

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE
FOURTH SPECIAL SESSION

1st Legislative Day

7/7/2007

Speaker Madigan: "We are in receipt of another Proclamation from the Governor. Mr. Clerk, do you have that proclamation?"

Clerk Mahoney: "The proclamation:

WHEREAS, the Illinois Constitution requires the General Assembly to make the appropriations for the expenditure of public funds for the fiscal year for state departments, authorities, and public agencies; and

WHEREAS, the General Assembly has not made appropriations for fiscal year 2008 for the expenditure of public funds for child support administrative funds within the Department of Health Care and Family Services; and

WHEREAS, the Department of Health Care and Family Services is charged with the collection and disbursement of child support payments; and

WHEREAS, child support is the second largest income source of low income families who qualify for the program;

THEREFORE, pursuant to Article IV, Section 5(b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly in a special session to commence on July 7, 2007, at 2:30 p.m. to consider any legislation, new or pending, which will address the budget of the Department of Health Care and Family Services for child support administrative fund for fiscal year 2008. Signed by Governor Rod R. Blagojevich.

Speaker Madigan: "All right. Again, is there leave to use the Attendance Roll Call from the First Special Session for the purpose of the Fourth Special Session? Mr. Black."

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Black: "I'm certainly willing to give you leave, but I have a question. I'm just an old country boy. I'm not violating the Constitution if I sign in at the inappropriate time, am I? I don't have much money for a legal defense fund."

Speaker Madigan: "My humble judgment, and it is humble, is 'no'."

Black: "So you think I'm safe?"

Speaker Madigan: "Yeah, yeah, I think you're safe. Yes."

Black: "Mr. Speaker, if the State Police arrests me on the way home, let it be known you're going to be my legal counsel."

Speaker Madigan: "Yeah. Okay. Right."

Black: "And I expect to be... I expect it to be pro bono."

Speaker Madigan: "All right now, Ladies and Gentlemen, the... Clerk has read the proclamation and there's request for leave to use the Attendance Roll Call from the First Special Session for the purpose of this Fourth Special Session. Is there leave? Leave is granted. Mr. Clerk, are there Resolutions?"

Clerk Mahoney: "House Fourth Special Session Resolution 1 and House Fourth Special Session Resolution 2 have both been introduced."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. I move for the immediate consideration and suspension of applicable House Rules so that we may adopt Fourth Special Session House Resolutions 1 and 2."

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Speaker Madigan: "You've heard the Lady's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Representative Currie."

Currie: "Thank you, Speaker. Would the Clerk please read Fourth Special House Resolutions 1 and 2."

Speaker Madigan: "Mr. Clerk."

Clerk Mahoney: "Fourth Special Session House Resolution 1: RESOLVED, that the Rules of the House of Representatives of the Ninety-Fifth General Assembly be adopted as the Rules of this Fourth Special Session, so far as the same may be applicable, and that the Committees of the House of Representatives of the Ninety-Fifth General Assembly, shall constitute the Committees of the House of Representatives during the Fourth Special Session. Fourth Special Session House Resolution #2. RESOLVED, that the Clerk inform the Senate that a majority of the House has assembled, pursuant to the proclamation of the Governor, convening a Fourth Special Session of the General Assembly, and are now ready for the transaction of business."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. I move the adoption of House Resolutions... of the Fourth Special Session House Resolutions 1 and 2."

Speaker Madigan: "You've heard the Lady's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolutions are adopted. Mr. Lang."

Lang: "Thank you, Mr. Speaker. If I heard that proclamation for the Fourth Special Session correctly, the Governor has

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stated that the General Assembly has failed to pass a budget for HFS for the next fiscal year. But as I recall we passed one that the Governor signed. Anybody recall that we passed a budget for the next fiscal year that the Governor signed? I think he did. Now, it may only have 30-day spending authority, but I don't understand why he's calling us into Special Session to do something that we've already done. I Just thought I'd state that for the record."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Yes, just for the purposes of the record. Again, inquiry of the Chair. The Constitution under Article IV, Section 5(b) of the Illinois Constitution, is very specific. That the Governor may convene the General Assembly for Special Session by proclamation stating the purpose of the Session, in addition, there has been judicial recognition of the constitutional authority, specifically, the case of Herzberger v. Kelley that indicates at any time when in exercise of his official discretion, he deems the occasion warrants, he can call a Special Session. Also, there's statutory authority under 25 ILCS 15/3, providing that the Governor can call and indicate the time and the date of the Special Session. And finally, there.. the House Rules authorize and precedent has indicated that the Governor has the sole authority to call the time and the date of the Special Session. And in addition, I would just make note in.. and in the inquiry of the parliamentarian, the House Calendar specifically indicates for the Fourth Special Session that the

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Legislative day will begin at 2:30 p.m. The House Calendar that we just received on Saturday, July 7, 2007, consistent with the proclamation of the Governor. Yet, as we can see from the clock here on the House Floor, it is obviously not 2:30 p.m. It is 11:42 a.m."

Speaker Madigan: "Mr. Hoffman, with leave could we incorporate the remarks of the parliamentarian previously to..."

Hoffman: "Yes."

Speaker Madigan: "...points raised earlier. Thank you. And Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. All kidding aside on this particular one, as the Minority Spokesman of Human Service Appropriations, is the Governor trying to tell us that the department's falsified the amount of money that would be needed so that when we passed and when we had regular hearings during the year or the problems that might be under child support disbursement from that agency? And is he planning on having Director Maram here at 2:30 to answer questions on those subjects? And is he trying to tell us that by dividing up a budget, which he signed supposedly, that he did not actually have the quite... the figures from his department on what those... those amounts of money should be for those people? You know, the committees that meet... the Human Service Appropriations Committee meet with regularity and we also... Chairman Feigenholtz and I discuss issues all the time and are always available, and had planned to start meeting with the directors and the department heads next week because we're concerned about

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the Human Service budget and what the Governor is doing. But quite frankly, I find this to be an insult to call this kind of hearing at this kind of time on a Saturday afternoon. And what is this man thinking to treat the people that get child support in such a cavalier manner. Is he going to have Director Maram here? I wanna know who's gonna have their seat in those chairs up there to tell us what's actually going on in that department. And the questions I would stay here to intend to ask would be to ask if they falsified what they told us originally? And he damn well better get his act together as far as what he's doing with Human Services in Illinois, because it's a travesty to the people that we represent the way he treats the people that are paid and the way he treats the people that receive those services. And to try and make it any other thing but that is a joke. And that's what he's doing with this whole process."

Stephens: "Thank you, Mr. Speaker. An inquiry of the Chair. Is the leaders' meeting still scheduled for noon?"

Speaker Madigan: "I'm sorry, Mr. Stephens."

Stephens: "The Leaders' meeting, is it still on schedule for noon?"

Speaker Madigan: "To the best of my knowledge, yes."

Stephens: "I... I wonder if you'd do us a favor. Would you mind recording that meeting so that we could maybe play that this evening for our own entertainment?"

Speaker Madigan: "Mr. Stephens. You've taken me to something that I intended to do. Now, Mr. Cross and I have attended

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several meetings with the Governor in the last few weeks. And consistently in these meetings, the Governor has said that he wanted to involve more Members in the process. And he went so far as to say that he wanted to invite the media to the meetings. That was the reason why I suggested that the Governor come here and appear in the Committee of the Whole, so that he could get what he requested, more interaction with the Members. I'm going to suggest to the Members, all of you, Democrats and Republicans, the meeting is scheduled for 12:00 in the Governor's Office. I would suggest any of you who wish to come down to the Governor's office, as far as I'm concern, join the meeting. Mr. Stephens."

Stephens: "Well, Mr. Speaker, I... I think several of us may just accept that invitation. But one further point, the... the stress today is starting to show. It's obvious. And I wonder if Dr. Brown will be seeing patients later this afternoon?"

Speaker Madigan: "All right, Ladies and Gentlemen, we are now in the Fourth Special Session. And the Chair recognizes Representative Currie for a Motion to adjourn to..."

Currie: "Thank you, Speaker. I move that the Fourth Special Session of the Illinois House of Representatives, allowing perfunctory time for the Clerk, adjourn until the hour of 5 p.m. on Sunday, July 8."

Speaker Madigan: "You've all heard the Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House stands adjourned until 5:00 tomorrow afternoon.

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Ladies and Gentlemen, our plan is to adjourn now and reconvene tomorrow at 5:00 in the afternoon. If there are further Proclamations filed by the Governor, relative to say a Fifth Special Session, a Sixth Special Session, I will convene those at 5:00 tomorrow afternoon. And I note, again, that the Special Session yesterday started over two (2) hours after it was scheduled to be started and there was objection raised at that time. But again, the plan is to adjourn. Any other special Proclamations that are filed will be convened tomorrow at 5:00. In debate, the question has been raised about the authority of the State Police relative to Members of the Legislature and I'm going to ask Mr. Ellis to speak to that question. Mr. Ellis."

Parliamentarian Ellis: "Thank you, Mr. Speaker. The Constitution... the Illinois Constitution provides legislative immunity to any Members upon traveling to or from a Session of the General Assembly except in cases of treason, felony, or breach of peace. We are not aware of any authority that allows the Governor to compel attendance of House Members. The only authority that we're aware of that would allow compelling House Members is in our House Rules and that is authority given to the House as a Body or in some instances to the Speaker, but not to the Governor as far as we're aware. The Governor controls the State Police, but it's our position that it would not be... there's no authority to compel the attendance of the House into a Special Session."

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Speaker Madigan: "We'd be pleased to give you copies of the language that Mr. Ellis has just cited that you can carry with you. So again, we're prepared to adjourn to tomorrow afternoon at 5 p.m. Representative Currie so moves. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House stands adjourned until tomorrow afternoon at 5 p.m., providing perfunctory time for the Clerk."