

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

May 1, 1990

Speaker McPike: "The House will come to Order. The Chaplain for today is Reverend Jack McCormick of the Nazarene Church of Manteno. Reverend McCormick is a guest of Representative Weller. The guests in the balcony may wish to rise and join us for the invocation."

Reverend McCormick: "Shall we pray. Our Heavenly Father, we are thankful that we have a great God to serve, and that we have the opportunity in America and the State of Illinois to serve You openly and not have to be afraid of our faith or the type of government that we have. We pray that You will bless the women and the men of this legislative Body we ask that Your hand will be upon them and that their first concern will be truth and justice, protecting the innocent, protecting the weak. We thank You for the role that they play in our government, and we ask You to give them wisdom. Father, we're reminded as we look across the fields of Illinois today, that no matter how much wonderful equipment we have, we count on You for the harvest, we count on You for all that nature provides. You have blessed us as a state and we pray that You will continue to bless us and give these people who make our laws and interpret our Constitution give them wisdom and protect them. We ask especially that You bless these children in the balcony that they may catch from these men and women that there is a way to govern honestly and fairly. May they pick that up today and take it with them. We thank You for this blessed day. We pray in the Name of Jesus. Amen"

Speaker McPike: "We will be led in the Pledge of Allegiance by Representative Goforth."

Goforth: "I pledge allegiance to the flag of the United States of America and to the Republic for which it stand, one Nation

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under God, indivisible, with liberty and justice for all."

Speaker McPike: "Roll Call for Attendance."

Piel: "No excused absentees today, Mr. Speaker."

Speaker McPike: "Representative Matijeich."

Matijeich: "Yes, Mr. Speaker, we have Representative Cullerton excused today due to legislative business."

Speaker McPike: "Mr. Capparelli turn your light on. Are you present? Mr. Clerk take the record. One hundred and seventeen Members answering the Roll Call, a quorum is present. Supplemental Calendar announcements."

Clerk O'Brien: "Supplemental Calendar #1 has been distributed."

Speaker McPike: "Representative McGann."

McGann: "Yes, Mr. Speaker and Members of the Assembly. I ask leave of the House to have House Bill 3720, that was assigned to Revenue for tomorrow, to please have that heard, it inadvertently was not posted as requested."

Speaker McPike: "Representative..."

McGann: "I've checked with the Chairman of Rules on this matter also."

Speaker McPike: "Have you checked with the Minority Spokesman on Revenue?"

McGann: "I will do so also."

Speaker McPike: "Why don't you check and get back to us?"

McGann: "Thank you."

Speaker McPike: "Alright on Supplemental #1. I'm sorry...Representative Doederlein."

Doederlein: "I'd like to make a Motion to waive the posting notice for House Bill 3356. I've checked with the Democrat staff, and they have no objection. This is for counties and townships."

Speaker McPike: "Have you checked with the...Representative, I know the staff might not care? But the Representative that is in charge of the committee might like to know."

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Doederlein: "He isn't in yet."

Speaker McPike: "Oh, well. Well, Representative maybe you can check with some Democrat on the committee."

Doederlein: "I have checked with someone on the committee, but not with the Chairman. I shall do that and...as soon as I can."

Speaker McPike: "Okay, thank you. Representative McCracken."

McCracken: "Is that resolved?"

Speaker McPike: "It will be."

McCracken: "Okay, I have a Motion per leave of the House to suspended the posting requirement for Executive Committee and hear HJR 114. This has been cleared with Representative Terzich, the Chairman."

Speaker McPike: "Alright, you have heard the Gentleman's Motion. Are there any objections? Representative Terzich. You heard the Gentleman's Motion, no objections. Hearing none the Attendance Roll Call will be used, and the posting requirements are waived. The Motion carries. Representative Olson."

Olson: "Yes, I'd like to ask leave of the House, to waive the appropriate rule and have House...Senate...excuse me have Senate Joint Resolution 121 heard in Executive Committee this week. I have spoken to the Chairman Terzich, and it's okay with him."

Speaker McPike: "Representative Olson, what was that number?"

Olson: "Senate Joint Resolution 121. I took it to committee last week and they...and the Chairman advised me that they were hearing Resolutions only this week. The staffer did not repost my Resolution I talk to Terzich about it."

Speaker McPike: "Mr. Terzich."

Terzich: "Yes, Mr. Speaker, what happened the Executive Committee..."

Speaker McPike: "But if you have no objections, then well..."

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okay."

Terzich: "No, no, I do have..."

Speaker McPike: "Hearing none, no objections, the Attendance Roll Call will be used and the Gentleman's Motion carries. Mr. Terzich"

Terzich: "Yes, Mr. Speaker, also because of the...a...we have about forty-five Bills in the committee. And there was some error...omission of posting. And I would like to have leave to...on House Bill 4022 and...3811 to suspend the posting requirements so that they may be heard in Executive Committee."

Speaker McPike: "Alright, are there any objections to the Gentleman's request? Alright hearing none the Attendance Roll Call is used, the posting requirements are waived. The Motion carries. Representative Doederlein. Go ahead."

Doederlein: "Mr. Speaker, Ladies and Gentlemen of the House. I'd like to again request the House Bill 3356 be posted to the County and Township Committee. I've checked with Representative Flinn on the other side, and he is agreeable."

Speaker McPike: "Alright, you're asking that the posting requirements be waived?"

Doederlein: "That's right."

Speaker McPike: "Alright, are there any objections? Representative Flinn are you objecting?"

Flinn: "No, I just wanted to support the Lady's Motion."

Speaker McPike: "Okay fine. Hearing no objections, the Attendance Roll Call is used and the Lady's Motion carries. Representative McGann."

McGann: "Thank you, Mr Chairman. Members of the Assembly, as you have instructed, I have checked with the Minority Spokesperson, Representative Kubik, for Revenue and also the Chairman of Revenue on House Bill 3720, and I ask

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the..."

Speaker McPike: "The Gentleman asks...that we waive the posting requirement for House Bill 3720."

McGann: "And also it be in the subcommittee on Income Tax of Revenue."

Speaker McPike: "So that it is posted for both the subcommittee and committee. Are there any objections? Hearing none, the Attendance Roll Call is used and the Gentleman's Motion carries. Representative Mautino."

Mautino: "Thank you, Mr. Speaker. The purposes of announcement?"

Speaker McPike: "Go ahead."

Mautino: "...The Clerk's Office has informed me, that the Insurance Committee hearing set for 2:00 o'clock in the Calendar is in error. It will begin at 1:00 p.m. in Room C-1 of the Stratton Building. The Insurance Committee will meet at 1:00 p.m. instead of 2:00."

Speaker McPike: "Alright, Representative Mautino and Ladies and Gentlemen there are four committees that are going to meet at 1:00 o'clock. Cities and Villages in 118, Insurance in C-1, Public Utilities in D-1, Transportation and Motor Vehicles in 114. Those meet at 1:00 p.m. and not 2:00 p.m. Representative Currie."

Currie: "Thank you, Mr. Speaker, Members of the House. I move to suspend the posting requirements, so that House Bill 3954, can be heard in the Revenue Committee and its Income Tax subcommittee tomorrow. The same with House Bill 4104, and that House Bill 2991 might be heard in the full committee and also in the Real Estate subcommittee tomorrow. The Sponsors of these Bills have checked with me and with the Minority Spokesman."

Speaker McPike: "Alright. Are there any objections to the Lady's Motion? Hearing none, the Attendance Roll Call is used and the Lady's Motion carries. Representative Breslin."

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Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, I move to waive the posting requirements for House Bill 2864, so that this Bill can be heard in the Executive Committee on Thursday, I've checked with both of the...Chairman and the Minority Spokesman, and both are in agreement."

Speaker McPike: "Alright. Are there any objections to the Lady's Motion? Hearing none, the Attendance Roll Call is used and the Lady's Motion carries. Representative Terzich."

Terzich: "Yes, Mr. Speaker, just a reminder to the Members of the Executive Committee, The Executive Committee will not...meet tomorrow morning at its usual time at 8:00 a.m. The Executive Committee is now scheduled for Thursday at 2:00 p.m. is when the Executive Committee will meet rather than tomorrow morning. Thank you."

Speaker McPike: "Representative Terzich, you're meeting Thursday at 2:00 p.m. Is that correct?"

Terzich: "That's correct."

Speaker McPike: "Thank you. Representative Matijevich."

Matijevich: "Speaker, I would like leave of the House and use of the Attendance Roll Call to post the House Bill 3642 and 3643 in Registration and Regulation. I'm taking a chance Bob Krska's not here. So I couldn't talk to him, but I did talk to the Minority Spokesman. We thought they were posted, and they weren't."

Speaker McPike: "Alright. Are there any objections to the Gentleman's Motion? Hearing none. The Attendance Roll Call is used and the Gentleman's Motion carries. Representative McCracken."

McCracken: "I was wondering about Energy and Environment, if it's going to meet this week?"

Speaker McPike: "Representative Kulas."

McCracken: "I hear some Democrats complaining about it."

Speaker McPike: "Representative Kulas here? Mr. McCracken the

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environment meets tomorrow at 4:00 p.m. in Room D-1. Mr. McCracken."

McCracken: "Speaker, I've...been approached by a number of Republicans, and I've overheard a number of Democrats complaining about the committee. Apparently, not all Bills assigned to that committee have been posted for this week's meeting. As a matter of fact, I'm told that thirty out of ninety have been posted. Now if everybody wants to leave here on Friday at a decent hour, you will give us a chance to have those Bills considered. Otherwise, at least the Republicans and I imagine a few Democrats will have to file Motions to discharge. So, I would ask the Chairman to consider having those Bills heard or allowing an opportunity for the Sponsors to present the Bills, so we can get out of here at a decent hour Friday, and avoid a lot of pointless Motions to discharge."

Speaker McPike: "Well, after you have your conversation, I will recognize you again. On Supplemental #1 Senate Bill 1456, Representative Capparelli."

Capparelli: "Mr. Speaker, I move to adopt the Conference Committee Report We do not adopt it? Oh...Do not adopt Conference Committee Report to Senate Bill 1456. Request a Second Conference Committee."

Speaker McPike: "The Gentleman's Motion is...Do not adopt the First Conference Committee on Senate Bill 1456. All in favor say 'aye' opposed 'no'. The 'ayes' have it. The Gentleman asks for a Second Conference Committee. Representative McCracken."

McCracken: "I was hoping that we could work out this committee matter, but apparently we cannot do that. So I want to protest the procedure employed. Apparently, ninety Bills have been assigned to that Committee, and only thirty were posted for hearing this week. Sixty Bills are not posted,

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and this is not even a partisan of the issue. If you think the Republicans are hurt by it, look at Representative Balanoff shaking his head. Yes, he is hurt by it as well. Now what are we going to do? Are we going to stand for justice and the rule of law or are we going to let people run all over us? You Democrats ought to be as offended as we are. Mr. Chairman, Mr. Speaker, anyone over there who is in a position of power and listening, use your good offices get those Bills posted, or waive the posting requirement. And let them run their course. I tell you if it doesn't happen that way, we will all be here until very late on Friday concerning ourselves needlessly with Motions to discharge. So let's stand up for the system. I want a decision to post those Bills and have them heard. Representative Balanoff is going to speak to the Motion in just a second."

Speaker McPike: "Now Representative...Representative Kulas. Does the royal order of mushrooms still exist? Or has that gone out of business?"

Kulas: "It always existed and always will exist. Mr. Speaker, Ladies and Gentlemen of the House, let's not put on a circus show here. First of all we all know this is an off year. We are supposed to be considering appropriation matters and emergency matters only. There are a lot of Bills which don't mean diddely to nobody, but people put them in just to have something on their record. If a Bill is important to a Sponsor, if a Bill is important to me, I go to see the Chairman of that Committee and ask him, how is my Bill going to do. Will you post my Bill, and so on? I did not have one, not one Member approach me and ask me this til today."

Speaker McPike: "Representative Breslin."

Breslin: "Yes, Thank you, Mr. Speaker. Ladies and Gentlemen, I

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do not support Representative McCracken's Motion. Representative McCracken, I'd like you to listen to this, the reason I do not support your Motion is that I think it is inappropriate at this point to waive the posting rules and expect to have a decent hearing on any of these Bills in Committee this week. The people that we represent would not be able to be here to testify for them or against them. I think it is far more appropriate, Representative McCracken, at this point to let the matter ride and to file a discharge Motion on every single Bill. I have already filed my discharge Motions on my Bills. I recommend that to every Member. There is no Member in this Body, except say perhaps, the Chairman of the Environment Committee that would vote against the right of a Member to have their Bills heard. No matter what the substance of the Bill. This is America still, and I think we have a right to have those Bills heard. And if the Chairman would deny that to us we should bring all those Bills directly to the floor. And I would suggest as a matter of fact, that we have a hearing on those discharge Motions today."

Speaker McPike: "Representative Matijevich."

Matijevich: "Mr. Speaker, I'm one of those who has a Bill in Environment Committee, and I probably came as close to anybody to being within the deadline to get my Bill posted. And I talked to the Chairman, and I found out he was treating me like everybody else. So I said never mind, I don't want to hear the Bill then. And I applaud Myron. You know I think he's probably as responsible as anybody here. Because we know what is going to happen to most of the Bills...the Bills that have come out of committee. If you're going to get three Bills passed you're lucky. Out of those three, if you get one out of the Senate, you're even luckier, and in this type of year, the second year of

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the biennium, I have always been for an limited Session. So I hope that nobody makes a big deal out of this, because it is no big deal. In fact as I recall it was mostly the Republicans through the years, who have been saying that in the second year we ought to have limited Sessions, that we have too many Bills. So I think that...if you look at the number of Bills, and you look at how the makeup of the Body is, there's as many Republican Bills floating around committees as there are Democratic Bills, but as to the Environment Committee, everybody was treated alike. So...and not only that, Myron, for many years, was the Chairman of the Mushroom Committee because he felt everybody was kept in the dark. It's about time he had his day of revenge."

Speaker McPike: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of this House, I'm rising not out of any concern with the Chairman, cause I do respect him. However, we are talking about basic fundamental rights, that all of us, each of us on this floor of this house has, and it is not the Chairman's preogative, any Chairman's prerogative, to blunt the initiative, and of any Legislator. If he was so concerned, as any Chairman should be, then he should have made that aware to all the people posting Bills. It is unfair for that Chair to all of a sudden at an arbitrary Motion, to take and decide what Bill should be heard, and what Bills should not be heard. That is not his decision. That is not his preview. The citizens of this state are represented by you and I, and by taking that approach by any Chair, you are blunting the initiative of the citizens of this state. Now, we are all duly elected, and that is not what we are elected for. We're elected to have their ideas brought forth. This is an arbitrary approach by a

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Chair well intended, but he then decides what will be heard by the people of this state and what not. And this Legislature is bigger than one man or one woman I resent anyone doing that, as well intended as I'm sure this Chairman is. And I think that this Chair...that this Body should override his initiative and have all those Bills posted, or that they should have been aware that there was going to be a lot of Bills in that Committee. There's no secret. They saw what was being filed, and made the Chair...Sponsors of those Bills aware and had them posted earlier so that due...through due course of the hearings of these committees these Bills could be heard. I think this is a mistake, and we should all rise as a Body and say that this is not the way we want this Body to be governed."

Speaker McPike: "Representative Petka. For an introduction."

Petka: "Thank you, very much Mr. Speaker. ...We have on the House Floor today the...next...the U.S. Attorney nominee for the Northern District. And likely will be the next U.S.nominee...U.S.Attorney my very good friend from Lake County, the Lake County States Attorney, Fred Foreman."

Speaker McPike: "Representative Kulas."

Kulas: "On the point of personal privilege Mr. Speaker. First of all, I would...presume that one of the previous speakers should read the rules of the Hou...of this General Assembly. It is the prerogative of the Chairman to post Bills. The post...the Chairman has the right to post or not to post, and the Member has his rights also. I did not tr...tread on anybody's right, I didn't do this by myself. I met with the Minority Spokesman of the Committee. We decided that this was the best way to handle these matters. So, this isn't a partisan matter, and I didn't do it to Republicans. I probably didn't post more Democratic Bills than Republican Bills."

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Speaker McPike: "Representative Morrow."

Morrow: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. I am alarmed and upset at what's going on in the Energy and Environment Committee also I have a Bill that was not posted...out of due re...respect to the Chairman of this Committee who I think is a fine Chairman of that Committee if we had such a large number of Bills why is it that we have only met or have not met at all this spring...I think this problem could have been resolved if we had been meeting over the last two weeks, to give everyone a chance to have their Bills heard. Now I'm being forced to either ask the Body to waive the posting requirements or I have to file a discharge Motion. I wish some kind of agreement could be made on both sides of the aisle so that we know what were to do. And that we don't waste time of the Chairman or of this Body. So that's the question that I'm going to put forth, what agreement are we going to have on this because we are wasting time. Thank you."

Speaker McPike: "...Representative John Dunn."

Dunn: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I would ask leave of the House to waive the appropriate rules to...permit the hearing of House Bill 4151 tomorrow in House Judiciary Committee."

Speaker McPike: "Alright. And this has been cleared with the Minority side?"

Dunn: "Yes. That's correct."

Speaker McPike: "Alright. Are there any objections to this? Hearing none, the Attendance Roll Call is used. The Gentleman's Motion carries. And Representative Ropp on a similar request."

Ropp: "Thank you, Mr Speaker. I request that we have leave to...to suspend the posting requirement for House Bill 1823

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and repost it in the Executive Committee, which it was unavoidably left off this week."

Speaker McPike: "Alright. And this has been cleared with both sides also?"

Ropp: "Yes, sir."

Speaker McPike: "Are there any objections? Hearing none, Attendance Roll Call is used, and the Gentleman's Motion carries. Representative Ronan."

Ronan: "Thank you, Mr Speaker. For announcement the House Transportation Committee will meet today at 1:00 o'clock, as opposed to 2:00 o'clock. We got a tough agenda we got two Bills post in that Committee, so I'd like everybody to be there on time. So that we can get out in about three minutes. Thank you."

Speaker McPike: "Alright, Representative Steczo."

Steczko: "Thank you, Mr. Speaker for an announcement the Cities and Villages Committee will meet at 1:00 o'clock this afternoon in Room 118."

Speaker McPike: "Alright, that was already announced. Representative Levin. Public Utilities meets at 1:00 o'clock also. That's correct. That was already announced, Alright Representative McCracken."

McCracken: "Thank you. Back to a much more important issue, than the timing of any one Committee or two Committees, and at that is the Resolution of this decision. You know the procedure by which we do things is as important, as what we do. And we can not allow this to happen. I do not believe a Motion to discharge is an adequate remedy, because the committee will never have done its job. You'll find fifty Bills on the House Floor never having been considered by committee, and the only reason they are at the floor stage of the process is because they wouldn't be heard by the committee. That creates more injustice than what has

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happened already. A discharge Motion is not adequate. I want...a...I make a Motion and I want it voted upon. A Motion to waive the posting requirement for all those Bills pending in that Committee and not posted. And I want that voted on. A Motion to discharge is not adequate. I want the Committee to do its job, and every Member here should want the same thing."

Speaker McPike: "Alright, Representative McCracken's Motion is to waive the posting requirements for all the Bills assigned to the Energy Committee, that were not posted for this week. So that those Bills would be posted, and on that Motion the Chairman of the Committee, Representative Kulas."

Kulas: "Thank you, Mr. Speaker. I under...from my understanding that Motion has to be in writing and on the Calendar. If that Motion is not on the Calendar, then I would object to that Motion."

Speaker McPike: "Alright the Motion is defeated, because it needs...it needs unanimous consent if it's not on the Calendar. And Representative Kulas has objected, and therefore, the Motion is defeated. Representative McCracken."

McCracken: "I don't mind saying. I lost to a better man."

Speaker McPike: "Very good. Now Representative Currie on a Motion. Alright, Representative Currie."

Currie: "Thank you, Mr. Speaker. This is a Motion for immediate consideration of House Resolution 1621 which would add two members to the recently created, Select Committee on the McCormick Place Expansion Project."

Speaker McPike: "Alright. You've heard the Lady's Motion, on House Resolution 1621. Is there any discussion on this? Yes, Representative McCracken on the Motion."

McCracken: "I couldn't hear the...substance of the Resolution."

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Could you repeat it please?"

Currie: "I'd be happy to. It adds two members to the recently created Select Committee on the McCormick Place Expansion Project."

McCracken: "Alright, thank you."

Speaker McPike: "Alright, there being no objection to the Lady's Resolution. Hearing none. The Attendance Roll Call will be used, and House Resolution 1621 is adopted. Oh...the Chair...is at error that was Motion for immediate consideration, and the Lady has immediate consideration. She now moves for the adoption of House Resolution 1621. All those in favor say 'aye', opposed 'no'. The 'ayes' have it. And the Resolution is adopted. Representative Olson in the Chair."

Speaker Olson: "Thank you, very much. And good afternoon. Thank you, Mr. Speaker, we have a rare guest today visiting us from the USSR. Appropriate that she would be here, on their Fourth of July, May 1st. Her name is Nadjia Naumenko, she is from Dickson Siberia who is a sister city to us in Dixon Illinois. She has been with us for four months, she is an extremely attractive and articulate young lady. And she would like to say a few words to you in behalf of her nation. And her feelings about being with us here in the United States."

Nadjia Naumenko: "I'm very happy to be in your country. I am fascinated with my visit to your country. A fairy tale became a reality. A Russian woman from Dickson, of Siberia arrived to Dixon of Illinois. My main task is exchange program of two sister cities from the United States of America and the Soviet Union. I am a teacher I graduated from the 'Degoochial' Institute of Foreign Languages. I have my lessons of Russian language, and I have my lectures about my country, in Dixon, Illinois. And I found some

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important things from the system of your education also. I have a family, my husband is an Engineer of Aviation. My son is in the ninth grade, and I want my family visit your country, especially, my son. I have enjoyed my visit very much, but especially I have enjoyed people of Dixon, and Illinois. Everywhere I met your kindness, hospitality, generosity, friendly attitudes for me. And I want you to know, my people our kindness and hospitality, and friendly people as you are. And we have the same dreams. I am a teacher. And my visit will be useful and important, not only for me, but for my students. Our students are our future generation, and they will be developing our friendship. In July, the Governor from the 'Krasonarsky Region,' where our Dickson is situated and their economic and cultural delegation will arrive to Dixon, Illinois. And I hope you will be able to meet with them. I hope our business and cultural relation will be developing. At the beginning of May, I will be back to my Dickson. And I will take two teachers from Dixon, Illinois, and they will have the same program as I had in your Dixon, Illinois. I believe that people of two great countries as the United States of America and the Soviet Union will be really great friends. And I will be remember my days which I have spent in your country as one best days in my life. Thank you."

Speaker McPike: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, I move to discharge the Executive Committee on House Joint Resolution Constitutional Amendment #5 and to advance this...Constitutional Amendment to the Order of Second Reading, Second Legislative day...on the Speakers Table. I do this, Ladies and Gentlemen, in this extraordinary...move because...on...I...I did not realize the shortness of time

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for Constitutional Amendments. Today is the last day that this Constitutional Amendment could be heard, under the limitation of May 6. So given those restraints I have spoken to the Chairman of the committee...the Executive Committee they have heard the Bill, two years ago so that it is not something new. My question is would you allow it to be discharged, now so that we could at least hear it tomorrow and make a decision as to its substance?"

Speaker McPike: "Alright on that, Representative McCracken."

McCracken: "...I object on an appoint of Order, Mr. Speaker. The discharge Committee requires that it be on the Legislative Calendar for one day this Motion is out of Order, and that it be in writing."

Speaker McPike: "The Motion's in writing. Alright, Mr. McCracken the Motion is to suspended Rule 77(b) which requires seventy-one votes. And do you want to speak on that?"

McCracken: "Yes. I rise in opposition of that Motion, there is absolutely no reason that this particular Constitutional Amendment should not go through committee. There is another Constitutional Amendment that is already on Second or Third Reading. It's already on the floor. This could be an attempt, although I don't think its the Sponsor's intent but could be used to in effect blunt the taxpayer's opportunity to have the Tax...Accountability Amendment appear on the ballot in November. There is a limitation in the Constitution to not more than three ballot initiatives or Resolutions on a single ballot. If this got on, and some others got on, in particular the one that is already in committee, then there would be an opportunity or an...in effect a thwarting of the Constitutional Amendment on the Taxpayers Accountability Amendment. There is absolutely no reason on the merits this committee should be discharged. We certainly don't want to take things out of Order, we

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have tried to have a Constitutional Amendment on the Taxpayers Accountability Amendment considered. It has been held in Rules. We have not had any luck getting it any further than that. And now we are confronted with the request to discharge a committee in consideration of a Constitutional Amendment. The committee that is supposed to do its job. The same process over which we just had an argument a few minutes ago with the Energy and Environment Committee. What are we doing? For one type of initiative the committee process applies, but for another it doesn't? There's no showing here that this Constitutional Amendment has not had the opportunity to be heard. It is crucially important that this discharge Motion be defeated, and that the Calendar requirement not be suspended. Vote 'no' on the Motion to suspend the Calendar requirement."

Speaker McPike: "Alright, Representative Breslin, did you want to close?"

Breslin: "Yes."

Speaker McPike: "Go ahead."

Breslin: "Thank you. Ladies and Gentlemen, you should know that number one, there are no other Constitutional Amendments pending. And so that if we are going to move on Constitutional Amendments this House has to move today. It is certainly not my intent to block any other Constitutional Amendment. This Constitutional Amendment changes our Session time, so that we are sworn in immediately after we are elected and we adjourn by April 30th. It has many benefits, one of the major being that we will have established our budget by May 1st, and all units of local government especially school districts, will have a much better opportunity to plan their budgets for their upcoming school year. It's of major interest to local units of government and to school districts, it is not

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something new, Ladies and Gentlemen: Arizona - Arkansas - Georgia - Hawaii - Idaho - Indiana - Iowa - Maryland - Minnesota - Mississippi - Montana - Nevada - New Mexico - North Dakota - Rock Island - Rhode Island - South Dakota - Utah - Vermont - Virginia - Washington - West Virginia - Wyoming and Puerto Rico all are able to conclude there business in April or May, and many of them earlier."

Speaker McPike: "The Motion is to suspend the posting requirement."

Breslin: "That is correct. I think, however, it an unusual movement, Mr. Speaker, and they ought to know what they are voting on. I think that this is a significant change I think it is better for law making in Illinois. And I ask that you give it this extraordinary exception. Thank you."

Speaker McPike: "Alright, the Motion is to suspend the Rule...77(b), the Motion takes seventy-one vote. All in favor for the Lady's Motion vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Representative Breslin to explain her vote."

Breslin: "Thank you, Ladies and Gentlemen, if this Constitutional Amendment passed, today would be July 1st, you get the picture? We'd be out. This would be May 1, it would be all over. So if you think that is a good idea, you should be voting 'aye' it requires seventy-one votes for adoption. Thank you."

Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the record. On this Motion there are fifty-one 'ayes', forty-one 'nos' and the Motion fails. Representative Johnson."

Johnson: "On the...Speakers Table, I would move for immediate consideration of HJR 118. This is on the Calendar, and I request a Roll Call. "

Speaker McPike: "Representative Johnson, we are not on that order

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of business your Motion is out of order."

Johnson: "Speaker"

Speaker McPike: "The Spr...Chair will go to a special call on the University of Illinois, House Bill 3182. Read the Bill. Mr. Clerk."

Clerk O'Brien: "House Bill 3182."

Speaker McPike: "It's on page 8 of the Calendar under Second Reading. House Bill 3182. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3182, a Bill for an Act concerning athletic associations. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Are there any committee Amendments?"

Clerk O'Brien: "Amendment #1 was adopted in committee."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Madigan."

Speaker McPike: "Representative Madigan."

Madigan: "Mr. Speaker, would the Clerk read the Amendment?"

Speaker McPike: "Mr. Clerk, read the Amendment."

Clerk O'Brien: "Amendment #2, amends House Bill 3182 as amended by deleting section 2 through 13."

Speaker McPike: "Representative Madigan."

Madigan: "Mr. Speaker, this Amendment is the product of a great deal of study that went into this Bill, It's technical in nature and we think it would greatly improve the Bill. For those reasons...I would move for its adoption."

Speaker McPike: "Alright, the Gentleman moves for the adoption of Amendment #2. Is there any discussion? Representative Johnson."

Johnson: "Would you...like to explain the Amendment, Mr. Speaker?"

Speaker McPike: "Representative Madigan."

Madigan: "Mr. Speaker, the Amendment would...leave the title in

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the Bill and remove everything else."

Speaker McPike: "Representative Johnson."

Johnson: "On the issue."

Speaker McPike: "On the Amendment."

Johnson: "On the Amendment, on the issue, approximately six month to a year of study and drafting have gone into the formation of House Bill 3182, which by way of explanation, requires that Collegiate and Athletic Associations in the State of Illinois, exercise fundamental fairness in due process, with respect to institutions and individuals in this state and their investigations. It's been from the beginning a bipartisan Bill. The same Bill now has been a model for legislation around the country, that have been introduced in a number of other states. Florida, South Carolina, Nebraska, has enact a Bill and we've gotten requests because of...I think careful lengthy crafting of this legislation...by states all over the country. I frankly think...this Amendment is...tongue in cheek...the Speaker can't possibly believe that it's anything other than correct to afford our institutions in Illinois, our coaches and our athletes the simple concepts of fundamental fairness, the right to cross-examination, the right to a standard of proof that's fair and just the right to fair sanctions and various other...various other aspects of this Bill. It's a Bill that is very lengthy. A Bill that got out of committee...with a nearly unanimous vote, 12 'yes', none 'no', and 2 voting 'present'. It's a Bill that has seventy-five Cosponsors. And frankly a Bill, and I suppose that is the reason for the Amendment, that Representative Cullerton and I, and a number of others have spent a innumerable and lengthy hours...developing. I suppose because...I am the Chief Sponsor of...an Amendment, set aside the Compensation Review Board's recommendations,

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that this a...penalty for my action in that regard, because the Speaker obviously knows this Bill is of great deal of importance to me and my district, and for that matter to people all over the State of Illinois. Certainly respect the Speaker and his right to do that. It's rather extraordinary that we move to this order of business in the middle of the Calendar, set aside considerations of various other kinds and try to set aside something that's not in any way partisan nature, but simply intended to provide fairness for all the people of the State of Illinois, serving as a model nationwide and with all due respect to the Speaker, no one can conceivably think this is a serious Amendment. A week and a half ago, Speaker's Office didn't even know what the Amendment was. We've been working on this Bill for nearly a year. And to simply gut a Bill, gut a concept with five minutes notice and...move for immediate consideration really insults everybody in this chamber. It can happen to me, it can happen to this Bill, it can happen to anyone else. So I would simply request the Speaker, that he...exercise the fairness that he normally does, and withdraw this Amendment. It's really an insult to everybodywho's been involved in it, including Representative Cullerton whose really been on a number of media...media exposures all over the state on this issue, came to Champaign with Representative Weaver and others, to recommend this Bill... And to gut the Bill with one Amendment is just...with no explanation really isn't fair. So I would ask the Speaker to withdraw the...the Amendment."

Speaker McPike: "Alright, Representative Churchill."

Churchill: "Will the Gentleman yield?"

Speaker McPike: "Yes."

Churchill: "Does this...Amendment have anything to do with

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procedures for Athletic Events?"

Madigan: "This Amendment is concerned with the Bill being advanced by Mr. Johnson. And I think everybody should understand that the Bill, as is, is not supported by the University of Illinois, and in addition everybody should understand that the NCAA has advised all Illinois schools that the passage of this Bill, and its signature by the Governor could result in the removable of all of those schools from the NCAA. I simply offer those two points of information so that we all realize that we ought not to be rushing to judgment on this question."

Churchill: "So in other words, if this Bill passes without your Amendment, then there would be procedures set in place, so that the NCAA would have to follow procedures, and give a fair hearing to schools that have athletic programs that come under the NCAA, and they couldn't proceed on a basis of hearsay to terminate a program in one of the universities. Is that correct?"

Madigan: "I'm not prepared to...respond to your characterization of the Bill. Simply to repeat again, that the Bill is not supported by the university."

Churchill: "So under the current case where hearsay can knock a university out of an athletic program, and somebody comes in to put in reasonable rules and regulations to stop that procedure, and now you're trying to stop it. Your trying to say 'no' we should allow hearsay to just come in and be used to knock an athletic program out of the NCAA."

Madigan: "Mr. Speaker, this is an Amendment to the Bill. And of course, if the Amendment is adopted, why the Bill is still available for continued study and consideration. But I think it is important that we all understand that this an issue where we ought not to rush to judgment, that in fact we may be hurting the university. And I would be

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interested to know why the university does not support the Bill."

Churchill: "Mr. Speaker, perhaps...the question should be then since you're proposing this Amendment, why is it that your doing this on behalf of the University of Illinois? Have they not suggested to you, why they're not in favor of this Bill?"

Madigan: "I'm sorry, Mr. Speaker, I missed the Gentleman's question."

Speaker McPike "Mr. Speaker, I thought he was talking to me, Because...usually he says Mr. Speaker referring to the Chair. So he has me completely confused, Mr. Speaker."

Churchill: "Mr. Speaker, Mr. Speaker."

Madigan: "He's usually okay. He's usually okay."

Speaker McPike: "Representative Churchill."

Churchill: "The real Speaker, to the real Speaker. The question is, you're proposing this Amendment on behalf of the University of Illinois?"

Madigan: "No, I'm not."

Churchill: "You're proposing a Bill because you say that the University of Illinois does not want this Bill?"

Madigan: "No. I'm offering the Amendment because as a result of study of the issue, I think that we ought to consider this Amendment, and I plan to support the Amendment."

Churchill: "Okay, then why should we have this Amendment? I mean if the University of Illinois hasn't contacted you to put this in, obviously,...this Bill would terminate hearsay evidence being used to cut off athletic programs. I mean this Bill sounds like an fine idea. Why are you standing here and proposing an Amendment just to kill this Bill out of the blue?"

Madigan: "As I said earlier this is an Amendment to the Bill. If the Amendment is adopted, why the Bill is still available

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for further study and consideration through the remainder of the Session."

Churchill: "And...if we do not go along with your Amendment, then we could still have further consideration and study of this Amendment anyway, couldn't we?"

Madigan: "I think we would."

Churchill: "No further questions."

Speaker McPike: "Alright. We have a lot of people who wish to speak to this. Representative Hallock, I think was next."

Hallock: "Thank you, Mr. Speaker. Members of the House, I also rise in opposition to this Amendment. I was one of those who was fortunate to serve on the committee on the day in which this Bill was heard. Although, I must confess my past dealings with the NCAA, I don't mean to know an awful lot about what they do or how they do it. I learned an awful lot on that day. And one thing seem to me incredibly clear and logical, and that is, across the board and unequivocally, the NCAA seems to have absolute power across this nation. Absolute power to do in certain case, I suppose what is right, and other cases do what they think is right and may be wrong. And of course in our case I believe strongly that what they have done is wrong for one of our state schools. But that's the issue based on the merits, I suppose we can talk about that often, we probably should. But I also have a problem with the Sponsor of the resolut...of this Amendment, trying to gut the Amendment altogether, whether you are for the NCAA, think they made a right a decision or they're wrong, we should debate this concept. Representative Johnson, Cullerton, Williams, Weaver, Black and so on have done a tremendous job trying to put together a very carefully crafted Bill, which doesn't really do too much to the NCAA, but does in fact say that they ought to have certain standards and

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guidelines and certain legal procedures that we all have to follow. And that they should follow as well. The Bill makes sense as drafted, and it's very good. I think it's a good idea should be supported and passed. The Amendment guts it completely. We start from scratch. I think the Speaker of the House, with all His time and tenure in the General Assembly, should know better than to actually gut a Member's Bill, when in fact, that Member is trying so hard on behalf of his people to represent their needs here in the General Assembly. For those two reasons I urge that this Amendment be defeated."

Speaker McPike: "...Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. I'm concerned about this Amendment, because it does gut the Bill...the University of Illinois is on the very edge of my district and in fact part of it is in my district, so I feel I have a good reason to stand up here and discuss this issue. This Bill went to committee that was the place that the university should have opposed it, that was the place that all the facts should have been brought out about that, if the committee system works as it should under Speaker Madigan, that's when we should have known whether this Bill is a good Bill or not. It came out of committee 12 to nothing. A second point, the Speaker says that the University of Illinois doesn't like this Bill. Well many times I pay attention to what the administration of the University of Illinois thinks. But in this case I don't, because I think there's a good analogy. The alumni and the supporters of the University of Illinois like this Bill. It's kind of like Senator Simon's comment about Illiniwek. He may or may not be right, but he's dead wrong with the people of the State of Illinois. And finally, I don't think that any of us here in Illinois ever have a vote to

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elect anybody to the NCAA. And yet they're going to dictate to us what policy should be in Illinois. I say were a sovereign state. I'm not worried about the NCAA, and maybe they've got a little adjusting to do. And I think we ought to vote 'no' on this Amendment."

Speaker McPike: "Representative Black."

Black: "Thank you, very much, Mr. Speaker. To the Amendment, first of all, let me just say that the Amendment, and I hope its been made clear, the Amendment completely guts the Bill. And we're left with...nothing to debate, nothing to talk about, nothing to...fall...back on in a committee that acted unanimously, when they heard this Bill. Let me point out a couple of things, that have been said. I don't believe, in all due respect to the Speaker, I don't believe that the NCAA said, or insinuated that member schools in Illinois would or might be removed should this Bill pass. Secondly, if they are to do so, if they capriciously and arbitrarily remove Illinois schools from the NCAA as a result of this Bill moving to the process, the very Bill, that this Amendment guts addresses that problem. It clearly states that the NCAA is not to act in a capricious arbitrarily fashion. They are not to remove those schools, simply because the General Assembly in Illinois saw fit to pass this measure. Ladies and Gentlemen of the House, this is an issue that did not originate in Illinois, the Bill has already been passed a similar form by the State of Nebraska. I would point your attention to an interview given some days ago by the former Executive Director of the NCAA, Mr. Buyers, in which Mr. Buyers, stated, admitted if you will, that the enforcement procedures of the NCAA perhaps are antiquated and need to be overhauled. Well, hallelujah, Mr. Buyers, we've waited for you to do that for years and years and years. Now we have a Bill that might

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help the NCAA do that, and we're faced with an Amendment that guts the Bill. Very seldom would any of us, get up and urge you to oppose an Amendment offered by the Speaker. We all know he generally gives careful consideration to Bills and Amendments. And in all due respect to the Speaker, I believe that he is wrong on this Amendment, and I urge you to defeat it."

Speaker McPike: "Representative Weaver."

Weaver: "Thank you, very much, Mr. Speaker. Very briefly Ladies and Gentlemen of the House, all of you who Cosponsored this Bill, more than 70 of you, did so with the understanding that there's a need for justice and fair hearing in due process, in terms of athletic violation in this state. Now from what the Sponsor's indicated on this Bill, if the NCAA intends to withdraw from the State of Illinois, well by God, maybe they can just go ahead and take their bat and ball and go home. If they don't want to conduct business fairly, and open and above board and with due process, and a fair hearing in this state, let them go."

Speaker McPike: "Question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', opposed 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Third Reading. Speaker Madigan moves that the House stand adjourned until tomorrow at the hour of 12:00 noon. All those in favor say 'aye', opposed 'no'. The Motion carries. The House is adjourned."

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