

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

71st Legislative Day

October 18, 1989

Speaker McPike: "The House will come to order. We'll be led in prayer today by Representative Rice. Our guests in the balcony may wish to rise and join us for the invocation. Representative Rice."

Rice: "May we stand at our chairs and bow our heads. Lord, give us strength to assume our responsibility this day let us rejoice, let us be loving to one another, let's understand the journey that we have to take in travel. O Lord, let us pray for our brethren who have fallen in the Californian earthquake and bless their families. Finally, O Lord, let us do the work for the people of this great state that it will be rewarding and we will accept and ask You for His blessings. Amen."

Speaker McPike: "Would you lead us in the Pledge of Allegiance also?"

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. Representative Matijevich."

Matijevich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, again on excused absences let the record reflect the excused absence of Representative Terry Steczo due to the death of his wife."

Speaker McPike: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Would the record reflect that Representative Piel has an excused absence today, due to the death of his father."

Speaker McPike: "Thank you. Take the record, Mr. Clerk. Representative Santiago is here, vote him 'present'. Mr. Trotter. Is he here? Yeah. 116 Members answering Roll

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Call, a quorum is present. Agreed Resolutions."

Clerk O'Brien: "Senate Joint Resolution 86, offered by Representative Robert Olson; Senate Joint Resolution 90, Munizzi; Senate Joint Resolution 92, Klemm; Senate Joint Resolution 94, Kubik and Stange; House Joint Resolution 68, Johnson; House Joint Resolution 69, Hasara; House Joint Resolution 70, Hasara; House Joint Resolution 71, B. Pedersen and Senate Joint Resolution 93, which was their Adjournment Resolution from October 4th."

Speaker McPike: "Representative Matijevich."

Matijevich: "Mr. Speaker, we've examined the Resolutions, they are agreed to. I move the adoption of the Agreed Resolutions."

Speaker McPike: "The Gentleman moves the adoption of the Agreed Resolutions. All in favor say 'aye', opposed 'no'. The 'ayes' have it and the Agreed Resolutions are adopted. Representative Younger. Wyvetter Younger."

Younger: "Thank you, Mr. Speaker. I ask that the posting requirements for a subject matter hearing with the Urban Redevelopment Committee be waived...that the posting requirements be waived and the Committee Hearing be set for 10:00 o'clock on Friday the 20th of October at 10th and State in East St. Louis, Illinois."

Speaker McPike: "You've heard the Lady's Motion and she has cleared this with the Minority Spokesman on the Committee. The Lady's Motion is to waive the posting requirements for the subject matter for Urban Redevelopment. Is there any opposition? Hearing none, the Attendance Roll Call will be used. The Lady's Motion carries. On page 5 of the Calendar, Total Veto Motions. House Bill 17, Representative Bowman. You're on, Representative Bowman."

Bowman: "I'm sorry, there's nothing on the board. I didn't realize...Thank you. Ladies and Gentlemen of the House,

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this Bill has you the Members of the House as its natural constituency. There's no groups lobbying for this Bill, but something that I introduced as a budget reform measure that I think will make life a whole lot easier for all of us, and apparently the Governor thought so too, because he vetoed it. I see this Bill as simply an institutional matter between the Legislative and Executive branches. What this Bill does is really two things; Number one, it requires the Governor to give us his budget early, about a month earlier than we get it now. The...under this Bill he would have to present his budget...the legislation supporting the budget, on the day of the budget message. There's no reason he can't do that and it would give the staff on both sides of the aisle, in both chambers, approximately another month to study the Bills so we could begin appropriations hearings as soon as we return for the Spring Session. The second thing it does, is it requires the Governor to present to us the education proposals in Bill form. At the present time he presents them in his budget book and then the State Board of Education, the Board of Higher Education, come in with the actual legislation. The problem with this arrangement is very simply that the Governor usually asks for a whole lot less money than the education authorities want to have appropriated and so there's usually a half a billion dollar difference between the Governor's figure and the education authorities figures. And you and I, Members of the Legislature, get caught in the middle of this shooting war and it is to nobody's benefit. So, this would give us a starting point. All the Bills that would be introduced would be consistent with the budget book. That would give us a consistent solid basis on which to begin the appropriations process. So, I simply think that the

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Governor probably caught onto the central idea of this Bill which is to make life easier for the Legislature and that's why he vetoed it. So, that's exactly why I'm asking you to override this Veto. Thank you."

Speaker McPike: "On the Motion, Representative McCracken."

McCracken: "Thank you, Mr. Speaker. I rise in opposition to the legislation. One, either the legislation is unnecessary and superfluous and therefor harmless or it's counterproductive. The current budget process allows for the Board of Educations both higher education and secondary, to present their own funding recommendations to the General Assembly. It allows those boards to allocate the Governor's recommended levels as indicated in the Veto Message. The difference between submitting those budgets contemporaneously with the budget message and doing it the way it is currently done, is a matter of a few weeks. This is not an issue where these numbers are foisted upon us at the last minute. The Budget Committees have a long time to consider those budgets. As a matter of fact, I think everyone knows that the committee hearing process is not where any or most final decisions in the budget process are made. Most of those decisions are made late in the Session long after the allocated time for committees and hearings has expired under House Rules which we have adopted continuously for many years. There just is not a documented problem and the requirement of Appropriations Bills contemporaneous with the budget speech or message really hurts the planning and allocation and the ability of review that the current system gives to the Board of Higher Education and the State Board of Education. Therefor, it is counterproductive and should not be overridden. I stand in opposition to the Motion."

Speaker McPike: "Mr. Bowman to close."

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Bowman: "Well, all I can say to the last speaker is give me a break. Is there anybody here who really thinks the budget process works particularly well? Of course not, nobody does. That's precisely why 116 people voted for it in the first place. I want everybody here to know that this Bill passed 116 to 1, so I think Representative McCracken is trying to do a yeoman's service for his Governor. But, this really is an institutional matter and I think we as Legislators ought to send a message here and stand up and reaffirm our original vote and vote for this legislation."

Speaker McPike: "Question is, 'Shall House Bill 17 pass, the Veto of the Governor notwithstanding?' All those 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 67 'ayes', 40 'nos' and none voting 'present' and the Motion fails. House Bill 204, Representative Mautino."

Mautino: "Thank you, very much, Mr. Speaker and Members of the House. The Governor vetoed House Bill 204 which addressed the establishment of the Private Enterprise Review and Advisory Board for the purpose of studying, and I point out the term studying, the possibility of privatization under certain governmental functions. This legislation originally passed the House and the Senate overwhelmingly. The proposal was addressed to...was addressed and all the concerns that were raised in both the House and the Senate were addressed. The Governor's statement was that he did not believe that the Private Enterprise Review and Advisory Board as presently constituted will lead to a more efficient system of government. The Bill does not provide for any gubernatorial appointments, nor does it provide for membership beyond the small business community. This legislation was brought to us by the small business community and I understand the Governor's concern with the

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fact that he has no gubernatorial appointments, but all the study was to do was to establish from the private sector exactly what the impact was on the government entities doing what has been normally done in the private sector. I'm sorry the Governor doesn't feel that because he didn't get any appointments and we kept it completely independent and out of the political spectrum, that he then determined to veto the legislation. I move at this time to override the Governor's Veto on House Bill 204 and be happy to answer any questions."

Speaker McPike: "On the Motion, Representative McCracken."

McCracken: "An interesting point to keep in mind on this particularly for the other side of aisle, is that this Bill does not account for the inclusion of organized labor in these privatization boards. Organized labor could be dramatically affected by privatization decisions. AFSCME, which has recently organized the state employees' and has a substantial membership, would not necessarily have any representation on this board. That failure should make you leery of ramming this down their throats. If you wanted some sort of workable program to consider a worthy goal, I would submit that you'd have to list the composition of the board's membership. It should include large business as well as small business. It should include organized labor, because conceivably those are the persons who would lose state employment. It should include a number of other sectors of our economy in state government and it does not do so, and for that reason we should not override the Veto."

Speaker McPike: "Representative Curran."

Curran: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I reluctantly but firmly rise in opposition to Representative Mautino's Motion and find myself in spirit

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and in fact in agreement with Representative McCracken's position. This Bill is firmly opposed by labor, firmly opposed by the Department of Central Management Services. I think it is bad legislation at this time. I don't think we can afford it. I don't think it will save any money, and I ask my friends who are concerned about the AFL-CIO, AFSCME, the University of Illinois, the Illinois Conference of Teamsters, Service Employees International and the Firefighters as well as the Federation of Teachers, would stand opposed to this legislation along with me and Representative McCracken."

Speaker McPike: "Representative Mautino to close."

Mautino: "Thank you, very much, Mr. Speaker. I would like to respond to both Representative Curran' and Representative McCracken's concern. I would like to point out that there are ten members of the board that have been established. The message objected to the limitations of representation of other than a small business community which has allocated three public members. Two nonlegislative members are to be representing the state agencies, that's a total of five. That leaves an additional five public members who can be from labor or large businesses or any other representative group without restrictions as to their number as long as it doesn't exceed five. It seems to me that organized labor, if they so desire to have a member on that board...advisory board, they could do so. Large corporations could as well. I think that the Governor received some bad information from some administrative aide that couldn't count. There are ten members to be appointed; three from the small business community, two from state agencies, and it leaves five from any other sector of the State of Illinois which could be labor, firefighters, large corporations, whatever. And I ask for

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the Motion to override at this time."

Speaker McPike: "The question is, 'Shall House Bill 204 pass, the Veto of the Governor notwithstanding?' 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 50 'ayes', 46 'nos', 7 voting 'present' and the Motion fails. House Bill 247, Representative Preston. Preston. Lee Preston here? Out of the record. House Bill 257, Representative Giorgi."

Giorgi: "Mr. Speaker, I move to override the total Veto of the Governor of House Bill 257. House Bill 257 is the Act that solely allows landscape architectures (sic - architects) to be registered. The Bill passed the House 85 to 8, and the Senate 56 to 3. All opposition to the Bill was satisfied during the Amendment process in the House and in the Senate. This Bill does not prevent anyone from doing landscape work, but it does deny Illinois Landscape Architects from working in other states because they aren't licensed. The University of Illinois has a great program for landscape architects, but it doesn't license them. All this Bill does is license architects, it doesn't deny anyone from doing landscape architectural work. This Bill is endorsed by the Illinois Park District Association, the Illinois Preserve...County Preserve Districts Association and also by the Abandoned Mine Reclamation Council. And every Member of this House is very much aware of the Bill and I'd appreciate their support."

Speaker McPike: "And on the Motion, Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. This is a title protection Bill. It...for that reason essentially would have the affect of insulating from competition those who could not attain the title or the certification. It is something very controversial as is typically the case with these

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title protection Bills. The affect of these types of Bills is to limit competition. Now I don't think anyone wants an incompetent or willfully malicious landscape architect practicing, but on the other hand the civil remedies provided for, I think are entirely adequate to meet this purpose. I should mention that the Department of Professional Regulation is opposed to this Bill and has asked that the Governor's Veto be supported. I respectfully rise in opposition."

Speaker McPike: "Representative Johnson."

Johnson: "This...this is...this is a Bill that should pass and a Veto that should be overridden. When it came here in the spring, this Bill passed both chambers by overwhelming margins. The University of Illinois has a landscape architecture program and as a result and through contacts with constituents, people in our area have become familiar with the unique nature of the profession and its potential for harm if not potentially...if not properly regulated. This Bill passed in the Senate 56 to 3, in the House 108 to 3. It's a good Bill, a good concept, it's reasonable and it's in addition is...polices itself with respect to the money. The Senate added an Amendment that protects the State General Revenue Fund. There's really no down side to this Bill. I understand the Governor's Veto, which I think was not full-hearted, and I urge an override and a passage of this Bill."

Speaker McPike: "Representative Klemm."

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

Speaker McPike: "Yes. Representative Giorgi."

Klemm: "Representative Giorgi, a question that was brought to my attention about contracts for federal projects or projects that are in other states that Illinois landscape architects

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cannot qualify, because they supposedly have to be registered in other states, and therefore some of our Illinois business people are being deprived of those opportunities. Is that correct?"

Giorgi: "Yeah, that is correct, Representative Klemm. That's one of the problems why we're trying to license landscape architects, is because they can't present credentials to other states like a licensing credential, but other state landscape architects come into Illinois and supply their services with licenses. So this puts our landscape architects at a disadvantage."

Klemm: "Alright, thank you. To the Bill, Mr. Speaker. It seems like it's a reasonable request to have our small business people being denied access to contracts in other states where they in turn can come in and take our contracts away from our business people. It doesn't seem to be a level playing field, so therefore I think we should support the Gentleman's Amendment."

Speaker McPike: "Representative Mays."

Mays: "Thank you, very much, Mr. Speaker, Ladies and Gentlemen of the House. You know, over the course of the years we get any number of licensure issues in front of us and I think it's important to look at those issues very carefully, and when there's an absolutely defined public interest that's being served, then yes, maybe we should set aside a specific licensure law for that group. I don't know that there is a public service than is going to be served by the passage of this Bill or the overriding of the Governor's Veto. I believe indeed it is a title protection and we don't need to have that. I would urge a 'no' vote on this Override Motion."

Speaker McPike: "Representative Rice."

Rice: "May I ask the...Mr. Giorgi something?"

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Speaker McPike: "Yes."

Rice: "Zeke, the man who cuts the average grass in a local neighborhood, will he come under this law?"

Giorgi: "No, Sir."

Rice: "What...who are you referring to when you say landscape architects?"

Giorgi: "They'd have to be qualified. For example, be a graduate of the University of Illinois Landscape Program or they'd have to be licensed by the State of Illinois as we're trying to do today. This does not deny any person the opportunity to do landscape work. All we're trying to say is, that if you are doing landscape work, you're presenting yourself as a licensed landscaper. You ought to be able to do that type of work."

Rice: "Will that mean that this would come under the Registration and Regulation and they would be the bureaucratic organization that would set the rules or..."

Giorgi: "This is a very...Nelson, this is a very simple Act. All it does is, it allows the Department of Professional Regulations to license architects that have the experience and the education. That's all it does. It does not put any stipulation as to who can do the work. In your case, anyone that's doing landscaping work now can do it."

Rice: "Thank you."

Speaker McPike: "Representative Giorgi to close."

Giorgi: "Well, Mr. Speaker, I think Representative Mays said it correctly, in that the people of Illinois ought to be protected and we ought to license landscape architects because people are spending a lot of money today. Landscape architect (sic - architecture) is not a cheap commodity and not a cheap service and these people ought to be licensed and we ought to be able to do something about people that pass themselves off as landscape architects and

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don't do the work and don't do the quality of work the people expect. This Bill deserves your support."

Speaker McPike: "The question is, 'Shall House Bill 257 pass, the Veto of the Governor notwithstanding?' 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 94 'ayes', 15 'nos' and 4 voting 'present'. This Motion having received the required three-fifths majority is adopted and this Bill is hereby declared passed, the Veto of the Governor notwithstanding. House Bill 441, Representative Leitch."

Leitch: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 441 is a very simple Bill. It passed out of here 110 to 2, it passed the Senate 59 to nothing. It's a Bill that simply says that in residential areas in communities where the state owns a lot and there's a sidewalk project going by, the state has to pay its fair share. Whenever the state builds a larger project, a correctional center, any kind of major project, it always puts in the funds to pay for sidewalks. What this Bill would address is some of the smaller lots and things that where the state then doesn't pay for it in a residential neighborhood and help other neighbors, their costs go up. It's extremely irritating to neighborhoods and to people and I would ask for an 'aye' vote."

Speaker McPike: "And on the Motion, Representative Saltsman."

Saltsman: "Yes, thank you, Mr. Speaker. This Bill makes the state pay their fair share of construction costs with local government. When the State of Illinois has property that borders streets where citizens and adjoining property owners pay an assessment for these improvements, we the State of Illinois should pay the same amount of front footage assessments as our homeowners do in our

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neighborhood. This is our obligation and makes us a good neighbor to help share this cost. I live across the street from state owned property and if it were a city owned street on these local improvements, the property owner, the neighborhood and the municipality would have to share the cost that the State of Illinois does not pay. This is very good legislation, it's very fair legislation, and I ask for this veto override."

Speaker McPike: "Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I've heard this Bill presented by Representative Tuerk numerous times over the many years I've been down here and I think it's a Bill whose time has come just in the name of fairness, and I think we should pass it at this time. Thank you."

Speaker McPike: "Mr. Leitch to close."

Leitch: "Thank you, Mr. Speaker. I think the last speaker said it all. This is a Bill whose time has come and I'd appreciate an 'aye' vote."

Speaker McPike: "Representative Keane."

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

Speaker McPike: "Well, actually he closed."

Keane: "Well, then I rise..."

Speaker McPike: "He said he would be glad to yield."

Keane: "It's my understanding that the Governor's Veto was favorable in protecting the state...protecting state property from being subject to local property tax. If we override the Veto, it's my understanding that state property will be subject in certain cases to local property taxes. And if that's the case then, I would be opposed to the Override Motion."

Speaker McPike: "Mr. Leitch."

Leitch: "Well, I think there's been all kinds of analyses and all

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kinds of exaggeration in connection with what is a very, very simple Bill. What this Bill would simply do is in the case of a special improvement project, if the state owned some real estate and you're putting the sidewalk in, the state pays it's front foot per share just like any other homeowner would. And it is not a situation where we are reversing the philosophical western...the tide of western civilization or something, as is some of the people who have looked at this Bill have alleged. This is a very simple, fair Bill and it's one that is long overdue."

Speaker McPike: "Mr. Keane."

Keane: "Well, thank you for that answer. However, it does not change the fact that if we override this Bill, state property will be subject to local property tax. The Bill went down yesterday and I would suggest that we not override the Governor's Veto today. Thank you."

Speaker McPike: "Mr. Leitch, it was generous of you to yield, so would you like to close again?"

Leitch: "Well, this is not a situation where we're going to be putting the state in the property tax paying business. What we're doing is, assessing the state an appropriate per front foot cost charge along the lines of other homeowners in a special improvement project. Most of these projects are small projects. If they were larger projects...I mean the state already pays for sidewalks, curb improvements and these things, when it's a larger, major, regular state project. Why is it if this lot is across the street or next to you or in your neighborhood, suddenly you stiff the neighbors for it? That makes absolutely no sense. We are stiffing our neighbors who are already suffering from high taxes and who are already complaining about the unreasonableness of this situation. It's one more thumb in the eye. This is a very simple, small, straightforward

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Bill, and its time is long overdue."

Speaker McPike: "Question is, 'Shall House Bill 441 pass, the Veto of the Governor notwithstanding?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. Representative Saltsman."

Saltsman: "Yes. Mr. Speaker, while I was campaigning for this vote I forgot to hit my own switch. I'd like to be recorded as 'green' if possible, or..."

Speaker McPike: "Record Representative Saltsman as 'aye'. Representative Lou Jones. Representative Jones."

Jones, L.: "Thank you, Mr. Speaker. Record me as 'present'."

Speaker McPike: "Record Representative Jones as 'present'. On this Motion there are 72 'ayes', 21 'nos', 14 voting 'present'. This Motion having received the required three-fifths majority is adopted, and this Bill is hereby declared passed, the Veto of the Governor notwithstanding. The Chair has been informed that there are lobbyists on the House floor and the rules do not allow that. So, would the lobbyists from various associations please leave the floor. House Bill 795, Mr. Novak."

Novak: "Thank you, Mr. Speaker. House Bill 795 amends the...amends the Compensation Act for state employees that are injured in the line of duty. Currently...the current law right now applies to law enforcement officers, police, fire department personnel, correctional employees and other law enforcement people. What happens is, if they're injured in the line of duty they're given the option of 100 percent compensation. These people perform a vital public service to the citizens of Illinois and it's well deserving. The purpose of House Bill 795 is to extend this coverage to our 13,000 Illinois Department of Mental Health employees. I can speak from experience that when I worked

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at Manteno Mental Health Center, there were often the times that state employees would be...would be put in unfortunate situations and they would be injured by a resident, somehow unfortunately, through an overreaction to a drug medication dosage or some other type of unfortunate mental health affliction. We have 13,000 people that work for the State of Illinois in this state, and if you have a mental health facility in your district, I have Shapiro Mental Health Center in my district and I have a petition here with about 500 names and you're welcome to see it. And this was all in support of this override. This is a very good Bill. We...you have to have compassion working for the Department of Mental Health with people with unique and specified disabilities. That's...that's the mission of our state agency. And what we want to do is provide our employees a little extra benefit here and it's worthwhile. The vote in the House was 83 to 31 and was a bipartisan support. The vote in the Senate was 56 to 2 and was an overwhelming bipartisan support. I have Republicans that are Cosponsors of this Bill and I would ask their support. I would ask my Democratic colleagues on this side of the aisle to override this veto."

Speaker McPike: "Is there any discussion? Representative McCracken."

McCracken: "The propriety of extending this extraordinary degree of insurance coverage depends on whether you want to categorize mental health workers along with prison guards. I submit to you that that is not a rational classification. What it says is, our mental health patients in state institutions are dangerous and have to be protected, that society has to be protected from them and that these people who work in the system run the types of risks typically associated with prison guards, firemen and the like, those

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who are working and risking themselves in the interest of public safety. This compensation requires that there be no alternative work required. That is, there can be no accommodation of the person's injury to a new job so that he can remain productive while still getting the benefits of the compensation award for his injury. So, what this means is, the person not only will be compensated to a greater degree than otherwise available, but he will not be able to be employed during the period of disability. It is...it is a wasteful practice and is not warranted by the facts of the case. I rise in opposition."

Speaker McPike: "Representative Satterthwaite."

Satterthwaite: "Will the Sponsor yield for a question? Representative Novak, is the Bill in any way limited to Chester or those mental health facilities that would have people who would otherwise be under correctional care if it were not for their mental health condition?"

Novak: "Representative, no, it is not. It applies to every mental health facility in Illinois."

Satterthwaite: "Well, reluctantly then, I rise in opposition to the Motion to Override the Governor's Veto. I believe that there may be an appropriate role for a definition such as this for people who are working directly with people who need maximum security, people who have been responsible for criminal activity that may have been a part of their mental health condition. But, in order to really make people aware that mental health is different than people who are in the Department of Corrections, I think we may be giving an onus to mental health patients that they do not justly deserve. The former speaker made reference to the fact that it is the custom within the Department of Mental Health that employees who have been injured in the line of work can be reassigned to other duties during the period of

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time under which they are recuperating, if they are able to fulfill other duties within the department. In the case of the Department of Corrections, as I understand it, people would not be employed in other assignments. And so I think the result of this will be that in fact, the Department of Mental Health will be even further restricted in the numbers of staff people that they will have available to their programs, and will in fact put the employees in even more severe danger of some kind of injury because of the limited number of people in supervision. And so, although I understand the Gentleman's intent to help employees, I think it will in fact backfire and that we will find that there is poorer service within our mental health institutions. And for that reason, I would urge the Members not to override the Governor's Veto."

Speaker McPike: "Representative Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have great respect for the previous speaker, but I reluctantly rise to disagree with her. It is time that we send a message to those professional employees in our mental facilities. If we can afford both at the state level and the local level to say to them that we appreciate what your doing and we realize that there is a risk factor to you. It is unfortunate, but it is so. There is a risk factor to employees and there is a risk factor to employees just the same as there's a risk factor to other employees under the auspices of state government whom we protect with specific legislation similar to this. We should expand the existing legislation to cover the employees who serve in our mental facilities and do so with inadequate compensation, who do so at the present time with inadequate staffing levels who find themselves on a routine basis in situations for which they really have not been trained

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professionally, because they are required to fill-in and do someone else's job because of layoffs, illnesses, or inadequacy of staff, and they expose themselves to greater risks than they should have been exposed to. We're doing all this already. The least we can do is say to those people, that we will take care of you if you are injured. The worst we should do to them is to say, we are indifferent, we are hardened to the possibility that you might be...might be injured and we're indifferent and don't care. We should put a green vote up on the board for this Bill and send at least a small signal of hope to those good people who work in our mental facilities and do the kind of job that is outstanding and they are unrewarded both in the public's eye and in the pocketbook. The least we can do for them now, is vote green. Please vote green."

Speaker McPike: "Representative Curran."

Curran: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The two people I've heard speak against Representative Novak's Motion, spoke on the sense that perhaps we wouldn't be doing any good for the state employees who Representative Novak is trying to help. Well, I think that when you realize that it is the state employees' organizational unit AFSCME, which wants this override, that we ought to have faith in those people to understand what's best for their own and not be second guessing them. I think Representative Novak has constructed a great piece of legislation and I think his attempt to override this veto is a good idea and one we ought to agree with if we value state employees lives."

Speaker McPike: "Mr. Novak, to close."

Novak: "Thank you, Mr. Speaker. Ladies and Gentlemen we heard the debate on the merits of this Bill. We discussed this Bill earlier in the Session and it was passed as I

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indicated, with a bipartisan support. I totally support the Illinois Department of Mental Health in its mission in providing caring, competent, compassionate care for our mentally afflicted citizens. I totally support that mission and we can always strive to make it better. Picture yourself in a situation like this, you've worked 10 or 15 years as a dietary worker or a support service worker or a housekeeper or a social worker or even a physician. And unfortunately, these things happen. It is a reality that the department and the Legislature has to deal with. There is a tendency to become injured by some type of an outbreak by...in a resident. It's an unfortunate situation. It's part of life that we have to deal with. The least thing that we can do for our state employees, whether you live in Dixon or Manteno or Shapiro Developmental Center or Chester or Zeller Zone Center or wherever, all these facilities we have in the state, and I'm sure they're your constituents and they call you, they may have called you about this Bill, but the least thing that we can do for them, Ladies and Gentlemen, is to provide a little extra cushion, a little extra benefit there because they are compassionate and caring people. It takes a unique type of personality to work in a mental health facility. We all know that, you all know that and let's just give them a little bit support and override this Bill. I thank you for your support."

Speaker McPike: "The question is, 'Shall House Bill 795 pass, the Veto of the Governor notwithstanding?' All those in favor vote 'aye', opposed vote 'no'. Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker. To explain my vote. Because of a potential conflict, I'll be voting 'present' on this issue."

Speaker McPike: "Have all voted? Have all voted who wish? The

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Clerk will take the record. On this Motion there are 74 'ayes' and 32 'nos'. Representative McCracken."

McCracken: "Ask for a verification."

Speaker McPike: "Mr. Clerk, would you poll those not voting?"

Clerk O'Brien: "A poll of those not voting. Churchill. Cullerton. Currie. DeLeo. Giglio. Munizzi. Myron Olson and Terzich. No further."

Speaker McPike: "Mr. Clerk, Representative McCracken has requested a verification. Would you read the names of voting in the affirmative?"

Clerk O'Brien: "Balanoff. Barnes. Black. Bowman. Breslin. Brunsvold. Bugielski. Capparelli. Curran. Davis. DeJaegher. Didrickson. Dunn. Edley. Ewing. Farley. Flinn. Flowers. Giorgi. Goforth. Granberg. Hallock. Hannig. Hartke. Hasara. Hicks. Homer. Lou Jones. Shirley Jones. Keane. Kirkland. Krska. Kulas. Lang. Laurino. LeFlore. Leverenz. Levin. Martinez. Matijeovich. Mautino. McGann. McNamara. McPike. Morrow. Mulcahey. Novak. Bob Olson. Phelps. Preston. Rice. Richmond. Ronan. Ryder."

Speaker McPike: "Excuse me, just a minute. Representative McNamara would like leave to be verified, and Representative Balanoff."

Clerk O'Brien: "Saltsman. Santiago. Shaw. Stephens. Stern. Sutker. Tate. Trotter. Turner. Van Dyne. Weaver. Weller. White. Williams. Williamson. Wolf. Woolard. Anthony Young. Wyvetter Young and Mr. Speaker."

Speaker McPike: "Wyvetter Young, she would like leave to be verified. She is right here in the middle. Anything else? And Bob LeFlore would like the same thing. And Dick Mautino. And Nelson Rice. Nelson Rice is right down front. Charlie Morrow. Okay, that's it, no more. Mr. McCracken."

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McCracken: "Thank you. Representative Leverenz?"

Speaker McPike: "Mr. Leverenz here? Yes, right there."

McCracken: "Representative Farley?"

Speaker McPike: "Representative Farley? Right down front."

McCracken: "Representative Shaw?"

Speaker McPike: "Representative Shaw here? Mr. Shaw? Remove Mr. Shaw from the Roll Call."

McCracken: "Representative Laurino?"

Speaker McPike: "Mr. Laurino? Representative Laurino? The Gentleman here? Remove him from the Roll."

McCracken: "Representative Turner?"

Speaker McPike: "Representative Turner? Mr. Turner? Remove him from the Roll."

McCracken: "Representative Bugielski? Alright, I see him. Representative Dunn...."

Speaker McPike: "Representative Bugielski?"

McCracken: "I see him, John...Jim."

Speaker McPike: "Representative Turner is where? Okay, Mr. Turner has returned. Mr. Clerk, add him back to the Roll Call. Mr. Bugielski? Right over here."

McCracken: "I see him. Representative Bowman?"

Speaker McPike: "He's right in the aisle."

McCracken: "Representative Levin?"

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

McCracken: "Representative Brunsvold?"

Speaker McPike: "Representative Brunsvold? Brunsvold is in the middle."

McCracken: "Representative Giorgi? Alright, I see him."

Speaker McPike: "Zeke is over here. Representative Currie right down front would like to be recorded 'aye', Mr. Clerk. Record Representative Currie as 'aye'."

McCracken: "Representative Mautino?"

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Speaker McPike: "Mr. Mautino? He had leave to be verified."

McCracken: "Representative Capparelli?"

Speaker McPike: "Mr. Capparelli?"

McCracken: "Okay, I see him."

Speaker McPike: "He's right over here."

McCracken: "Representative Krska?"

Speaker McPike: "Mr. Krska? Mr. Laurino is right down front, he would like to be voted 'aye'. Who did you question?"

McCracken: "I don't know it's been so long since I had a name."

Speaker McPike: "Oh, Krska, I'm sorry. Representative Krska."

McCracken: "Krska."

Speaker McPike: "The Gentleman is not here, remove him from the Roll. Representative Cullerton would like to be added as an 'aye' vote. Representative Giglio would like to be added as an 'aye' vote. Representative Olson would like to change his vote from 'aye' to 'no'. Representative Black would like to change his vote from 'aye' to 'no'."

McCracken: "Representative Ewing?"

Speaker McPike: "Mr. Ewing? Mr. Ewing is right over there."

McCracken: "Representative..."

Speaker McPike: "Representative Levin would like to be recorded as 'aye'. Anymore questions?"

McCracken: "Representative Ryder?"

Speaker McPike: "Mr. Ryder? Mr. Ryder? Mr. Ryder, would you like to change your vote or...Mr. Ryder is here."

McCracken: "Representative Weller. No, he's here. Representative...Do you think I should continue doing this to the Republicans?"

Speaker McPike: "If you could get these Republicans to drop off, you can defeat this."

McCracken: "Representative Tate?"

Speaker McPike: "Mr. Tate? Is Mr. Tate here? Mr. Tate is not here, remove him from the Roll."

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McCracken: "Representative Stephens?"

Speaker McPike: "Representative Stephens? Is the Gentleman here?
Remove him from the Roll."

McCracken: "Representative Hallock?"

Speaker McPike: "Representative Hallock? Is Mr. Hallock here?
Remove him from the Roll."

McCracken: "Representative Didrickson?"

Speaker McPike: "Representative Didrickson is right in the middle
aisle."

McCracken: "Nothing further."

Speaker McPike: "Representative Munizzi would like to be recorded
as 'aye'. On this Motion there are 71 'ayes', 34 'nos'.
This Motion having received the required three-fifths
majority is adopted and this Bill is hereby declared
passed, the Veto of the Governor notwithstanding. House
Bill 1313, Representative Wyvetter Younge."

Younge, W.: "Thank you, Mr. Speaker and Members of the House.
House Bill 1313, I move to override the Governor's Veto.
This is a Bill that would provide that the 2 percent tax on
receipts paid by foreign fire insurance companies doing
business within a municipality be used for new fire
equipment, and that the equipment that is going to be
purchased, be decided on by the fire department. The
Governor vetoed the Bill because he objected to the fire
division of the municipality making the decisions as to
what the new equipment would be. What has happened in the
past is that first of all, the original intent of this Bill
was that the funds raised would be used for new fire
equipment, rather than pension funds. Today as the law
stands, these monies are used for pension funds and the
monies go into the general fund. There is a different
provision for a pension fund payment and it is the
Downstate Firefighter's Pension Code Article 4. So the

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money isn't needed for that, what is needed is new equipment and the firemen can make adequate decisions, they use the equipment and they know what they need. I'll ask my Cosponsor, Representative Saltsman, if he wishes to comment further?"

Speaker McPike: "On the Motion, Representative Currie."

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

Speaker McPike: "Yes."

Currie: "Representative Younge, I'm not sure I understand exactly how your provision would work. Today these dollars are collected to pay for pension costs and they go to the city to be spent for pension or other kinds of firefighter needs. Is that right?"

Younge, W.: "Yes, this is an Associated Firefighter of Illinois Bill. There is a separate provision for pension fund monies and their pension funds are adequately covered. The original intent of this Bill when originally enacted 25 years ago, was to have these funds go into new fire equipment and my Bill 1313, would specify that rather than its going for other purposes. And it is an Associated Firefighter of Illinois Bill and this is what they want."

Currie: "So, let me ask what happens about the pension money. If some monies are needed to pay the pension fund, this Bill as I understand it would eliminate the option of using these dollars to meet pension requirements. Is that right?"

Younge, W.: "The Illinois Firefighters' Association believes that the Article 4 of the Downstate Firefighters' Pension Code adequately handles their pension needs. What they need is new equipment."

Currie: "What happens if the...if the pension requirements are not met by the separate tax, who pays the pension cost

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then?"

Younge, W.: "This Bill would require that these funds would go specifically for new equipment. This is what they want these funds to go for."

Currie: "But I'm just asking the question, what if the pension funding requirement is not met in some other fashion? Under your Bill these funds could not be used to pay the pension costs. Who would pay those costs? Would the city have to pay those costs out of some other fund?"

Younge, W.: "I take it that they would. The point here is that the firefighters believe that they are adequately covered in reference to pension cost. They need new equipment and this is what this Bill would do."

Currie: "A second question, Representative. Do we know that the cities who now collect these funds are refusing to use them for equipment for firefighting purposes?"

Younge, W.: "This is the information I've received from the Illinois Firefighters' Association, that rather than using it for new equipment as originally intended, they're using it in the general fund to build roads and to do a whole lot of other things that it wasn't intended to do, and they want the money used specifically for new equipment."

Currie: "Well my only concern...To the Bill, Mr. Speaker. My only concern about the Bill is that if the pension costs are not met through the taxes already provided for them, I'm afraid this Bill would prevent paying for pension costs out of this particular tax. I think that's questionable public policy, since it would clearly mean that the city would be picking up the pension costs out of some totally unrelated tax source. I would recommend that the Associated Firefighters take a local municipality to court, if the local municipality is misusing the proceeds from this tax and using them for purposes that are totally

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unrelated to firefighting. I think that might be a better way to deal with any infractions of the...of the public policy that are already in place in respect to this tax, than overriding this Veto. I agree with the Governor that the municipal authority is the place where the responsibility lies and I'm fearful the municipality may find itself paying for pension costs for firefighters out of unrelated funds if we override this Veto."

Speaker McPike: "Representative Black."

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

Speaker McPike: "Yes."

Black: "Thank you. Representative, let me ask you a question as to your legislation. It says that the receipts will be remitted to the fire department treasurer in municipalities under 250,000 population. Who is the fire department treasurer? Is that a municipal officer, or appointed by the fire department or who is that treasurer?"

Younge, W.: "The treasurer is appointed by the chief of the fire department."

Black: "Okay. So, it would be remitted to a member of the fire department, not a member of local government, correct?"

Younge, W.: "It would be remitted to the treasurer of the department."

Black: "Alright."

Younge, W.: "It could be the chief, but not an elected official."

Black: "Is then, and I think we all know the answer to this, but is then the fire department treasurer subjected to certain controls by the public at large?"

Younge, W.: "Well, the treasurer and the chief are appointed by the local governmental authority, the board of aldermen or the councilmen and...and therefore, there is a review by the public of the officers and the employees that have been

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appointed. The point is that the firefighters are the ones who know the equipment, who know the equipment needs, and it would be better for them to have a decision as to what decision...what kind of equipment is needed. There is a dire need for new fire fighting equipment in these various municipalities. Over the years where the firefighters have made the decisions there have not been one question raised as to the appropriateness of their decisions in reference to the fire equipment that is needed. There has never been any question about that. The only question is, that these funds that were originally intended to be used for new fire fighting equipment, are not going for that. What they're going for, are pension funds and there's a separate code that takes care of that. In these municipalities the fire equipment is awful, it is just awful."

Black: "I understand that. I think you've covered that ground, but I don't believe you ever did answer the previous speaker's question. If indeed there is a shortfall in the contributions to the fire...firemen's pension fund, how is that shortfall made up? And I can assure there are cities out there who are dangerously, dangerously deficient in payments to the firemen's pension fund. Now, if this money doesn't go to the firemen's pension fund and is spent elsewhere, as you've indicated, is not the taxpayer of that municipality liable for whatever it takes to adequately fund the firemen's pension?"

Younge, W.: "The firemen's pension fund is a separate levy that is judged..."

Black: "I understand that. That isn't what I asked you. I understand all that. If there is a shortfall and there is in many cities throughout this state, who is responsible for making up the shortfall? Is it the taxpayer of that community and can that taxpayer be forced to make up that

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shortfall without a referendum?"

Younge, W.: "Pension funds are paid jointly by the annuitants, or the people who have the pensions, and the...the...the citizens and the shortfalls would have to made up..."

Black: "I'm sorry, what did you say? By the citizens? By the citizens did you say?"

Younge, W.: "Yes, they pay all funds having to do with municipalities."

Black: "Alright. That's right through their tax revenue, correct?"

Younge, W.: "That's right. And there have to be levies for this."

Black: "Does that levy float?"

Younge, W.: "Does it what?"

Black: "Can that levy go up without referendum to meet any shortfalls in the firemen's pension fund?"

Younge, W.: "Yes, it can."

Black: "Thank you, very much. That's all I wanted to know."

Speaker McPike: "Representative Stephens."

Stephens: "Well, this an issue that I thought I had a clear handle on before, but I find myself in the perplexing position of siding with Representative Currie or Representative Younge, and I'm usually in agreement with both of them on many issues and now I have to choose between them and I choose Representative Younge. I think she's absolutely right on this issue. ii's...and I congratulate her on her efforts and I think that the Governor has made mistake here. Thank you."

Speaker McPike: "Representative Barger."

Barger: "Thank you, Mr. Speaker. Ladies and Gentlemen of the General Assembly, may I have some attention please. This particular issue is one of spending money that is suppose to go to the local municipality for the fire department

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purposes. Now in each municipality we have a mayor and city council that are elected by the people to represent them and to make the decisions necessary to operate their government efficiently. In this particular case we have funding that is to go for improving the equipment of the fire department. Now, the chief of the fire department and the firemen will meet with the city manager of a city and the mayor and they will determine what they need, but the final judgment should rest with the elected officials just as it does with you and I here in the General Assembly. We should very strongly object to the idea that government bureaucrats whether they wear the uniform of a fireman, a policeman, sanitary department or any other branch of government, should be making the choices as to where the taxpayers' money is spent. That is the responsibility of the Legislative Branch and the Executive Branch, and I would suggest very strongly that we uphold the Governor and we vote 'no' on this Motion to override. Thank you all, very much."

Speaker McPike: "Representative Saltsman to close."

Saltsman: "Thank you, Mr. Speaker. The municipalities under 50,000 population currently have this privilege. So therefore, if a population is at 49 or 50,000 now and then the population rises above 50,000, they lose this privilege. You've already got the larger part of your municipalities and all your smaller ones that have this fund sent directly to the fire services. If the fire department were to receive \$50,000 from this fund, it would be used for concerns within the department and that is what it was designed for years ago. The amount of monies that are to be spent...We've got some fire departments that have been neglecting the state. One case, we seen a picture of a \$170,000.00 aerial truck setting

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there with a flat tire and didn't move because they wouldn't buy a tire for it. If the fire services had this instead of some city manager or mayor who has neglected...this equipment would have been running, it would have been in service and it wouldn't have been neglected, because that's what these funds are for. So, we're only limited as it don't say...it does not say in the Governor's remarks that other municipalities which are under 50,000, already have this privilege. And as far as the pension funding goes, that is a separate levy which Representative Younge mentioned. It's a levy that's anticipated by the actuaries of the State Department of Insurance, and the only cities that have any problems are cities who have underfunded these pensions for the last 30 years. And we got several cities in the State of Illinois, at least a dozen, who have not paid their share and this is why this is caught up with them and they might be using out of their general budget because they are not letting the proper tax that they are allowed to, under the Downstate Police and Fire Pension Act. So, therefore, the only ones that's going to have any problems are the people that haven't treated this funding, haven't treated this...levy right and have really...Previous mayors and city councils have put present mayors and city councils into this type of a bind, and if we don't straighten it out now other councils and mayors of the future are going to have this same problem. So at that, this is a good Bill. It don't amount to a whole lot of money, but still the fire department has to answer to the mayor and the city council. If they would receive 50,000, the city council could give them less 50,000 out of their GRF, but at least with that money it would be going for the repairs and the new breathing apparatus and so on, that many of our city

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fathers neglect to...to have done. So at this time, this does not concern a whole lot money, but it concerns...it's monies that deserve to go into a system that where it was originally...this legislation was originally passed on its foreign fire tax to go to. It should go right directly to the fire services and I ask you to support this override."

Speaker McPike: "The question is, 'Shall House Bill 1313 pass, the Veto the Governor notwithstanding?' 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 77 'ayes', 36 'nos', 1 voting 'present'. This Motion having received the required three-fifths majority is adopted. This Bill is hereby declared passed, the Veto the Governor notwithstanding. House Bill 1559, Mrs. Younge."

Younge, W.: "Thank you. Thank you very much. Thank you, Mr. Speaker, and I thank the Members of the House for supporting me on the other Motion override. I move to override the Governor's Veto on 1559. This is a Bill which would establish the Financially Distressed Communities Act. This Act would offer a coordinated plan to municipalities that are near bankruptcy and make it possible for the Illinois Development Finance Authority to float bonds that will be retired through debt service, through monies that had been set aside by the Comptroller for the debt service. The Governor has said that he thought the Bill had merit, but he had some reservations about the repayment plan and whether or not there would be adequate funding of the repayment. And I...in thinking about that feel strongly that the Illinois Finance Development Authority would make sure that there is a sufficient amount of money reserved to pay off the bonds. This provision would last only two years and during the two years, we would have an

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opportunity to see how it is working. The Governor thought that there would be a preemption of home rule authority and there is absolutely no possibility of a preemption, because the municipality would have to enter into an agreement with the Illinois Finance Development Authority. And I have checked with the lawyers, with the research bureau, I have checked with the Comptroller's Office, I have talked with the Illinois Finance Development Authority and all agree that in those cases in which the municipality...the home rule...the municipality has agreed to the set aside, there is no preemption question. And because that is true, I ask for your support to override this Veto."

Speaker McPike: "On the the Motion, Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. Representative, with all due respect, one in a row might be enough today. I have to rise in opposition. We passed House Bill 211 with the...without the Governor's Veto notwithstanding yesterday, Representative McNamara's Bill. I think we've already taken one approach to this issue. I understand your concern...municipalities in your district and around the state that have municipal problems that we need to assist. I think Representative McNamara has an approach that works, and we ought to follow that and not go off in different directions trying to solve the same problem. So, I reluctantly rise in opposition. I hope that...I think this Bill got 'no' votes on this side of the aisle in the regular Session, and I would urge the Republican Members to stick to that course of action."

Speaker McPike: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. I also rise in opposition to the Bill. Representative McNamara's Bill, House Bill 211 has been passed by this Body notwithstanding the Governor's Amendatory Veto of that Bill. That Bill's passage makes

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this absolutely duplicative and superfluous of prior legislation already approved. More importantly, IDFA does not have the authority to issue general obligation bonds and has no dedicated repayment stream to service the debt. It is absolutely unworkable, absolutely impossible to affect this given the status of other authorizations in appropriations that are not made as a part of this Bill. We have all had experience trying to fund programs out of bond proceeds, and we have learned that unless we can find a dedicated repayment stream, the bonds cannot be effectively marketed and...efficiently be costed. It's just absolutely not possible. This is something that is not workable and should not be overridden. I respectfully rise in opposition."

Speaker McPike: "Mrs. Younge to close."

Younge, W.: "Thank you, very much, Mr. Speaker. The repayment of the bonds seems to be the big problem. That problem is resolved in the Bill by an agreement between the municipality, the Comptroller's Office, and the Illinois Finance Development Authority setting aside funds that would be ordinarily due to the municipality to retire the debt service. In other words, of course we all know that the State of Illinois sends money, tax money, sales tax money, personal property replacement tax money, real estate tax money to municipalities. The repayment mechanism in this Bill is an agreement that part of that money that was ordinarily due the municipality would go to retire the bond debt. I think that that is a very creative way of raising money to help distressed areas. This portion of the legislation was written by the bond council for the Illinois Development Finance Authority. That is their recommendation as to how it will be done. Rather than having to come to you for funds, this problem can be solved

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in this way. The difference between Representative McNamara's Bill, which I support, and this Bill, is that after the planning commission under his Bill comes up with a plan, the problem is how is that plan going to be funded. Under my Bill the plan would be funded through bonds by the Illinois Finance Development Authority. Those Bonds would be retired through debt service money that is laid aside by the Comptroller, that would be due the municipality. I think that that's a very creative answer to a very sophisticated and complex problem. Robbins is a very small town, it is not East St. Louis. East St. Louis, has a debt picture of some \$40,000,000. It is...has an inability to pay its policemen and employees, it has no fire protection, it has no police protection. This is a very dire emergency which calls for a different approach than the approach under Representative McNamara...McNamara's Bill that I support for Robbins, Illinois, but the Robbins approach will not work in East St. Louis. And there is nothing wrong with our having two approaches, particularly when one of those approaches solves the problem of the funding. Under this Bill there will be no request for grants and loans that will come back to you. The authority will be able to make that decision and then retire those bonds out of monies due from the state to the municipality. And for those reasons, I ask your support of this Bill."

Speaker McPike: "The questions is, 'Shall House Bill 1559 pass, the Veto the Governor notwithstanding?' 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 60 'ayes', 49 'nos', 2 voting 'present' and the Motion fails. On page 2 of the Calendar, House Bills Second Reading. House Bill 1487. Read the Bill, Mr. Clerk."

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Clerk O'Brien: "House Bill 1487, a Bill for an Act in relation to Statewide Grand Juries. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker McPike: "Any Motions filed?"

Clerk O'Brien: "No Motions filed relating to Amendment #1."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Weller. Representative Homer."

Homer: "Mr. Speaker, I would like to interpose a parliamentary inquiry. Is this Amendment germane?"

Speaker McPike: "Representative McCracken."

McCracken: "Sorry, I was flipping for the phone. I request a Republican Caucus immediately, for one hour."

Speaker McPike: "Thanks for the notice."

McCracken: "If you hadn't gone out of order on the Calendar, I would have given you more notice."

Speaker McPike: "This Bill will be taken out of the record. The Republicans have asked for a Caucus, and this House will stand at ease until the hour of 3:00 p.m. It gives you just about one hour. In Room 118. The Democrats can have some lunch. House stands at ease."

Speaker Laurino: "The hour of four o'clock arriving, Republicans, please come back to the House floor. The House is in Session. Mr. Clerk, Committee Reports."

Clerk O'Brien: "Committee on Rules has met. Pursuant to Rule 29(c)3, the following Bills have been ruled exempt on October 17, 1989: House Bills #168, 879, 1382, 1695, 2402, 2511, 2514 and 2833. Senate Bills 47, 100, 370, 667, 731, 801 and 810. Signed John Matijevich, Chairman. Committee on Rules has met. Pursuant to Rule 29(c)3, the following Bills have been ruled exempt on October 18, 1989: House Bills #1192, 1287, 1609 and 2576. Senate Bills #632, 734,

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1075, 1096, 1136, 1322, 1379 and 1451. Signed John Matijevich, Chairman. Representative Matijevich, Chairman of the Committee on Rules, to which the following Resolution was referred, action taken October 17, 1989, reported the same back the following recommendation: 'be adopted' Senate Joint Resolution 54. Representative Currie, Chairwoman of the Committee on Revenue, to which the following Bill was referred, action taken October 18, 1989, reported the same back the following recommendation: 'do pass' Senate Bill 801."

Speaker Laurino: "Representative Stephens on the floor? On the Order of Gubernatorial Noncompliance on Amendatory Vetoes, page 14, House Bill 2693, Representative Stephens. On a Override Motion, Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker."

Speaker Laurino: "Proceed, Representative Stephens."

Stephens: "House Bill 2693 is the Fetal Tissue Bill. The Bill in its original passage with only 25 'no' votes in the House prohibited the use of fetal tissue in experimentation in transplantation, gave exemptions for natural miscarriage and still birth, and as I described the Bill in its original form, was a pro-life Bill that those of you who are pro-choice should find acceptable, because it in no way limited abortion but certainly went some distance in not, at least, encouraging abortion. The issue before us today is that the Governor has interpreted the Bill in the following manner. He has basically said that well, at least with his Amendatory Veto, someone would benefit. A renowned physician who was accepted as a leader in his field said, on this issue, 'The very essence of what we stand for as a nation is represented in the use of this tissue for the furtherment of mankind.' 'The very essence of what we stand for as a nation', he said, 'was

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represented by the use of this tissue for the furtherment and the betterment of mankind.' Very similar to what the Governor said in his Amendatory Veto when he suggested that this tissue can go a long way toward the furtherment of medical science and mankind. Are these wise words? I ask you to read your history books because the doctor, Doctor 'Abbott', the renowned physician, who is the same Doctor 'Abbott' who was the leader of the Nazi doctors, the Nazi medical team that tried somehow to justify the taking of human life because we were going to use those Jewish bodies, who were guilty of no sin other than being born Jews, and to use that tissue in the furtherment of mankind, while taking a human life. It was wrong in 1942 when the Nazis proposed the same idea that somehow mankind would benefit, that our Governor has proposed in his Amendatory Veto. Ladies and Gentlemen, this a pro-life Bill, it is a pro-choice Bill. Let it not be caught up in the issue of abortion alone. Let it be caught up in the judgment of a society and its values. The Governor wants to call it fetal tissue. Ladies and Gentlemen, we are talking about experiments on babies, babies who feel organic pain. The experiments are done without anesthetics, because that increases the purity of the experiment. We wouldn't want anesthetics to get in the way of the purity of the experimentation. And the issue before us is not whether abortion is right or wrong, that's not the question today. The question is, should we encourage abortion? Should we encourage the harvesting of babies? Call it fetal tissues if you wish. But should we encourage it in the name as Doctor 'Abbott' the famous Nazi physician says of furtherment of the good of mankind. We have a twisted...twisted view of mankind when we take dead babies and use them for experiments. You voted, 81 of you voted

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in support of this Bill. The Governor was wrong to amendatorily veto it, and I hope that you will stand today in defense of your vote in the spring. And I move to override the Amendatory Veto and hope that you will join me."

Speaker Laurino: "Any discussion? The Lady from Cook (sic - Lake), Representative Stern."

Stern: "The Lady from Lake, Mr. Speaker and Members of the House. I rise in opposition to the Gentleman's Motion. To foreclose scientific experimentation on fetal tissue, the product of an abortion, the product of a miscarriage or whatever, is in my view like saying there shall be no more trips to the moon, no more experiments in space, to place an artificial barrier against science. I think this is a serious error. I think the kinds of remarkable, wonderful pro-life if you will, results that have come from this kind of scientific experience says to us that it is for people. It is a humanitarian kind of research and something that should be encouraged, not prohibited. If there is concern that people are going to be paid for this kind of product, that has been taken care of in the Bill, it is my understanding. If there is concern that someone is going to deliberately get pregnant as I heard implied here at an earlier debate on this issue in order to have an abortion, I think we can lay that to rest by saying that nobody undertakes to have any kind of uncomfortable medical procedure for such a reason. It is perfectly appropriate for the State of Illinois to permit the use of fetal tissue, which is no longer living and feeling, for the purpose of scientific experimentation. This is truly a pro-life act."

Speaker Laurino: "Further discussion? The Representative from Cook, Representative Cullerton."

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Cullerton: "Yes, would the Sponsor yield?"

Speaker Laurino: "He indicates he will."

Cullerton: "Representative Stephens, as I understand your original Bill, it had three Sections to it, is that correct? Three basic provisions."

Stephens: "Yes."

Cullerton: "And the Governor took out one of the three provisions but left in the first two?"

Stephens: "The Governor deleted the language that said that no person shall use an animal or human research or for animal or human transplantation of fetus produced by the fertilization of a human ovum by a human sperm."

Cullerton: "Okay, the other two parts of the Bill that he left in prohibit the offering of contracts or inducement to parents of an unborn child for the purpose of procuring an abortion or obtaining a fetus for research or transplantation and also the second one being prohibiting the offering or receipt of valuable consideration for any fetal organs or tissues resulting from an abortion. So he left in those two parts, is that right?"

Stephens: "Yes."

Cullerton: "Now, is it your intention if this Amendment doesn't...if this Motion doesn't pass, would it be your intention to accept the Governor's Amendatory Veto or..."

Stephens: "My intention is for this Motion to pass."

Cullerton: "I understand, but in aiding me in my decision as to how to vote on your Motion, I want to know if...you still are in favor of the first two parts of the Bill that the Governor left in with his Amendatory Veto, I take it."

Stephens: "The absolute...absolutely, I'm in favor of the entire Bill. And because by its entirety it includes two or three parts..."

Cullerton: "So if...if for some reason this doesn't pass, we

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could move to accept the Governor's Amendatory Veto, and you could attempt next Session to try to pass this part that he took out. If you...if you..."

Stephens: "At the expense of the loss of a great idea."

Cullerton: "Okay, now what if we pass it here, we pass your Motion here and then it goes over to the Senate and it fails. Then as I understand the rules, we would not be in a position to pass or accept that part of the Bill that the Governor left in, is that correct?"

Stephens: "Representative, we could get involved in a lengthy debate about a lot of..."

Cullerton: "That's just a yes or no answer, actually."

Stephens: "...a lot of variables. The best thing that can happen is we pass it out of both Houses and...and then we know exactly what we've got. We've got the Bill that already passed both Houses by an extraordinary majority."

Cullerton: "I understand but, you know, we don't have control over what happens in the Senate and so you have to sort of make a draw this time of year as to whether or not you want to jeopardize that part...portion of the Bill that the Governor chooses to leave in. And that's why, by the way, the Rules Committee said that this Amendatory Veto was not in compliance with our...our rules as to...as to how the Governor's authority relates to Amendatory Vetoes. He has put you in a bag again, a trick bag, if you pardon the expression, because you have three parts to your Bill. You're in favor of all three. He takes out one of them, and now your left to decide whether or not you can be for the other two."

Stephens: "Representative, the Amendatory Veto process has been with us since 1970, if I'm correct. It's part of our Constitution and that's not the issue here today. The issue here today is whether the three parts of the Bill in

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their original form passed by both Houses by an extraordinary majority ought to be kept in, and the point of fact is my Motion is quiet clear. It says, that yes, they should be kept in."

Cullerton: "No, I understand your Motion is clear. I just wanted to know what your intention was if it fails. Thank you for answering my question."

Speaker Laurino: "Further discussion? Seeing none, Representative...I'm sorry. Representative McCracken from DuPage."

McCracken: "Thank you. I think the distinction the Governor draws between what would be legal use of the fetus and the illegal act, that is when it is procured by abortion for that purpose, is not a fair statement of what could happen if this entire Bill became law. He would have you believe that this Bill can be interpreted so that where fetal tissue becomes otherwise available, not made available by abortion for that precise purpose, that it could be construed as illegal if the Section at issue were retained in the Bill and that is nonsense. It is absolute nonsense. Don't be fooled by it. It's not the issue. It's not a fair issue by which to judge this Bill. There is no imprecision in the use of language. There is no undue vagueness which would allow for the prosecution of somebody in innocent circumstances. That is absolutely unfair as a statement of the possible consequences of passage of this Bill. He glosses over the fact that although the Bill provides for the use of fetal tissue pursuant to miscarriage or natural abortion, really glosses over the fact that the Bill specifically sets forth what constitutes an offense and expressly and accurately and properly makes an exception to that rule. It is absolute nonsense to claim that this Bill will have any undue or unforeseen

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effect as a result of imprecise language. And it is a false issue. The real issue is whether you believe that aborted fetuses should be used for experimentation when the abortion was performed for the purpose of producing that fetus. It is absolutely nonsense. It defies logic and the analogy to much worse times is not inept. I think, Representative Stephens is absolutely correct."

Speaker Laurino: "Further discussion? Representative Kubik."

Kubik: "Question of the Sponsor."

Speaker Laurino: "He indicates he will answer."

Kubik: "Representative Stephens, I recall reading in the paper, I think it was the day before yesterday, that there has been some action on the federal level with regard to this issue. You know, that there has been a...some action on a federal level with regard to fetal tissue and the use of fetal tissue. Are you aware of any of that?"

Stephens: "Representative Kubik, I...I am not familiar with the actions in Congress on this issue. I'm sorry."

Speaker Laurino: "Further discussion? Seeing none. Representative Stephens, to close."

Stephens: "Mr. Speaker, thank you very much. This Bill received 81 votes in the House in May; 25 of you decided to vote 'no'. I only ask that this Bill, which was a product of a bipartisan effort, a Bill that the Speaker supported, a Bill that the House Minority Leader supported, a Bill that passed the Senate, a Bill that the Governor did not quite understand the significance of, needs to be held intact. The Governor was wrong, and I hope that you will join me in my Motion...support of my Motion to override the Governor's Veto. I move...I so move."

Speaker Laurino: "The question is, 'Shall House Bill 2693 pass, the specific recommendations for change of the Governor notwithstanding?' All those in favor indicate by voting

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'aye', those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Motion, having received the required three-fifths majority, 77 'aye', 32 'nay'...Representative Flowers, for what reason do you arise?"

Flowers: "Mr. Speaker, may I please have a verification of the vote?"

Speaker Laurino: "The rules provide that you may ask for a verification, Representative Flowers. Do you wish to do so?"

Flowers: "Verification, please."

Speaker Laurino: "Okay. Mr. Clerk, read the affirmative votes. Representative McCracken."

McCracken: "I have never had this experience before. Can I be verified now, so I can leave the floor?"

Speaker Laurino: "Whatever turns you on. Proceed, Mr. Clerk."

Clerk O'Brien: "Poll of the Affirmative. Ackerman. Barger. Barnes. Black. Brunsvold. Bugielski. Capparelli. Churchill. Countryman. Cowlshaw. Curran. Daniels. DeJaegher. DeLeo. Deuchler. Doederlein. Dunn. Edley. Ewing. Farley. Flinn. Giorgi. Goforth. Granberg. Hallock. Hannig. Harris. Hartke. Hasara. Hensel. Hoffman. Homer. Johnson. Keane. Klemm. Krska. Kubik. Laurino. LeFlore. Leverenz. Martinez. Matijevich. Mautino. McAuliffe. McCracken. McGann. McNamara. Mulcahey. Munizzi. Novak. Bob Olson. Myron Olson. Parke. B. Pedersen. W. Peterson. Petka. Phelps. Pullen. Regan. Ryder. Saltsman. Santiago. Sieben. Stange. Stephens. Tate. Terzich. Van Duyne. Wait. Weaver. Weller. Wennlund. Williamson. Wojcik. Wolf. Zickus and Mr. Speaker."

Speaker Laurino: "Questions of the Roll Call. Representative

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Flowers."

Flowers: "Is Representative Tate here?"

Speaker Laurino: "Representative Tate. Is Representative Tate on the House floor? Appears he is not. Remove him, Mr. Clerk."

Flowers: "Representative Bugielski?"

Speaker Laurino: "Representative Bugielski. Is Representative Bugielski on the House floor? Remove him, Mr. Clerk."

Flowers: "Representative Santiago, is he here?"

Speaker Laurino: "Representative Santiago. Representative Tate is back on the House floor. Return him to the Roll Call. Representative Santiago? Remove him, Mr. Clerk."

Flowers: "Representative Hannig?"

Speaker Laurino: "Representative Hannig? ...is in the rear of the chamber in the aisle."

Flowers: "Representative Deuchler, please?"

Speaker Laurino: "Representative Deuchler, did you say?"

Flowers: "Yes. Oh, I'm sorry, I see her."

Speaker Laurino: "She's here."

Flowers: "Representative Dunn?"

Speaker Laurino: "Representative Dunn. Right here."

Flowers: "Representative Farley?"

Speaker Laurino: "Representative Dunn wishes to be voted as 'present'. Is Representative Farley in...on the House floor? He's right here, by the well."

Flowers: "Representative Leverenz, please?"

Speaker Laurino: "Representative Leverenz. Is Representative Leverenz in the chamber? Remove him. Representative Brunsvold wishes to be verified. He's standing to your left right now, Mary, or to your right."

Flowers: "Representative Stange, please?"

Speaker Laurino: "Representative Stange. Representative Stange? Remove him, Mr. Clerk."

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Flowers: "Representative Martinez?"

Speaker Laurino: "Representative Ben Martinez. Representative Bugielski has returned to the House floor. Put him back on the...Roll Call. Representative Martinez. Remove him, Mr. Clerk. Representative Leverenz has returned to the House floor. Put him back on the Roll Call. Proceed, Representative Flowers."

Flowers: "Representative Mulcahey?"

Speaker Laurino: "Representative Dick Mulcahey. In the Republican side."

Flowers: "Representative Terry Parke?"

Speaker Laurino: "Representative Terry Parke."

Flowers: "I see him."

Speaker Laurino: "He's right here at the well."

Flowers: "Representative Homer?"

Speaker Laurino: "Representative Tom Homer. Representative Homer. Remove him, Mr. Clerk. Any further questions, Representative Flowers?"

Flowers: "Yes. Representative Regan. I'm sorry, I see Representative Regan. Representative...Representative Granberg."

Speaker Laurino: "Representative Granberg is right here at the...in front of the podium."

Flowers: "Representative Terzich, please?"

Speaker Laurino: "Representative Terzich. He's right behind me."

Flowers: "Representative Zickus, please?"

Speaker Laurino: "Representative Zickus. She is standing up. She is sitting down now."

Flowers: "Representative Keane?"

Speaker Laurino: "Representative Keane is standing behind you."

Flowers: "Representative Goforth, please?"

Speaker Laurino: "Representative Goforth. He was waving from the aisle, but he'll be on the House floor."

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Flowers: "Okay. He can stay. Representative Harris?"

Speaker Laurino: "Representative Harris. Representative Harris is in his chair."

Flowers: "Representative Stange?"

Speaker Laurino: "You already verified Representative Stange, off the Roll Call."

Flowers: "Representative Hoffman?"

Speaker Laurino: "Representative Hoffman. He's sitting in his chair, I think...Return Representative Martinez to the Roll Call. He's in the middle aisle. Further questions?"

Flowers: "Thank you, Mr. Speaker."

Speaker Laurino: "House Bill 2693, having received 73 'aye' votes, 32 'nay'...Representative Santiago. Return him to the Roll Call. Representative Leitch wants to be voted as 'aye'. Alright, this Bill, having received 75 'aye', 32 'nay' and 5 voting 'present', receiving the required three-fifths majority, the Motion to override prevails and House Bill 2693 is declared passed, the specific recommendations for the change of the Governor notwithstanding. The House Regular Calendar, on page 2, House Bills - Second Reading. House Bill 1487, Representative Homer. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1487, a Bill for an Act in relation to Statewide Grand Jury. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Laurino: "Further Amendments?"

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

Speaker Laurino: "Representative Weller."

Weller: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this Amendment deals with the leading cause..."

Speaker Laurino: "Representative Homer. Excuse me. Representative Homer. Parliamentary procedure."

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Representative Homer, what reason do you rise?"

Homer: "Mr. Speaker, before we...before the Republican caucus, I rose to challenge the germaneness of this Amendment. I would like to renew the question. The question being whether Floor Amendment #2 is germane to the Bill?"

Speaker Laurino: "We'll have the Parliamentarian check the Amendment and report back to you in a moment. I've been advised...The Chair has been advised that the Amendment is not germane, the reason being that this Bill deals with the statewide grand juries and criminal procedures, and your Amendment deals with the Dram Shop Act. So the Amendment is out of order, not germane. Further Amendments, Mr. Clerk."

Clerk O'Brien: "Floor Amendment #3, offered by Representative Barger and Weller."

Speaker Laurino: "Amendment #3 to House Bill 1487, Representative Barger and Weller. Representative Homer."

Homer: "Mr. Speaker, I would also question the germaneness of Amendments 3 and 4."

Speaker Laurino: "Representative Homer, right now we're dealing with Amendment #3. It's been advised...The advice of the Chair is that Amendment #3 is not germane simply because this is a new Act dealing with statewide grand juries and criminal cases, and your Act deals with the Vehicle Code. So Amendment #3 is not germane. Further Amendments, Mr. Clerk? Representative Barger."

Barger: "I merely wanted to thank you for the courtesy of allowing me to present it. Thank you."

Speaker Laurino: "You're welcome. Further Amendments, Mr. Clerk?"

Clerk O'Brien: "Floor Amendment...Floor Amendment #4, offered by Representative Weller."

Speaker Laurino: "Representative Homer."

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Homer: "Mr. Speaker, I would question the germaneness of Amendment #4."

Speaker Laurino: "It's been advised to the Chair that the Amendment is not germane, Representative Weller, because this is a new Act dealing with statewide grand juries and criminal cases, and your Amendment deals with the School Code. So the Amendment is non-germane. Further Amendments, Mr. Clerk?"

Clerk O'Brien: "Floor Amendment #5, offered by Representative Weller."

Speaker Laurino: "Representative Homer."

Homer: "Mr. Speaker, has this Amendment been printed and distributed?"

Speaker Laurino: "Mr. Clerk? It has not."

Homer: "It has not? I would then move to table Amendment #5."

Speaker Laurino: "Representative Weller."

Weller: "Speaker, this Amendment #5 was filed before we all recessed. That Amendment was filed before three o'clock. It's been almost two hours since that Amendment was filed. It should have been distributed by now."

Speaker Laurino: "Representative Homer."

Homer: "Well, has the Amendment been printed and distributed?"

Speaker Laurino: "No, it has not."

Homer: "Alright, let me substitute my Motion. Let me withdraw my Motion to table and simply challenge the germaneness of Amendment #5."

Speaker Laurino: "We'll have the Parliamentarian take a look at the Amendment and so rule. Alright, Representative Weller, this, as you know, has been stated before, this is a new Act. It deals with statewide grand juries and criminal procedures, and your Amendment deals with the Liquor Control Act or the Dram Shop Act and is non-germane. Further Amendments, Mr. Clerk?"

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Clerk O'Brien: "No further Amendments."

Speaker Laurino: "Third Reading. Total Veto Motions, page 6, House Bill 1848, Representative White. Is Representative White in the chamber? Out of the record. House Bill 1878, Representative Pullen. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1878, a Bill for an Act to amend the AIDS Confidentiality Act. The Motion to override."

Speaker Laurino: "Representative Pullen."

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is one of the more stunning of the Governor's Vetoes this year. This Bill was introduced to solve a problem that I think everybody admitted was there and probably was an oversight when the AIDS Confidentiality Law was passed. And I hope inadvertently that Act made it a crime for a doctor to inform the spouse of a HIV infected patient that the patient is infected. This Bill would permit the physician to inform the spouse, if the physician believes that the patient will not do so or has not done so after having promised to in a reasonable time. When we had it...well, when the Senate sent it back over to us, they had added to it provisions which would significantly cut state costs for AIDS virus testing by state agencies by providing that the Department of Central Management Services contract with one or more laboratories to do all such testing so that bulk purchasing could help us cut costs to the state and enhance quality assurance. The Bill also relieves the counties from the obligation of paying for the mandatory test of sex and drug offenders that were adopted by this Legislature two years ago. Having the Department of Public Health instead provide such costs in their budget and, of course, those costs would be limited by the Central Management Services contract. The Senate also put into this Bill the provisions involving the

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testing of inmates in the Department of Corrections. This is the Bill which now requires that when inmates are admitted, their medical exam would include an HIV test, or if a prisoner is already in prison, they would be tested at their next regular medical exam, that prisoners would be tested within a month before their release and if they are infected, the spouse would be informed so that the spouse at the time that the prisoner is coming home would know about the infection. It further calls for separating the infected inmates from the uninfected inmates in housing. As you know in our Department of Corrections, Illinois prison inmates are double celled. Right now the Department of Corrections has a policy with respect to this sexually transmitted and intravenous needle transmitted disease, this fatal virus, a policy of see no evil, hear no evil and there will be no evil. A policy of not wanting to know which prisoners are infected and which ones are not and just assigning them to their cells with each other without regard as to whether something might occur in that cell which would give the prisoner, who, it turns out, isn't infected, this deadly virus from the prisoner who it turns out is. Now a couple of years ago, the House and Senate passed a Bill of this nature and the Governor vetoed it and said that one of the reasons he was vetoing it was because we really didn't have any idea of whether this was a problem in our prisons or not, because we didn't know whether any of the prisoners in Illinois prisons were infected with the HIV virus. Keep in mind that this virus doesn't show symptoms for many years on the average. But now we do know, Ladies and Gentlemen, because the State of Illinois has done a blinded blood survey to find out whether Illinois prisoners are infected, and they found out that as many as four percent of Illinois prisoners are

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infected. That comes out to nine hundred Illinois prisoners. But they don't know which nine hundred; they just know that nine hundred prisoners are in the Illinois prison system with this symptomless virus in their systems and they don't know who. The Governor objects to prisoner testing, because his Director of Corrections objects to prisoner testing. I think because the Director of Corrections doesn't want to live up to his responsibilities to provide medical care. Director of Corrections also has a medical director who has a rather strange approach to this, that everybody's better off if everybody just thinks everybody else is infected and you just throw them all together and see what comes out in the end. But we know now that as many as nine hundred Illinois prisoners are infected and infectious, we just don't know which ones. Now the Director of Corrections has come up with a crazy fiscal note that he has attached to this Bill over and over again, over the last three years, which suggests to me that he doesn't understand that what we're asking for is that he not cell people together, not that we're asking for him to build new prisons just to house HIV infected people. We can make the decision not to make that kind of expenditure and still comply with this law. One of the things that really amazes me about this, as committed as I am to the prisoner testing section, and I am, is that the Governor didn't just take this out for Mr. Lane and make him feel again that he had been able to prevail. He vetoed the entire Bill. So the way it comes out, Ladies and Gentlemen, is we need to override this Veto or we will be continuing to say to the physicians of this state, and this time it would not be inadvertent, it would be intentional, that they are not permitted under law to notify the spouse of an infected patient that that patient is infected. Now

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I'm sorry that I have taken up quite a few minutes of your time, but it does have several provisions and I wanted to be sure that everyone understands what is in this Bill..."

Speaker Laurino: "Proceed. Bring your remarks to a close please, Representative."

Pullen: "...what is in this Bill and the gravity of it. And I am bringing my remarks to a close, Mr. Speaker, simply to ask that you join with me in voting to override the Governor on this most unfortunate Veto. Thank you."

Speaker Laurino: "Further discussion? Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Lady's Motion. First thing I'd like to point out however is that I'm...I'm very much impressed with the previous speaker's sincerity, and I think that she very accurately describes what her Bill does and the opposition. It's just that I would give a different interpretation to that opposition. Let's face it, we know we have a prison crowding problem in the state. We have built new prisons. We need more prisons. We have certain fiscal constraints and as a result, we haven't built as many as we perhaps should. As a result, we have a Department of Corrections that is about ready to explode. And we asked the Director of the Department of Corrections to keep a lid on the place and hope that there's no big riot and hope that more guards are not killed. At the same time, we don't give him enough prisons. We pass a Bill that according to the Director and his Medical Director would cause virtual chaos in the prison system. I think the previous speaker accurately described what happens now. When people come into this system, they don't know whether or not they have AIDS or not. What she suggests with the Bill is you take those who do have AIDS and put them in a separate wing, which is going to cost new money. We're

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going to have to build a new wing to these prisons. That means everybody in that room will know that they have AIDS. You can only imagine what's going to happen in that type of a prison facility. It's going to be extremely difficult to monitor that behavior, which is referred to as high risk activity. Now those in the other part of the wing, the other wing, those who think that they don't have AIDS because they took the test and it was negative. First of all, a good portion of those might actually have it, and they would have the false assumption that they can't get it from anybody else. And more importantly, even those who...who don't have it are going to, as is...human nature would tell you, would increase their high risk activity by inmates. All of which means, it's going to be absolutely impossible to run the prison system. Now it would be nice to pass this Bill if we had a lot of extra beds in the prison system. Then maybe it wouldn't cost so much money, maybe then we could hire more guards to monitor the activity and it would be a perfect world. But it isn't a perfect world. I agree with the Governor. I think that this Bill calls for either a 'no' vote or a 'present' vote, and I would ask my colleagues on this side of the aisle to join me in a 'present' vote or a 'no' vote on the Lady's Motion."

Speaker Laurino: "Further discussion? Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Motion to override. The Governor's correct, and remember in your vote on this Bill, you're talking about a fiscal impact to the State of Illinois and the Department of Corrections of up to \$57,000,000. The provisions of this Bill that require segregation are absolutely and totally onerous to the Department of Corrections. We are admitting new inmates to

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the Department of Corrections at the rate of 86 per week. Last week there was a 123 new inmates in the Department of Corrections, which does not have the staff, it does not have the correctional officers, the guards and the support staff to, in any way, handle this kind of an increase. We built three new prisons. We're now at 23. How many new prisons are you prepared to pay for, and how are you going to get the money? The State of Illinois is simply not in a position to put this type of burden on the Department of Corrections, which now is in a dangerous condition, because inmates are...are influxed into the system at such a rapid rate, we don't have the correctional officers and the guards and the staff to handle it. I agree with Representative Cullerton. Think about the fiscal impact. There is no way the Department of Corrections can provide for this type of segregation. Nobody is willing to pay the extra price it's going to take and to build another three new prisons just because we have to start segregating and place additional cost on the Department of Corrections. What the Department of Corrections needs now is more correctional officers, and they need more space. At the current rate of 86 per week, you're going to be building more new prisons next year. Segregation only adds to the problem. I urge a 'no' vote or a 'present' vote on this..."

Speaker Laurino: "Further discussion? Representative McCracken."

McCracken: "Let's stop treating this public health problem as if it were a civil rights issue. Prisoners in the State of Illinois have a right not to be infected. I don't like the prisoners, you don't like the prisoners, but when you treat it as a public health problem, the result is you stop people from getting infected and dying of the disease. The least a civilized society can do is accord some security

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for the people it incarcerates. We don't want them just to keep them away from society. If they have been sentenced to a prison sentence, we don't want it to be a sentence of execution. Period. It's that simple. It's not a civil rights issue. That's nonsense; it's a public health issue. I know it's not popular to say, I know it's not politic with the chic intellectuals but man, that's all it is. It's a public health issue. Period. How do you deal with public health? You segregate when you're talking about contagious disease. Period."

Speaker Laurino: "Further discussion? Representative Stern."

Stern: "Mr. Speaker and Members of the House, as a chic intellectual, it has been suggested that I stand up and respond. One of the other aspects of this, and there are certainly plenty of them to discuss, is the fact that Corrections Director Lane explained to a number of us on the Judiciary Committee last year that in order to keep pace with the current sentencing and the current laws on the books, we would have to build 13.6 new prisons in the next three years. That does not even take into account the possibility of segregating those with AIDS. I can think of lots of reasons to vote against this Override Motion, and I urge the other chic intellectuals to join me in voting 'no'."

Speaker Laurino: "Further discussion? Seeing none, ... Representative Flinn."

Flinn: "Well, if there's anybody else waiting to speak, I'd like to move the previous question and shut them all up."

Speaker Laurino: "We're getting to that. House Bill 1878...Oh, I'm sorry. Representative Pullen, to close."

Pullen: "You know, you would think that I was proposing to throw half the population of the State of Illinois into prison to add to the overcrowding problem. This Bill has nothing to

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do with the overcrowding problem. It has to do with protecting the lives of the people that are already in prison from getting an unadjudicated death sentence, because the Department of Corrections doesn't care about their health and safety. It also has to do with allowing physicians to inform the spouse of an infected patient that that spouse is in danger. And if you vote against this override, you don't want the spouses of infected people in Illinois warned even when the patient refuses to warn his own spouse. This is the only Bill that has that provision in it, and that's what you're voting on. And I do hope that you will vote to override the Governor on this bad mistake that he has made. Thank you, Mr. Speaker and Ladies and Gentlemen."

Speaker Laurino: "The Lady moves for the override of the...of House Bill 1878. The question is, 'Shall House Bill 1878 pass, the Veto of the Governor notwithstanding?' All those in favor indicate by voting 'aye', those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Motion, having received 55...52 'aye' votes, 40 'nay' and 19 voting 'present', fails and this Bill is hereby declared failed, the Veto of the Governor withstanding. The Motion fails. House Bill 1880, Representative Pullen."

Pullen: "...Mr. Speaker."

Speaker Laurino: "Out of the record. House Bill 2217, Representative Petka."

Petka: "Thank you very much, Mr. Speaker, Members of the House. House Bill 2217 would among other things raise the maximum penalty imposed on insurance entities from 50,000 to 250,000 for violations of insurance laws. Additionally, it would also remove the prohibition against insurance entities from making political contributions and also

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from...remove the prohibitions against political contributions to racetrack licensees and concessionaires. When this Amendment was first tacked on in the Senate by Pate Phillip and brought back to the House, I had an opportunity for the first time to confront this issue head on. The Governor in his Veto Message has stated that certain actions that were taken several decades ago by him when he was a prosecutor led him to believe that it was in the best interests of the people of the State of Illinois that these entities, the insurance companies and horse track operations, be precluded from contributing to political campaigns. Keep in mind, Members of the House, that there are only three entities that we prohibit by law from exercising a privilege, that being the banks, insurance companies and racetrack concessionaires. Since that time, we've had a dramatic increase in tightening of the screw, so to speak, as far as reporting requirements and campaign disclosures. It is in my considered opinion that these corporations and these entities should have the same right to contribute to candidates of their choice as are enjoyed by any other association or profession which is regulated by the State of Illinois. We're dealing here with a question of fairness. I believe that the Veto of this legislation was simply a personal peak and had very little to do with the substantive idea that is being advanced here. I would ask that we override the Governor's Veto of this package."

Speaker Laurino: "Any discussion? Representative Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Gentleman and to ask you to sustain the Governor's Veto. It's important that you remember what we're doing here in this legislation. And I think we missed it last spring when we voted for it."

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I have to remember back to the days when this state was disgraced when members of the Supreme Court resigned over racetrack scandals. And those people represented the area from which I come. I think this is one of the few points of good government we have in Illinois and we need to remember it's our ethics, it's the rights of the people of the State of Illinois to have government free from interference from major insurance companies, from people who own racetracks and the like, and I think if you recognize that this legislation, at least to my knowledge, has received considerable amount of press in Northern Illinois, at least north of Interstate 80. I can't speak south of there, that this is a bad piece of legislation. I don't think it was the Sponsor's intent, but it was added in the Senate. I know many of you had strong feelings, but you ought to know what you're voting for, and I think you're making a bad vote if you cast a 'green' vote for this. I ask you to vote 'no'."

Speaker Laurino: "Further discussion? Representative Harris."

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

Speaker Laurino: "Indicates he'll answer."

Harris: "Representative..."

Speaker Laurino: "Representative Petka."

Harris: "Can you tell me what industry...what industries are prohibited from making political contributions now? What industries are prohibited from making political contributions now?"

Petka: "Right now, national banks, racetrack and insurance companies."

Harris: "Why did we not include national banks then?"

Petka: "Quite candidly, I simply do not know."

Harris: "I'm sorry. I didn't hear you."

Petka: "I simply do not know."

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Harris: "Well, I mean isn't this your Bill though? I mean, you want to include racetracks and insurance companies. Why didn't we include national banks?"

Petka: "I will leave that for some other Representative."

Harris: "I see. Thank you very much. Ladies and Gentlemen, if I..."

Petka: "Federal Law."

Harris: "To the Bill, Members of the House. If I can just make two points. The State of Kansas right now is undergoing political turmoil on this very issue. Last year, they enacted a Gaming Commission to allow dog racing and horse racing. Before it even started, before they even started racing the dogs and the horses which just began last September, they've already got problems with political campaign contributions from the interests which they are trying to regulate. The Governor makes a very good point in his Veto Message where he says, 'These are such sensitive industries, closely regulated by state government, absolutely controlled by a state agency without any concurrent federal regulation. There is too much danger for influence, for even the appearance of influence peddling.' I think in this instance the Governor is absolutely right. The Bill should be vetoed and we should vote 'no' on the Override Motion."

Speaker Laurino: "Further discussion? Representative Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Laurino: "He indicates he will answer."

Cullerton: "Representative, with regard to the prohibition that you are attempting to eliminate against racetrack...owners of racetracks making campaign contributions, I'm trying to ascertain by looking at the statute, I don't have the answer right yet, as to what year was it that that law went into effect?"

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Petka: "Representative, I do not know the answer. I know it has been on the books prior to the present Governor assuming the Governorship."

Cullerton: "Can you give me just a few minutes...or a minute or give me the cite of the statute? What Chapter are we talking about? Twenty-two seventeen. What Chapter does the race...Is it the Horse Racing Act?"

Petka: "Horse Racing Act."

Cullerton: "Can you...Could you give me...Mr. Speaker, if there's someone else seeking recognition on this matter, go to them and then come back to me, because I have to finish my questioning..."

Speaker Laurino: "Any other...wait. Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker. I join some of the others who have stood in debate today, rise in opposition to this measure. You know, the passage of time may dim our memories, but as Representative Countryman and Representative Harris pointed out, this statute did not end up in the Laws of Illinois by accident. Whether it was in response to a terrible scandal that occurred in the 1970's, we should not forget how this legislation came about. And let me suggest that nothing has changed since this legislation was passed that has eliminated the necessity for this protection, protection of our government and protection of the integrity of the officeholders in that government. So I join with those who have spoken before and urge that we sustain the Governor's Veto. Thank you."

Speaker Laurino: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think...I know there has been a great deal of discussion against this piece of legislation, but let's remember for one moment a couple of things. First of all, the only people who are prohibited are those who own

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racetracks. You own a horse, if you're a jockey, if you work at a racetrack or if you're even just thinking about creating a dog track in the State of Illinois, you're not prohibited from making a political contribution. The only people who are prohibited are those people who own the racetrack and if that's not discrimination, I don't know what is. So all of the mumbo jumbo about good government and ethics is a lot of garbage, because the fact of the matter is that there are people within that industry who can make political contributions. And I'm sure many of you may have received political contributions from the thoroughbred breeders or the harness horsemen or the...all of these other groups. The only people who can't make contributions are those people at racetracks. And we've also had a very strong push in recent years to legalize dog racing in this state. And those people are not prohibited. Those people are trying to bring dog racing into the state are not prohibited from making political contributions. So while I understand some of the concerns by the opponents, I think they're overstated and I think that if you look at what's happening with the racing board and the strict controls that we've not only put on the racing board but also on political contribution, that this is much to-do about nothing. Let's, you know, if we're going to start prohibiting, let's prohibit across the board. But why...why go after a certain group of people who you're discriminating against, and it just really doesn't make a whole lot of sense. So I would urge a support for this particular Amendme...override to...of the Veto."

Speaker Laurino: "Further discussion? Representative Goforth."

Goforth: "Thank you, Mr. Speaker. You know, people, the thing that really bothers me about this Bill, I think all of us is entitled to have Honorable in front of our names. It

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really agitates me when somebody, anyone, can stand up and call any Member of this House of Representatives a crook, because he would take a contribution from anybody that he seen fit. People, we're all suppose to be honorable up here and I've got faith in all of you. If you don't want to take contributions, I think you'ns have got enough sense to know not to take contributions from whoever is not in your best interest. I would make you that. It's ridiculous for somebody to say no, that I or you can't take a contribution. We haven't got enough sense to know what's right for our best interests. It's ridiculous. Thank you."

Speaker Laurino: "Representative Cullerton, have you got your questions in order now?"

Cullerton: "Yes. I don't have any more questions. I just want to continue in my debate. The reason...the reason why I wanted to look this up was because I was curious about this. The prohibition on racetrack owners giving campaign contributions became effective January 1st, 1976. And the reason for that, of course, is because our Governor, who made his first headlines because he prosecuted Otto Kerner, and during the course of that trial it was determined that not only Mr. Kerner but other politicians, a whole bunch of them, some of whom didn't even get indicted, accepted racetrack stock. And the Governor's appointed Racing Commission is the one that gave out the racing dates and as we know, the racing dates are with the key to making money. Now the reason why they perhaps didn't prohibit jockeys from giving campaign contributions and backstretch people is because first of all, they don't even make enough money to give campaign contributions, but more importantly, they're not the ones who are making all the money by getting the racing dates. So I don't know if it's

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considered a short memory to say that, 'Well, it's been since '76. Let's just forget about what happened.' But the fact of the matter is we put that prohibition in in a direct response to a scandal. And we said because of the intimate relationship between the racetrack industry, which is a creature of the state, totally. I mean gambling is illegal, but for the fact we allow this particular industry to exist, and we just as recently as last...two years ago gave them a whole bunch of new opportunities. There's always going to be a very suspect look at politicians and racetrack owners. That's why we put it in. It was in response to a scandal. If we take it off right now, I guess what we're only doing is inviting another scandal down the line. Then we can reinstate the Bill. And I hope it would never happen. I hope it would never happen. I happen to know personally the racetrack owners of racetracks, some of whom by the way are against re...overriding this Bill. They are in favor of not having to give campaign contributions. They're already happy not to give campaign contributions. So they're split on it themselves. But I just wanted to give a little historical perspective to why we're repealing this...attempting to repeal a Bill. This was the Bill that was enacted after our Governor Thompson indicted Otto Kerner and exposed the racetrack scandal. I don't think it's a good idea to do it. For that reason, I'm going to vote 'no'."

Speaker Laurino: "Representative Petka to close."

Petka: "Thank you very much, Mr. Speaker and Members of the House. We've heard some very reasoned and very emotional arguments together in connection with this issue. And a couple of points simply stand out, and I would simply like to reiterate them. First of all, the branch of government which was involved in the racetrack scandal was not the

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Legislative Branch, but the... basically the Executive Branch and constitutional officers. What Representative Goforth said...instead...in terms of this legislation, that we are expected to act honorably on the House floor and exercise discretion in the acceptance or rejection of campaign contributions, I think really rings true. Representative...There are Representatives who state that because we're dealing with a sensitive industry that is tightly regulated by the state, that this should preclude us from making campaign contributions. Well, we regulate an awful lot of associations in this state. Doctors, for example, the Medical Society. We regulate very, very carefully regulate podiatrists. We regulate dentists and the list goes on and on. And yet these organizations and these associations are free to go forward and contribute as they see fit. All we're doing here is simply stating that we feel that the time has come that the scandals are behind us, that these organizations which in the past had been singled out are going to be given the opportunity to contribute and exercise a privilege which has not been granted to them at this point in time. I respectfully ask that we override the Governor's Veto."

Speaker Laurino: "The question is, 'Shall House Bill 2217 pass, the Veto of the Governor notwithstanding?' All those in favor indicate by voting 'aye', those opposed by voting 'nay'. Vote is open. Representative Parke. Representative Parke to explain his vote."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I mean I've heard arguments on both sides of this issue, but quite frankly fraud and corruption can be brought about anytime...anytime. It does not really need to have one particular group to be allocated to second class citizenship. They have the responsibility to be

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watched. We have a responsibility as Legislators to do what's right for the people of Illinois without financial remuneration. I mean bingo interests, riverboat gambling, sport franchises, all of them have as much interest in having legislation passed in the General Assembly as insurance companies and racetrack owners. If it's good for the people of Illinois, we should vote for it. If it's not good, we should vote against it. But these two groups should have the opportunity to support legislation in any way they see fit, if they are not second class citizens. We should make sure that we vote to override this Veto."

Speaker Laurino: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Motion, having received the required three-fifths majority, 74 voting 'aye', 40 voting 'nay' and 0 voting 'present' and this Bill is hereby declared...is adopted and hereby declared passed, the Veto of the Governor notwithstanding. House Bill 2484, Representative Keane. Out of the record. Go to the Calendar on page 2 - House (sic - Senate) Bills - Second Reading. House Bill...or Senate Bill 1402, Representative Capparelli. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1402, a Bill for an Act to amend the Motor Fuel Tax Law."

Speaker Laurino: "Any Amendments? Representative Capparelli has filed a Motion to move the...to suspend Rule 35(a) to advance to the Order of Second Reading - Second Legislative Day. It's been filed with the Clerk. All those in favor indicate by saying 'aye'. Any...any discussion? Representative McCracken."

McCracken: "Yes, I object to the Motion to advance and demand a Roll Call vote."

Speaker Laurino: "Okay, this Motion will take 60 votes to adopt. All those in favor will vote 'aye', those opposed will vote

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'nay'. The vote is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative Capparelli wants to poll the absentees."

Clerk O'Brien: "A poll of those not voting. Barnes. Bowman. Edley. Goforth. Homer. McAuliffe. Saltsman and Wyvetter Younger."

Speaker Laurino: "Representative Hannig, for what reason do you rise?"

Hannig: "Please vote me 'aye'. Vote me 'aye', please."

Speaker Laurino: "Representative McNamara. Vote him 'aye'. Representative Shaw. Vote him...vote him 'no'. Representative Curran. Vote him 'aye'. Correct...Mr. Clerk, will you correct Mr. McNamara as an 'aye' vote, please. Representative Bowman. Vote him 'aye'. Representative Regan. Vote him 'aye'. Representative Saltsman. Vote him 'aye'. Representative Novak. Vote him 'aye'. Representative Younger. Vote her 'aye'. This Motion, having received 62 'aye', 49 'nay' and 0 voting 'present', is hereby adopted. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill (sic - Senate Bill) 1402, a Bill for an Act to amend Sections of the Motor Fuel Tax Law. Second Reading of the Bill."

Speaker Laurino: "Any Amendments?"

Clerk O'Brien: "No Committee Amendments."

Speaker Laurino: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Capparelli."

Speaker Laurino: "Representative Capparelli."

Capparelli: "Mr. Speaker, House Amendment to Senate Bill 1440 (sic - 1402) increases both exemptions from the senior citizens and the homeowners...by \$2,000, will provide immediate property tax relief to the Illinois homeowners

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and the senior citizens. It has been six years since the homeowner exemption was increased and five years since the senior citizen exemption was increased. Yet between 1983 and 1987, the statewide property tax pace rose by 18%, from 79,000,000,000 to 93,000,000,000 and the property tax increase 28%, rising from 5.8 billion to 7.4 billion. With property taxes on the increase, I think these exemptions are necessary, and I would ask for a favorable Roll Call."

Speaker Laurino: "Further discussion? Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Will the Gentleman yield for some questions? Ralph, as I look at the analysis of this Amendment, I see where the increases you're proposing are going to impact the general homestead exemption. Would you give me a...some idea of what the breakout is to downstate and Cook County? And what it means in dollar amounts?"

Capparelli: "Well, downstate will have a total exemption increase of \$1,712,253,000, but they'll have an increase of \$1,996,110,000."

Mautino: "Are you telling me that the local government units by enacting of the increase in the homestead exemption will amount to about 2 to 300 million dollars in downstate Illinois?"

Capparelli: "Would you repeat that question?"

Mautino: "It looks to me like there's, from what I have as information, that there's about 1.5 million general homestead exemptions in downstate and about 950,000 in Cook County. That will cause a revenue reduction to those units of local government of anywhere from 4 to 500 million dollars."

Capparelli: "That's correct, it could."

Mautino: "That's correct. Okay. Fifty-five percent of that is about 300,000,000. So what your saying to our local governments with that exemption, and that includes schools,

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that we're going to be reducing the local share by 300,000,000. Is that correct?"

Capparelli: "This won't...this will not be all at once, over a longer period of time, yes."

Mautino: "It will be on a what?"

Capparelli: "A long period of time. It won't be immediately; it won't be next year."

Mautino: "It will be like how many years? Like a year and half, 18 months, two years?"

Capparelli: "Representative Mautino, that could be three or ten years. It depends on the assessments, how far they go up, and it's very hard to determine that factor."

Mautino: "Okay. Let's talk for a second about the senior citizens homestead exemption. That's immediate, isn't it?"

Capparelli: "Immediate."

Mautino: "That means that in downstate there's about 400,000 senior citizens that would take advantage of this and about 200,000 in Cook County. And that loss of revenue would be probably 80 to 90 million of which 65 or 70 percent would be in downstate counties. Is that correct?"

Capparelli: "That's correct."

Mautino: "That means there will be an immediate loss of 50 to 60 million dollars to local governments and schools and fire districts. And what does that do if you're in an area of declining assessments?"

Capparelli: "Not all, most of the areas are not declining. Most of them are going up in assessment. There are a few pockets that will feel the blunt of this, but they are very insignificant."

Mautino: "Let me clarify this. I know that if you run...if you take a ride and you go up route 59 and you go into DuPage and Lake and Will and Cook Counties, there's a lot of growth and development. Okay. I can understand what

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you're doing for those areas where there have been increases in property values. But what happens to those counties where the property value assessments have been going down 10 and 15 percent and land values have dropped about 25 to 30 percent? How will that impact the rural areas? Specifically, what will it do to farmland?"

Capparelli: "Your homeowners' exempt. is based to a base year, and the base is going up in all facets. And consequently, I don't think that you'll see any harm on it. There are bigger growths in Cook County, DuPage, and there are some pockets that will find it a little difficult, but even those pockets will start getting higher assessments."

Mautino: "I understand what you're trying to do, Ralph, and I understand the program. But if you're going to lose those amounts of funds, both with the homestead exemption and the property values, you're going to shift that burden somewhere else, because you're only addressing the homestead and those 65. Where is that shift of about 400,000,000, for example, downstate going to land? Does that get processed over into farmland assessment, commercial, industrial, because those are the only things that could possibly be raised. It seems to me that by shifting that burden, any area that isn't in a growth pattern are going to lose out on the local funds, both in schools, fire districts, local governments and counties. I don't see how it could not occur. It will benefit those areas that have growth, like the suburban areas and the collar counties and Cook, but it's not going to do much for anybody else. In fact, it will be a detriment the way I read it."

Capparelli: "Well, Representative Mautino, as I told you before, there's going to be a growth of over \$2,000,000,000 downstate. Now where is this 400,000,000 you're talking

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about? You're going to have a growth of over \$200,000,000,000. You'll be only spending \$1,712,000,000, so you're going to have the growth. Downstate's going to have the growth no matter. If your figures are like mine, you could see that."

Mautino: "Well, Representative Capparelli, I admire what you're attempting to do, okay, for an area that has growth and you've had increases in property taxes. To the Bill if I may, Mr. Speaker. I hope that my downstate colleagues evaluate completely what's in this legislation. If you're from an area that has declining real estate values, lower homestead prices today than they had five years ago, there's got to be a replacement for the money that's going to be lost. The only place that it can be refurbished is not with the homestead, because that's what you're taking care of with the Bill. That means that everything else, agriculture, commercial, industrial, has to pick-up that 4 to 500 million dollars which is going to be lost. Now, I don't like standing in opposition to my good friend, Ralph's Amendment, but I think that this is not the way to get it done. You're going to assist one area of the state at the detriment of almost all the rest that don't have the growth potential and the increase property values that are occurring in one part of the state. I stand in opposition to the Bill."

Speaker Laurino: "Further discussion? Representative Shaw."

Shaw: "Yes. Will the Sponsor yield for...Mr. Speaker. Representative Capparelli, how much money will the schools...school districts lose throughout the state as a result of...of this Amendment?"

Capparelli: "The Chicago Board of Education won't lose a dime. They're going to get 6,000,000 in new money, 71,000,000 from new state taxes and 28,000,000 from state aid to a

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tune of 98,000,000."

Shaw: "Chicago Board will get..."

Capparelli: "They will not lose one cent."

Shaw: "You said they will get 6,000,000 in what?"

Capparelli: "In new money."

Shaw: "In new money."

Capparelli: "And 71,000,000 from new state money that you just passed."

Shaw: "I can't...I can't hear you."

Capparelli: "You'll be getting 6,000,000 new money in taxes under the program, 71,000,000 in new state taxes that you passed out of here in July and 21,000,000 in state aid for a total of 98,000,000. The Board of Education won't lose a penny."

Shaw: "Alright. The...My next question is...is, How much will they lose? That was the question, I believe."

Capparelli: "I said they won't lose anything."

Shaw: "How much money?"

Capparelli: "If they're not losing, I can't tell you how much."

Shaw: "Well, what is the anticipated cost of this Amendment?"

Capparelli: "I don't anticipate any loss. I anticipate a gain."

Shaw: "No, we...No. I think that you..."

Capparelli: "And we also get a new...What is it... 85,000,000,000 in new tax money that under the last reapportionment...reassessment."

Shaw: "The...It's my understanding that out of the income tax, the Chicago Board received something like 74.5 million dollars. And it's my understanding, depending on who you want to listen to, that the Tribune said today that Chicago would lose 36,000,000. I have some other sources that tell me that this would cost the education in Chicago 73,000,000. Do you have any figures like that? Is the Chicago Tribune wrong?"

Capparelli: "In Cook County, we're going to have an increase of

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\$2,293,292,000, and after the tax exemption, there will still be a surplus of \$1,419,000,000."

Shaw: "Well, the \$300,000,000 that Representative Mautino was talking about that we stand to lose...local governments stand to lose statewide. It would seem as though to me that this money is going to have to come from somewhere. Somebody is going to have to pick up the cost of this. If We're going to give away, and all of us want to help the senior citizens here, but if we're going to help those senior citizens, we have to find some way in order to pay for this. But we are...To the Amendment, and I don't believe that this is the way that we should go. Certainly I admire you for what you're trying to do for your people in your area. But at the same time, I don't think that this should... we should hold the kids hostage across this state in terms of taking money for them...from them for their education. We, as you know, we have passed educational reform in Chicago. Now, what we are attempting to do is take back the money, a portion of that 74.5 million dollars that we gave the Board and distribute it elsewhere, that leave...and that would leave the Board of Education and many local governments throughout this state with no money. There's many, many gover...many units of state government have already spent this money in anticipated revenue. And now under your Bill, you're going to tell them, 'Well, you're going to have to redo this.' And I would ask every Member of this General Assembly to take a good look at this, because you'll be right back down here next year trying to fight for those units of local governments to try and get additional revenue to make up the shortfall as a result of this Amendment. No matter what they tell you, you cannot take money...all the money in Illinois here belong to somebody that go to..."

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Speaker Laurino: "Bring your remarks to a close, Representative Shaw."

Shaw: "You cannot take that money from one section and then give it to another one and not have to make that money up. You should take a good look at this Amendment and defeat this Amendment."

Speaker Laurino: "Representative Barger."

Barger: "Thank you, Mr. Speaker. I rise to point of order. Just a very short time ago, about an hour ago, I tried to amend a drug Bill with a drug Amendment, and I was told that it was not germane. Here we're trying to amend a Real Estate Tax Amendment on to a State Motor Fuel Tax Bill, and I question whether or not that is germane."

Speaker Laurino: "I will discuss it with the Parliamentarian and get back to you. ...advise Representative Barger that the Bill deals with taxes, the Amendment deals with taxes and therefore is germane. Representative Barger."

Barger: "Thank you, Mr. Speaker. I appreciate very much your explaining the double standard to me."

Speaker Laurino: "Representative Ropp."

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

Speaker Laurino: "Indicates he will."

Ropp: "Representative Capparelli, I know this question is not dealing specifically with this Amendment, but it has reference to the entire Bill dealing with property tax relief. Do you have any proposals coming forth down the line in other Amendments that will give specific property tax relief to farmers?"

Capparelli: "No."

Ropp: "Why not?"

Capparelli: "They do get relief on their residence in this Bill. They do get relief on this Residence Bill and they're getting relief now under the program."

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Ropp: "Well, not very much, because I think there was a major..."

Capparelli: "Then you should vote for this Bill and give them more."

Ropp: "Well, this won't hardly give them anything, really, because if you really look at the facts specifically they'll probably pay much more property tax in total individually than any other single kind of group. Relative to the Amendment then. It seems like every couple of years we will attempt to deal something with the homestead provision and as we have always done, school districts suffer. We continue to erode this tax base, and I really think that we need to stop moving in this direction in this particular fashion and take a good hard look at the total picture of property tax relief that includes more than just those people who live in homes."

Speaker Laurino: "Representative Davis."

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

Speaker Laurino: "He indicates he will."

Davis: "Representative, have you read today's Tribune?"

Capparelli: "Yes."

Davis: "Well, let me just quote to you what they state this proposal will do. They say that by increasing...I'm sorry, that by rushing this two thousand dollar increase in the current property tax exemption for homeowners and senior citizens, that you will cut deeply into the assessed valuations of Illinois municipalities, counties and school districts. They say that across the State of Illinois, two hundred and eighty million dollars will be lost because of this proposal. They also state that sixty percent of the extra money approved in the last Session would just be removed. Now I understand that politically this is a very good thing to do, to say that we're decreasing taxes for senior citizens, increasing the exemption for homeowners,

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but then we must ask ourself, to what devastation to the rest of the State of Illinois? Now, are we going to take something from one hand, pretend to be giving something? We passed an income tax in order to improve funding for schools. Now on the other hand, Representative, you want to take it back? Do you think they've put blinders on? You think that they won't know what you're doing here?"

Speaker Laurino: "Do you wish to answer that slight question, Representative Capparelli?"

Capparelli: "First...first of all this Bill is not for my district alone, it's for all the districts in the state. Second of all, I told you that you're going to get ninety-eight million dollars, you're going to get six million dollars extra this year. Even with the exemption increase our projectionists make that a hundred fifty-nine million increase in tax base. We'll give another six million to the Board of Education. So, whatever the..."

Davis: "So, in other words, you're saying the Board of Education should be operating at this point with a surplus?"

Capparelli: "I'm saying that you're not losing any money and you're going to get another six million. That's what I'm saying."

Davis: "Well, the Tribune..."

Capparelli: "And regardless of what the Tribune has said. That's an editorial."

Davis: "The Chicago Tribune for once in it's life disagrees with you and the only reason I disagree with you, Representative, is I don't believe in hocus-pocus dominocus when you're dealing with those dollars. I believe that even a person who owns a home and who has his taxes increased on one end and then you hide your hand behind your back and take something back with another, I think even though they're senior citizens or homeowners, that

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they recognize that you're really not trying to help them. I urge the people in this Legislative Body to vote 'no' unless they want to have to give more money to the Chicago public schools and other schools in this state."

Speaker Laurino: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, it's a very emotional issue and one that we are all tempted to support when we talk about giving tax relief to senior citizens and homeowners. There is no doubt that the rising taxes that people are paying on their homes has become a problem for a great many people across the State of Illinois. However, this spring when we managed to provide some additional money for education and for county and municipal governments, we indicated that if any school district got more money than it really needed to get along with, they could reduce their local property tax. We indicated if any municipality got more money than it actually needed, it could reduce it's property tax. We indicated that the counties if they had more money than they needed with which to function, could reduce their property tax. If we are to reduce the property taxes to senior citizens and homeowners because the state sees that as a priority, we should be doing that by finding a funding source to replace that money to the local taxing districts. Now even though we have given on the one hand this spring to school districts, to municipalities and counties, if we enact this legislation we will be taking away with the other hand not only from the school districts, the municipalities and counties, but we're also taking it away from park districts, forest preserve districts, library districts, sanitary districts, every other taxing body in the State of Illinois. We have not given some of those districts any kind of compensation out of the goodness of our hearts or

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out of the distribution of our income tax money, and yet we would be taking away from their ability to raise revenue at the local level to support their services. If we in fact do something hasty today to adopt this kind of tax relief program, I think we will act in haste but have a long period of repentance when we hear from those taxing bodies and the lack of money for their services. And so it seems to me if we want to be the benevolent givers of tax relief to homeowners and to senior citizens, it behooves us as state lawmakers to find a state funding source by which to subsidize those...those reductions. When we can tell our local taxing bodies that we are replacing every dollar that they would otherwise get, then I will be happy to support something that reduces homeowners' and senior citizens' property tax. But until we take the responsibility for giving the funds to those who will otherwise lose it, this measure does not warrant our support."

Speaker Laurino: "Representative Keane."

Keane: "Thank you, Mr. Speaker. I would like to address some of the concerns of my colleagues that have been expressed regarding this Bill. One of my colleagues indicated that in downstate Illinois there are many areas that have not had an increase in property values and that the homestead exemption does not kick in or does not fully kick in. What I would tell my colleague, is to put in an Amendment or a Bill which changes the base year. The problem with that ar...you know, that concern is, very, very simply handled. In order for homestead exemptions to kick in, all you have to do is change the base year and that will take care of it. The...there has been a discussion regarding how is this Bill going to affect the farmers. Well, back in late 1970's the General Assembly, because farmers were going broke and there was a lot...there were a lot of different

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problems, passed a Bill called the Farmland Assessment Bill. And the Farmland Assessment Bill shifted...it was probably one of the major shifts of real estate taxes off of farmers and onto homeowners and commercial and industrial buildings in our history. The farmers...what the farmers asked for in 1979...1977, I believe it was, we are now in heavy metropolitan areas asking for that kind of relief. The Farmland Assessment Bills...if the people that are concerned about farmland go back, they will find that many people from the metropolitan area supported the farmland assessment because they saw the dire need. I would think that the same kind of approach should be utilized now. In terms of those who stood up and talked about the amount of money that the Chicago public school system is going to lose under this Bill, let me make two points. First, the point is that the thirty-six million that's been kicked around, there have been...there's has been no background. There's been no details to that. It appeared in a letter from some official from the Chicago Board of Ed. Even so, even if the thirty-six million was correct, that does not mean a loss of thirty-six million over this year's budget, it means that they are...the Bill will have an effect and probably a maximum effect of thirty-six million of anticipated revenues, anticipated revenues which are coming out of one of the heaviest tax levies on the north side that Chicago's had. Let me mention one other fact about the Chicago Board of Education; I think its very important. Between 1986...and you go home and you justify this to your districts and go look at your own school districts. But in Chicago between 1989...'86 and '89, the increase in property tax take for the Board of Ed alone was one-half billion dollars. Let me say that again. In 1986 to 1989 the increase in the

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property tax realization of income was one-half billion dollars for the Board of Education alone. We do need tax relief. There's another Bill coming along that's going to put on the backs of the education bureaucrats and other bureaucrats who levy taxes, it's going to say we want you to be accountable. When you raise taxes above a certain level, we want you to justify those to the people. And you're going to hear a hue and outcry on that Bill also. The taxpayers...all you have to do...anyone that lives in the metropolitan area, and I'm not talking about Cook County, Cook County is nothing compared to DuPage County. My...my house in DuPage would probably be...any house in Cook County if you moved it out to DuPage, would be three times what it is in Chicago or in Cook County. All of us have to finally say 'Stop, let's look at the tax increases...the property tax situation and let's do something about it'. In Revenue today, Doug Whitley came in and said exactly that. Until we get to that point though, we can't continue to drive people, especially older people who are on fixed incomes, and especially the working class who are scraping to send kids to school and pay off their mortgage, we cannot continue to load them up with these unconscionable income tax...I'm sorry, unconscionable real estate property tax increases. Thank you."

Speaker Laurino: "Representative Capparelli moves for the adoption of Amendment #1 to Senate Bill 1402. All those in favor indicate by saying 'aye', opposed 'nay'. A Roll Call? All those in favor will vote 'aye', those opposed will vote 'nay'. Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker. I would like to rise in support of this Amendment. Representative Capparelli's area and my area were hard hit this year with fantastic increases in the real estate tax. It was not uncommon to

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have peoples' taxes double, to go from eleven hundred, twelve hundred dollars to twenty-four or twenty-five hundred dollars. And some people had their taxes triple. The people in our district are crying out for some form of relief. If we don't go home and give them some relief they're going to be back, you're going to hear from them when you go back. The rest of the city is going to get reassessed and the suburbs are going to get reassessed next time, and it's going to be six months before the election and you're going to hear from those people and they're going to be hollering and screaming like they were in our district. They had protest meetings up there. There was four thousand people at one of them. They had to have two meetings because they couldn't get them all in the building for the first one. This is the only way that we're going to get some relief from this...these overbearing taxes. And this is the chance to do it now, so you don't have to hear it next summer."

Speaker Laurino: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Property tax relief at this time is essential in all of our districts. I have many seniors in my district who demand relief and so they should get it. But I'm voting 'present' on this Bill...this Amendment at this time, because this Amendment if it's the only Amendment that we pass, will be devastating to the school districts in my district. Accordingly, I have an Amendment coming up, Amendment #6, which will address the problem that schools will face should this Amendment get on. Accordingly, I'm voting 'present' at this time."

Speaker Laurino: "Representative Balanoff."

Balanoff: "Yes. People in my district are also asking for property tax relief and I'm going to vote 'yes' on this."

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But I think it's very important that we also vote 'yes' on Amendment #6, because that would take the...that's Lang's Amendment, so that it would not hurt local schools, because it would take them out of...they would get the exemption before...they would get their multiplier before the tax was taken out. Thank you."

Speaker Laurino: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Amendment having received 48 'aye', 34 'no', 26 voting 'present' is adopted. Any more Amendments, Mr. Clerk?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Daniels, Hoffman, Churchill, Zickus and Weller."

Speaker Laurino: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 encompasses the proposals that were sent to you the other day and suggestions on property tax relief. It contains an income tax credit of ten percent replacing the deduction that was passed last June. It contains a prior year equalized assessed valuation freeze where local taxing districts will base tax levies on the last known rather than the current year's EAV. This results in a one time property tax assessment freeze for all property owners in Illinois. Other benefits include quarterly tax payments, advance notice of tax liability, less short-term borrowing by local governments and uniform tax levy filing dates. It also contains the truth in taxation portion with levy increases exceeding five percent, will require a three-fifths vote of the governing body and levy increases exceeding ten percent will require voter approval. It contains a circuit breaker legislation which increases the income threshold from fourteen thousand to twenty thousand, lower age eligibility from sixty-five to sixty. These changes will extend to the senior citizens tax deferral

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program, additional relief to senior citizens and the disabled will be afforded in this Amendment. It also provides for intracounty equalization, issue multipliers in Cook County by assessment districts and reassess more often to lower the multiplier and reduce the shock factor that many of you in Cook County are experiencing. It also considers an increase in a grant in the general and senior citizens' homestead exemption of one thousand dollars, for the general homestead exemption, from thirty-five hundred to forty-five hundred, and one thousand dollar increase in senior citizen, from two thousand to three thousand. I seek your approval of the same."

Speaker Laurino: "Further discussion? Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. This is an imaginative Amendment, certainly a comprehensive one. It adds to the provisions that were in Amendment 1 to Senate Bill 1402, a variety of other proposals. I think unfortunately, some of the proposals are technically flawed. While I applaud the Gentleman's suggestion that we liberalize the circuit breaker, I think that's a very responsible position providing property tax relief to the lowest income homeowners. I think that there's a technical problem. And in fact, the Bill as drafted does not do what the Gentleman suggested, because there is not an increase in the offset. The maximum eligibility limit would be fifteen thousand five hundred, rather than the twenty thousand dollars he claims. Secondly, I think the Members of the House should note the amount of state dollars that are involved in this Amendment if it were approved. The circuit breaker expansion would cost, according to the Department of Revenue, approximately a hundred thirteen million dollars and the increase in the income tax hit by virtue of turning our current deduction for property taxes

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paid into a ten percent credit, would add about a hundred and twenty-three million dollars cost in general revenue funds. So, fine idea as these...fine ideas as these may be, the circuit breaker doesn't quite make it and anyone who votes for this Amendment is voting to spend two hundred and thirty-nine million dollars of state general revenue funds in order to accomplish some property tax relief."

Speaker Laurino: "Further discussion? Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Amendment. It's a good Amendment, and I would like to tell my friends from Cook County why it's a good Amendment. Many of you from the City of Chicago, as you well know, have experienced a reassessment, and that reassessment is critical to this particular Amendment. What this Amendment would do is to make sure that the multiplier, which is used exclusively in Cook County, would be different in each section of the county. And there are three. This year Chicago was reassessed. They used the same multiplier in all three sections of Cook County, which means that not only are you reassessed, but you get the additional kick with the multiplier. This piece of legislation would eliminate that problem and would make that...that reassessment year less of a kick for your taxpayers. I think that's an extremely important benefit in this particular Reso...this particular Amendment. I might also point out that this Amendment has a prior year EAV proposal in it, which I know is somewhat controversial. But again, for some of our friends in Cook County, you ought to consider this very carefully. What this will do is bring some stability to the property tax assessment process and will also bring some stability to the levy process. You won't have that problem of the second installment which is so murderous to so many of our

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taxpayers. So, you ought to really carefully look at this Amendment. It's a good Amendment not only for the short term relief that it provides with regard to the homestead exemption, but over the long term, and that is to make sure that we bring some stability and some efficiency and some accountability to the property tax system. So, particularly those from Cook County, you really ought to take a look at this Amendment. It is a good Amendment for the long term and it's an Amendment that I think you ought to support. And I would hope that you would vote for Floor Amendment 2. Thank you."

Speaker Laurino: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would also like to add my voice in support of this Amendment. There is nothing new in this Amendment. Most of these concepts have been around for a long period of time. In fact, several of these concepts have been up in the Revenue Committee every year for every year that I have been in the Legislature. Some of these...the issues in this, particularly the use of the prior year EAV, are extremely fine tax policy. At some point along the line in this Legislature, we have to take a look at how we do our assessment cycle and instead of coming up with patchwork ideas on fixing this and fixing that, we've got to come up with a consistent idea on how we're going to do the real estate tax cycle. The use of prior year EAV will eventually be a part of that, because it makes good tax sense. Most of the other proposals here are proposals that have been sponsored at one time or another by other Members of this Legislature on both sides of the aisle. This is a very fine Amendment, it's something that you should vote for."

Speaker Laurino: "Have all spoken who wish? Representative

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Daniels to close."

Daniels: "Ladies and Gentlemen of the House, I know that this Amendment is encompassing and in detail. None of the items in here are new to you. For instance, you received a letter from me the other day as well as my statement that I'm willing to work with any parties to correct any deficiencies or additions that may exist. For instance, before we could get it drafted there was some suggestion that we might like to look at a program that is sponsored by the Voices for Children, which brings some relief to the poorer homes within the State of Illinois. I'm willing to continue to talk about that and work with the Senate and with the Speaker in order to define some of our programs contained in here. I am advised that the language contained in here on the circuit breaker is accurate and has been drawn properly by the LRB. I am advised that they do it this way, because later on they come up with a formula revision at the appropriate time. Now, of course, I can only rely upon the experts that serve us to draw this properly. But yes, this Bill will be aired over the next couple of weeks if we adopt this Amendment and pass it over to the Senate. I suggest to you as follows: There are many items that we want to discuss, none of them are new. This is in fact property tax relief, property tax freeze for a one year period of time. Homeowners' exemption, senior citizens' increased exemption, as well as some real and true refund of some of our burdening and increasing property taxes that many people in Illinois face. I urge you to continue this discussion, to support this Amendment, so that we can move forward on the very important issue of property tax relief."

Speaker Laurino: "The Gentleman moves for the adoption of Amendment #2 to Senate Bill 1402. All those in favor will

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indicate by voting 'aye', those opposed will vote 'no'.
For what reason does the Lady from Champaign,
Representative Satterthwaite, arise?"

Satterthwaite: "To explain my vote."

Speaker Laurino: "Please do so."

Satterthwaite: "This Amendment does not penalize our local taxing districts quite as much as the previous Amendment does. It does give some state dollars in obligation to help to fund these programs. However, it is still an impact on our local taxing districts without any way of reimbursing them for their losses. The fact that there may be overall state gain in assessment does not mean that that happens within every district of the state. It varies substantially. Many of them are already losing tax dollars, tax assessment, and they cannot afford this additional jolt. There is some equity in this, because it is partially a state burden to fund, but it is not a total funding at the state level."

Speaker Laurino: "Further discussion? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Amendment having received 62 'aye', 33 'nay', 17 voting 'present' is hereby adopted. Further Amendments, Mr. Clerk?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative Capparelli."

Speaker Laurino: "Withdraw Amendment #3, Mr. Clerk. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representative Capparelli."

Speaker Laurino: "Representative Capparelli."

Capparelli: "Amendment #4 is as Amendment #1. It increases the homeowners' exemption from thirty-five to fifty-five hundred, and seniors from two thousand to forty thous...two

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thousand dollars each."

Speaker Laurino: "Representative Capparelli, just a moment, I have a discussion with the Parliamentarian. Representative Capparelli."

Capparelli: "Withdraw the Amendment, please?"

Speaker Laurino: "Withdraw Amendment #4. Further Amendments, Mr. Clerk?"

Clerk O'Brien: "Floor Amendment #5, offered by Representative Bowman."

Speaker Laurino: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is really a very simple Amendment, it does two things. Number 1, it extends to Cook County an option that is presently available to all counties in the state, currently only used by Rock Island County. But it permits the county board to adopt by ordinance a...an arrangement whereby people get an extra sixty days to pay up to fifty percent of their property taxes without the..."

Speaker Laurino: "Excuse me, Representative. Representative Cullerton."

Cullerton: "Yes. I believe with the adoption of Representative Daniels' Amendment, this Amendment 5 and 6 would be out of order."

Speaker Laurino: "Be at ease. Representative, your point is well taken. The Amendments are out of order with the adoption of Representative Daniels' Amendment. Further Amendments, Mr. Clerk?"

Clerk O'Brien: "Floor Amendment #6, offered by Representative Lang."

Speaker Laurino: "That Amendment has been ruled out of order."

Clerk O'Brien: "Floor Amendment #7, offered by Representative Countryman."

Speaker Laurino: "Representative Countryman."

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Countryman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Amendment does something simple. When we increased the income tax last spring before we left, we forgot about..."

Speaker Laurino: "Representative Cullerton."

Cullerton: "Yes. I'm looking for a copy of the Amendment. I wonder if it's been printed and distributed?"

Speaker Laurino: "Your point is well taken. The Amendment has not been printed yet. Representative Cullerton."

Cullerton: "Yes. I've...Mr. Speaker, I've looked at a copy of the Amendment and I believe it's out of order as well, as a result of the adoption of Amendment #2."

Speaker Laurino: "Your point is well taken. Amendment #7 is out of order. Further Amendments, Mr. Clerk?"

Clerk O'Brien: "No further Amendments."

Speaker Laurino: "Third Reading. Mr. Clerk, has the Bill been read a third time?"

Clerk O'Brien: "The Bill has been read a second time previously."

Speaker Laurino: "Mr. Clerk, I believe that the Bill has been read a third time previously. Would you check it? Alright, read it again."

Clerk O'Brien: "House Bill...Senate Bill 1402, a Bill for An Act in relation to state taxes amending Acts herein named. Third Reading of the Bill."

Speaker Laurino: "Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. As far as Senate Bill 1402, I did support the Amendment. I'd like to turn it back to Lee Daniels who's Amendment is on the Bill now. If there's any questions, I'd have a Roll Call."

Speaker Laurino: "You heard the Gentleman's Motion. All those in favor for the passage of Senate Bill 1402 will indicate by voting 'aye', those opposed will vote 'nay'. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Mr. Clerk, take the record. This Bill having received 84 'aye', 20 'nay' and 10 voting 'present', Senate Bill 1402 having received an extraordinary required Constitutional Majority, is hereby declared passed. Consideration...on page 2 of the Calendar, Consideration Postponed. Senate Bill 100, Representative Capparelli."

Capparelli: "Hey, Novak...I'd like to move this Bill back to Second Reading for an Amendment. I ask leave to move back to Second for an Amendment."

Speaker Laurino: "Representative Capparelli asks leave for the...of the House to go back to Second Reading. Does he have leave? Does the Gentleman have leave to bring this Bill back to Second Reading for purposes of an Amendment? And on that question, all those in favor will vote 'aye', those opposed will vote 'nay'. Sixty votes is needed. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Motion having received 51 'ayes'...Representative Capparelli wishes a Poll of the Absentees."

Clerk O'Brien: "Poll of those not voting. Black. Bowman. Curran. Currie. DeJaegher. Didrickson. Myron Olson. Phelps. Richmond. Satterthwaite. Sutker. Tate. Trotter. Weaver. Wolf and Wyvetter Youngue."

Speaker Laurino: "Representative Parke, for what reason do you arise?"

Parke: "If by chance this gets the required votes, I'd like a verification of the Roll Call."

Speaker Laurino: "Currie 'aye'. Representative Trotter, for what reason do you arise?"

Trotter: "Can you record me as voting 'no', please?"

Speaker Laurino: "Record Mr. Trotter as 'no'. Representative Pullen."

Pullen: "Please change my vote to 'aye'."

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Speaker Laurino: "Record Representative Pullen as 'aye'. Representative Curran 'no'. Any further additions or subtractions? Representative Balanoff wants to be recorded as 'no'. Have all voted who wish? Representative Weaver wishes to be recorded as 'aye'. This Motion having received 55 'aye', 43 'nay' and 6 voting 'present', fails. Do you wish to proceed on the call of the Bill, Representative Capparelli? Out of the record. We're going to go to the House Calendar, Supplemental #2, House Bill 168. Representative Homer moves to take from the Table and suspend Rule 79(e) and return to Calendar Order Conference Committee Reports, Consideration Postponed. All those in favor will indicate by saying 'aye', opposed 'nay'. 'Ayes' have it, the Motion is adopted. House Bill...This is on Motions. Alright, let's...We'll do a Roll Call. We'll go back to House Bill 168. Representative McCracken."

McCracken: "Yeah, I'm sorry, I do want a Roll Call. Sorry."

Speaker Laurino: "Okay. We'll have to go back to the Motion of House Bill 168. Repre...Representative Homer, would you explain the reasons for the Motion on House Bill 168?"

Homer: "The a...I didn't hear what the Chair just asked me to do. To explain what my Motion is?"

Speaker Laurino: "Well, yes, because there has been a question of the Chair to call for a Roll Call on these and..."

Homer: "Alright. Well the plan...this Bill sailed through the House last spring, as a House Bill, it was amended in the Senate with some additional provisions that would have had a cost. It came back to the House after the Senate had adopted the first Conference Committee Report. The House failed to put up the requisite number of votes. What we want to do now, is to take it from the Table, ask for a second Conference Committee Report, which will contain the original provisions of the House Bill as were amended in

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the House. That would put it into the noncontroversial nature of the Bill that it was when it first went through the House. I don't think there is significant opposition and I know of no party of opposition to this plan. The Bill is jointly proposed by the Illinois State Medical Society and the Illinois Farm Bureau."

Speaker Laurino: "Representative McCracken."

McCracken: "We're okay."

Speaker Laurino: "You all heard the Motion on House Bill 168. All those in favor will indicate by voting 'aye', those opposed will vote 'nay'. Board is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. House Bill 168 having received 110 'ayes', 0 voting 'nay' and 0 voting 'present', the Motion is adopted. House Bill 879. Representative Countryman moves to take from the Table and suspend Rule 79...We'll stand at ease for a second. The Chair has to back up. Representative Homer, for what reason do you arise?"

Homer: "Thank you, Mr. Speaker. With respect to House Bill 168, could I have the Clerk re-enter that?"

Speaker Laurino: "Mr. Clerk, will you re-enter House Bill 168 into the record?"

Homer: "The Motion to take from the Table having prevailed, Mr. Speaker, at this time I would ask for the appointment of a second Conference Committee."

Speaker Laurino: "Alright. The Gentleman, Representative Homer, has requested that House Bill 168 be appointed a second Conference Committee. All those in favor will indicate by saying 'aye', opposed 'nay'. The 'ayes' have it, the Gentleman's request is accepted. House Bill 879. Representative Countryman moves to take from the Table, suspend Rule 79(e) and return the Calendar on Conference Committee Reports. Representative Countryman."

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Countryman: "Thank you, Mr. Speaker. You stated the Motion very well. I move to take from the Table, suspend Rule 79(e) and return to the Calendar on Conference Committee Reports."

Speaker Laurino: "The Gentleman has made his Motion. All those in favor will indicate by voting 'aye', those opposed will vote 'nay'. The board is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. House Bill 879 having received 111 'ayes', 0 'nay', 1 voting 'present', is hereby declared passed. The Motion is passed. House Bill 1152...1192, I'm sorry. 1192, Representative Keane. Representative Keane moves to take from the Table, suspend Rule 79(e) and return to the Calendar on Conference Committee Reports. Does the Gentleman have leave? Leave is granted by the use of the Attendance Roll Call. The Gentleman's Motion is adopted. House Bill 1211. Representative Bowman moves to take from the Table, suspend Rule 79(e) and return to the Calendar on Conference Committee Reports. Does the Gentleman have leave? Representative Bowman. Is the Gentleman in the chambers? Out of the record for a moment. House Bill 1621, Representative Madigan. I move to take from the Table, suspend Rule 79(e) and return to the Calendar on Nonconcurrency. Does the Gentleman have leave? Representative McCracken."

McCracken: "We just want to talk about these before these Motions. I don't know whether to ask for a Roll Call or not."

Speaker Laurino: "Does the Gentleman have leave with the Attendance Roll Call? Leave being granted, House Bill 1621 is adopt...the Motion is adopted. House Bill 1695. Representative Dunn moves to take from the Table, suspend Rule 79(e) and return to the Calendar on Conference

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Committee Reports. Does the Gentleman have leave with the Attendance Roll Call? Leave being granted, the Motion is adopted and House Bill 1695 will so be reported. House Bill 1211. Representative Leverenz on the Motion to take from the Table, suspend Rule 79(e) and return to the Calendar on Conference Committee Reports. Mr. Leverenz, would you like to explain the reason why this Bill is being requested...this Motion is being requested?"

Leverenz: "You've done a very good job of explaining everything else. Just take care of it so we can get this in Conference Committee and we're off to the races."

Speaker Laurino: "That's probably the best explanation I've heard. Does the Gentleman have leave for the Attendance Roll Call on Senate Bill...House Bill 1211? The Motion being granted...Attendance Roll Call being granted, the Motion has been adopted. House Bill 1211's Motion has been passed. Alright. House Bill 2402. Representative Homer moves to discharge Judiciary II, advance to Second Reading and suspend Rule 37(g). Representative Homer."

Homer: "Thank you, Mr. Speaker. This Bill in its current form is simply a vehicle Bill that is being moved in the event that...in the event that the Department of Corrections and the Governor can agree on a shock incarceration boot camp proposal. And it meets with the approval of the other parties. We're simply moving this Bill along at this time to position it in the event that an agreement can be worked out yet this fall."

Speaker Laurino: "You heard the Gentleman's Motion. All those in favor indicate by...well, does he have leave for the Attendance Roll Call? Leave being granted, the Motion is adopted on House Bill 2402. House Bill 2511. Representative Giorgi moves to take from the Table, suspend Rule 37(g) and place on the Calendar, Order of Third

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Reading. Representative Giorgi, would you like to give us an explanation...necessity of this."

Giorgi: "Mr. Speaker, I'm told that 2511 has to do with an education problem and is needed as a vehicle to solve some problems created by other Bills."

Speaker Laurino: "Does the Gentleman have leave of the Attendance Roll Call on House Bill 2511? All those in favor indicate by saying 'aye', 'nay'. The 'ayes' have it, the Motion is adopted. House Bill 2511 has been...the Motion has been passed. House Bill 2514, Representative McPike. He moves...he moves to take it from the Table, suspend Rule 79(e) and place on the Calendar, Order of Conference Committee Reports. Does the Gentleman have leave of the Attendance Roll Call to put his Motion in order and pass on House Bill 2514? All those in favor indicate by saying 'aye', 'nay'. The 'ayes' have it. The Motion is adopted on House Bill 2514. House Bill 2576. Representative Myron Olson moves to suspend Rule 79(e) and place on the Calendar on Concurrence. Does the Gentleman have leave of the Attendance Roll Call to adopt his Motion on House Bill 2576? All those in favor indicate by saying 'aye', those opposed 'nay'. The 'ayes' have it, the Motion is adopted. Senate Bill 47. Representative Giorgi moves to discharge Insurance and put Senate Bill 47 on the Interim Study Calendar. He requests the Attendance Roll Call. All those in favor indicate by saying 'aye'. Roll Call. All those in favor of putting...moving to discharge Insurance and put Senate Bill 47 on the Interim Study Calendar, will indicate by voting 'aye'...I'm sorry. I'm sorry. Ladies and Gentleman, there's a misprint on the Supplemental Calendar and the correct Motion should be that this Bill is being discharged from the Insurance Committee, Interim Study Calendar, and put on Second Reading. That's the

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correct...Second Day...that's the correct Motion. I'm sorry for the misprint on the Supplemental Calendar. And it will require 71 votes. Have all voted who wish? Have all voted who wish? Zeke, you're not doing too good. Have all voted who wish? Zeke, where's your magic? Picked up two more, Zeke. Have all voted who wish? Take the record, Mr. Clerk. This Motion having received 37 'aye', 63 'nay' and 8 voting 'present', hereby fails. Senate Bill 136. Representative Terzich moves to suspend Rule 79(e) and place on the Calendar on Conference Committee Report. Representative asks for leave for the Attendance Roll Call to have this Motion adopted. All those in favor indicate by saying 'aye', opposed 'nay'. The 'ayes' have it. The Motion is adopted. Senate Bill 136 is hereby...the Motion is hereby passed. Senate Bill 370. Representative Hannig moves to suspend Rule 79(e) and place on the Calendar on Conference Committee Reports. The Gentleman requests the Attendance Roll Call on his Motion for Senate Bill 370. All those in favor indicate by saying 'aye', opposed 'nay'. Those... 'ayes' have it, the Motion is adopted. Senate Bill 472, Representative Bugielski. Out of the record. Senate Bill 572. Representative Giorgi moves to suspend Rule 79(e) and place on the Calendar on Conference Committee Reports. He requests the Attendance Roll Call for this Motion. Representative Giorgi, do one of your magic acts and explain this Motion."

Giorgi: "Mr. Speaker, the Riverboat Study Committee had five hearings on Senate Bill 572, and I think the Members of the General Assembly ought to learn what we learned at our hearing, so I move to suspend Rule 79(e) and place on the Calendar on Conference Committee Report, Senate Bill 572."

Speaker Laurino: "You heard the Gentleman's Motion. All those in favor will indicate by voting 'aye', those opposed will

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vote 'no'. This Bill requires 60 votes for passage...or this Motion. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? This is a Motion just to discharge...suspend Rule 79(e) and put it in a Conference Committee. Have all voted who wish? Mr. Clerk, take the record. Representative Giorgi asks for a Poll of the Absentees, Mr. Clerk."

Clerk O'Brien: "Poll of those not voting. Bowman. Countryman. Satterthwaite. Stange and Zickus. No further."

Speaker Laurino: "Zeke...Representative Giorgi, do you have any further wishes?"

Giorgi: "Mr. Speaker, Senate Bill 572 is Senator Jacobs' Bill in the Senate and there's going to be another hearing on it tomorrow morning to finalize the numbers that are involved in the Bill. As I repeat, there have been five hearings around the state on the viability of riverboat gambling legislation. And I think that the General Assembly ought to allow this Bill...the Conference Committee Report to become alive again, so that at least what's learned...what's been learned from the five hearings will be placed before the General Assembly and they can vote intelligently on Senate Bill 572."

Speaker Laurino: "Well, thanks for that fine, Represen...Representative Terzich. Representative Terzich wishes to be voted 'aye'. Representative Hannig, how do you wish to be recorded? Representative Krska wishes to be recorded as 'aye'. Representative Parke."

Parke: "Yes. If this Bill gets the required number I'd like a verification of the Roll Call."

Speaker Laurino: "Representative Zickus. Representative Zickus."

Zickus: "I wish to be recorded as 'aye', please."

Speaker Laurino: "Representative Zickus wishes to be recorded as 'aye'. Representative Preston. This Motion has got 60

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votes voting 'aye' and 51 voting 'nay', and there has been a request for a verification. Representative Parke, on your verification. Mr. Clerk, read the Affirmative Roll Call."

Clerk O'Brien: "Balanoff. Barnes. Breslin. Brunsvold. Bugielski. Cullerton. Curran. Currie. Davis. DeJaegher. DeLeo. Edley. Farley. Flinn. Flowers. Giglio. Giorgi. Granberg. Hartke. Hicks. Homer. Lou Jones. Shirley Jones. Keane. Krska. Kulas. Lang. Laurino. LeFlore. Leverenz. Levin. Matijevich. Mautino. McGann. McNamara. McPike. Morrow. Mulcahey. Munizzi. Novak. Phelps. Rice. Richmond. Ronan. Saltsman. Santiago. Shaw. Sutker. Terzich. Trotter. Turner. Wennlund. White. Williams. Wolf. Woolard. Anthony Young. Wyvetter Young. Zickus and Mr. Speaker."

Speaker Laurino: "Okay. Representative Capparelli wishes to be verified. He's doing an interview on the balcony with Speaker...He wishes to be recorded as voting 'aye'. Alright, Representative Parke, proceed with your verification."

Parke: "Representative DeLeo?"

Speaker Laurino: "Representative DeLeo? Is that what you said, Representative Parke?"

Parke: "Yes."

Speaker Laurino: "He's right here."

Parke: "Thank you. Representative Leverenz?"

Speaker Laurino: "Representative Homer."

Homer: "Can I be verified?"

Speaker Laurino: "Representative Homer wishes to be verified."

Parke: "Yes. Representative Leverenz?"

Speaker Laurino: "Representative Leverenz? Representative Shaw wishes to be verified. Is that okay, Representative?"

Parke: "Fine."

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Speaker Laurino: "Representative Leverenz? Representative Leverenz on the House floor? Remove him."

Parke: "Representative Mulcahey? I'm sorry, I'm blind. Representative Mautino?"

Speaker Laurino: "No. Representative Mautino? In the center aisle. Representative Leverenz is in the back of the chambers."

Parke: "Thank you. Representative McPike?"

Speaker Laurino: "Put...return Representative Leverenz. Who did you say, Representative Parke?"

Parke: "Representative McPike."

Speaker Laurino: "Representative McPike is in the Speaker's Office, but he will come out if you so desire."

Parke: "I'm sorry, what was that?"

Speaker Laurino: "He's in the Speaker's Office right now, but if you would like him to come out he will."

Parke: "That's fine."

Speaker Laurino: "Leave..."

Parke: "Representative...thank you, I see Representative McPike."

Speaker Laurino: "There's Representative McPike, right on the House floor."

Parke: "Representative Flinn?"

Speaker Laurino: "Representative Monroe Flinn is in his chair."

Parke: "Representative Richmond?"

Speaker Laurino: "Representative Richmond? He's in the rear of the chambers."

Parke: "Representative Shirley Jones?"

Speaker Laurino: "Representative Shirley Jones? She's in her chair."

Parke: "Thank you. I have no more questions."

Speaker Laurino: "On that Motion there are 60 'ayes', 51 'nos', 1 voting 'present and the Motion carries. Senate Bill 632. Representative Curran moves to suspend Rule 79(e) and place

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on the Calendar on Conference Committee Report. He requests the Attendance Roll Call. All those in favor indicate by saying 'aye', 'nay'. The 'ayes' have it, the Motion is adopted. Senate Bill 734. Representative White moves to take from the Table, discharge Human Services from further consideration and advance to Second Reading, Second Legislative Day. He wishes the Attendance Roll Call. Those in favor indicate by saying 'aye', opposed 'nay'. The 'ayes' have it, the Motion is adopted. Senate Bill 752. Representative Sieben, pursuant to Rule 74(a) moves to take from the Table, suspend Rule 37(g) and place on the Calendar, Order of Third Reading. He wishes the Attendance Roll Call. Those in favor indicate by saying 'aye', opposed 'nay'. The 'ayes' have it, the Motion is adopted. Senate Bill 801, Representative Steczo and Capparelli. I move to suspend the Rule 35(a) and move to Second Reading, Second Legislative Day. Representative McCracken, for what reason do you rise, Sir?"

McCracken: "We don't have an agreement on this one. I want a Roll Call vote and I object to the Motion."

Speaker Laurino: "All those in favor indicate by voting 'aye', those opposed vote 'nay'. This will take 60 votes. Have all voted who wish? Have all voted who wish? This Bill will take 60 votes...this Motion. All those in favor...Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Motion having received 51 'aye' and 52 'nay', 11 voting 'present'...Representative Capparelli asks for a Poll of the Absentees. Representative Santiago wishes to be recorded as voting 'aye'. Representative Bugielski...Krska wishes to be recorded as 'aye'. You guys look alike. Poll the absentees, Mr. Clerk."

Clerk O'Brien: "Balanoff. Black. Bowman. Hoffman.

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Satterthwaite. Van Duyne and Wyvetter Younge."

Speaker Laurino: "Representative Davis wishes to be recorded as 'no'. Representative Trotter wishes to be recorded as 'no'. Trotter. Representative Shirley Jones wishes to be recorded as 'no'. Representative Capparelli wishes that this Bill be taken out of the record. Motion's out of the record. Senate Bill 853. Representative McGann moves to suspend Rule 79(e), to...or make consideration. He asks for the leave of the House of the Attendance Roll Call. All those in favor indicate by saying 'aye', opposed 'nay'. The 'ayes' have it, Motion is adopted. Senate Bill 1075. Representative Ronan moves to suspend Rule 79(e) and return to the Calendar, Order of Conference Committee Reports. The Gentleman asks for leave of the House for the Attendance Roll Call. All those in favor indicate by saying 'aye'. The Gentleman wishes a Roll Call on Senate Bill 1075. All those in favor indicate...Representative Ronan."

Ronan: "As Chief Sponsor of the Bill, I want it out of the record."

Speaker Laurino: "Out of the record. Representative McGann, for what reason do you seek recognition?"

McGann: "Yes. Did you bypass me on Senate Bill 853?"

Speaker Laurino: "I certainly did not. We would never forget you."

McGann: "Pardon me, I didn't hear you?"

Speaker Laurino: "It's already been done..."

McGann: "Thank you."

Speaker Laurino: "...Representative McGann. Senate Bill 1136. Representative Giorgi moves to take from the Table and place on the Calendar, Order of Second Reading. Gentleman requests the Attendance Roll Call. All those in favor indicate by saying 'aye', opposed 'nay'...

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Gentleman...There's an objection. Take it out of the record, Mr. Clerk. Senate Bill 1276. Representative Wolf moves to discharge Personnel and Pensions...the Interim Study Calendar and place on Second Reading, Second Legislative Day. Representative...Pick up your phone, Representative. Representative McCracken. Representative Wolf asks that this Bill be taken out of the record for the time being. Representative Parke, for what reason...Representative Wolf."

Wolf: "Where are we, Mr. Speaker?"

Speaker Laurino: "We just took your Bill out of the record for the time being."

Wolf: "I can't hear you."

Speaker Laurino: "We took your Bill out of the...your Motion out of the record for the time being."

Wolf: "Temporarily?"

Speaker Laurino: "As temporary as you can get. We'll move to page 15 on your Regular Calendar. House Bill 2833, Representative Young. Representative Young moves to discharge Implementation of Chicago School Reform from further consideration and advance to the Order of Second Reading, Second Legislative Day, pursuant to Rule 77(a) and suspend Rule 37(g). All those in favor...The Gent...Representative Young. Representative Young."

Young, A.: "Yes, Mr. Speaker, this Bill deals with the Chicago Board of Education. I move to suspend the Chicago Committee on School Reform and place on the Calendar for Second Reading, Second Legislative Day. What this Bill will do if it's discharged from Committee and amended, it will do one thing and one thing only. It will restore the subdistricts to the same number of subdistricts which is 23 that existed at the time we passed the Chicago School Reform Bill. There's several good reasons for this. I'd be

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happy to answer any questions, but right now I would just ask that we discharge the Committee so it can be fully debated on Second and Third Reading."

Speaker Laurino: "Representative Cowlshaw, for what reason do you arise?"

Cowlshaw: "To speak to the Motion Mr. Speaker, if that is permitted."

Speaker Laurino: "Pardon me."

Cowlshaw: "To speak to the Motion, Mr. Speaker."

Speaker Laurino: "Well, go ahead."

Cowlshaw: "I rise in support of Representative Young's Motion. He has devoted a great deal of time and very careful thought to this issue. It is an essential issue with the Chicago Public Schools and I think this Motion ought to be supported."

Speaker Laurino: "The Gentleman asks leave. Representative McGann, what reason do you arise?"

McGann: "Only for the purpose of once again to rise in support of Representative Young's Motion for further debate if we can get it onto the Calendar."

Speaker Laurino: "Representative Young thanks you for your support. Alright, the Gentleman...alright, Representative. You've heard the Motion. Representative Young urges the adoption of his Motion. All those in favor indicate by voting 'aye', those opposed vote 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Motion receiving 96 'ayes', 10 'nay' and 4 voting 'present', is hereby adopted. Representative Young, for what reason do you arise?"

Young, A.: "Mr. Speaker, I'd like to have the Bill read a Second time at this moment so that we can adopt the Amendment."

Speaker Laurino: "Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2833, a Bill for an Act to amend the

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School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Laurino: "Mr. Clerk, are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Anthony Young."

Speaker Laurino: "Representative Young on the Amendment."

Young, A.: "Floor Amendment #1 is the Amendment that was the request of the unions to strip the Bill, so that it dealt with absolutely nothing except the subdistricts. This Amendment will adopt...is adopted, the Bill will do one thing and one thing only and that's return the number of subdistricts to 23. I move for its adoption."

Speaker Laurino: "Representative Young moves for the adoption of Amendment #1 to House Bill 2833. All those in favor indicate by saying 'aye', opposed 'nay'. The 'ayes' have it, the Amendment is adopted. Further Amendments, Mr. Clerk?"

Clerk O'Brien: "No further Amendments."

Speaker Laurino: "Third Reading. ...to inform the Membership that the Rules Committee's meeting that was suspended as...will meet immediately after adjournment tonight in the Speaker's Conference Room. The Members of the Rules Committee will meet immediately after adjournment on the suspended meeting of this morning, to consider one Bill in the Speaker's Conference Room behind his chambers. On your Supplemental Calendar #2 appears Senate Bill 801, Representative Steczo and Capparelli. Motion to move...to suspend Rule 35(a) and move to Second Reading, Second Legislative Day. The Gentleman requests the Attendance Roll Call. All those in favor indicate by saying 'aye'...Senate Bill 801 is out of the record. ...Mr. Clerk, any messages or Agreed Resolutions? Ladies and Gentlemen, we're going to hear a Death Resolution of a

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former Member, Representative Danny O'Brien, who was a very close and personal friend of many of ours. Mr. Clerk, read the Resolution."

Clerk O'Brien: "House Resolution 991, offered by Representative Daniels, Madigan and White.

'WHEREAS, The Members of this assembly were saddened to learn of the death July 28, 1989, of one its most respected former Members, Daniel P. O'Brien, Jr.; and

WHEREAS, Many of us in this chamber today were privileged to have served beside this esteemed lawmaker and witnessed his sincere dedication to serving the people he represented; and

WHEREAS, After several years as an elementary school teacher in Chicago, Representative O'Brien began his public life in 1971 when he was elected to the Illinois Senate; and

WHEREAS, Daniel O'Brien was 25 years old when he was elected to the Illinois Senate, making him the youngest State Senator ever elected at that time; and

WHEREAS, As Senator O'Brien, was ably represented his constituents during his two-year term in the Senate before leaving office in 1973; and

WHEREAS, He resumed his distinguished years of public service in State government by winning election to the Illinois House of Representatives from the 13th Legislative District and becoming a State Representative in 1977; and

WHEREAS, Representative O'Brien championed progressive ideas and served as a forceful advocate for the rights of tenants, consumers, women and racial minorities during his tenure in the House and Senate, serving as Chairman of the Spanish Speaking People's Study Commission, vice-chairman of the Senate Revenue

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Committee, minority spokesman on the House Insurance Committee, and a member of the Joint Condominium Study and Insurance Laws Study commissions; and

WHEREAS, Daniel O'Brien's years of outstanding leadership in the Illinois Legislature were recognized by the Illinois Political Reporter and North Side Jaycees, which named him "Best Freshman Legislator" in the 78th and 80th General Assemblies; and

WHEREAS, His public life extended beyond the Illinois Legislature, as he returned to his home county and served on the Cook County Board of Commissioners from 1982 to 1986; and

WHEREAS, He continued to support many visionary ideas about open government, proposing single-member Cook County Board districts during his service as Cook County Board Commissioner; and

WHEREAS, Representative O'Brien believed in the two-party system, serving as 43rd Ward Democratic Committeeman for 14 years before leaving office in 1984; and

WHEREAS, He was a model citizen for his community, beginning with teaching seventh grade at St. Michael's Elementary School in Chicago prior to his election to the Illinois Legislature; and

WHEREAS, Daniel O'Brien was a successful businessman as the owner of the North Park Insurance Agency in Chicago's Old Town, and developer of a major commercial development in the neighboring state of Michigan; and

WHEREAS, He was an active community leader through his membership in the Lincoln Park Conservation Association, Lake View Citizens' Council, Lincoln Park Chamber of Commerce, many youth, senior citizens and health care organizations; and

WHEREAS, The members of this assembly and the citizens of

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Illinois will miss not only Daniel O'Brien's spirited zeal for life, the colorful wit and humor that marked his 43 years of life; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we hereby express our deep gratitude to Daniel P. O'Brien, Jr., for his countless contributions to the citizens of Illinois and further express our heartfelt sympathy to his wife, Susan; his son, Daniel P. O'Brien III; his parents, Daniel P. and Mary D. O'Brien, Sr.; brother, Peter O'Brien; sisters, Maureen O'Brien, Kathleen Stumpf, Margaret Schulze, and Patricia Mandalis; and other family members; and be it further

RESOLVED, That suitable copies of this preamble and resolution be presented to the family of Daniel P. O'Brien."

Speaker Laurino: "Representative Daniels on the Death Resolution of Danny O'Brien."

Daniels: "Danny O'Brien was my friend. He left a widow Susan and a son Danny the III. I knew Danny O'Brien, meeting him the first time I became a Member of the General Assembly. He was elected to the State Senate, he served in that Body and then joined the Illinois House. Many of you knew him as a energetic, hard charging, enthusiastic, witty, maverick person that never knew the meaning of the word no, or it can't be done. I knew him as warm, friendly, concerned, tremendously in love with a beautiful woman named Susan, and energetic today up to the time of his death, as a developer in real estate in Michigan and Florida. Some of the issues that Danny believed in I disagreed with. Some of the times that he would bring forth his concerns, I remember well, when I served under Speaker Ryan, and he would run up to the podium and he would say I want such and

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such a Bill called. I said Danny are you nuts? And he said no not really, I think it'll cause a little havoc though, around the place. And sure enough in a short period of time he had everyone up for grab, not only the Speaker, Speaker Ryan, but also the then Minority Leader, Speaker Madigan. And he made everybody crazy at times, but this guy was great. This guy had an ability to put deals together beyond belief. He had more things going in real estate development in Michigan, taking New Buffalo, Michigan by storm, developing shopping plazas, motels, building homes. He went down to Naples, Florida, where he's doing the same thing. I'd meet him sometimes for breakfast, because our families became close. We set aside the partisanship that's natural between somebody from the suburbs and somebody from the city, and we excluded that at times when we had to vote different and we became friends. We became people that shared laughter together and sometimes sadness. There was a time in my life when I needed him as a friend and he was there. And I know that there were times in his life that he needed me and I was there. My only regret is that at 43 years old his life was terminated and that the Lord above decided that it was time for him to be called up above. My only regret is I didn't have more time to share his enthusiasm, his zest for life and his love for people. Those of you that knew him I think understood that he was a rare individual. And you've heard it said that the good die young. Danny O'Brien was good, Danny O'Brien was my friend, Danny O'Brien was your friend. I'll miss him, government will miss him, the people will miss him, but above all those of us whose lives he touched will sorely miss a true friend and an outstanding human being. He loved the song 'Oh Danny Boy', and Roger Kiley said at his wake 'Oh Danny Boy' we'll miss

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you so.' And I will."

Speaker Laurino: "Representative Levin."

Levin: "Thank you, Mr. Speaker. I was privileged to join this Body the year that Danny O'Brien was elected and came down to the House, and to share the neighboring district from Danny. So that we had the opportunity to work together not only down here, but back on the Northside of Chicago. And Danny certainly was very much a character, somebody who was tremendously energetic. And I think we have many of these Death Resolutions, but it is most tragic when somebody that is so energetic is cut down in the prime of their life. I urge adoption of this Death Resolution."

Speaker Laurino: "Representative Pullen."

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I was working in the House in a staff capacity at the time that Danny was in the Senate, and I recall that at that time there was also a Representative Dan O'Brien. And they became differentiated by a lot of people as the good Danny, that was the Representative, and the bad Danny, that was the Senator. I think it was because Danny O'Brien's personality never quite fit that place over there, he always did belong in the House. And you all know that it's really rare for someone to move from over there to over here, but for Dan that certainly was the right choice because he belonged here. And I didn't know why he was called the bad Danny. I liked the Danny in the House, so I was willing to accept him as the good Danny, but when Senator Dan O'Brien became Representative Dan O'Brien, and I joined the House at the same time, I very quickly learned that there were really two good Danny O'Brien's. He was good Danny too. He was a good friend both when he was in the House and also later when he was on the County Board, when he helped the people in my area in a way that they

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don't even know he did, but I know. I was shocked this summer to hear about the crash that took his life and I really thought then about how I've missed Dan since he left here, and now I'm going to miss him knowing I'll never see him again. And I'm glad that this Resolution is before us tonight so that we can all think about him together and remember good Danny O'Brien. Thank you."

Speaker Laurino: "Representative White."

White: "Mr. Speaker and Ladies and Gentlemen of the House. Back in 1971, I had the pleasure of meeting Danny O'Brien, he was a State Senator and he was also the Ward Committeeman from the 43rd Ward. And it isn't often you get an opportunity to serve as a Ward Committeeman, a State Representative, a State Senator and a member of the Cook County Board. I learned a lot from his tutelage and I will always remember that Danny O'Brien passed my way. He died at a very young age, the age was 44. I had a chance to meet his family and to know them very well. The people in the 13th District, which is now the 8th District, along with his family, his friends and this Body will miss him. And I would like to add the Members of this Body to this Resolution."

Speaker Laurino: "Representative Preston."

Preston: "Thank you, Mr. Speaker. I remember very well the great pride that Danny took in his son little Danny, who used to be an Honorary Page in this Body and would run up and down the aisles doing things for Members. And my son was one of the Pages that would play with little Danny during spring vacation, when the two of them would come down here. And Dan had a very special grin on his face and that always present gleam in his eye, when he would look with such fond pride at anything that his son was involved in, whether it be events in school, athletics, or his involvement watching

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his dad here in the General Assembly. As the others who have spoke, I'm going to miss Danny."

Speaker Laurino: "Representative Daniels asks that all Members of the House be added as Cosponsors to Representative Dan O'Brien's Death Resolution. All those in favor indicate by saying 'aye', 'nay'. The 'ayes' have it. Be so adopted. Now, the Death Resolution adoption. All those in favor of the Death Resolution please indicate by saying 'aye', 'nay'. The 'ayes' have it. The House is adjourned until 9:30 a.m. tomorrow morning."

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