

STATE OF ILLINOIS
99th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

79th Legislative Day

9/2/2015

Clerk Hollman: "House Perfunctory Session will come to order. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules reports the following committee action taken on September 2, 2015: recommends be adopted, referred to the floor is Floor Amendment #2 to House Bill 972, Floor Amendments 1 and 2 to Senate Bill 570."

Speaker Lang: "(sic-The House will be in order.) We shall be led in prayer today by Wayne Padget, the Assistant Doorkeeper. Members and guests are asked to refrain from starting their laptops, turn off cell phones, and rise for the invocation and Pledge of Allegiance. Mr. Padget."

Mr. Padget: "Let us pray. Lord, as we prepare for Session today, I ask freshness of Your spirit to quicken our thinking, that out of confused issues may come simplicity of plan, that out of fear may come confidence, that out of hurry may come deliberation, and that out of frustration may come guidance. Let us get to work, not head first, but heart first. May we be able to disagree without being disagreeable, to defer without being difficult, to be honest without tension, and to be frank without offense, in an atmosphere of team spirit. These things we ask in Your Son's name, Amen."

Speaker Lang: "Be led in the Pledge by Mr. Tryon."

Tryon - 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 Lang: "Roll Call for Attendance. Mr. Brown."

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Brown: "Thank you, Mr. Speaker. Please let the record reflect that Representatives Leitch, Pritchard, Stewart, and Winger are excused today."

Speaker Lang: "Mr. Clerk, please take the record. There are 114 Members in attendance, the House has a quorum and prepared to do our business. Mr. Clerk, Committee Reports."

Clerk Hollman: "Committee Reports. Representative Golar, Chairperson from the Committee on Elementary & Secondary Education: School Curriculum & Policies reports the following committee action taken on September 2, 2015: do pass Short Debate is Senate Bill 219. Representative Daniel Burke, Chairperson from the Committee on Executive reports the following committee action taken on September 02, 2015: recommends be adopted a Motion to Concur with Senate Amendment #1 to House Bill 3540. Representative Beiser, Chairperson from the Committee on Transportation: Regulation, Roads & Bridges reports the following committee action taken on September 02, 2015: recommends be adopted is House Joint Resolution 92, House Joint Resolution 93, House Resolution 707. Representative Costello, Chairperson from the Committee on Agriculture & Conservation reports the following committee action taken on September 02, 2015: do pass Standard Debate is House Bill 4104. Representative Gabel, Chairperson from the Committee on Human Services reports the following committee action taken on September 02, 2015: recommends be adopted is House Resolution 659, House Resolution 709. Representative Phelps, Chairperson from the Committee on Public Utilities reports the following committee action taken on September 02, 2015: recommends be adopted is House

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Resolution 687. Representative D'Amico, Chairperson from the Committee on Transportation: Vehicles & Safety reports the following committee action taken on September 02, 2015: recommends be adopted a Motion to Concur with Senate Amendment #1 to House Bill 1081. Representative Lilly, Chairperson from the Committee on Museums, Arts, & Cultural Enhancement reports the following committee action taken on September 02, 2015: do pass Short Debate is Senate Bill 317. Representative Rita, Chairperson from the Committee on Business & Occupational Licenses reports the following committee action taken on September 02, 2015: do pass Short Debate is House Bill 4264. Introduction of Resolutions. House Resolution 722, offered by Representative Ford. House Resolution 724, offered by Representative Guzzardi. House Resolution 725, offered by Representative Gordon-Booth. House Resolution 740, offered by Representative Gordon-Booth. These are referred to the Rules Committee."

Speaker Lang: "Mr. Clerk, Agreed Resolutions."

Clerk Hollman: "Agreed Resolutions. House Resolution 721, offered by Representative Stewart. House Resolution 723, offered by Representative Turner. House Resolution 726, offered by Representative Flowers. House Resolution 727, offered by Representative Wallace (sic- Walsh). House Resolution 728, offered by Representative Bradley. House Resolution 729, offered by Representative Sims. House Resolution 730, offered by Representative Sims. House Resolution 731, offered by Representative Dunkin. House Resolution 732, offered by Representative Bennett. House Resolution 733, offered by Representative Dunkin. House Resolution 734, offered by

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Representative Reaves-Harris. House Resolution 735, offered by Representative Willis. House Resolution 736, offered by Representative Yingling. House Resolution 737, offered by Representative Anthony. House Resolution 738, offered by Representative Brady. House Resolution 739, offered by Representative Sandack. House Resolution 741, offered by Representative Gordon-Booth. House Resolution 742, offered by Representative Gordon-Booth. And House Resolution 744, offered by Speaker Madigan."

Speaker Lang: "Leader Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And the Agreed Resolutions are adopted. Ladies and Gentlemen, I'm about to go to Representative Barbara Wheeler on a point of personal privilege. Will the Body rise. Representative Wheeler."

Wheeler, B.: "Thank you, Mr. Speaker. As many of you know, yesterday was a tragic day for Fox Lake. An officer, Lieutenant Joe, affectionately referred to the community as G.I. Joe, was killed in the line of duty, making him the 24th officer in the nation killed since the beginning of this year. Fox Lake is a small town just over 10 thousand people. It's home to the beautiful Chain of Lakes, the State Park Illinois Chain of Lakes. It's locate... it's... excuse me... it's home to hunters, fishermen, boaters, motorcycle enthusiasts, veterans, small business owners, and hardworking middle-class families. Truly, these people are the salt of the earth. The tragic event has devastated one of our close communities. It has closed the schools and many of the businesses while the manhunt continues for the murderers of G.I. Joe. I ask for

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your prayers, not only for the fallen Lieutenant Joe and his family, but the entire community that's affected by this fatal event. Representative Anthony knew G.I. Joe personally and later will directly speak about him. But I do ask for a moment of silence for G.I. Joe and the community. Thank you."

Speaker Lang: "Thank you, Representative. I do not see Mr. Anthony on the floor, but we'll give him an opportunity at some point during the day to make his comments. Thank you. Thank you, Members. Mr. Mitchell."

Mitchell, B.: "Point of personal privilege, Mr. Speaker."

Speaker Lang: "Please proceed."

Mitchell, B.: "Thank you. Just... and I know... I don't know if Representative Scherer is on the floor, but over in Decatur we have the Farm Progress Show that's going on. It's every other year. It's one of the biggest agriculture exhibitions in the country. So if anyone has a little extra time, just go east on I-72 to Decatur. Farm Progress Show is going on for another two days, I believe. So, thank you."

Speaker Lang: "Thank you, Sir. Representative Scherer."

Scherer: "Thank you, Mr. Speaker. I, too, would like to welcome all the residents of Illinois to the Farm Progress Show in Decatur today. It's... it's a very big deal. We have people from all over the world there, and it'll go on for three days starting... It... it was Tuesday, Wednesday, and Thursday actually. And it'll be... not here next year, but then it'll be back the... the year after that. So it's an every other year event, and it's a wonderful thing for central Illinois. And it's a wonderful thing for our farmers and agriculture. Thank you."

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Speaker Lang: "Thank you, Representative. The Chair recognizes Mr. Brown for an announcement."

Brown: "Thank you, Mr. Speaker. The Republicans request an immediate caucus for one hour."

Speaker Lang: "The Republicans will caucus immediately in Room 118. The Democrats will caucus immediately in Room 114. The House will be in recess until the call the Chair."

Speaker Turner: "Members, on page 13 of the Calendar, under Amendatory Vetoes, we have House Bill 219, Representative Verschoore. Representative Verschoore."

Verschoore: "Thank you, Mr. Speaker. I am asking to override the Governor on this. He... he was noncompliant with the... the Bill. It was originally set up for a... a district in northern Illinois, whereby one fire district wanted to go in with another district, and they were willing to take them. And the Governor wants to make it statewide. And so that's why I'm asking for an override."

Speaker Turner: "On the Motion, we have Representative Sandack."

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

Speaker Turner: "The Sponsor will yield."

Sandack: "Thank you. Representative Verschoore, I wasn't quite clear I heard you correctly. Who ruled it noncompliant on the Amendatory Veto?"

Verschoore: "I asked the legislative staff and they said it was noncompliant because it's... it wanted to make it statewide rather than it was, actually, like a per district Bill or a special Bill..."

Sandack: "And... and..."

Verschoore: "...for that and..."

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Sandack: "And with all due respect, maybe you... you'll identify staff or perhaps your authority. How is it deemed not compliant? And how is that checked? Who makes that decision, and where is that decision made?"

Verschoore: "Well, I wished I had one of the staff here with me. I thought maybe there would be one of them here with me but..."

Sandack: "Well..."

Verschoore: "...they're not."

Sandack: "...who's that good looking person to your left, Pat?"

Verschoore: "Oh. Oh, right here. It... it's a sep... a substantive change, not a technical change."

Sandack: "Well, and..."

Verschoore: "And it has not gone through a committee or through the Senate, and/or the House. So..."

Sandack: "Well..."

Verschoore: "...that's why they're deeming it noncompliant."

Sandack: "Well... well, Representative, I want to make sure I am clear, 'cause who they are is an unelected source with all..."

Verschoore: "Is... is..."

Sandack: "...due respect that appears to be your staff."

Verschoore: "The legislative..."

Sandack: "And so..."

Verschoore: "...staff."

Sandack: "Yeah, well, no one elected them and no... and they're not responsible of anyone except your side of the aisle."

Verschoore: "Well..."

Sandack: "How is it..."

Verschoore: "...they're giving me advice. That's what I'm taking is advice."

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Sandack: "O... Okay."

Verschoore: "I'm... I'm not a lawyer."

Sandack: "Well, Pat, I... I would respectfully..."

Verschoore: "The... the Rules Comm..."

Sandack: "...disagree with you."

Verschoore: "...the Rules Committee make the decision."

Sandack: "Excuse me?"

Verschoore: "The Rules Committee makes the decision."

Sandack: "Well, I was in the Rules Committee today, and there was no decision made on this particular Bill. When was the Rules Committee convened with respect to your... the... the propriety of the Governor's Amendatory Veto?"

Verschoore: "I don't know. I don't know that answer, I guess."

Sandack: "Well, then I'd ask you to pull this back because if we can't even make a record as to when this was adjudicated and determined, it seems to be premature."

Verschoore: "Just in my opinion, Ron, I'm... I'm wanting to override this Bill."

Sandack: "Well, that was a nice conversation you had with the... the Speaker's attorney. In what... And tell me what your opinion is and why it doesn't comply."

Verschoore: "It's not the original Bill that I proposed on the floor, discussed on the floor. He's changed it."

Sandack: "No Amendatory Veto Bill would be the original Bill. It adds, deletes, and it does certain things. And that is a longstanding Supreme Court rulings permit Amendatory Vetoes."

Verschoore: "I didn't sign... I didn't sign a Motion to change this to Amendatory Vetoes."

Sandack: "And... and why didn't you?"

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Verschoore: "Because I want an override."

Sandack: "Okay. To the Bill. Oh, and by the way, one more question.

The... the changes that the Governor sought would have added local consolidation language. Isn't that correct, Representative?"

Verschoore: "That was not my original intent. And... this... this Bill got 108 votes, and 40... Let's see, I counted them up. There were 42 Republicans voted on this Bill originally, the way it was. So that's another reason why I think it was a good Bill."

Sandack: "Okay. To the Amendment or the... the request to override and the Amendatory Veto. Ladies and Gentlemen, there's going to be a few discussions today about the propriety of Amendatory Veto and whether Sponsors were even asked to sign a sheet to possibly look into the propriety of what the Governor did. Amendatory Vetoes have long been permitted. Yes, they are sometimes substantive. Sometimes they reduce, sometimes they add. And in this instance, the idea was to add local government consolidation because, as everyone knows, we have more units of government than any state in the land. Unfortunately, what the Gentleman first said was, some staffers determined that this didn't comply. And then after a whisper or two from counsel, it was him that didn't think so, and it was his decision. And he didn't sign a Motion. Let's be clear; we all know what's going on here. None of these Amendatory Vetoes have been even looked at. And I suspect the Sponsors of various Bills may have been told they're not going to get the paperwork to fill out a Motion to Concur on an Amendatory Veto, let alone get it to Rules.

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This is horrific process and we are going to see this repeatedly, I suspect today. And it's unfortunate because it's partisan, and it's part of a larger turf battle which, unfortunately, will play out from time to time today. To my colleagues on my side of the aisle and to independent minded Democrats, I would suggest process matters. Process deeply matters. Particularly to my friends that it.. that are either in law enforcement or are lawyers, process matters. Vote 'no'."

Speaker Turner: "Chair recognizes Representative David Harris."

Harris, D.: "Thank you, Mr. Speaker. Ladies and Gentlemen, to the Motion. You know, I've been around here too long. Because I remember back in the early 1980s, when Governor Thompson was the Governor. He would take a piece of legislation and virtually rewrite it. He would start de novo and come up with new legislation, totally different from what the Legislature passed. Speaker of the House, at that time, who is the Speaker of the House right now, in my opinion, rightly said, wait a minute. That's not what the Constitution says you can do. You can amendatorily veto something, but you can't write new legislation from the ground up simply because you have the power of the pen when it comes to the Amendatory Veto. So the Speaker put into place this review that it has to be... the Amendatory Veto has to be compliant with the Constitution, a good thing. There's no doubt about it, but that the former Governor was abusing his power. Well, now, let's fast forward. Let's fast forward to where we are now. And a power can be abused on both sides of the aisle. And to not even allow Amendatory Vetoes to be considered because, guess what,

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sometimes the Governor does have a good idea to make legislation better. And maybe he makes some changes, some minor changes, which don't flout the Constitution and are compliant with the intent of our Constitution. But to simply say, nope, no Amendatory Veto's going to be considered, just got to override every single Veto that the Governor issues, is wrong. It just heightens the partisan differences down here, which doesn't do anybody any good. The Gentleman can make any Motion he wants regarding the Veto. It's unfortunate that when this and many other Bills we may see just total overrides of Vetoes when the Amendatory Veto really does make some sense. Thank you."

Speaker Turner: "Representative Breen."

Breen: "Thank you, Mr. Speaker. To the Bill. I was one of the few people that voted against this in the first place because I don't think the Bill's a particularly good one on the way through. The current process allows more local control by those who live in a particular area to disconnect themselves and reconnect to a better fire district. Under current law, there's already a court process that has to be provided to make sure that there's no problem with debt or any other of the... the impacts between the two territories for the transfer. So, I would urge that you vote 'no' just because the underlying Bill was not that particularly good in the first place. And certainly, with the Governor having concerns about the measure, there's no reason to override his Veto. Thank you."

Speaker Turner: "Chair recognizes Representative Mautino."

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Mautino: "Thank you, Speaker, Ladies and Gentlemen of the House. I rise in support of the Gentleman's Motion. In this Body we have a... a responsibility and something that very few people in the State of Illinois enjoy the ability to have. We have the ability to take a piece of legislation. We have the ability to create that legislation, to make it conform with our intents of what that Bill should do to direct and solve a local problem. Now, the Gentleman has risen and he has expressed his Motion to override it and why. It's because the Bill was changed. It is not meeting his intent. He had a structured intent of that Bill to do what it wanted to do. A hundred and eight of us agreed with him. It's our right and our power, as Members of this Body, to create our legislation. He was not consulted in the change and therefore, he is asking us to reinstate what his intent was as a Member of this Body. So I would agree with the earlier Gentleman, process does matter. We are elected. We are elected for a reason. This Bill was of his creation. It passed under his design to do what he wanted it to do. It was changed without his consent, and he comes back to us today to say, return this Bill to the original form that I wanted that serves my purpose in bringing it this Body to better my area. For that, I would ask for an 'aye' vote."

Speaker Turner: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. Certainly process does matter. The Constitution matters, and the prerogative of the Legislature to create laws and pass laws matters as well. And the purpose, I think, of the Amendatory... the limitation on the Amendatory Veto is to protect the integrity of the... of

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the General Assembly and the Legislature. That is critically important that all of us, all of us who serve in this chamber, ought to be very careful about expanding the authority of the Governor. We went through this whole legislative modernization process in the 1970s and early '80s, be... simp... precisely because State Legislatures were completely under the thumb of a... the Executive Branch. And so I think that the Constitution, as it's drafted in the 19... in the Illinois 1970 Constitution, was drafted that way in order to enhance the authority of the Legislature vis-à-vis the Governor. And that is something, again, that we need to be very protective of. There's nothing to prohibit the Governor. If he has good ideas and wants to change a Bill like this one, there's nothing to prevent the Governor from coming in during the process. This Bill was out there for months, had to go through committee, through all the cham... all the process that we're all so familiar with. Could've made the changes then, could've made the suggestion. I didn't hear from the Sponsor that any of those changes were suggested or brought to the Sponsor. And then the Sponsor could have made a decision about whether it was such a great idea that we had to... that we had to include it. So I think that this, the... that the Sponsor's absolutely right. He wants the Bill the way that he wants it. The legislation... Legislature voted it. The Governor has exceeded his authority on this, if that's even a question. And then... and... we should support the Sponsor on this. Thank you."

Speaker Turner: "Representative Sullivan."

Sullivan: "Thank you, Mr. Speaker. To the discussion, I guess. The previous two speakers have spoken in regard to the process

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and... and I don't have much to say in... in opposition to what they said because there is a process. And the Sponsor's chosen to move forward. He doesn't like the changes proposed. But let's not think for a minute that the Governor doesn't have the right to choose to make those changes. He certainly does, and not only that, in 1974 there was a Constitutional Amendment to restrict his Amendatory Vetoes that was rejected by our constituents across the state. They said, he, indeed, does have the ability and the right under our Constitution to move forward with subjective changes. And certainly the Sponsor can reject those changes and he has. And I respect that. That is his ability. But what we're talking about here, and what we're going to probably talk about for the rest of the afternoon, is when one person orders people not to take changes that they may or may not like, that may or may not, like, make the Bill better. That's the debate we're having right now, and let nobody misunderstand that. We're not saying the Sponsor doesn't have a right to do what he's doing, but when one person says, sorry, I'm going to declare every single change that the Governor has proposed out of line, that's when we have a problem. That's when the process has broken down, and that's what we're here for. It's unfortunate, but I think you're going to see that a lot today. Thank you."

Speaker Turner: "Representative Zalewski."

Zalewski: "Thank you, Mr. Speaker. To the Motion. And I think the previous speakers have done a nice job of debunking the idea that there's a process problem here, at least on our side of the aisle. I would remind the Body, that we have, in this chamber over the last few years, have been more than willing

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to override a Democratic Governor when he's chosen to use his Amendatory Veto power when we viewed it outside the scope of his powers. This is not about partisanship. This is not about who... who's in the second floor. This is about respecting the power of the Legislature, and it's well within the right of the Gentleman to override this Veto. You may have policy problems with the... with the Gentleman's Motion, you may decide it's not the right choice, and you may decide that the Governor's Veto should be overridden. But as to the tone of this Bill, and as to the tone of the rest of the day, there needs to be a refocus on policy and not politics and it needs to start right now. Choose one way or the other but don't make this about partisanship because it's not. Thank you, Mr. Speaker."

Speaker Turner: "Representative Ammons."

Ammons: "Thank you. To the Bill. Thank you for acknowledging me, the Chair. I just wanted to highlight a concern, and I agree with the previous speaker, that it really shouldn't be about politics. It actually should be about policy. This particular Bill troubled me when it came to the floor, which drew a 'no' vote for me. And it drew a 'no' vote because under... in the analysis, the bonded indebtedness of this Bill, which is seeking to disconnect a fire protection district and add it on to another district, still retains all of its indebtedness as well as picks up indebtedness... a share of indebtedness from the transferring district for which they will be joining. This has been a trouble for me of which I haven't been able to get past at this point. And I don't believe I'll be

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supporting this Bill as it stands. Thank you so much for acknowledgment."

Speaker Turner: "Representative Verschoore to close."

Verschoore: "I think there has been a lot of debate... a lot of good debate. I appreciate that. I just feel that the intent that when I passed it on the floor with 108 votes, and the Governor's Office did not discuss this with me, that's why I'm asking for an override. And I'd ask for an 'aye' vote. Thank you."

Speaker Turner: "Representative Verschoore moves that the Hou... that the House Bill 291 do pass, notwithstanding this... excuse me... House Bill 219 do pass, notwithstanding the specific recommendations for change of the Governor. All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Members, please record yourselves. Clerk, please take the record. On 67 voting 'yes', 38 voting 'no', 3 voting 'present', the Motion fails. Chair recognizes Representative Flowers."

Flowers: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, it's truly my pleasure to welcome back, once again, our favorite colleague, Representative Monique D. Davis and her beautiful daughter, Miss Monique Conway. Would you please give them a standing ovation? Thank you. Thank you, thank you, thank you."

Speaker Turner: "Thank you, Representative, and welcome back. On page 12 of the Calendar, under Total Vetoes, we have House Bill 488. Leader Riley."

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Riley: "Thank you, Mr. Speaker, Members of the House. I move to override the Total Veto of House Bill 488. You might remember when I brought this to you months ago, this was the Bill that added penalties, additional penalties and attorney's fees to those individuals that held themselves out to be security companies that were not licensed. And so, in many ways, basically, this is a consumer protection Bill. And this Bill, between the two Houses, only one person voted against it, and this is consumer protection. The... the ability to go out and find someone to come in and put in security alarms or video cameras or that type of thing in your house is extremely important. The Bill endeavored to be sure that there was a process that would preclude people who had not been licensed, who did not have the training, coming in doing this work. So, again, you know, I would like all of you to join me like you did before. And I move to override the Total Veto of House Bill 488."

Speaker Turner: "Chair re... recognizes Representative Sandack on the Motion."

Sandack: "Thank you, Mr. Speaker. Will the Sponsor yield for a few questions?"

Speaker Turner: "He indicates that he will yield."

Sandack: "Representative, just taking the last discussion and... and utilizing that as a point of starting discussion now..."

Riley: "What... what last dis..."

Sandack: "Well, on the last Bill, on the last Motion that Representative Verschoore had. Do... were you contacted by the Governor's Office with respect to his Veto?"

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Riley: "No, I... oh... oh, well, they told me that they were going to veto it."

Sandack: "I'm sorry. I couldn't hear you, Al."

Riley: "They told me they were planning on vetoing the Bill..."

Sandack: "Okay."

Riley: "...but there was no prior discussion about trying to work something out. It... This is a Total Veto, unlike, of course, Verschoore's Bill."

Sandack: "Yes, Sir. I was just talking about the communications. And did you read the Governor's message with respect to the Veto?"

Riley: "Of course, I did."

Sandack: "Okay. And did... did you give it any consideration prior to... to moving to override? Was there..."

Riley: "I can..."

Sandack: "...any validity in your mind to the... the Governor's message with respect to the Veto?"

Riley: "I really could not understand his message, with respect to the Veto because, again, we're not trying to protect people whose main concern is to pull the wool over someone's eyes or hold themselves out to be something that they're not. That's what the whole Bill is about. I read the Governor's Veto, and I understand where he's coming from, but at the same time, especially with regard to this Bill, I just don't think that it's in order. And the way we voted, nothing's changed since this Bill was passed."

Sandack: "Well... okay. The... the Governor's message, as I understand it, Al, talked about the... the fee-shifting component. It... basically a derivation from the American Rule, which

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generally awards attorney's fees to each party, but in your Bill, would shift it to the... the winning party. So that was part of the... the Governor's message, that he objected to that change in the going, basically, the going way of do... doing things."

Riley: "I... I understand all of that. But..."

Sandack: "Okay."

Riley: "...again, the... the thing that's very important, and I don't talk about the other Body a lot, you know, we're the House, they're the Senate. But only one person, out of potentially 177, voted against the measure. We had a robust debate in committee. We talked about all of these issues, brought the Bill up and we passed it."

Sandack: "Okay."

Riley: "And again... you know..."

Sandack: "And... and... and..."

Riley: "...so that's where we are."

Sandack: "...and Representative, I understand that... that you're displeased with the Veto, but Vetoes aren't something that, you know, have never been used before."

Riley: "I've... I've never said that, but I'm a Member of the House."

Sandack: "Yes, Sir."

Riley: "My job is to pass law."

Sandack: "Well, some would say we pass a lot of laws, Al. Some would say we pass too many and... and obviously the balance... the checks and balances, in our form of Government, are a good thing. And this is part and parcel of that checks and balances."

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Riley: "I... I understand, but why are we questioning constitutionally what we do and what's usual and customary in this Body?"

Sandack: "I wasn't..."

Riley: "I..."

Sandack: "...trying... challenging constitutionality."

Riley: "Well... well, the..."

Sandack: "No one uses that word, except you. I was challenging the..."

Riley: "No, no, no."

Sandack: "...just making sure you heard the Governor's message..."

Riley: "I..."

Sandack: "...and had considered it prior to filing your Motion..."

Riley: "Well..."

Sandack: "...to override."

Riley: "...I'm... I'm a pretty intelligent guy, people tell me. And I read his Veto..."

Sandack: "I suspect you hear that all the time."

Riley: "...I read his Veto, I understand his Veto, but again, I'm in the House of Representatives. I didn't run for, you know, I could be the head of the Executive Branch. And I'm not going to demean what we do here. We can disagree on, you know, individual points of view."

Sandack: "Who's demeaning anything here?"

Riley: "Sir, I'm making a statement just like you make statements. I'm making a..."

Sandack: "No, you're answering a question that I didn't ask."

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Riley: "...statement. Understand my... well... I answered the question too. I'm here, in my mind, to make law. I understood what the Governor said. I don't particularly agree with it."

Sandack: "Okay."

Riley: "So I'm using my powers, as a Member of the House, to override his Veto. Overrides aren't bad. Vetoes aren't bad. The question is, can you get the votes to do it? I got all but one vote on the original Bill. I'm coming back, and I'm asking this Body to join me on the override. It's as simple as that."

Sandack: "Thank you. To... to the Gentleman's Motion. Some of the... the, I don't know if it was indignation or slightly... slight levels of anger. This is part and parcel of the process. We all have Bills that are vetoed, if we're here long enough. Whether those Vetoes should be withheld, sustained, or overridden is why we're here. There's no constitutional challenge. There's no constitutional crisis. And I don't think anyone's integrity has been in fumed here or throughout this process. I simply asked the Gentleman if he looked into the propriety of the... of the Governor's Veto, and he said he read it. And that's fair enough. And I take the Gentleman for his word. I would suggest that everyone look at the Governor's message before voting 'yes' or 'no' and simply make an intelligent vote. Thank you, Mr. Speaker."

Speaker Turner: "Representative Riley to close."

Riley: "Thank you. This is what we do. And you know, I've got a slight problem with some... you know, we are all very intelligent people. I don't know how many psychologists we have in this Body, but I'm overriding a Veto. I'm not upset."

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Matter of fact, I don't waffle too much anyway. I'm overriding a Veto of a Bill. My right to do it. And I'm asking you to join me to override the Governor's Veto on House Bill 488."

Speaker Turner: "Representative Riley moves that House Bill 488 do pass, notwithstanding the vet... Veto of the Governor. All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Members, please record yourselves. Mr. Clerk, please take the record. On a count of 67 voting 'yes', 37 voting 'no', and 1 voting 'present', House Bill 488 fails. The Motion fails, excuse me. Page 13 of the Calendar, we have House Bill 3324. Representative Christian Mitchell."

Mitchell, C.: "Thank you, Mr. Speaker. This is a Bill that I believe passed unanimously out of the House. It certainly did out of the Senate last time. And... and I did, in advance to the question I'm sure I'm going to get, read the Governor's Veto message. The challenge is the Governor's Veto changed the nature of the Bill in a way that I find fundamental. What this Bill was meant to start to look at is the fact that we have a bit of an underemployment crisis in the State of Illinois. We have a lot of households that are receiving a supplement. And what I would like to know is based on data that the General Assembly already gets and is aggregating, who are some of the employers, what are some of the categories in which there is some aggregation of... of this sort of stuff. So the... the whole purpose was just reporting. Again, it passed unanimously. As I said, I read the Governor's Veto message. But I do believe his change fundamentally alters the nature

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and purpose of the Bill. So I would ask for an 'aye' vote in overriding the Governor's Veto."

Speaker Turner: "Speaker recognizes Representative Sandack."

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

Speaker Turner: "The Gentleman will yield."

Sandack: "Thank you, Sir. Christian, the... the fundamental change..."

Mitchell, C.: "Yeah."

Sandack: "...is exactly, what?"

Mitchell, C.: "So I'm trying to find the Governor's Veto message, but effectively as I recall it, he changed it to talk about collecting data on employee income, was the change that was made. Now what I had wasn't... was data about employers, so that was the fundamental change."

Sandack: "I... I..."

Mitchell, C.: "To me... Go ahead. Sorry, Ron."

Sandack: "I... yeah... here's what I show it being. Employment information going to amount of employment income."

Mitchell, C.: "Correct."

Sandack: "Does that sound..."

Mitchell, C.: "It does... that does sound correct. So, again, and... and that, to me, is a fundamental change. Because then what we're going to get is, we are going to get categories that I would imagine ultimately, Representative, are going to say, poorer people get more benefits, which we would just expect. That's not what we're after here. The question is, what are the groups of employers? What are the tranches of employment where these things are being gathered? So the goal was to collect a wide net of data, we already have it, which is aggregated into a report, sent to the General Assembly. And

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I think that the Governor's Veto alters that purpose fundamentally."

Sandack: "So it... it's your belief, and the reason you filed the Motion is because this was a fundamental change, rather than a technical change."

Mitchell, C.: "That's... that's correct."

Sandack: "Okay."

Mitchell, C.: "That's correct, in terms of the intent of what the Bill was meant to do and my explanation and legislative intent on the floor."

Sandack: "To the Gentleman's Motion. I... I guess we can differ over what is technical versus substantive when a word change goes from employment information to the amount of employment income. This, to me, is technical and this is exactly what Governors do. They make technical changes. I... I respect the Gentleman's definition of what he believes is substantive. I think we may have a simple difference of opinion. I would, again, ask folks to vote 'no' or take no vote on this. Thank you, Mr. Speaker."

Speaker Turner: "Chair recognizes Representative Demmer."

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

Speaker Turner: "Sponsor indicates that he will yield."

Demmer: "Representative, on this Bill, I... I have some information from the Department of Human Services..."

Mitchell, C.: "Yeah."

Demmer: "...talking about how it might be implemented according to... to your version, the original version that passed. One of their concerns is they're in a transition to a new system right now and that currently, that system is not set up to

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collect or track this information. Have you... have you talked to DHS about the logistics of this?"

Mitchell, C.: "Could... I... it got a little noisy in here, Representative. Could you repeat your question?"

Demmer: "Sure."

Mitchell, C.: "Sorry about that."

Demmer: "The... the Department of Human Services is in the midst of transitioning to a new system to track SNAP eligibility. And in... in that system they do not have a mechanism right now to collect employer names and... and produce reports on that. Have you talked to the Department of Human Services about the logistical side of executing your Bill?"

Mitchell, C.: "So... so look, Representative, that data is being collected. So two things: one is, the department's getting a new system that is going to be shortly implemented; two is, that data is going to be collected inevitably. It's being frankly collected already. So, again, we talked to DHS about this Bill. I want to remind all my folks in the Republican side of the aisle that everyone voted for this in committee, including Republicans. And DHS had an objection that... that some of what we said in the original Bill was duplicative. When we amended it to what was passed, there were no objections. So this is all very sudden to me, and it's my belief that they get this data already."

Demmer: "So, what I've heard from DHS is that they would have to submit a... a request to the programmer to build a module that would allow for reports to come out with employer data, with employer names. And that's... that would have some fiscal impact. Do you have an idea of what this might cost?"

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Mitchell, C.: "So, Representative, I mean that's... first of all this is the first time that I'm hearing of this. It wasn't, at least, on the fact sheet that I received from them, but I... maybe I misread it. What I would say is they're going to have the data already. How they do the reporting mechanism is, I think, entirely up to them. So, I can't really... I can't conjecture or speak to that 'cause, again, it's the first time that I've heard of this."

Demmer: "Thank you. To the Motion. I... I think Representative Sandack brought up a couple of good points about this being a technical clarification regarding what type of... of information is collected. Employment income information, that gives us some further clarity probably works within the confines of the existing system and avoids having to go through a new process of designing a new reporter, a new system to do this, which would come at an... at an unknown cost. So I... I support the... the original Bill as it passed. I'm sorry, I support the... You caught me here. You know what I'm saying."

Speaker Turner: "Representative Mitchell to close."

Mitchell, C.: "So I... I want to... so, thank you for your questions and for the debate. I do want to clarify the fundamental difference here, and I want to say two things. First of all, remember, everyone voted for this Bill in committee. It passed unanimously out of both Houses. The other thing I'd say is the difference between employment income which is a category of income; and employer information which includes who the employer is, size of employer, that sort of thing is a very fundamentally different thing. And what we're trying to

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figure out here, is with the fact that we've had a drop in unemployment, but a rise in folks receiving benefits. What is it that is leading underemployment? What are the categories that are leading on this? And... and I don't know what the original intent here was. It sounds like it might have been a technical change, but the effect of this is to effectively hide figuring out what employers, what sectors are leading us in underemployment, which is the data that we fundamentally need to make sure that working families in the state are protected. So I would... I would note that this is indeed a substantive change. It should be overridden. And I would ask for everyone's 'aye' vote."

Speaker Turner: "Representative Mitchell moves that House Bill 3324 do pass, notwithstanding the specific recommendations for change of the Governor. All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On a count of 70 voting 'yes', 41 voting 'no', 0 voting 'present', the Motion fails. On the Total Vetoes we have House Bill 3507, Representative Gabel."

Gabel: "Thank you very much, Mr. Speaker. I move to override the Governor's Veto on House Bill 3507. This is a... a Bill that protects youth, the children 18 to 21 years old, in the DCFS program. These are youth who have been highly traumatized. Many of them haven't even come into the program until they're 17. And this Bill would allow them to stay in the program until they're 21. The Governor's override said that there... that he had suggested some other ideas to us and that we

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didn't accept them. I was never approached on... on other ideas for this program that were anywhere... that were acceptable. The other thing that this Bill does is that it also allows judges to make decisions about these youth's care. They already have... judges already have... can hear cases on delinquent minors in DCFS care. They also can hear cases on abused and neglected minors in DCFS temporary custody. And this Bill will also allow courts to have decisions about abused and neglected minors in DCFS's Guardianship Program. So to protect these children, these are our children, they are now in our care and our custody; we should give them the best opportunity they can, so they can be productive members of society. I think many of us know that at 18, they're not ready to go out by themselves. This Bill does not prevent them from going... from filing a petition. And they can become emancipated at that age. But it also allows them to continue to get the services that they need so that can be productive, and hopefully not in our DJJ system. I would appreciate an 'aye' vote."

Speaker Turner: "Members, can we please take the conversations to the rear of the chamber, so that those listening can hear the debate. Chair recognizes Representative Sandack."

Sandack: "Thank you, Speaker. To the Motion. The propriety of the Lady's Bill was partially debated in this chamber. And it was asked of the Sponsor on three occasions to postpone the vote, and to put it in a different context for a variety of reasons, not the least of which is, or was, the fact that it really was a budget Bill. And it still, to this day, remains a budget Bill. No one will argue that it's an important Bill, rather

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where it should be argued. I asserted earlier that process matters. Process matters, indeed. And this was bad process. This was an example of the Sponsor, basically, jamming the Majority's vote down the Minority's throat, despite pleas for congeniality, for... despite pleas for cong... for... for collegial, an... actually if you guys remember, the Minority Leader took to the floor to say, give us a day to look at the propriety of it. And now we're here. And we're here amongst a larger budget problem, to be sure. And this Bill belongs in the context of the larger budget debate, such that it is. We, on this side of the aisle, wish it would occur sooner. So I'm going to remind my colleagues, on this side of the aisle, frankly, what happened when we had that discussion. We were cast aside on a pure partisan Roll Call. And so we're here now. This Bill deserves, like many other Bills, to be put in the proper context, which is the budget. I'm going to ask my colleagues to vote 'no' or to... to vote 'present'. This should not be overridden. This is part of the budget, Ladies and Gentlemen. That's a fact. Thank you, Mr. Speaker."

Speaker Turner: "Speaker recognizes Representative Kay."

Kay: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Turner: "The Sponsor indicates that she will yield."

Kay: "Thank you. Representative, I have some notes that go way back, and I'm not going to reiterate what Representative Sandack said. But is it correct to say, and I think this went through committee and I asked this question, not sure I got an answer, but I want to get some clarification on the floor. It's my understanding that the services that you're talking

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about rendering in this Bill are already being provided. Is that correct?"

Gabel: "Yes. Some of these services are already provided, but they are... but it... this Bill would require the department to continue to serve children between 18 and 21."

Kay: "Well, so what you're doing though, you're... now you're codifying what the department has already done into law so that it can never ever again be changed?"

Gabel: "The reason that this Bill came forward is that... that the Governor's budget did not include these services to 18- and 21-year-olds."

Kay: "Well, that..."

Gabel: "We felt that was a travesty that these children deserve to get the care that all of our children have and that that is why... it's also codifying a court order."

Kay: "Yeah. Well, let me... let me talk about the 18-year-olds because it's my understanding at 18 cases are closed and then they're reopened again. Is that correct?"

Gabel: "They can be reopened; they aren't necessarily reopened. And there are a lot of children that we are afraid that fall through the cracks at that time. I mean, if you're 18 you're still in high school, suddenly your case is closed. You don't have a place to live. There... the department is not required to give you any services at all until that case can be reopened, possibly, possibly not."

Kay: "Well, but certainly, Robyn, you're not saying that we don't do redeterminations are you? Because that's a part of the process, isn't it?"

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Gabel: "We... I am saying that this program should be accept... the... the children should be on this program until they're 21, and they should not have to go through being taken off and being put back on. Their lives are inconsistent enough and this should not be something that they fear at that time."

Kay: "Okay. Notwithstanding the budget concerns that Representative Sandack mentioned, I'd like to talk just a minute about the judicial system and where the judges come into play here. What's your intention with respect to this Motion today? What's your respect to a case that goes before a judge and the judge says, I'm not going to do anything with it? What happens then?"

Gabel: "Then it would be DCFS's responsibility to continue to do the services that they are doing. These are just for cases that for children who are languishing in homes and have not been placed. Normally these cases are the judge says you have to place these kids and provide the services that they need. And I would..."

Kay: "So..."

Gabel: "...like to speak to issue about the budget, because in the past years there has not been match for this program, federal match. And the new DCFS director has proposed that he will be applying for match for these... for many of these children. And he thinks that there will be 70 to 90 percent of these kids that will receive match. And if that's true, then... then the cost of the program will go down and will actually save money. I'm concerned about that 10 to 30 percent of the kids who may be highly traumatized, who just need a little bit more care for a few more years..."

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Kay: "True. And I..."

Gabel: "...before they're sent out there."

Kay: "...I... I understand that. I guess I'm... I'm trying to take a deep dive here. And I'm trying to figure out if the judge says you're going to move someone from Collinsville, Illinois, to Chicago, is that what your intent is? To move them to Chicago?"

Gabel: "I... I have faith that the... that the courts and the judges who are used to dealing with these cases will make decisions that are in the best interest of the children."

Kay: "Well, supposing the judge says you're going to move from Chicago to Collinsville and there's no contract..."

Gabel: "Well, I... I..."

Kay: "...with a..."

Gabel: "...we can go through a lot of what ifs, but I can't answer all the what ifs that we may come up with, with the courts. I mean, if there is an example of that, we can... we can look at that, but I think in general that these courts already make these decisions about children who are delinquent minors, children who are in temporary custody. And the advocates who work on this issue think that it would be in the best interest of the child to allow the courts to be able to step in when they feel that the... that the children are not given the services that they deserve."

Kay: "Well, again, I think the detail here is important, and that's why I'm kind of digging into it. And so far, other than we know that there's a cost number assigned to this and we know that you're taking and codifying things that are already happening into the law, is there anything else that

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I need to know before I recommend to everybody on our side of the aisle that we vote 'no'?"

Gabel: "I would just say that this Bill truly protects these children, who are the most needy of all the kids, in the DCF system. And I think it will also save us money. If these kids have more of a time for transition, they are less likely to... to enter our DJJ system."

Kay: "Well, fair enough. Now, you talk about money. How much will that save us?"

Gabel: "I don't have numbers on how much..."

Kay: "Okay. Thank... thank you, Representative."

Gabel: "...it costs... to have a kid in DJJ every year."

Kay: "I think as hazy enough as it has been in the past that we should be voting 'no', at least on this side of the aisle. And I think maybe consistent with your fiscal concerns about where we're headed down the road here, maybe you need to take a second look at this. But I would recommend a 'no' vote. Thank you, Representative. Thank you, Mr. Speaker."

Speaker Turner: "Chair recognizes Representative Flowers."

Flowers: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Turner: "The Lady will yield."

Flowers: "Representative, who's responsible for these children?"

Gabel: "The state, both the courts, and the... the DC... DCFS program."

Flowers: "So we have an obligation to take care of them, because we either took them away from their parents and they are now in our care?"

Gabel: "Correct. These are the children that are under our guardianship."

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Flowers: "Is this a new program or is this something already in existence?"

Gabel: "This is a program that's already been in existence. This would just be making sure that it continues, in a... in an even more positive way, with less doubt and less inconsistency."

Flowers: "Is... is... So, I had the opportunity to speak with the director also. And there is a possibility... because the other side is concerned about the budget... but there is a possibility that we... we have been leaving money on the table because we have not been going after the IV-E dollars. I am correct?"

Gabel: "That's true."

Flowers: "Mmm mmm. So, once again, these kids are our responsibility. We're the parents. We have not been doing our due diligence because we have left money in Washington, D.C. IV-E money does come with these children that can help with the budget. And we can either see them through education and/or incarceration."

Gabel: "True."

Flowers: "It is in our best interest to make sure that as parents we are good stewards by our children."

Gabel: "Thank you."

Flowers: "To the... Mr. Speaker, Ladies and Gentlemen of the House, I would encourage everyone to please understand what this Bill is all about. This Bill is about our children. This Bill is about the children that we have in our care. There is IV-E money that we should have been getting a long time ago to take care of these children. And this director stated that he would go after that money to assist. If we don't take care of these kids, if we don't give them the job training and the

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education that they are supposed to get, it's going to cost us in another budgetary line item and it will be in the form of incarceration. So this is a good Bill. It's a form of intervention and prevention. And I would truly, for the sake of all the children, for the sake of the budget, I would encourage and please beg of you to please vote 'aye'. Thank you."

Speaker Turner: "Leader Bellock."

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

Speaker Turner: "Sponsor indicates that she will yield."

Bellock: "Thank you. So we all think that, you know, we want to do something for the children 18 to 21. We all spoke with Director Sheldon for quite a long time period after that. So... and I respect what Representative Flowers just said. Director Sheldon wanted to work and is working with the Federal Government and the Cook County Guardian on this issue. So... but I think Director Sheldon is asking not to support this Bill. Is that correct?"

Gabel: "He has said that he will be working to... with the Federal Government to get more money for this program. He... he did not ask me directly, do not... I don't support this Bill. My concern is that even if we have match, even if 70 percent or 90 percent of the kids qualify for the match and they will continue on the program. That still leaves between 10 to 30 percent of these children without services."

Bellock: "Well, I have a memo here from the Governor's Office regarding Director Sheldon, and the DCFS agency is opposed to the Bill. And the reason being is that he wants to continue

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to work with the Federal Government and in this is something that Representative Kay mentioned. He wants to... what the Federal Government is telling him, in order to access the money that Representative Flowers was talking about, is that he needs to restructure the program, end it at 18, and then reopen it for them so that he can access that money when they're either in school or full-time employment. And that's why he is saying he is opposed to your legislation now because..."

Gabel: "Yeah."

Bellock: "...he wants to do the reform and the restructure..."

Gabel: "Yeah."

Bellock: "...of the entire program."

Gabel: "That... that is... that is not... So, I... I appreciate..."

Bellock: "Well, that's..."

Gabel: "...the fact that he wants to restructure the program. It is not my understanding that you have to close a case out and reopen it in order to get that match. You can get that match just if the kids are in... are 18 and older and are... and are in either education or work situations. He wants to close the program so he can then get rid of those other 10 to 30 percent of the kids who are not in work or... or education programs. Those are the kids that I'm the most concerned about in this. They're clearly are the ones that need the help the most. This Bill will not in any way deter him from getting federal match. Even if this Bill is passed as... if we do get an override sometime today or tomorrow, this will not prevent him from getting the federal match either way."

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Bellock: "Well, I don't know if we can put words in his mouth that he wants to take that other 30 percent off. I don't think that he would ever want to do that. I think his point was the 70 percent that he could get the extra money on from the Federal Government he would like to do that. I did not hear him say that he wanted to take that other percentage off."

Gabel: "Well, they will... they will not reopen the cases for those other youth."

Bellock: "Well, I'm not positive..."

Gabel: "So if they don't reopen the case, then they... then they don't have a case, and they can't get the services."

Bellock: "I'm not positive about that. I'm just saying this director, we have all agreed has been doing an outstanding job in taking over DCFS and working for the children that we all care about and their lives. And in this memo that I have, they have said they are opposed to this legislation, they are still providing the services for all of these children, and that they want to move forward and work with Cook County Guardian and with the Federal Government. And I respect, and I think all of us respect him and applaud him for the work that he is doing for our children that necessarily need this money. And we all know we were there for their testimony as how deserving these children are. So I'm just saying I'm going to go with what the man, who I think is leading us in the right direction to save these children's lives, and he has asked to support the override. Or his Veto, I'm sorry."

Speaker Turner: "Chair recognizes Representative Feigenholtz."

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

Speaker Turner: "She indicates that she will yield."

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Feigenholtz: "Representative Gabel, if I, under current... the current situation, am an 18-year-old child who's been self-emancipated and... and have... am in... I'm in court and I have shoplifted or done something that may be considered criminal, what... how does the court view me if I am in the system, if I am a ward of the state? Does the... how does a judge look at a child differently if they are a ward of the state over the age of 18 or if they are not a ward of the state? Aren't they more likely to end up in the DJJ system, which is probably more costly both to society as well as to the... say, the State of Illinois? I mean, if we lose 18 to 21, if this Bill... if we can't override this Veto, what happens to a kid between the age 18 and 21?"

Gabel: "Well, they would then go into the Illinois Department of Corrections and be in adult court. If they were in... they would continue to be in as DCFS care, they would be more protected."

Feigenholtz: "Okay. So I think it's important for everybody in... in the room, everybody listening to this debate, to understand that having an opportunity... a judge having an opportunity to address this person, this young 18 to 21-year-old, because they are the ward of the state. Instead of putting them in the corrections system, they end up in the care of the state because, after all, they are children who we are completely responsible for. I think that there are probably a lot of people in this room who have teenagers, and some of you, your 18 or 19-year-olds were adults when they were 13. But these are not those children. These are children who have been exposed to a trauma, maybe witnessed a murder of a parent, the rape of a parent, extreme domestic violence or have been

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a victim of all three themselves and are having some difficulty getting launched. These are... and to one of the previous speakers, I... I agree that the director of DCFS has a great vision. He knows what he's talking about. Director Sheldon worked in this administration and has a great insight and accessibility to keep... to grant money. But we don't have to change what we're doing. We don't have to expose these children to the correction system which, as we all know, will set them on a path for the rest of their lives potentially of no return. Every state in this country is moving toward 18 to 21 inclusion. Why would we in Illinois do the opposite? I rise in strong support of this Bill. This is a great program. We should continue it. There should be no threats or instability to these children any longer. They are our kids, our responsibility. And I encourage an override."

Speaker Turner: "Chair recognizes Representative Wallace."

Wallace: "Thank you. Will the Sponsor yield?"

Speaker Turner: "Sponsor indicates that she will yield."

Wallace: "I just wanted to piggyback on some of the points that have already been made in terms of an individual, perhaps ending up in an adult correctional facility. The mental, physical, and financial capacity for an 18-year-old to provide for themselves. And so my simple question is, over the last several decades, what were some of the reasons that we had care for 18 to 21-year-olds?"

Gabel: "Eighteen to 20-year... year-olds, there's a program that helps them go to college and everybody in this chamber moved that number, I think from 48 to 53 children who are now allowed to... to go to college, and we help them through various

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means to do that. We also help kids in an... another program where they already get accepted to college, and we don't have their tuition waived, but we do help them with other services. This program has also helped... helped kids transition in ways where we give independent living programs, where there are particular transitional living programs, so they have a place to live while they are getting a job and moving forward with their careers."

Wallace: "So it sounds like this also helps to prevent homelessness, not just our prison population. It also decreases the number of people who have mental illnesses who are in the streets without access to services."

Gabel: "Yes, it provides case management, health services."

Wallace: "Okay. To the override... or Motion to override. I understand what the other side is saying in the terms of the cost of such programming. And we have endured that cost for many years. We had the Representative from Cook County speak about the fact that we've left federal dollars on the table. Illinois ret... gets roughly 45 cents for every dollar that it invests into the Federal Government back. So we're not necessarily taking advantage of the things that we need to take advantage of. And if there's a possibility of a federal match, I think we definitely need to pursue that. I also believe, as a psychologist, that we need to think about the fact that many areas of the brain that control adultlike behavior are not even fully developed until an individual is 25 years old. And so we're saying we are going to cut loose 18-year-olds who've experienced trauma, which impacts their neurological development, turn them to the streets with no

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support, and ignore what we know as best policy, what we know as best psychological research, what we understand as ways to reduce, as I stated, homelessness, the number of individuals in our prisons, the number of individuals who are just out in the streets without jobs. And so I encourage every Member, who apparently doesn't seem like they're listening right now, to consider a vote to override this Veto so that we can protect the young adults of the State of Illinois."

Speaker Turner: "Representative Gabel to close."

Gabel: "Thank you very much for many of your comments. I... I just want to reiterate that children have to be in the program in order to receive the federal match. So it makes sense for... to me to keep them in the program, so we can get the federal match on them and... and have this program be financia... financially feasible. These are our children, as has been stated. These are our children. We're responsible for them and we need to take care of them the best that we can. So, please, I urge a... an 'aye' vote on the Motion to override. Thank you."

Speaker Turner: "Representative Gabel moves that the Hou... moves that House Bill 3507 do pass, notwithstanding the Veto of the Governor. All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Members, please record yourselves. The Chair... Mr. Clerk, please take the record. On a count of 66 voting 'yes', 8 voting 'no', 30 voting present, the Motion fails. On page 13, under Amendatory Vetoes, we have House Bill 1, Leader Lang."

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Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I move to override the Amendatory Veto of the Governor. As you know, House Bill 1 is the Heroin Crisis Act. And as you know, many people on this floor labored for over a year to put this Bill together. Thirty-nine of us traveled the state and talked to any stakeholder or anyone with an opinion on this. Let me single out Mr. Anthony, Mr. Cabello, Mr. Yingling, and Leader Durkin as people who have been very helpful in this process along with the task force, the House Committee. As you know, this Bill passed the House 114 to nothing. In the Governor's Amendatory Veto message, he applauded the entire Bill except for one Section. I'm very pleased that the Governor saw the merit in the Bill. The Section he deleted relates to payment for medication, and services, and treatment for those on Medicaid. Let me just say three brief things about this. First, in our zeal to save money we must not forget about human life. Illinois has been ground zero for the heroin crisis in America. We've had more heroin deaths in Illinois than any state in the nation. Second, if you only cover people who have insurance, then you're telling 80 percent of the population who might have drug addictions, you're out, forget it, State Government doesn't care about you. But most importantly, even if we're to be concerned about cost, the Governor's message, while it may have outlined the cost that would be added to a particular line item, failed to net out savings. And so, Ladies and Gentlemen, yes, there would be some cost to providing treatment and medications, but when you do that, these folks are not in emergency rooms. And when you do that, these folks go back to work and pay taxes. And

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when you do that, most of all they're not in the prison system. Between the courthouse and the prison system it costs us \$35 thousand a year for those who end up in that system, who end up being criminals, but only costs us a thousand dollars a month to treat them and much of that is federally matchable. And so the costs involved are really not what the Governor had stated in his message. I applaud the Governor for his efforts to support a Bill like this, but I think his message took out a very, very important provision of the Bill. As I say, just as Illinois has been ground zero for the heroin crisis, we can be ground zero for the resolution of the crisis. This is the most comprehensive Bill ever written in this country to deal with this issue. I applaud those who have helped me. I only ask that you see it to the end and that you help those who need our help. And I ask your support."

Speaker Turner: "Members, can we please take all conversations to the rear. Thank you. Leader Durkin."

Durkin: "Thank you, Mr. Speaker. To the Bill. And Leader Lang, I appreciate the conversations we've had over the past week and hope we can continue on with that path on a number of other issues, over the summer and the fall. You know, the heroin epidemic doesn't... isn't constrained by a... by a zip code. I live in the west suburbs and I know what's happening in the city of Chicago, it's happening in the suburbs of collar counties and it will be downstate Illinois next. And watching another kid left and right dying, overdosing over heroin sickens me. It... it brings tears to many of our eyes, and we have to do everything within our power to stop this and

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reverse this before it gets even more pervasive. But Lou, you're absolutely correct, Illinois is ground zero. We have to do something. So the issue is the... the finances of this. Let me just say this. I am planning to vote for the override. And it is my commitment that I will work with the administration to mitigate the... the finances, the cost that'll be borne upon the state. And we can do that when we balance the budget. But folks, this has been a very well-thought-out Bill a lot of people have put some great time and effort in a very bipartisan manner. So I want to thank you, Representative Lang, and also, Representative Anthony, former Representative Reboletti, who put a lot of time in this. But I believe the time is now, and I'm prepared to vote in support for the override. Thank you very much."

Speaker Turner: "Chair recognizes Representative Willis."

Willis: "Thank you. To the Bill. Since this Bill was passed just a few short months ago, I have attended two funerals of two 25-year-olds that lost their lives to the heroin epidemic. They were both in the State of Illinois. One was in my own hometown of Addison, very middle-class, DuPage community. Another one was farther downstate. A cousin of mine got caught up in this terrible epidemic. There is not enough money that we can spend to save people. There is... it is impossible to put a price tag on it. We need to take the forefront on this. We need to be... show that we know that there's a problem and that we're going to work on, we're going to put every resource available to it to stop this epidemic, so that we no longer have to attend funerals of young people that have taken the wrong path with no place else to turn. I urge everyone in

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this Body to support the override of this. Thank you very much."

Speaker Turner: "The Chair recognizes Representative Sandack."

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

Speaker Turner: "Indicates that he will."

Sandack: "Leader Lang, with respect to the Amendatory Veto process.

We heard some comments earlier, and I'll get to the merits of the Bill as it was originally passed by this House. As you know, I was an affirmative vote. I think it's a good Bill then, I think it's a good Bill now. However, the... the Governor's Amendatory Veto certainly was reasonable with... given the context of where we are financially with this state. What did you do upon hearing or receiving the Governor's message with respect to the Amendatory Veto?"

Lang: "Representative, I filed an Override Motion immediately. I felt that the Governor's Amendatory Veto took out an important part of the Bill. As you know, the Bill's like 250 pages long. He took out like half of one page. And people would say, well, he left most of your Bill intact, and he left most of the pages intact. But if you take 80 percent of the people who are supposed to be covered out of the Bill with... just by taking half a page out, then you obviate the goal of the Bill. And when you do that it becomes, in my opinion, not in compliance with the Constitution. But whether it was or wasn't in compliance, whether the attorney for the House of Representatives did or didn't make the correct call, I think she did, either way I would've filed a Motion to override because we can't leave 80 percent of the people at the curb."

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Sandack: "Well, I... I thank you for the answer. But what I was really asking you was the propriety of the ability to pay for things. Obviously, again, we want to attack this scourge. As I've shared with you, the previous speaker shared a personal experience. I've seen it in my community as well. This is... this is a real, significant problem. No one that takes five minutes to study it would really dispute that. How to pay for it though is... is certainly something people of good will can reasonably disagree with. And so the Governor's Amendatory Veto, with respect to Medicaid, whether it takes out 80 percent, 90 percent or 5 percent, notwithstanding, how to pay for some of these things in light of the fact that we don't have a budget is not, frankly, an unreasonable thing given where we are today without a budget. Do you dispute that?"

Lang: "Representative, my response to that is that the Amendatory Veto was penny wise and pound foolish. We have learned, and many of you have received documents that would indicate that, for every dollar we put into treatment and medication for those who might be on Medicaid, who suffer heroin abuse, we save somewhere between \$7 and \$12 in the Corrections system, in the courtrooms, in emergency rooms. Additionally, we get federal match back for much of this. So during the spring Session, I had been after state agencies to give us some real numbers. And they had difficulty putting those numbers together, but whenever they did, they would forget to net out the savings. And so if you only look at one line item where something might go up and forget to net out the savings from several line items where you actually have savings to the State of Illinois, you're not looking at the full picture. In

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fact, IADA estimates that rather than costing the state some millions of dollars that this Bill, with this provision in it, will actually save the state \$58 million."

Sandack: "And obviously, I... I asked you this offline in a different context. For the documents that showed that, I have yet to see anything other than good anecdotal information coming from people, certainly that have experience, they're... they're not just spitballing, but it would be nice to have the actual numbers because there isn't a Bill here that a good proponent hasn't advanced that says, if you think about it, this really saves money which is, again, nice commentary, but in the absence of actual documentation and sources and details, is just that. It's anecdotal, but... thank you for answering my questions, Leader. To... to the... the Gentleman's Motion. I liked the Bill then; I like the Bill now. I do wish, frankly, that we had some better numbers. Whether that... maybe it's just not possible, and that would be fair game. I never heard anyone say that, and I... and I spoke with the Leader two days ago and asked for anything else that would help support the financial query, that frankly permeates almost everything we do because we don't have a budget. And as well-meaning as this is, we still have to explain ourselves to people and say, oh, we can afford this, we can pay for it. And so I'm going to vote to override because I think, in the balance, it's still the better thing to do. However, we're still not doing what we should be doing, which was actually addressing the budget of the State of Illinois. Each and every day we've been down here, and we've been down here a while, since May 31, we have utterly failed to do what needs to be done, which

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is come together on a balanced budget. But thank you to the Gentleman for bringing the Motion, and thank you, Mr. Speaker."

Speaker Turner: "The Chair recognizes Representative Kay."

Kay: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Turner: "He indicates that he will."

Kay: "Representative, I... I think when this Bill passed the first time, I told you that this was probably one of the best pieces of legislation that I had seen. Notwithstanding the conversation we just had, I stick by that word. I think it's a fine job. I think there was a lot of good effort put into it. And by the way, one of the things I appreciate, notwithstanding some of the comments today, is you did bring some numbers here, which I rarely get. So thank you for that. I appreciate that. This is a good Bill. We need this Bill. We need to get it in law. We need to get it operational, and we need to do it quickly. I'm going to vote for the override. Good Bill, Lou, thank you for your work."

Lang: "Thank you, Sir."

Speaker Turner: "Leader Lang to close."

Lang: "I appreciate all of the comments. If we could do everything in this kind of a bipartisan way and work together, we could accomplish a lot in this chamber. Please vote 'aye'."

Speaker Turner: "Representative Lang moves that House Bill 1 do pass, not... notwithstanding specific recommendations for change of the Governor. All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On a count of 105 voting 'yes',

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5 voting 'no', 0 voting 'present', the Motion, having received a Supermajority, House Bill 1 is hereby declared passed, notwithstanding the specific recommendations for change of the Governor. On page 12, under Total Vetoes, we have House Bill 3746. Representative Mayfield."

Mayfield: "Thank you. This is a consumer protection Bill, and I'm hoping that I... we can continue on that spirit of total cooperation and bipartisanship. The Bill did pass with bipartisanship. There were several individuals across the aisle that did vote on the Bill. It was vetoed by the Governor. And when I received the call from the Governor's office, I asked, what were the specific objections to the Bill? And I was told that the Governor had been advised that used cars were covered under the lemon law and therefore, there was not a need for this particular Bill. Well, used cars are not... and I have to stress that... they are not covered under the lemon law, and that is why we proceeded with this piece of legislation. At the time of the Bill, there were... there was no objections. There was no... no one filed any slips. No one testified in committee against the Bill. There were no opponents to the Bill. I worked with the Attorney General's Office on the Bill, as well as the Illin... Illinois Automobile Association, Automobile Dealers Association, who represent both new and used cars. They actually helped us to draft the language for the Bill. There is a specific need for this. Since 1980, we have several years of data to substantiate that there have been thousands, every single year, complaints that come in, in regard to used cars that have been purchased. There is a reasonable expectation, even when you buy a car

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as-is, that you will be able to drive that car home. We've had several instances, and I can give you examples, where individuals have bought a car and it caught on fire on the way home. They've bought a car. They've driven it for two weeks... two blocks and actually had to have it towed back to the dealer. These cars that are being sold are not always road ready. And the individuals... they need to be... because they're taking advantage of our youth, our students. The majority of the people that are buying these cars are young. Youngsters that are in college, they're single parents, they're low-income and moderate-income families, and they're throughout the state. It's not just one district; this is happening throughout the state. And I would ask for an 'aye' vote."

Speaker Turner: "Chair recognizes Representative Sandack."

Sandack: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Turner: "Indicates that she will."

Sandack: "Representative, I wasn't sure I heard you. Is it your contention that no lemon laws whatsoever provide for the sale of used vehicles?"

Mayfield: "Under the... the Veto that the Governor used, he addressed the 1968 Consumer Fraud and Deceptive Business Practice Act as the reason for objecting to this. And under that Act, it does not cover the used cars."

Sandack: "Well, that wasn't exactly what I asked. But I'm asking you, notwithstanding the Governor's Veto, is it your representation that there are no..."

Mayfield: "Lemon laws are covered for new vehicles only."

Sandack: "Can... can you let me finish the question?"

Mayfield: "I'm sorry. Go ahead..."

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Sandack: "You'll get a clearer record and you can say no and I'm...
I'm..."

Mayfield: "Okay."

Sandack: "...crazy after I ask the question."

Mayfield: "Okay."

Sandack: "Is it your contention that there are no laws, consumer
protection laws or otherwise, that protect purchasers of used
vehicles?"

Mayfield: "There are no laws that... there are no laws... I'm sorry.
There are no... There is nothing under the lemon law that
protects used cars. New... new cars only. New cars only."

Sandack: "For lemon laws, as you see it?"

Mayfield: "Right."

Sandack: "All right. You know what Magnuson-Moss is?"

Mayfield: "No."

Sandack: "Do you know what a service contract is?"

Mayfield: "Yes."

Sandack: "And is there a difference between a warranty and a
service contract?"

Mayfield: "Yes."

Sandack: "Do you believe people can contract for no... and... and
specifically waive the right of any warranties with respect
to any piece of consumer saleable good?"

Mayfield: "Right. But there is a general ex... expectation that
when you do that that the car will at least make it two
blocks. That that car will not catch on fire as soon as you
drive it out of the lot."

Sandack: "Amen. But..."

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Mayfield: "There is a reasonable expectation for that, and we are addressing a specific need. We're talking over 40 thousand complaints..."

Sandack: "Representative..."

Mayfield: "...since 1980."

Sandack: "...if your Bill had said instead..."

Mayfield: "That many people can't be wrong."

Sandack: "I don't know that they're wrong or right or whatever. Each instance, I suspect, has its own unique characteristics. If your legislation had said buyers are prohibited from taking cars and taking them to a mechanic of their choice, would that... do you think that would be a good law?"

Mayfield: "There are some dealers that won't even allow you to drive the car off the lot. Some of them won't even allow you to test drive the car. You have to buy that car. They're allow... you can get in the car, you can start it up, but that is it. You... you don't even know if that car is road ready."

Sandack: "So their free choice and free will has been... has been removed and zapped from them."

Mayfield: "Right."

Sandack: "So that they must make a purchase?"

Mayfield: "Right."

Sandack: "Notwithstanding a warran... a lack of warranty or their ability to walk away?"

Mayfield: "Representative, can I point out that you did vote 'yes' on the underlying Bill?"

Sandack: "I... I know how I voted, no question about it. And I was going to ask..."

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Mayfield: "And I would hope that you would vote 'yes' again. This is really a good Bill. I wouldn't ask you to vote for it. I wouldn't even be here asking you to override the Governor, if it did not address a very, very specific need in the community. This is something that really needs to happen. And when I spoke to the individual from the Governor's Office, he was not even aware that used cars were not covered under the lemon law. He was very adamant that they were, and they're not."

Sandack: "Well, I think..."

Mayfield: "So and I don't believe that..."

Sandack: "...depends on what you say the lemon law is. If you're saying it's the Consumer Fraud and Deceptive Trade Practices Act..."

Mayfield: "Yes. Yes."

Sandack: "...I agree with you. If there's a body of case law and implied warranties for basic use, I would disagree with you."

Mayfield: "No. I'm specif... speaking specifically to the 1968 Consumer Fraud..."

Sandack: "Yes, ma'am."

Mayfield: "...and Deceptive Business Practice."

Sandack: "No, I heard you. That's why I asked the questions."

Mayfield: "Yeah."

Sandack: "And there may be a verbiage disconnect here. Lemon laws may only apply, if you're saying the Consumer Fraud and Deceptive Trade Practices Act only applies to new act... to new cars, I would agree, but there are other laws. Illinois's got a bevy of other consumer protection laws. We are not without the benefit of case law and some long held beliefs with

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respect to habitability and the basic use of certain consumer goods, including cars."

Mayfield: "Right. I just want to provide a reasonable..."

Sandack: "Specific law to used cars."

Mayfield: "Well, just an avenue so that an individual who takes their hard earned money, you know. And I can use... give you a specific case from my district where I had a 19-year-old college student, saved his money, went and bought a car for \$3 thousand. It didn't even make it two blocks. He had to tow it back to the dealership at his own expense. The dealer said, well, I'm sorry. I know you just left here, but you did buy this car as-is. But if you give me a thousand dollars, I'll give you another car."

Sandack: "Those are horrible, horrible trade practices."

Mayfield: "He called his mother, got the thousand. The second car didn't even make it home. They should not..."

Sandack: "Rep... Representative Mayfield..."

Mayfield: "...and that person had no remedy."

Sandack: "...that's... that's horrible."

Mayfield: "He had no..."

Sandack: "Of course they had a remedy."

Mayfield: "No, he had no remedy."

Sandack: "They had a breach of contract remedy. Oh, no, no, no. They... they totally have a breach of contract remedy. To... to the Lady's Motion. I... I know she's well intended and I... I thought it was a good Bill too. The fact of the matter is, the idea that we don't have basic consumer protections or basic common law rights when someone has been essentially cheated, whether it's out of a car or a toaster, we know that

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we have rights, and those rights exist under existing law right now. So I would say that there is no compelling reason to override the... the Governor's Veto, particularly given the fact that he's trying to have less laws. Not more laws, less laws. There are laws that right now, I... I assure you, you can sue for someone that sold you something that doesn't work at all. The... the fact that there isn't a warranty, a specific warranty, or that you waived that warranty, just means you should not waive it, and/or get yourself either help through the mechanic or bring someone knowledgeable with cars. But I think this is an overburdensome law. And I think we should support the Governor's Veto. So I would suggest a 'no' vote. Thank you, Mr. Speaker."

Speaker Turner: "Shhh. Thank you, Members. Representative Williams."

Williams: "Thank you, Mr. Speaker. To the Bill. I supported this Bill the first time, and I will be supporting it again. Just to clarify a few of the issues that were brought up on the other side of the aisle. This... perhaps some of the confusion. This Bill applies to cars sold as-is. There's a big difference between the regular used car and an as-is car. And when we're talking about a... establishing a warranty on these cars, we're talking, not just a limited warranty, but a very, very, very limited warranty. Because let's face it, not everybody can afford to buy a new car. Not everyone can afford to get a lawyer to take to court when they have a situation that their car catches on fire or falls apart within minutes of its purchase. Not everyone can afford a high-quality used car. But what this Bill does is protect those who cannot afford a

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vehicle from buying a car that is basically inoperable. We're not talking, again, about a warranty, a lot of cosmetic issues. We're talking about a car that really is doctored up so you can get it off the lot and then forget about it. The warranty is so limited, let me read it to you: 15 days or 500 miles. It's not unreasonable. This is borderline fraud if you're providing a car, saying it's a functioning vehicle, and it's really, basically, for all intents and purposes, inoperable. I will also note that this rates between number one and number five in terms of consumer complaints to the A.G. So please continue, those of you who voted 'yes' the first time, please continue to stand up for consumers and vote 'yes'."

Speaker Turner: "Representative Mayfield to close."

Mayfield: "I just want to thank everybody for their consideration. I would ask that if you voted 'yes' the first time that you would vote again. And please understand that as-is cars are not covered under the current law. And I do believe, that had the Governor been given the correct information, that he would not have vetoed this Bill, or at least there would have been more conversation. I really don't think he would have had an issue with it. So I'm asking for an 'aye' vote."

Speaker Turner: "Representative Mayfield moves that House Bill 3746 do path... pass, notwithstanding the Veto of the Governor. All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On a count of 65 voting 'yes', 35 voting 'no', 4 voting 'present', the Motion fails. Leader Lang in the Chair."

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Speaker Lang: "House Bill 3757, Mr. Andrade."

Andrade: "Sorry."

Speaker Lang: "Please proceed, Sir."

Andrade: "Thank you, Speaker. I move to override the Total Veto.

Yeah. House Bill 3757, there are roughly 15 to 30 participating employers every year who have employees who work over the allotted return-to-work provision. This effects roughly 50 to 70 employees every year. This is not a significant, widespread problem. As there is over 3100 employers and 176 thousand active employees with 97 thousand pensioners, the overwhelming majority of employers correctly administer the return-to-work provisions. However, in some instances, these outlying employers have failed to inform IMRF that an employee has worked over the allotted hours. Yet, under current law, even though the fault may rest with the employer, the employee is required to pay the amount of the pension that he or she received for the time that is worked over the allotted amount. House Bill 3757 simply allows the IMRF board the ability to determine fault in these rare cases between the employee and employer. One thing to note here is that the IMRF board is four members who represent municipalities, three that represent the employees and one who represent annuities. So in order to... the employer to be found in fault, they would have to actually vote against themselves. All this does is bring parity and gives the ability of the IMRF board to do... have due process. This does not add any other new cost. That's why I'm asking to override the Total Veto. This protects the employer and protects the employee."

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Speaker Lang: "Mr. Sandack on the Motion."

Sandack: "Thank you, Mr. Speaker. To the Motion. This is one of those where I think the Governor made a right call. House Bill 3757 essentially makes local government employers responsible for determining whether to suspend an annuitant's IMRF benefits if they return to work. This usually would be a responsibility of the employee, but in this instance, the legislation points directly to the employer as being responsible. The penalty for failing to conduct this determination, and do so correctly, and notify the fund's board of trustees, could make local governments liable for the entire amount of retirement annuity payments that should have been suspended. Think on that for a moment, please. The Governor said in his mo... in his message that he believes that when local governments in Illinois are struggling to make ends meet, we should not be saddling them with additional burdens. He said that overpaying retirement benefits is serious and should be addressed, but if it is... but if it's to be addressed by the funds, the participating local governments ought to work together and fashion a solution that makes sense for them, and not be restricted, and/or have an employer be unduly penalized, which would inure, actually, hurt taxpayers in the local municipalities. And for that reason, I would suggest a 'no' vote is warranted. Thank you, Mr. Speaker."

Speaker Lang: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. So I think that the... the address that was just read by the previous speaker pr... completely misunderstands and misrepresents the purpose of this piece of

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legislation. When I spoke with IMRF about this, they... they told a story that I think illustrates exactly why this legislation is necessary. They had a... a participant who was retired, returned to work, went to his employer. He went to the employer and he said, I am an annuitant. I'm... I'm coming back to work. Is there anything that would disqualify from... me from receiving my annuity? And the answer from the employer, the municipality, was no. There's nothing that would disqualify you from continuing to receive your pension and then continuing to work for... for us. So time went on, and I don't remember the... all the details about how long that Gentleman worked for... for that particular unit of government. But when IMRF finally did an audit, was able to do an audit and figure this out it det... they would determine that this individual owed... I think it was \$300 thousand to IMRF. There was no way... He was in his 80s. There was no way that he could pay that back. And the... and because of the way the statute is written, there was nothing IMRF could do to go... to go after the employer, who made the mistake, who misrepresented the... the situation to the individual. So IMRF had no choice but to either do nothing, which then is... hurts the fund, when they could've gone after the employer who made the mistake, when all that employer had to do was to call IMRF and say, this is the situation. Is this covered by... how is this covered under current law? They had to make one lousy phone call in order to make the determination. So this legislation is not about penalizing employers that... that figure out how to do these things right. But if the employer is at fault, and clearly is at fault, the IMRF board can make that determination. And

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they should be able to do that, and collect what is an overpayment, and should not have been paid in the first place, and... and help with the solvency of the... of the pension system. There's nothing nefarious about this. This is absolutely the right thing to be doing. I applaud the Sponsor for trying to override and I... I think that we... there is just no reason that we should not be going after a party who is responsible for a... for... for either malfeasance or nonfeasance, but somebody's feasance is... the result is... is causing the overpayment, and that party ought to be responsible. I'd urge an 'aye' vote."

Speaker Lang: "Mr. Harris."

Harris, D.: "Thank you, Mr. Speaker. Question of the Sponsor."

Speaker Lang: "Sponsor yields."

Harris, D.: "Representative, I am a cosponsor of the underlying Bill, so I think I understand it fairly well. When you came to me and... and expend... explained the situation regarding employees who go back to work, and the need for them or their employer to notify IMRF that they're now back in the system, seemed fairly logical and fairly straightforward. Tell me what the Governor did. It was a Total Veto, correct?"

Andrade: "Correct. It was a Total Veto. He's just saying that this would bring in an extra burden to the local municipalities. But the local municipalities are actually represented on the board. They would actually have to vote against themselves, and they would have to find it... themselves at fault. There's... they have four votes. They have four votes; there's eight votes total. So it doesn't bring an extra burden. This simply... IMRF does not have the ability to... to

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know... of knowing who is working at... its employers if they are not enrolled in IMRF."

Harris, D.: "Right."

Andrade: "The simp... here in today's technology, there's no reason why an employer cannot track the amount of hours. I mean, it's clearly it... here. What I said in... in committee was that, if the employer even gives a... a letter to the employee and says, listen, here, you also are responsible. And you sign this paper and it says, you keep track of your hours and we'll keep track of your hours. But that they could use and say, listen, we notified the employee."

Hams, D.: "Right."

Andrade: "So, I... it's... the thing here is that right now, basically, the employer can do whatever he wants. And even if he's at fault, there is no repercussion whatsoever. Basically you're saying, here, go ahead, do whatever you want, we don't care. There's no way to even bring it to due process."

Harris, D.: "Right. And either... and I understand. And I... and either the employer or the retiree can notify IMRF, correct?"

Andrade: "They're... both of them can... can notify it, but it... it's... they're at... right now only one person is held responsible. Only the employee is held responsible."

Harris, D.: "Right. But either... either party could... could notify IMRF that the person is working. I... I seem to recall that community colleges have gotten into a situation where retired instructors are limited to the amount of hours that they can work, and if they exceed those hours, then those community colleges have an additional burden. A penalty that's assessed to them, and they have to pay that penalty. My point being

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that, it's the responsibility of that community college to keep track of an individual's hours, and to... to notify the appropriate system that the..."

Andrade: "Correct. And now this person has become..."

Harris, D.: "...the person... the person is not exceeding..."

Andrade: "...eligible."

Harris, D.: "...the number of hours they're supposed to be working."

Andrade: "Right. Now, you're even..."

Harris, D.: "You know..."

Andrade: "Oh, sorry. Go ahead."

Harris, D.: "...I will tell you, and... and not to prolong the conversation. I understand the Bill when you... when you asked me to cosponsor it. It's a logical Bill. I think in this instance perhaps, the Governor didn't clearly understand exactly what the... what the burden was, but the burden should be on that employer who can track those hours and to notify IMRF. It's not a hard... hard thing to do. You simply say, this person came back to work, and... and make sure that IMRF knows the person is once again working on a part-time basis. The employer can track the hours. I think in this instance, perhaps, an override is warranted. I suggest a 'yes' vote."

Andrade: "Yeah. And one thing to keep in mind, even if the employee goes to the employer and says, listen, I think I'm reaching over 700 hours and has notified the employer, and the employer fails to take any action, he is still not held responsible because of the way the law is written right now. All this does is allows due process. That all it allows. They... I just want to keep people... to keep in mind that the board is made up of eight employees. The municipalities would have to vote

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against themselves, and find at fault in order for them to get charged. That's all. They... they would actually have to vote against themselves 'cause it's four to four. So I... I ask for... I respectfully... have a... for a 'yes'. If there's no other speakers."

Speaker Lang: "Mr. Sullivan."

Sullivan: "Thank you. I would like to request a verification, please."

Speaker Lang: "Gentleman has requested a verification. Mr. Andrade, have you closed? You can if you have... if think you have more to say, Sir."

Andrade: "All I want you to... to keep in mind, that the board is made up and the local municipalities are represented. They would have to vote against themselves in order to find themselves at fault. All this allows is... is it allows due process. That's all I'm asking for is due process. And if... if... if they could... if... why would you allow anyone the ability to actually give themselves the right to... to break the law and not have any... any repercussions? I mean, it's just... you imagine if everything was like that? If every criminal, I mean, and everyone, they could do whatever they want, and according to the law, there's just... there's no way that... that they can actually be held responsible? I mean, I'm asking you to make the... actually have the employer have the ability to have due process. I mean, there's a couple questions that could be brought up. You know, if... does it says... why doesn't IMRF mon... monitor this information? Well, IMRF has no way of knowing who is working at its employers if they are not enrolled in IMRF. There are currently nearly 3 thousand IMRF

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employers, about 173 thousand members, and over 108 thousand retirees. While the fund can track those employers individually, the fund cannot know who... excuse me... who else is working there. If there is an internal audit program that finds these individuals during audits but is impossible to monitor all employers on a daily basis... basis. You know, another question could come up. Could IMRF get more money than they would have otherwise? No. This Bill does not change the total amount IMRF receives. The total amount collected by IMRF could not exceed the amount, the annuity paid to the retiree during the period he or she should have been enrolled in IMRF. The annuity would remain exclusively responsible for any member contributions that should have been paid for the period they were working in a qualifying position. I have a lot more to read, a lot more. I got like three more pages. So how will employers know what is going to be charged? Can't that be put in the statute? By necessity, by necessity, how the charge will be divided between the employer and employee will be determined on a case-by-case basis. Depending on the evidence, if the employer had done everything possible to determine if the employee was an IMRF retiree, and the employee had given false information then the liability would be on the employee. If, however, the evidence shows that the employer did not do its due diligence in monitoring the employees hours, then more of the liability would be on the employer. Because IMRF has nearly 110 thousand retirees and 3 thousand employers, there's any number of different scenarios making it impossible to predict and account for them in statute. I just want to make sure people are well-

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informed before they vote, just in case it becomes the thing. So doesn't the retiree employer know what is going on? Are we still on verification? So what is going on? Why shouldn't this continue to be the employee's inclusive responsibility? The employee is certainly part of the solution, but the employer has the ultimate responsibility. You know, I... I just want to make sure if someone's not here they... they... I'm... I'm giving them a chance to actually hear what I'm saying. Maybe they'll listen on the computer. So I'm... I'm just going to go on for a little bit. Has the ultimate responsibility to hire employees and oversee their schedule. Just in case they're on the computer, or they can come and... come over and... and have a chance to... to express their... their thoughts. But under the IMRF statute, it is the responsibility of the employer to certify to the fund whether an employee is authorized to participate in the fund. In addition... in addition, the authorized agent manual, who is the guide for an employer's interact with IMRF, states that the employees must determine if a new hire is a person receiving an IMRF person... pension from any previous employment. So I have a few more questions that might come up. Yeah. Are we still on verification? Okay. No. No, the Bill does... so why would IMRF be able to charge the employer without any hearing or other recourse? No IMRF is subject to the Administrative Procedure Act. The Act requires IMRF to give notice of the adverse action and give all parties the opportunity to appear for a hearing before the board. So I just... I just want to make sure that everyone is informed in case there's a verification. Repeat it? Repeat it again? Should I say it in Spanish? Por si acaso evitara

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employee. Know what is going on? Well, maybe not. Let me... I could ask a couple more questions. Is there something new for the employer to have to monitor? No. The Bill makes no changes to the return-to-work statutes and rules. Employers who are following the return-to-work requirements will not have any additional duties, penalties, or responsibilities under this proposal. Under the IMRF statute, it is the responsibility of the employer to certify, to find whether an employee is authorized to participate in the fund in addition to the Authorized Agent Manual, which is the guide for how employers interact with IMRF, states that employers must determine if a new hire is a person receiving IMRF pension from any previous employment. So if anyone is listening on the computer, I just got one more question and hopefully we could have everyone hear it. Is there any way an employer can track this information? Yes. If the employee is paid hourly, the employer would know exactly when the employee reaches the hourly standard. In addition, IMRF provides employers recommended checklists for... for each in determining if an employee should be enrolled in IMRF in the first question. So, I hope... I hope everyone has been well-informed. And I asked for... to allow people to have the due process, and if an employer isn't conscious of themselves to actually give the ability to himself. I respectfully request a Total override of the Veto. I thank you for your patience and indulgence. May God bless you. Thank you very much."

Speaker Lang: "And God bless you, too, Sir. The Gentleman has moved to override the Governor's Total Veto of House Bill 3757. There's a request for a verification by Mr. Sullivan.

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So, Members will be in their chairs, staff will retire to the rear of the chamber. Those in favor of the Gentleman's Motion will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 70 voting 'yes', 30 voting 'no', 4 voting 'present'. And the Motion fails. On the Amendatory Veto Calendar there appears House Bill 3194, Mr. Ford."

Ford: "Thank you, Mr. Speaker and Members of the House. I move to override the Governor's Amendatory Veto for House Bill 3194. And I will do a better job presenting this time. Representative Davis is here and this is her Bill, and I'm going to do my best to override this Veto. So what it does it simply makes sure that everyone in the weatherization program has the opportunity to work based on the federal weatherization program that's enacted by the Federal Law. So I move for an adoption of the Federal Weatherization Act."

Speaker Lang: "Mr. Sandack."

Sandack: "Thank you, Mr. Speaker. Will the Gentleman yield for a few questions?"

Speaker Lang: "Gentleman, of course, yields."

Sandack: "Thank you. Representative Ford, what is the Association for Community Action Agency's position on the Amendatory Veto?"

Ford: "I'm not sure."

Sandack: "No one from that organization has communicated with you that they supported the Amendatory Veto?"

Ford: "I'm not sure."

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Sandack: "What about the AFL-CIO? Have they indicated a preference with respect to your legislation?"

Ford: "I haven't really talked to anyone about this..."

Sandack: "How about the Chicago Jobs Council?"

Ford: "They are supporting."

Sandack: "Supporting what? They're supporting the Bill as amended or the request of override?"

Ford: "They're supporting the Motion."

Sandack: "Oh, all right. Have you had a conversation with them recently with respect?"

Ford: "No."

Sandack: "Okay. Would it surprise you to indi... to learn that they aren't happy with the override attempt and actually support the AV?"

Ford: "Nothing surprises me."

Sandack: "Fair enough. I... I respect the candid responses of the Gentleman. The... the organizations I listed are supportive of the Amendatory Veto and are not supportive of the override attempt by the Sponsor. With that in mind, I would suggest everyone vote 'no' and let the AV stand. Thank you, Mr. Speaker."

Speaker Lang: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Bill... I mean, of the House. I rise in support of the Gentleman's Bill. On yesterday, the director, someone from the Department of Commerce called and asked me not to support the Veto. And I asked him the reason why, and he talked about the wages. And I asked the question, are there criteria for people that works for the wea... weatherization? He said no.

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And he talked about how some of these people make upwards of \$50 an hour or more. None of that is quite... none of that is true. As far as the prevailing wage, most of these workers that work for the weatherization program work for less than \$12 an hour. When the U.S. Department of Labor con... did their survey of the weatherization wage rate in Illinois in 2009 and 2010, it found that the prevailing wage for weatherization workers was a fraction of the wage rate applicable to carpenters. And in the weatherization program, it states that a carpenter cannot deal with the doors, the windows, and carpenters are excluded from door and window replacement and work listed as performed by weatherization workers. So there is a category for weatherization workers, number one. Number two, there is an exclusion that says what a carpenter cannot do. Now, carpenters and other professional union people are licensed, and there's a certain amount of monies that they are entitled to make. What this Bill... what this Veto would do is to have people that's working in the weatherization program making less than anyone else in the state. To me, this is one of those right-to-work areas for less pay. That's not what it is that we should be doing here. I would appreciate an 'aye' vote on Representative's override for the Governor's Veto because the misinformation that is given is not the right information. And the... again, the U.S. Department of Labor conducted a survey of the weatherization wage rate in Illinois in 2009 and 2010 and it found that the prevailing wage for weatherization workers was a fraction of the wage rate applicable to carpenters and others. I would urge the support of the Gentleman's override."

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Speaker Lang: "Mr. Ford to close."

Ford: "Thank you, Mr. Speaker and Members of the House. So the Amendatory Veto that I'm putting forth to override the Governor's Veto is just a Motion to make sure that we protect the wages of workers in the State of Illinois. And it sets the standard by which workers have to be paid. Under the Governor's Veto, he simply wants no protection for workers and they would be subject to any wages in Illinois that the employers want to pay. Of course, that could be minimum wage for skilled work. So I ask for a 'yes' vote for the Motion to override the Governor's Veto."

Speaker Lang: "Those in favor of the Gentleman's Motion will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 68 voting 'yes', 42 voting 'no'. And the Motion fails. Page 13 of the Calendar, Amendatory Veto Motions, House Bill 4113, Mr. Costello. Out of the record. Mr. Sandack is recognized."

Sandack: "Thank you, Mr. Speaker. An inquiry of the Chair."

Speaker Lang: "You may state your inquiry, Sir."

Sandack: "And I'd love a response if you... you would be so kind as to fashion one for me. In anticipation of some forward activity, I'm... I'm hoping, perhaps we can have some kind of schedule, so we can plan our lives as best we can? Maybe ask the folks behind the wall there if they would indulge the Members of both sides of the... of this divide so that we..."

Speaker Lang: "The folks behind the wall are your people, Sir. I don't think they know."

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Sandack: "Ask them too. If you wouldn't be so kind as to ask the Speaker and the Speaker's staff, that would be wonderful."

Speaker Lang: "We'll see what we can do about getting you an answer. I would also like to have that answer, Sir."

Sandack: "Thank you."

Speaker Lang: "Thank you."

Sandack: "See, we're working in bipartisan fashion."

Speaker Lang: "Page 14 of the Calendar, Senate Bill 650, Mr. Hoffman on a Motion to override an Amendatory Veto. Out of the record. Senate Bill 1344, Mr. Beiser. Please proceed, Sir."

Beiser: "Thank you, Mr. Speaker. I'd make a Motion that the House concur with the Senate, and that Senate Bill 1344 do pass, notwithstanding the Veto of the Governor. This is the Common Interest Community Act, which passed unanimously with 1 'present' vote back in Session. And I'd be happy any questions regarding that."

Speaker Lang: "Mr. Sandack."

Sandack: "Thank you. Will the Gentleman yield?"

Speaker Lang: "Sponsor yields."

Sandack: "Representative, did you look and see the Governor's message on this as to why he vetoed this Bill?"

Beiser: "Yes, I did, and we did have some discussions to try to come to some common ground. Unfortunately, we couldn't. They were very well... good... good discussions, but we just couldn't, Ron. And I'd want to move forward just 'cause it's a constituent request."

Sandack: "And... and I appreciate that. And I'm glad there were good discussions, and I'm glad you referenced that because I...

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as I understand the crux of the Veto is this ge... general concern that Illinois has too many units of local government, and that there may be a better way, or another way, to try and get accomplished, which your legislation seeks to accomplish. Any chance I can get you to pull this? And then we can work on some kind of agreed Bill or try and find some common path to get something accomplished in a different vein?"

Beiser: "Well, I... I would generally say yes. I'd always be willing to discuss it. But I think the dis... the discussions are centering around whether they could incorporate into an existing community, or be annexed, I should say. But that's... for this Common Interest Community that simply is not possible because of where they're located. I... I would suggest, too, where there's some respectful disagreement with the administration, that it has the ability to create more units of local government or make it easier. If this was taken away, the... the requirement that it go before the Circuit Court, then I would agree with that. But this simply lowers that threshold to get it before the Circuit Court. And then it... then after that, if that's successful... if that hearing's successful, then it goes to the general public for their referendum."

Sandack: "Thank you, Dan. I... I appreciate the general... the... the Gentleman's comments and his always collegial mannerisms and the way he works with others. But with respect to this Bill, the Governor's Veto simply says he believes we should not make it easier to form new municipalities. And given that we have, by some estimates, nearly 8 thousand units of local

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government and we aren't funding them well and many of them have serious financial challenges, and of course, that holds true for the state, I think a... a 'no' vote is warranted to uphold the Veto. And then I would certainly state my willingness to work with the Gentleman on some other path, perhaps an agreed Bill process. But again, I would suggest a 'no' vote. Thank you, Mr. Speaker."

Speaker Lang: "Mr. Beiser to close."

Beiser: "Yeah. I... I take those comments in good vein. But I would also suggest that while this does lower that threshold, it simply lowers the threshold to make it consistent with other standards of the Municipal Code, as far as this type of activity. So, I'd request an 'aye' vote on this override."

Speaker Lang: "Those in favor of the Gentleman's Motion will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there were 66 voting 'yes', 37 voting 'no', 2 voting 'present'. And the Motion fails. 4113, Mr. Costello."

Costello: "Thank you, Mr. Speaker, Members of the Body. I would ask you all to join me in overriding the Governor's Amendatory Veto of House Bill 4113. The original intent of House Bill 4113 was to allow a college student newspaper, the *Daily Egyptian*, in SIU-Carbondale to procure printing services from their local hometown newspaper, instead of having to get them from either Kentucky or Missouri. And then also, the second part of the Bill allows the two student members of the board, one from SIU-Edwardsville, one from SIU-Carbondale, to be voting members of the board. The Governor's Veto says, when

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it comes to the procurement for the newspapers that it should apply to all schools in the State of Illinois. The reason it specifically applies to Carbondale, is Carbondale is the school that asked for this exclusion. Other universities were contacted and said that they did not need this particular exemption. And then, when it comes to whether both sh... both students on the board should have a vote or not, currently the Governor gives the ability... appoints the ability of one of those students to be a voting member, and then that rotates. These two students from SIU-E, SIU-C, are voted into office by their peers. I believe they should be voting members of the board. Thank you. And I... I ask for your 'aye' vote."

Speaker Lang: "Mr. Sandack."

Sandack: "Thank you. Will the Gentleman yield for a few questions?"

Speaker Lang: "Sponsor yields."

Sandack: "Jerry, thank you for that explanation. I want to take the last part of what you said first. Obviously, students vote for other students, and that's all well and good, but procurement's a pretty important thing, and the expenses associated with universities is pretty darn expensive. I can attest to that, having just sent my daughter to a school here in Illinois. The Governor's Veto, I thought, at least with respect to that portion, wasn't unreasonable because, frankly, students voting on this type of measure may be seen as frankly not representing taxpayers other than the specific student body at... at this respective schools. Have you talked to anyone at the Governor's Office about that portion of the Veto?"

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Costello: "So, I... I have talked to people in the Governor's Office about it. That's their opinion. The board and the President of the university feel that it would be okay to have both members voting. And... and it's a unique situation Ron, because SIU-E is in Edwardsville, SIU-C is in Carbondale. They're both under Southern Illinois University."

Sandack: "Right."

Costello: "So, it... it just having both voting members represent their specific campuses to me, I think, makes sense."

Sandack: "All right. And... and then, the last portion of the Amendatory Veto was including the other state schools, obviously taking the student trustee portion out of the equation, but to make it kind of universal for the state universities. Why do you object to that?"

Costello: "So Ron, to be blunt with you, I mean, if... later on you want to do a... a trailer Bill, I don't have a problem doing that. I mean, this... this is specific to SIU-Carbondale, the intent of this specific Bill. I don't have a problem coming back, doing a trailer Bill making it apply to the other colleges."

Sandack: "Right. As... as usual, I respect the Gentleman, and I... and I absolutely respect his candid responses to... to this issue. To me, this is a good use of the Amendatory Veto. I think it takes a scalpel, not a sledgehammer, to the student trustee component which, I... I think reasonable minds can disagree. And I... I certainly respect Representative Costello saying it represents students, but it doesn't represent taxpayers. And I think that's a distinction that's worth noting when you deliberate your vote. With respect to the

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propriety of the vote... of the Veto that adds to the universities, I think this is an example of, frankly, taking a good concept and spreading it across to the other universities... the state land grant universities. So I think this is one of those where we ought to have the le... Amendatory Veto stand because I think it makes the Bill better. I think it's a good Bill and it's made better. So I would suggest a 'no' vote. Thank you, Mr. Speaker."

Speaker Lang: "Mr. Sullivan."

Sullivan: "Yes, Mr. Speaker. I would request a verification on this Bill, please."

Speaker Lang: "Your request is acknowledged. Representative Hurley, who does not wish to speak. Mr. Costello to close."

Costello: "Ladies and Gentlemen, this Bill to me is about keeping our students and their work in Illinois, in southern Illinois. You know, at the end of the day, Ron, while I understand what you're saying about the student trustees, here's one of the issues that I will tell you. In the about eight months the Governor's been in office, he has the ability to decide which one of those student members has a vote and up until this point, he hasn't even decided which one of those students can vote. I... I think it just makes it a uniform situation where the student from SIU-Edwardsville and the student from SIU-Carbondale, which are about probably 75 to 90 miles apart, would both represent their campuses and... and have a voting right. I won't go into long-winded details or read in Spanish. And I ask for your 'yes' vote."

Speaker Lang: "Those in favor of the Gentleman's Motion will vote 'yes'; opposed 'no'. The voting is open. Members will hold

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their... vote their own switches; there's a verification request. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Mr. Clerk, please take the record. On this question, there are 54 voting 'yes', 49 voting 'no', 2 voting 'present'. And the Motion fails. Mr. Morrison."

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

Speaker Lang: "Go right ahead, Sir, take as long as you like."

Morrison: "All right. Thank you. My... my wife and I, and my other children, were very happy to bring a new... new life into the world a couple of weeks ago. And... and so thank you. So we're... we're very, very thankful as a family with a healthy baby girl. At the hospital, they gave me this... this little card, and it has an ink stamp of my daughter's foot. And as I was pondering that, it was impossible not to think about the issue that's raging in our country right now. I was thinking about a pin that my father used to wear. It's called Precious Feet, and it's the international pro-life symbol. And I'm wearing one of those pins today. It is the exact size and shape of a 10-week-old fetus. And so I was... as I was looking at my daughter's foot, and I was thinking about that pin. I wear this pin today to stand in solidarity with those who are courageously bringing attention to what's happening around the State of Illinois and this... in this country at Planned Parenthood clinics. And I want to stand with those who are bringing attention to this issue. It's a very important issue. It is a... a matter of life and death. And with that, I thank the Body for its attention."

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Speaker Lang: "Thank you and congratulations, Sir, to you and your family. Page 11 on the Calendar, under the Order of Concurrence, there appears House Bill 28... excuse me... 2482, Mr. Harris. Please proceed."

Harris, G.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendment #1 to House Bill 24... to House Bill 2482. And what this Amendment does is it would require the State of Illinois to maintain the Determination of Need score at 37, which is the... which is to protect the interests of fragile senior citizens who receive home care. It also would protect the... those who are disabled and receive personal assistance, and it would also protect 4 thousand seniors and people with disabilities who would become homeless if the DON score were to change. And this... what this Bill would say was until the Universal Assessment Tool, which is being developed by the state, is adopted and approved by the Federal Government, that we maintain our current Determination of Needs system at the current level, so that over 38 thousand frail seniors and people with disabilities do not leave services. And you know, the side benefit of this is it keeps these people in the least restrictive and least costly area of care. Should they not be able to be served at home, they would have to be moved into nursing homes or other institutions, and cost the State of Illinois perhaps 10 times more on the average per month and per year than maintaining them in their own homes. I would be happy to answer any questions and would ask for an 'aye' vote."

Speaker Lang: "Mr. Demmer."

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

Speaker Lang: "Sponsor yields."

Demmer: "Representative, how is the current DON score eligibility set? Is that set in statute or by rule?"

Harris, G.: "It is in rule, I believe. And this would require it to remain in place while the Uniform Assessment Tool, which as we know from our committee hearings, is probably a better tool in the long run to be adopted. And I think it has to be approved by the Federal Government before the State of Illinois could utilize it."

Demmer: "So right now the establishment of using the DON tool is in statute, and the actual score is in rule? The score by... at which eligibility kicks in is... is by rule?"

Harris, G.: "It is by... yeah the... the DON instrument and those evaluation techniques that do it are in rule. This would just put it in statute and require that we keep it that way 'til the universals... or the... the UAT is adopted."

Demmer: "And I guess my point with this is we as a Legislature set a tool to be used and then the... the department takes the budget that they've been given and manages the utilization of that tool, in order to make the budgetary figure and... and services align. Is that... is that correct?"

Harris, G.: "Well, I think the important thing to remember here is that if we lower the threshold for the tool, it will just cost us 10 times more, 10 times more per person than we are spending now. So to lower the cost and move people into a more costly level of care would cost the State of Illinois more money. And as we all know, right now, you know, we're... we're struggling to pay the bills we have. To increase our

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costs tenfold, I think, would be bad economics, as well as, you know, bad public policy and certainly not good for the seniors or people with disabilities whose lives would be upheaved."

Demmer: "We certainly are having a difficult financial time in the state right now struggling to... to pay our bills. And that's one of the reasons that I... I think this is a... a Bill we need to take... give special attention to because what we're doing here is putting into statute a promise of services that will be... will be delivered, without understanding where that money to deliver those services will come from. Without allocating that level of money, we're making a statutory promise, putting a score into statute that's not there today. You mentioned that we're transitioning to a new evaluation tool. What's the timeline on that?"

Harris, G.: "It's been in process for a while. I'm not exactly sure where the current departments are. I know the Department of Aging just got a new director, and Secretary Dimas and DHS, is working out. Where they are on it, I don't know, but once it's developed, it has to be approved by the Federal Government. But again, I... I point out to you that while we're saying yes, you know, we need to spend this amount of money on the frail, elderly, and people with disabilities. You could also say that putting this in statute makes sure that the state is spending the least amount of money, not the most amount of money, on serving those people who are already eligible and in the system."

Demmer: "So if we have a difficult time understanding how we're going to pay for this promise that we're making in statute,

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and we also don't understand the timing of implementing that new universal tool, we're really making a very open-ended legislative promise, that we'll pay an unknown dollar amount for an unknown period of time in order to continue serving the population."

Harris, G.: "Actually, it will be paying one-tenth of the dollar amount that... if the DON score is low... is raised... lowered, and you know, people with high acuity are moved into nursing homes. It will just cost us 10 times more to move those people out of community care and in the institutional care, not to mention the upheaval it would have on their lives and their families. So this is actually a cost savings. This legislation would... would require a cost savings to the..."

Demmer: "A cost savings perhaps against some sort of future projected cost, theoretical cost."

Harris, G.: "Well..."

Demmer: "What we're talking about though is a statutory obligation to provide services to a population at an unknown cost for an unknown period of time. Re... refresh my memory. We... we had a couple of these similar Bills in committee. Is this... does this Bill include a provision that says, when the new universal tool is adopted that only... that that tool must maintain eligibility for a certain percentage of currently eligible individuals?"

Harris, G.: "It... it grandfathers people in with... to about a 99 percent threshold, yes."

Demmer: "So, again, in this statute, we're looking at limiting... we're looking at making a large unknown promise about services to be delivered, while at the same time saying that this new

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Universal Assessment Tool, which is in the process of being developed, must be nearly identical to the... to the tool that we have in place. Must serve a nearly identical population as to what we have today, which probably diminishes the reason for putting in a new Universal Assessment Tool anyway, to actually identify who needs services and what kinds of services they need."

Harris, G.: "Well, Representative..."

Demmer: "So, we're looking at... we're looking at a... a population that, if I remember correctly, was something like 99 percent similar population as we have today with a new Universal Assessment Tool. Doesn't that limit the reason to make a change in the assessment tool to begin with?"

Harris, G.: "Not... not at all. So, let me just explain this again for benefit of the Members who did not have a chance to hear this in committee. Understand that we're dealing with the frailest of the elderly population and people with severe and profound disabilities."

Demmer: "Yes."

Harris, G.: "Those people will continue to remain aged and disabled regardless of what tool we use to evaluate them. They will not disappear. They will not become less elderly. They will not become less disabled. They will still need high-acuity services. What this legislation does... is saying that those people who are currently reser... receiving services will receive them at the lowest cost alternative, and then new persons, you know... and we know we're going into a baby boom, you know, a baby boom generation, the generation that's my generation and perhaps, you know, some other Members. You'll

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be coming. At... at some point then they would be, you know, scored into the system with the Universal Assessment Tool on a going forward basis, but it would protect seniors and people with disabilities, you know, who are currently within our care."

Demmer: "Thank you. Mr. Speaker, to the Amendment. I think we should play... pay special attention to what this... what this Bill intends to do, and that is to put into statute specific promises of services that we will deliver. We've had several Bills like that today, and we've had several this Session, where we take something from a decision that gets a... that gets made at a department level with policy set by the General Assembly into an actual promise made with an unknown price tag that lasts for an unknown period of time. Every time we make a move like this and put something into a concrete statute we limit all our other options during very difficult budget negotiations. We limit all the other programs that have to... that have to... to suffer larger than proportional cuts because they don't have the benefit of statutory protection that a few select programs do in certain cases. As we make a transition to a new assessment tool, it's important that we don't put into statute a DON score program that's outdated, that's used in very few states, and that doesn't give us an accurate picture of the services that people need. Mr. Speaker, should this Bill receive the requisite number of votes, I request a verification."

Speaker Lang: "Your request is acknowledged. Representative Bellock."

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

Speaker Lang: "Sponsor yields."

Bellock: "Representative, do you know how many other states use the DON score?"

Harris, G.: "I think we're the last state who's using it. Others are moving to new tools like we're attempting to move to. So I... I think you and I, having worked on Human Services Appropriations for a long time, know that moving to the newer, better tool is what we ought to do. But in the meantime, I hope we would all agree that you cannot, you know, essentially throw out on the street seniors and people with disabilities who've come to count on us for their services."

Bellock: "Well, I would certainly agree with you, we... we don't want to throw anybody out on the street. I just wanted to ask you some other questions because I think there were some facts and figures going around that were not accurate. So somebody had mentioned that there was 23 thousand people that were being taken out of nursing homes. Do you think that that's an accurate fact?"

Harris, G.: "Out of nursing homes?"

Bellock: "Right."

Harris, G.: "I think that there would be..."

Bellock: "If this... if the DON score the way it's suggested to be moved up, that that's what would happen?"

Harris, G.: "I think the figures that I've heard re... relate to persons who are in community-based services who would potentially have to move into nursing homes. And those figures, as I heard them testify to in committee, would be 24

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thousand senior citizens would lose home-based services at about \$300 per month, and have to be moved into institutions at a cost to the State of Illinois of \$3 thousand per month. Ten thousand people with disabilities would lose their personal assistance and home services, and then... and this is the one I think we need to pay attention to and this may be what you're talking about by nursing homes. In supportive living facilities, where all the residents are graded on the DON, 4 thousand residents of supportive living facilities would not only lose their services but their housing. So these 4 thousand persons with disabilities and senior citizens would lose both their servicing and... and have no housing."

Bellock: "Right. I just wanted to clarify. I agree with you on those statistics, I wanted to clarify that it wasn't accurate that 23 thousand people were going to be taken out of nursing homes. Everybody that is in a nursing home now has had the DON score and will not be tested again. So those that are in nursing homes now will stay in the nursing homes."

Harris, G.: "Let me double-check, yeah, if you have other questions I'll... I'll talk to staff about that. That's not a figure I know off the top of my head."

Bellock: "I have a memo from HFS because I was interested in that myself. So I have a memo here saying that no people would be taken out of nursing..."

Harris, G.: "No people would be taken out. Okay. So the peo..."

Bellock: "Right."

Harris, G.: "...the folks I was talking about are not nursing home residents. I was talking about community care residents, home

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service customers, and SLP residents. I don't have a number in front of me regarding nursing homes."

Bellock: "Right. Well, and I guess what Representative Demmer brought up is we don't know how much this is going to cost, correct?"

Harris, G.: "I'm sorry?"

Bellock: "We don't know the cost."

Harris, G.: "All we know is it will be a savings because we are now serving people in the least costly modality, moving them into institutional settings out of a community-based settings, is the most costly modality. And by a factor... this is with the testimony of the experts that we heard of a factor of about 10 times more costly if we removed them from their own home into a nursing home or similar institution."

Bellock: "I agree with you on that part. I... I brought up before that I think when... I know when we did the SMART Act that was driven by the Democratic administration and Governor Quinn we under... secretary... director... Representative Hamos... Director Hamos, this was put into place about the DON score then, and we had a lot of discussion about it then because she said, long-term care rebalancing is one of the number one issues facing Medicaid in the United States, because I think it's almost... it's the highest amount of money that we spend in the Medicaid program is on elderly care. And so that's why this issue she felt very important to put in the SMART Act. I think that is still law, that was passed in the SMART Act, even though the Federal Government rejected it at the time because the Maintenance of Effort. Is that correct?"

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Harris, G.: "I don't know. I don't believe it still remains in the SMART Act. I think that Section, I'm being told..."

Bellock: "I don't think that Section was taken out."

Harris, G.: "So the Maintenance of Effort requirement from the Federal Government, is that what you're referring to?"

Bellock: "I'm talking about..."

Harris, G.: "That expired in 2014..."

Bellock: "...the... the... there were 62 reforms in the SMART Act."

Harris, G.: "Right."

Bellock: "The changing of the DON score from... I think it was 27... I think it was exactly these numbers, was passed..."

Harris, G.: "Yeah."

Bellock: "...into law..."

Harris, G.: "And what this legislation does... it says until the Universal Assessment Tool is in place we need to maintain the status quo."

Bellock: "But I'm saying..."

Harris, G.: "And... I'm... I'm sorry. I... I just want to let you know what our counsel told us that that was a one-time..."

Bellock: "Okay."

Harris, G.: "...authorization in the SMART Act; that when the Federal Government rejected that change, it does not exist in law now, was the advice I was given by counsel."

Bellock: "Well, I would request just as part of this discussion to get that wording of... what the wording was in the SMART Act. I thought it was... became law just like everything else in the SMART Act did."

Harris, G.: "We... we can look; I don't have it right handy."

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Bellock: "I appreciate that, and we certainly appreciate, you know, your comments about people within the communities. I think that long-term care rebalancing is one of the major issues facing us today on Medicaid. And I think in the respect of what the Governor was doing, he was trying to work at that. I will tell you what the numbers for Medicaid now that I was given were that this year, in this budget of 2016 we will be spending \$19 billion on Medicaid, \$19 billion. All of that doesn't come from GRF, but with the expansion of the Affordable Care Act, I think we're almost at 3.3 million people, and so I think what the Governor was just looking out for is ways to look at how we can look at more.. a little bit of how we can protect the dollars and especially addressing the budget for next year if we ever get to that position. Thank you very much, Representative."

Speaker Lang: "Representative Ammons."

Ammons: "Thank you. Would the Sponsor yield?"

Speaker Lang: "Gentleman yields."

Ammons: "Thank you. Just one clarifying question. This Amendment would basically, the concurrent of this Amendment, would maintain the current DON score, pending outcome of the evaluation and assessment that you referenced here?"

Harris, G.: "It would maintain for people who are currently in the system that they would be kept at their.. that they would not have their status changed until the state adopted the Universal Assessment Tool, and it was approved by the Federal Government. Then going forward, people would be evaluated by the more, you know, accurate tool. So what this does basically in.. in shorthand version, protects seniors and people with

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disabilities and sort of grandfathers them in, so that they do not lose services now and get moved into a higher cost system of care while the new tool is being developed."

Ammons: "And if there is an administrative rule change similar to that of the child care administrative rule change on eligibility and redetermination, would redetermination, in essence, put those people who may be qualifying today into a new bracket under the redetermination process?"

Harris, G.: "This is not a redetermina... one does not have anything to do with the other, Representative."

Ammons: "So it does not have the same effect as..."

Harris, G.: "So this is not... this is not related to the child care issue or that process."

Ammons: "Well, I was just wondering if there's a redetermination process like the child care in... in the DON score..."

Harris, G.: "There is no tool that exists."

Ammons: "...for that. Thank you so much. To the Bill. The discussion of this Amendment and the acceptance of this Amendment really hinges on the issues that we face today, which is the budget mess that we're in, as well as the antiworker, antipeople agenda that has been demonstrated in this chamber today. What this Bill does and the Concurrence of this Bill is protect the most vulnerable, those of whom, I don't believe, and I don't... I hope no one in this room believes, should be bearing the cost of balancing the so-called budget problems that we have. It truly is outrageous that we are discussing whether we should kick thousands of people off disability and seniors out of services by inadvertently changing the score which seems to be harmless, according to some of our colleagues.

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But the serious problem here is that you are creating a duplicated system that you created for children by kicking them out of child care services. You're creating the same thing for seniors. So the most vulnerable people, the children and the seniors get kicked out of the most needed services. I ask for all of us to vote 'yes' for this Amendment and to take seriously that we in Illinois could take a page out of some progressive legislation and say, let's deal with single payer that Mary Flowers has been sponsoring for many years prior to me coming to this chamber. But the denying of this request jeopardizes home care services for seniors. It jeopardizes disability services throughout the State of Illinois. And I believe that this a good measure to protect those services and in essence protect those people. We cannot hide behind administrative processes, we need to call a spade a spade, and this process again to attempt to change the DON score is an attempt to balance this on the backs of the poor, the seniors, the disabled, and those who, in many cases, don't have voice and don't have money. And I ask that we all vote 'yes' on accepting this Amendment."

Speaker Lang: "Mr. Harris to close."

Harris, G.: "Thank you, Ladies and Gentlemen, for the comments and the questions but just to go over ver... again very briefly what this Bill does, is it would maintain home-based services for seniors and people with disabilities until the new Universal Assessment Tool is passed. I think all of us understand that a growing expense that we as a... a Legislature are going to have to face in coming years, are an aging population, their health needs, their housing needs, and

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their day-to-day home care needs. This is a fact that's going to be with us for quite some time, and it's going to be growing, as Leader Bellock said, a growing part of our budget both for Medicaid, for the Department of Aging, and the Department of Human Services. So we need to do everything we can to be sure that we're delivering care and services in the least costly, most efficient way possible. This legislation guarantees that we will be delivering services to the most... the largest portion of the population at the least cost. The largest portion of the population, the largest number of seniors, of people with disabilities at the least cost. Not a couple times, but 10 times less than the alternative which would be to moving them into institutional care. So this is something that's important to all of our districts. You know, if the DON score were to be allowed to change 24 thousand elderly, frail persons who are currently living at home would have to be moved into nursing homes. Ten thousand people with disabilities would have to be moved out of the community and into... into institutions. And 4 thousand persons who are elderly and frail would lose both housing and services. So, Ladies and Gentlemen, this is a hu... good Bill, it is a humane Bill, but it is also the best Bill and the best value for the taxpayers of Illinois. I would ask for an 'aye' vote."

Speaker Lang: "Reminder to the Members, Mr. Demmer asked for a verification. Members will vote their own switches. Staff will retire to the re... rear of the chamber. Those in favor of the Gentleman's Concurrence Motion will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? One more time, have

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all voted who wish? Mr. Clerk, please take the record. On this question, there are 74 voting 'yes', 13 voting 'no', 12 voting 'present'. And the House does concur with Senate Amendment #1. Excuse me. Mr. Demmer has asked for a verification, before we get too excited. Members will be in their chairs. Mr. Clerk, please read the affirmative vote. Mr. Clerk, please suspend. Mr. Demmer withdraws his verification request. 74 voting 'yes', 13 voting 'no', 12 voting 'present', the House does concur with Senate Amendment #1 to House Bill 2482. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 5 of the Calendar, House Bills-Second Reading, there appears House Bill 1048. Representative Manley. Mr. Clerk, please read the Bill."

Clerk Hollman: "House Bill 1048, a Bill for an Act concerning wildlife. This Bill was read a second time on a previous day. No Committee Amendments. Floor Amendment #1, offered by Representative Manley, has been approved for consideration."

Speaker Lang: "Representative Manley."

Manley: "Thank you, Mr. Speaker. House Bill 1048 is an Amendment to a previous Senate Bill, Senate Bill 44 that was passed. It provides for the cre... Senate Bill 44 will... provided for the creation of the Unmanned Aerial System Oversight Task Force, otherwise known as drones. This House Floor Amendment 1 will provide that within 90 days of the effective date of Senate Bill 44, that eight more Members will be appointed to the task force by the General Assembly as follows: two Members appointed by the Speaker... it's yes... two Members by the Minority Leader, two Members by the President of the Senate

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and two Members appointed by the Minority Leader of the Senate. I'll take any questions. I'd rather just have everybody vote 'yes'."

Speaker Lang: "Lady has moved... lady has moved for the passage of the Bill. Let's see if you can get your... Excuse me. Those in favor of the Amendment will say 'yes'; opposed 'no'. The 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

Clerk Hollman: "No further Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Please read the Bill."

Clerk Hollman: "House Bill 1048, a Bill for an Act concerning wildlife. Third Reading of this House Bill."

Speaker Lang: "Do you have anything to add, Representative?"

Manley: "I have nothing more to add, but I will take any questions."

Speaker Lang: "Those in favor of the Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves, Members. Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 105 voting 'yes', 3 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Page 11 of the Calendar, under the Order of Concurrence, there appears House Bill 1081, Mr. D'Amico. Please proceed, Sir."

D'Amico: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I wish to concur with Sen... House Bill... or Senate... Senate Floor Amendment to House Bill 1081. This includes language from IDOT and the Governor's Office, and actually it puts us into compliance with Federal Law."

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Speaker Lang: "Those in favor of the Gentleman's Motion will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Mr. Clerk, please take the record. On this question, there are 110 voting 'yes', 0 voting 'no'. And the House concurs with Senate Amendment #1 to House Bill 1081. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Bennett is recognized."

Bennett: "Thank you, Mr. Speaker. On House Bill 1048 that we had just before this one, I'd like to record my vote as a 'yes', please."

Speaker Lang: "The record will reflect your intention, Sir. House Bill 3540. Representative Williams. On the Order of Concurrence."

Williams: "Thank you, Mr. Speaker. This Bill simply provides for an exemption for a liquor license for a business within my community, which is the Paulina Meat Market. If anyone's been there, it's lovely, on Lincoln Avenue just south of Addison. It also contains a provision that provides for alcohol sales on an additional college campus. So I would appreciate an 'aye' vote and happy to answer any questions."

Speaker Lang: "Those in favor of the Lady's Motion will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves, Members. Have all voted who wish? Please take the record. On this question, there are 72 voting 'yes', 38 voting 'no'. And the House does concur with Senate Amendment #1 to House Bill 3540. And this Bill, having

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received the Constitutional Majority, is hereby declared passed. Page 7 of the Calendar, House Bills-Second Reading, House Bill 3687, Representative Wallace. Mr. Clerk, please read the Bill."

Clerk Hollman: "House Bill 3687, a Bill for an Act concerning education. This Bill was read a second time on a previous date. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Please read the Bill."

Clerk Hollman: "House Bill 3687, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lang: "Representative Wallace."

Wallace: "Hi. This Bill simply extends the age for receiving a high school diploma at many of our adult learning facilities from 21 to 24. I encourage an 'aye' vote."

Speaker Lang: "Mr. Sandack on the Motion."

Sandack: "Thank you. Will the Sponsor yield?"

Speaker Lang: "Lady yields."

Sandack: "Thank you. Representative, my notes indicate that you represented that an Amendment was coming to guarantee that 14-year-olds could not be in the same school as 21 and up students. Has something changed? Because that is indicated in the committee notes as well."

Wallace: "Thank you for that reminder. However, when you go through the Bill again, it doesn't change anything that's not already in statute. So there currently are not 21-year-olds, typically, in the classroom with a 14-year-old. So, there will be no 24-year-olds in a classroom with a 14-year-old."

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Sandack: "All right. But I mean, yes or no, was there an Amendment supposedly coming?"

Wallace: "No. The Bill is already clear to that effect."

Sandack: "Okay. To... to the Bill. Republican Caucus Members basically talked about concerns about how the program is going to be funded, and I think that concern continues given the state of where we are. Any Bill or proposition that would ostensibly spend state money now and/or seek to expand State Government given the absence of a budget I think is a mistake. And I will note that the Sponsor has claimed that there was no Amendment coming, but in both the committee notes and the Republican side analysis indicates that that was a representation made. And I would hope that if it was made, it ought to be clarified. And in any event, I... I don't know how we're funding anything these days, and we ought to be dealing with the budget. Just a reminder, we're down here a lot these days, and we're not doing the one thing we need to do, and that's address the budget."

Speaker Lang: "Representative Wallace to close."

Wallace: "Thank you for those points. This particular form of education is already part of our education budget. We're simply asking to extend the age. Also, by extending the age, we put ourselves in alignment with the opportunity to apply for more federal dollars for the training of young adults, which my local workforce connection is in... in extreme support of. I encourage an 'aye' vote, because this will not be a burden on our tax dollars, and it allows us to be open for more federal funding."

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Speaker Lang: "Those in favor of the Lady's Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Mr. Clerk, please take the record. On this question, there are 70 voting 'yes', 39 voting 'no'. Representative Wallace."

Wallace: "Excuse my ignorance to this matter. Is it possible to Postpone Consideration of this matter?"

Speaker Lang: "The Bill will be placed on the..."

Wallace: "Thank you."

Speaker Lang: "...Order of Postponed Consideration. The Chair recognizes Mr. Sullivan."

Sullivan: "Thank you, Mr. Speaker. Have we located Mr. Dunkin? Is he potentially in the Dominican Republic or maybe Wisconsin or something? Did we send somebody out yet?"

Speaker Lang: "We'll get back to you on that, Sir."

Sullivan: "Thank you."

Speaker Lang: "Mr. Hays."

Hays: "Thank you, Mr. Speaker. On House Bill 1048, it was my intention to be recorded as a 'yes'."

Speaker Lang: "Record will reflect your intention. Representative Manley is now happy. Page 8 of the Calendar, Senate Bills- Third Reading, Senate Bill 373, Representative Wallace. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 373, a Bill for an Act concerning local government. Third Reading of the Senate Bill."

Speaker Lang: "Representative Wallace."

Wallace: "This is a... a good Bill. It's a public safety Bill. It was borne of an unfortunate incident in Winnebago County, in

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which a fire occurred. The hydrants did not have the water pressure appropriate to extinguish the fire because they were 'flushing hydrants'. And this Bill simply states that if there... if a municipality is contracting water that that company needs to inform the municipality of what the water pressure is so that we can continue to extinguish fires in an appropriate manner. I encourage an 'aye' vote."

Speaker Lang: "Those in favor of the Lady's Bill will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 111 voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Page 9 of the Calendar, Senate Bill 570, Representative Gordon-Booth. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 570, a Bill for an Act concerning State Government. This Bill was read a second time on a previous day. No Committee Amendments. Floor Amendments 1 and 2 have been approved for consideration. Floor Amendment #1 is offered by Representative Gordon-Booth."

Speaker Lang: "Representative Gordon-Booth."

Gordon-Booth: "Thank you, Mr. Speaker. I move to adopt House Floor Amendment 1 to Senate Bill 570. And we can debate the Bill on Third."

Speaker Lang: "Those in favor of the Amendment say 'yes'; opposed 'no'. The 'ayes' have it. And the Amendment is adopted. Mr. Clerk."

Clerk Hollman: "Floor Amendment #2 is offered by Representative Gordon-Booth and has been approved for consideration."

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Speaker Lang: "Representative Gordon-Booth."

Gordon-Booth: "Thank you, Mr. Speaker. Senate Bill 570 is a Bill that many of us are familiar with."

Speaker Lang: "You're on Amendment 2, Representative."

Gordon-Booth: "Hold on. Thank you, Mr. Speaker. Sorry for the delay. We are only moving House Amendment 1 today, at the moment."

Speaker Lang: "So you... you're withdrawing Amendment 2?"

Gordon-Booth: "I am."

Speaker Lang: "Mr. Clerk, Amendment 2 is withdrawn. Mr. Clerk."

Clerk Hollman: "No further moments... no further Amendments. But a state mandates note has been requested but not filed at this time."

Speaker Lang: "Please hold the Bill on the Order of Second Reading, pending the note. Mr. Clerk, put Senate Bill 570 back on the board. The Chair recognizes Representative Gordon-Booth for a Motion."

Gordon-Booth: "Yes. Mr. Speaker, I would like to make a Motion to rule the note inapplicable."

Speaker Lang: "Lady moves that the note be held inapplicable. On that Motion, the Chair recognizes Representative Bellock. Lady withdraws her request to speak. Mr. Sandack is recognized on the Motion."

Sandack: "Yeah. With respect to the Lady's Motion to hold the... the note out of order, obviously the Republican side object. And obviously there's a fiscal impact here, so we'd ask the... the Chair to overrule the request. Or deny the request, actually."

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Speaker Lang: "We're going to take a vote, Sir. Those in favor of the Lady's Motion vote will 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 68 voting 'yes', 41 voting 'no'. And the Lady's Motion prevails and the note is held inapplicable. Mr. Clerk."

Clerk Hollman: "No further notes."

Speaker Lang: "Third Reading, Sir? Third Reading. Mr. Clerk, please read the Bill."

Clerk Hollman: "Senate Bill 570, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Lang: "Representative Gordon-Booth."

Gordon-Booth: "Again, thank you, Mr. Speaker. Senate Bill 570 is legislation that most of us in this room are already very familiar with. On July 1, there was emergency rules that were filed by the administration in order to manage the Child Care Assistance Program that's oftentimes called CCAP. These... these emergency rules did a few things. It will deny eligibility to 90 percent of the population that currently was eligible. So, for example, eligible... the eligibility reduction went from 185 percent of the federal poverty line to 50 percent of the federal poverty line. To go one step further, a family of two, a child and a parent, in the past, before July 1 could have made \$2,403 and still qualify for the Child Care Assistance Program. After July 1, an individual... a family of two could only make up to \$667 and still qualify for the Child Care Assistance Program. The copay for families was also increased. The mandatory child support

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compliance was also add... added as a part of the emergency rule. The criminal background check was also added for relative caregivers and adult members living within the household. Those were the rules that were added on July 1 to the CCAP program. What Senate Bill 570 would do is we would look to be a part of this... of this major public policy decision. The CCAP program effects over 160 thousand children throughout the State of Illinois. There are many families that are making decisions today, and yesterday, and last week as it relates to their ability to remain employed because of this program. Many facilities in all of our districts are laying off staff members. Many facilities in our districts are closing because of this ruling. This is not an entitlement program; this is a program that folks age out of regularly. And so when those children age out of the CCAP program, because of the new eligibility requirements, there is very little ability to bring... to allow children to be a part of the CCAP program, which allows working families, primarily young women, it gives them the ability to go to school and to go to work. And for historical context, the CCAP program was born 20 years ago '95, '96. At the federal level, there was a very large nationwide Welfare to Work Reform that was passed throughout the United States. And CCAP was borne out of that, because we made a public policy decision that we are better off allowing young women to work, allowing working families to work, and leave their children in a safe environment than we are to essentially leave them to the welfare rolls. This is a successful program throughout the state. This is a loathed program throughout the state. The children that are

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part of this program and the families that are trying to do nothing more than make a living for themselves should not be a part of this budget stalemate. The changes that Senate Bill 570 would make is we would return to the income eligibility as it was on June 30, 2015, and that would be 185 percent of the federal poverty line. It would also state that DHS would not have to comply with the required mandatory child support ruling. The reason why that is important is because we have women throughout this state that end up accessing the Child Care Assistance Program merely because they were in relationship with someone who they are now trying to get away from because of domestic violence issues. We're... what we're saying through this sort of public policy, through rule-making authority, is we're saying, although you are escaping someone who has abused you, we're going to require that that individual now knows where you live. And any of us that have ever been in a relationship, or that know anyone that has ever been a victim or survivor of domestic violence, that it's often the last thing that you want to do, is give your abuser your address. What Senate Bill 570 would do is it would assist eligible parents in accessing potential child support payments. So we're not allowing people to walk scot-free and not pay child support for the children that they have taken part in making, but what we are doing is we are giving young women, and maybe some not so young women as well, the ability to be safe from their abusers. 57... Senate Bill 570 would also remove the rule-making authority through CCAP. That's important because a Bill... an issue of this magnitude that affects this many people throughout our state, it should go

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through the normal public policy-making process. Meaning, it should be a... a Bill that gets introduced, either in the House or the Senate, and we have a full on airing, and we allow stakeholders from around the state to take part in that conversation. So whatever effects that are made because of that Bill, we have the ability to engage our constituents. Obviously, that didn't happen with the emergency rule-making. This would also provide that copayments must be returned to June 30, 2015 levels. Going forward, it would provide that a department may increase copayments no more frequently than once every six months, at a rate that shall not exceed 5 percent of inflation, whichever is less. And copays should also not exceed 20 percent of a family's income. I think it's also important for us to remember, we oftentimes talk about the necessity of being a business-friendly state. Well, the individuals that are caring for hundreds of thousands of children in our state, they are also businesses. They are businesses that are anchored in our communities and in many of our neighborhoods. They are caring for our children as we are working. When those businesses don't have the ability to exist, it not only affects that particular facility, it not only affects the child, it not only puts that parent... it takes that parent out of the workforce and it sends that parent to the welfare rolls, but it also affects all of the tertiary businesses that engage in that day care facility. So on average any day care facility has extended contracts with accountants, with janitorial services, with food services. These are all businesses... these are all... this is in... this is a very real economy that has been created in Illinois, and

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what this emig... with this emergency rule, all of that is being destroyed. So what we are saying here today is that we would like to hit the reset button on this issue. We'd like to start over. We would like this to be a bipartisan process. We would like this to be a transparent process. And we would like the stakeholders at the table. I am open for any questions."

Speaker Lang: "Mr. Riley in the Chair."

Speaker Riley: "The Chair recognizes Leader Bellock."

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

Speaker Riley: "She indicates she will."

Bellock: "Thank you very much, Representative. And of course, we all... we all appreciate the Child Care Assistance Program, and we know what a great job it does. There were just some concerns on this Bill. And one was, does what you're doing in this Bill take away the Governor's emergency rule authority on the Child Care Assistance Program all the time in the future?"

Gordon-Booth: "What this... what this legislation would do is it would put the Legislature in a position to make decisions anytime there are decisions that have to be made as it relates to the child care program. So, yes, it would."

Bellock: "So, specifically, it does take away the Governor's authority on..."

Gordon-Booth: "From a public pol... Go ahead. I'm sorry."

Bellock: "...on the emergency rule-making, it does take that authority away?"

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Gordon-Booth: "From a public policy standpoint, what it would do is it would put the Legislature in this... in the position to actually have input in that process."

Bellock: "Okay. And two, one of the other concerns..."

Gordon-Booth: "Sure."

Bellock: "...was does... there's a provision in there about opening up the child support case. And does this Bill that you have right now take that provision out?"

Gordon-Booth: "I... I'm sorry. But I can't hear you."

Bellock: "Okay. I think there was a provision in what the Governor had about... that people that were in the child care assistance had to have an open child support case. And does your Bill take that provision out so they do not have to show that there is an open case?"

Gordon-Booth: "So let me just share with you a... a bit of what it does."

Bellock: "Okay."

Gordon-Booth: "What the Bill does is it requir... it takes away the mandatory language that was a part of the emergency rule. Again, to my earlier point, because we all know or have been familiar with victims of domestic violence, and the issue that we took with that is that obviously we all want folks that have children to pay for their own children, to pay their child support, which is exactly why we added to the Amendment that the state may assist in all eligible parents in accessing potential child support payments. The reason why we use the word 'eligible parent' is because oftentimes you have parents who are perpetrators of domestic violence. And oftentimes women have to access this program because they are trying to

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get away from their abuser. And what we're saying from a public policy standpoint is we don't want women to have to alert their abusers... to their abusers where they're living."

Bellock: "Well..."

Speaker Riley: "I... I'm sorry. Leader Bellock, please don't... Members, you know, there's sort of a dull roar going on. Can we... this is a very important Bill. A lot of Members are asking for quiet, and I'm doing the same thing. So can you just bring the noise dow... level down, please. Proceed."

Bellock: "Thank... thank you very much, Mr. Speaker. So I guess my question is, I certainly understand your concerns about people that... about women that are being abused, but at the same time what if there are, and we know this because we've all worked on child support cases and I've spent about three years working on that issue. We all know that we're wanting to try to find if there is somebody else that can help that woman by opening up that child support case so they can get child support, because that's one of the main things that keeps women in poverty, that somebody walks out on them and they don't have that support. So if they were able, through this, you know, what the Governor wanted, to open up that case under the authority that their children would get the child care that would give them kind of an extra hammer in getting support payments for them, not just for the child care, but for their livelihood. Don't you agree?"

Gordon-Booth: "What I would say to that is the way that the emergency rule is written, many women who are trying to start their lives over likely would not even access a life-changing program that would allow them to go to work, to go to school,

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to better their lives because they're trying to escape their abuser. The way that the emergency rules are written, you must... your abuser would then know your address. They would know where you live, and so the decision to change that comes from a decision largely based on what happened in New York. You know, New York tried this as well, and it failed miserably. It failed miserably. So our thought today is, why don't we give DHS the ability to assist... assist folks in acquiring the child support that they need and that they deserve to better take care of their children? I... I highly doubt that there are folks out there that are... that need child support but don't want it, right? But we also are very clear that there are a lot of women, there are thousands of women throughout this state that are trying their best to escape an abuser..."

Bellock: "I..."

Gordon-Booth: "...and the way that the emergency rule is written, you would be notifying your abuser of exactly where you are living. And that's what we're trying to prevent."

Bellock: "Well, I can certainly understand that part of it, but I also know in the State of Illinois there's 51 percent, I think, of women who do not get their child support at all. So that is something that I would think... I can certainly understand your concern about the abuse, and I don't know what the percentage is of that, of people seeking child support. But I know that when I came into the General Assembly, only 10 percent of the women that had adjudications even got any support. We have raised that to 50 percent now, which is about the national average, but I would, you know,

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I would look at this as some way of not only getting more money into them being able to pay for the child care, but also helping women with their livelihood. So I'll just go on to the third question is, what about the paternity issue? Does this take that out of there, which what had been put in?"

Gordon-Booth: "I'm... maybe you can inform me, but I'm not aware of any paternity issue that's a part of this legislation. This is about the Child Care Assistance Program."

Bellock: "Yes. Here it says the department shall not condition eligibility for child care assistance provided under this article, upon the cooperation..."

Gordon-Booth: "Yeah."

Bellock: "...and establishing paternity of a child or cooperation with the child support collection."

Gordon-Booth: "Right. That's... to your earlier point, that is keenly connected to the child support issue, right? So those two issues are the same."

Bellock: "Well, I... I think that they're separate. But you know, establishing paternity is one thing, another is who's getting the child support."

Gordon-Booth: "Establishing paternity in order to go after child support, right?"

Bellock: "Well, yeah."

Gordon-Booth: "Right. So we're... so we're talking about the same thing."

Bellock: "Or enforcement for a child. I don't think they're the same issue though. So, anyways, those are some of the concerns that we have on the Bill. And I appreciate what you're trying

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to do, Representative. We support child care assistance, just have these concerns as some of the concerns with the Bill. But thank you very much for your answers."

Gordon-Booth: "And I... and I agree with you. I think that obviously, there are very few perfect Bills that come to this chamber. But I would dare say that this program, it's important to me, I... I've known you for some time..."

Bellock: "Right."

Gordon-Booth: "...I know it's important to you..."

Bellock: "Yes."

Gordon-Booth: "...but I would also say that this legislation is so incredibly important 'cause folks like you, and folks like myself, and all of us in here should have the ability to weigh in to this process. What's happened is none of us had the ability to weigh in. So, as our constituents are engaging us, and they're wanting to know how... how could something like this happen? How could this poss... how could you possibly do that to us? Well, unfortunately, I tell them I didn't have anything to do with that. And so I think on today, what we're saying is, let's hit the reset button. Let's start over in a bipartisan way working together. I think we can do a little bit better than this. I know we can do better than this. But it requires us to work together. And what happened is this was done in the dark of night, and there was no transparency to this process. And so, obviously, there are always going to be some things that we can do better, gen... reforms that have to happen, I'm not antireform, but I think that we need to hit the reset button as it relates to the Child Care Assistance Program, and we need to start over. Because right..."

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as of today, you have... we have thousands of children throughout this state that are being denied access to quality child care. You have thousands of parents who are making the decision either to go to work or to go on welfare and receive even more state benefits because this program doesn't exist. This isn't one of those, well, if we don't do this today, then three years from now we're going to end up paying out more. If we don't do this today, we're paying more today."

Bellock: "I appreciate... I appreciate your answers, Representative, and I've given you some of the concerns. I have concerns over ta... I understand your reason for this. I have concerns over taking away a Governor's authority because there seemed to be a lot of other Bills around wanting to do the same thing in different directions. I mean, if we have the Governor's authority taken away on all emergency rule, on programs that we have in this state, that's a major thing of taking away from the Governor. Two, my issue with the child support. I agree with you. I certainly never want to give away... maybe that's something we could've worked on, you know, as a change that people were worried about that. But I do know that probably over 51 percent of the people who need that child support are not getting it, and it would be helpful towards that. So those are just some of my concerns. I appreciate all you're trying to do. And I certainly support the Child Care Assistance Program. Thank you."

Speaker Riley: "Members, shhh. Please, this is a very important measure. There's a lot of people that want to speak on this very important Bill. But we would ask you to be succinct... as

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succinct as you possibly can be. The Chair recognizes Representative Sandack."

Sandack: "Thank you, Mr. Speaker. A few questions to the Sponsor."

Speaker Riley: "Sponsor yields."

Sandack: "Representative, I don't want to go over any terrain you've already adequately addressed. I just want to speak to the fiscals. Do you have a solid grasp or understanding of what your Bill would cost the state?"

Gordon-Booth: "What this Bill will do is it will change.. it will change the eligibility."

Sandack: "Right."

Gordon-Booth: "So in the sense that an actual cost, the effects of this Bill would be no more than making a public policy decision, that as the policymaking Body of this place, we're going to have input as it relates to what happens with the Child Care Assistance Program."

Sandack: "Well, with all due respect, I don't know what really.. what that really means. Has there been any analysis, projections of what we think this will.. that this eligibility expense will cost? It will definitely be a cost, correct?"

Gordon-Booth: "We passed legislation that would've provided \$480 million to this program. And this would not be an expansion, more a maintenance of efforts.. of what we've already been doing with the Child Care Assistance Program."

Sandack: "Well, certainly the rules that have been in.. undertaken, with respect to eligibility by DHS, estimated that the emergency rule changes that they made would save the state 47 million and that additional copays and background checks would also have an effect on the bottom line. Your.. part of

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your Bill would undo the rule change... the... the rule capacities and require in statutes. So, again, I'm asking if you had even the... just a basic understanding of the fiscal impact of your legislation."

Gordon-Booth: "Well, I would daresay, by prohibiting 90 percent of the previously currently eligible people to this program, would have a much further, greater impact than \$47 million throughout the state."

Sandack: "Thank you, Representative. To... to the Bill. Obviously, these are well intended provisions sought within this legislation, but it, again, is nary a lick of fiscal impact, and rather, anecdotal well, if we're cutting this, they'll be other residual costs that will come, but there's no... there's no metrics. There's no financial accountability. And I would respectfully suggest that this is the type of legislation that is part and parcel of our budget-making process. This is an important Bill, and an important service that certainly our... citizens re... require, but not knowing what it costs and how it fits into the overall funding mechanisms that this state is to undertake is frankly a disservice. It's again piecemealing and backdooring required services, to be sure, but how we're going to pay for it is important and does matter. And so... so with that, I would reluctantly suggest a 'no' vote is required. Thank you, Mr. Speaker."

Speaker Riley: "The Chair recognizes Representative Christian Mitchell."

Mitchell, C.: "Thank you, Mr. Speaker. To the Bill. What's interesting about this is you hear a lot of Governors, a lot of politicians around the nation talk about moving people

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from welfare to work. What interests me about this, the rules that have made this Bill necessary, is it seems that Governor Rauner's the only politician I know of who wants to move people from work to welfare. And what I mean by that is I've talked to people in my district. I've knocked on doors in my district. And folks have told me that their dare... day care centers are shutting down. That means good paying jobs that aren't happening anymore. I've talked to mothers who know... who don't know not tomorrow, not next week, but today, they don't know how they're going to go to work without the ability to have child care. So this... when people talk about what this is going to cost, think about what not doing this is going to cost us right now. In terms of jobs foregone, in terms of a ladder of opportunity removed from working mothers in my district and in districts all around this state. This is a very good Bill. It makes sure that we can't dismantle our most successful anti-poverty program; that we can continue moving people from welfare to work. This is a good Bill. Vote 'aye'."

Speaker Riley: "The Chair recognizes Representative Cassidy."

Cassidy: "Thank you, Mr. Speaker. I don't know that I could say it better than my colleague just did. The point here is that this very much will be the prime example of the most penny-wise and pound-foolish policy we could ever hope to see in the State of Illinois. I met with one of my providers this week. They're turning away four out of five applicants because of these new eligibility requirements. And he told me of a facility that the state built, I believe in Joliet, at the... to the cost of \$3.5 million. We spent the money already. We

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built the facility already. And they can't get enough kids to fill it because of these eligibility requirements. The women, mostly women, mostly minority, who are walking into the Howard Area Community Center looking for child care and being told they don't qualify, are quitting their jobs on the spot. Is this really the policy we want to establish as a state? Is this really the priority of the state? To tell people, no, don't bother going to work. Don't bother getting your children quality early childhood education 'cause we have to save some money and we're going to save it on your kids' backs. Enough already. Vote 'yes'."

Speaker Riley: "The Chair recognizes Leader Lang."

Lang: "Thank you very much, Mr. Speaker, Ladies and Gentlemen. In many ways, this relates to an issue that came before JCAR a couple of weeks ago. The... the agency sent a woman, who no longer works there, into JCAR to defend the rule. Our concern first was that the rule that was provided by the administration was an emergency rule, without going through the normal course, without going... jumping through the normal hoops, and without public scrutiny or comment. That point of view was rejected by the Republican Members of JCAR. But we brought this state employee, who was trying to support the rule on behalf of the Governor, to the table. The rule that this Bill addresses, the rule that changes eligibility requirements so 80 percent of the people applying no longer qualify. And when she came to the table, I asked her a couple of important questions, which I think are relevant here today. The first question I asked her was, well, I know you're here defending the rule, and I know you think it ought to be an

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emergency rule, I know you have fiscal concerns, and I know you think it has to be done right now, but what will the direct impact of this rule be on the child care delivery system in the State of Illinois and on the people who rely on it? And she gave me a one-word answer, and that answer was devastating. It would have a devastating impact on those who need child care in the State of Illinois. And I went on to ask her if this rule meant that many, many people who today work would have to actually quit their jobs and become impoverished to take care of their own children? And the answer was yes, thousands. And so let's put these two facts together... three facts together. Number one, an emergency rule that was not an emergency that was clearly not well-thought-out. Two, a rule that would have a devastating impact on the child care delivery system in the State of Illinois. And three, a rule that would cost thousands of people their jobs and impoverish them, perhaps, adding to our Medicaid problem. At a time when the Governor of the State of Illinois and all of us have been talking about putting people to work, we actually adopted a rule at JCAR, unfortunately, that will cost thousands of people their jobs, and cost us more money on other line items, particularly Medicaid line items. The rule was poor. The rule was inappropriate. It should not have been an emergency rule. It should have gone through the appropriate process and unfortunately, the woman that told the truth at JCAR is no longer working for State Government. This Bill will remedy that rule. This Bill will keep us from having a devastating impact on the child care delivery system and will keep thousands of people working. Why would anybody

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be against this Bill under any circumstances? This Bill provides a moral compass. This Bill provides a way out for some of the neediest people in Illinois to allow their children to be taken care of while they take care of their families by working. This is an important Bill. And it requires your 'aye' votes."

Speaker Riley: "The Chair recognizes Representative Demmer."

Demmer: "Thank you, Mr. Speaker. I'd like to request a verification."

Speaker Riley: "Representative Demmer requests a verification on Senate Bill 570. The Chair recognizes Representative Ammons."

Ammons: "Thank you, Mr. Speaker. To the Bill. I guess I ask myself a couple of questions. Woul... Would we rather pay more money out of TANF than to allow people to work? I... I couldn't understand how we could even have the discussion that we're having today on this particular Bill. This rule has had a devastating effect already. I'm going to repeat that. This rule has had a devastating effect already. The Ounce of Prevention organization has it right. This is the worst thing you can do to working families in Illinois. And so I have to do an analysis of what does this mean, Senate Bill 570, as I listen to my colleagues argue back and forth on this Bill. And it came to a conclusion that this Bill creates a recession for the poorest working people in Illinois. It creates a recession for the poor by making them lose their jobs because they can't afford child care and sends them to the unemployment and the welfare line. A vote 'yes' for this Bill says that I am pro-woman, because many of these are women who are trying to provide adequate child care for their children.

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That I am pro-child, because I want them to be in a safe environment, free from harm and possible hazards. That I am pro-business, that I want these people to continue to work and to contribute to our economy. That I am anti-TANF, I don't want people to have to go back to where they have come from, from TANF and receiving other welfare programs, but we want them to be able to work. What we saw happen with the administrative rules is that it encroaches on the responsibility, I believe, of the Legislature to pass Bills, to create reforms that make sense for this state. What was the emergency? I think I've asked this question to some of the more experienced Members of this House. And the only thing I can come up with is that the poorest of the poor, the children and working mothers largely, and working families should carry the burden of the budget deficit, and we must save this money on their backs. One of the things that I just heard is that there was no matrix. There was no matrix to say how much is this going to cost us? We already know how much it costs because we already had the program before the emergency rule-making. And because I can't understand the emergency, the emergency is that we have a budget deficit that was not created by child care, but we're going to put that burden on child care recipients and make the majority of the people ineligible. I believe this is an insidious kind of act that took place, to use emergency rule-making to change eligibility. And it has an insidious outcome, to make over 80 to 90 percent of those who would be eligible under low-wage earnings ineligible. It is a backwards policy, and we need to correct it by passing Senate Bill 570. And I encourage all

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Members in this House, who believe in the safety of children and the ability of working families and women to work, to vote 'aye' on this Bill."

Speaker Riley: "The Chair recognizes Representative Ives."

Ives: "Thank you, Mr. Speaker. To the Bill. Nobody... nobody here wants to not help women who need child care, who truly, truly need child care. And in fact, that's why we, in a bipartisan way, passed a Bill that helped backfill child care of over... on nearly \$300 million this spring. That's why we did this. 'Cause we all believe that the program is there to support those truly in need, truly wanting to change their life for the better. That's why we did that. We did that because the budget the Democrats passed the year before was inadequate. So now, this year, so as not to put people in a bind, where they are expected to have something and then that is... the money is no longer available, which makes them scramble, they have come up with some new rules. And in some cases, you may agree with these rules, and other people may disagree. Here's what we all can agree on, though. We only want people to have this if they deserve it. And I'm telling you right now, I am not interested in providing child care to people where you don't even know the paternity, when you're not going after child care support, when you'd have no income verification on whether or not they're getting a benefit they truly deserve. Because if we're going to do that, we're finding ourselves in the same situation that we've had with Medicaid, which is when we do a scrubbing of the rolls, we find that 50 percent of them are ineligible, because they actually don't meet the needs, or maybe they're living out of state, or they make too

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much money; thereby, limiting the amount of dollars that are available for those who truly need these services. Now, I don't think it's a stretch here to say that almost everybody in the State of Illinois would agree that you should have to have verifiable need. And that means you better know who the daddy is, and whether or not he can afford that child, and whether or not the taxpayers should be funding that or if there's actual child support that he can provide..."

Speaker Riley: "Excuse me, Representative."

Ives: "...to his child."

Speaker Riley: "Representative, I'm sorry. Members, let's hold the noise down. Let's hold the noise down so everyone can testify. Proceed, Representative."

Ives: "Oh, you guys think this is a big joke? It's very funny that we are going to provide child care when you're not holding the individuals responsible for that child. You're not holding the... the father responsible, and... and verifying his income, and making sure that he's paying his fair share towards the support of his own child. I mean, we sat up here. We had a Committee of the Whole meeting. We had people testify who are receiving this benefit. And if I remember correctly, the woman had a 5-year-old, and a 7-week-old, and a fiancé. Well, I'd like to know, I'd like to know, if that... who is the child... who is the father of both those children, and whether or not they're supporting her 'cause the taxpayers in my district want to make sure that... that this is only used for people who truly need it. And you refuse to add in a verification mandate that it makes us to know that for a fact. And... and I have a problem with that, because we're spending

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money that we don't have, and for people who may not be deserving of it; and therefore, we're leaving behind the people who may truly, truly need this service. Vote 'no'."

Speaker Riley: "The Chair recognizes Representative Sullivan."

Sullivan: "Sorry. Thank you."

Speaker Riley: "Proceed."

Sullivan: "To the Bill. Ladies and Gentlemen, I... I realize we're... it's getting late, and some things are going on, but this is an important Bill, and I... I want to bring up some historical facts that have, kind of, been overlooked, I guess, in the chamber. The FY15 budget was purposely underfunded to this line item, to this program, by your side of the aisle. It was admitted to your side of the aisle that we were going to underfund that. So, let's first start there on the historical perspective of what took place here, when you start accusing us of not being for this program. Second to that, there was an FY15 fix that every person on this side of the aisle voted for to fix your mess and 45 of you decided not to vote for it. So when you do... start discussing how evil the Republicans are about taking child care away from deserving people, remember that. You have some part of what is tan... transpiring. Now, folks, we're spending \$38 billion. And the... and the word today that I heard in committee was by consent decree, court order, and continuing appropriations. We don't have a budget, so we're spending on these three: court order, consent decree, and continuing edu... continuing appropriation, \$38 billion, but we're going to bring in \$32 billion. So if this Bill would pass by a 71 Veto-proof Majority and become law, how do you pay for it? Or do you just add more to the debt of our future

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children? The ones that you want to protect today. So think about that and think about the historical content... you know, context of what you're talking about. Thank you."

Speaker Riley: "The Chair recognizes Representative Wallace."

Wallace: "Thank you. I just have one question for the Sponsor."

Speaker Riley: "The Sponsor yields."

Wallace: "Thank you. Are we making policy, or are we playing respectability politics in here today?"

Gordon-Booth: "The effect of this legislation would deem it paramount to come to this policy-making Body when making changes to the Child Care Assistance Program. We are making good policy."

Wallace: "Thank you. To the Bill. The overtones, undertones, implicit and explicit ongoing stereotypes of what working families look like, I believe, is at the core of why we have cut so many services in this current discussion, or have voted not to fund services because we believe that a particular segment of people don't deserve something. We think those people don't deserve child care assistance. Those people don't live in my district. The people in my district are the taxpayers, and the people in other districts are not. And then we are so willing to put victims of domestic violence at risk by saying you must provide your contact information, your address to the very person who abused you, which is perhaps why you are now a single parent, and need child care assistance. We also are forgetting the fact that although we somehow recovered from our recession, we have more low-wage jobs than at any other points. Minimum wage does not provide for a family; and therefore, there are plenty of two-parent

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households where there's a mommy and a daddy who need child care assistance. So for all of these moral judgments and all of this whole idea of what's respectable and who deserves what, that's not what we're here to decide. We are not here to decide anybody's moral stance in life and whether or not they are worthy of receiving something. There is an eligibility requirement that was already in place. There were already processes to check on income of the household. How do I know? Because six years ago, I had child care subsidies myself. And was I just some lucid woman who didn't know who the daddy was and had no education and had no nothing? No. I was a woman with a master's degree, a broken engagement due to domestic violence, who picked up the pieces of her life and part of doing that was receiving child care subsidies. Another point, we are talking about people being able to better themselves, go on to sustainability and financial sustainability, but we will not allow for course work or class time in higher education to be covered under the current rule. So, yeah, we'll get you a high school diploma; however, in many situations, without a high school diploma, additional certifications, or some form of higher education, you cannot go on to provide for yourself without public assistance. But we will say, no, we won't pay for you to go to college. I have a constituent, white... right now in her last year of nursing school who cannot complete her BSN in nursing because the emergency rules do not allow for course time to be covered as part of what they will pay for with the subsidy. Now, if we're saying that we want to save this state dollars, then we would throw every vote in this chamber on this Bill because

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one dollar investment... invested gives us seven dollars in our economy, for this type of service. But it's not about the money 'cause if it was about the money, we wouldn't be standing here right now. If it was really about what was bettering lives, we would all make sure that everybody had access to it. So, go ahead, don't vote, or vote 'present', but please know that what you are doing is setting our children up for failure, and you're ultimately setting our economy up for failure, and you are ultimately stating that you do not care about working families."

Speaker Riley: "The Chair represent... the Chair recognizes Representative Jack Franks."

Franks: "Thank you, Mr. Speaker. I... I can't believe some of the arguments I've heard today. I would say it's inconceivable, but I heard it so. I mean, it was misogynistic, some of the arguments that we heard today. Uncalled for, I... I've never heard that type of argument. I don't understand why anyone would be against the dignity of work, in allowing people to work so they could be productive members of society. I mean, why would the state's position be that we'd rather pay welfare instead of giving poor, working people a leg up so they can move up and become self-sufficient and do better for them and for society? This, Ladies and Gentlemen, is a pro-business Bill because it keeps people working. It keeps businesses with a dedicated workforce that are going to be showing up, that are going to be able to do their jobs who are skilled. I got calls last week from a child care provider in McHenry County who's about to close down because of what's happening. I felt terrible for her, but I felt worse for those families

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who had no place to put their kids. Imagine yourself having to make a determination on what you're going to do with your kid or whether you're going to go to work. We shouldn't be in that position. This makes sense. What doesn't make sense is the argument that somehow, because of our ineffectiveness to do our job with the budget that these people ought to be punished. Let me remind this Body that the Governor gave a... gave a Bill... introduced budget that was \$2 billion out of whack. This Body passed a \$4 billion unbalanced budget. I didn't support it 'cause it was unbalanced. But Ladies and Gentlemen, understand that Moody's yesterday said... Moody's yesterday said that we are now spending \$6 billion more than we bring in, \$6 billion more. So for my friends on the other side of the aisle who didn't like the \$4 billion unbalanced budget, how do you like this? This is crazy. We've... we're the only state in the union who could screw up gambling. We're the home state of Al Capone, for crying out loud, and we can't even pay out on lottery. This is an embarrassment. So don't hide behind a budget issue here. This is about human dignity. And if you want to pay for it, let's pass a Bill that will close some loopholes. Really, do we need to have an offshore drilling exemption for \$25 million? There's no drilling in Illinois. Would we want to protect those folks? Are we protecting Exxon? We'd rather protect Exxon than protect working mothers? Wake up. Please vote 'aye'."

Speaker Riley: "The Chair recognizes Representative David Harris."

Harris, D.: "Ladies and Gentlemen of the House, thank you very much. And I'm going to address what this Gentleman just said."

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Twenty-five million dollars in offshore drilling allowance? Sure, we can get \$25 million in an offshore drilling allowance. But guess what? Guess what? The deficit's billions. So, unless you're looking at the income tax, unless you're looking at the sales tax, you're not going to close the gap. It's not going to happen. Ladies and Gentlemen of the House, what are we doing? What are we doing? You know, we have a federal judge that says, make these payments, and if you don't make the payments, you're going to be held in contempt. The state is going to be held in contempt of court. The federal judge has absolutely no idea what our finances are. Guess what? At the federal level, they have a printing press, so that her paychecks gets paid every month or week or however long she gets paid. We're operating on continuing appropriations, on consent orders, on court orders. Guess what? We had a State Fair. We had a State Fair and that... We had a State Fair because the budget for the State Fair is contained in the... the appropriation for the Department of Agriculture. Oh, wait a minute. We don't have an appropriation for the Department of Agriculture, but we have a State Fair. We can't make child payments, but we have a State Fair. Does anybody see the incongruity in that? Yeah, you can say yes. But you know what? You know what? We are all at fault. We are complicit in this problem. We are complicit in this problem. We are enablers of our Leaders. I have had any number of discussions with colleagues on my side of the aisle, on the Rep... on the Democrat side of the aisle, and they say why? Why? There is a middle ground. There is a middle ground. Now, we're not going to get all the money that... that my Gentleman...

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my friend from... from McHenry County thinks we're going to get simply by closing loopholes. It's going to take revenue. That's taxes, for those who don't like the term revenue. But you know, it's fair to say there's a middle ground on some of these other issues as well. There's a middle ground on prevailing wage. There's a middle ground on project labor agreements. And we don't have to eviscerate collective bargaining to get to the middle ground. The State Legislatures are... are Leader-driven institutions. They are Leader-driven institutions. Nothing happens unless the Leader moves legislation... legislation through the process. Nothing happens unless the Governor says I'm willing to sign the legislation. So knowing that, let me say this. Governor Rauner, Speaker Madigan, President Cullerton, Leaders Radogno and Durkin, I implore you. I beseech you. I beg you. Stop this madness. The great state, our great State of Illinois, this... this Land of Lincoln is going to end up where we were four and five and six years ago with 7, 8, 9 billion dollars of back bills that we can't pay because, you know what, I'm not a very bright guy, but I know this. We're going to bring in 32 billion, maybe 32 and a half, with the tax structure that we have now. We are on autopilot and no one... no one disagrees that we are not going to spend any less, at the current rate, than 37, 38 billion dollars. That's \$5 billion in difference. What are you going to do when the money runs out? I don't care what a federal judge says. If the Comptroller doesn't have the money in the account, they can't send out the check. Our state and... and we sit here, our state is being driven to the brink of a

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financial abyss, and we sit here and watch it happen. It's got to stop. Thank you."

Speaker Riley: "The Chair recognizes Representative Tryon."

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

Speaker Riley: "He indicate... she indicates she will."

Tryon: "I... I rise in support of the comments made by the Representative from Arlington Heights. I have to tell you something. I have been here for 11 years. I've never seen the tension in this chamber the way it's been in the last few months. What is the Governor supposed to cut? We passed the ame... \$36 billion budget, with \$32 billion of money. He can't cut child care. He can't cut State Fair. We can't cut anything. Because you don't want to cut anything. But you don't have the votes to override your own budget of \$36 billion. That's... we could be voting on that today. And you could have a \$36 billion appropriation. Then we'd have to make cuts. So what... where we're at right now, today, with no budget and the inaction of the General Assembly in Illinois, where we're at today is the citizens of Illinois are being governed by the Judiciary and the Executive Branch. We're about the most useless politicians in the State of Illinois right now because we can't come to an agreement on anything. But if we can agree, we only have \$32 billion, then what's the Governor supposed to do? He can't print money. And we're heading to a day, a day in the future, where Illinois will run out of money. And that day is getting near. Right now, the managed care contracts in the whole state say if they don't get paid by the State of Illinois in 60 days, they don't have to pay the providers. Sixty days was yesterday. So some

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of your providers aren't going to get money for their social service agencies. And why that amount may survive with the big hospitals and the big agencies, the little guy's going to get hurt real bad here. And for us to just argue about, we can come up with \$25 million here for this program, we did \$15 million on heroin, when the department that's going to manage the program says it's going to cost 50. We need to get serious about managing the budget because today the budget director testified we have \$32 billion in income. We have \$38 billion in expenditures on our way from consent decrees, court orders, and continuing appropriations, \$38 billion. All right. If we do this AFSCME override, you're not going to be able to manage the \$700 million deduction that was in the bat... budget that you passed the Governor, all right. He won't be able to even negotiate that. We also are going to add a potential another \$2 billion to the budget. Just to get where we need to be, you have to be willing to make a vote of 5.75 percent increase in the income tax. We have to take it from 3.75 to 5.75 to support a \$38 billion budget. I'm ready to talk about revenues. I want to talk about some reforms, but I'm not going to vote to raise taxes in the State of Illinois 6 per... to 6 percent. I'd like to see a show of hands on that side of the aisle. Who is willing to raise taxes to 6 percent because that's the trajectory that we're going on? And it is a serious thing, when we're not going to let any cuts be made to any program, and we're just going to kick the dow... can down the road to April, where we're going to end up bankrupt, and we won't be able to make half the payments that we're supposed to make. This is a serious problem. And I hope, I

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hope that the Leadership on your side of the aisle and our side of the aisle can get together and come to a consensus that it does have to stop. And we sit down with the Governor, and we talk about reforms, and we talk about financial responsibilities. But to come down here and say we.. it's ridiculous to make cuts. I don't know what the Governor's supposed to do. I guess just spend us in 'til there's no money. And that's exactly what we should be concerned about. Thank you."

Speaker Riley: "The Chair recognizes Representative Flowers."

Flowers: "Thank you, Mr. Speaker. I know exactly what the Governor should do. He should call for a financial transaction tax. That will put an end to all of this. You know, I find it interesting. I really, really, really find it interesting that we could talk about all the taxes that we need to raise. Well, here's a group of people, they're not paying no taxes at all. So after we get their taxes, then we can start talking about what other taxes we need to raise, but not off the backs of the babies. Not off the women that's trying to work. You know, I also have a better understanding of what the Governor means by a turnaround tax. You know, back in the day for those of you who may not be old enough to remember, there was what you call Aid to Family with Dependent Children. And the difference was between Aid to Family with Dependent Children and TANF. Aid to Family with Dependent Children wanted the mothers to stay at home, not work, not go to school. The more babies they had, the more income they got. That did not help our situation. And then, fast forward to 1996, we came up with TANF. The difference is, TANF want you to work. But now,

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here we are today, with TANF and a Governor that's trying to mix Aid to Family with Dependent Children and TANF. You cannot have it both ways, Mr. Governor. If you want parents to work and get off TANF and be independent, remove this block off of child care. And if there are some women, or men, who are using child care that should not be doing so, then you knock them off. That's what you do. And as far as the fathers are concerned. Ladies and Gentlemen, let me explain one thing to you. We have been through five or six wars; there's a lot of daddies that will not be coming back. So let's not have that discussion. And there's a lot of fathers as well as mothers who would love to be able to contribute to their families, but they're not allowed to do so because they were falsely incarcerated. There are a lot of parents out there that would love to be able to support their families and support their children, but unfortunately, they cannot because there are no jobs for them. And the jobs that you do want them to work, I'm sorry, but that is not enough of them to contribute to their family, go to school, go to work, and become better persons. So if this Governor, if this Governor and all of us want to really make some changes and stop pointing fingers and stop picking on working people, stop picking on poor people that's trying to work. And then, the poor working people that you're going to accuse of making too much money because they're working three part-time jobs to make ends meet, if we want to continue that conversation, we can do that, and have no resolve. But if re... if we really want to make some changes, let us sit down, step up, shut up, and let's talk about a financial transaction tax. We know that it

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will not bring in millions of dollars. No, no, no. It will bring in billions of dollars. Billions of dollars that has never been to the State of Illinois. Billions of dollars that could make a difference in regards to education, in regards to the infa... infrastructure, in regards to day care, in regards to all the problems that we have been held hostage for... for the last six to eight weeks. We can now make a change. So any time you guys are ready, just call us. And we'll meet you, so we can have this discussion. Thank you very much."

Speaker Riley: "Leader Gordon-Booth to close."

Gordon-Booth: "Mr. Speaker, I knew that this debate would be interesting. Unfortunately, we have moved to a different place in this Body. We've talked about a lot of things today. We've talked about Exxon Mobil, we've talked about the State Fairs, we've talked about who deserves the dignity... the dignity of work and who doesn't. We've talked about AFSCME legislation, financial taxes, Moody's opinion on what our deficit may be, and we've also talked about who is your baby daddy. But let's be mindful, again, of what this really is. Senate Bill 570 is a pro-business Bill that'll allow those of our communities that are healthy, that are willing, that want to pull themselves up by their bootstraps, those that no longer want to be a tax taker, but a tax maker. This Bill is in response to a unilateral decision that was made that excludes 90 percent of the eligible people who should have the dignity of work. Not... by not voting 'yes', be very clear what you're telling your constituents. You're telling your constituents that you don't think that we need to hit the

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reset button and start this over in a bipartisan process. What you're saying is that you're comfortable sending them from work to welfare. These programs that exist in all of our communities are economic engines. And by not voting 'yes', we are tearing those economic engines down. Be very clear that a family that makes minimum wage... let me say that again... a family that makes minimum wage would no longer qualify for child care. That's a sad day in Illinois when we talk about trying to be a much more business-friendly state, when the least of these who we are sent here to uphold, who we are sent here to advocate on behalf of. If you don't vote 'yes', you're turning your back on them. Be very clear. There's been a lot of conversation about how we pay for this. I would like to engage in that conversation, and let's start with many of the tax loopholes that exist in this state. Let's start on that tonight. Let's work on that tonight, because to me, this is a priority. There are over 50 cosponsors on this Bill, and I didn't work with any of them to get on this Bill. But you know why they got on this Bill? Because they have constituents in their district who are poor, who are trying to go to school, who are trying to do their... to do their level best by their families, and all they need is a little hand up. That's all they're asking for. By voting 'yes', you are investing in children, you are investing in families, you are investing in the economic engines that are in every single district in this state, not just mine in central Illinois, not just the members who reside in the northern part of Illinois. Everybody has folks in their community who, for at no fault of their own, they are a part of an economy that simply does not make

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a living wage that allows them to go to work, pay for child care, pay rent, pay mortgage, and a utility bill all at the same time. Doesn't allow for it. So the bottom line is this. If you care about children in this state that are poor, and them having the ability to access a high-quality child care, that helps to prepare them for pre-K and kindergarten, vote 'yes'. If you care about the parents in this state that want to have the ability to work, that want to serve as a role model to their children so that their children can break a cycle of poverty, so they don't continue to see families do nothing but accept a welfare check. If you want to help those families get off the... stay off the welfare rolls and continue to work, vote 'yes'. If you believe that investing in the children of this state is a priority, if you look at the children in your district, the poor children of your district, if you don't look to those children as Democratic kids or Republican kids, you would vote 'yes'. If you want to do the right thing by the poor families, by the poor children of your district, and give them an opportunity to do this very same things that your children are doing, do the right thing. Vote 'yes'."

Speaker Riley: "Members, Representative Demmer has requested a verification, so all staff retreat to the back of the chamber. Members, vote your own switch. Senate Bill 570 requires 71 votes. So the question is, 'Shall Senate Bill 570 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Gordon-Booth, would you like to put

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this measure on Postponed Consideration? Excuse me. Mr. Clerk, take the record. With 70 voting 'yea', 8 voting 'nay', 31 voting 'present'. Postpone Consideration, Representative?"

Gordon-Booth: "Yes. Mr. Speaker, I would like to Postpone Consideration and move the Bill to Second Reading, please."

Speaker Riley: "Mr. Clerk, put this Bill on Postpone Consideration but move the Bill to Second Reading. Mr. Clerk, read the Bill."

Clerk Hollman: "Senate Bill 570 is on the Order of Second Reading, is a Bill for an Act concerning State Government. It's been read a second time before. Floor Amendment #1 was adopted previously. Floor Amendment #2 had been previously withdrawn."

Speaker Riley: "Representative Gordon-Booth."

Gordon-Booth: "Mr. Speaker, I would like to move the Bill to Second Reading and adopt House Amendment 2."

Speaker Riley: "The Bill is on Second Reading. Representative Gordon... Stand fast. Representative Gordon-Booth, you wish to bring back House Amendment #2 for adoption."

Gordon-Booth: "Correct."

Speaker Riley: "The Chair... the Chair records... recognizes Representative Sandack."

Sandack: "I... I'm sorry. The... the Amendment was withdrawn, was it not? Under what authority does the Sponsor have to bring back an Amendment that had been withdrawn of record?"

Speaker Riley: "Withdrawn is not table. Withdrawing is not the same as tabling the Amendment. She's actually making a Motion to be able to vote on Amendment #2."

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Sandack: "Ex... excuse me. I do for the... I'm going to appeal to the Chair to... to give me the citation to the ruling that permits that activity."

Speaker Riley: "Well, there is no... there is no rule..."

Sandack: "Fine."

Speaker Riley: "...to do that, so..."

Sandack: "Then give me the parliamentary procedure under *Robert's*. There's going to be a citation to authority, Mr. Speaker and I'm asking for that citation."

Speaker Riley: "The ci... well, we operate under House... we operate under House Rules and not *Robert's Rules of Order*. And so, to that extent, there..."

Sandack: "Mr. Speaker, the... the House Rules are the actual rules that we use and undertake our business, which are incorporated by *Robert's* when there is no expect... explicit rule. So give me the House Rule or the *Robert's* rule of parliamentary procedure. Please."

Speaker Riley: "Yeah. There is... there is no rule which says that... the sa... you know, that there's a... that you can't bring an Amendment back for adoption that was not tabled."

Sandack: "Si... Sir, point of personal... personal privilege, then."

Speaker Riley: "State your point."

Sandack: "How... House Rule 99 says as follows: Parliamentary Authority. The rules of parliamentary practice appearing in the latest edition of *Robert's Rules of Order New... Newly Revised* govern the House in all cases to which they apply so long as they are not inconsistent with these House Rules. So, again, Sir, if there is no House Rule, I ask for the *Robert's*

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rule that authorizes and permits the practice you're employing right now."

Speaker Riley: "We will get a parliamentary opinion. Senate Bill 570 is on... is on Second Reading. It will stay on Second Reading for the time being. Representative Lang in the Chair."

Speaker Lang: "The Chair is in receipt of a Motion from Representative Hammond. Pursuant to Rule 65, having voted on the prevailing side, Representative Hammond moves to reconsider the vote by which House Bill 2482 passed. Representative Hammond is recognized."

Hammond: "Thank you, Mr. Speaker. I withdraw my Motion."

Speaker Lang: "Lady withdraws her Motion. Mr. Sandack is recognized. Mr. Sandack has changed his mind. The Chair is in receipt of a Motion from Representative... the Chair is in receipt of a Motion from Leader Currie to reconsider the vote by which House Bill 2482 passed. Mr. Harris moves to table that Motion. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And Leader Currie's Motion is tabled. Mr. Clerk, Senate Bill 1229. Please... Mr. Smiddy is recognized on a Motion."

Smiddy: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I make the Motion that House... the House override Governor Rauner's Veto of Senate Bill 1229. Interest arbitration is not a new concept to state... the... to Illinois state employees. It has been in place for almost 30 years for police, fire, and other safety personnel. This legislation will prevent a shutdown of State Government. It will not allow workers to strike. And it would prohibit the Governor from locking employees out. Let me be clear. This is not a pro-

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union Bill. This is not an anti-Governor Bill. This is a Bill to protect the citizens of Illinois from being caught up in the middle of a bitter contract negotiation. So first, let me address what this Bill does not do. Again, what the Bill does not do. Governor Rauner claims that this Bill mandates interest arbitration. That's simply not the case. Nowhere in this legislation does it mandate interest arbitration. Governor Rauner has also claimed that no other state offers interest arbitration to state employees. Again, that is simply not the case. In fact, more than 20 states offer interest arbitration for some or all of the state employees. This includes the State of Iowa, which borders my district. Governor Rauner claims that interest arbitration are not prohibited to cra... excuse me, permitted to craft their own compromise economic proposals. They can only choose between economic proposals in their entirety. Again, that is simply not the case. The parties can mutually agree to give the arbitrator the authority to craft their own compromise on economic proposals. Also, economic proposals and issues are reviewed and awarded item by item, not all... not an all-or-nothing proposal. The Illinois Labor Relations Board maintains the list of interest arbitrations awards granted by the arbitrators, and if anyone would like to have a copy of those decisions, I have the 88-page document here that you can see. Governor Rauner also claims that this Bill will result in out-of-control spending and force a tax increase. Again, that's simply not the case. Nowhere in the Bill is there a tax increase. And let me repeat that again. Nowhere in this Bill, is there a tax increase submitted. The

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arbitrators are compelled by state statute and must base its findings, opinions, and orders on many factors. One of the factors is the interest and welfare of the public, and the financial ability of the unit of government to meet those costs. And just to be clear, the arbitrator could side with Governor Rauner if he so chooses. Now actually, let me explain what's in the Bill. First, before either party can file interest arbitration, mediation must be initiated. That mediation must last for no less than 30 days, but again, if they are continuing talking, that can be extended by mutual agreement of both sides. Second, the arbitration panel will consist of three arbitrators: an employee delegate, an employer delegate... again, an employer delegate... and finally, a neutral chair selected by a roster of arbitrators maintained by the Illinois Labor Relations Board. Third, if neither side can agree on a neutral chair, the Labor Relations Board has the power to select that neutral chair. If the Labor Board were to choose, of that five-member board, three of the members have just been recently appointed by Governor Rauner and one reappointed. One member is also the current chairperson of this Labor Board, negotiated contracts for former Governor Edgar. And finally, all decisions made by the arbitrator panel must be submitted to the public employer's governing body for ratification. Any or all of the panel's... panel's decisions can be rejected by a three-fifths vote of the governing Body. If that were to happen, the governing Body must provide reasons for the rejections. The arbitrator panel will conduct more proceedings and issue a supplemental decision. The employer... the employer's governing Body of the

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State of Illinois consists of the Labor Relations Board, which I simply said, again, was made up of three new appointees by the Governor, and a reappointment by the Governor, and one who negotiated for Governor Edgar during the previous contracts; the director of Central Management Services, again, another Governor Rauner appointee; and the director of Labor, another Governor Rauner appointee. I'll be happy to answer any questions, and I ask for an 'aye' vote."

Speaker Lang: "Mr. Sandack. Excuse me, Mr. Durkin."

Sandack: "...Durkin. Thank you."

Speaker Lang: "Sorry, Leader."

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

Speaker Lang: "Sponsor yields."

Durkin: "Representative, I think you'll be standing up for a while, so just be patient. I'd like to get through a few procedural questions right now. I'm looking up at the board, and I see Senate Bill 1229 with the cosponsors and it... we're dealing with the state's... the Interstate Medical Licensure. I looked at the Bill, the underlying Bill, and it says interstate... creation of the Interstate Medical Licensure Act. I have a question regarding germaneness 'cause our Constitution requires that an Amendment must be germane to the underlying Bill. Germaneness is relevant to a... means that it's relevant to a subject under consideration. Senate Bill 1229, which we are taking under consideration right now, was filed on February 11, 2015, titled the... title states the creation of the Interstate Medical Licensure Act. The purpose of the Act is to develop a comprehensive process to streamline the process by which physicians become licensed in multiple

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states. I would've loved to have voted for it. I think it's a great Bill. Passed unanimously by the Senate 57-0 on April 22 in 2015. In April of this year, April 23, you took over sponsorship of the Bill, and on May 25, you amended the Bill with Floor Amendment #2, which is a gut and replace, replaced everything with that Amendment. That Amendment amends the Illinois Public La... Labor Relations Act. I need for you to tell me how is that germane to the underlying Bill, and how is that compliant with our Constitution?"

Smiddy: "I believe that it is germane, and we're just here on the Veto. Both Houses passed this legislation previously."

Durkin: "I need a basis for you to explain to this Body why it is germane."

Smiddy: "I believe it's germane, and we are here to override a Veto that both Houses passed."

Durkin: "All right. We'll be here all night. Explain to me why this is germane. I'll stand as long as we have to, but I want an answer."

Speaker Lang: "Mr. Durkin, the case law in the State of Illinois holds that questions of germaneness have to be addressed while the Bill is still on Second Reading. This is a Veto Motion, and it... the Chair rules the inquiry out of order."

Durkin: "Well, I know the Rule is 60 in this building, but the fact is, you're going to hear a lot, that we're going to be making our record tonight. The Rules that have been promulgated and forced down the throats of the Minority Party, you know, they are what they are. But the fact is, rest assured, everybody, that we will make our record tonight, no matter what the ruling is from the Chair. Now, Representative,

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can you tell me if this Bill... you're successful with overriding the Governor's Veto, what is the effective date of the Bill?"

Smiddy: "It's immediate effective date."

Durkin: "All right. And if this Bill is overridden, will it be law in perpetuity within our statutes?"

Smiddy: "Yes, it will be in the statute."

Durkin: "No, no, no. I asked you how... I... here, let me just explain it. How long will this Bill be in effect? Will it be in effective... will be in effect forever or is there a time limit, a sunset that has been attached to this Bill?"

Smiddy: "It will only apply to the bargaining agreements that would expire in July of 2019."

Durkin: "Why do we have it for this short amount of time?"

Smiddy: "Because it would be the length of the contract."

Durkin: "Why don't we have it apply in perpetuity for all Governors and all administrations from here on out? Why are we singling out this administration? Why are you singling out this administration?"

Smiddy: "All contracts don't apply in perpetuity. It is just for the length of this contract."

Durkin: "This is... yes or no. This is targeted at the... Governor Rauner and his ability to negotiate a contract, correct? That current contract that is under negotiation?"

Smiddy: "Absolutely not."

Durkin: "Please. Oh. All right. So I guess what we're saying is, can it... it expire in June of 2019. When is the next statewide General Election?"

Smiddy: "November of 2016."

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Durkin: "Next... all right, that... there's a special election then, but let's say next Gubernatorial Election. When is that?"

Smiddy: "2018."

Durkin: "Okay. And the next... and a Governor will be sworn in in January of 2019, correct?"

Smiddy: "Yes."

Durkin: "And it's your hope that it'll be someone other than Governor Rauner that gets sworn in, who won't have to live under these... this oppressive Bill, correct? Now that you don't want to respond."

Smiddy: "I'm sorry. Could you repeat the question, then?"

Durkin: "What? It's very obvious to me. It's either a yes or no question. You want this Bill to expire with the... the hopes that Governor Rauner will not get reelected, so a new Governor will not have to deal with an oppressive Bill like this, and impair... impede their ability to negotiate a fair contract on behalf of the Illinois taxpayers, correct?"

Smiddy: "This does not impede their ability to bargain in good faith and become... and have a fair contract. There's mediation before there's any impasse that would happen, before they could even go to arbitration. I'm hoping that this would be a last resort, and we would never have to do this."

Durkin: "Okay. Now let me ask you right now. The parties are currently in negotiation, correct? The state..."

Smiddy: "I believe so, yes."

Durkin: "...and the Governor's Office, and also AFSCME, correct?"

Smiddy: "I believe that's correct, yes."

Durkin: "How long is... have those negotiations... when did they start? How long have they been going on?"

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Smiddy: "I'm not really sure."

Durkin: "Well, could you ask somebody? That's why you got them over there."

Smiddy: "I would say several months. I'm not sure exactly when the date began."

Durkin: "All right. Can you give me an example, any time in recent history in this state or this country, where we have changed the goalposts during the middle of negotiations in a contract that change the... the way in which we are going to conduct our business and negotiate like we're doing today?"

Smiddy: "Again, this is not allowing... this is not mandating arbitration. What this is doing is still allowing the Governor to bargain in good faith. And hopefully, we can have a contract come out of that bargaining."

Durkin: "But ultimately, what you're going to do is that one party's going to declare an impasse, and then that'll go to mediation. We know what'll happen there. There'll be a punt. It'll go to the Labor Relations Board, and then a third party will be appointed to make the decision. What you're doing right now is that you're changing the rules of engagement midstream. And I think that that's unfair, and I think it's unconstitutional. And we don't do this in this state. I don't know any other state that does this. This is the type of stuff that we hear in the news, on the national news overseas. I think it's wrong. Do you think it's a good idea? Do you think it's fair? Change the rules of engagement midstream?"

Smiddy: "As I've said before, I believe that we... that the Governor and AFSCME can still continue to bargain in good faith, and that is my hope. I'm hoping that arbitration does not have to

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come to pass, and I... I believe that they will be... still be able to bargain in good faith."

Durkin: "Well, you know, if they don't... they can if you get rid of this Bill. But what you're doing is you're doing just the opposite, if you want to pass this Bill. What you're doing is that you're discouraging arbi... any type of good negotiation, honest negotiation, if you pass this Bill. You know that."

Smiddy: "I disagree with that statement."

Durkin: "All right. All right. All right. Well, you know, I've been around here a while. I think I... I'll disagree with you. All right. Under your Bill, would the union be able to force the parties into arbitration, even if the parties have not reached an impasse in the negotiations?"

Smiddy: "No."

Durkin: "Under your Bill, who decides when the parties are at an impasse?"

Smiddy: "What parties are..."

Durkin: "Under the Bill that you are... that presented, in which you are seeking to override the Governor's Veto, who decides when the parties are at... at an impasse?"

Smiddy: "The Labor Board."

Durkin: "And tell me how that process goes."

Smiddy: "At... at this time, there has been no declaration of an impasse, so they would go to mediation. And then, if there's an impasse, then it would go to arbitration by one or more sides."

Durkin: "All right. Well, that was clear as mud. Could you explain to me if there is any type of... what is the legal standard for one party or for the Labor Relation Board to re... to look at

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to determine if there's an impasse? Is there a legal standard in place?"

Smiddy: "There is no declaration of an impasse at this point. It's tied to the expiration of the agreement, and that hasn't happened yet."

Durkin: "No, I'm asking you, under your Bill, what... what is... what do you have in the... what in the Bill declares that an impasse has been reached, that they've... there is... they're at impasse?"

Smiddy: "It doesn't say anything about an impasse."

Durkin: "It doesn't? Don't you think it'd be a good idea to have that incorporated in your Bill exactly detailing and spelling out what are the standards before one party can declare impasse?"

Smiddy: "It doesn't say anything about declaring an impasse."

Durkin: "Well, that's a big hole, and that's not good. That's bad for your Bill. What happens if the union, under the example, if the union declares impasse, but the employer disagrees that the parties are at impasse? What happens in that situation under your Bill?"

Smiddy: "They go to the Labor Board."

Durkin: "And tell me what... what is the process in front of the Labor Board? What... who... what is... Is there a... Is this a... a legal proceeding? And could you explain to me exactly... detail what is the process to go before the Labor Board in that situation when one party disagrees that they are... disagrees with the other party's contention that they're at impasse?"

Smiddy: "Well, they would have to go to mediation first before they could declare an impasse, before arbitration could even be looked at."

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Durkin: "All right. What are the rules of evidence? Are there any rules of evidence? Let me ask you this. When we go before this arbitration panel, what are the rules that apply at that arbitration hearing?"

Smiddy: "The... the same rules that apply to police and fire currently."

Durkin: "All right. Could you ask the counsel to your left what exactly those are?"

Smiddy: "Are you talking about the appointments of the three-member panel?"

Durkin: "No, I'm talking about what is the rules of... the rules of procedure within... when this... under your Bill, when it would reach... the example we're working off is that when one party says we're at an impasse and the other one says we're not at an impasse. You said, well, it goes before the Labor Relations Board. So my question is that in that circumstance, what are the rules of procedure and evidence that take place at that level?"

Smiddy: "That's... that would be decided further down the road."

Durkin: "It's not in the Bill. Wait a minute. You're going to pass a Bill that's, 1) is going to change the rules of how the gov... the administration has to negotiate a labor contract, but you're now saying, well, if we go to arbitration, we'll deal with it later."

Smiddy: "No. You're..."

Durkin: "I... that's what you just said. Let's... let's start again. I'll let you have to answer the question again. What are the rules and procedures that are before the arbitration board in

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the scenario that one party states that we're at impasse and the other party disagrees?"

Smiddy: "That's not in the Bill."

Durkin: "Where is it?"

Smiddy: "That's not what the Bill says. From my understanding, your questions are not relevant because it does not follow the process that's set up in the Bill."

Durkin: "Well, your Honor, I... I would disagree. And you know, if you're going to pass a Bill and... and try to pass a Bill that's going to have such a dramatic impact upon the state's finances and the Governor's... the administration's ability to negotiate a Bill, something that's kind of complicated, I think you got to do a better job of explaining process and procedure of how this is going to work. So we'll be here all night, we can talk about it. And I'm sure my colleagues will be able to follow up with you again. But exactly, I want to know where... you said that they're within the police and fire Section. Explain to me what's within the police and fire Section under the Labor Relations Board that deals with procedure and evidence."

Smiddy: "What happens is... is that both sides, once arbitration is... once they were... would go to arbitration and an impasse would be declared, then both sides would give their best, last final offer."

Durkin: "All right. Let me ask... I'll be a bit more specific."

Smiddy: "Excuse..."

Durkin: "Is the Labor Relations Board allowed to issue subpoenas for a testimony?"

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Smiddy: "It's not the Labor Relations Board. It would be the panel of arbitrators."

Durkin: "All right. The panel of arbiters. Will the panel of arbiters be given the authority to issue subpoenas for individuals to testify?"

Smiddy: "Yes."

Durkin: "Will the witnesses be required to be sworn in under oath?"

Smiddy: "They may do that, yes."

Durkin: "If a party is sent a subpoena and they do not comply, what hap... what recourse does this panel of arbiters have?"

Smiddy: "They may be punished by the court and held in contempt."

Durkin: "Who would be responsible for enforcing that order of contempt?"

Smiddy: "It could be the panel or the Attorney General."

Durkin: "I'm not sure if that's accurate. Do you want to rethink that and ask counsel? What legal authority does the panel have to enforce a contempt citation? Is that..."

Smiddy: "The current rules of the Labor Board apply to this. Hopefully, that answers your question."

Durkin: "No, it doesn't. Does... where in the rules, and you can ask counsel to your left, counsel behind you, where in the rules does it state that the panel of arbiters have the ability to issue a contempt citation and enforce it?"

Smiddy: "They don't."

Durkin: "Who does?"

Smiddy: "They can seek it."

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Durkin: "All right. A question I have is, who does? Who enforces a contempt... if there's an issue... if there's a contempt citation, who enforces it?"

Smiddy: "Go to the judge. The courts do."

Durkin: "Who will represent the arbitration panel? Is it all three of them have to march in, and they have to go in front of the court and have to state in unison that the... a party is... is not complying with the subpoena, and we are all asking that you hold this individual in contempt, or is there somebody who's representing the arbit... the board of arbitration?"

Smiddy: "Either the arbitration panel or the Attorney General."

Durkin: "No. The answer is the Attorney General 'cause one of... I looked at it earlier, so... my gosh. All right. All right. Let's go a little bit into the... I want to get into a little bit of the arbitration panel members. In the event that parties cannot agree on an arbitration panel chair, under your Bill, are arbitrators from outside of Illinois eligible to be selected as chairpersons of that committee?"

Smiddy: "If mutually agreed upon, that's current law."

Durkin: "Is that in the Section which you are currently amending under the Interstate Medical Licensure Act, or under the Public Relations Board... Illinois Labor Relations Act?"

Smiddy: "That is current law."

Durkin: "All right. Is it under the Public Relations Act?"

Smiddy: "Yes."

Durkin: "All right. In the event that the parties cannot agree on an arbitration panel chair, does your Bill... under your Bill, does the Illinois Labor Relations Board have discretion in

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putting together a list of arbitrators, in which of... for the parties to pick from?"

Smiddy: "The arbitrators will be selected the same as they are now under the Public Labor Relations Act."

Durkin: "Okay. All right. And that is through the Labor Relations Board, correct?"

Smiddy: "Correct."

Durkin: "Okay. Do you know how many arbitrators that are currently in that pool before the Illinois Labor Relations Board?"

Smiddy: "I'm not sure of the number."

Durkin: "It's 53. Do you know how many of these arbiters... arbitrators have been certified... recommended by Governor Rauner?"

Smiddy: "No."

Durkin: "None. And let me just tell you this. Of the 53 that are currently in the pool, they are all been... that each and every one of them has been certified under Governor Quinn and of also Governor Blagojevich. Are you aware of that?"

Smiddy: "No."

Durkin: "But that's true. So the person who is going to be given the... the important decision of being the chair of this panel, who will be selected, is coming from the pool of 53 people who were appointees under the previous two administrations. And that individual ultimately, when you have an employer selection, you'll have a union selection, you're going to bring one of the 53 in. They will be responsible for playing God and making the decision whether or not to accept the Governor... the administration's offer or the union's offer. That's what your Bill does, correct?"

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Smiddy: "No, it's not one or the other. It can... they go item by item with regards to each issue, and it can be either the Governor's proposal or the union's proposal. It's not all or nothing."

Durkin: "Well, that's... well, I think you just said that. It's either the Governor's position or the union's position. It means... it seems to me it's all or nothing on either side. They can fit certain factors into consideration, but I don't believe that they... Let me ask you this. Do they have the ability to find a common ground at interest when we have interest arbitration? Can they find and recommend a common ground or rule on it in... at something which, you know, everybody gets a little bit of something? Can they do that, under interest arbitration?"

Smiddy: "If both sides mutually agree that their arbitrator can bring forth a proposal, yes."

Durkin: "What if they don't?"

Smiddy: "Then, no."

Durkin: "Wow. So we have an unelected individual who has been a... who is a pool member who was appointed under the past two Democratic administrations in this scenario, when there's no agreement, is ultimately going to decide one or the other. That's the way it's going to work, folks. A few more questions. If the... if one of these sides, we have a situation where the impasse has been declared, it's gone through mediation, and we've gone through the whole process, and with the arbitrator... with... with the arbitration, and they make a recommendation. Does either side have the ability to... Let me

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ask you this. Does the Governor the General... or the General Assembly have the ability to veto or override that decision?"

Smiddy: "The governing Body does."

Durkin: "How about the House of Representatives?"

Smiddy: "No."

Durkin: "Can the Governor override that decision?"

Smiddy: "His appointees can."

Durkin: "No. Who... which appointees?"

Smiddy: "Yes."

Durkin: "Is that in your Bill? Does your Bill state that if the..."

Smiddy: "It's current law."

Durkin: "Well, I'm not sure were... where in current law, where the Governor has the ability to say that, you know what, I don't like that decision. I'm going to issue an Executive... Let me... Can he issue an Executive Order and say that I reject that... that decision by that arbitration panel? This is... I... this is all new to me. I need for you to explain to me exactly whether or not the Governor can trump that decision, and where it's found."

Smiddy: "The employer's governing Body from the state consists of the labor... Labor Relations Board, the director of Central Management Services, which is appointed by the Governor, and the director of Labor, which is appointed by the Governor. So the Governor has a say through his appointees."

Durkin: "Governor has a say on... with the arbitration."

Smiddy: "On... on his ability to reject the offer."

Durkin: "I have... I have... you're not answering my question. All right."

Smiddy: "Again, that's current law."

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Durkin: "I disagree with you, disagree. I want to go back in history a little bit about contract negotiations. Under... I was here back when Governor Blagojevich was in the midst of a very tense negotiation with the state employee union to the point where there was informational picketing, a lot of disruption that occurred because of concessions that that Governor was asking for. Did the Legislature see fit... did they pass legislation which would give the Governor less authority to negotiate that contract as we are doing today?"

Smiddy: "I wasn't here at the time, so I'm not really sure."

Durkin: "Why don't you ask one of the counsels behind you?"

Smiddy: "I wasn't here at the time, so I'm not really sure."

Durkin: "Why don't you ask them behind you?"

Speaker Lang: "Mr. Durkin, have you completed your remarks?"

Durkin: "No. I'm waiting for an answer."

Smiddy: "I answered. I wasn't here at the time."

Durkin: "All right. Let me tell you that... the Legislature did not, did not, I will make it very clear, the Legislature did not limit the Democrat Governor's ability to negotiate with that union in any way. And just recently, in 2012, Governor Quinn, same issue. We... you weren't here, but the Legislature did not limit the Governor's ability to negotiate on behalf of the state taxpayers. You don't have to answer that question. Those are facts. Now, there obviously has been a lot of attention... give me one moment, please... now, Representative, I know a lot of times that people really don't put a lot of weight and... and value in... with editorial boards. But I want to go through and list the editorial boards who have come out strongly against overriding this Bill.

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Seventeen of the editorial boards throughout the State of Illinois have said this is a bad process and this should not go on. You should not override the Governor: the *Belleuille News-Democrat*; *Chicago Tribune*; *Crain's Chicago Business*; the *Daily Chronicle* in DeKalb; *Daily Herald*; the *Herald & Review* in Decatur; the *Jacksonville Journal-Courier*; the *Journal Standard* of Freeport; the *News-Gazette* of Champaign; *Northwest Herald*; *Ottawa Times*; *Pantagraph*, Bloomington; *Peoria Journal Star*; *Rockford Register Star*; *State Journal-Register*; *The Dispatch*; and *The Rock Island Argus*; *The Southern Illinoisan* have all stated that the Veto should stay and that the parties should go back to the negotiating tables, and this is terrible public policy. Tell me, are they wrong? Are these 17 editorial boards wrong?"

Smiddy: "Yes, in my opinion. Because they can still go and collectively bargain before this Bill would even come into..."

Durkin: "All right. Well, I guess the 17 editorial boards have all... are scatter-brained and they are not... didn't read the Bill well enough, or have understand the circumstances that we have growing on in the state. I'm just going to finish up and say that... that it's unfortunate we're at this situation. We had a Bill that was... a budget that was... was thrown upon Illinoisans back in June, which was a \$4 billion unbalanced budget. It was passed out of both chambers. No Republicans supported it. Four billion dollars, that's why we're here right now. We're continuing to negotiate. Right now, what is being asked by the state employee union, with their new contract, could be up to \$2 million... \$2 billion in additional spending for... for salaries, group insurance, and pensions. We

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just can't afford it. This is something that must be negotiated with the Governor. And by doing this... doing this legislation, overriding the Governor, this is a direct shot at this Governor, make it very clear, but this is a clear assault upon the Executive authority of this State of Illinois. And it's wrong on so many levels. And I'm sorry we're ahead... we're here to do this. We should reject this... this Motion. And I would ask that my friends on the other side of the aisle, think hard about exactly what words... what's at stake here, folks. Let this Governor do what he was elected to do. They may not like it, but the fact is, the past two Democrats, who were involved with these types of contentious situations, didn't have this type of legislation imposed upon them. And lastly, folks, it's just not fair to change the rules midstream. It's not what this state is about. It's not a... what this country's about. I'm asking that you reject this and vote 'no'."

Speaker Lang: "Mr. Clerk, Rules Report."

Clerk Hollman: "Rules Report. Representative Barbara Flynn Currie, Chairperson from Committee on Rules reports the following committee action taken on September 2, 2015: recommends be adopted, referred to the floor is Floor Amendment #3 to Senate Bill 570."

Speaker Lang: "Mr. Martwick."

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

Speaker Lang: "Sponsor yields."

Martwick: "Representative Smiddy, I have some questions for you designed to understand your legislative intent. So, is it true that the Illinois Public Labor Relations Act requires

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that the arbitrators be appointed from a panel, approved by the Illinois Labor Relations Board, a public body, unless the parties agree on an alternate means of selecting the arbitrator?"

Smiddy: "That is correct."

Martwick: "Is it true that the Illinois Public Labor Relations Act requires an arbitrator to take in account many factors, including the financial condition of the employer, when he or she evaluates the economic proposals of the parties?"

Smiddy: "That is also correct."

Martwick: "Does the arbitrator have the authority to order the state to increase taxes?"

Smiddy: "No."

Martwick: "Has any arbitrator under the Illinois Public Labor Relations Act ever ordered a Governmental Body to increase taxes?"

Smiddy: "No."

Martwick: "Do the courts have the authority to review the arbitrator's decision to ensure that arbitrators take the factors required by the statute into account?"

Smiddy: "That would be correct."

Martwick: "Is it true that the arbitration award must be reviewed by a panel that includes representatives of the Executive Branch under the authority of the Governor before it becomes final?"

Smiddy: "That would also be correct."

Martwick: "Does the Bill impose any retroactive obligations on the parties to the state collective bargaining agreements?"

Smiddy: "No."

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Martwick: "Does the Bill simply regulate the collective bargaining process going forward?"

Smiddy: "That would be correct."

Martwick: "Is it your intent that the provisions of the Bill prevail over any conflicting language in Section 21.5 or any other provision of the Illinois Public Labor Relations Act?"

Smiddy: "That would be correct."

Martwick: "Would it be constitutional for the General Assembly to directly set the terms and conditions of employment for state employees through legislation?"

Smiddy: "That would be correct."

Martwick: "Thank you. That's all I have."

Speaker Lang: "Mr. Sandack."

Sandack: "You... thank you, Mr. Speaker. A few questions of the Sponsor."

Speaker Lang: "Sponsor yields."

Sandack: "Picking up from Representative Martwick's questions, as we stand here today, Representative, there is a tolling agreement that's in effect between the two parties that is the Governor as the administration and AFSCME. Isn't that correct?"

Smiddy: "I believe that is correct, yes."

Sandack: "You believe that's correct, or it is correct?"

Smiddy: "That is correct."

Sandack: "Yes. And when does that agreement run through, Representative?"

Smiddy: "September 30."

Sandack: "And remind us when your Bill, if it overrides the Governor's Veto, becomes effective, Representative."

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Smiddy: "The Bill is effective immediately."

Sandack: "So if we override, scratch that. If you override the Governor's Veto, it... the... the law becomes immediately effective, and it impairs the current tolling agreement bind between the parties. Isn't that correct?"

Smiddy: "That is not correct, no."

Sandack: "Explain yourself. How is that not correct?"

Smiddy: "Nothing is triggered until after the agreement expires."

Sandack: "Excuse me?"

Smiddy: "Nothing is triggered with this Bill until after the agreement expires on the..."

Sandack: "Now, well would I..."

Smiddy: "...30."

Sandack: "...where would I find that in the body of the Bill?"

Smiddy: "The very first sentence of... on page 5 of the new language..."

Sandack: "Which reads as..."

Smiddy: "...of the Bill."

Sandack: "Wha... what does it say, Representative? Tell me how that does not apply."

Smiddy: "Agreements expiring on or... on June 30... on... on or after June 30 and which this expires September 30."

Sandack: "Are you referring to with respect to collective bargaining agreements expiring on or after June 30, 2015, but on before June 30, 2019. Is that the language that you're telling me does not be... does not become impaired by the immediate effectiveness of your override vote? Sir, do you know your Bill?"

Smiddy: "Yes."

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Sandack: "Then tell me exactly where, and how, more importantly, the immediate effectiveness of this override does not impair the existing tolling agreement which runs through the end of this month."

Smiddy: "Mediation would begin within 30 days of expiration of the agreement after the expiration date."

Sandack: "Wh... excuse me? Mediation would agre... Sir, right now, you've already told this Body that your Bill, if it ov... excuse me... your Motion, if it overrides the Governor becomes immediately effective. There is a tolling agreement that goes through the end of this month, September. And I'm asking you how your immediate override does not impair an existing collective bargaining agreement."

Smiddy: "Because mediation will not start until after the expiration date of the September 30 agreement between the Governor and AFSCME."

Sandack: "I'm going to move on, Representative Smiddy, because I clear you... you don't really know that answer. As we speak here today, as we stand here today, negotiations are ostensibly continuing, with respect to the tolling agreement, th... that you and I've been talking about. Isn't that correct?"

Smiddy: "Yes."

Sandack: "Okay. And... and... Mike, you have good direct information about this, right? I mean, you're personally affected by this, correct?"

Smiddy: "No."

Sandack: "Oh, okay. You're not a member of AFSCME?"

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Smiddy: "Currently, I'm a Member of the Illinois General Assembly."

Sandack: "Right, that wasn't what I asked, however. Those aren't mutually exclusive."

Smiddy: "Actually under the law they are. I can't work at both places."

Sandack: "I... I didn't suggest you were working there. I asked if you were a member, that's all."

Smiddy: "Currently, no."

Sandack: "Oh, okay. So let's go through your Bill a little bit where Leader Durkin maybe left off. Can an arbitrator consider the state's financial condition in deciding whether the state can afford to pay increases?"

Smiddy: "Yes. It's mandatory that they consider it."

Sandack: "Does the arbitrator consider whether taxpayers must pay higher taxes to afford the contract?"

Smiddy: "Well, it... since there's not a tax increase in this legislation, that's the only way that the taxpayers would actually have... be able to pay more."

Sandack: "I'm not sure that answered my question. I'll repeat it. Does the arbitrator consider whether taxpayers must pay higher taxes to afford the contract?"

Smiddy: "Tha... that is not in the legislation."

Sandack: "I... I... Okay. I'll ask it again. Does the arbitrator consider whether taxpayers must pay higher taxes to afford the contract? If you want to hand the microphone to the... to counsel, I... I'd be happy to take his answers."

Smiddy: "They consider the financial ability of the government entity to pay."

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Sandack: "To a pay, okay. Does the arbitrator consider whether taxpayers pay higher taxes? Yes or no, Mike."

Smiddy: "They consider the financial ability of the government entity to pay."

Sandack: "Does the arbitrator consider whether cuts would be necessary to afford the contract?"

Smiddy: "They consider the financial ability."

Sandack: "Does the arbitrator consider whether the state's credit rating would be downgraded in order to afford the contract?"

Smiddy: "They consider the financial ability of the government entity."

Sandack: "Representative Smiddy, can the General Assembly delegate or transfer its power of taxation to arbitrators?"

Smiddy: "That's not what this Bill does."

Sandack: "Yes or no, Sir."

Smiddy: "No, and we're not."

Sandack: "Can an arbitrator look at comparable salaries from different states?"

Smiddy: "They look at comparable salaries from public and private employment."

Sandack: "Do they look at comparable salaries from different states, Mike?"

Smiddy: "I'm not sure."

Sandack: "Okay. So you don't know if there are comparable states which would be utilized as a mechanism of measuring comparable salaries?"

Smiddy: "No."

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Sandack: "Do arbitrators adjust comparable salaries from other states for cost of living increases or cost of living differentiations?"

Smiddy: "I do not know."

Sandack: "Do arbitrators compare salaries themselves or the level of salary increases, both over the years and in any future contracts?"

Smiddy: "I don't know."

Sandack: "All right. Let's move on to the no strike con... provision. So part of your Bill ostensibly says what th... what the union's giving away here. It's not, by the way, AFSCME is not a public safety union, is it? It's not a police or fire department?"

Smiddy: "They are public safety because they represent those in the Illinois Department of Corrections and the Illinois Department of Juvenile Justice."

Sandack: "They're not police officers or fire personnel, are they? And they don't currently have no strike provisions and/or no lockout provisions, isn't that correct?"

Smiddy: "No, that is not correct."

Sandack: "Can... so if this no strike Bill... if this is truly a no strike Bill, why do unions retain the right to strike after impasse is declared but prior to the start of the arbitration proceedings?"

Smiddy: "I'm sorry. Could you repeat that question?"

Sandack: "Sure. If this is truly a no strike Bill, why do unions retain the right to strike after impasse... after impasse is declared, but prior to the start of arbitration proceedings?"

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Smiddy: "They reserve the right to strike until the arbitration were to begin, because they are still negotiating until the arbitrator convenes."

Sandack: "So representations that this is a no strike Bill is... is, frankly, wrong. Isn't that correct?"

Smiddy: "No. Once they go to arbitration, they are not able to strike, or they are not able to lock out."

Sandack: "Well, yeah. That's after, again, an impasse is declared, but before an arbitration proceeds. But clearly, the unions retain the right to strike, under your Bill until that point in time. Isn't that correct?"

Smiddy: "Until they go to arbitration."

Sandack: "You can just say yes so we can move on."

Smiddy: "Until they go to..."

Sandack: "If the union..."

Smiddy: "...arbitration."

Sandack: "Okay. If a union declares a strike at any point after this Bill becomes law, would that be a violation of House Bill... I'm sorry... Senate Bill 1229?"

Smiddy: "Not until they go to arbitration."

Sandack: "Can the General Assembly override the arbitrator's decisions if it disagrees with them?"

Smiddy: "No."

Sandack: "To the Motion, Mr. Speaker. I want to thank the Sponsor's lawyer for answering many of the que... questions I put forward. Ladies and Gentlemen, this is the single most cynical piece of legislation I've seen in my almost five years in the General Assembly. We are in the middle of labor negotiations right now. In the middle of it, and I don't think

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there's any example or illustration that this Sponsor or any Member of this House can point to that will demonstrate and/or rationalize how you stu... how you change the rules in the middle of negotiation. What's more, folks, it... it's instructive to remember that this Governor has signed and actually cut a deal with the Teamsters, a public sector union that represents public sector employees, valued people that work for the State of Illinois. So this idea that we're going to, for three years only... talk about cynical... for three years only, handcuff this administration. Of course, we're not going to do it for any future administration, because god knows they may be more, Blagojevich-like and/or Quinn-like in their largesse, in their ability to cut deals with their favored friends that make no sense to taxpayers. Think about what we're doing. We are absolutely handcuffing the Executive who is charged by the state of... the citizens of the State of Illinois with changing this state's financial trajectory. And because Representative Smiddy, and folks on your side of the aisle, don't like the election outcome, they are now changing the rules of engagement for some 36 thousand-plus public employees saying, yeah, I know, that was the way we did things then, and that's the way we may do things three years from now, but for this short period of time, we're going to totally to take away the power of the Executive to be the voice of taxpayers. Talk about cynical. Talk about absolutely shortsighted and overtly partisan, because that's exactly what it is. If you go back to your districts and try and tell people, this had nothing to do with Governor Rauner. This had nothing to do with hi... his negotiation style. You know that's

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being disingenuous, to be polite. This is all about this administration finally, holding people accountable. Finally, doing what they can in a fiscally responsible manner and not signing deals on th... the day before elections with winks and nods and promises to our state employee friends that... we... you're going to get the best deal known to man. Not sure how we're going to pay for it, but don't worry, taxpayers are always there. This is a cynical, awful piece of legislation. And if the shoe were on the other foot, if this were a Republican dominated Legislature with a newly ex... a newly-elected Democratic Chief Executive, you all would be on your feet screaming and yelling, and you'd be right. You'd be absolutely right. This is the worst of partisan politics on display. Don't do it. Mr. Speaker, I'm going to ask for a verification of this Motion, please, because I think if there's no other vote that requires verification, this is it. Thank you."

Speaker Lang: "Your request is acknowledged, Sir. The Chair recognizes Representative Sente."

Sente: "Thank you, Mr. Speaker. I've had a pretty mind-bending 10 days. While the past week and weekend have been a noteworthy, social experiment, it was certainly one of the more disappointing periods in my tenure as a public servant, one where many individuals and organizations showed me their true colors. I was complimented by the *Tribune* who finally, verbally acknowledged my independence, and it saddened that it was only something they remembered when it was convenient or meant to work against me. For the Illinois Policy Institute, I have a little to say about their actions toward

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me on this Bill, because if they are nonpartisan, then we probably need a new definition in the dictionary. So while many in... so while many individuals would rise, well... I realize would rise to speak to this Bill today, I hold a singular, unique set of circumstances or attributes that being I sit on this side of the aisle. My voting record is in the lowest tier with the unions. I was the primary Sponsor of a Bill that AFSCME strongly disliked where I limited a Democratic Governor's ability to negotiate AFSCME's contract beyond his term. I want that one to sink in. And I actively work with our current government. I'm not in lockstep with my Party's Leader, having broken from the ranks on several major issues that I felt were wrong for my district. And so now that we've cleared all the fallacies out of the way of why I would vote for this Bill, for any other reason than I believe in the legislation. Let me highlight some of the conclusive arguments that led me to my decision. Number one, we already use the tool of arbitration effectively today. In fact, whenever two people or organizations don't agree on an issue in this state, an independent, neutral third party with a working knowledge of the industry and the issues helps us make that decision. It works in the private sector, and we already utilize arbitration with fire, police, and Corrections. Number two, arbitration effectively keeps people motivated to bargain. One party cannot just randomly declare an impasse. They would be remanded back for further bargaining. That is why the Illinois Policy Institute's false messaging has worked so effectively, because individuals not involved in collective bargaining don't understand its

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intricacies. Arbitration is a far better technique to motivate resolution than the ability for unions... union workers to strike or management to initiate a lockout, items that... items that this Bill bans from use. Arbitration is better for management. It's better for workers and their families and the taxpayer. In fact, strikes have a history of pro... producing more costly contracts, a little fact you might not have known. Number three, the facts show that arbitration does not favor the unions. The Senate did our work for us. They did an analysis which showed that over the past 11 years employers were favored slightly more than workers, but it did... I didn't stop there. So, I checked with my local municipalities who confirmed about the same balance between the two. In fact, the Illinois Labor Relations Board is made up of five appointments, three appointed by our current Governor, and they keep a list of independent arbitrators. And it was asked earlier... by the way, they need to meet a very specific list of criteria even to be considered, and the Governor has no involvement in State Law in the selection of the independent contractors. Many of those, 53 or more, have served for a decade or more under Republican Governors. And so, let's... Okay. So of these five appointments on the Illinois Labor Relations Board, three by the current Governor. Okay. So then when they select the independent con... arbitrators, seven are randomly selected, each party gets to, in turn, like a jury, knock out one that they don't feel comfortable with until one is left. And my fourth point, why this legislation for this Governor has been asked? Well, I think there is no room for doubt how this Governor feels about

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unions. Sadly, instead of reaching out to them and looking to build relationships which is, in fact, the environment in which productive, balanced contracts that protect both the worker and taxpayer are created. We have the incessant politics demonstrated so clearly over the past 10 days. Frankly, I'm in favor of arbitration as the method of settling impasse for all future Governors. Let that sink in. Because contrary to more false statements, arbitration preserves the Governor's authority and ability to negotiate contracts and right... rightly so. So it's for these four reason, I encourage a vote to override the Governor's Veto. And I suggest that the Governor and his team start talking to the unions and start building relationships with them. And even more important with more immediacy, start meeting on a daily basis with all four Leaders, in both chambers, to work much more diligently toward compromise and finding solutions to reform Illinois and finish a state budget."

Speaker Lang: "Mr. Tryon."

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

Speaker Lang: "Sponsor yields."

Tryon: "Representative Smiddy, in your opening you remarked that, I think, there was 20 states that allowed interest arbitration. Is that correct for all or some of their employees? Is..."

Smiddy: "That is correct."

Tryon: "...that right, 20? Of those 20, how many allow interest arbitration for all of their employees?"

Smiddy: "There are at least 5 or 6, and I... and maybe more. I can get you the list of those, if you would like, Sir."

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Tryon: "How many of those 5 or 6, or even those 20 allow for only partial arbitration, and... and as opposed to complete arbitration? Do you know?"

Smiddy: "Like I said, I'd not... I'm not sure of the total..."

Tryon: "Okay. So..."

Smiddy: "...amount, but..."

Tryon: "Well, let's just say that arbitration varies from state to state, and the provisions that are part of the arbitration... interest arbitration for public employees are not the same in every state, and some have partial arbitration, some have complete. But in our arbitration process which would, by the way, be invoked at... at impasse, it would set up a process where there would be two proposals, the labor proposal and the administrative proposal. Is that not correct?"

Smiddy: "That is correct, Sir."

Tryon: "And the arbitrator's job is not to mediate. They can't go in and say, we think you're high here, lower that or we're... you're too low here, raise that. They can't do that, right? They... they weigh..."

Smiddy: "If both parties mutually agree then, yes, the arbitrating panel can come up with their own economic proposals."

Tryon: "Okay. That... that is not... I have actually been through this process. As County Board Chairman in McHenry County, as a Member of the Labor Committee, that was not our experience on that there. But in the event that the arbitrator were to take two contracts, the... and pick one, the arbitrator cannot... can that be appealed through the courts? I mean, do the courts get to... can the... the courts disagree? Can... can they... can they reverse the arbitration decision?"

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Smiddy: "Well, first of all, it's not all or nothing. They can go line by line on these issues and choose either the employers or the employee down the line."

Tryon: "Okay. That... that has not been... it's not what I... I have experienced in the past. Is it not true that the state was in arbitration last year in the Secretary of State's office and lost... the Secretary of State administration lost through the arbitration?"

Smiddy: "I'm not... I'm not sure."

Tryon: "Okay. It is. Okay. So, let me ask you this. Why... why are you bringing this Bill? I mean, generally speaking you would... I mean... and I was happened to be in committee when this was brought and a representative of AFSCME said that they didn't feel that... that they could g... they... they could negotiate with the Governor. But in fact, is it not true that the Governor has been negotiating with them and has had successful negotiation with, and signed contracts with some of the other bargaining units. Is that not correct?"

Smiddy: "I believe there's one or two that he has..."

Tryon: "Right. Okay. Is it not correct that the... that the Governor went to court and advocated for state employees to be paid during this time period of budget impasse? Is that correct?"

Smiddy: "Yes, I believe so."

Tryon: "And is it not correct that the Governor entered into tolling agreement to prevent the ability of a lockout to occur? And by the way, the tolling agreement actually says that it expires September 30, or whenever they reach impasse. So, you know, your Bill is going to change some of that

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because this makes it effectively immediately, correct? The... the ability for them to go to impasse arbitration?"

Smiddy: "It does not change when... it does not change when the agreement ex... expires."

Tryon: "Okay. But... but none of that I have... have outlined indicates any bad faith bargaining on behalf of the Governor. In fact, the Governor has been... been negotiating with them for five months. And are they not in the process with a federal mediator right now?"

Smiddy: "They can continue to negotiate even if this Bill..."

Tryon: "Okay. But if they... that's what I'm saying is I'm... I want to know if you have specific reason and knowledge that the Governor has been bargaining without good faith."

Smiddy: "Again, he can bar... it's..."

Tryon: "But you have no knowledge that..."

Smiddy: "...not saying that..."

Tryon: "...that... that the Governor hasn't been bargaining in good faith. Is that correct?"

Smiddy: "I'm not in the negotiations."

Tryon: "Right. That... that... do you have knowledge that the Governor's done something that's bad... in bad faith? I mean, bad faith bargaining is something that can be litigated. But do you... do you have any knowledge of that."

Smiddy: "I... I'm sorry. I... I had a problem here."

Tryon: "I said, do you have any knowledge that there have been bad faith bargaining practices? And what... and if you do, what are they?"

Smiddy: "Well, I can tell you some of the statements that the Governor has... has made in the past."

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Tryon: "No. But I'm talk... I'm talking about in the negotiations specific to an employment contract. Wh... which bad faith bargaining, I mean, that... that there's specific examples of that."

Smiddy: "Again, I am not in negotiations."

Tryon: "Okay. All right. So... so, if... if we do this, we basically are giving away our ability to have any recourse, if there's a contract that we cannot feel that we can support. Because in the Secretary of State's decision, they actually said the Legislator could raise taxes or make cuts to other areas of the budget. That was the justification for why the state could afford it. I don't see us making any cuts to the budget. We can't even agree on one cut to be made to the budget. So I don't... I think that's out. And I'm not so sure we have the votes to pass an income tax, even though some of us are willing to have that conversation. So let me ask you this. You voted for a budget this year that actually reduced the line item for the public employee's health insurance by \$700 million, all right, which is actually what the Governor put in his budget as well. So how would the Governor negotiate that with... with the bargaining units? If, in fact, you wanted in your budget that he vetoed, if you wanted to reduce the benefits of insurance by \$700 million. Because right now, where we're at, they've been bargaining for five months. They haven't moved off the position on health insurance. And the health insurance, they're not asking for less, they're asking for more. So if they haven't moved in five months, how were you going to get your \$700 million reduction in health insurance benefits?"

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Smiddy: "Well, again, it's what's being proposed, not..."

Tryon: "Okay."

Smiddy: "...what the actual contract that will be signed."

Tryon: "Okay. So... so we don't have any examples of bad faith bargaining practices by the Governor. In fact, we have examples of the Governor actually doing good things to try to bring this to resolution by signing a tolling agreement, going and advocating in the courts that we pay them. We have a Governor that... that has on the table, pay increases, a two percent merit thing. He's open to negotiating about... about health insurance. But what we have is a state budget that's grossly underfunded. Grossly, is it not? Would you not agree that our budget today, as we sit here with consent decrees, court orders, and continued appropriations, is grossly underfunded?"

Smiddy: "I would say yes."

Tryon: "Yeah. Well, here's my problem. I don't think I'm willing to capitulate my role in this process any longer to judges, or the Executive Branch, or an arbitrator. I think our voters voted for us to do this job. And I don't want an arbitrator telling me I can raise taxes or make cuts to a program, when we can do neither it seems right now. So if we go down this road, where we're at \$32 billion of income today, and the budget director testified today, ba... based on all of the consent decrees, court orders, and continuing appropriations, we're going to have to spend \$38 billion this year, \$2 billion more than you spent. And we add a contract, that's on the table now that's been on the table for five months, that hasn't been successful in negotiation or in mediation, that's

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going to cost \$2 billion... \$1.6 billion over the next four years in salaries alone. And then an extra \$700 million or plus, in health care. We're talking over \$2 billion more. Now, in order to fund that, you're looking at a major income tax increase. Major, all right. 'Cause we were at five percent, but just to get to the 38, we'd have to go to 5.75. So you're going to lose any support that I have, if we're talking about revenue. If we're not willing to talk about reforms. And this isn't in good faith, how we should sit down and talk about reforms, by jamming down the General Assembly law that takes away our ability to react to some of these decisions. And it is the wrong thing to do in this budget. And we need to come together on a better solution. And I urge a 'no' vote."

Speaker Lang: "Mr. Harris."

Harris, D.: "Thank you... thank you, Speaker. You know, my friends, this sort of vote does not come along very often. It has sharp, partisan overtones and that... that's not normal here. Despite our differences, we operate, quite frankly, in a... in a fairly collegial manner here in the House. But there are those rare occurrences when it comes down to, I guess, an us versus them situation, and it seems as though this is one of those situations. Now, I... I don't know much about labor law, so I won't pretend to be down into the weeds on the pros and cons of the Bill. And if you'll bear with me for just a second, I'd like to talk about another aspect of the Bill. You know, next year there's an election. And one of the positions on the ballot next year is that of Comptroller. Now, why is the Comptroller on the ballot, because we've just

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elected a Comptroller in November of last year for a four-year term? And we know what happened to Comptroller Topinka. And because of what happened to Comptroller Topinka, the law was changed forcing an election for Comptroller next year. And why was the law changed? It's very simple. It's called power politics. That's what it is, power politics. It is the power of the Majority. You know, our... one of our Founding Fathers, and the second President of the United States, John Adams, wrote in the *Federalist Papers*, *Federalist Paper No.10*, about the power of the Majority. And there was a real concern that the Majority can do anything it wants. And you know what term he used? He used the term 'the tyranny', 'the tyranny' of the Majority. Now my colleagues on the other side of the aisle have not just a Majority, they have a Supermajority. You can pass any law that you want, notwithstanding the Veto of the Governor. Friends, that's the power of the Majority. That's the power of the simple numbers 71 and 39. Do I like it? No, I don't like it, but that is the reality of the situation. Now given the substantive element of Senate Bill 1239 (sic-Senate Bill 1229), it really sets a terrible precedent. Senate Bill 1229 is clearly targeted just at this Governor. It is a partisan Bill targeted just at this Governor. I ask my colleagues on the other side of the aisle, you can do anything you want to do, but you ought to think long and hard before you vote 'yes'. Now as I look across, there may be a Member or two that's missing or not going to vote, and maybe it's not going to pass. But before you vote 'yes', I ask that you think long and hard because it's going to sour the atmosphere of what we need to do down here to get

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our state back in some semblance of order. I think the right vote is a 'no' vote, and I hope that's how you'll vote. Thank you."

Speaker Lang: "Mr. Breen."

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

Speaker Lang: "Sponsor yields."

Breen: "Thank you. Representative, you're familiar with the... with Illinois state employment contracts and costs, aren't you?"

Smiddy: "I'm... I'm sorry. Could you repeat that?"

Breen: "You are familiar with Illinois state employment contracts and costs, aren't you?"

Smiddy: "I used to be, yes."

Breen: "Okay. Roughly how much is our total annual spending on state workers' salary and benefits?"

Smiddy: "Currently, I'm not... I'm not sure."

Breen: "I've been given the number \$7 billion. Does that sound at least in the ballpark?"

Smiddy: "Again, I'm not sure."

Breen: "Well, let's... let's take that number. And are you familiar with the terms of the current negotiations between AFSCME and the Rauner administration?"

Smiddy: "No."

Breen: "At all? You're not familiar with them?"

Smiddy: "No, I'm not in negotiations."

Breen: "Haven't had any briefings at all on the negotiations?"

Smiddy: "It's against the law for those sides to divulge that."

Breen: "You haven't read any of the newspaper reports or memos about the way the... about where the sides are in the negotiations?"

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Smiddy: "Just from the Governor."

Breen: "Well, the number I've been given is that AFSCME is seeking a \$1.6 billion increase in salaries over the next four years, which includes for some positions an almost 30 percent increase in salary over that period of time. Do you have any reason to doubt those numbers?"

Smiddy: "Again, I'm not in negotiations, so I can't take that."

Breen: "So you have no reason to doubt the numbers?"

Smiddy: "I have no reason to believe they're true either."

Breen: "Well, I mean, those are the numbers that the newspapers seem to be reporting and running with, so we'll just take them as true for the purpose of the questioning."

Smiddy: "Well, newspapers are always reliable, I'm sure."

Breen: "Well, Representative, you've got 17 editorial boards against you and none for you, as best as I can count. In fact, I was wondering if you read this morning's *Moline Dispatch*, particularly the editorial entitled, 'Let costly override die, get back to fixing the state.' Now, your local paper's editorial board said this morning quote, 'This Bill's... the Bill, specifically written to target Governor Rauner would almost certainly allow the American Federation of State, County and Municipal Employees to bypass a business-minded negotiator ready to play hardball, and instead put terms of the contract governing more than 35 thousand state employees in the hands of an unelected arbitrator.' Do... do you disagree with your local paper's characterization of the Bill?"

Smiddy: "Yes, I do."

Breen: "Okay. On what basis?"

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Smiddy: "There's a neutral arbitrator, but there is also two others on that panel, one being appointed by the Governor and one by the employees union. And again, this does not mandate arbitration. What it does..."

Breen: "They're not elected arbitrators, though, are they?"

Smiddy: "They're Governor appointees. They're appointed by someone who is elected, the Governor."

Breen: "However, they are not elected themselves."

Smiddy: "Well, last time I checked the Governor hasn't been in negotiations. He's put somebody there to negotiate for him."

Breen: "Well, your local paper continues saying that, 'that arbitrator would have no real responsibility to consider the interests of state taxpayers already facing tax... huge tax hikes to deal with what the bond rating agency', referring to Moody's, 'now projects to be a \$5 billion budget hole for the current fiscal year.' So you disagree with their characterization of that Bill... the Bill?"

Smiddy: "Yes, I do, because, again, there is... they have to have the ability to assess the financial feasibility of the government entity being able to pay."

Breen: "Well, the problem is, is the ability to pay is conditioned on the ability to tax, which we have an unlimited, at least up to the point where everyone leaves the state, ability in this chamber. And I, like Representative Tryon, have some experience at a municipal level and interest arbitration or impasse arbitration, as it's called here, doesn't really seem to it... to take into account taxes. If anything, the taxpayers of unit of governments, that I'm experienced with, seem to be treated more like a piggybank than anything else. And as best

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as I can tell, this Bill doesn't change the current structure of interest arbitration in the State of Illinois. That editorial board did go on, I'll come to the conclusion of this part of the... of my questioning. But they said, 'As Moody's warned in the short report it issued Monday, the state's biggest problem isn't even its continued failure to agree on a budget for the fiscal year that began July 1. Instead, it remains a stunningly underfunded state pension system already considered the worst in the nation. The state's need to address that huge problem and its continued failure to find a constitutional path to do so puts enormous pressure on Illinois's annual budget.' Do you agree with their assessment?"

Smiddy: "It was... the... I'm not sure what the pension liability has to do with my Bill."

Breen: "Well, this is your editorial board discussing the broader issues that your Bill raises, and in particular, pointing out that they believe that the pension issue is, well, puts enormous pressure on Illinois's annual budget. Would you agree with their characterization?"

Smiddy: "Again, I... I'm not saying what that has to do with my piece of legislation."

Breen: "Well, I'll give you their conclusion, quote the next sentence, 'Given that, why in the world would lawmakers take action that could significantly increase state spending?' And then their further conclusion and their request of their Representative, we hope... is a quote, 'We hope lawmakers will look beyond the political power of AFSCME workers and consider the cost to taxpayers of a measure that could make harder the

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already monumentally difficult challenge to fix our broke and broken state.' Now, Representative, as I understand it now you... you had clarified that you are not currently an AFSCME member, but you were an AFSCME member."

Smiddy: "That is correct."

Breen: "Right. I mean, you're proud of it. You've got it on your... your campaign website here on the... in fact, right here it says in fact that you were a treasurer and an executive board member of AFSCME. Is that correct?"

Smiddy: "Of my local."

Breen: "Of your local."

Smiddy: "But again, I'm not sure what that has to do."

Breen: "Fair enough. Well, so you... I mean, you're very familiar with then with the structure of AFSCME. But tell me something. As I understand it, individual AFSCME member's dues are paid as a percentage of each member's paycheck. Is... is that correct?"

Smiddy: "I... I believe that's correct, yes."

Breen: "Oh, okay. Well, I mean, you... you had dues deducted from your paycheck, didn't you?"

Smiddy: "Yes."

Breen: "And what... roughly what percentage of your paycheck was re... was deducted by AFSCME?"

Smiddy: "At that time it was flat. It wasn't based off of salaries."

Breen: "Okay. Is it still flat or is it salary-based today?"

Smiddy: "I'm not sure because, again, I'm not there."

Breen: "Okay. Well, I know that in my local municipality it's... it's somewhere between one and two percent is what each union

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takes. Now, Representative, as well, don't mean to bring up a sore subject, but during the last debate on this Bill, I pointed out that you had received roughly 350 thousand, and that's just in reported campaign dono... donations from AFSCME over your past two election campaigns. Was... was that an inaccurate statement or an accurate one?"

Smiddy: "I'll take your word that that's how much they gave."

Breen: "Well, Representative, isn't it a conflict of interest for you to sponsor a Bill that directly and financially benefits the same government union and its members that have spent hundreds of thousands of dollars to elect and reelect you to this Illinois House?"

Smiddy: "This does not guarantee any benefits to the... Members. Mr. Speaker, could we have..."

Breen: "I think those are your Members. I'll go to the Bill. Ladies and Gentlemen, the private union context is management versus labor. It's a fair fight with management on one side and labor on the other. In the government union context, instead of management it's taxpayers on one side of the table and labor on the other. But there's a difference in the government union context. The taxpayers have to work through their elected Representatives, and it can be a fair fight, but only if those elected Representatives are willing and they are able to vigorously advocate for those taxpayers. Unfortunately, this Bill is being promoted by those who are not willing to fight for the taxpayers, and this Bill would strip the ability of the Governor to work for the folks who elected him. This Bill is a blatant attempt to reverse the results of the last election. Governor Rauner was elected by

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the people of our state to negotiate this contract just as he has now successfully negotiated numerous contracts of the Illinois Teamsters Union; moreover, if interest arbitration's right for all state and government employees, then it shouldn't just end in time for the 2018 elections. If this Bill passes, AFSCME likely gets an over \$2 billion increase in its contract benefits. This is... would turn the next election into a meth... a matter of whether there'd be a payout for AFSCME members or not. The Democrat Governor wins it would be payday for the union and its members; Republican, not so much. This Bill is just a direct transfer of taxpayer dollars into the pockets of folks and into their union, if they're paid by a percentage. You can think about the percentage. If it's one percent, that's \$16 million over the next four years. If it's two percent, it's \$32 million. If it's a flat fee, well, there's more... there's more money flowing around to be put into those Democrat political campaigns. It's a political payoff, pure and simple. The Bill is so corrupt. It is corrupt, and it is so corrupt, it would make Rod Blagojevich blush. Please vote 'no'."

Speaker Lang: "Mr. Bradley."

Bradley: "I stand in strong support of this Bill. I stand in strong support of Representative Smiddy in his efforts to come up with a commonsense attempt to move this budget impasse. I stand in strong support of the state employees that during this time of budget impasse are willing to make a significant concession in order not to shut down the state. When this debate began, there were significant efforts, and there continue to be significant efforts, to limit the

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collective bargaining rights of working men and women in the State of Illinois. This is a significant concession, and this is not plucked out of the sky. This is not something which is not tried and true. This is an effective way to resolve differences in essential services currently being utilized by firefighters and police personnel throughout this state and the United States of America. Firefighters and police personnel currently use this system to resolve issues. What is the infatuation with shutting this state down? What is the infatuation with stopping essential services? Don't get distracted. I stand with the middle class. I stand with working men and women. I stand with state workers. I stand with common sense. And I stand with keeping this state open. Vote 'yes'."

Speaker Lang: "Mr. Kay. Mr. Kay."

Kay: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Lang: "Sponsor yields."

Kay: "Representative, I... I hope you don't take anything I say today professional in nature or personal in nature because it's not meant to be either. But I think considering that you have failed to answer 23 questions asked by two Representatives that were germane to the conversation, and you didn't... well, you answered 11 questions which were in direct contradiction of themselves. I'm going to pursue a few angles just for a moment with you. I'm not going to retrace a lot of ground. Have you ever yourself been through an interest arbitration?"

Smiddy: "No."

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Kay: "Okay. If we today were to continue this contract on that exists for the next four years, could we afford to pay for it based on today's dollars that we have coming into our state?"

Smiddy: "I'm not sure."

Kay: "Well, just a second here. Wait a minute. We're walking through the valley of the shadow of death, and you don't know whether we can afford to pay for it."

Smiddy: "There hasn't been a contract negotiated and signed yet, so I'm not sure what the financials are."

Kay: "Representative, can you... can you honestly say to me right now that you can get this override passed?"

Smiddy: "I'm going to try."

Kay: "Well, I understand that. I guess my question is, why are we doing this?"

Smiddy: "To prevent the government from shutting down and ensuring that the..."

Kay: "Well, here's exhibit one. That's not a very good answer. Here is exhibit one. The Governor and his team negotiated a contract with the Teamsters and every newspaper that I have read says it was professional, it was fair, and the parties got along. And you know what? That's been my experience with the Teamsters too. Why is it that now after we have a union contract sign, we have applause from the Teamsters, you're doing this?"

Smiddy: "They can still negotiate. There is nothing in this Bill that says that the Governor and AFSCME are unable to negotiate if we pass this Bill."

Kay: "Yeah. So essentially, what you're trying to do here is chill the negotiations with your Bill. Is that not correct?"

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Smiddy: "What I'm trying to do is to ensure that we encourage negotiations and we don't have a government shutdown."

Kay: "Well, I don't know that anyone's discouraged. I haven't heard that, have you?"

Smiddy: "I am hoping that this encourages them to stay at the party."

Kay: "Has anyone told you that the negotiations have gone south?"

Smiddy: "The Governor has been stating that the negotiations are not going well."

Kay: "That's not true; that's not true. That... that's simply is... that is simply not true. That's about as untrue as the previous factual comment that someone made that interest arbitrations always favor the employer. That is simply nonsense. Now, let me ask you this. Is it your plan here to remove the Executive responsibilities in total, or is this just a piece of your plan?"

Smiddy: "It does not remove the Executive portion. They have an individual that they can appoint to be on the panel, if it goes to arbitration. Again, this does not mandate arbitration."

Kay: "Representative, tell me the real reason that you... Has somebody importuned you to run this Bill?"

Smiddy: "I'm... I'm sorry, Sir. What was the question, again?"

Kay: "Has somebody importuned you to run this particular legislation?"

Smiddy: "No."

Kay: "Really? This was your own idea?"

Smiddy: "I like the Bill."

Kay: "Yeah. Has it ever happened in Illinois history before?"

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Smiddy: "Interest arbitration? All the time."

Kay: "No, no, no, no. Where we take the power away from the Governor to negotiate an agreement."

Smiddy: "This does not take any power away from the Governor."

Kay: "Well, it sure does. Come on."

Smiddy: "No, it does not."

Kay: "It sure does. That's... that's the purpose of this Bill. It's a politically motivated action to diminish the capacity of the Governor to negotiate a Bill, period. It's no more; it's no less."

Smiddy: "I disagree with that statement."

Kay: "Well... So... so far we have found out that it's a political motivated Bill. You don't know how we can pay for the existing Bill. Let's just take Representative Tryon's example, and let's just say that this goes to interest arbitration, if this should succeed, and there is a \$2 billion or so, give or take a few bucks, increase. How are we going to pay for that?"

Smiddy: "Well, since that's not the case, currently, the arbitrator can also rule in favor of the Governor's proposal, and then we're not even talking about this. But again, let me say this does not mandate arbitration. It only brings it to pass if there is an impasse by both sides, and I hope that doesn't happen. I hope both sides will stay at the bargaining table and come up with an agreement where this Bill does not even have to take effect."

Kay: "Doesn't it bother you a little bit, Representative, that you're choking off taxpayers in the State of Illinois by even discussing this kind of Bill?"

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Smiddy: "It's not costing the taxpayers anything. I do... this Bill does not cost the taxpayers one dime."

Kay: "Really? So if this passes and it has the chilling effect I believe it will have on the Governor's Office and his ability to negotiate, you're telling me that if it goes to an interest arbitrator, number one, you don't think it'll have a negative outcome, and number two, if it does, you don't know what the cost is?"

Smiddy: "Would it... wouldn't it be more negative to the state if we were to shut down or to go on strike rather than to look at interest arbitration which has been in this state for the past 30 years?"

Kay: "Yeah. Well, first of all, I think we all know in this Body that it's not going to shut down. Never was, never will. And you're operating on a pretense that's never going to happen. And let me ask you..."

Smiddy: "And you're... and you're... you as well."

Kay: "...a different question. Well, let me ask you a different question. You are a union member. Is that correct?"

Smiddy: "I'm sorry."

Kay: "Are you a union member?"

Smiddy: "I did belong to AFSCME. Right now I'm a Member of the Legislature."

Kay: "Doesn't it seem a little insulting basically to say that we would like to remove from Illinois law a basic premise, fought for for years, whereby... whereby unions had the right to strike. Doesn't that strike you as odd?"

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Smiddy: "We are trying to keep them at the negotiating table and allow them to come up with an agreement. This does not mandate interest arbitration."

Kay: "Well, it sounds to me like the way that you are answering my question is that AFSCME intends to strike. Is that right?"

Smiddy: "I don't even know why this... that questions was asked. I don't know."

Kay: "Representative, do you want to be Governor? Sure seems that way."

Smiddy: "After the last four, no, thank you."

Kay: "Yeah. Well, that's an interesting observation. I... I guess it would seem to me like this is one of maybe three or four devices that you have in place to make sure that we just have a Governor who shows up and does absolutely nothing. And I remind you, we walk through the valley of the shadow of death. Do you agree, Representative?"

Smiddy: "I... I don't walk through the valley of the shadow of death."

Kay: "You sure do, buddy. You sure do. Let me... let me ask you a question, Representative. Would it be better in the State of Illinois if maybe we had some Leadership changes, where we could really get some things done?"

Smiddy: "Depends on what Leaders you're talking about."

Kay: "Well, I'm talking about yours, and I'm talking about the Senate Leader. Because right now this is pretty doggone embarrassing when we've had a Governor in office for 8 months, and you do this to him. That's bad faith; it's also bad judgement. Well, I mean, I... do you think we're going to get anyway... anywhere going like this? Really?"

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Smiddy: "I believe that we'll have the individuals at the table. Again, we're not mandating anything. We're just hoping both sides come together, and they have a contract that is fair, and this Bill never has to come to pass."

Kay: "Well, the Teamsters got just that, Sir. And what you're doing is trying to upset the applecart. You're trying to ruin a perfectly good process, and you're doing it for political purposes. And I don't know who you're doing it for, but shame on you. This is the last thing we need in this state, is monkey business like this. This is a charade, and it shouldn't happen, and you should be embarrassed. You should absolutely be embarrassed. To the Bill, Mr. Speaker. I think we've gone far enough in Illinois to know, and everyone thinks walking through the valley of the shadow of death is pretty funny. Well, that's exactly where we are. And apparently there is so much fear... so much fear that we feel like we have to pass a Bill just like this to get out from underneath a Governor who is trying to fix the maladies and the brokenness of the last 30 or 40 years. Enough is enough, Mr. Speaker, enough is enough."

Speaker Lang: "Representative Ives."

Ives: "Mr. Speaker, to the Bill. So there's been a lot of discussion about how we're going to pay for this. Well, let's just look at what's going on around... along... around the state. Motorola, 500 jobs lost. Kraft, 700 jobs lost. Mitsubishi losing 900 jobs there. U.S. Steel announces layoffs. Hoist Liftruck, moving 510 jobs to Indiana. American Sta... Stair, Granite City Steel moving jobs to Indiana. So we know how this ends. And if you're a union worker, you need to contact

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your union leadership because we know how this is going to get paid for, and how it's going to end. And what's going to happen is you're going to see about 15 percent layoffs. That's the only way to pay for \$1.6 billion in additional costs, when you don't have the money. You're going to do what the private sector has to do too when they run out of money, and there's no more production. So that's what's going to happen to the union workers here in the State of Illinois. Some of you are going to be winners, and some of you are going to be losers, and what you're going to lose is your livelihood. You're going to lose your job 'cause there's no other way to pay for this. We're looking at a \$4 billion deficit as it is. We don't have \$1.6 billion more this year or in the next four years. And your union leadership is negotiating a deal that is going to fail you and your family. That's the only way this gets solved. Vote 'no'."

Speaker Lang: "Mr. Demmer."

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

Speaker Lang: "Sponsor yields."

Demmer: "Representative, earlier in debate when Representative Breen was asking about negotiations, you mentioned that you're not current... you're not in the negotiations. You're not aware of the terms that either side have brought to those negotiations. And so my question is, why do you think this Bill is necessary if you don't know what's happening in the negotiations? Isn't it possible they could be going very well?"

Smiddy: "Well, from what... as I said, the only thing that I have heard is from the Governor, and I'm... what I'm wanting to do

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is ensure that they stay at the bargaining table, and I want to make sure that the state doesn't shut down."

Demmer: "Are they at the bargaining table now?"

Smiddy: "I'm not sure when they go back to negotiating."

Demmer: "But in this... in this general time period, both sides are at the negotiating table..."

Smiddy: "Yes."

Demmer: "...and there's a tolling agreement in place from both sides. In fact, there have been two by both sides, both of those are indications at the bargaining table, the mutually agreed upon tolling agreements. Both of those are evidence that negotiations are proceeding as they should."

Smiddy: "Well, and if that's the case and they are able to settle a contract, then we won't have to worry about this Bill if it is overridden."

Demmer: "So why was this Bill introduced in the first place, if we had no reason to believe that negotiations were not going well?"

Smiddy: "I'm wanting to ensure that the state stays open in case there is an impasse..."

Demmer: "As the tolling agreements have laid out. The state... there's... there's an agreement in place right now, no strike, no lockout. Let me ask you about... I'm interested in the accountability aspects of this. So as elected officials, elected officials here at the state level, federal level, local level, who are elected officials accountable to?"

Smiddy: "Well, the voters in their districts."

Demmer: "Great. And the voters understand that as elected officials, we have a wide variety of issues that we need to

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deal with. Things in education, things in public safety, things in human services, a wide range of... of issues we need to deal with. And part of the way that we are accountable to voters is that they look at the way that we prioritize and manage those programs, and decide whether they think we've done that in an appropriate way. So let me ask you, you mentioned before that the arbitration panel would take into account the state's ability to pay. Would the arbitration panel take into account the priorities of this Legislature? Our priorities to invest in things like fighting the heroin epidemic? Does that come into the negotiator's purview or not?"

Smiddy: "They take in account the public welfare and the financial ability for the government entity to pay."

Demmer: "And the financial ability to pay? Sure, we have thirty and a half billion dollars coming in the door. But as you and I both know, we have many important priorities that the state funds. Things like intervention in the heroin crisis, things like operations in... in K-12 education. Do the arbitrators take into account the various priorities, not just technical ability to pay, but the actual priorities as they're expressed by the people through their Representatives in the General Assembly?"

Smiddy: "It takes into account the well-being of... of the state and the financial ability to pay."

Demmer: "While ignoring our priorities. So the arbitrators, as you've... as you've mentioned before, elected officials such as the Governor are directly accountable to voters. The... the Governor put his name on a ballot. Voters had a clear decision

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to make, and they elected the Governor. They elected each of us, too, so we're accountable to... to voters. To whom are the arbitrators accountable?"

Smiddy: "Again, I will say that we have... if it gets to that, they're accountable to the Governor because..."

Demmer: "Accountable to the Governor?"

Smiddy: "Yes. He has the ability to appoint one of the people on that panel and then..."

Demmer: "One of the three."

Smiddy: "...and then once that is done, if there is an impasse and it goes..."

Demmer: "So maybe one of the three might be accountable to somebody who's then accountable to the voters. Whereas, in the current situation, we have a Governor who's directly accountable to the voters. If the taxpayers don't like the decision of the arbitrators, what... what's... what's their recourse?"

Smiddy: "I'm sorry. I... I couldn't hear that question."

Demmer: "Sure. If the taxpayers... if it goes to arbitration, the taxpayers are unhappy with the decision of the... of the arbitrators, what option do they have, any?"

Smiddy: "Well, first of all, if the... once the arbitration has been decided, it goes to the governing Body for the State of Illinois, which has no representation from the union. It is all based off of the Illinois Labor Relations Board, the director of Central Management Services, which is appointed by the Governor, as well as the director of Labor, also an appointee of the Governor."

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Demmer: "So we're taking this negotiation and.. and making it level, upon level, upon level, distanced from the taxpayers."

Smiddy: "No."

Demmer: "You're adding levels."

Smiddy: "No."

Demmer: "Clear.. clear and simple. We.. we have the Governor.. under current law, we have the Governor who's directly accountable to voters."

Smiddy: "And he would be directly accountable to voters as well."

Demmer: "During the course of interest arbitration, what opportunity does the public have.. what opportunity do taxpayers have to advocate for their interests? Are the arbitration sessions open to the public?"

Smiddy: "The Governor is going to be there with the representative."

Demmer: "Are the arbitration sessions open to the public? Are there public comment periods? Will.. will proposals be on public.. and be posted publicly for review?"

Smiddy: "They'll take evidence like any other arbitration hearing and go from there."

Demmer: "We know that, as elected officials, voters and.. and taxpayers regularly contact and advocate to elected officials, a very clear and direct connection. And I'm asking, once it gets sent to a group of unelected arbitrators who nobody's ever heard of before, how are taxpayers.. how are voters supposed to make their interests known?"

Smiddy: "Taxpayers are not in the negotiating room now, with whoever the Governor appoints to bargain with the contract."

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Demmer: "By electing... by directly electing the Governor they are. Has a Bill like this ever been proposed before to cover all state employees in the State of Illinois?"

Smiddy: "Not that I'm aware."

Demmer: "So would you say that changing the rules midstream, to divert multibillions of dollars in state spending that will impact multiple years of state operations to a panel of unelected arbitrators, could be considered extreme?"

Smiddy: "No, because number one, we are not advocating money for this. Basically, what we're doing is wanting the tables... to sit at the table and negotiate a fair contract. There is nothing in this Bill that states that we have a tax increase or that salaries are going to be raised if this Bill is passed."

Demmer: "Thank you. Mr. Speaker, to the Motion. I think what we're hearing again is a situation in which we are opening ourselves up to make a significant promise without having any idea of how we can pay for it. We're distancing taxpayers from the people who they hold accountable through the very fundamental aspect of a democracy. We're sending a decision that has multiple billions of dollars of financial impact that will bind the state and set us on a new trajectory for several years. We're delegating that decision to an unelected panel of arbitrators. This is... this is a change of negotiation tactics in the middle of an ongoing negotiation. The Sponsor has admitted he doesn't know what's happening in those negotiation sessions right now. We should act as we have before, we should put... empower the Governor elected by the

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voters to make these kinds of decisions. We should vote 'no' on the override."

Speaker Lang: "Mr. Welch."

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

Speaker Lang: "Sponsor yields."

Welch: "I will be very brief in my comments here. In just a few short days, we will be celebrating Labor Day. Today, in advance of Labor Day, we should pause and all honor the true meaning of this holiday. Let's honor this day and not vote to shut down government. We cannot shut down government. We have to keep essential services going. Stand firm here today and support our state workers. We should all vote to override Senate Bill... the Veto of Senate Bill 1229. And Mr. Speaker, I move... Mr. Speaker, we need to honor Labor Day and not a few days before Labor Day kick organized labor in the rear. We need to stand firm here today with our state workers. We need to stand firm and support hardworking men and women all across this state. We need to stand firm and honor the true meaning of Labor Day. I ask that we vote 'yes' to override the Total Veto of the Governor."

Speaker Lang: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move the previous question."

Speaker Lang: "The Gentleman moves the previous question. Those in favor say 'yes'; opposed 'no'. The 'ayes' have it. And the previous question is put. Mr. Smiddy to close."

Smiddy: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, over the past several weeks there have been mailers, there have been robocalls, editorials providing

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misinformation regarding this legislation. The Governor has stated on numerous occasions that it might take a strike and a shutdown of the government for a week so we can redo everybody's contract. That's possible, and he would do that proudly. We may have to go through rough times. We may have to do what Ronald Reagan did with the air traffic controllers; sort of have to do a do-over and shut things down for a little while. That's what we're going to do. The Governor has called state retirees as strike breakers, has considered calling up the National Guard to break a strike if one were to happen. The Governor has even gone so far as to call AFSCME workers AFSCammies. This legislation, in no way, prevents the Governor from continuing to negotiate in good faith and to reach a fair contract agreement. I ask for an 'aye' vote."

Speaker Lang: "Those in favor of the Gentleman's Motion will vote 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 68 voting 'yes', 34 voting 'no', 9 voting 'present'. The Motion fails. On Supplemental Calendar #1, there... under the Order of House Bills-Second Reading, there appears House Bill 4104, Mr. Smiddy. Mr. Clerk, please read the Bill."

Clerk Hollman: "House Bill 4104, a Bill for an Act concerning State Government. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. House Bill 4264, Representative Hurley. Please read the Bill."

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Clerk Hollman: "House Bill 4264, a Bill for an Act concerning regulation. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Please hold that Bill on the Order of Second Reading. Senate Bill... Senate Bills-Second Reading. Senate Bill 219, Mr. Mitchell. Please read the Bill."

Clerk Hollman: "Senate Bill 219, a Bill for an Act concerning education. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Senate Bill 317, Representative McAsey. Please read the Bill."

Clerk Hollman: "Senate Bill 317, a Bill for an Act concerning government. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions are filed."

Speaker Lang: "Third Reading. Mr. Brown is recognized."

Brown: "Thank you, Mr. Speaker. The Republicans request a caucus meeting upon adjournment. Thank you."

Speaker Lang: "Republicans will caucus immediately after adjournment in Room 118. Mr. Anthony is recognized. The Members will rise."

Anthony: "Thank you, Mr. Speaker. Ladies and Gentlemen of the Body, please bear with me, I hope I can make it through this. I spent a lot of time last night after finding out about my good friend Lieutenant, what we called him affectionately he's... as he's affectionately known, Lieutenant G.I. Joe. Lieutenant G. is... was a good officer. He was a good Lieutenant. He was one of those guys who would give his shirt off his back, literally. He was a guy who was a mentor. He was a leader, he was teacher, and he was fair to every person

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he came into contact with. No matter if he just arrested someone the night before. I'm going to miss my friend. To the family, to his four boys, your dad was a hero. I just want to quickly read some brief remarks that I... as I was sitting here, I typed up. I am heartbroken by the tragic murder of Fox Lake police officer Lieutenant Joe. He was a good man, an outstanding officer. Ladies and Gentlemen, no longer is violence against police officers limited to... limited to other cities in other parts of our country. It is now happening right here in our own state. I am determined that this tragedy serve a higher purpose, to bring us together, the people of Illinois regardless of color, ethni... ethnicity, legion, or economic background. I am making a commitment here and now, and I ask each of you, in your own hearts and in your own way, to make this commitment with me. Let's get rid of the competition to see whose life matters the most. Guess what? Police lives matter. Black lives matter. White lives matter. How about we just simply state lives matters. Simple as that, lives matter. I ask each of you, in your own hearts and in your own way, to make this commitment that we as... as the people's elected Representatives stand together and say, enough is enough. Enough of putting different groups of people against each other. We are all brothers and sisters in the eyes of our creator. And owe it to ourselves and more importantly, to our children, to treat other with dignit... to treat each other with dignity and respect for human life. There is absolutely no justification for murder of a police officer. I grew up in a troubled, crime-infested neighborhood. I became a cop because I wanted to serve and

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protect other at-risk youth and families like mine from becoming victims of society. As Members of this Body, we have a unique opportunity to set an example for our constituents, by our words and by our actions. I am proud to stand out with our first responders, the men and women of police departments and law enforcement agencies in every corner of this state. Every morning when they put on that badge and walk out that door, they don't know if they will ever see their spouse or children ever again. They put their lives on the line each and every day for us, and for that alone they deserve our respect and appreciation. A family and a community are grieving right now because of yesterday's tragedy. We cannot ignore this or try to explain it away. We must condemn in the strongest possible terms violence against police. We are making strides in Illinois toward healing divisions that exist between police and law enforcement in our state, most notably with the police law... with the police reform and body camera Bill having been signed into law with the great work of Representative Elgie Sims and my colleague John Cabello. I was privileged to work with many of you on that. Let's carry that progress forward and speak out against violence, both individually and as a Body. May we also say a prayer for Lieutenant Joe's family and friends, the people of Fox Lake, and for every man and woman in blue across the State of Illinois? I stand with you men and women of blue, who wear that blue uniform and... and badge proudly. I ask that all of us stand with them as well. Now is not the time to cower. Now isn't... now is not the time to fan the flames that continue to allow most of this stuff to go on. We must stand with our men

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and women who are out there walking the thin blue line. Thank you."

Speaker Lang: "Mr. Cabello."

Cabello: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I don't think I could say anything that would be as worthy as what my seatmate just said. We're... we're in tough times. Unfortunately for... somewhere, some way we don't believe that people matter anymore. The society has been... the fabric of society has been torn every time one of these police men and women have been injured or killed. Do their lives matter more than the seven-year-old that was killed in Chicago on July 4? No. But they're all the same. When we don't think that we have an issue, when we have over 200 people killed in one city in less than six months. We can talk about the causes. We can also talk about the consequences. And if there are no permanent consequences, and there's no reforms to make sure that we get people the help that they need, it's going to continue, and it's going to increase. We did some monumental things with the police reforms and body cam Bill. We did that together. The only way we're going to be able to do anything to solve these problems are together. There are excellent men and women on both sides of the aisle in this House. I understand the process. I respect the process. But I would res... and... and I'm only going to go this far as to request it here on the floor. I respectfully request that my Bill, House Bill 4059, the Capital Crimes Litigation Act, is heard in a committee because I believe that the families of these murdered people should have the right to lobby their elected state's attorney to have this as a possible

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punishment. To the officer's family that lost his life, we're with you and Godspeed."

Speaker Lang: "Members, and now leaving perfunctory time for the Clerk, pursuant to House Joint Resolution 85, the House will adjourn until Thursday, September 24, or at the... at the hour of 12 noon or until the call of the Speaker. The House is adjourned."

Clerk Bolin: "House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 4278, offered by Representative Ford, a Bill for an Act concerning criminal law. House Bill 4279, offered by Representative Cloonen, a Bill for an Act concerning appropriations. House Bill 4280, offered by Representative Bradley, a Bill for an Act concerning appropriations. House Bill 4281, offered by Representative Costello, a Bill for an Act concerning appropriations. House Bill 4282, offered by Representative Costello, a Bill for an Act concerning appropriations. House Bill 4283, offered by Representative Phelps, a Bill for an Act making appropriations. House Bill 4284, offered by Representative Phelps, a Bill for an Act concerning appropriations. House Bill 4285, offered by Representative Brown, a Bill for an Act concerning the Secretary of State. House Bill 4286, offered by Representative Leitch, a Bill for an Act concerning transportation. House Bill 4287, offered by Representative Bradley, a Bill for an Act concerning the Secretary of State. House Bill 4288, offered by Representative Jesiel, a Bill for an Act concerning finance. First Reading of these House Bills.

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There being no further business, the House Perfunctory Session will stand adjourned."