Day

December 2, 1999

the horrible and unthinkable atrocities that occurred at least in some of our lifetimes and to families now who are faced, not only with the memory and the specter, but also the financial implications of one of the most dark days and years and decades in the history of the world. Representative Schoenberg is to be commended for this Bill, which in part is symbolic, but in other ways is more than symbolic in recognizing that we as a State Government make the statement that, when at long last, too long last, assets are recovered that were taken from people and families in the most horrible of circumstances, that the State Government as the last entity, nor the Federal Government for that matter, in taking a portion of those assets and income as taxes. I would suggest to the Members of the chamber and other states around the union, as well as perhaps the Federal Government, that this is something that should stand as a model for justice and for what's right and what's good about our system of government. You know, some of you don't recognize or realize that we exempt all kinds of things from income. For example, someone injured in a person... or a car accident who's had a loss of a limb or medical bills, whatever it may be, a substantial injury to their person. That's not taxable income. And the list goes on and on and on. For us to tax the assets that are eventually obtained and 'justly' obtained from the darkest days of this world's history, is an absolute travesty. And this Bill is something that's not only long overdue, Representative Schoenberg, Feigenholtz, Ronen, Mathias, Hamos and all of the others, should be commended for doing something, and this chamber should as well, that's long overdue and brings justice to people to whom justice should be brought. Thank you."

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

73rd Legislative Day

December 2, 1999

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

Schoenberg: "Mr. Speaker, in closing, I would wish to extend thanks to a broad coalition of religious organizations and institutions, most notably, the American Jewish Congress, which drafted this legislation, the Jewish Community Relations Council, the Jewish Federation of Metropolitan Chicago and a special thanks to Cardinal Francis George, who personally interceded when this legislation appeared to be in jeopardy to insure that some small measure of additional justice is achieved by final passage of this Bill. I urge your support."

Speaker Madigan: "The Gentleman moves that the House does concur in Senate Amendment #1. Those in favor signify by voting 'yes'; those opposed by voting 'no'. This will require 71 votes. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. The House does concur in Senate Amendment #1. And this Bill having received a Super Majority, Constitutional Majority is hereby declared passed. SJR 46, Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We actually did this same Resolution yesterday, but it was a House Joint Resolution that we sent over to the House (sic-Senate). This is the same thing on the school safety extending the deadline of the School Safety Task Force. All this is is a Senate Joint Resolution. We had two vehicles coming across and this will just make sure that it actually is passed. I ask for any 'aye' vote."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. 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

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

73rd Legislative Day

December 2, 1999

take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. The Resolution is adopted. On page 3 of the Calendar, on the Order of Concurrence, there appears House Bill 1276. Mr. Winters. Winters."

Winters: "Thank you, Mr. Speaker. I had moved to concur with Senate Amendments #1 and 2 to House Bill 1276. This is a provision that in two specific municipalities in Winnebago County, that although they lack the population that normally would be required to own a municipal convention hall, they would be allowed to do so. It's an economic development issue with a hotel wishing to come in on the I-90 corridor either in Beloit, Wisconsin or in Loves Park, Illinois. This is enabling legislation. Neither municipality currently has a property tax and they would not be allowed to use a property tax to help pay for the convention center. Be happy to answer any questions."

Speaker Madigan: "The Gentleman moves that the House does concur in Senate Amendment #1 and 2 to House Bill 1276. Those in favor signify by voting 'yes'; those opposed by voting 'no'. This will require 71 votes. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 109 people voting 'yes', 1 person voting 'no'. The House does concur in Senate Amendment #1 and 2. And this Bill having received a Super Constitutional Majority is hereby declared passed. On Supplemental Calendar #3, there appears... the Clerk would like to read a Rules report. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action on December 2, 1999, reported the same back with the following recommendation: 'to the floor', Senate Motion to concur in

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

73rd Legislative Day

December 2, 1999

Senate Amendment #3 to House Bill 2148."

Speaker Madigan: "On the Order of Concurrence, on Supplemental (sic-Calendar) #3, there appears House Bill 2148. Mr. Holbrook."

Holbrook: "Thank you, Speaker. I move to concur with Senate Amendment #3 to House Bill 2148. This passed unanimously out of the Senate. It meets some of the requests that the Governor has made to make the International Tourism Program work a little better. It also, raises the cap on the grants, an individual program on tourism grants from the 100,000 to \$1,000,000. That hasn't been changed since the program was set up and this is what we heard continually through our statewide hearings, that this was needed. And I so move."

Speaker Madigan: "The Gentleman moves that the House concur in Senate Amendment #1. The Chair recognizes... is Mr. Black in the Chamber? Chair recognizes Representative Erwin. Representative Erwin."

Erwin: "I rise in support of Senate Amendment #3. This makes some changes in the Bill that... in the International Tourism Bill, that I sponsored along with Representative Bill Black, Tom Holbrook. A good cross section of downstate, upstate Republicans and Democrats. It will make the program more effective and workable statewide. So, I urge your support for Amendment #3."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendment #1?' Those in favor signify by voting... the Clerk advises me that the Calendar is incorrect, that this is Senate Amendment #2. I didn't have my Geritol this morning, guys. We'll try it again. Question is, 'Shall the House concur in Senate Amendment #3 to House Bill 2148?' Those in favor signify by voting 'yes'; those

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

73rd Legislative Day

December 2, 1999

opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. The House does concur in Senate Amendment #3. And this Bill, having received a Super Majority, Constitutional Majority, is hereby declared passed. The House is prepared to adjourn. The Clerk shall read the Adjournment Resolution."

Clerk Rossi: "Senate Joint Resolution #47, offered by Representative Currie, 'be it resolved by the Senate of the 91st General Assembly of the State of Illinois the House of Representatives concurring herein, that when the two Houses adjourn on Thursday, December 2, 1999, the Senate stands adjourned until Wednesday, January 12, 2000, at 12 o'clock noon and the House of Representatives stands adjourned until Wednesday, January 5, 2000, in Perfunctory Session. And when they adjourn on that day, they stand adjourned until January 6, 2000, in Perfunctory Session. And when they adjourn on that day, they stand adjourned until Wednesday, January 12, 2000, at 1:00 p.m."

Speaker Madigan: "You've all heard the Adjournment Resolution. Representative Currie moves that the House does adopt the Adjournment Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. Resolution is adopted. On behalf of Mr. Daniels and myself, we would like to wish all of you Merry Christmas, Happy Hanukkah, Happy New Year. We shall see you on January 12 at 1 p.m. Representative Currie so moves. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until January 12, 2000 at 1 p.m., providing perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order."

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

73rd Legislative Day

December 2, 1999

Introduction and First Reading of House Bills. House Bill 2988, offered by Representative Tenhouse, a Bill for an Act to amend the Public Aid Code. House Bill 2989, offered by Representative Crotty, a Bill for an Act to amend the School Code. House Bill 2990, offered by Representative Jim Meyer, a Bill for an Act to amend the Public Utilities Act. House Bill 2991 offered by Representative Jim Meyer, a Bill for an Act concerning business names. House Bill 2992, offered by Representative Wirsing, a Bill for an Act concerning a food animal institute. House Bill 2993, offered by Representative McGuire, a Bill for an Act concerning tobacco settlement proceeds. House Bill 2994, offered by Representative O'Connor, a Bill for an Act to amend the Criminal Code of 1961. House Bill 2995, offered by Representative O'Connor, a Bill for an Act concerning the Internet. House Bill 2996, offered by Representative Burke, a Bill for an Act concerning regulation of surgical assistants. House Bill 2997, offered by Representative Lang, a Bill for an Act to amend the Code of Civil Procedure. First Reading of these House Bills.

Introduction and First Reading of House Joint Resolution Constitutional Amendment #18, offered by Representative Scully, 'be it resolved by the House of Representatives of the 91st General Assembly of the State of Illinois, the Senate concurring herein,' that there shall be submitted to the electors of the state for adoption or rejection at the General Assembly next occurring at least six months after the adoption of this Resolution. A proposition to amend Section I of Article X of the Illinois Constitution as follows: Article X, Education Section I, 'goal free schools', the fundamental goal of the people of the state is the educational development of all persons to the limits

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

73rd Legislative Day

December 2, 1999

of their capacities. The state shall provide for an efficient system of high quality, public educational institutions and services. Education in public schools through the secondary level shall be free. There may be other free education as the General Assembly provides by law. The state has the primary responsibility for financing the system of public education and shall provide no less than 50% of the funding for the system of public education. The schedule this Constitutional Amendment takes effect upon being declared adopted in accordance with Section VII of the Illinois Constitution Amendment Act.' First Reading of this Constitutional Amendment. Being no further business, the House Perfunctory Session stands adjourned."