

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

137th Legislative Day

June 27, 1990

Speaker McPike: "Come to order. The Chaplain for today is Pastor Carl Allen of the First Church of the Nazarene in Decatur, Illinois. Pastor Allen is the guest of Representative Noland. The guests in the balcony may wish to rise and join us for the invocation."

Pastor Allen: "Our Heavenly Father, we come into Your presence with thanksgiving. We thank You for who You are and for all that You have done for us. You are the great 'I AM', and through Your Son You've redeemed us. We thank You for the heritage that we have. We live in the land of the free. Freedom purchased for us at great price. We thank You for those who have been placed in position of leadership. We particularly thank You for the Legislators who have make up this Body. Bless we pray our nation. Bless our great State of Illinois. As this Body tackles some of the pressing problems of our state, give them wisdom to know Thy will. May selfish interest be laid aside and then knowing Thy will give them courage to vote according to Your will. This will result in the best for all of our citizens. Accept our thanksgiving. And grant our requests for we ask it all in the Name of our Lord. Amen."

Speaker McPike: "Be led in the pledge of allegiance...of allegiance by Representative Rice."

Rice - 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 McPike: "Roll Call for Attendance. Mr. Kubik."

Kubik: "Mr. Speaker, there are no excused absences on the Republican side of the aisle."

Speaker McPike: "Representative Matijevich."

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Matijevich: "Yes, Mr. Speaker. Let the record reflect the excused absence today due to illness of Representative LeFlore."

Speaker McPike: "Take the record, Mr. Clerk. 117 Members answering the Roll Call a quorum is present. On the Order of Concurrence...on the Order of Concurrence, would anyone like to call their Bill? Because this might be the last day you have a chance to call your concurrence. Let's go. Alright, Representative Myron Olson on Senate (sic - House) Bill 1699. Gentleman's ready. Mr. Clerk."

Olson, M.: "May I proceed, Sir?"

Speaker McPike: "Go ahead. Proceed, Sir."

Olson, M.: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill...excuse me...House Bill 1699 is one that we moved here last year. It was held in the Senate a year ago and was let out of our Rules Committee coming back yesterday. There are two Senate Amendments in which I would propose that we concur. One provides for the specific term of a preceptor in chiropractic practice. And the second one sets the effective date back to July 1st of 1991. I'll be happy to answer any questions."

Speaker McPike: "Any discussion? Representative Brunsvold, any discussion? Question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 1699?' And all in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Motion there are 115 'ayes' and no 'nays'. The House does concur in Senate Amendments #1 and 2 to House Bill 1699. And this Bill having received the Constitutional Majority is hereby declared passed. House Bill 2543, Representative Piel. Representative Piel? Representative Currie here? Representative Stange? Mr. Stange? Representative Keane?"

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Mr. Keane? Representative Cullerton? Representative Giorgi? Alright. House Bill 3074, Representative Giorgi. Representative Giorgi, you have more than one Bill here. House Bill 3426, Representative Terzich. Mr. Terzich. Mr. Terzich. This might be your last chance to call this. House Bill 3506, Representative Olson, for the second Bill of the day. Representative Olson. Gentleman is..."

Olson, M.: "I'm on a roll, Mr. Speaker."

Speaker McPike: "Yes, Sir. Proceed."

Olson, M.: "Thank you very much. House Bill 3506 is the Radiation Protection Act of 1990. We're doing it this year because it is in the sunset mode. We send this House Bill to the Senate in just a nominal form where all of the accreditations and the arrangements could be made. Basically, it reinstates the radiation technologists accreditation requirements in the Act, offers limited accreditation in the following categories: chest, extremities, skull, nasal and spine. The American Society of Radiology Technologists will be the instructors in the training relative to the employing positions. There will be limited accreditation and successful completion of practical and written examinations. Podiatrists and dentists are covered under the program...excuse me, they are not covered under the program. And because they are not covered under the program, they are not Members of the board, which consists principally of MDs and chiropractic people and some radiation people. Companies such as, who offer in-house opportunities, such as Diamond Star and Caterpillar will have an opportunity to be a player. This Bill has taken a significant length of time to work out all the concerns of the various people, including the Medical Society, podiatrists, dentists, radiologists and all of the others. And I think we have a Bill that everyone has

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signed off on. I would move to accept and concur in Amendments #1 and 2 to House Bill 3506."

Speaker McPike: "Representative Black."

Black: "Thank you very much, Mr. Speaker. I...it's early in the morning and Mr. Olson seems to have run out of gas after presenting his second Bill. I couldn't hear him. I'd like to know if he'd yield for some questions...Thank you. Representative, when this Bill left the House, it was anything but an Agreed Bill. There were some real serious problems with the Bill. If I heard you correctly, you said the Senate Amendments had worked those problems out and that now all parties to the Bill were...were in agreement, is that correct?"

Olson, M.: "Yes. We send the Bill to the Senate because at the time we moved it here there were no agreements. And Dale Swinford of the Nuclear Safety Agency together with the other people who have a concern worked them out in the Senate. And as far as we know, everyone has signed off."

Black: "Well, thank you very much. Then I won't ask for a verification should this Bill get the necessary requisite number of votes, since it is an Agreed Bill."

Olson, M: "Thank you, Sir. And I'm sorry your father isn't here today to have you offer so much wisdom."

Black: "Thank you."

Speaker McPike: "Any discussion? Further discussion? The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 3506?' All in favor vote 'aye', opposed vote 'no'. All voted? Have all voted who wish? Clerk will take the record. On this Motion there are 116 'ayes' and no 'nays', and the House does concur in Senate Amendments 1 and 2 to House Bill 3506, and this Bill having received the Constitutional Majority is hereby declared passed. Representative Olson on House Bill 3874. On...on

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the Order of Concurrence...Representative Robert Olson."

Olson, R.: "Thank you, Mr. Speaker. I move to nonconcur on Senate Bill (sic - Amendment) 1 to House Bill 3874."

Speaker McPike: "The Gentleman moves to nonconcur in Senate Amendment #1. All those in favor say 'aye', opposed 'no'. The 'ayes' have it, and the House nonconcur in Senate Amendment #1 to House Bill 3874. Representative Phelps. Representative Phelps on House Bill 4027."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendment #1 to House Bill 4027. The...this Amendment is a reflection of what the General Assembly set up in 1985, when they created the Department of Central Management Service Back Wage Claim Fund. This...the purpose of the fund was to expedite the payment of employee wage claims for prior fiscal years, which would otherwise be drawn out through a lengthy court of claims process. So, what this Amendment does is that tries to force the Central Management Service to pay the wage...back wage claims on time...in a timely manner. This has flown out of here before with 111 - 0 on House Bill 3125. It passed...this provision passed the Senate...Senate Bill 1916, 37 - 20. I'll be glad to answer any questions."

Speaker McPike: "And on that Representative McCracken."

McCracken: "Yes. I move to...point of Order. I believe Senate Amendment #1 is not germane and should not be considered on the Concurrence Motion. We have plenty of precedence for this, as I recall. The Chair has often ruled Senate Amendments not germane and out of Order..."

Speaker McPike: "Three times."

McCracken: "Three times?...It's more than none. I do think it is not germane and violates the single subject matter requirement of the Constitution. And ask you to rule it

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not germane and out of Order. You don't have anything to do this morning."

Speaker McPike: "The House will stand at ease for thirty seconds while we check this. Representative Piel."

Piel: "We'd like to call a Bill, Mr. Speaker. We'd call 2543 on Concurrence."

Speaker McPike: "Oh, certainly, Mr. Piel."

Piel: "Beg your pardon?"

Speaker McPike: "Certainly, Mr. Piel. Certainly. You probably didn't know that we are in the middle of another Bill. Representative McCracken."

McCracken: "We have the wherewithal at this point in the year to consider this on the merits, so I'll withdraw my parliamentary point and the Sponsor may continue."

Speaker McPike: "I think the Sponsor finished. So, I think you should speak to the Bill."

McCracken: "Alright. To the merits then. This Bill...the underlying Bill is important to various people on both sides of the aisle. However, it is perceived, rightly or wrongly, as a labor Bill. It prohibits the state from engaging contractors in the private sector for the services necessary to run prisons. The Amendment, which doesn't have much to do with that subject, requires a seven percent annual rate of interest on court of claim debts that are more than 45 days old. I...I think that...what may have been a questionable Bill is made a very bad Bill with the Amendment. In...this time of tight budgets there is no reason to impose upon the state this interest requirement. I rise in opposition to the Motion to concur."

Speaker McPike: "Representative Phelps to close."

Phelps: "Thank you, Mr. Speaker. The Speaker that previously brought the points to the Body concerning the seven percent is correct. There is no cost to the budget if we properly

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pay the requests of the wage claims...that's in the wage claim fund. If it is properly funded in the appropriation process, there is no cost. And that was viewed in the Senate this came out with a big majority of votes. This should not jeopardize the underlying Bill whatsoever. It...it's saying we should pay what we owe to those people who have gone through the process and have been awarded, why hold them up in delay. It just says this has a 7 percent interest penalty that would happen, but we can avoid that by properly appropriating what we should anyway. So, I appreciate your support. This is an important Bill to all of us. Don't let this jeopardize anything we've debated throughout this whole two month process. There have been two Bills going both directions with this. Item on it that has been received, hopefully, let's do it now."

Speaker McPike: "Question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4027?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record the record. On this Motion there are 83 'ayes', and 34 'nos', and the House does concur in Senate Amendment #1 to House Bill 4027. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 4035, Mr. Phelps."

Phelps: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1 to House Bill 4035. All this Amendment does is returns the language that was deleted in the original Bill, that requires a \$7 fee to be charged for the record of a mortgage, lease or lien pertaining to oil, gas and other minerals after the first one. It was just deleted in the original Bill. I appreciate your concurrence."

Speaker McPike: "Any discussion? Being none, the question is, 'Shall the House concur to Senate Amendment #1 to House Bill 4035?' All those in favor vote 'aye', opposed vote

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'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 111 'ayes', 5 'nos'. And the House does concur in Senate Amendment #1 to House Bill 4035. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 4036, Representative Satterthwaite."

Satterthwaite: "Mr. Speaker, Members of the House, I move to concur in Senate Amendment #1 with...on House Bill 4036. What the Amendment does is to place some limits in terms of the amounts of interest free...tax free interest that would be accumulated on the savings and it also makes some provisions for flexibility in issuing of bonds by the Illinois Student Assistance Commission. I move for concurrence in Senate Amendment #1."

Speaker McPike: "Representative McCracken."

McCracken: "Yes. Thank you. The Amendment would provide a cap as to the amount of earnings exempt under...from state income taxes. What is the background of that? I thought it had always been our intention to make the earnings exempt regardless. Why is there a cap imposed?"

Satterthwaite: "Right...well, we...the original Bill would have not placed any kind of cap on those tax-free earnings. However, in the Senate they wanted some assurance that this would not have a indeterminate kind of impact on the revenue from our income tax, and so we've agreed to this limitation."

McCracken: "Is it a \$2000 cap on each bond, or is it an aggregate based on ownership?"

Satterthwaite: "Well, this program is not a bond program. This program is for the small investor. The bond program is a different program, and does not have a caps on the interest free earnings from...or the tax free earnings on the bonds. This is a program for the smaller investor. It is possible

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that it could be rolled over into some bonds, I suppose, but this is a limitation on a different program than the current bond program."

McCracken: "Well, is it expected that \$2000 will be a cap resulting in some taxable earnings, or is \$2000 seen as something that won't be exceeded by the typical investor?"

Satterthwaite: "I think that it is unlikely that the people investing through this program would exceed that amount."

McCracken: "Alright. Thank you."

Speaker McPike: "Question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4036?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Motion there are 109...Mr. Dunn, did you want to talk?"

Dunn: "Yes. My daughter has one of those college bonds. To the extent I have a conflict of interest. I will vote my conscience."

Speaker McPike: "On this Motion there are 109 'ayes' and no 'nays'...110 'ayes', no 'nays'. The House does concur in Senate Amendment #1 to House Bill 4036. And this Bill having received the Constitutional Majority is hereby declared passed. House Bill 4049, Representative Paul Williams. Representative Hasara, House Bill 4082."

Hasara: "Oh, I'm sorry. I move that the House concur in Senate Amendment #1 to House Bill 4082. This Amendment makes it unlawful to use certain types of snare traps. It allows the use of cushion hole traps. It is supported by the Illinois Trappers Association, the Farm Bureau, the Soil and Water Conservation Districts, the Illinois Farmers Union, the Corn Growers Association, and the Department of Conservation."

Speaker McPike: "Any discussion? Being none, the question is, 'Shall the House concur Senate Amendment #1 to House Bill

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4082?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Motion there are 102 'ayes', 4 'nos', and the House does concur in Senate Amendment #1 to House Bill 4082. And this Bill having received the Constitutional Majority is hereby declared passed. Representative Santiago, House Bill 4129."

Santiago: "Yes, Mr. Speaker. I move to concur on Senate Amendment #1. Basically, Amendment #1 makes tech...technical change in the Bill. The Bill and the Amendment has been agreed upon by the State's Attorney's Office and by the National Rifle Association. It is an Agreed Amendment. So I move to adopt the Amendment and adopt the Bill."

Speaker McPike: "And on that, Representative Preston.."

Preston: "Mr. Speaker, I would just request that before we have these concurrence Motions, if the Sponsors could say something about what the Bill itself does, and then what the Senate Amendments do, so we really know what we're voting on...on final action on these Bills. So, Representative Santiago was kind enough to mention what the Amendments do, it makes some technical changes, but I don't know what the Bill itself does."

Santiago: "Lee, basically this is the drive-by shooting Bill. And there was...when it passed the House there was some technical language that had to be worked out by the lawyers. And the NRA and the Cook County State's Attorney's Office met and they came out with new language, which is appropriate and will make the Bill a better Bill."

Speaker McPike: "Representative Dunn."

Dunn: "My analysis indicates that...if I read it correctly, that...the drive-by provisions were taken out of this. Is that correct?"

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Santiago: "No. The drive-by provision is still there."

Dunn: "So, this is still a drive-by Bill?"

Santiago: "Yes, Sir."

Dunn: "And what is the penalty for it?"

Santiago: "Well, in the Bill originally, and it still is,...let me look for it here. It's a Class I felony."

Dunn: "And does it make any difference where you...discharge a vehicle from the motor vehicle, if...what if you're out in the country? Where there is obviously, you shouldn't hunt from a car...from a moving car, but so far that hasn't been a felony. But what if you're out where there are no other inhabitants...no other people."

Santiago: "Well, it says that if you discharge a firearm at or into a building that the individual knows to be occupied, and the firearm is discharged from a place or position outside that building. Or, number two, if you discharge an arm...a firearm in the direction of another person or in the direction of a vehicle he knows to be occupied."

Dunn: "Okay, then it is not much different from the way it was when it left the House?"

Santiago: "No."

Dunn: "Okay. Thank you."

Speaker McPike: "Representative Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill passed the House overwhelmingly. And I thought it was a bad piece of legislation when it passed. I think it is worse now. This attempts to create a new offense of discharging a firearm into a building. Now they add, you know the building has to be...he knows the building to be occupied, or to a place or position outside the building. What's the difference in that and the unlawful use of firearms? Why not strengthen one of our existing laws rather than create a new offense? We've also

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got discharging a vehicle...a firearm in the direction of another person. Well, if you shoot a firearm in the direction of another person, it's attempted murder. I mean this is crazy to...to try to create a new statute every time we have something that somebody has...become a problem in somebody's district. We've got a good Criminal Code in this state, I don't see any reason why we need this Bill. And this is a good place to kill it, let's not concur in this Amendment. Thank you."

Speaker McPike: "Representative Santiago."

Santiago: "Well, I heard that same argument before. It did not wash then, and it is not going to wash now. This is a good Bill. A Bill that is intended to protect the individual...basically, the innocent individuals that are sitting in front of their homes, and some nut...some moron will come out with a gun and takes aim and shoots at individual randomly. It is an incident that is occurring in every metropolitan area here in the State of Illinois. It is a good Bill. It is a Bill that we worked with the states Attorney's Office, with the NRA and all of the other interested parties that believe to have safe streets in the State of Illinois. It is a good Bill. I ask for your favorable consideration."

Speaker McPike: "Question is, 'Shall the House concur in Senate Amendment #1 to the House Bill 4129?' All in favor vote 'aye', opposed vote 'no'. Representative Martinez to explain his vote."

Martinez: "I wanted to speak on the Bill, but..."

Speaker McPike: "Yes. You can speak. Yes, go ahead. Proceed, Sir."

Martinez: "I just want to rise in support of the Gentleman's legislation and the Amendment. The Gentleman and I come from districts which are very much alike, and we have often

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experienced these drive-by types of shootings. As a matter of fact, I don't think a week goes by without us having something of that occur in our districts, so we both speak from experience. I'm very sad to hear that there's opposition to this...the Bill and the Amendment. One Gentleman asked a question what about being in the country? I think we should be against shooting at random whether it's in the city or in the country. Either we're going to have laws, or we're not going to have laws. And I'm for this Amendment 100%. I urge your...a lot of support for this Bill. Thank you."

Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 108 'ayes' and 4 'nos'. The House does concur in Senate Amendment #1 to House Bill 4129. This Bill having received the Constitutional Majority is hereby declared passed. Representative Hicks. Mr. Hicks. Representative Phelps, 4221. House Bill 4221."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendment #1 to House Bill 4221. This Amendment would...would allow the county to finance up to 100 percent rather than 75 percent of the Juvenile Detention Center Revolving Loan Fund, which the underlying Bill did propose. I appreciate the support."

Speaker McPike: "Any discussion? Question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4221?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill...on this Motion there are 112 'ayes', no 'nays'. The House does concur in Senate Amendment #1 to House Bill 4221. This Bill having received the Constitutional Majority is hereby declared passed. We have now gone through the Calendar one time. So, we're going to start at

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the top of the Calendar and go through it again. Representative Currie. Representative Currie, want to call your Bill? This might be your last chance. Representative Piel. Representative Piel, House Bill 2543. You're on, Sir."

Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to concur in Senate Amendment #1, this Bill is a Consent Calendar Bill that passed out lll to nothing. It basically amended the Illinois Banking Act to authorize bank shareholders creating voting trusts for a period of up to ten years. Senate Amendment #1 clarifies the requirements for eligible persons to be considered for appointment to the Commissioner and Deputy Commissioner of Banks and Trusts, and also has provisions for the emergency sales of assets or a merger Section of the Illinois Banking Act. And I would ask for affirmative vote in concurrence."

Speaker McPike: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2543?' All in favor vote 'aye', opposed vote 'no'. Yes. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 115 'ayes' and no 'nays'. The House does concur in Senate Amendment #1 to House Bill 2543. This Bill having received the Constitutional Majority is hereby declared passed. Representative Stange, House Bill 2896."

Stange: "Thank you, Mr. Speaker. I move to concur with House Bill 2543 (sic 2896). This Bill is regarding Food Safety Transportation Act regarding garbage bag haul."

Speaker McPike: "Representative Cullerton."

Cullerton: "Yes. Would the Sponsor yield?"

Speaker McPike: "Yes."

Cullerton: "Representative Stange, has someone from our staff indicated to you that there is a technical problem with the

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Senate Amendment as they drafted it?"

Stange: "That's correct. And our staff says they are going to take care of that in the Governor's Office."

Cullerton: "In the Governor's Office?"

Stange: "Mandatory Veto...in November."

Cullerton: "So...well...alright. You know, I just don't understand this. We have time. We could put the Bill in a Conference Committee. We could correct the language. We could pass the Bill tomorrow. Instead you are passing a Bill, which is admittedly defective. You're hoping the Governor is even going to be around this summer to take the time to read these Bills and to correct the defect, and then you know, maybe the Governor might mess it up. I mean, then we wouldn't be able to pass the Bill, so I mean, why don't you just put it in a Conference Committee and correct it in a Conference Committee? It's not our fault. The Senate's the one that messed up with their Amendment."

Stange: "I understand that. Why don't we just have the Governor's staff fix it up? It is a technical Amendment."

Cullerton: "I know it's technical. We're passing a defective Bill. Admittedly."

Stange: "Representative, it happens all the time on both sides. We've done this before."

Cullerton: "It happens inadvertantly all the time."

Stange: "Sure."

Cullerton: "But here's a situation where...it's not like it is June 30th. You know we got...we got four days, probably be here for four more days. Representative I'll tell you what. If you don't want to ask...if you want to move to concur, that's fine. I would just ask and urge every Democrat to vote 'present', so that you are then forced to nonconcur. Cause I just think...I bet you Representative McCracken deep down inside agrees with me that we should do

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the right thing procedurally. We're only asking for a Conference Committee. We're not trying to kill your Bill. I'm just saying let's do it the right way. So, then thank you, Mr. Speaker."

Stange: "I know you're not."

Speaker McPike: "Can we take this Bill out of the record, one more time."

Speaker McPike: "Representative Stange. Representative McCracken."

McCracken: "Yes, I don't want to do the wrong thing either, but I think this is something that can be cleaned up in Enrolling and Engrossing. They make technical Amendments in Enrolling and Engrossing all the time. Or, we could...oh, I don't know what to do. I think it is proper for Enrolling and Engrossing to do though, I really do. I just don't think it is a problem."

Cullerton: "Let me just tell you my opinion, Representative. This is more than what Enrolling and Engrossing ought to be about. I mean Enrolling and Engrossing, I think that's the way Jerry Shay used to pass new legislation, but I don't think that's what we should be doing now. It inserts the wrong section, on the wrong line, with the wrong section letter. In fact there's two mistakes in the Senate Amendment. Once again, I'm not trying to...we could do this by tonight probably. We could literally have the Conference Committee by tonight."

Stange: "Was that the Democratic Senate that did that?"

Cullerton: "Wait a minute. I think Representative Stange can screw us up. Did you talk to Enrolling and Engrossing?"

McCracken: "No. Did you want to add something to this Bill? Do you want to add something to this Bill?"

Cullerton: "No. We don't want to add anything to the Bill. I don't care...to add anything."

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Stange: "Why don't we just let it go and let the Governor handle it? It's not that big of a deal, John."

Cullerton: "I understand, Representative McCracken, that the Clerk, the Assistant Clerk, has been consulted on this Bill and indicated that Enrolling and Engrossing would be overstepping their bounds to correct this defect. And then he said...Representative Stange said it is an Amendatory Veto that's going to correct it, not in Enrolling and Engrossing. He's already been told that it can't be done in Enrolling and Engrossing. We can have a Roll Call, I just ask all the Democrats to vote 'present', and then we can defeat it and then do a Conference Committee."

Stange: "Mr. Speaker, let's just vote on this Bill. It's a good Bill and I need the help of my colleagues on the Democratic side. Appreciate your 'aye' vote."

Speaker McPike: "Alright the question is, 'Shall the House concur in Senate Amendment #1 and 2 to House Bill 2896?' All those in favor vote 'aye', and opposed vote...opposed vote 'no'. Representative Ropp."

Ropp: "Well, Mr. Speaker, I was going to ask a question relative to Senate Amendment 2. Is that still in line, or...possibility."

Speaker McPike: "Well, you could probably ask it to him after he goes to Conference Committee. It would be easier."

Ropp: "Okay. I just...we'll wait."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there is 49 'ayes' and 1 'no'. The Motion fails. Representative Stange. Mr. Stange."

Stange: "Concur with this Amendment..."

Speaker McPike: "Pardon me?"

Stange: "Nonconcur with Amendment #1 and #2."

Speaker McPike: "The Gentleman moves to nonconcur with Senate

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Amendment..."

Stange: "...on both Amendments."

Speaker McPike: "...1 and 2. All those in favor say 'aye', opposed 'no'. The 'ayes' have it and the House nonconcur in Senate Amendment #1 and 2 to House Bill 2896. Representative Keane. Jim Keane. Representative Cullerton, House Bill 3058? Mr. Cullerton."

Cullerton: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to nonconcur with Senate Amendment #1. The...we just came from a meeting with the Department of Public Aid and various groups dealing with the Homeless Coalition. We've reached an agreement and the Conference Committee is being drafted. So, I would move to nonconcur with Senate Amendment #1, have the Senate refuse to recede and go to a Conference Committee."

Speaker McPike: "Gentleman moves to nonconcur in Senate Amendment #1, and on that Representative McCracken."

McCracken: "Thank you, I'm just curious. Will it be still a demonstration program, not an entitlement?"

Cullerton: "Yes."

McCracken: "Okay. Thank you."

Speaker McPike: "Question is, 'Shall the House nonconcur in Senate Amendment #1?' All in favor say 'aye', opposed 'no'. The 'ayes' have it. The House nonconcur in Senate Amendment #1 to House Bill 3058. Representative Giorgi. House Bill 3074."

Giorgi: "Mr. Speaker, I move to concur to Senate Amendment #1 to House Bill 3074. When the Bill went to the Senate, it allowed a sanitary district to agree by contract with a person or developers to build a sewer to be dedicated as a public sewer, and then to be reimbursed by fees and by people tying up. And then the Bill was amended in the Senate by Senator Weaver to allow of a method for

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disconnecting from a special service area. And I urge the support of the...Weaver's Amendment."

Speaker McPike: "Now the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3074?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 72 'ayes' and 39 'nos', and the House does concur in Senate Amendment #1 to House Bill 3074. And this Bill having received the Constitutional Majority is hereby declared passed. Representative Giorgi, on 3875."

Giorgi: "Mr. Speaker, I move that the House do not concur on Senate Amendments 1 and 2 to House Bill 3875, and that a Conference Committee be formed so that we can iron out the differences."

Speaker McPike: "The Gentleman has moved to nonconcur in Senate Amendments 1 and 2. All in favor say 'aye', opposed 'no'. The 'ayes' have it, and the House nonconcur in Senate Amendment #1 and 2 to House Bill 3875. House Bill 3962, Representative Giorgi."

Giorgi: "Mr. Speaker, I also move that we do not concur to Senate Amendment #1 and 2 to House Bill 3962, and ask that a Conference Committee be formed."

Speaker McPike: "Question is...and on that Representative Parcels."

Parcels: "Thank you, Mr. Speaker, Ladies and Gentlemen. I just wanted to point out that this does not have the \$500 limit in it..."

Speaker McPike: "This is a nonconcurrency, Representative."

Parcels: "Oh, it was a nonconcurrency? It says concurrence up here."

Speaker McPike: "Yeah, but he moved to nonconcur."

Parcels: "Well, then I assume that the \$500 will be put on in the Conference, is that your intention?"

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Giorgi: "I have no control over a ten Member Conference Committee."

Parcells: "You're not going to be on the Conference Committee?"

Giorgi: "I might be on it, but I have no control over a ten mental giants..."

Parcells: "But would it be your desire to have it on? It would be your desire to have that \$500 limit on it, is that correct?"

Giorgi: "I already passed the Bill to the Senate with the 500 limit. Your problem is with the Senate. We passed it two months ago."

Parcells: "Well, then we'll watch very carefully for that to make sure it has that \$500 limit, because our constituents in the State of Illinois and all of these people have said they'd like that \$500 limit, and so I think we would be...not be honest with them if we passed something that does not have that limit on it."

Giorgi: "How about showing me ten letters from constituents that are concerned about a 500 limit? How about showing me ten letters or ten phone calls? Let me talk to them. We'll read them together. We'll read them together."

Parcells: "Thank you. I just wanted to make sure that that was your intent. Thank you."

Matijevich: "I bet you 500 it won't be in there."

Speaker McPike: "Shall the House nonconcur in Senate Amendments #1 and 2 to House Bill 3962? All in favor say 'aye', opposed 'no'. The 'ayes' have it. The House nonconcur in Senate Amendments #1 and 2 to House Bill 3962. Representative Parke, 3528."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3528 I move to concur with Senate Amendments 1, 2, and 3. The underlying Bill is a Bill that requires any company, insurance companies issuing auto

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insurance or homeowners insurance to establish a Consumer Affairs and Information Department to respond to policy holder inquiries and complaints. Provides that the company must provide written response to written inquiries and complaints within 21 days of receipt. That passed overwhelmingly out of this House. Senate Amendment #1 establishes a small employer group health insurance plan. This comes from recommendations from the Governor's Health Care Summit on the uninsured. Allows employers of 25 or fewer employees to purchase health insurance policies that are not subject to all the current mandate benefits. Included in this plan some mandates that are included are coverage of newborn infants from the moment of birth. Policy also covers in Amendments #2 said that anybody who has not, that you can only purchase this, if the person who has not had insurance for the past 12 months. Amendment #3 says that those people are who over or those women over the age of 35 who wish to have mammography coverage may seek mammography exams...x-rays. I ask that we pass this vitally important piece of legislation. One must remember that approximately 25 percent of all the citizens of this state have no health insurance provided by their employers. This affords small businessmen and women the opportunity to provide a much needed health insurance contract on a minimum basis of mandates so that they can afford to provide this for their employees. Today in a small business a man or women must decide that perhaps to make payroll and provide basic benefits are all he or she can do. This one, this benefit, now allows them when in the past 12 months have not provided health insurance now they maybe able to provide health insurance. I again, move for a concurrence of Senate Amendments 1, 2, and 3."

Speaker McPike: "Representative Cullerton."

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Cullerton: "Yes, I would move that we divide the question with regard to Senate Amendment #1."

Speaker McPike: "Alright, the Gentleman is within his rights. So Representative Parke we will be voting on a concurrence on Senate Amendment #1."

Parke: "Thank you, Mr. Speaker. I may point out to those people who may not have their package in front of them. Senate Amendment 1 is the authorization to provide this health insurance and in fact Amendments 2 and 3 are only parts of enhancing Senate Amendment 1. So the bulk of the responsibility of this concurrence Motion falls under Amendment #1 that Representative Cullerton wants to divide for the question. So we need the passage of #1 to have it effective. So I ask that you consider voting positively for Senate Amendment 1."

Speaker McPike: "Alright, Representative Cullerton."

Cullerton: "Yes. Well, Mr. Speaker, I just wanted to rise in opposition to the Gentleman's Motion. We have debated this issue earlier in the House. This provision is violently opposed by the Hospital Association and the labor organizations throughout the state because it repeals a number of laws that we have carefully considered and have passed here on the House floor and which the Governor has signed. Now, this is supposedly meant to be an effort in helping us out of our health care crisis. And yet, and this crisis includes a number of hospitals closing, it includes hospitals not being paid enough for Medicaid or Medicare and having to pass on those costs to people with private insurance. That crisis involves the hospitals having to cover for people who are working but have no insurance and once again shifting the cost to us who have private insurance, and yet the people that this crisis affects, the Hospital Association, is very much opposed to

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the Bill, because it doesn't accomplish what the proponents think it will accomplish. In addition, to not helping the hospitals, it eliminates a number of provisions which we clearly should not eliminate. Now, we talked about alcoholism. Everybody knows it's a disease and it sometimes requires in-patient treatment. We talk about this Bill earlier when we said that the Insurance Code now prohibits insurers from denying claims for psychiatric or physical rehabilitation treatment, simply because those services were provided in hospitals which did not have surgical facilities, and yet many times those hospitals can provide more cost-effective and equally high quality care. That's another reason why we shouldn't pass this Bill. Current law prohibits insurers from excluding or limiting coverage to Medicaid eligible beneficiaries. So this effectively makes Medicaid the secondary payer in such cases. But this Bill would permit the exclusion of Medicaid eligibles, thus allowing insurers to shift the primary payment responsibility to the state and increase our cost. There's a number of other provisions I think there's probably about 18 or 19 Bills that we're repealing with this one Act and it doesn't make any sense. It's not even supported by the hospitals, as I indicated who would benefit supposedly from the Bill. In fact, they would not benefit at all. So I would urge those people who are concerned about the promise of the hospitals closing, the promise of health care cost escalating. The fact that there's a number of other social statements that we have made that sexual assault and abuse victims have to be covered by insurance. They can't be excluded by insurance policies. Well, we're eliminating that with this by adopting this Senate Amendment. So for those reasons I urge a 'no' vote on the Amendment."

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Speaker McPike: "Representative Harris."

Harris: "Thank you, Mr. Speaker. Question of the Sponsor, Representative we had a spirited debate on possible Amendments to this Bill when it was in the House, and I think the House clearly expressed some of it's intent on a couple of provisions if a Bill like this went into effect. Specifically, if I can, in the event that this might become law would newborn infants be covered under such a policy as this?"

Parke: "Thank you, Representative Harris, for asking that question. That certainly was one of the heated topics of Representative Cullerton's Amendments to the original Bill that Representative Mautino put out. And yes, this Bill has added that back in because it was the it seemed to be overwhelmingly supported that newborn infants should be covered in this plan. And because of Representative Cullerton's insistence and his points were certainly well taken, we've included that back into the plan and covered it."

Harris: "Okay. What about adoptive children?"

Parke: "Yes, that was also heatedly debated and we also include that back in to the plan."

Harris: "Okay."

Parke: "Go ahead."

Harris: "Now, That's good. Can you tell me, I have the Amendment in front me, can you tell me where that's in the Amendment, specifically Amendment #1?"

Parke: "Could you say that one more time?"

Harris: "I have the Amendment in front of me. Can you tell me where that is in the Amendment? I see in Amendment 3 that mammography is specifically covered, but I don't see these two other provisions covered."

Parke: "It's, I've been briefed that it's on page 6 of the Bill

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line 27 and it shows reference to 3 Section 356(c), 356(h).
For newborn and adopted."

Harris: "Okay, okay. So that then covers the provisions that I
asked about?"

Parke: "That is correct."

Harris: "Thank you, very much."

Speaker McPike: "Representative Kirkland."

Kirkland: "Will the Sponsor yield?"

Speaker McPike: "Yes."

Kirkland: "When we debated this Bill before there were something
like 19 Amendments that addressed individually the
different mandates that we passed over a number of years
that this Bill would eliminate. And we got through about
eight of the Amendments as I recall. And the corrections
from the Senate or the changes from the Senate seem to
address those issues that we discussed on the floor that
day, and at that point the Representative Mautino took the
Bill out of the record. Can you inform this Body and this
Body ought to know what other mandates will be removed
from this bare bones policy to make it what you intend it
to be?"

Parke: "Well, Representative Kirkland, I'm not privy to that
information. I don't have those 18 Amendments in front..."

Kirkland: "You don't need the Amendments because the changes
start with the Bill."

Parke: "You asked me what's not in the Bill is that correct, or
am I misunderstanding you?"

Kirkland: "No I'm asking you how the Bill changes current law?
And the Bill changes, as I understand it, what the 19
Amendments did was address the...19 mandates that the Bill
would remove from the current law. And I'm, since we
didn't discuss Amendments 9 thru 19, I am curious what
mandates that we didn't discuss on this House floor are

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being removed by the...by the Bill if we pass it?"

Parke: "Well, Representative Kirkland, I am not aware of what those might be I am sure there are. But let me more importantly, I think your point is that this Body has saw fit in the past to mandate certain health insurance coverages which is what I think you're saying, and those coverages are not included in this proposal that we have before us now. But quite frankly, Representative Kirkland, the question that you asked is exactly the question of which we're addressing. It says that if we offer all these mandates into this bare bones health insurance plan we will not have a bare bones health insurance plan. Therefore, each one of these mandates that various people have voted on in the past keeps making health insurance more and more costly. It comes to a point, Representative Kirkland, where a small businessman or women must make a decision of whether or not they are going to provide health insurance. And let me tell you what happens. That businessman or women then decides that health insurance is too expensive for he or she to provide for their employees. What they do then if they have any conscience at all, will say I'm going to bonus to Mr. Employee 100 or 150 or 200 dollars to each of the employees. They go out and buy whatever they possibly can get hold of for whatever means they have and many of the times these people buy no insurance at all. And so therefore, if you want all these other Amendments, I mean these other benefits, that we have excluded under this plan, then you find that it is going...becomes the same kind costly plan that is offered now. And your point is well taken, that these things are not included. But quite frankly, I don't know what they are but they are excluded, these are what is included in the plan. The Body understands what is included, perhaps you may

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enlighten the Body as to what's being excluded to prove your point."

Kirkland: "Well, it's not my Bill and that's why I asked the question. To the Bill, Mr. Speaker, it seems to me if the if the Sponsor had taken the Bill out of the record after we discussed Amendment 1 or Amendment 2. It might of have come back to us from the Senate with corrections made over the controversies discussed over Amendments 1 and 2. But we got through eight Amendments but about ten of them we never discussed at all on this floor. So I'm afraid that most of the Members of this Body simply don't know what mandates, including the Sponsor apparently, did not know what mandates are being removed from health insurance coverage by this Bill. And to support this Bill under those circumstances, I think is irresponsible. I'm not saying the concept doesn't make sense, but apparently the Sponsors don't want to indicate what each of the individual mandates are that would be removed in as we found out we discussed at least the first eight, they were trying to slip three or four eliminations of mandates that would have been absurd. So, unless people know what all the mandates are that are being taken out, I think we should be very cautious and I'd recommend a 'no' vote."

Speaker McPike: "Representative Saltsman. Saltsman."

Saltsman: "Thank you, Mr. Speaker. In reference to the previous Speaker, Representative Kirkland. I have 15 parts and Amendments of this coverage that's going to be eliminated, and some of the important ones would be eliminated. Coverage of in-patient treatment of alcoholism. You no longer have continuing benefits for a spouse and dependents upon death of an employee. You would not have reasonable continuation of benefits for disabled employees if policy is discontinued for any reason. There's fifteen things in

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here that they're taking away from the employees of the State of Illinois. This is terrible legislation. You've heard of lowering the cost of insurance before, now you tell me when it's ever been lower. Now, this is nothing here but a gobble up and taken advantage of employees in the State of Illinois. And these employers aren't going to buy hospitalization benefits for their employees at the present time. These employers aren't going to get it even if this gets lower, so don't them give you this, this is a terrible Bill and Amendment #1 is the worst part of it. If you want me to take the time I'll read the fifteen things here that they're taking away from your neighbors. Now that's terrible. Let's vote against the Amendment and throw the Bill out."

Speaker McPike: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Will the Sponsor yield? Mr. Parke, what business are you in? Are you a farmer or an insurance person or what do you do for a living?"

Parke: "Representative Lang, Representative Lang. I presume, I thank you, for that question that's a germane question to why I think this is such a fine idea. I happen to be a life insurance agent and I have in the past sold health insurance. And I know the dilemma of which small businessmen and women are faced with, and so I will just simply point out that I am an insurance agent, a life insurance agent, and I am proud to be one, as you are proud to be a lawyer and my insight into the problem that's faced in the marketplace is germane to why I am pushing so hard to have this passed."

Lang: "I under...thank you, for answering that question so simply. Do I understand that there's a provision in this Amendment that would require that an employer not have an insurance policy for his employees over the last 12 months

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to be involved, is that correct?"

Parke: "Representative Lang, that is correct. But that is Amendment #2 to the policy and unfortunately we are only voting on 1. But if this passes and the concurrence of 1 and then ultimately 2 and 3 passes that will, in fact, be a part of program."

Lang: "Well, it's an important inquiry as to this as to Amendment 1 also. Let me ask you, is there something in any of these Amendments that will prohibit an employer from changing its name from ABC Inc. to XYZ Inc. and therefore getting rid of a good insurance policy and providing his employees the no-frills policy?"

Parke: "Well, Representative Lang, being an attorney, such as yourself, you know the difficulty and the cost that your colleagues put on small businessmen and women to be incorporated through the system and to change a name may not be as simple as you may want this Body to believe. In addition, they have stationery to change, business cards to change, correspondence to people to change. So I think that question really is a red herring and has no bearing on this issue."

Lang: "Would you like to answer it though? Are you interested in answering the question?"

Parke: "My question is that anything is possible in this society."

Lang: "The question was is there anything in the Bill to prohibit my business from incorporating under a new name tomorrow and therefore being able to provide the no frills policy tomorrow?"

Parke: "Well, other than goodwill and common sense to answer your question, the answer is 'no'."

Lang: "Thank you. Mr. Speaker to the Bill. This Bill is another effort by business to be concerned about business. But the

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business of this House is to be concerned about the people of our state, the citizens of our state. This...these series of Amendments starting with Amendment 1 as an effort to decrease benefits that many of our people have now and to encourage employers to find ways to get on these no frills policies there are many that won't, there are many that are concerned about their employees, concerned about their employees' insurance benefits and, in fact, most employers that have insurance for their employees do it so they can keep good employees. But this series of Amendments will not help us keep good employees at work in Illinois. What these series of Amendments will do is promote an effort by employers to find ways out of the policies with substantial benefits that employees have today and replace them instead with no frills. With policies that don't provide coverage for mental health, with policies that don't provide coverage for alcoholism. This is nonsense. This is an effort for business to save money and that's all it is. Let's give this a resounding 'no' vote."

Speaker McPike: "Representative Goforth."

Goforth: "I move the previous question."

Speaker McPike: "The Gentleman moves the previous question. The question is, 'Shall previous question be put?' All in favor say 'aye', opposed 'no'. The 'ayes' have it. Representative Parke to close."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am kind of shocked at some of the dialogue we've had here. Previous Speaker indicates that business is going to just arbitrary drop their, change their, name and drop their insurance just so they can save a few bucks. What it implies to all of us in this state, though I don't believe he really intends it to be this way, is that

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business is inherently bad and really has no desire to provide benefits for their employees at all. What we are talking about here is allowing a man or a woman who has a business, a small business, to be able to provide health insurance benefits that do not have them now. The confusion that you are hearing from the debate is people who currently have their insurance. What we are talking about is giving those small business men and women the opportunity to go out and buy insurance for their employees who are valued and important to make a profit in a company. They're not bad. They want to provide for their employee, but we've made it so cost prohibited they can't do it. This Bill will give small businessmen and women in this state an opportunity to provide for their employees. The Hospital Association, if they truly are against it are so wrong. They are so very wrong. They are the ones that come to each one of us and say we have to provide health insurance for indigents, because no one wants to pay for it. This Bill allows the small businessmen and women to go out and buy some health insurance and provide benefits, so the hospital gets money in. Now, I am confused on this dialogue. This is a good Bill. This is good for the citizens of Illinois and we should all be voting for this."

Speaker McPike: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3528?'. All in favor vote 'aye', opposed vote 'no'. Representative Hasara to explain her vote."

Hasara: "Thank you, Mr. Speaker. I would like it very clear that this does not apply to state employees. All the state employees listening on the system, this does not apply to you. You will not have your benefits reduced. This applies to businesses of 25 employees and fewer, and I think it's a great mistake to make that comment on the

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floor. Thank you."

Speaker McPike: "Representative Klemm, one minute."

Klemm: "Thank you, Mr. Speaker. You know, it really a shame we have to bash each other back and forth that businesses are bad, or unions are bad, or employees are bad because that's really not the case. Here's an opportunity I think, for very small businesses to offer some meaningful, though it may be restricted, some insurance so that some people who don't have it have an opportunity to get it. I think it's a reasonable request because we're only talking about very small businesses and I think if we want to bash each other back that's maybe why we can't get some compromises. I think we should support it. I think it's reasonable."

Speaker McPike: "Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker. I stand in support of this legislation because we have not taken anything from anybody who currently has insurance. We are providing another section which allows for employers of 25 or less to purchase insurance for those employees that have not had it in the previous 12 months. We did not debate this issue before, we debated Amendments to kill this type of proposal before. Representative Cullerton wants to implement a program which is not at all in the same arena with Senate Amendment #1 to 3528. There's nothing wrong with providing insurance for those individuals who do not have it now, that need the coverage and the assistance for health care. It's a good Bill, 25 employees or less that currently do not have insurance would, could be covered by this program either on a participating basis as..."

Speaker McPike: "Bring your remarks to a close, Sir."

Mautino: "Or fringe benefits. I think it's a common sense approach it is correct and I ask you to reexamine the comments that were made here today, look at the Amendment

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you'll find out it's very fair and very proper for those employers and health care providers that currently provide that health care and don't get anything in return as a third party receiver. It's a good Bill a good Amendment and I urge more green votes."

Speaker McPike: "Representative Terzich. One minute."

Terzich: "Yes, one of the cost of health insurance is basically all of the mandates that we put on. As a matter of fact, yesterday we put on a deal that we should include social workers because they were going to save this and that. And all we've been doing is mandating and telling the employees and the general public they have to have alcoholic benefits they have to mental illness, they have to have nursing home, they have to have chiropractor, social workers, Christian Scientist practitioners, whether you need or not we think it's good for you and we have to mandate. All this does is simply make available to people a health insurance plan. It doesn't affect any unions if the benefits are collectively bargained they can buy any type of insurance they want. All this Bill it simply allows employers to make available to their own employees a, good health insurance plan which meets their employees needs and not the General Assembly's needs, and I move that the you should..."

Speaker McPike: "Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House. All employees who are not public employees, all public employees who are not public employees within my voice please understand that you may be covered by this, and I want to say for example if you are a spouse and your spouse may die or you may get a divorce you will not be covered even though it is a Federal mandate under COBRA. You will not be covered, now I could compare this to that cheapy

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auto insurance Bill here, it's the same thing but now we're talking about health. This is even more important and I am reliably informed, contrary to what the Sponsor said, that this proposal was not, was not the result of the Governor's Health Insurance Summit. This is a bad Bill. It is not good for employee's, it is only good for the insurance industry and insurance agents. Are we for them or are we for health and welfare of the public? That's who I'm for, that's why I'm voting 'no'."

Speaker McPike: "Representative Ewing, one minute."

Ewing: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I am a small businessman. I have faced the problem of providing insurance for employees where the number's under 25 and I can tell you that this Bill will help those small businesses provide some insurance coverage where today there is no insurance coverage. This Bill doesn't mandate everything that some of us may think is important in health care, but it's better than no health care. Would you rather have some insurance to help protect your lives and your property or have nothing and have everything that you own be at risk, if you become sick or a member of your family becomes sick? Let's not make this a partisan issue, let's make it a start towards one of the thing..."

Speaker McPike: "Representative Didrickson. One minute. Representative Ewing."

Ewing: "May I please complete. Let's make it a start at trying to solve the problem of providing medical insurance for the workers in this state. It is a good start, it's not all the answer, but we really ought to have 60 green votes up there for this plan."

Speaker McPike: "Alright, Representative Didrickson, one minute to explain your vote."

Didrickson: "Thank you, Mr. Speaker, Member of the House. You

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know I really wouldn't want to go back to my district and stand in front of my local chambers of commerce or my local rotaries or local community groups and say I didn't have the guts to vote for this bare...basic package of health care. For those of you who are the small business, the backbone of the State of Illinois, we are talking about affordability and accessibility and this is a package that definitely delivers that, and I think we're going to have to wake up to the fact that we're going to be offering a mix of health care delivery system in the next decade, and this is the first start of that. I think a green vote is the appropriate vote."

Speaker McPike: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. I only rise to point out that during this debate, in my view, we have not appropriately respected the integrity and the motives of the people who are Members of this Body and who are voting for or against this Bill. We are all entitled to our differences, but we are not entitled to disparage our motives or our integrity. I happen to respect Representative Parke, I, he's probably a very good insurance agent I think he's probably an expert and he's exactly the right person to be able to address this issue. I only rise because that is an issue that will probably come to us on future issues as well. Thank you."

Speaker McPike: "Representative Regan, one minute."

Regan: "Thank you, Mr. Speaker, Members of the House. Point number one, this is coverage for people who have no coverage now. This is not bare bones coverage. This is broad major medical that covers heart disease, cancer, appendectomies, hysterectomies and with Amendment #2 and 3 circumcisions, hemorrhoids this is broad form major medical. This is coverage for people that don't have

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coverage right now. The health industry wants to help. This was their offer, the hospital industry very short sighted, very short sighted. This covers thousands and thousands of diseases and you are taking it off the market place. I don't understand. I'd like to see more green votes."

Speaker McPike: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. I have a question of the Sponsor. And I'd appreciate it if you'd just nod 'yes' or 'no'. I received a call from the Marianjoy Rehabilitation Center in Wheaton which is one of the finest rehabilitation centers in the Nation, as a matter of fact. They tell me that they are opposed to this Amendment because it is their understanding that one of the provisions of this Amendment is that the insurance policies would not pay for treatment in hospitals that do not have surgical suites. Obviously, a rehabilitation center does not have a surgical suite. Representative Parke, is that provision included in this Amendment? Please nod 'yes' or 'no'."

Parke: "I'm sorry. I'm not gonna be nodding 'yes' or 'no' either way. I don't have an idea if it's colladed or not. All I can say is, that as Representative Regan said, 'It is basic, quality health care.' And if that's part of that particular incident..."

Speaker McPike: "Alright. Representative Cowlshaw, are you finished?"

Cowlshaw: "Obviously, the Sponsor doesn't know the answer. Thank you very much."

Speaker McPike: "Right. Representative Parcells."

Parcells: "Thank you, Mr. Speaker. Ladies and Gentlemen, I can't believe there are 60 or 70 votes up there, maybe even 80. Those of you who say you're for the little guy why aren't you for the little guy now? We were given a long list of

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things that we're deprived of if we have this. Wrong! These people have nothing now. Nothing! If they get the cancer, they have the heart attack, they have nothing now. This will give them that coverage. I can't believe if you think you're for the little guy and you're for the backbone of this state which is that small business. That you don't vote 'yes' on this Bill. The green vote is the right vote."

Speaker McPike: "Representative Peterson."

Peterson: "Thank you, Mr. Speaker. I think it's important to understand that most employers are really anxious to provide the coverage if they can afford it. After all most of them are covered under those plans themselves. And, I don't know anybody who's not concerned about medical bills including the employers...the boss himself. And I know that they'd like to provide the coverage if they can afford it. As it's been pointed out over and over the people don't have the coverages now. That's why we're trying to make it possible for them to have it. After all even among those companies who are providing coverage now, they're not uniform, some of them are better than others they're not all the same. And this would be no different they could broaden it if they wanted to. So, I would certainly urge an 'aye' vote."

Speaker McPike: "Representative Black."

Black: "Well, thank you very much, Mr. Speaker. I, you know, if everybody would just sit and listen to the rhetoric that's been expounded on for the last twenty minutes, I really think we could get the 60 votes we need up there. You know, we talk about whether or not arthroscopic surgery of your left knee is covered. Or stitches for a laceration on your right elbow is covered. For crying out loud people, there are thousands and thousands of people in this state

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who don't have any health insurance at all! And this plan would make insurance available to them. You say you're for people? You say you're for people? Then vote for this and go back home and tell the people that you voted to at least extend some health insurance benefits that they don't now have to them. It's a start. It's a beginning. They need the coverage! I urge you to vote green."

Speaker McPike: "Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd just like to take a few seconds to explain my vote. I worked in the labor management industry for a number of years...business of politics. And I can tell you that there are hundreds of thousands of workers in this state that lack the basic, common, health insurance that's so important to them to sustain a life. Just picture this, a single family woman or a single family man with two or three kids that makes a lousy \$4.50 or \$5.00 an hour, that works in a small factory or small business, that has no, no health insurance provided by the employer, gets hurt, doesn't have enough money to go to the hospital, goes to the hospital has got to go through Public Aid. And what's going to happen if they don't have insurance? They go to the hospital. The hospital has to render the service. So it becomes Public Aid and gets on the Public Aid budget. And more than likely the probably will become unreimbursed Medicaid reimbursement. So, if we don't do it here we're going to get it here. When you go home to your districts and you vote against this. You're voting against a woman or a man that doesn't have any insurance that would like to have some bare bones necessity insurance. Believe me, Ladies and Gentlemen, we have got to start somewhere. Thirty-seven million people in this Country do not have insurance. This is a start. It's not the best by far but

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believe me it's a start. And that's why I support it."

Speaker McPike: "Representative Edley."

Edley: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. I'm one of the small businesses that could have been covered by this...or that may be covered by this legislation. Except for the fact that I have been providing health insurance for my employees since I started my business sixteen years ago. Sixteen years ago I provided it at \$40 per family. Now, it's over \$300 per family. I'm going to continue with the kinds of insurance that I have. But I think there are a lot of small businesses out there who would like to provide insurance to their employees but can't do it because of the excessive cost. This is a good...This may not be a perfect plan or a cadillac plan but it is a health plan that I think should receive our support. Thank you."

Speaker McPike: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. Just to make a comment that in my opinion Representative Peg Breslin is a class act and I appreciate her comments earlier."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 67 'ayes', 38 'nos'. Representative Cullerton has asked for a verification. Yes, Mr. McCracken? Representative McCracken is verified. Proceed with the Poll of the Affirmative."

Clerk Leone: "Poll of those voting in the Affirmative. Ackerman. Barger. Barnes. Black. Bugielski. Capparelli. Churchill. Countryman. Cowlshaw. Curran. Daniels. Deuchler. Didrickson. Doederlein. Dunn. Edley. Ewing. Flowers. Virginia Frederick. Granberg. Hallock. Harris. Hasara. Hensel. Hoffman. Homer. Johnson. Klemm. Krska. Kubik. Leitch. Leverenz. Mautino. McAuliffe.

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McCracken. McNamara. Mulcahey. Noland. Novak. Bob Olson. Myron Olson. Parcels. Parke. Bernard Pedersen. William Peterson. Petka. Piel. Pullen. Regan. Rice. Ropp. Ryder. Satterthwaite. Sieben. Stange. Stephens. Stern. Tenhouse. Terzich. Wait. Weaver. Weller. Wennlund. Williamson. Wojcik. Woolard. And Zickus. No further."

Speaker McPike: "Alright. Representative Williamson would like to have leave to be verified and Representative Stange. Representative Krska and Capparelli. Alright, Representative Cullerton."

Cullerton: "Representative Churchill?"

Speaker McPike: "Mr. Churchill here? Yes, he's here."

Cullerton: "Representative Weller?"

Speaker McPike: "Mr. Weller. Representative Weller here? Remove the Gentleman from the Roll."

Cullerton: "Representative Leverenz?"

Speaker McPike: "Representative Leverenz. Mr. Leverenz here? The Gentleman's not here. Remove him from the Roll. Representative Curran would like to change from 'aye' to 'no'. Representative Curran changes from 'aye' to 'no'. Representative Weller has returned. Return him as an 'aye' vote. Representative Johnson are you seeking...Your button is on, Sir. Do you want to talk? Representative Johnson would like to change from 'aye' to 'no'. Proceed, Sir."

Cullerton: "Representative Mulcahey?"

Speaker McPike: "Mr. Mulcahey, he's here."

Cullerton: "Representative McNamara?"

Speaker McPike: "He's here. Yeah, he's back in the back."

Cullerton: "Representative Petka?"

Speaker McPike: "Mr...he's here."

Cullerton: "Representative Hallock?"

Speaker McPike: "Mr. Hallock. Representative Hallock here? He's

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not here. Remove him from the Roll."

Cullerton: "Representative Robert Olson?"

Speaker McPike: "He's here."

Cullerton: "I'm sorry. Did you say that Representative McNamara was here?"

Speaker McPike: "Yeah, he's here."

Speaker McPike: "Representative Rice would like to change from...Representative Rice would change from 'aye' to 'present'."

Cullerton: "Representative Hoffman?"

Speaker McPike: "Hoffman. Mr. Hoffman. Mr. Hoffman. Representative Hoffman is not here. Remove him from the Roll. Representative Hallock has returned. Return him as an 'aye' vote."

Cullerton: "Mr. Speaker, what is Representative Flinn doing here?"

Speaker McPike: "Who?"

Cullerton: "What is Representative Flinn doing here?"

Speaker McPike: "Representative Flinn?"

Cullerton: "Yes, what is he doing here?"

Speaker McPike: "Representative Flinn, what are you doing here?"

Cullerton: "Williamson?"

Speaker McPike: "She's voting 'no'. She's voting 'no'."

Cullerton: "Well, I know that, I just wondered what he's doing here."

Speaker McPike: "Representative Weller would like to be verified."

Cullerton: "Yeah, well he's...he's already...Representative John Dunn?"

Speaker McPike: "Representative John Dunn. Is the Gentleman here? He's not here. Remove him from the Roll. Now, he's returned."

Cullerton: "Representative Pullen?"

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Speaker McPike: "Wait a minute, John Dunn has returned. Return him to the Roll as an 'aye' vote. Representative Hoffman is here. He votes 'aye'."

Cullerton: "Representative Pullen?"

Speaker McPike: "Representative Pullen. The Lady here? She's here."

Cullerton: "No further questions. Thank you."

Speaker McPike: "On this Motion, there are 63 'ayes' and 40 'nos'. And the House does concur in Senate Amendment #1 to House Bill 3528. Further Amendments. Yes, Representative Parke."

Parke: "Thank you. Ladies and Gentlemen of the House, now we have to make sure that this plan, in fact, is even a little bit better by concurring with Amendments 2 and 3. May I remind the Body that 2 says, 'That anybody who has health insurance cannot purchase this until they are without it for 12 months. And Amendment 3 provides mammography screening. I would ask that this Body, in fact, concur with Senate Amendments 2 and 3."

Speaker McPike: "And on that, Representative Cullerton."

Cullerton: "Yes, was is the Sponsor of Amendment #1, Representative Parke? Maitland?"

Parke: "Senator Maitland."

Cullerton: "Do you happen to know if Maitland was the Sponsor of Amendment #2?"

Parke: "Repeat your question."

Cullerton: "Maitland was the Sponsor of Amendment #2."

Parke: "Yes."

Cullerton: "So what does Amendment #2 do? What does this add back into the Bill?"

Parke: "Maitland's Amendment #2 says provides that those health insurance policies may only be purchased by employers who have not provided health insurance at any time during the

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previous 12 months."

Cullerton: "Amendment #3, you wish to also concur in that, right?"

Parke: "That is correct."

Cullerton: "But that was not in Maitland's original Bill was it? This is Senator Berman's Amendment."

Parke: "I'm sorry. I think you're confused, Representative Cullerton. The Sponsor of Amendment #2 is Maitland. The Sponsor of Amendment 3 is Berman."

Cullerton: "That's my point I'm not confused. That's my point, Senator Maitland did not include..."

Parke: "You said Bill. You said Bill. We were referring to Amendments."

Cullerton: "Okay, but that's not what my confusion is over. Senator Maitland did not include in his Amendment the provisions of Amendment #3. But you wish to concur with Amendment #3, is that right?"

Parke: "That is correct. Who knows, they may have worked together in the Senate to decide which one might want to...I'm not about to second guess the motivations of the Senators."

Cullerton: "Isn't Amendment #3 going to cost money for the employers? Isn't it going to make the insurance policies more costly?"

Parke: "Well, Representative Cullerton, it is my understanding that you were so eloquent when we were debating this issue. That many of the people felt that mammography was a worthwhile addition."

Cullerton: "Well, I think it is. And I'm just disappointed that Senator Maitland didn't include it in his first Amendment or even his second Amendment."

Parke: "Perhaps there was an agreement between Senator Maitland and Senator Berman that one would carry one and one would

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carry the other. It was passed 55 to nothing, I might remind you, and therefore every Senator concurred with these Amendments. Could the board reflect that we are, in fact, concurring on Amendments 2 and 3? Could we have 2 and 3 up there?"

Speaker Giglio: "Giglio in the Chair. The Clerk informs the Chair that we can only put one...up there now."

Parke: "One at a time? I'm sorry. I would ask that we vote in the affirmative to concur with Amendment #3. Well, let's do 2 first, so Amendment #2."

Speaker Giglio: "Alright. On this question, Representative, you could vote on the two but he can only put one up. If you..."

Parke: "Okay. Then I would like Amendments 2 and 3 to be voted on and a concurrence Motion."

Speaker Giglio: "Alright. You heard the Gentleman's Motion. On that discussion, the Gentleman from Lake, Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House. All during the debate on Senate Amendment #1, I heard the statement that this will allow many people who are not covered now to have coverage. The adoption of a Senate Amendment #2 is an admission that it is more than that. What Senate Amendment #2 does is it's a moratorium actually on those who presently have coverage by the small employers that they not have this coverage available to them. But after that one year is up you can bet your whatever that they're going to opt for this cheapie insurance that won't give the coverage that employees are getting now. That Amendment is an admission of it. In other words, Senator Maitland put that Amendment on, I'm sure through some pressure by Members in the Senate that were saying, 'Hey, other employers who now have coverage are going to opt',

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not like Representative Edley, but there would be others that will say 'Hey, we can get cheaper insurance even though it won't provide as much coverage and they're going to go for it. The Amendment says you can't do it for a year but after that we're going to do it. This is an admission that we made a mistake by passing Amendment #1. I guess I can't vote against Amendment #2 because at least for a year they can't do it. Unless, I knew that there were enough Members here that would see the light and say we made a mistake by the adoption of...by concurrence of Amendment #1 and go to Conference. I'm going to vote 'present' because I don't want to be a part of this."

Speaker Giglio: "Further discussion? The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker. I stand in support of...concurrence on both Amendments 2 and 3. The interesting part about Amendment #2 and Amendment #2, 3 combination it does not allow the employer to opt out of their current insurance to get into this. It must be that provision that says that, 'the employees have not had the opportunity to have insurance in any form for the previous 12 months.' This is a very good proposal on 2 and 3. 1, 2 and 3 are very good for the employees who need and desire health care. I stand in support of both 2 and 3. And request that we have the same type of Roll that we had before. It's a good Amendment. It doesn't let anybody opt out. It provides who can come in. And it's only those employees who have not had coverage for the previous 12 months. Good concurrences."

Speaker Giglio: "Further discussion? The Gentleman from Cook, Representative Levin."

Levin: "Thank you, Mr. Speaker. I think we should not concur in Senate Amendment #2. The protections that this Amendment

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provide are too limited. It is too short a period of time and it's very easy to get around this time limitation. It ought to be a lot greater limitation and this gives us another opportunity to put this Bill in Conference Committee. So, I urge a 'no' vote on Amendment #2."

Speaker Giglio: "Representative Parke to close."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment 2 is a safeguard to protect employees of this state. All the rest of this is purely rhetoric, we are making sure the employees of this state are protected in the current health insurance plans that they have today. We must pass Amendments 2 and 3 to be concurred. If we are to have this plan in effect. So, I ask this Body to join with me in supporting my concurrence Motion on Senate Amendments 2 and 3."

Speaker Giglio: "Question is, 'Shall the House concur with Senate Amendments #2 and 3 to House Bill 3528. And on that question, all those in favor vote 'aye', opposed 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 82 voting 'yes', 5 voting 'no' and 28 voting 'present'. And the House does concur with Senate Amendments #2 and 3 to House Bill 3528. And this Bill having received the required Constitutional Majority is hereby declared passed. Representative Keane."

Keane: "Thank you, Mr. Speaker. I have a nonconcurrence House Bill 2967."

Speaker Giglio: "The Gentleman moves to nonconcur House Bill 2967 on Amendments #1 and 2. On that question any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Inquiry of the Chair, Mr. Speaker. On the previous vote House Bill 3528. The board said Senate Amendment #2. You

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clearly said we were voting on Amendments 2 and 3. I just want that clarified."

Speaker Giglio: "Correct."

Black: "Thank you very much."

Speaker Giglio: "Any discussion on House Bill 2967? You heard Representative Keane's Motion to nonconcur. All those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the House nonconcur with Senate Amendment #1 and 2 to House Bill 2967. Representative Matijevich."

Matijevich: "Yes, Mr. Speaker. Ladies and Gentlemen of the House, I would like to ask leave of the House use of the Attendance Roll Call to suspend the rule whereby the Rules Committee can meet while the House is in Session and suspend the posting notice on House Bill 309, and the Rules Committee then will meet immediately in the Speaker's Conference Room to consider this Bill. And I ask leave of the House."

Speaker Giglio: "You heard the Gentleman's Motion. Does the Gentleman have leave by the Attendance Roll Call? Hearing none, leave is granted."

Matijevich: "This has been cleared with the other side of the aisle."

Speaker Giglio: "Alright. The Rules...Representative Johnson."

Johnson: "I don't understand what's going on. House Bill 309 is my Bill. I don't have no desire to do anything with the Bill."

Speaker Giglio: "Representative Matijevich."

Matijevich: "Well, take that Motion out of the record then till I talk to Representative Johnson."

Speaker Giglio: "Take it out of the record, Mr. Clerk. Representative Munizzi, do you have a Bill? Representative Leverenz, House Bill 3683."

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Leverenz: "Thank you, Mr. Speaker. On House Bill 3683 I want to concur in Senate Amendment #1. It would provide the Carl Care Amendment as we did on House Bill 90. Any HMO that has their own pharmacy would be excluded from the Bill. I move for the concurrence on House Bill 3683."

Speaker Giglio: "You heard the Gentleman's Motion. Any discussion? The Gentleman from DuPage, Representative McCracken."

McCracken: "Yes. Maybe I should ask the question. Is this the...Pharmacy Bill that you've had in the past?"

Leverenz: "Right. I said earlier, it's House Bill 90 when we passed the intent last year. This is the actual Bill."

McCracken: "Okay. Everyone should know that House Bill 90 was considered very controversial. This underlying Bill passed on a lopsided vote, but House Bill 90 is not such a Bill. It was very controversial last year, and if you recall how you lined up on the vote at that time, you should probably vote consistent today."

Speaker Giglio: "Further discussion? The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 3683?' And on that question all those in favor signify by voting 'aye', opposed 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative Goforth. Take the record, Mr. Clerk. On this question there are 98 voting 'yes', 8 voting 'no', and 5 voting 'present', and the House does concur with Senate Amendment #1 to House Bill 3683. And this Bill having received the required Constitutional Majority is hereby declared passed. On the special Order of Business on Nonconcurrency appears House Bill 15...Senate Bill 1523. Representative Turner. Representative Turner in the chamber? Out of the record. Senate Bill 1532,

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Representative Steczo. Representative Terry Steczo.
Senate Bill 1532."

Steczko: "Thank you, Mr. Speaker. Members of the House, I moved to refuse to recede from House Amendment #1 to Senate Bill 1532. And would ask that a Conference Committee be appointed."

Speaker Giglio: "You've heard the Gentleman's Motion. All those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the House refuses to recede from House Amendment #1 to Senate Bill 1532, and requests a Conference Committee. Representative Dunn, John Dunn, 1767. Gentleman from Macon, Representative John Dunn, Senate Bill 1767."

Dunn: "Mr. Speaker, I move...I think I have the correct Motion...to that we refuse to recede from House Amendments 1 and 3 and that a Conference Committee be appointed."

Speaker Giglio: "You heard the Gentleman's Motion. Any discussion? Hearing none...the Gentleman from DuPage, Representative Stange."

Stange: "Thank you, Mr. Speaker. Representative, can you explain what you are doing on those...1 and 3 Amendments?"

Dunn: "I'm going to request that we go to a Conference Committee. And the Senate Sponsor has made this request. There is another part of this Bill that you may be interested in, but not as seriously as the grandparents thing. And the Senate Sponsor has asked that this Bill be put in Conference Committee until fall for purpose of seeing if something can be worked out in the adoption end of things. I don't know of any plans to put grandparents Amendments on this Bill at the present time. But I don't know what will happen in the fall."

Speaker Giglio: "You heard the Gentleman's Motion. All those in..."

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Stange: "Mr. Speaker, excuse me."

Speaker Giglio: "I'm sorry."

Stange: "We voted on this Bill last year, we talked about Grandparents Rights Bill. We voted again a week ago."

Dunn: "No. No. We voted on Amendments, your Amendment."

Stange: "Right. But the Bill we voted on last year, the Amendment last week, to give grandparents the opportunity to have visitation rights. And your saying you want to destroy that."

Dunn: "I'm not saying any such thing. I'm asking that we refuse to recede from the Amendment and put the Bill in Conference Committee. And I explained to you why, and if I don't intend to debate the grandparents issue here, and your left-handed implication that...that I am taking one position or another on the grandparents Bill with this Motion is...is clearly cockeyed. All we need is an oral Motion, Mr. Speaker, may we proceed."

Speaker Giglio: "Representative Stange."

Stange: "Representative, could you take this Bill out of the record for a minute?"

Dunn: "No. I want to put it in Conference Committee. Let's go. And it won't come back til the fall at the request of the Senate Sponsor. Senator Jack Schaffer has asked me to do this, and they have already put it in conference in the Senate."

Stange: "Mr. Speaker, how about a Roll Call on this?"

Speaker Giglio: "You heard the Gentleman's..."

Dunn: "If he wants a Roll Call, take it out of the record. And I'll send Senator Schaffer over to talk to him. Maybe that will calm him down."

Speaker Giglio: "Mr. Clerk, take the Bill out of the record. Representative Giorgi, 1884? Senate Bill 1884. Refuse to recede? Is that what you want to do, Representative

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Giorgi? Senate Bill 1884."

Giorgi: "What is the Bill?"

Speaker Giglio: "You have so many Bills, Representative Giorgi, I...the Chair could understand. It's about the Liquor Control for Rockford."

Giorgi: "Oh, right. What page is it on? What page in the Calendar?"

Speaker Giglio: "You refuse...your Motion to refuse to recede from House Amendments #1, 2 and 3 and ask for a Conference Committee Report?"

Giorgi: "Correct."

Speaker Giglio: "Okay. You heard the Gentleman's..."

Giorgi: "I move we not concur to Senate Amendments to Senate Bill 1884 and ask that a Conference Committee be struck..."

Speaker Giglio: "The Gentleman's Motion is the House refuse to recede from House Amendments #1, 2 and 3 and a Conference Committee be appointed. All those...any discussion? Hearing none. All those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the House refuses to recede from House Amendments #1, 2 and 3 to Senate Bill 1884, and a Conference Committee will be appointed. Representative Ewing, 2084? Representative Ewing in the chamber? Representative Keane. Representative Jim Keane? Representative Ewing? Senate Bill 2084. Out of the record. Representative Breslin. Out of the record. Representative Cullerton."

Cullerton: "I'd like to concur with House Bill 3613."

Speaker Giglio: "Representative Cullerton on House Bill 3613."

Cullerton: "Yes. This is Speaker Madigan's and my Bill. Deals with the Home Ownership Made Easy Act. The Senate passed an Agreed Amendment under the Bill and I'd like to concur with it. Amendment becomes the Bill, provides...really the

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Bill is more of a technical Bill with regard to the Home Ownership Made Easy Act that passed last year. Under the Senate Amendment the treasurer would be allowed to enter into contacts, administer rules as he deems necessary. Violators of the rules could be assessed penalties. Penalties are to go toward expenses of the program. Investment options are to be decided by and approved by the treasurer. The options could include money market mutual funds, may invest in certificates of deposits. The home bond section of that Bill was deleted. All income earned on these investments is to be free from state taxes except real estate, inheritance, or transfer tax. A participant for the program can apply for a six month extension after the expiration of the initial four month deadline. And the treasurer could approve or deny these applications based on adopted rules. A certified participant will have paid to him the amount of the tax imposed under the Real Estate Transfer Tax Act upon the purchase of a residence. And the county treasurer may pay a certified participant an amount equal to the counties portion of the transfer tax. It has various other technical corrections. And I would move to concur with the Senate Amendment #1 to House Bill 3613."

Speaker Giglio: "Any discussion? Hearing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3613?' And on that question all those in favor vote 'aye', opposed 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'yes', none voting 'no', none voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 3613, and this Bill having received the required Constitutional Majority is hereby declared passed. House Bill 4049, Representative

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Williams."

Williams: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 4049 originally amended the Condominium Property Act, provided for payment of condo unit share of common expenses by the purchaser. At the foreclosure sale then stated that that would confirm the extinguishment of the lien. And we passed this out of here and it got caught up in some Amendatory Vetos last year and there was no problem. The Amendment that I wish to concur in basically deletes from the Illinois statutes what we would call 'tenancy by the entirety'. Last year, I think it was passed, but inadvertently in a Conference Committee Report the Chicago Bar, Illinois State Bar and most of the other providers of different sorts of a title...title guarantees is saying that the present entirety is sort of a obsolete statute we did not have for over a hundred years, and that there is no reason to reenact it now, it causes a certain amount of legal difficulty when it relates to the transfer of property. It makes it impossible to transfer property say when two spouses own property together and they don't get along. They can't transfer it without a certain amount of agreement, and so this sort of clears up some confusion in the law. As I stated it's supported by all the bar associations, and I ask that we concur in Senate Amendment #1 to House Bill 4049."

Speaker Giglio: "You heard the Gentleman's Motion. The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Mr. Speaker. Well, several years ago I got the dubious distinction of being asked to kill an Amendment that one of the Lady Senators had put on to really gum up how you sign a mortgage. She wanted both people to show up in a mortgage institution and do a bunch of things, and before you could sign it. So, when I killed

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it, she came over to give me a hard time. And she did. And I suggested to her that she look at tenancy by the entirety. For a married couple, I thought it wasn't an unreasonable request. And then several years later the League of Women Voters came to me and they said, well they wanted to protect women and their property...they didn't want...they really wanted a right in future interests. And I said I couldn't buy that, but tenancy by the entirety wasn't a bad alternative. Many states have it. I don't understand why title insurance companies can't deal with it. It gives some protection to married couples and saves people, and for that reason I'm not so certain that this is a...a good measure."

Speaker Giglio: "Further discussion? The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I wonder if Representative Dunn could do something about the gallery lights for us."

Speaker Giglio: "The Lady from Sangamon, Representative Hasara."

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

Speaker Giglio: "Indicates he will."

Hasara: "Representative, I have several questions on this when it was here before. Can you clarify for me, if tenancy of the entirety would help a spouse in the case of divorce or death, as compared to joint tenancy. For example, in joint tenancy, if it is...if there was a divorce or a death, obviously the surviving or divorced spouse would be responsible for some debt of the other spouse. Would that not be true of property where tenancy by the entirety? Would it protect a spouse from the debt of a divorced or deceased spouse?"

Williams: "It is questionable whether or not tenancy by the entirety the way most of the debts are related, because most of the debts of a couple are not necessarily related

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to the property. This would only deal with certain things that would possibly be attached or under various lien situations. As I understand it, or as it has been explained to me, they say that holding property in tenancy by the entirety supposedly will protect a spouse from debts of others, but it's largely illusory since most of the financial risk does not incur two members unless it is dealing with catastrophic illness, injury, things of that nature. And again, there is a certain amount of confusion that it does create, say like in a divorce situation, or in a situation where you have spousal...where the couple own the property. One wants to separate the legal entity that they're with...they wish to sell the property, partition it, go in and split the proceeds and move on. And say for whatever reason one spouse says, no I just won't do that, they can't move forward. They just have to hold that property. This gives them an out, plus a lot of times and in many instances people have become protected by other things, there's certain homestead rights, homestead exemptions. Things of that nature that provide many of the protections that tenancy of the entirety seeks to provide. So, I'm, more or less,...by the bar associations who feel that this particular addition of tenancy by the entirety, which we have not had in our state for over a hundred years does not really clarify the law, but creates a lot of confusion as it relates to a lot of these estates. And, so it is their belief that this particular Amendment will better serve the overall ability to transfer and deal with property, and won't have that much effect on spousal rights as it relates to transfer and protection of a spouse in certain situations."

Hasara: "But it could be some protection for a spouse in debt. Is it safe to say that it could be...compared with joint

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tenancy?"

Williams: "It's safe for me to say that I don't know if it could be. I can say, yes, possibly it could be. I'm just not certain if it would. I don't want to make a definitive statement one way or the other."

Hasara: "Could...where is the Association of Realtors on this? Do they have a position?"

Williams: "To the best of my knowledge...I have not been informed of a position by the Association of Realtors. None whatsoever, and they usually communicate with me."

Hasara: "Okay...I know that...thank you."

Speaker Giglio: "Further discussion? The Gentleman from DuPage Representative McCracken."

McCracken: "Thank you, Mr. Speaker. I saw the article in the Bar Journal. I didn't read it, so I confess I'm pretty ignorant, but my understanding is that tenancy by the entirety protects typically a nonworking spouse, which commonly is a woman in today's society. The fact of the matter is joint tenancy allows a creditor to liquidate the home as a marital asset, and satisfy his debt with half of the net proceeds. So, that the spouse is not protected when the marital home is held in joint tenancy. The marital home can be sold and the proceeds divided between the two joint tenants. This will prohibit a creditor from selling a person's home in satisfaction of a debt of one of the spouses. It applies only to homestead property, and applies only for the duration of the marriage. I think that this is an idea which has some merit. And it has not even yet become effective in Illinois. It will not become effective, I understand, until October 1, 1990. So, we have not even given this law a chance to work. And in today's society, when we're concerned about the rights of spouses, I think probably, this is not a bad idea. Now, I

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understand some creditors will not have as much to work with as they would like, but on balance this is an idea we should give a try to. We have not done that yet. I rise in opposition to the motion to concur."

Speaker Giglio: "Further discussion? Gentleman Williams...Representative Williams to close."

Williams: "Well, I stated the argument of stating this position of the Bar Association of Chicago, the state, those individuals who feel that this particular legislation has muddied up the waters as relates to the whole concept of dealing with transfer of property and spousal rights and it actually says that in some areas it can confuse what we presently understand in our homestead exemptions. So, on those bases I move to concur, and I'd ask for a favorable Roll Call. Thank you."

Speaker Giglio: "You've heard the Gentleman's Motion. All those...the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4049?' And on that question, all those in favor vote 'aye', opposed 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted? Mr. Clerk, take the record. On this question there is 61 voting 'yes', none voting 'no'. The Gentleman from DuPage, Representative McCracken."

McCracken: "For a verification."

Speaker Giglio: "The Gentleman asks for a verification. Mr. Clerk, Poll those that are not voting."

Clerk O'Brien: "Poll of those not voting: Leverenz. No further."

Speaker Giglio: "Poll the Affirmative."

Clerk O'Brien: "Balanoff. Bowman. Breslin. Brunsvold..."

Speaker Giglio: "Excuse me, Mr. Clerk. Would you verify Representative Shaw? Representative McCracken. Proceed,

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Mr. Clerk."

Clerk O'Brien: "Bugielski. Capparelli. Cullerton. Currie. Davis. DeJaegher. DeLeo. Farley. Flinn. Flowers. Frederick. Giglio. Giorgi. Granberg. Hartke. Hicks. Homer. Lou Jones. Shirley Jones. Keane. Krska. Kulas. Lang. Laurino. Levin. Martinez. Matijevich. Mautino. McGann. McPike. Morrow. Munizzi. Novak. Phelps. Preston. Rice. Richmond. Ronan. Saltsman. Santiago. Satterthwaite. Shaw. Steczo. Stern. Sutker. Terzich. Trotter. Turner. Van Duyne. Wennlund. White. Williams. Wolf. Woolard. Anthony Young. Wyvetter Young. And Mr. Speaker."

Speaker Giglio: "Representative McCracken, does Representative DeJaegher have leave to be verified? Leave is granted. Alright. Hold on. Representative DeJaegher. DeJaegher. Alright, Representative Frederick, the Lady from Lake would like to be recorded as 'no'. Representative Dunn would like to be voted as voting 'aye'. Representative Edley would like to be voted 'aye'. Representative Granberg."

McCracken: "Ready?"

Speaker Giglio: "Alright, Representative McCracken."

McCracken: "Thank you. Representative Keane?"

Speaker Giglio: "Representative Jim Keane is in the chamber in back of the Speaker's podium."

McCracken: "Representative Van Duyne?"

Speaker Giglio: "Representative Leroy Van Duyne. Is the Gentleman in the chamber? How is he recorded, Mr. Clerk?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Giglio: "Remove the Gentleman from the Roll Call."

McCracken: "Representative Hicks?"

Speaker Giglio: "Hicks. Representative Larry Hicks? How is the Gentleman recorded, Mr. Clerk."

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

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Speaker Giglio: "There he is in the back of the chamber."

McCracken: "Alright. Representative Wyvetter Younger?"

Speaker Giglio: "The Lady...in the chamber? Representative
Wyvetter Younger. How is the Lady recorded, Mr. Clerk?"

Clerk O'Brien: "The Lady is recorded as voting 'aye'."

Speaker Giglio: "Remove the Lady from the Roll Call."

McCracken: "Representative Bowman?"

Speaker Giglio: "Representative Bowman...is in the well.
Representative Klemm votes 'aye'. Wyvetter Younger.
Restore Representative Wyvetter Younger to the Roll Call
voting 'aye'. Representative Mulcahey. How is the
Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as...Mulcahey...as
voting 'no'."

Speaker Giglio: "Record the Gentleman as voting 'aye'. And does
Representative Anthony Young have leave to be verified,
Representative McCracken? Representative Young and
Representative White...Jesse White? Leave is granted."

McCracken: "Yes. Representative Phelps?"

Speaker Giglio: "Representative Phelps. Is Representative Phelps
in the chamber? Representative Phelps? First Mate
Representative Phelps in the chamber? Remove...how is the
Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Giglio: "Remove the Gentleman from the Roll Call."

McCracken: "Representative Brunsvold?"

Speaker Giglio: "Brunsvold. Representative Brunsvold in the
chamber? How is the Gentleman recorded, Mr. Clerk?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Giglio: "Remove the Gentleman from the Roll Call."

McCracken: "Representative DeLeo?"

Speaker Giglio: "Representative Brunsvold in the chamber.
Restore Representative Brunsvold, Representative...Mr.

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Clerk."

McCracken: "Where is he? I don't see him."

Speaker Giglio: "Representative Brunsvold's in his chair. He's in his chair."

McCracken: "Alright. Representative Turner?"

Speaker Giglio: "Turner. Representative Art Turner. How is the Gentleman recorded, Mr. Clerk?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Giglio: "Remove the Gentleman from the Roll Call."

McCracken: "Representative Monique Davis?"

Speaker Giglio: "Monique Davis. Is the Lady in the Chamber? How is she recorded, Mr. Clerk?"

Clerk O'Brien: "The Lady is recorded as voting 'aye'."

Speaker Giglio: "Remove the Lady from the Roll Call."

McCracken: "Representative Bugielski?"

Speaker Giglio: "Representative Bugielski. Is Representative Bugielski in the chamber? He's sitting in Representative Wolf's chair."

McCracken: "Representative Wolf? Representative Wolf?"

Speaker Giglio: "Representative Wolf. Representative Sam Wolf. Is the Gentleman in the chamber? How is the Gentleman recorded, Mr. Clerk?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Giglio: "Remove the Gentleman from the Roll Call."

McCracken: "Representative Kulas?"

Speaker Giglio: "Representative Kulas is in his chair, and restore Representative Sam Wolf to the Roll Call. The Gentleman has returned."

McCracken: "Nothing further."

Speaker Giglio: "On this question there are 60 voting 'aye', 51...Representative Leverenz votes 'aye'...On this question there is 61 voting 'aye', and 51 voting 'no', and the House does concur with Senate Amendment #1 to House Bill 4049."

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And this Bill having received the required Constitutional Majority is hereby declared passed. Representative Olson. Myron Olson, 3695? Representative Hicks. Is Representative Hicks in the chamber? Introductions - First Readings."

Clerk O'Brien: "House Bill 4233, offered by Representative Granberg, a Bill for an Act to amend the Environmental Protection Act. First Reading of the Bill. House Bill 4234, offered by Representative Novak - Curran - Hicks - Granberg - Black, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill."

Speaker Giglio: "Representative Goforth, are you seeking recognition, Sir?"

Goforth: "Yes, Sir."

Speaker Giglio: "Proceed."

Goforth: "Beins we're not doing nothin, why don't we do like the Senate did and take a couple hours recess and then come back and get our work done?"

Speaker Giglio: "Representative Goforth, the House doesn't operate like the Senate. We have things to do."

Goforth: "You got to be kiddin me!"

Speaker Giglio: "Representative Hicks. 4169? Gentleman from Jefferson, House Bill 4169."

Hicks: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amendment #1 to House Bill 4169. I'll give you a little bit of background. 4169 went out of here as a shell Bill in order to be able to rewrite provisions of the Oil and Gas Act. In the...in the Senate Amendment that we did, this set up a reserve fund in which to be able to start a process of capping wells and the transfer fees of oil and gas wells. It's...the Bill itself did not go as far as we may have wanted it to go, but it was the best we could do a the point of being able to keep all of those

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involved...those people involved in the Bill, and to try to come out with a compromise Bill that...that was not opposed by any of the different groups. It is supported by the Department of Mines and Minerals. It was suggested by the oil section of the Illinois State Bar Association dealing with the mineral oil section. It also is supported by the Oil and Gas Association, Illinois Petroleum Council. I know of no opposition to Senate Amendment #1. I'd be happy to answer any questions. I ask for passage...I ask for concurrence on the Bill."

Speaker Giglio: "There's also a second Amendment. Do you want to discuss that one, Representative Hicks? Or do you want to take them one at a time? There's two Amendments."

Hicks: "Yes, Mr. Speaker. Senate Amendment #2 really was a part of what I...it was simply the act of creating the Plugging and Restoration Fund itself, and Senate Amendment #2 I've already discussed. I'd be happy to answer any questions."

Speaker Giglio: "Any discussion? The Gentleman from Cook, Representative Harris."

Harris: "Thank you, Mr. Speaker. I don't have a question of the Sponsor, but I do have a question of the Chair or question of the Clerk. Since we're so busy here, we might as well find out how the whole thing runs. Previously the Clerk said that we could only put one Amendment up on the board at a time, now we have two, is there...just curious as to why one is different."

Speaker Giglio: "What happened the last time, Representative Harris. They divided the question, and once it's plugged in then...and the question is divided and one Amendment has to be put up for...or can be put up at a time. Prior to this Representative Hicks indicated he wanted Amendments #1 and 2 together, so it was programmed in 1 and 2 and that's how it could stay."

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Harris: "Thank you. I knew the Clerk had everything under control. I was just curious."

Speaker Giglio: "It's only what the computer could take. Representative Weaver."

Weaver: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I have to commend the Sponsor of the Bill, Representative Hicks has been very active in working with a lot of the folks involved in oil production in the state. However, there still are some problems and some disagreements with the independent oil producers. And they would prefer that we have an opportunity to review this Act in its entirety, and try and work out something that everyone can live with. The main bone of contention here are what we refer to as orphan wells. Orphan wells are the old time oil wells that have been drilled, pumped and they are still setting there uncapped. They're leaking oil. They're leaking all kinds of stuff into the environment, and no one is taking responsibility for either plugging these wells or dealing with whatever comes out of them. That is still an issue with the independent producers, and I would ask that just out of respect to their wishes in dealing with this environmental problem, that we vote 'no' on the concurrence, and send it in to Conference Committee, and hopefully get it worked out there."

Speaker Giglio: "Representative Hicks to close."

Hicks: "Thank you very much, Mr. Speaker. I have been in meetings many, many, many times with the Independent Stripper Association. I think, realistically, there is nothing, it's a brand new group, and there is nothing that we can do here. They simply want to stop the process. We are in this Bill, allowing us to take the different bonds that have been forfeited on to be able to start the

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process. As you can see in Amendment #2, where we set up the Plugging and Restoration Fund to be able to start working towards plugging some of the old wells. It is a problem we have, no doubt whatsoever about it. I'd be happy to do anything else, anyone would like to have, but I would ask for passage of and concurrence on Senate Amendment #1 and 2."

Speaker Giglio: "Heard the Gentleman's Motion. The question is, 'Shall the House concur with Senate Amendments #1 and 2 to House Bill 4169. And on that question all those in favor vote 'aye', opposed 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 93 voting 'aye', 19 voting 'no', and none voting 'present'. And the House does concur with Senate Amendments #1 and 2 to House Bill 4169. And this Bill having received the required Constitutional Majority is hereby declared passed. Nonconcurrence Senate Bills: 1523, Representative Turner? Out of the record. Representative Ewing, 2084? Out of the record. Representative Keane...out of the record. How about Representative Breslin? Out of the record. Representative Olson, out of the record? Representative Barger, are you seeking recognition? Goforth. Agreed Resolutions. No. Don't get excited, now Ladies and Gentleman, don't get excited."

Clerk O'Brien: "Senate Joint Resolution 202, offered by Representative Cullerton. Senate Joint Resolution 206, offered by Representative Rice. House Resolutions 2032, offered by Representative Wolf. 2034, Black. 2035, Balanoff. 2036, Zickus. 2037, Edley. 2038, Ryder. 2039, Churchill. 2040, Johnson. 2042, Klemm. 2043, Noland. 2044, Noland. 2045, Noland. 2046, Noland.

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2047, Noland. 2048, Noland. 2049, Noland. 2050, Noland.
2051, Weaver. 2054, McPike. 2053, McPike."

Speaker Giglio: "Representative Matijevich."

Matijevich: "Mr. Speaker, we have...both sides of the aisle have examined the Resolutions. They are agreed to. I move the adoption of the Agreed Resolutions."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Agreed Resolutions are adopted. General Resolutions."

Clerk O'Brien: "Senate Joint Resolution 198, offered by Representative Anthony Young. Senate Joint Resolution 200, offered by Representative McCracken. And House Resolution 2052, offered by Representative White."

Speaker Giglio: "Committee on Assignments. Death Resolutions."

Clerk O'Brien: "House Resolution 2033, offered by Representative Hultgren, with respect to the memory of Earle C. Bennett. House Resolution 2041, offered by Representative Johnson, with respect to the memory of Howard Mumm."

Speaker Giglio: "Representative Matijevich moves the adoption of the Death Resolutions. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Resolutions are adopted. Senate Bill 1638, Representative McPike."

McPike: "Thank you, Mr. Speaker. I would refuse to recede from House Amendments #1 and 2 and ask for a Conference Committee."

Speaker Giglio: "You heard the Gentleman's Motion. Any discussion? Hearing none, all those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. House refuses to recede from House Amendments #1 and 2 to Senate Bill 1638, and a Conference Committee be appointed. Representative Capparelli, Senate

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Bill 1504."

Capparelli: "Yeah, Mr. Speaker, I move to refuse to recede House Amendment 1, House Bill 1504, and ask for a Conference Committee."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. And the House refuses to recede from House Amendment #1 to Senate Bill 1504. And a Conference Committee be appointed. Representative Turner. Is Representative Turner in the chamber? Representative Keane. Out of the record. Representative Ewing, Senate Bill 2084. Out of the record. Representative Leverenz, for what purpose do you rise, Sir?"

Leverenz: "I just have a small inquiry of the Chair."

Speaker Giglio: "Proceed."

Leverenz: "Now?"

Speaker Giglio: "Not now."

Leverenz: "Thank you."

Speaker McPike: "Representative Breslin, did you wish to call Senate Bill 2231? Representative McPike in the Chair. Message from the Senate."

Clerk O'Brien: "A Message from the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of the Amendments to the following Bills, to wit; Senate Bills #1591 and 1784, action taken by the Senate June 27, 1990. Linda Hawker, Secretary."

Speaker McPike: "House Bill 3426, Speaker Madigan."

Madigan: "Mr. Speaker, Ladies and Gentlemen, I rise on this concurrence matter which was heard yesterday, and unfortunately, there was a great deal of misunderstanding

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concerning the nature of the Senate Amendment. And so, I plan to move again to concur in Senate Amendment #1 to House Bill 3426, which would impose a statewide, let me underscore, statewide moratorium until December 31, 1991 on the issuance of any construction or operation permit for a new hazardous waste incinerator, unless such is intended to be used in conjunction with a state or federally mandated cleanup action. This moratorium provides Environmental Protection Agencies and the Illinois General Assembly the opportunity to formulate statewide air quality standards for hazardous waste incinerators. Moreover, the safe disposal of incinerator waste residue must be addressed. House Bill 3426, as amended by Senate Amendment #1, neither restricts nor expands local approval of hazardous waste incinerators. Nor does it impact current negotiations on municipal waste facilities, for example, landfills and incinerators. Let me repeat, this is not concerned with the question of disposal of solid waste. It is not concerned with landfills and solid waste incinerators. It is only concerned with hazardous waste incinerators. It applies statewide. It imposes a moratorium on the issuance of permits until December 31, 1991. And I would move for the adoption of the Motion."

Speaker McPike: "Any discussion? Representative Zickus."

Zickus: "Yes. I believe there is a lot of confusion on this Bill yesterday, and it is something that is desperately needed, especially in the densely populated areas. And I ask my colleagues to please vote 'aye'."

Speaker McPike: "Representative Peterson."

Peterson: "Thank you, Mr. Speaker. Once again, as I stated yesterday, this is a change in the middle of the stream. This company has gone through all the IEPA regulations. They've spent over a million dollars trying to get this

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sited, and now we are changing everything. If we approve this concurrence, what we are doing is saying that every IEPA battle will be brought to this floor. Why don't we get rid of IEPA and save the taxpayers money and bring every battle that we have right here. I think this is a bad legislation. And I think we are setting a bad precedence. And I would urge you to vote against this concurrence."

Speaker McPike: "Representative Kulas."

Kulas: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in opposition to the Motion to concur to Senate Amendments 1, 3 and 4 to House Bill 3426..."

Speaker McPike: "Representative Kulas, excuse me. We're on Senate Amendment #1 only."

Kulas: "Oh, I'm sorry. Senate Amendment #1. It's basically...the argument is incineration is a part of the whole solid waste recycling, reduction problem that this state is facing. If we pass a moratorium today, what we are saying is we don't want to face the problem. We're going to stick our heads back in the sand, and not address the problem. We have these Solid Waste Siting Task Force and Recycling Task Force, both needing to address this problem throughout the summer. And I think that they with this...if this passes, then it takes incineration off the table, because there is a moratorium. So, the responsible thing to do is, let's look at the problem. Let's not hide from the problem. And I would urge a 'no' vote."

Speaker McPike: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the concurrence Motion to Floor Amendment #1, which is now the Bill sponsored by Senator Mahar in the Senate. Senate Amendment #1 prohibits the IEPA from issuing a development or construction permit for any new

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facility intended for the incineration of any hazardous waste. It exempts such facilities intended for use as part of any state or federally designed cleanup action, but it does apply in a statewide manner. And it retains an immediate effective date, but only lasts for a period of 18 months. I think that with the efforts of Representative Zickus and the House along with obviously, Speaker Madigan, I do rise in support of this and encourage your favorable action."

Speaker McPike: "Representative Balanoff."

Balanoff: "Mr. Speaker, I also rise in support of Amendment #1, because I don't want a hazardous waste incinerator sited in Bedford Park. I don't want a hazardous waste incinerator sited in Marion, Illinois. I don't want a hazardous waste incinerator sited in Peoria or Harvey. Incineration as a technology is just not safe, not in your backyard, and not in my backyard. It is my hope that in the time that this moratorium is in effect that we can come up with safe solutions to the problem. The only answer is toxic use reduction. We should not...we should not be producing what we cannot dispose of safely, not in my backyard and not in your backyard. And I really urge everybody to very carefully consider this and to vote green."

Speaker McPike: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Kulas was 100 percent on target. If this House is going to deal with the siting of every landfill, every garbage incinerator, every hazardous waste incinerator by legislation on individual sites throughout the State of Illinois, then we might as well do away with the Illinois Environmental Protection Agency, because it will be no use whatsoever. The responsible approach is not to bury our head in the sand on projects like this and on

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landfill projects. All siting Bills for the last two years have been held by Representative Kulas' Committee for the purpose of coming up with a siting Bill that everybody in this state can deal with between labor, management, business, manufacturers and Members of this House and the EPA. The responsible approach is to deal with all these issues through negotiations and not on an individual site by site basis that deal with Robbins, Illinois. The responsible vote is a 'no' vote."

Speaker McPike: "Representative McNamara."

McNamara: "Thank you, Mr. Speaker. I think the previous Speaker misspoke on this one. This Bill does not effect Robbins, Illinois. I just wanted to make that very clear. This deals only with...it deals only with the facility, which is a hazardous waste facilities. I think that there is a reason that we should go slowly on hazardous waste facilities, and have that planning for very few sites around the state. I think this is a logical approach to that, but just to inform everyone, it does not deal with the incinerator in Robbins. Thank you."

Speaker McPike: "Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen, to close. One of the previous Speakers referred to the incident which gave rise to this legislation. So, there is a proposal to site a chemical waste incinerator in Bedford Park, and it is that proposed siting which has given rise to this Bill. However, let me explain just a small portion of the background concerning this siting. Everybody should be aware that the representations made by this company in an effort to get the approval of the EPA were to the effect that the company would only incinerate material that was generated on site. And it was through community interrogation and community pressure that it was determined

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that in reality material would be brought from close to twenty states to this particular site. So, this company was caught in a situation where they were misrepresenting to the EPA what was the real intent would be for use of this particular site. Again, I move to concur in the Amendment and I request your support. Thank you, Mr. Speaker."

Speaker McPike: "The Chair believes that the Motion is to concur in Senate Amendments 1, 3 and 4. And that is the Motion the Gentleman made. The question is, 'Shall the House concur in Senate Amendments 1, 3 and 4 to House Bill 3426?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Mr. Weaver."

Weaver: "Thank you very much, Mr. Speaker. While this Bill sounds good...the Amendment #1 sounds good, like we're protecting our environment for the next year or so by a moratorium. I want you to be aware that this is a foot in the door. As was lightly referred to a little earlier, the state is now setting itself up as the locating authority for incinerators, hazardous waste facilities, landfills, and yes, low-level nuclear waste facilities. Beware, those of you who represent small districts, because now the state will have the authority by precedence to set one in your district, whether you want it there or not. I object strenuously to the loss of local control. And I think we've got to maintain that local input has to be there before we can site one of these facilities. I vote 'no'."

Speaker McPike: "Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker. I understood we were explaining Amendment #1 and the question had been divided, but if I understood your comments just a moment..."

Speaker McPike: "No one...no one asked for a division of the

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question. And the Gentleman has moved to concur in 1, 3 and 4."

Hultgren: "Thank you."

Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the record. On this Motion there are 78 'ayes' and 34 'nos' and the House does concur in Senate Amendments #1, 3 and 4 to House Bill 3426. And this Bill having received the Constitutional Majority is hereby declared passed. Senate Bills - Third Reading. Page 2 of the Calendar. Senate Bill 1496, Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1496, a Bill for an Act to amend the Counties Code. Third Reading of the Bill."

Speaker McPike: "Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. Could I, please, refer it to Mr. Cullerton, who's Amendment was put on my Bill? Mr. Cullerton's Amendment."

Speaker McPike: "Representative Cullerton."

Cullerton: "Yes. Amendment #1 was adopted and it becomes the Bill, Mr. Speaker. And I'd be happy to ask for a favorable vote on this Senate Bill 1496. The substantive language we've debated concerning the Cook County fair, and would be happy to answer any questions."

Speaker McPike: "Alright the question is, 'Shall this Bill pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Representative Hicks."

Hicks: "Mr. Speaker, do we not even get a chance to ask a question of the Sponsor of the Bill?"

Speaker McPike: "I didn't see your light on, Sir."

Hicks: "I apologize, Sir."

Speaker McPike: "Proceed."

Hicks: "Thank you very much. Representative Capparelli, now is this the Bill that has the Cook County fair in it?"

Speaker McPike: "I think you should ask it to Representative

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Cullerton. Mr. Cullerton."

Hicks: "Representative Cullerton?"

Cullerton: "Yes. That's what it has in it. Amendment #1."

Hicks: "So, this is the authorization to provide for a Cook County fair and moving of...which would then meet the requirements for the authorization for the \$500,000 movement out of F. and E., is that correct?"

Cullerton: "That's correct."

Hicks: "So, this is money out of the Ag Premium Fund that currently is going from the F. and E. that currently goes into the Ag Premium Fund, but now is being taken out to fund this fair, is that correct?"

Cullerton: "No."

Hicks: "How is that worked then?"

Cullerton: "This money comes from the Fair and Exposition Fund. As I indicated I believe there's nine county fairs that are funded, including Du Page and Winnebago, and some others including Sangamon, and this adds Cook County to that amount and the \$500,000 comes from the Fair and Exposition fund. It's not the Ag Premium Fund, and the amount of \$500,000...\$525,000 has already been appropriated."

Hicks: "Are you aware, Representative Cullerton, that...that the current way in which this happens is whenever the money has been in shortfall...dealing with...excuse me, if there has been left over money in the F. and E. Fund, that money then goes to the County Fair Fund into the Ag Premium Fund, which funds county fairs, which county fairs in the State of Illinois are already short money. So, in actuality this money is then being taken away from every county fair in the State of Illinois, who is not in F. and E.?"

Cullerton: "Let me explain. And I think you are mistaken. If as you know, the Ag Premium Fund has been underfunded as a result of the horse racing revenue being reduced. That

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means that we have to supplement the Ag Premium Fund from General Revenue. So, if there is a shortfall, for downstate fairs, it is because we have not appropriated the money from General Revenue. That is not the same \$525,000 that this is coming from. This is coming from the Fair and Exposition Fund, which is not the Ag Premium Fund. And so, I mean, you can argue that any \$525,000 that we appropriate for anything in the entire state budget is being taken out of downstate county fairs...that's my position."

Hicks: "Well, thank you very much, Mr. Cullerton. I tend to disagree with you. And to the Bill, Mr. Speaker. Let me just forewarn, not only those Members who have county fairs, but also those of you that are part of the nine F. and E.'s. Those F. and E.'s even though you think you're for this, those F. and E.'s now will no longer see any additional money. Now listen to me. No longer will there be additional money for your F. and E.s whenever...by the process that we did five years ago, where we allowed them to grow. Now there will be no surplus money in which to allow them to grow. It will not be there. You're taking the excess money out of that fund. That money I believe did go to the Ag Premium Fund, was helping to fund county fairs, which has been short some \$500,000...matter of fact I think I have the number right here in front of me...last year was short \$507,406.68. Now, that is going to be short another \$525 million...thousand dollars, excuse me. Not quite a million. But I would urge you to vote 'no' on this Bill and let's see if we can't get this worked out."

Speaker McPike: "Representative Ropp. To explain your vote. One minute."

Ropp: "Well, Mr. Speaker, I'd like to just reiterate what the previous Speaker said. When we talked about this before, I was in support of giving Cook County a fair. I think it's

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only natural that they should have it. But when the leader of this House talked to people who were involved in county fairs, and somewhat generally got their support, the idea was that the county fairs, the other 97 should have monies in order to fully fund the formula that we authorized a few years ago. That particular promise has not been kept and I don't think it is quite fair, that the other 97 county fairs that are already in place need the money that we said they should have based on a formula, we're willing, I would certainly support giving Cook County the money, but let's fully fund downstate county fairs because they deserve it, just as much as the Cook County. And so those of you that have county fairs downstate, you're going to be in bad trouble because your funds are going to be limited."

Speaker McPike: "Have all...Representative Ewing."

Ewing: "Yes. Mr. Speaker, Ladies and Gentlemen of the House, before we take the Roll on this, I hope that we'll have some more people consider the fairness doctrine. Many times in this Body we make arrangements where different parts of this state get assistance from the General Assembly for projects such as fairs and other parts of the state get something in regard to that or as a trade. There's nothing wrong with that, but in this case we're just going to take \$500,000 of good hard earned money from the State Treasury, because it would end up in the General Fund, and we're going to put it into a new fair in Cook County. And at the same time we're not going to keep our commitment to the downstate fairs. And when that commitment was made I'm sure there was tit for tat on the other side. Because we don't get anything downstate for nothing. And I really suggest that any of you who are voting green on this, look very closely at it. A good red vote, I think on this Bill will allow us to negotiate a

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fair distribution of the money. I think there'll probably be a fair in Cook County, but if we get enough red votes up there, there'll be full funding for downstate fairs in regard for the money that's going into Cook County. So, let's put some more red votes up there, and get off the green buttons."

Speaker McPike: "Representative Barnes."

Barnes: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, when one of the previous Speakers says the money is going to Cook County, he's making a little bit of a mistake, it's coming from Cook County. The majority of the funding for the fairs throughout the state comes from Cook County. I think this is a very good idea. There are many school children in Cook County that aren't aware of farming, and this is an opportunity for them and I suggest an 'aye' vote."

Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 66 'ayes', 48 'nos' and Representative Hicks is seeking a verification. You're welcome. Representative Hartke, for what reason do you rise? Representative Capparelli has asked for a poll of those not voting. Representative Martinez would like to change from 'present' to 'aye'. Representative Capparelli, there is no one not voting. Proceed...proceed with the verification of the Affirmative."

Clerk O'Brien: "Balanoff. Barnes. Bowman. Breslin. Brunsvold. Bugielski. Capparelli. Cullerton. Currie. Daniels. Davis. DeJaegher. DeLeo. Didrickson. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Hoffman. Homer. Lou Jones. Keane. Kirkland. Krska. Kubik. Kulas. Lang. Laurino. Leverenz. Levin. Martinez. Matijevich. McAuliffe. McCracken. McGann. McNamara. McPike. Morrow. Munizzi. Novak. Parcels. Phelps.

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Preston. Pullen. Rice. Richmond. Ronan. Saltsman.
Santiago. Shaw. Steczo. Stern. Sutker. Terzich.
Trotter. Van Duyne. White. Williams. Williamson.
Wojcik. Wolf. Anthony Young. Wyvetter Younge. Zickus.
And Mr. Speaker."

Speaker McPike: "Representative Kulas."

Kulas: "Leave to be verified."

Speaker McPike: "Alright. Representative Kulas asks leave to be
verified. Mr. Hicks. Representative Flinn, leave to be
verified. Right here. Anyone else? Representative Bruce
Richmond? Mr. Hicks, Bruce Richmond. Representative
DeJaegher. Alright that's four, anyone else? Alright.
Proceed. Representative Hicks."

Hicks: "Thank you very much, Mr. Speaker. Representative Ronan?"

Speaker McPike: "Who?"

Hicks: "Ronan?"

Speaker McPike: "Representative Ronan. Representative Ronan. Al
Ronan, is he here? Representative Lou Jones would like
leave to be verified. Mr. Hicks. Alright, Mr. Ronan
here? You have leave, Ma'm. Representative Ronan. The
Gentleman's not here. Remove him from the Roll."

Hicks: "Representative DeLeo?"

Speaker McPike: "Representative DeLeo. Representative DeLeo.
Mr. DeLeo here? Representative Ronan has returned, put him
on as an 'aye' vote. Representative Preston would like to
be verified. He's in the center aisle. Mr. DeLeo.
Gentleman is not here. Remove him from the Roll."

Hicks: "Representative McGann?"

Speaker McPike: "He's here."

Hicks: "Representative Keane?"

Speaker McPike: "Representative Keane. Mr. Keane.
Representative Jim Keane? Gentleman is not here. Remove
him from the Roll."

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Hicks: "Representative Kirkland?"

Speaker McPike: "He's here."

Hicks: "Representative Shaw?"

Speaker McPike: "Mr. Shaw...is here."

Hicks: "Representative Stern?"

Speaker McPike: "Grace Mary Stern. The Lady here?
Representative Stern. Representative Stern is not here.
Remove her from the Roll."

Hicks: "Representative Morrow?"

Speaker McPike: "Representative Keane has returned. Return him
to the Roll Call. Representative Stern has returned.
Return her to the Roll Call."

Hicks: "Representative Munizzi?"

Speaker McPike: "Representative Munizzi. Representative Munizzi
here? Lady is not here. Remove her from the Roll."

Hicks: "Representative Hoffman?"

Speaker McPike: "Mr. Hoffman. Gene Hoffman? Mr. Hoffman. The
Gentleman is not here. Remove him from the Roll."

Hicks: "Representative Dunn?"

Speaker McPike: "Representative John Dunn. Representative Dunn.
Mr. Dunn is not here. Remove him from the Roll."

Hicks: "Representative Farley?"

Speaker McPike: "He's here."

Hicks: "Representative Harris?"

Speaker McPike: "He's here. He's voting 'no'."

Hicks: "Representative Williamson?"

Speaker McPike: "She's here."

Hicks: "Representative Flowers?"

Speaker McPike: "She's here."

Hicks: "No further."

Speaker McPike: "Any further?"

Hicks: "Representative Brunsvold?"

Speaker McPike: "He's here."

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Hicks: "Representative Wojcik?"

Speaker McPike: "Representative Hoffman has returned. Return Mr. Hoffman to the Roll Call. Representative Wojcik is here."

Hicks: "Thank you, Mr. Speaker."

Speaker McPike: "Representative Novak would like to change from 'aye' to 'present'. Representative Shirley Jones votes 'aye'. Representative Phelps likes...would like to change from 'aye' to 'no'...'aye' to 'no'. Representative Saltsman would like to change from 'aye' to 'no'. On this Motion there are 62 'ayes' and 50 'nos', and the House does concur...Yes. Correction. On this Bill there are 62 'ayes' and 50 'nos'. Senate Bill 1496 having received the Constitutional Majority is hereby declared passed. If the Chair could have your attention for just a minute. We're going to stand in recess now until the hour of 4:30. So, at 4:30 when we come back we will once again return to final action on Bills. So, if there's any communications that need to be done on Conference Committees, you should be available in the next few hours. And when you come back at 4:30, we would encourage you to call your Bills. House...Representative Leverenz."

Leverenz: "Yes. I just want to extend Representative Goforth's thank you to the Chair."

Speaker McPike: "The House now stands in recess until the hour of 4:30 p.m."

Speaker McPike: "The House will come to order. Supplemental Calendar announcement."

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

Speaker McPike: "Representative Levin. Ellis Levin. Representative Johnson."

Johnson: "Just for the journal purposes, would you let the journal and record show that on House Bill 3528 concurrence vote on Senate Amendment #1, I mistakenly voted 'no' and

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intended to vote 'yes'."

Speaker McPike: "Yes. The transcript will so reflect. Representative Levin."

Levin: "Yeah. Mr...Mr. Speaker I would so move that we refuse to recede with respect to House Amendment #1 on Senate Bill 1591 and ask for a Conference Committee to be appointed."

Speaker McPike: "Senate Bill 1591, you've heard the Gentleman's Motion. Gentleman moves to...that the House refuse to recede from House Amendment #1 and ask for the appointment of a Conference Committee. All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The Motion is adopted. Gentleman has requested a Conference Committee. Representative Barger, for what reason do you rise, Sir?"

Barger: "Speak...Mr. Speaker...excuse me. The Clerk announced a few minutes ago that a Supplementary Calendar had been passed out and I don't seem to have one and I don't see one on Representative Pullen's desk."

Speaker McPike: "It was passed out about two hours ago. Supplemental Calendar announcement."

Clerk O'Brien: "Supplemental Calendar #2 is being distributed."

Speaker McPike: "On Supplemental Calendar #2 under Concurrences. Representative Ryder, House Bill 982. Mr. Ryder here? House Bill 1268, Representative Currie. Miss Currie. House Bill 1268, out of the record. House Bill 3085, Representative Matijeich. Representative Matijeich."

Matijeich: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3085 is a Bill sponsored by the Regional Superintendents of Schools. The Senate Amendment would provide that...it would retain the provisions under...in the underlying Bill, which would authorize regional superintendents to borrow money for educational programs pending the arrival of state or federal grants. It removes the language requiring creation of secondary school

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evaluation committees, and further it amends the Bill to allow...what happened there was a...an issue regarding a tort immunity, and they put in language which was originally introduced in a Bill introduced by Representative Hultgren, 3098, so that the region...service ...educational service regions and regional boards of trustee would have tort immunity, just as the school districts do. It would further amend the School Code to require the State Board of Education to furnish a copy of financial audits of regional superintendents of schools to each Member of the General Assembly, whose district includes any part of that educational service region. That part of the Bill stems from an incident in Will County where audits had not been made. There was no oversight, and this would correct that problem. I therefore, Mr. Speaker, would move to concur with Senate Amendment #1 to House Bill 3085 and ask for your support."

Speaker McPike: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. Will the Sponsor yield for a question, please?"

Matijevich: "Sure."

Cowlshaw: "My question has to do with the Bill as it was originally filed. I believe that a part of that original Bill was removed by this Amendment, but does the provision for regional superintendents of schools being able to borrow money for programs for which they have not yet received the funding, does that still remain in this Bill even after the Amendment has been adopted?"

Matijevich: "That part of the underlying Bill remains with...with the Amendment. Yes, Ma'm."

Cowlshaw: "Thank you. Mr...Mr. Speaker, to the Bill. When this Bill came before us without this Amendment I stood in opposition to it then, and I do now. Regional

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superintendents of schools presently cannot borrow money. With the prospect that they may be receiving some funding from a federal, state or other source for a new program they want to begin. I do not believe that they ought to be given that authority by the passage of this Bill. Regional superintendents of schools have no taxing authority. If for any reason they have borrowed money, and then the program that they are basing that borrowing upon is not funded by the governmental entity that created it, how do they go about paying back that funding? Particularly any they've already spent. They can't tax anybody to do it, and I can see that they could be putting themselves in a very shaky financial circumstance. I think this is dangerous. I think it is bad public policy. And on the basis of the underlying Bill alone, I believe that this Motion should be defeated."

Speaker McPike: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, in regard to the last comments that have been made. This issue of course was discussed when we passed the Bill out of here earlier this year by a 104 - 7 vote. And is not something that I think we ought to be discussing now, although in order to correct the record I think we safely established at that point that this borrowing would occur only when the approval of the grant has been received and when it is clear that they simply need the funds at the beginning of that program in order to get it up and running. And so I don't believe that there is any danger in the underlying Bill causing some kind of liability for which there will not be funding that comes through. It is to be done only after the approval of the grant for the program in question. I guess my question at this point would relate more to a portion of the Amendment, and ask why we should

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require the State Board of Education to furnish copies of financial audits of the regional superintendents of schools to each Member of the General Assembly? Can you enlighten me, Representative Matijevich, about why that would be desirable or important?"

Matijevich: "Yes. In response to that, Representative Satterthwaite, there was an incident in Will County where the...the required audit wasn't done, and evidently, nobody knew about it and it went to court, I believe. And that was the reason that this provision was put in. So, that there would be some oversight so that type of incident wouldn't occur again. That's what that's all about. It's a protective measure. And there is no...there is no opposition to that part of the Bill."

Satterthwaite: "Well, it just seems to me a little overkill for us to require that this be done statewide on the basis of one infraction. And it would seem to me that we would be better off giving some additional oversight authority to the State Board, rather than expecting Legislators to come forth with some kind of a corrective mechanism, particularly since we may not even be aware when the notice is not filed. It's only when we get it on our desks that we're aware of it. So, I'm not sure this really resolves the problem. However, maybe we can leave that to the Governor in his wisdom to decide whether that mechanism is valid for trying to make sure that these audits occur."

Speaker McPike: "Representative Matijevich to close."

Matijevich: "Yes. Mr. Speaker, relative to...to Representative Cowlshaw's remarks that was brought up both in the House and the Senate. We passed this overwhelmingly, because the granting authority does have to approve the borrowing of the funds. And the fiscal note indicates there is no impact, and it further says some program funds

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administered by regional superintendents might be used to pay short term interest on borrowed funds, which could then reduce the funds avail...available for program activities, but as it was said in committee, this would be very minimal. And we believe that it would...in the end allow some...some of the school districts to use grant funds that otherwise they would not be able to use. So, this allows them to have programs. So, I would urge the Members to support and concur the...in the Senate Amendments. The other provision that Representative Satterthwaite asked about. This is a protection because of what happened in one district. It will probably not happen again, because of the protection of that provision in the Amendment. So, I would urge your concurrence."

Speaker McPike: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3085?' All in favor vote 'aye' all opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 76 'ayes', 39 'nos' and the House does concur in Senate Amendment #1 to House Bill 3085. And this Bill having received the required Constitutional Majority is hereby declared passed. House Bill 3481, Representative Barnes."

Barnes: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I wish to concur in Senate Amendment #1. Senate Amendment #1 was originally House Bill another House Bill that passed out of here by 112 to 0. It has the support of the Illinois Task Force on child support enforcement. It was negotiated with the child support division of the Cook County State's Attorney's office. I would ask for an 'aye' vote."

Speaker McPike: "Representative Barnes there's Amendments 1 and 2 on this. Did you want to concur with both of them?"

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Barnes: "It just says one up there."

Speaker McPike: "Yes. Did you want to concur with 1 and 2?"

Barnes: "Yes. Well I would like to explain that Amendment #2 was another House Bill 3482 and there's no longer any objections to it by Public Health and it passed out of this House 115 to 0. I would ask everybody to concur in Senate Amendments #1 and #2 to House Bill 3481."

Speaker McPike: "Is there any discussion? There being none the question is...Representative Weaver."

Weaver: "Thank you, Mr. Speaker. A brief question of the Sponsor. Am I to understand correctly that under Senate Amendment #1 if a party refuses to submit to a blood test that they can automatically be declared the parent of the child?"

Barnes: "If they refuse to est...how? If they haven't signed the birth certificate and they refuse the blood test Mike, how are they going to prove that man's the father?"

Weaver: "I don't know. I'm asking you."

Barnes: "But they can't. That's what this is all about. It's the availability of the blood test and the proof that it establishes. If the man refuses to take the blood test then there's no way on this earth that you could possible prove that he's the father by this method."

Weaver: "As I understand our analysis of the Amendment it says that if a party refuses to submit to the order of blood test the question of paternity may be resolved against that party."

Barnes: "No, not in a court of law. It couldn't be."

Weaver: "Well, okay. I'll take that as intent then. Thank you."

Speaker McPike: "Representative Barnes, there appears to be some confusion over one of these Amendments. Could you wait until we get the file? Just a second. Any further discussion? Being none the question is shall the House

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concur in Senate Amendments #1 and 2 to House Bill 3481?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Motion there are 105 'ayes'. Representative... Representative Ryder, for what reason do you rise? We're in the middle of a Roll Call, Sir."

Ryder: "I'd be glad to wait until after the Roll Call Sir."

Speaker McPike: "Representative Dunn, 'aye'. Representative Robert Olson, 'aye'. Representative Satterthwaite, 'aye'. On this Motion there are 108 'ayes', 5 'nos' and the House does concur in Senate Amendments #1 and 2 to House Bill 3481 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3695, Representative Myron Olson. House Bill 3748, Representative Wojcik. Representative Wojcik, did you want to have your Bill called? Representative Wojcik, did you wish to have your Bill called?"

Wojcik: "Mr. Speaker. Let's take the Bill out of the record for a moment."

Speaker McPike: "Alright. Out of the record. House Bill 3842, Representative Peterson. Mr. Peterson, 3482."

Peterson: "Thank you, Mr. Speaker."

Speaker McPike: "Oh, excuse me Mr. Peterson, just a minute. Representative Ryder for what reason do you rise?"

Ryder: "Thank you, Mr. Speaker. A Parliamentary inquiry of the Chair, if I may please. I'm somewhat confused. What House Calendar are you operating under?"

Speaker McPike: "We're on Supplemental #2."

Ryder: "I'm sorry. I can't read. What's the first Bill on that Order?"

Speaker McPike: "The first Bill was called but the Sponsor of the Bill was not here."

Ryder: "I'm sorry. I didn't receive a Supplemental, what's the

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first number on that?"

Speaker McPike: "We're not on that Bill Sir."

Ryder: "Well, just tell me the number please."

Speaker McPike: "There's an objection, Representative Ryder."

Ryder: "I didn't hear that."

Speaker McPike: "Representative Cullerton has objected."

Ryder: "I know they're objecting to the manner of the Chair but I apologize but that's okay, I forgive them for that. What was the first Bill on that Order?"

Speaker McPike: "Representative Peterson."

Peterson: "Thank you, Mr. Speaker. I am moving to concur with Amendment 1 to House Bill 3842. Amendment 1 amends the Code of Civil Procedure, gives quick take authority to the Department of Transportation or any unit of local government under the terms of an intergovernmental cooperation government between IDOT and the unit of local government for the purpose of developing aviation facilities in and around Chanute Air Force Base in Champaign County. The quick take provisions sunsets in 15 months. And the Amendment has an effective date of January 1, 1991. I move for concurrence to Amendment 1 on House Bill 3842. Any discussion? Is there any discussion? Representative Harris."

Harris: "Thank you, Mr. Speaker. No discussion. But are we dealing with 3842 or 3842?"

Peterson: "3842."

Harris: "Thank you."

Speaker McPike: "Is there further discussion? Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Peterson: "Yes."

Cowlshaw: "Representative Peterson, I, do I understand that this

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Amendment has something to do with quick take authority for developing aviation facilities?"

Peterson: "At Chanute Air Force Base."

Cowlshaw: "Alright. Now, Representative are you absolutely certain that this legislation in accordance with the way it was drafted applies only exclusively to that airport or air force base?"

Peterson: "From what I understand, Representative it deals with that particular area because it says it can only take place around Chanute Air Force Base in Champaign County."

Cowlshaw: "Thank you very much."

Speaker McPike: "Okay. The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3842?' All in favor of the Motion vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. Curran 'aye'. He is 'aye'. Regan, Mr. Regan."

Regan: "Just a point of personal privilege when you're done please."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 100 'ayes' and 14 'nos' and the House does concur in Senate Amendment #1 to House Bill 3842 and this Bill having received the Constitutional Majority is hereby declared passed. On a nonconcurrency. On a nonconcurrency, Representative Breslin, on Senate Bill 2231."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. I move to refuse to recede from House Amendment #1 to Senate Bill 2231 and I request a Conference Committee."

Speaker McPike: "The Lady moves to refuse to recede from...from House Amendment #1 and asks for a Conference Committee. All in favor say 'aye', opposed 'no'. The 'ayes' have it and the Motion carries. Conference Committee will be appointed. Representative Regan."

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Regan: "Thank you, Mr. Speaker, Members of the House. I want you to know and appreciate the fact that the reason we're in here today working hard, since we could have gone home last night, is because my Granddaughter Tiffany and her friend Marsha are paging today and I really appreciate the House for that effort. Thank you Mr. McPike."

Speaker McPike: "Representative Capparelli in the Chair."

Speaker Capparelli: "Ladies and Gentlemen if I could have your attention just for a moment. Every year we play softball. We raise money and we give it to a needy cause. This year we raised a thousand dollars in the House. And we're going to present it to the organization in Springfield called the Mini O'Briene Crisis Center which is for abused children. So, I would like to present the check to Representative Hasara and Representative Curran and Representative Ropp would like to say a few words."

Ropp: "Well, I just wanted to thank all of you for giving out of the generosity of your heart when we come around for help at the softball games and this is a worthy cause and you should all be proud of it."

Curran: "Just briefly. You know when you do give to something like this softball game some money does go someplace. A couple years ago I stood up in the House floor and notified the Members that my secretary had died that day. Her name was Mini O'Briene and we formed a crisis nursery. That is a place we take care of abused children for free. So the thousand dollars that we raised went to the Mini O'Briene Crisis Nursery. A friend of Karen's and a friend of mine. And I think a friend of all of yours. Thank you very much."

Hasara: "I'd just like to add that one of our most frequent conversations in this Body is wanting to do something for abused children. And I thank all of you who indeed did do

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that the night of the softball game. Thank you very much."

Speaker Breslin: "Going back to the Order of Concurrences, the next Bill is House Bill 3994, Representative Cullerton."

Cullerton: "Madam Speaker, if I could have about three minutes."

Speaker Breslin: "That's fine. On the Order of nonconcurrence, excuse me, the Gentleman from Cook Representative Parke."

Parke: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I may remind this Body that one day in the near future this House will adjourn and we must go back to our districts with all the wonderful things that we have done and one of the things that we are going to be faced with that we all look forward to and enjoy doing is addressing groups of citizens on the Fourth Of July. I happen to have a Fourth of July speech by the American Legion. I will be out passing it around for those that are interested in having a speech."

Speaker Breslin: "Thank you. Representative Stephens, for what reason do you seek recognition?"

Stephens: "On a point of personal privilege, ma'am. And I think we should all pay attention to this. I think Representative Parke should identify his speech writer today once and for all. This is the same speech every year and we need a new speech writer."

Speaker Breslin: "Representative Parke, confess up."

Parke: "What it is, fess up. Not at all. This one is a new and revised special edition and what it is is that Representative Stephens is jealous of this wonderful speech. Cause he didn't think of it first."

Speaker Breslin: "On the Order of Concurrences appears House Bill 982, Representative Ryder. Out of the record. Representative Peterson, for what reason do you seek recognition?"

Peterson: "Madam Speaker. I notice that Representative Ryder was

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up speaking to you. Did you get him straightened out to exactly where he was supposed to be on the Calendar? Did you give him enough tutoring to put him back on the right track?"

Speaker Breslin: "He certainly knows. He knows the score, so to speak. We're going to the Order of Nonconcurrences, Ladies and Gentlemen. It's on back of your long sheet. Senate Bill 1523, Representative Turner. Representative Turner? Representative Turner? This Bill is on the Order of Nonconcurrence."

Turner: "Yeah. Thank you, Madam Chairman. I refuse to recede for Senate Amendments 1 through 7 on Senate Bill 1523."

Speaker Breslin: "You have heard the Gentleman's Motion. Is there any discussion? There being none the question is, 'Shall the House refuse to recede from House Amendments 1, 2, 3, 4, 5, 6 and 7 to Senate Bill 1523?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The House refuses to recede from the House Amendments to this Bill and a Conference Committee will be appointed. Senate Bill 1591, Representative Levin. Mr. Levin, you're recognized for a Motion on this Bill. Representative Levin? Very good. This Bill we have been advised has already been handled. Senate Bill 1767, Representative John Dunn. Is John Dunn in the chamber? Excuse me, Representative Leverenz are you seeking recognition? Then turn off the switch. Representative John Dunn. Out of the record. Senate Bill 1784, Representative Hoffman. You're recognized for a Motion Sir. Representative Hoffman is recognized, would you...thank you."

Hoffman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move that the House recede from Amendment #3 and 5 to Senate Bill 784. Which is the budget for the Board of

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Higher Education. The Senate Sponsor refused to concur with Senate Amendment #3 which transferred a million and a half GRF to grant line for minority recruitment and retention educational achievement. And Amendment #5 broke a million and a quarter GRF for Minority Articulate Grants and it specified in one case the location for \$200 thousand dollars on that line item. So therefore, Madam Speaker I move that the House recede from House Amendments 3 and 5. "

Speaker Breslin: "You have heard the Gentleman's Motion. This is an appropriation item. Is there any discussion? Any discussion? There being none the question is, 'Shall the House recede from House Amendments 3 and 5 to Senate Bill 1784?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Sixty votes are required. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 114 voting 'aye', 1 voting 'no'. The House does recede from House Amendments 3 and 5 to Senate Bill 1784 and this Bill having received the Constitutional Majority is hereby declared passed. On Supplemental #1 appears two Bills on the Order of Nonconurrence. With leave, we'll go back to Representative Cullerton's Bill on the Order of Concurrence, House Bill 3994, Representative Cullerton."

Cullerton: "Yes, thank you, Madam Speaker and Ladies and Gentlemen of the House. I would move to concur with Senate Amendment #1 and I'll be happy to do these...there's two Amendments and I want to take them individually so the people can understand what we've done. Senator Marovitz has added an Amendment and he's here on the floor so he's available for any questions. It's a very limited income tax deduction. And here's what it says. There's certain types of buildings which provide housing for senior

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citizens primarily through the National Housing Act. And the situation is that they have the ability to prepay their mortgage after 20 years. Once they prepay the mortgage then they're allowed to raise the rent and they're not, they don't come under the restriction that HUD would place them under. So what we're trying to do is to encourage the owners of these buildings to not increase dramatically the rents of the senior citizens. So what the Amendment says is that the owners of the buildings shall be allowed an Illinois State Income Tax deduction from the rental income of the low income housing unit. There is a five year window on this proposal. So the sunsets in 1995. It only applies if the housing unit is occupied by a tenant who is at least 60 years of age or older and who was a tenant prior to the mortgage prepayment and whose rent has not been increased by a total of more than 5 percent for each year since the year the mortgage was prepaid. So, in other words this owner of this building is not going to get the deduction if he's raised the rent of the senior citizen by more than 5 percent for each year since the mortgage was prepaid. And further more, this does not authorize any double deduction. The deduction is reduced by the exclusion of any portion of this income already, excluded from Federal Taxable Income or previously deducted under the state provision. So I think it's a very reasonable attempt to give a Income Tax deduction to owners of low income housing to induce them to continue to allow the senior citizens to stay at the lower subsidized rent. Be happy to answer any questions and I think it's a very reasonable and modest proposal and I urge your support."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendment #1 to House Bill 3994. On that question the Gentleman from Cook, Representative Kubik."

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Kubik: "Thank you, Madam Speaker. Would the Gentleman yield?"

Speaker Breslin: "He indicates he will. Ladies and Gentleman, please give the Gentlemen your attention."

Kubik: "Representative Cullerton. Let me make sure I understand this Amendment. What you're saying is that if..."

Speaker Breslin: "Excuse me. Okay. Just a moment please. Ladies and Gentleman we are not going to proceed until the Speakers can be heard. I would ask all unnecessary staff to leave to floor and all legislative liasons who are not here working on particular Bills that are before this Assembly at this moment to leave the floor. Mr. Doorman, Doorkeeper I would appreciate assistance with that. Proceed Representative Kubik."

Kubik: "Yeah. Representative Cullerton. As I understand this Senate Amendment what it would do that it will provide an income tax deduction for landlords. Equal to the amount of the income derived from the rental of the unit that is above the...that it's above the amount of the subsidy. Is that correct?"

Cullerton: "That is above the amount of the subsidy?"

Kubik: "Right. In other words..."

Cullerton: "No."

Kubik: "Well, the subsidy is going down. Correct? The reason for this particular Amendment is because the Federal Government is cutting subsidies for low income housing. Is that correct?"

Cullerton: "No. This only applies after the...here's what the subsidy is... the subsidy is a low income interest in a loan when you first obtain the housing. After 20 years you prepay that and now there's no more restrictions on your on the rent. As what you can charge."

Kubik: "After 20 years."

Cullerton: "Yeah. The subsidy is all gone. There's no more

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subsidy, 'cause the low interest loan has been paid off. Now it's just a matter of the person, the senior citizen is living in a building that used to be, have these controls on the rent. Now those controls are gone. So what the Amendment says is that in this very limited circumstance, as an inducement to continue to provide low rents to the senior citizen that the landlord, the owner of the building, can get a State Income Tax deduction to the extent of the rent that they collect from the senior citizens."

Kubik: "The full amount of the rent."

Cullerton: "Right. The full amount of the rent is the deduction on the State Income Tax."

Kubik: "Okay."

Cullerton: "Okay?"

Kubik: "Yeah. No, proceed if you..."

Cullerton: "Well, I just wanted to emphasize there's not a whole bunch of these. I know that they are statewide. I don't have the number of these buildings but, not all of them have been prepaid. If they haven't been prepaid it doesn't apply. It's only where they've been prepaid, it's only if they if they are age 60 years of age or older. It's only if they were a tenant at the time of the prepayment and the deduction is not available to a landlord if he decides he wants to raise the rent by more than five percent per year anyway which he can do. He can just decide I don't want this deduction, I'm going to raise the rent by 20 percent or 50 percent or a hundred percent and then this also, he would not be eligible for the deduction. There's a five year window on the Bill."

Kubik: "Okay. How do we, how do we determine what the rent is. How does the Department of Revenue know..."

Cullerton: "HUD."

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Kubik: "Well, I thought HUD is now out of the picture."

Cullerton: "Right. HUD's out of the picture. And so, at the day of the prepayment whatever the HUD rents were the landlord cannot increase them by more than 5 percent per year. After the prepayment. To be eligible for the deduction."

Kubik: "Now, on the current building. This would just apply to people over the age of 60. Correct? Okay. But there's no limit on the size of the building? I mean if you have six units or you have sixty units doesn't..."

Cullerton: "Well, they have to have been financed through the National Housing Act. So they are limited to those buildings that received this low, you know the section 8 housing or other types of housing that were encouraged by the Federal Government in the mid 60's. They have to be those buildings and by the way there's no new ones."

Kubik: "How do we, do we have any idea units we're talking about or how many buildings we talking about? I mean any kind of a ballpark figure?"

Cullerton: "You know, I really don't want to venture to guess. I did know once because when we passed the original Bill...statewide there's 14 thousand units. We don't know what percentage of those are senior citizens. We don't know what percentage of those have prepaid and I don't know how many years away they are from the 20 years being up where they can be prepaid. So that's the best I can do."

Kubik: "What about...what type of protections do we have on this particular Bill which assure that the landlord is not charging more than he's claiming on his income tax. In other words, what let's say the landlord charges \$700 dollars but he's only claiming \$600 dollars but he's also telling the tenant, you know, I'm going to pocket the hundred bucks, don't say anything or we're going to toss you out. I mean, what are the protections so that we know

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they're not ripping us off?"

Cullerton: "I'm trying...there is a record there has to be a record of what the tenant's rent is. There is a record from HUD as to what it was on the date of the prepayment and we know it's not eligible if they increase it by more than 5 percent per year. So, I mean, of course also you're acknowledging that you're talking about fraud. You're talking about how do we...how do we investigate the..."

Kubik: "How do we establish the paper trail? We do it through, we know what they used to charge but is there any provision in the Bill which allows the Department of Revenue to know what they're currently charging?"

Cullerton: "Yeah. I would say that this is a new program and it's limited. So the Department of Revenue will get for the first time a request for an income tax deduction. I would suggest that all they would have to do is get a copy of the lease. And the lease is the paper trail that tells them how much the rent is. I mean if there's an audit they say please submit to us a copy of the leases for these tenants that you wish to take a deduction. And they get a copy of the lease and if it doesn't give it's..."

Kubik: "Do we have any idea how many, I know we're talking about 14,000 units. How much of a revenue loss are we talking to the state? Because there obviously will be a revenue loss in terms of the dollars coming in. Flowing into the state. If they take advantage of this particular proposal."

Cullerton: "I...alls I can tell you is the reason why we can't get an estimate is because we have no idea how many respective landlords wish to prepay. We don't know how many wish to only limit the increase in the rent to five percent. We don't know how many are 60 years old at the date of the prepayment. So, I can't tell you how many, how much money is going to be involved. Obviously, it's meant

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to be an inducement, and in those rare circumstances where there is a prepayment where they have senior citizens to keep their rents low. That's the theory behind it."

Kubik: "Madam Speaker, to the Motion."

Speaker Breslin: "Proceed."

Kubik: "I think what the Gentleman is trying to do is laudable. I have a couple of concerns about this particular proposal. Number one, I think that we're going to have a very, very tough time developing a paper trail to determine how much money is actually exchanging hands and what we're allowing the landlord to do is to take a deduction, the full amount, a deduction on the amount that he is charging for rent. We're talking about, you know we have up to 14 thousand people who might take advantage of this. Fourteen thousand units. The Sponsor has no idea what this is going to cost. We are in a very, very tight budget year. I understand what the Gentleman is trying to do and I think it is laudable. I think this is not the time. I think we oughta take a little bit closer look at this and tighten it up. Because I think that this particular proposal is very, very ripe for landlords, unscrupulous landlords to take advantage of the state and take advantage of their tenants as well. So I would urge that we oppose this concurrence Motion and maybe take this back and work on it a little bit. I would oppose the Motion to concur."

Speaker Breslin: "The Gentleman from McHenry, Representative Klemm."

Klemm: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Breslin: "He will."

Klemm: "Representative, in addition to raising the rent five percent each year what would the corporate income tax be that they would be able to deduct from?"

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Cullerton: "Okay. Well, assuming that a corporation owns the building as in the case most of the time. And that they haven't raised the senior citizens rent by more than five percent per year after they've prepaid the mortgage then the state deduction is the amount of the rent that the senior citizen has paid."

Klemm: "Would that be for the entire housing development? Let's say you have a development that has a hundred apartments. Let's take Presidential Towers. You read about that all the time in Chicago. Let's say one of those apartments is occupied by a 60 year old or older tenant. Let's say that particular Presidential Towers had a federal low interest loan which they may or may not have. Would they then when it's prepaid would they be able because they have an apartment or any large complex has one apartment housing unit that is occupied by a sixty year old older person qualify for the entire rent?"

Cullerton: "No. Let me go through it again. First of all, I happen to know that Presidential Towers is not financed through the National Housing Act. We're talking about a total amount...we're talking about a total statewide amount of units is 14 thousand. Now these are not all senior citizens you understand. So the total..."

Klemm: "Well I was thinking about...yeah but I am interested more in individual housing units."

Cullerton: "Pardon me."

Klemm: "I was an interested more in individual housing unit that may have only one out of a hundred apartments that has a sixty year old."

Cullerton: "The deduction is only for the one rent."

Klemm: "That would only be the one and all that total rent of five percent included will then be subject to state income tax deduction or...a deduction."

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Cullerton: "A deduction. But not a double deduction. So, if it's already been excluded for on a state income tax..."

Klemm: "And that's what? A four and a half percent or in the replacement tax what would a corporation total amount be on a taxable income?"

Cullerton: "Well, it would reduce a taxable income by the amount of the rents that were collected from the eligible senior citizens."

Klemm: "And what is a tax rate for Illinois corporations then?"

Cullerton: "Well it depends on whether or not, as I said, if it's owned individually it's two it's three percent. And I think the corporation is the ratio. It's a corporal tax. What's a corporal tax? Corporate tax? 6.85 or something like that."

Klemm: "So they would be able to deduct a 6.85. They get a five percent rent increase for that particular apartment? For that year. Is that correct?"

Cullerton: "It's in a credit. Now let's not get confused."

Klemm: "Is this, no they would be able just to deduct it. Is this Bill entitled the Landlords Enrichment Act or something like that? Does this have a name such as that?"

Cullerton: "You can be against it. I don't mind that. But let's give it a fair hearing."

Klemm: "Well I am. Because I would think...then to the Bill Madam Speaker. It would seem that if you could raise the rents five percent each year you've already had a federal low interest loan to build this construction, then now you want to reduce the state income tax which as Sponsor has said is about 6.9 percent or whatever it may be. Or 4 point some percent, whatever you wish. Seems like that certainly is a bonanza for somebody who has already had a federal low interest loan in the first place. Now we're up to, on that particular apartment or entire building of 100

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apartments, that seems like that increase for that year is about 11. something percent. Which isn't a bad rate of return. And those dollars sometimes are coming out of our state coffers which we're trying to do for education and everything else. Seems like a pretty good investment for the landlord, not necessarily for the senior citizen. And I think that's where some of us share our concerns why we're concerned about it. Thank you."

Speaker Breslin: "The Gentleman from Cook, Representative McNamara."

McNamara: "Yes. If the Sponsor could yield for a question."

Speaker Breslin: "He will."

McNamara: "I noticed that in our analysis which could be wrong, it said the tax deduction is for corporations, first of all. Is that correct? Just corporations? Or does it go for the individual owner of a building who would prepay their mortgage."

Cullerton: "Most of these buildings are owned by corporations. So the the deduction is only for corporations that own these buildings."

McNamara: "Okay. So an individual that owns a six flat and has we'll say three tenants over 60 cannot avail themselves with this?"

Cullerton: "Oh no. These are...this program is very limited only to buildings that were financed through the National Housing Act. And there's only, as I indicated, 14,000 units statewide. So it's not just everybody that rents to a senior citizen. It only those buildings that were financed through the National Housing Act."

McNamara: "I see. So it's not available to everyone. It's only those that have had the loans from the National Housing Act itself that are..."

Cullerton: "Right. And only when the 20 years has passed and

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they've decided to prepay the mortgage and as a result they are no longer required to keep the rents low for those senior citizens. So as an inducement for those landlords to continue to keep the rents low, that is not raise them by more than 5 percent, we give them a state income tax deduction."

McNamara: "Now, is the five percent is to how many years prior do they have to keep that rate unchanged?"

Cullerton: "All we're saying is after the prepayment. To be eligible for the deduction they could not have raised the senior citizens rent by more than five percent. If they raised it by, in some cases they raise these rents by 50 a 100 percent because the market in that neighborhood bears it, they wouldn't be eligible this deduction. We're saying that we want them to keep the rents only five percent higher than what they were when they prepaid and if they do that then they're eligible for the deduction."

McNamara: "Would a case for this be the Riverfront Plaza that is being financed by HUD or whatever? If they decided to prepay their mortgage and then and turn it completely into a senior complex then they would be eligible for a tax deduction on all of those? Or only those tenants that were in there before? And is in fact that area that particular plaza involved in it? This is the one that's involved in the HUD loan right now."

Cullerton: "Well, no. And I'll tell you why. First of all this is only eligible for people who own buildings who have been financed through the National Housing Act for the last 20 years."

McNamara: "Okay. I understand that."

Cullerton: "So for this to be eligible it has to have been a building that was financed for the last twenty years. Then there's a prepayment then it would kick in."

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McNamara: "Okay. No further questions."

Speaker Breslin: "The Gentleman from St. Clair, Representative Flinn."

Flinn: "Madam Speaker I believe we've heard enough on this. I move the previous question."

Speaker Breslin: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The main question is put. Representative Cullerton to close."

Cullerton: "Yes. Madam Speaker, I wish to address the issue that raised by Representative Klemm because I am afraid that I have not adequately explained the Bill for him. This is a very limited program for certain senior citizens. The situation is someone in 1970, or in the late 60's got a financing from the National Housing Act and they built a building. Under the deal they had to keep the rents relatively low. After 20 years the owner is eligible to prepay the mortgage. When they prepay the mortgage, it's a 40 year mortgage, when they prepay the mortgage then they are no longer required to keep the rents low. And if they're in a neighborhood that's kind of a decrepit neighborhood where the market doesn't call for much rents, they continue to keep the rents what they are and they're still eligible for this HUD low financing. They don't prepay. But if they're in a nice neighborhood where the rent market values have gone up they go ahead and prepay and as a result they have to kick out the senior citizens. They say your rent is now twice what it was and the senior citizens have to leave. Now, all we're saying with this Bill is to give an inducement to that landlord..."

Speaker Breslin: "Excuse me. Proceed Representative Cullerton."

Cullerton: "To give an inducement to that landlord to not raise

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the rents we're saying that if you only raise the rents by no more than five percent than you'll get an Illinois State Income Tax deduction. It only applies for the amount of the rent that's collected by the senior citizens. They have to have been 60 years of age or older when the building was prepaid. So somebody can't move into one of these things after they've been prepaid and be eligible and there's no double deduction and there's a five year window. The program goes out of existence five years from now. I would suggest to you that there are very few Bills, very few Bills that we voted on this year where we can say we did something for senior citizens. I can't think of very many at all. This is something which is not going to be expensive at all. It's simply going to allow seniors to stay in the buildings that they've been living in for years and years. I urge you to concur with Senate Amendment #1 and ask for an 'aye' vote."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3994?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Black, one minute to explain your vote."

Black: "Thank you very much, Madam Speaker. I hope I don't distort the Gentleman's Bill but this needs a lot of work folks. This isn't a senior citizens' Bill this is a landlord Bill. The landlord had a rent subsidy, the landlord had a lower than market interest rate and now the landlord's going to get a tax break. Come on folks, there's no way to validate this. There's no way to check. Is the lease mandated? How do we know the landlord won't say, well the rent will only go up five percent but we're going to impose all kinds of fees for maintenance, security, what have you. This Bill may not be a bad

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concept but I'll tell you it's not in the proper form yet and I think you ought to vote 'no' and have him polish this thing up and maybe bring it back."

Speaker Breslin: "The Gentleman from Cook, Representative McGann, one minute to explain your vote."

McGann: "Thank you Madam Speaker and Members of the Assembly. I just wanted to remind you that for many years many of you came before the Revenue Committee and asked for tax deductions, income tax, sales tax and were turned away because we do not want to erode the tax rates of this state any further than what has been done in the previous years. Now we come and we circumvent the process completely by taking it out of Committee hands and bringing it before this floor on income tax deduction. I'm not speaking on the merits of the Bill itself. I'm saying it's wrong. We should not be allowing any more income tax deductions when the state can't pay its bills on time presently. I urge a 'no' vote."

Speaker Breslin: "This is final action. Sixty votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 40 voting 'aye', 70 voting 'no', and 5 voting 'present' and the Motion fails. Representative Cullerton is recognized for another Motion. Representative Olson you're a little late, but let the record reflect that you would have voted 'aye', would've voted 'no' if you had voted. Representative Cullerton."

Cullerton: "Yes. Thank you, Madam Speaker and Ladies and Gentlemen of the House. I would move to concur with Senate Amendment #2 to House Bill 3994. This was a suggestion that came to me from some landlords who are interested in leasing some of the buildings that we were just talking about in the previous debate. And I asked Senator Marovitz

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to add this Amendment to the Bill. What the Amendment does is to strike the word lease because the Bill we passed last year gave the tenants the right to first refusal was meant to apply to those tenant organizations who wish to purchase these buildings not to lease them. So that was the first part of the Amendment. The second part was to require the Tenant Association, they wish to and are serious about purchasing these buildings, they shall be required to put up some earnest money equal to five percent of the offer. So, I think it's a good Amendment and I move to concur with the Senate Amendment."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendment #2 to House Bill 3994. On the question is there any discussion? There being none, the question is, 'Shall the House concur in Senate Amendment #2 to House Bill 3994?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Sixty votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. Representative Leverenz votes 'aye'. There are 114 voting 'aye', 1 voting 'no', and the House does concur in Senate Amendment #2 to House Bill 3994. Representative Cullerton is recognized for a Motion."

Cullerton: "Yes. I move to nonconcur with Senate Amendment #1 to House Bill 3994."

Speaker Breslin: "You've heard the Gentleman's Motion. Is there any discussion? There being none the question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 3994?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the House nonconcur in Senate Amendment #1 to House Bill 3994. On the Order of Concurrences appears House Bill 9...excuse me. House Bill 1268, Representative Currie, you're recognized

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for a Motion, Representative Currie."

Currie: "Thank you, Madam Speaker, Members of the House. I move the House do concur in Floor Amendments 1 and 2, Senate Amendments 1 and 2 to House Bill 1268. The underlying Bill deals with the Parentage Act. It's similar to a provision in 3481 that we just passed a few minutes ago and it did already pass the House. The two Senate Amendments deal with a different statute. One we adopted last year, the Grandparents' Visitation Right. What these Amendments together do is carve a very tiny exception to the Gandparents' Visitation Rights such that when there is an intact family parents who are married and living together and neither parent supports a grandparent petition, the petition may not be filed. The point of the proposal is to see to it that we continue in this state, as our country has continued for the last 2000 years, to recognize that parents form the backbone of the family and a family that is functioning with intact partners is one that we should not interfere with. It's an Amendment that says let's make sure that government is off the back of a family that's operating effectively and well and I urge your support for this concurrence Motion."

Speaker Breslin: "You have heard the Ladies Motion. On the question the Gentleman from DuPage, Representative Stange."

Stange: "Thank you, Madam Speaker. Again we're talking about Grandparents Rights Visitation Bill. I think we're tired of this Bill. The repeal of it. We've defeated this last week. I urge your 'no' vote on the concurring of this particular Bill."

Speaker Breslin: "The Gentleman from Champaign, Representative Johnson."

Johnson: "This Bill is not a anti-grandparents Bill. This is a parents rights Bill and it deals, contrary to what some

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people would have you believe, not with situations of divorce and of death and other situations that are the more common, but with an intact family. There's no reason whatsoever why the government ought to interfere with an intact family. You have a situation where parents are raising children as Lutherans, and grandparents believe they ought to be exposed to the Seventh Day Adventist Faith and file a petition to obtain visitation and interfere with an intact family. Parents believe who are raising children in an intact happy family that they certain dietary habits ought to be followed and the grandparents or siblings or godparents or somebody else believes something else is appropriate. The fact of the matter is we gotta draw a line somewhere. This is only a very, very tiny limitation on grandparents visitation. And the fact of the matter is it's necessary in order to avoid hundreds of thousands of dollars if not millions of dollars of cost to parents and for that matter for a variety of others in the judicial system. I can tell you and cite you a number of examples, calls to my offices, people who have sat crying in the offices here in Springfield to citing situations where their life has been ruined. And they've moved out of the State of Illinois because of this ridiculous Bill passed by people who are well intended but who didn't deal with it in the real world the way I do, the way a number of other practicing attorneys and others who are involved in this situation do. If we want to be like China, or India, or other nations in the world where we have an extended family and where there is virtually no distinction between the parents and others than we ought to vote 'no'. But if we believe as many of us, and I think nearly all of us do, that the unitary family system, the limitation on government's intrusion into our lives is most appropriate,

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then you oughta vote 'yes'. This, I repeat, is not a situation that applies except in those limited situations of an intact, functioning, happy family. You're going to save millions of dollars and a lot of discomfort and a lot of agony and a lot of lives if you vote 'yes' on this reasonable Bill that's supported by nearly every judicial group in the state. It's supported by the Bar Association, the Chicago Bar and a number of others. It's a reasonable, fair Bill. It's a parents rights Bill and I urge a 'yes' vote."

Speaker Breslin: "The Lady from Lake, Representative Stern."

Stern: "Madam Speaker and Members of the House I rise in opposition to Amendments 1 and 2. This deals with a law that has only been on the books eight months. My understanding is there have only been two cases filed. So that when the Representatives talk about the many millions of dollars in expenses incurred, I think they are fantasizing. As it happens all that the present law permits is a grandparent to go in and ask a judge and present his case for visitation with those grandchildren. This does not require that those grandparents get visitation. It simply permits them to ask. And I urge you to defeat these, this Amendment. What we need is to give this law a chance to work and see if it is in fact a functioning, for the family aspect. Thank you."

Speaker Breslin: "The Gentleman from Henry, Representative Sieben. Mr. Sieben."

Sieben: "Thank you, Madam Speaker. I move the previous question."

Speaker Breslin: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The main question is

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put. Representative Currie to close."

Currie: "Thank you, Madam Speaker and Members of the House. I think the issue's been well described. This is a tiny exception to a Bill we passed last year. There have been at least eight lawsuits under this provision filed against families that are in intact situations. We believe that parents and children have rights. And I think if we want to make sure that functioning families continue able to function as they have in western civilization for the last more than 2000 years the right vote on this concurrence Motion is a 'yes' vote."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 1268?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Pullen, one minute to explain your vote. Representative Pullen is recognized. Do you wish to speak? No. The Gentleman from Cook, Representative Parke, one minute to explain your vote."

Parke: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. We just passed this law this Spring. All we're asking is give it a chance to try and work. That's all we're asking. There is pain and suffering throughout the years that have been brought against grandparents who have asked and wanted the rights to visit with their children. The law we passed this Spring that this Bill is trying to repeal is simply saying that grandparents have rights. And I think that this Body should let this Bill work. And let us come back in the Veto Session and take a look at it. I've gotten no documents from all of these associations saying it's a good idea. I'd like to see us change from 'yes' votes to 'no' votes for the sake of the grandparents who just barely got these rights a few six, seven months ago..."

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Speaker Breslin: "The Gentleman from Cook, Representative Lang, one minute to explain your vote."

Lang: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. There's a lot of bad votes up there. This Bill isn't about grandparents. This Bill isn't about parents. This Bill is supposed to be about children. If we're concerned about the rights of children we have to make sure that children can receive all the love from whatever direction they need to receive it. Grandparents are an important cog in the wheel of a child's life. Grandparents are necessary. The Sponsors of these Amendments assume that every family that's intact is a happy family. You know that's not true. Not every family is a happy family even if it's intact. Let's protect the rights of children to get love wherever they can get it. Please vote 'no'."

Speaker Breslin: "The Gentleman from DuPage, Representative Stange, for what reason do you seek recognition?"

Stange: "Explain my vote."

Speaker Breslin: "No, Sir. You've already spoken in debate. Have all voted who wish? The Clerk will take the record. On this question there are 93 voting 'aye', 21 voting 'no' and 3 voting 'present' and the House does concur in Senate Amendments 1 and 2 to House Bill 1268 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 982, Representative Ryder."

Ryder: "Thank you, Madam Speaker. I would move that we concur in Senate Amendment #1. In explaining this Bill I should make it very clear that Senate Amendment #1 only applies to prospective, prospective in nature. This Bill effects legislation enacted after the effective date. It's clearly stated that the Amendment requires that any Mandate or required offering of health care coverage or service applied to an insurance must also apply to employee benefit

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plans which is to say self-insured. This simply means that we are leveling the playing field, that we are having those forty percent to which mandates apply would also apply, have to by this law 100 percent. And I would ask support for this issue."

Speaker Breslin: "You've heard the Gentleman's Motion. The Gentleman from Lake, Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House. None of us know what the future holds. I don't think there is a soul in this place that knows ten years from now what is going to be important with regards to health benefits. If anybody can say that I'd like to see who they are. Nobody can do it. How many of us knew years ago that alcoholism was a disease? How many of us? None of us. And it was very difficult for anybody to admit, finally, that alcoholism was a disease. How many know what diseases are coming in the future? None of us. None of us know. For us to say prospectively that we as a Legislature have got to listen first to the federal mandates, I think is ridiculous. Now, I happen to know where some of the proponents are coming from. The proponents are usually those who will stand up and shout for states' rights. States' rights, and yet here you offer us an Amendment that we have got to listen to Congress. That we as a Legislature can't stand up on our own two feet. We are a Body that represents all of the people of the State of Illinois. This Amendment is dangerous. This Amendment would, in fact, say what we did yesterday with regards to the clinical social workers is voided. That we can't do it. I think that's ridiculous. This Amendment is strongly opposed by all of organized labor. There is no doubt about it, you've all received a letter from the Illinois Hospital Association. They are strongly opposed to this. The

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nurses are strongly opposed to this. You heard from the nurses on this and I...everybody know where it is coming from, yet somebody on the floor of the House said, I can't or you can't criticize the insurance industry. The hell I can't. This is special legislation for the insurance industry. And I don't care if nobody's going to muzzle me as a Representative that I can't say that. I say that vehemently. This is special interest legislation for the Insurance Industry, and that's all. It doesn't benefit anybody. I would urge this House, if you believe in your own position, as a State Representative. If you believe that you represent people and not have to wait and listen to Congress then you are going to vote against this Amendment, and not concur with it."

Speaker Breslin: "The Gentleman from Vermilion, Representative Black."

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

Speaker Breslin: "He indicates he will."

Black: "Representative can you tell me if your Amendment in any way effects the ability to collectively bargain a health plan."

Ryder: "No, it does not. This does not affect the ability of individual employer and employee to bargain any...any item in the collective bargaining process."

Black: "Does it put on the table or take off the table, anything that the employer and the employees may wish to bargain as far as the menu on their health plan."

Ryder: "No, it does not."

Black: "Thank you for your indulgence."

Speaker Breslin: "The Gentleman from Cook, Representative Williams."

Williams: "Yes, will the Speaker yield? I mean...the Speaker

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wanted to know now under the mandate...it was explained to me earlier that this basically says that all insurers would be in the same position. But the question in my mind as I read the analysis is tends to state that we would be prohibiting Illinois from passing mandates that the federal government does not pass. Is that correct?"

Ryder: "No, Representative it isn't. All this...this doesn't prohibit. All it indicates in the current situation 60 percent of those that provide health care benefits come under self-insured. Under federal law they are exempt when we pass state mandates. So when we pass state mandates we don't do it to to Caterpillar or John Deere or somebody like that we do it to a mom and pop grocery store or the store around the corner, because they are in the 40 percent that are covered. All that this Bill says is if we're going to mandate those kinds of health care benefits, it's got to be across the board."

Williams: "But...just reading it. I'm trying to read it. It says 'that no legislation enacted after the effective date of this Amendatory Act which mandates and requires offering of health care services shall apply to any insurer unless the legislation applies equally to employee welfare benefit plans, described in 29USC and what have you.' Now would it's effect be to possibly roll back coverage under situations where say the insurers that now must live up to the mandate they would not be...in otherwords we won't be bringing Caterpillar and then up we'll be taking the rest of them down."

Ryder: "No, no that's. No, this is not to roll back benefits not of all. First of all it's prospective. Everything that has been enacted up until this date in fact, it doesn't take effect until January 1st. So that which we do this Legislative Session is not effected. Those mandates stand.

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Anything that we do hereafter after the effective date of the Bill has to then apply 100 percent across the board. That has not been the case in the past."

Williams: "Okay, so basically what the Bill says is that from this point on if we enact any mandates here they must also be...they must be mandates that in essence comply with the federal law so that it will in essence cover everybody."

Ryder: "You are correct."

Williams: "Thank you."

Speaker Breslin: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you, Madam Speaker. Will the Gentleman yield?"

Speaker Breslin: "He will."

Leitch: "Last year we passed a very important mandate. Mammography. How would that be dealt with in this proposal."

Ryder: "Laws that are now in effect, Representative, are laws that have been passed by this General Assembly in this Session and signed by the Governor are not affected by this Bill. Specifically that which you describe about Mammography is not affected by this Bill. This Bill is prospective only. It only applies after January 1st, 1991."

Leitch: "Understanding that the self-insured programs which cover most of the larger employers in the State of Illinois and others do not have to respect state mandates. Would you characterize this as a small business Bill?"

Ryder: "I certainly wouldn't."

Leitch: "Thank you."

Speaker Breslin: "The Gentleman from Cook, Representative Lang. Mr. Lang."

Lang: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Breslin: "He will."

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Lang: "Representative, I just want to make sure for purposes of legislative intent that I understand what you just said. Did you just say that nothing that has an effective date that would be on January 1, 1991 would be affected by this?"

Ryder: "No. This Bill goes into effect January 1 of 1991. But any Bill that was enacted prior thereto, even if the effective date is thereafter, so that if you enacted a Bill this Session, the Governor signs it but for some reason it has a January 2 effective date it is not effected by this Bill."

Lang: "So your position is that the Bill we passed yesterday, relative third party reimbursement of the clinical social workers would not be affected by your proposal."

Ryder: "That is exactly my position. I would state categorically in response to that specific Bill that it would this Bill would not affect the Clinical Social Worker Bill."

Lang: "I have some problem with the language you used. Isn't it typical to use the word after the effective date instead of using the word enacted? Isn't that confusing?"

Ryder: "I can understand your confusion. I felt the same way. It was explained to me that there is a certain amount of lack of clarity in that term. It is normally meant to be the last action by this General Assembly or the signing by the Governor. In your case either of which would take care, would take place before the effective date of this Bill."

Lang: "Thank you. To the Motion, Madam Speaker. I rise in opposition to the Motion for two reasons. First, the obvious that the language is difficult to deal with and awkward, very difficult to understand and I think at a minimum this should go into a Conference Committee where we can clarify the language so that all concerned, all the

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various concerned parties relative to what this means and what its effective date might be can be...can have their problems resolved. Secondly, let's look at the merits of this proposal, it basically says that no legislative mandates to Illinois insurers can happen unless they apply to employee welfare benefit plans. In fact, what they are attempting to do is create a moratorium, on any and all future expansions of health insurance coverage. Because under federal E.R.I.S.A. law states can't regulate employee welfare benefit plans, as would be required by this Amendment. Accordingly, if we can't change or regulate those employee welfare benefit plans, under this Amendment if we concur with it we won't be able to enact any future expansions or mandates if you will if the General Assembly decides to do that. So what this is Ladies and Gentlemen is a veiled attempt to say 'let's not have anymore expansions, let's not have anymore mandates' and perhaps that's your position. But I don't think the General Assembly wants to be put in a position of saying today that we're never going to have any expansion of health insurance coverage again in this state. We don't know what's going to happen tomorrow, we don't know what's going to happen in five years. I urge you to strongly consider both of these points and please vote 'no'."

Speaker Breslin: "The Gentleman from Cook, Representative Terzich."

Terzich: "Representative Ryder on the explanation on the mandates and basically the mandate that we put on on social workers really doesn't necessarily apply to the state group insurance plan if they didn't so desire to include it."

Ryder: "I can't hear you."

Terzich: "I said the mandate that we put to include social workers on the group insurance plan basically did not apply"

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to the state group insurance plan since they we're self insured. Isn't that correct?"

Ryder: "When we mandate into a health insurance plan by federal law we don't do that to those who qualify self insurance which is approximately 60 percent of the of the self insurance...excuse me of those that are covered by insurance. I do not know the specific answer of how the federal government affects state health insurance plans. I do not know that answer."

Terzich: "So therefore, since the state plan is a self-insured plan they were not, their not necessarily comply...have to comply with that mandate that we put on social workers. Only insurance companies that issue insurance, health insurance products would have to cover social workers."

Ryder: "I believe you're correct, Representative."

Terzich: "So that, supposedly that social worker mandate that we passed was only covers a certain or approximately 40 percent of the health insurance that's under..."

Speaker Breslin: "Proceed, Representative."

Terzich: "Not the other 60 percent."

Ryder: "Well that's one of the problems of that we've always incurred is that when we do mandate all of these benefits since we know what benefits everyone should be getting in the State of Illinois. We're not mandating it for everyone, we're only mandating it for special groups and that group has been the 40 percent that issue health insurance policies in the State of Illinois. We didn't have any business to issue the mandates to that they underwrite these benefits in the first place and all this legislation is saying 'what's good for the goose is good for the gander.' And that when we put in these additional mandates that it's applied to all of the insurance contracts that are issued in the State of Illinois and not

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just for the special few and I would urge a 'aye' vote."

Speaker Breslin: "The Gentleman from Will, Representative Regan."

Regan: "Thank you, Madam Speaker, Members of the House. One of the previous Speakers seems to be paranoid about the insurance industry stated quite emphatically that this is special interest legislation. Let me tell you what this who stands this...this stands for reduction or at least holding even insurance premiums and who is interested in that. The Illinois State Medical Society supports this, the Illinois Life Insurance Council, the Illinois Manufacturer's Association, the Illinois State Chamber of Commerce, AEI, Illinois Psychiatric Society, these all support this. Everyone should support holding the cost of health care down so that more people can benefit for the coverage. I urge it's support."

Speaker Breslin: "The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, will the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Cullerton: "Representative Ryder, if we pass the Bill that has an effective date of January 1st, 1991, that would be considered a mandated coverage, such as Representative Lang's Bill, and this Bill has an effective date of January 1st, 1991, and the language of this Bill says that no legislation enacted after the effective date of this Bill shall apply to any insurer. What is your answer to the question as to whether or not the Bill that has the same effective date would be covered by the provisions of this Bill or not covered."

Ryder: "Specifically, I would answer you that a Bill enacted in this General Assembly with an effective date of January 1, 1991 would not be covered by this Bill. It is meant prospective only."

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Cullerton: "I know you said it is meant that way but when you read the language what what in the..."

Ryder: "I am telling you for legislative intent which is mine as the..."

Cullerton: "Yeah, but you can say legislative in..."

Ryder: "Which is mine as the Sponsor of the Motion to concur that in the event this exact fact situation that you stated, Representative, were to occur that this Bill would not prohibit the state mandate that you described."

Cullerton: "Okay, I understand what your intent is. Okay, you've stated that twice."

Ryder: "I'd be glad to state it three times."

Cullerton: "No, I want you to re...you can say what your intent is but if the language of the Bill is clearly contrary to that intent the language of the Bill is what's going to prevail. I just want you to read the language."

Ryder: "I have."

Cullerton: "It says...maybe there is a way out of this. Maybe you can come up with an explanation that makes some sense. It says no legislation enacted after the effective date of this Act. The effective date of this Act is January 1st, 1991, the other Bill that Lang passed had the same effective date. Now are you saying that Lang's Bill since it's effective the same date is not enacted after the effective date of this Bill and therefore it would not be covered."

Ryder: "Representative the key word that is troubling you is 'enacted'. That is the word that is causing you problems. My definition of enacted is the last act by both houses or the houses in combination with the Governor."

Cullerton: "With the Governor, sure. Okay, now so you think the word enacted means when the governor signs it."

Ryder: "Representative is enacted the word that is causing you

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the problem?"

Cullerton: "Well, now you're making it even more confusing. What if the Governor signs..."

Ryder: "It is not my intent to confuse you, Representative."

Cullerton: "I know that's why it's important. What if the Governor signs this Bill first and signs Lang's Bill second or Amendatorily vetoes Lang's Bill and signs this one. Then that would have been enacted after, that would have been enacted after the effective date of this Bill."

Ryder: "No it would not Representative. Because he didn't sign it after January 1st of 1991."

Cullerton: "Okay so you're saying enacted means when the Governor signs it. Even though the effective date isn't until a future date."

Ryder: "Representative, I gave an example of an effective date of January 2nd, not being covered by this Bill because the Bill was enacted prior to..."

Cullerton: "Okay, I think I understand you now. I still am against the Bill, you understand that. But I think I wanted to because of on the merits. But with regards to Lang's Bill what you're saying is your definition of enacted is when the Governor signs the Bill that has been passed by both houses."

Ryder: "Yes."

Cullerton: "Even though the effective date is in the future that would have been the date that it was enacted and since that enactment date was not after the effective date of this Bill which is January first therefore it would not be covered. And it also is not covered by the Bill we just passed a few hours ago which eliminated all the mandated benefits because when they eliminated all the mandated benefits except for two or three they didn't realize that Lang's Bill was gonna get on. So we have Mammography,

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adopt the children, and clinical social workers as the only mandates. That's great thank you."

Speaker Breslin: "The Gentleman from Cook, Representative Kubik."

Kubik: "Madam Speaker, I move the previous question."

Speaker Breslin: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair the 'ayes' have it. Representative Ryder you're recognized to close."

Ryder: "Thank you, Madam Speaker. It's a simple concept, if we're going to mandate health benefits we should do it for everybody. This is an attempt to make a level playing field when we do these decisions. If the idea is important enough like we've deemed Mammography, or clinical social workers to be, then it should apply to everyone. This Bill is for fair play and I ask your support."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 982?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Hannig, one minute to explain your vote."

Hannig: "Yes, thank you Mr. Speaker...Madam Speaker, and Members of the House. You know what we enact today perhaps with 60 votes I think that any future General Assembly can undo with 60 votes just as well. I was down here and many of us were when we passed the States Mandates Act and a lot of people said 'gee wiz, now that means that we can't mandate any of these things on local government anymore'. But guess what somebody thought of an idea that says every time we introduce it we put a little clause on it that says the State Mandates Act does not apply. If I want to introduce a Bill next year to say that the state has to mandate coverage for witch doctors, I'm gonna put a little clause on there and say this Act does not apply. I really don't

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think it's going to do anything to help solve the problem. We've got to look at each mandate individually, and stand up and vote 'yes' or 'no' like we did the other day and that's really what it's all about. I'd urge a 'no' vote."

Speaker Breslin: "Representative Kirkland, one minute to explain your vote."

Kirkland: "Thank you, Madam Speaker. From listening to the discussion it seems to me that the federal government regulates self-insurance programs and in a sense the state government regulates our insurance programs and by requiring that the...whatever mandate we pass in the state insurance programs has to apply to the self-insurance is really saying we can't regulate in anyway different or at least beyond in terms of coverage what the federal government does and I really question whether we should give away that power. We talk about you know having less regulation of insurance we're giving it away even more at this point by turning it all over to the federal government."

Speaker Breslin: "Representative Currie, one minute to explain your vote."

Currie: "Thank you, Madam Speaker, Members of the House. I think this Bill is an absolute nullity. I..."

Speaker Breslin: "Representative Currie."

Currie: "I think we cannot bind future Assemblies by this action. I don't think later mandates that we might choose to adopt would even require special language even exempting this particular section. It's a very unusual way to deal with legislation. Usually if you don't like somebody's new idea you try to kill it rather than precluding this Legislature from acting in areas like Agriculture, or insurance or what have you. I think it's not good public policy to try to bind the next Assembly. I don't think we can do it and it

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strikes me that this proposal strikes at the very heart of what a Legislature is suppose to be about. We're suppose to resolve problems as they arise. We are not suppose to tie our hands or the next assemblies hands as all of us try to solve the problems that face the people of this state. This is a silly Bill, a nullity Bill. It ought to be defeated."

Speaker Breslin: "Representative Levin, one minute to explain your vote."

Levin: "Madam Speaker, Ladies and Gentlemen of this House. If the proponents of this measure want to do something they ought to propose a Constitutional Amendment. That's the only way they can accomplish what they want to do. To bind future General Assemblies, or if you want to, pass a Resolution putting everybody on record. This has the same effect as a Resolution. You can't do it, it's silly, it's unconstitutional, moreover the attempt to delegate authority to the Congress is something that the Illinois Supreme Court has said on a number of occasions we can't delegate our responsibility to another government or private organization, this is silly. This may be a nice press release for somebody but that's about it."

Speaker Breslin: "Representative McNamara, one minute to explain your vote."

McNamara: "Thank you, Madam Speaker. I worry about the word 'legislative intent' in this Bill when the explanations that a Bill can be interpreted by legislative intent. Let's recall Riverboat Gambling. There was a, it was a legislative intent that there would be a cap of \$500 on that leg...on that Riverboat Gambling. That was the legislative intent, that has not happened, it will not happen, this is a very dangerous concept. We should not pass any Bill that is based on legislative intent because

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it means absolutely nothing. The Bill itself will stand the way the language is, this is a bad concept. A bad Bill. And poorly crafted."

Speaker Breslin: "Ladies and Gentlemen only vote your own switches. This Roll Call will be verified. Have all voted who wish? The Clerk will take the record. On this question there are 64 voting 'aye', 46 voting 'no' and 3 voting 'present'. Representative Cullerton, requests a verification. Poll the Affirmative, Mr. Clerk."

Clerk O'Brien: "Ackerman. Barger. Barnes. Black. Brunsvold. Bugielski. Capparelli. Churchill. Countryman. Curran. Daniels. DeLeo. Didrickson. Doederlein. Ewing. Farley. Flinn. Frederick. Giglio. Granberg. Hallock. Harris. Hartke. Hensel. Hicks. Hoffman. Johnson. Lou Jones. Shirley Jones. Keane. Klemm. Krska. Kubik. Kulas. Leitch. McAuliffe. McCracken. Munizzi. Noland. Novak. Bob Olson. Myron Olson. Parcels. Parke. B. Pedersen. W. Peterson. Petka. Piel. Pullen. Regan. Ronan. Ropp. Ryder. Santiago. Sieben. Stephens. Tenhouse. Terzich. Wait. Weller. Wennlund. Williamson. Wojcik and Zickus."

Speaker Breslin: "Representative Cullerton, do you have any questions of the Affirmative Roll?"

Cullerton: "Representative Brunsvold?"

Speaker Breslin: "The Gentleman is in the Chamber."

Cullerton: "Representative Farley?"

Speaker Breslin: "Mr. Farley. Representative Farley. How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Breslin: "Remove him."

Cullerton: "Representative Keane?"

Speaker Breslin: "Representative Keane. Jim Keane. How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

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Speaker Breslin: "Remove him."

Cullerton: "Representative Martinez?"

Speaker Breslin: "Representative Martinez, Ben Martinez. How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman's..."

Speaker Breslin: "He is recorded as voting 'present'. Proceed, Mr. Clerk."

Cullerton: "Representative Myron Olson."

Speaker Breslin: "Representative Myron Olson."

Cullerton: "Oh, he's here. I see him."

Speaker Breslin: "He is here."

Cullerton: "Representative Robert Olson?"

Speaker Breslin: "He's in the chamber. Representative Shirley Jones asks leave to be verified. Does she have leave?"

Cullerton: "Uh..."

Speaker Breslin: "Shirley Jones..."

Cullerton: "Where is she?"

Speaker Breslin: "Right here, walking out the door. Leave is granted...Isn't it?"

Cullerton: "Representative Granberg?"

Speaker Breslin: "Representative Granberg. Kurt Granberg is in the chamber."

Cullerton: "Representative Hoffman?"

Speaker Breslin: "Representative Hoffman. Mr. Hoffman. How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman's recorded as voting 'aye'."

Speaker Breslin: "Remove him."

Cullerton: "Representative Hallock?"

Speaker Breslin: "Representative Hallock. How is the Gentleman recorded? He's in the chamber."

Cullerton: "Representative Noland?"

Speaker Breslin: "Excuse me, Representative Williamson for what reason do you rise? Representative Williamson asks leave

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to be verified, Mr. Cullerton. Does she have leave?"

Cullerton: "Leave."

Speaker Breslin: "Proceed."

Cullerton: "Representative...Representative Parcells..."

Speaker Breslin: "What was the name sir?"

Cullerton: "Representative Black?"

Speaker Breslin: "Representative Black. Is in the chamber. Representative Hoffman has returned to the chamber. Add him to the Roll Call voting 'aye'."

Cullerton: "Representative Petka?"

Speaker Breslin: "Mr. Petka, is in the chamber."

Cullerton: "Representative Ropp?"

Speaker Breslin: "Representative Ropp. Is the Gentleman in the chamber? How is he recorded? He's in the chamber."

Cullerton: "Representative Klemm?"

Speaker Breslin: "Representative Klemm. Dick Klemm. Is the Gentleman in the chamber? How is he recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Breslin: "Remove him. Representative Farley has returned to the chamber. How do you wish to vote sir? He votes 'aye'."

Cullerton: "Representative Johnson?"

Speaker Breslin: "Representative Johnson. Tim Johnson. How is he recorded? He is recorded as voting 'aye'. Remove him. Tim Johnson. Remove Tim Johnson. Representative Stephens for what reason do seek recognition?"

Stephens: "How am I recorded?"

Speaker Breslin: "You're recorded as voting 'aye'."

Stephens: "Okay, thank you."

Speaker Breslin: "Any further, Mr. Cullerton? Representative Klemm has returned to the chamber. Add him to the Roll Call voting 'aye'."

Cullerton: "No further questions."

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Speaker Breslin: "On this question there are 62 voting 'aye', 46 voting 'no', and 3 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 982. This Bill having received the Constitutional Majority is hereby declared passed. Representative McPike is recognized for a Motion."

McPike: "Thank you, Madam Speaker, I move the House stand adjourned until tomorrow at the hour of 11:00 a.m."

Speaker Breslin: "The question is, 'Shall the House stand adjourned until tomorrow at 11:00 a.m. All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it and this House stands adjourned until tomorrow at 11. Tomorrow at 11."

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