

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

142nd Legislative Day

November 14, 1990

Black: "Thank you very much, Madam Speaker. To the best of my knowledge all Republicans, what few of us are here, are all here and present. Thank you."

Speaker Breslin: "Very good. Mr. Clerk, Representative Jones and Representative Preston are not here. That's Shirley Jones. Very good. Take the Roll, 116 being present a quorum is present. Agreed Resolutions."

Clerk Leone: "House Resolution 2111, offered by Black. House Resolution 2112, by Black. 2113, Daniels. 2114, Morrow. 2115, Wyvetter Younge. 2116, Davis. 2117, Goforth. 2118, Mulcahey. 2119, Didrickson. 2120, Capparelli. 2122, Klemm. 212...that's 2121, Klemm. 2122, Morrow. 2123, Steczo. 2124, Stern. 2125, Novak. 2126, Klemm. 2127, Virginia Frederick. 2128, Terzich. 2129 and 2130, DeJaegher. 2131, Davis. 2135, Black. 2137, Hicks. 2138, Bernard Pedersen. 2139 and 2140, DeJaegher. 2142, Speaker Madigan. 2143, Keane. 2145 and 46, DeJaegher. 2147, Wyvetter Younge. 2148, McGann. 2151, Regan. 2152, McGann. 2154 and 55, Novak. 2157 and 58, DeJaegher. 2159, Morrow. 2161, Black. 2164, Terzich. 2166, McGann. 2166 (sic. 2167) thru 2180, DeJaegher. 2181, Munizzi. 2184 thru 2187, Stephens. 2188, Keane. 2189, Giglio. 2192 thru 2203, DeJaegher. 2204, Stephens. 2205 thru 2208, Munizzi. 2209, Novak. 2210, Shaw. 2212, McGann. 2214, Black. 2215, Terzich. 2216, Phelps. 2217, Williams. 2218, McGann. 2219, Countryman. 2220, Johnson. 2221, Wyvetter Younge. 2222, Trotter. 2224, Keane. 2225, Matijevich. 2226, Stephens. 2227, Novak. 2228, Black. 2230 and 31, Stephens. 2232, Johnson. 2234, Johnson. 2236, Johnson. 2239, Johnson. 2242, Johnson. 2244, Ryder. 2245 and 46, Stephens. 2247, William Peterson. 2248, Balanoff. 2251, Brunsvold. 2252, Novak. 2253, Munizzi. 2254, Morrow. 2255, Wennlund. 2256, Barnes.

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2257, Munizzi. 2258, Leitch. 2260, Stange. 2261 thru 63, Ryder. 2265 and 66, Matijevich. 2267, Novak. 2271 thru 74, DeJaegher. 2275, Balanoff. 2276 thru 78, DeJaegher. 2282, Morrow. 2283, Munizzi. 2284, Zickus. 2285, Johnson. 2286, McNamara. 2287, Black. 2288, Terzich. 2291, Hultgren. 2293, Hultgren. 2295 thru 2302, DeJaegher. 2305, Johnson. 2308, Johnson. 2310, 11, and 12, Johnson. 2314, Johnson. 2317, Terzich and 2318, Bugielski."

Speaker Breslin: "Representative...Representative Giglio moves the adoption of the Agreed Resolutions. All those in favor say 'aye', opposed 'no', in the opinion of the Chair the 'ayes' have it and the Agreed Resolutions are adopted. Death Resolutions."

Clerk Leone: "House Resolution 2132, offered by Representative Countryman in respect to the memory of Dr. Roy Bragg. House Resolution 2133, offered by Representative Countryman in respect to the memory of Leona Inbodden. House Resolution 2134, offered by Representative Morrow in respect to the memory of Marie Susie Johnson. House Resolution 2136, offered by Representative Countryman in respect to the memory of John Isom. House Resolution 2141, offered by Representative Flowers in respect to the memory of Ada S. Niles. House Resolution 2144, offered by Representative Rice in respect to the memory of Arthur Jackson, Jr. House Resolution 2149, offered by Representative Flowers in respect to the memory of Eugene E. McClure. House Resolution 2150, offered by Representative Anthony Young in respect to the memory of Edozie E. Nwankpa. House Resolution 2153, offered by Representative Johnson...correction, that's offered by Davis in respect to the memory of Mary Mays. House Resolution 2156, offered by Representative Shaw in respect

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to the memory of Jon Tyrone Sharp. House Resolution 2160, offered by Representative Morrow in respect to the memory of Garnett Burke. House Resolution 2162, offered by Representative LeFlore in respect to the memory of Johnnie Smith. House Resolution 2163, offered by Representative Morrow in respect to the memory of Estelle Harris Huff. House Resolution 2165, offered by Representative Shaw in respect to the memory of Audrei Barber. House Resolution 2182, offered by Representative Anthony Young in respect to the memory of Bertha Perkins. And House Resolution 2183, offered by Representative Anthony Young in respect to the memory of Curtis Johnson, Jr. House Resolution 2190, offered by Representative Trotter in respect to the memory of Patricia Ann Reese. House Resolution 2191, offered by Representative Shaw in respect to the memory of Parks Gaines. House Resolution 2211, offered by Representative Morrow in respect to the memory of Pearl Hannon. House Resolution 2113 (sic, 2213), offered by Representative Countryman in respect to the memory of Peter Svetika. House Resolution 2223, offered by Representative Morrow in respect to the memory of Bernice Sawyer. House Resolution 2229, offered by Representative Morrow in respect to the memory of Sammy Rayner. House Resolution 2233, offered by Representative Johnson in respect to the memory of Bernard Fitzsimmons. House Resolution 2235, offered by Representative Johnson in respect to the memory of Michael Eighner. House Resolution 2237, offered by Representative Johnson in respect to the memory of John Scott. House Resolution 2238, offered by Representative Johnson in respect to the memory of Peter Shoresman. House Resolution 2240, offered by Representative Johnson in respect to the memory of Guy Jack Hensler. House Resolution 2241, offered by Representative Johnson in respect to the memory of Oscar

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Way Adams. House Resolution 2243, offered by Representative Countryman in respect to the memory of Robert Hutcheson. House Resolution 2249, offered by Representative Morrow in respect to the memory of Gloria Williams. House Resolution 2250, offered by Representative Morrow in respect to the memory of Eugene Williams. House Resolution 2259, offered by Representative Johnson in respect to the memory of Russell Cox. House Resolution 2264, offered by Representative Morrow in respect to the memory of Lettie Lloyd. House Resolution 2268, offered by Representative Morrow in respect to the memory of Oscar Brown. House Resolution 2269, offered by Representative Morrow in respect to the memory of Myrtle Mary Scott. House Resolution 2270, offered by Representative LeFlore in respect to the memory of Henry Washington. House Resolution 2279, offered by Representative LeFlore in respect to the memory of Theresa Young. House Resolution 2280, offered by Representative Morrow in respect to the memory of Corinne Cantrell. House Resolution 2281, offered by Representative Morrow in respect to the memory of James Yarbrough. House Resolution 2289, offered by Representative Hultgren in respect to the memory of John Bliss. House Resolution 2290, offered by Representative Hultgren in respect to the memory of Dale Dredge. House Resolution 2292, offered by Representative Hultgren in respect to the memory of Waldo Ray. House Resolution 2294, offered by Representative Countryman in respect to the memory of Harold Pillmore. House Resolution 2303, offered by Representative Anthony Young in respect to the memory of Harry King. House Resolution 2304, offered by Representative Anthony Young in respect to the memory of Ella Harrison. House Resolution 2306, offered by Representative Johnson in respect to the memory of James

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Cottrell, Jr. House Resolution 2307, offered by Representative Johnson in respect to the memory of JoAnn Dorsey. House Resolution 2309, offered by Representative Johnson in respect to the memory of Reverend Randall Bud Cozad. House Resolution 2313, offered by Representative Johnson in respect to the memory of Richard Jorgensen. House Resolution 2315, offered by Representative Johnson in respect to the memory of Alexis John Katsinas. And House Resolution 2316, offered by Representative Johnson in respect to the memory of Lee Grebner."

Representative Breslin: "Representative Giglio moves the adoption of the Death Resolutions. All those in favor say 'aye', opposed 'no', in the opinion of the Chair the 'ayes' have it and the Death Resolutions are adopted. Ladies and Gentlemen we are going to begin today at the top of page 4, with Total Veto Motions. Total Veto Motions appear at the top of page 4. We would ask Members to come to the floor so that we can take action on these Bills. The Sponsors are Representative Stern, Steczo, Keane, Novak, Satterthwaite, Williams, Davis, and Phelps. The first Bill is House Bill 3109, Representative Stern."

Stern: "Madam Speaker, this failed yesterday and I think...while I would love to have another crack at it, on behalf of Mr. Preston I have to acknowledge that it has had its hearing."

Speaker Breslin: "Very good."

Stern: "Thank you."

Speaker Breslin: "Out of the record. House Bill 3406, Representative Steczo. Out of the record. House Bill 3671, Representative Keane. Is Mr. Keane in the chamber? Out of the record. House Bill 3699, Representative Novak. Representative Novak. Phil Novak. Ready? House Bill 3699."

Novak: "Thank you Madam Speaker, Ladies and Gentlemen of the

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House. House Bill 3699 provided for...funding for training for county treasurers and also a stipend that the county treasurers would receive pursuant to their extra duties that they have assumed as county officials over the years. To give you a little history, as a former county treasurer myself, served for about five years before I came to the Legislature. It's pretty well documented that the treasurers in the State of Illinois, all 102 of them, have a very important task in collecting tax dollars and making sure those tax dollars achieve the highest rate of interest and administering their office to the best ability as possible. It's pretty well documented that the Savings and Loan crisis that has occurred throughout this nation, what it's costing each taxpayer as far as the bail-out is concerned. The documented fact that the Federal Deposit Insurance Corporation is at dangerously low levels to insure banks that would go under, I think that it is important, speaking for the first half of this Bill, that we have adequately trained county treasurers that know... that know how to select the various financial institutions that aren't on shaky grounds. The ones that also could be providing the utmost and the highest interest rate. I think this training is highly relevant for the current times and the financial markets in the United States and I think our treasurers deserve this. The stipend as I indicated was passed a number of years ago in 1985, the Legislature passed a stipend increase or a stipend in the amount of \$3,500.00, similar to what the circuit clerks get for their additional duties and similar to what the county clerks get for their additional duties. The Bill passed easily in the House and Senate in 1985, and was vetoed totally by the Governor and in the Fall Veto Session of 1985 both chambers overrode the veto very easily for the

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stipend. The problem happens that the Department of Revenue in 1986 refused to pay these dollars, refused to allocate or appropriate these dollars to the county treasurers. A lawsuit resulted, a lawsuit failed the treasurers are back, they deserve this money, the legislation was passed as I indicated, nearly five years ago. They have yet to see a dime of this money, and it's well deserved and whether I'm a county treasurer or a former county treasurer or not, I think that those treasurers in your counties, I know they've contacted you about it. I think you will speak well for them by passing this Bill. Thank you."

Speaker Breslin: "The Gentleman has moved to override the Governor's Veto of House Bill 3699. On the question the Gentleman from Cook, Representative Harris."

Harris: "Thank you Madam Speaker. Question of the Sponsor?"

Speaker Breslin: "Proceed."

Harris: "Representative was the matter of the stipend a...also a legislative initiative of a separate Bill?"

Novak: "Pardon me?"

Harris: "Was the...was this question of a stipend for the county treasurers, was that also a subject matter of a separate piece of legislation?"

Novak: "Yes, it was a separate piece of legislation."

Harris: "What happened to that legislation?"

Novak: "The legislation, I believe, failed in committee and we amended that legislation on to the training Bill."

Harris: "Okay. The Bill itself failed in committee though, correct?"

Novak: "Right."

Harris: "Thank you very much."

Speaker Breslin: "The Gentleman from Fulton, Representative Homer."

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Homer: "Will the Sponsor yield?"

Speaker Breslin: "He will."

Homer: "Representative Novak, I understand the rationale for the Bill is that four years ago the...the Legislature enacted a \$3,500.00 stipend and the Governor Vetoed it and the House overrode it in time but through the scheduling of the Veto Session the Senate acted after the effective date of the new terms of those state treas...those treasurers, correct?"

Novak: "Tom, if I can recall, you may be correct. Yeah. But the Department of Revenue called it a pay raise and that is why they did not want to allocate the dollars to...to DCCA so they can pay out to the county treasurers. That's the reason they said it was a pay raise. It was a stipend like the county clerks receive and the circuit clerks receive, the exact same thing."

Homer: "Well, I..."

Novak: "So they want..."

Homer: "Well, I appreciate it. I think what happened was the Governor vetoed it, we overrode it in November of that year of 1986. The Senate didn't meet that year until after December 1st, they also overrode the veto but there was an interpretation since the county treasurers began their term on December 1st and the Senate action didn't take place until after that that there was some legal question as to whether it was an increase in salary during the term of office. Now that issue is now pending before the Supreme Court, is that correct?"

Novak: "Yes. Yes, it is."

Homer: "Alright now, if the Supreme Court rules that the stipend was legal and the...and the state is obligated to pay the county treasurers for the four years from 1986 to 1990 what would be your intent with regard to the \$5,000.00 stipend

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that they're getting now...that they would get under your Bill?"

Novak: "If the court...if the treasurers would become successful in their action before the Supreme Court we would ask for this legislation to become nullified or either repeal it or just not pay the money out, not appropriate the dollars. Assuming that they would be successful in court."

Homer: "Alright. And so as far as you know, the County Treasurers Association concurs in that?"

Novak: "Absolutely, yes."

Homer: "Alright. Now in some of the counties, Representative Novak, the county boards agreed to go ahead and pay the treasurer the \$3,500.00 to make up for the lack of payment from the state of the stipend. Are you aware of that?"

Novak: "Tom, to my knowledge, no. I know my county board hasn't but to my knowledge no, I'm not."

Homer: "Alright, well I'm confident that..."

Novak: "Have a few counties done it?"

Homer: "There are some counties where the County Board felt that they should go ahead and make up the difference."

Novak: "Okay."

Homer: "Now if the litigation comes back such that the court orders the state to pay those same treasurers that \$3,500.00 stipend, there's a potential for a windfall for those...those treasurers in those counties, correct?"

Novak: "Correct."

Homer: "And I don't know that your legislation or legislative intent here could address it, probably not but I would think in that situation it would be the morally...moral responsibility of those treasurers that received that compensation from the county to...to take the money that they received through this lawsuit and to return it to the county board."

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Novak: "I would certainly be receptive to that, I think that's only fair and I'm sure the entire association with respect to those treasurers that did receive those dollars, prematurely I guess so to speak...would pay it back, yes."

Homer: "Well I'm prepared to support your Motion to override because I think it's only fair that the treasurers be put on...at least as much as possible equal footing with their colleagues in the Court House. But I would say that if in fact the court rules with the treasurers that (a) we need to move quickly to repeal this legislation and or to roll it back to \$3,500.00 and (b) that those treasurers who receive the money from their county boards the past four years should in my view have a moral responsibility to refund that money and under the understanding that they will do that I'm prepared to support your Motion."

Novak: "Representative Homer for the record, I agree and I think that should be well documented in the record. Thank you."

Speaker Breslin: "The Lady from Cook, Representative Hasara. Sangamon, excuse me."

Hasara: "Thank you. I haven't been moved there yet. May be coming. Will the Sponsor yield?"

Speaker Breslin: "He will."

Hasara: "Thank you. Representative, I knew one county official received the stipend. It has always been my contention that it has only been fair for every county official to receive one. However, I was really not aware until today that the stipend for treasurers in the Bill is \$5,000 rather than \$3,500. Can you...how do you justify that?"

Novak: "The reason why that was put in there is because the...the legislation that was passed a few years ago, they never received anything. And as Representative Homer indicated, if the court... if they are successful before the Illinois Supreme Court this money will not be allocated at all."

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Hasara: "Well I realize that but looking ahead to the future, no matter what the court does from now on treasurers will be receiving 5,000, other county officials will be receiving 3,500."

Novak: "Well, it was designed to make up for the past."

Hasara: "But the problem is, I can tell you that every single other group now will be in for an additional 1,500 and rightfully so. And I feel that I want to support your Motion and I will do so, but I think we're in a terrible position to again open the flood gates to every other group of officials coming in for another 1,500 and I have a big problem with that."

Speaker Breslin: "The Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Madam Speaker. Would the Sponsor yield?"

Speaker Breslin: "He will."

Ropp: "A question. Is this \$1,500 in addition to the 3,500 that has just been ruled by the court? So that in fact are we giving two stipends by this Bill before we have even given the first one?"

Novak: "The court has not ruled yet, Representative Ropp."

Ropp: "On the first one."

Novak: "Right, they have not ruled yet. So actually, it is not a double stipend."

Ropp: "So, okay. We're increasing the first one that the court has not ruled on by a second one...by this Bill. So if this Bill does not pass and the court approves it, they're going to get the 3,500 that we have already passed into law?"

Novak: "Yes."

Ropp: "That's correct? Okay, so this is just an increase of a second stipend which would, after the courts ruling you wouldn't have to go through the court again. You would

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assume..."

Novak: "Hopefully not."

Ropp: "Yeah. That this would comply with the ruling on the first \$3,500."

Novak: "Yes."

Ropp: "Well, I guess since we probably all supported the first 3,500, this would almost be a double stipend...and I would say that that certainly not the norm to give two stipends before you get the first one even approved."

Novak: "Well, the...Representative the reason why that was put in there is because the Treasurers Association has been frustrated over a number of years because they would have to go through the...their remedy process, go through the courts and try to...get their parity that they have so well worked for and deserve and it was put in there as sort of a buffer to allow them this added compensation for these extra duties assuming hopefully that the court rules in their favor, we won't appropriate one dime out of this Bill. Because you have to have an appropriation for this Bill anyway. This is only the substantive language."

Ropp: "Okay, but it seems like we haven't solved the first one before right away we've come around with a second request for an increase in the first stipend. The other thing that I wanted to ask was...some time ago and it's kind of hard to hear in here, but it seemed like a lot counties when we granted this...did not use this as an add on. Is there a provision in your Bill that says this must be an add on to the existing pay to those treasurers versus a mere reduction in the local contribution by the county board?"

Novak: "I'm sorry Representative, I can't hear you."

Ropp: "Okay. The question is..."

Speaker Breslin: "Okay wait a minute. Ladies and Gentlemen, the speakers cannot be heard. Please lower your voices and all

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unauthorized persons should leave the floor. Proceed, Representative Ropp."

Ropp: "Thank you, Madam Speaker. Is there a provision in this piece of legislation that will in fact, guarantee that the treasurers will get this and that the county boards will not just reduce their local commitment by like amount?"

Novak: "I believe we've...no, but we passed legislation a number of years ago that prohibits the county board from lowering county officers salaries when they receive a stipend."

Ropp: "Okay. So that's already on the books. Okay, thank you."

Speaker Breslin: "Representative Novak is recognized to close."

Novak: "Thank you Madam Speaker, Ladies and Gentlemen. As I indicated, our county treasurers, 102 of the handle multi...multi million dollar agencies hundreds and hundreds of million dollars and it is very important that they have, first of all, have adequate training and resources to handle this money and make sure it is invested wisely to get the highest rate of return and also the assumption of additional duties that they have acquired over the years. Just makes this office all the more important, puts it on an equal level with the county clerks office that has assumed the election responsibilities. The circuit clerks office that has additional responsibilities with child support and so forth and so on. So, in essence I believe it is a good vote if we vote to override House Bill 3699. Thank you."

Speaker Breslin: "The question is, 'Shall House Bill 3699 pass the Veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required. Seventy-one votes are required. Representative Novak, one minute to explain your vote."

Novak: "Thank you Madam Speaker. We've got the magic number up

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there but we're getting close to it. I would just like to say briefly that those county treasurers that contacted you over the years, you know, many of you Legislators were in the General Assembly in 1985 and thereafter and that you did support their stipend. All they are asking for is parity and equality with the other county officials that have assumed extra duty and I think it is only fair that we recognize their extra responsibilities that they have acquired over the years. I'd ask for you...just a couple of extra votes so we can get this over to the Senate."

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

Black: "Well, thank you very much, Madam Speaker. I think the most telling argument to uphold the Governor's Veto and vote 'no' was made by a speaker on the Democrat side of the aisle. If the Supreme Court rules that the original stipend is old retroactively, the question is, where do you get the money to do what you have already done? The Gentleman is back here today saying we want additional money. You are incurring a liability here that you may not be able to meet. I think you should sustain the Governor's Veto until we see what the Supreme Court rules."

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

Dunn: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. It would really be nice to have two or three more votes to put this over 71 because, if I recall correctly and the Gentleman Sponsor of the Motion can correct me if I'm wrong. We passed this a long time ago and the treasurers were not able to collect it. They do have additional duties, not to mention the increased cost of living, the cost of everything has gone up...they don't have the wherewithal at home to...to seek this increase on

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their own at the county level, we have to do it here. We have responsibility to see to it that our officials back home are properly compensated so we'll have top quality people. We need enough votes to get this over 71 to take care of your county treasurer back home, in both parties. This is not a partisan issue. There are...all over this state..."

Speaker Breslin: "Have all voted who wish? 71 votes are required. Have all voted who wish? Have all voted who wish? Representative Novak for what reason do you seek recognition?"

Novak: "Take the Bill out of the record, please."

Speaker Breslin: "We can't take the Bill out of the record once we've started a Roll Call."

Novak: "Postponed Consideration."

Speaker Breslin: "On this question there are 67 voting 'aye', 44 voting...69 voting 'aye', 43 voting 'no' and 1 voting 'present'. Representative Novak asks for a poll of the absentees."

Clerk Leone: "Poll of those not voting. Representatives Ewing, Flinn and Matijevich are not voting."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On the question there are 69 voting 'aye', 43 voting 'no' and 1 voting 'present'. The Gentleman asks for Postponed Consideration and that will be granted. Representative Phelps for what reason do you seek recognition?"

Phelps: "Thank you...thank you, Madam Speaker. I want to...point of personal privilege, recognize and honor the presence with our Congressman of the southern Illinois region, Congressman Glenn Poshard to join us today."

Speaker Breslin: "Welcome Congressman Poshard. One of Illinois' finest. Welcome, Sir. The next Bill is House Bill 3940,

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Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House. House Bill 3940 is a method of putting into law the reimbursement rate that is the states portion for special education personnel. In the past we have had a specific dollar amount in the statutes and over a period of years we come back to update that amount in order to make sure that the state is keeping pace with its responsibility for helping our local school districts take care of their special education cost. This Bill which has been vetoed by the Governor substitutes a percentage of the average special education teacher salary rather than the \$8,000 specific figure that we have had in the past. That \$8,000 figure has been in place for five years now and rather than coming back on...an irregular basis to try to upgrade it, people in the special education field feel that we should go to this percentage figure of 26%. The 26% does not require additional funding over the level that we now require in the \$8,000 figure in the statutes. And in fact, this legislation would have no impact under any circumstances during the current fiscal year. We're simply asking that by putting the figure in place when the State Board of Education comes in with its budget request the amount of the 26% would be calculated for that line item. In no way does this legislation tell the Legislature how much we will appropriate in any given year for this purpose. Just as with all of the other grant line items we come back with specific amounts to go into the line item and if there has not been sufficient allocation to meet the 26%, then it is pro rated just as transportation and other line items are pro rated on the basis of the appropriations. This does not cost the state one cent. It simply puts into the statutes the expectation that we will try to provide 26% of

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the average special education personnel salary as the state's contribution to our local schools. I would be happy to answer any questions or lacking the need for that move for the override of the Governor's veto on House Bill 3940."

Speaker Breslin: "You have heard the Lady's Motion. On that question the Gentleman from Madison, Representative Stephens."

Stephens: "Well, thank you Madam Speaker. Just to point out that the Lady is half right, it kinda sounded like a campaign ad and it didn't tell quite all truth. The truth is that in the first year out there'll be an increase of about \$8,000,000 so if you're talking about next years budget you're taking an \$8,000,000 hit before you start the appropriations process and I think that is something we...that you that are going to be here have to strongly consider. So I would rise in opposition to the Lady's Motion."

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

Harris: "Yes, question of the Sponsor, please."

Speaker Breslin: "The Lady will yield for a question."

Harris: "Thank you. Representative you say that there is no additional cost to the state, is that correct?"

Satterthwaite: "That's right. The 26% was calculated on the basis of coming as close as we could on a percentage basis to the current reimbursement level. The current statutory level for reimbursement."

Harris: "Which is \$8,000?"

Satterthwaite: "Yes."

Harris: "Okay, so the 26% this year, 26% of salary this year equates roughly to \$8,000 but as those salaries rise then I assume then our liability increases. Would that be

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correct?"

Satterthwaite: "Well, it is true that the expectation would be that as the average salary would go up, the state's portion would also go up in terms of our commitment to help local school districts with their special education funding. However, as I indicated that is always subject to the appropriation for any given fiscal year. And so what happens as you know, is that the State Board of Education provides us with a list of budgetary items but then the Legislature and the Governor will make adjustments to that on the basis of the funds available."

Harris: "I follow what you're saying but wouldn't the \$8,000 also be subject to...I mean we could change the \$8,000 also per year or increase it or decrease it. We have the same leverage there, do we not, as we would with the appropriation process?"

Satterthwaite: "I'm having a great deal of difficulty hearing the Gentleman's question."

Speaker Breslin: "Ladies and Gentlemen it is too difficult to hear, I'm going to ask that the aisles be cleared and the people who do not have access to the House floor please remove yourself immediately. Representative Harris."

Harris: "Just to follow up though, don't we the General Assembly have the same leverage on an \$8,000 per...\$8,000 basis as we do on a 26% basis? In other words, we can change that \$8,000 figure going higher or lower just as we can say in the appropriation process we either can or cannot honor the 26%."

Satterthwaite: "Without this legislation we would not have the option of going beyond \$8,000."

Harris: "But we could change..."

Satterthwaite: "The only way that we would have the option would be to come back and either adopt this percentage or some

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higher figure and as I indicated, this is the figure that has been in law for five years. I believe it was fifteen years for the previous interval before it was updated to \$8,000. And I'm simply saying that it seems like a more reasonable process for us to go on a percentage basis rather than having to come back periodically to make this adjustment."

Harris: "Thank you. To the Motion, Madam Speaker. Ladies and Gentlemen of the House, I understand what the Lady is doing and I think her motives are certainly very...very well intentioned. It is a program that we need to support. We have supported it by the statutory requirement of \$8,000 per teacher and the concern that I have is that as we move from a flat rate basis to a percentage basis we lose, we being the General Assembly, lose some control and not just some control but conceivably a significant amount of control of the...of the dollars that we would then be responsible for. If we want to increase our commitment to this program we can do so simply by changing that \$8,000 figure to a \$9,000 or \$10,000 figure or whatever we deemed to be correct. To go to a percentage basis takes that control away from us, it factors it into a formula which could be beyond our control or which we would have to change anyway by going from a 26 to a 25 or a 24. In other words, the procedure would be the same. I don't see the necessity for change. I don't see the necessity for making this...for making this move at this time. I think the Governor's veto is an appropriate one and I would ask for defeat of the Motion."

Speaker Breslin: "Representative Satterthwaite is recognized to close."

Satterthwaite: "Madam Speaker and Members of the House. This Bill has absolutely no fiscal impact for this fiscal year.

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It has no fiscal impact for its following fiscal years except as the General Assembly chooses to fund this line item. All we are asking is that we give a commitment as was recommended by the State Board of Education mandate study which was chaired by Senator John Maitland and recommended that we go to a percentage basis for making a commitment for how we would like to be able to fund special education reimbursement to our local school districts. This is legislation that will benefit every school district in the state if we are able to provide the funds up to the 26% level. However, the impact will be very minimal in 1992 the first sufficient impact would not even occur until 1993 and as I indicated, even then it is totally under the control of the legislature and the Governor in terms of how much money would be appropriated for this line item. This is simply responding to a study that was done indicating that this would be a better way of providing a policy for how we should be helping our local school district with the special needs for special education personnel. And I would ask for your support in overriding the Governor's Veto."

Speaker Breslin: "The question is, 'Shall House Bill 3940 pass the veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 105 voting 'aye', 6 voting 'no', and 1 voting 'present'. The House does adopt...The House does pass House Bill 3940, the veto of the Governor notwithstanding. House Bill 3952, Representative Novak."

Novak: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move to override the Total Veto...Madam Speaker do you want to change the scoreboard?"

Speaker Breslin: "Yes. Mr. Clerk, it's House Bill 3952. Thank

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you."

Novak: "Thank you, Madam Speaker. I move to override the Governor's Total Veto of House Bill 3952. House Bill 3952 creates the Organic Labeling Act. This Bill was originally passed in 19...1988 and it was vetoed by the Governor. The reason why the Governor vetoed the Bill in 1988, he said it wasn't strong enough. 1989 we came back with all the various groups including support from the Department of Agriculture and the Illinois Farm Bureau, the Illinois South Project, the Illinois Environmental Council, the Council...the Catholic Council of Churches and all the other various groups worked very hard and diligently for a long number of hours to get this Bill passed and to the Governor's desk. Unfortunately, the Governor again... and I should point out that we did strengthen the Bill as the Governor recommended in his Veto Message of 1988. However, when the Bill reached his desk he vetoed it on a Total Veto and we're here asking today that we have a law go on the books in the State of Illinois to follow the twenty some odd other states in the union that do have Organic Labeling Acts to follow the Federal Government that passed the 1990 Farm Bill that does have a food labeling standards in its legislation. However, that doesn't take effect until 1993. It gives states a number of time to phase in these rules and regulations. There is a growing demand and there is a growing market not only in the State of Illinois with the desires of the farming community to use less and less pesticides, herbicides and other synthetic chemicals to grow their crops. There is a growing demand and the consumers are responding to it, they are demanding it. It is a multi-billion dollar industry not only in Illinois but across the nation. I think Illinois should be in the forefront to have this legislation on its books so it can

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give our groups, the Illinois Department of Agriculture, the agriculture community and those individuals pushing for this legislation to have something to work with and to refine and maybe smooth out down the years so, I'm asking for your support on this Bill. The Bill passed the House by a total of 101 to 11. It is noncontroversial, it won't cost the state a dime. And we pass Bills down here appropriating 50, 60, hundreds of millions of dollars. Sometimes we wonder where the money is coming from. Well, I can assure you this legislation won't cost a dime. There is a certification board set up and they are all volunteers and they are not going to charge the state one dime. So I would like to ask you for your support. Thank you."

Speaker Breslin: "The Gentleman has moved the passage of House Bill 3952, the veto of the Governor notwithstanding. On that question the Lady from Kane, Representative Doederlein."

Doederlein: "Yes, Madam Speaker, Ladies and Gentlemen of the House. Again I rise in opposition to this Bill. We do have the 1990 Farm Bill as Representative Novak has said and I think we should study that Bill and take the best parts of that Bill. This is a fight between two women and two different crediting agencies and I don't think that the General Assembly should get in the middle of this fight. Thank you."

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

Black: "Thank you very much, Madam Speaker. Will the Gentlemen yield for questions?"

Speaker Breslin: "He will."

Black: "Thank you. Representative, you've mentioned that there is language in the 1990 Federal Farm Bill regarding standards, labeling procedures, et cetera. Do you know

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if...if we pass this Bill over the veto today are we in compliance with those federal standards or are we not in compliance?"

Novak: "Very close to it. Very close to it. I just want to point out, Representative Black, 1993 is the phase in date. That's three long years from now. We've been urging the passage of this Bill since 1988. That's five years in total, I think it's about time we get serious and get this legislation on the books."

Black: "But...but to quote you, and I have the most respect to your intellect, Sir, as you well know. We're close to the federal standards but we aren't quite there, right?"

Novak: "It's very close to it."

Black: "Very close."

Novak: "Very close to it."

Black: "Very close."

Novak: "Very...some very minute changes. I haven't had a chance to read the 1990 Farm Bill, Representative Black."

Black: "Shame on you."

Novak: "I don't know if you have."

Black: "Shame on you, I have read every word as you well know. I was up until the wee hours this morning. Gordy Ropp was helping me. But be that as it may, thank you Representative. Madam Speaker and Ladies and Gentlemen of the House. I would submit to you, in the Sponsors own words, that we're not in compliance with the language in the Federal Farm Bill. We cannot be more restrictive than the Federal Farm Bill. We really don't know what the Fed's have included in that, we're going to have to come back and rework this Bill. I know the Gentlemen has been trying to pass it for a long time, now is not the time. We've been preempted by the Federal Government. I would also point out to you that of the eleven members of the board that's

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created by this legislation, only four are certified organic producers. The Gentleman has a good concept. It is fraught with problems, it is fraught with opposition we need to go back to the drawing board. I think the Gentleman can come up with a Bill prior to '93 that the Fed's will agree with and those involved in the industry will agree with but we're not there yet and even though Representative, you've been trying since '88 let's try try again. I would urge that you uphold the Governor's veto of House Bill 3952."

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

Klemm: "Would the Sponsor yield for a question?"

Speaker Breslin: "He will."

Klemm: "Representative Novak, I noticed that there was quite a bit of negotiation on this Bill last year and does Illinois Farm Bureau and the Illinois Department of Agriculture now support this Bill or are they opposed to this..."

Novak: "They supported the Bill. Yes they did, Representative."

Klemm: "Do they still support it with the Governor's Veto?"

Novak: "I haven't spoken to the Farm Bureau lately and I saw...Agriculture, I don't think...have they been over on that side of the aisle working against the Bill?"

Klemm: "I get concerned because I'm not in agriculture so I do depend on some of those that are to give me some guidance on here and I was curious because we still have the Farm Bureau, we have the Department of Agriculture two you know, organizations that we look to and I was prepared to vote against it. So I wanted some clarification on that if you could give me on that. Thank you."

Novak: "Thank you."

Speaker Breslin: "Representative Novak is recognized to close."

Novak: "Thank you. Ladies and Gentlemen and may...I would like

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to refer this to Representative Black and all the Members who...for the Body here. In speaking with the lobbyist, Rich Wood, it is in compliance with the Federal Law, Representative Black. It was my mistake. Let me repeat, the Bill is in compliance with the Federal Law. 1993 is three years from now so it gives the states some time to be in compliance. This Bill will help us to be in compliance with the Federal Law and I would also like to respond to what Representative Doederlein. Yes, I agree there is a little conflict of interest between a couple of ladies who are interested in getting this Bill passed. But I don't think one person or two people should dictate what the State of Illinois is going to say and how it is going to formulate its standard for organic food. The farming community for years and years has used chemicals, pesticides and herbicides, they've done well for us. There are other farmers want to get into agricultural practices commonly known as the sustainable agriculture and use less chemicals, use less fertilizer, use less pesticides, use less herbicides, do less damage to the environment, have less run off into our waters and streams and rivers and more protection for the environment. So I think when you vote for this Bill you're voting to help the environment, it's very important. I ask for your support."

Speaker Breslin: "The question is, 'Shall House Bill 3952 pass, the veto of the Governor notwithstanding?' All those in favor vote 'aye', opposed vote 'no'. Voting is open. Have all voted who wish? 71 votes are required. Have all voted who wish? Have all voted who wish? 71 votes are required. The Clerk will take the record. On this question there are 71 voting 'aye', 42 voting 'no' and 1 voting 'present'. The House does...pass House Bill 3952, the veto of the Governor notwithstanding. House Bill 4049, Representative

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Williams. Yes, Representative Cullerton for what reason do you seek recognition?"

Cullerton: "Yes, Madam Speaker, Rule 65(d) states that no Motion is in order unless the Members...Madam Speaker, I can't hear myself."

Speaker Breslin: "Ladies and Gentlemen, give your attention to Representative Cullerton."

Cullerton: "This would just be a Motion to suspend a rule. The Rule is 65(d), says that no Motion is in order unless the Member so moving makes it from the Member's own seat. I would like to seek unanimous consent to suspend that rule. This would allow Representative Black to move over and make Motions from Representative McCracken's chair and I would also invite Representative McCracken, if he wishes, to come over here and use my seat. We've got some folders over here that have all the files, all the Bills, and they have proven to be more accurate than the files that he has been looking at for the last two years. So if we could have unanimous consent to suspend that Rule 65(d)."

Speaker Breslin: "The Gentleman has moved that Rule 65(d) be suspended and on that question the Gentleman from Cook, Representative Bowman. Mr. Bowman"

Bowman: "Question, Madam Speaker. With respect to what Bill is this Motion filed, 49?"

Cullerton: "No, I think this would be...Madam Speaker, to answer the question, just for the purpose of the Veto Session on all Bills."

Speaker Breslin: "It's only for Representative Black to take Representative McCracken's seat and Representative McCracken to take Representative Cullerton's seat on all Motions that they happen to be involved in."

Bowman: "Okay. I see."

Speaker Breslin: "Do you understand? Okay."

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Bowman: "Okay. Thank you very much."

Speaker Breslin: "For further discussion the Gentleman from DuPage, Representative McCracken."

McCracken: "Actually we need to suspend that rule for thirteen of us. Can you give us a couple of front rows over there?"

Speaker Breslin: "Representative Stephens on the question. Mr. Stephens is recognized."

Stephens: "I think I should have been consulted. I absolutely object having Representative Black sitting behind me on the House floor. It's an outrage."

Speaker Breslin: "There being no further discussion we're going to move on to House Bill 4049. Is Representative Williams in the chamber? Mr. Williams. Out of the record. House Bill 4208, Representative Davis."

Davis: "Thank you, Madam Speaker. I urge an override of the Governor's Veto on this piece of legislation. In his Veto Message he states that...there's an authorization for the Public Aid Department to issue identification cards and this was discussed with the bankers and the Department of Public Aid. They both agree that existing identification that Public Aid issues can certainly be used. Another section of his Veto states that if he signs, I think it's 2802, that it would certainly take care of part of this Bill in reference to the electronic transfer. I believe, along with the rest of the House of Representatives and the Senate, that the Public Aid recipients should not have to pay an exorbitant fee for check cashing. They should have the option of cashing those checks at a bank. Currently banks charge, or they may say you have to have an account of a \$200 balance before we cash checks for you. This will eliminate that kind of requirement for Public Aid recipients. We feel that since the Senate voted 58 'yes', absolutely no 'nos', the House voted 109 'yes' for this

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piece of legislation, I certainly beg my colleagues to continue and support this legislation that will, in a fashion, put dollars into the welfare recipients coffers."

Speaker Breslin: "You've heard the Lady's Motion. Is there any discussion? There being no discussion the question is, 'Shall House Bill 4208 pass, the Veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are 99 voting 'aye', 13 voting 'no' and 1 voting 'present'. The House does pass House Bill 4208, the Veto of the Governor notwithstanding. House Bill 4221, Representative Phelps."

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move to override the Governor's Veto of House Bill 4221. What we're trying to do in this legislation is respond to the jail removal initiative that our local counties are suffering from which requires the counties now to house juveniles in a separate location from adults. And with this mandate passed down to the county level as all of the other mandates that we've burdened the counties with, this legislation is an effort to try to relieve that burden in order to set up a...a juvenile detention or juvenile group home revolving loan fund that the state could provide for the local counties to house detention of juvenile detention facility. So this does not require any impact on the state coffers. At the present time it only puts this process in place that might serve assistance down the road if appropriations are successful. So let's work to help relieve the mandate and the burdens that we've have placed through legislation on the county governments. I appreciate your positive vote."

Speaker Breslin: "You've heard the Gentleman's Motion. Is there

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any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Breslin: "He will."

Black: "Representative, can you explain to us the need for the override on 4221? When I was pleased to join with you in Senate Bill 2193 which has been signed, I thought we had...you know, given the county some relief under this very onerous detention law that I appreciate your help on over the last year. But it seems with the Governor signing 2193, do we really need 4221?"

Phelps: "Well, if I understand right, the 2193 was amended in the last hours to provide a 75% revolving loan, still leaving the counties, and of course in my district and most of downstate, I believe would have trouble coming up with 25% matching. So what this Bill does, it still has the 100% provision in it. If and when we are able to fund that, at least it would access that fund. Since it is a mandate, nothing they're doing on their own to cause this burden, so the laws changed and so now I think we should put the money to send to that change. That's the difference."

Black: "I certainly have no major disagreement with what you're trying to do, but I think the Governor's Veto Message, in stating that if a county could not access 25% of the construction dollars from some source, a local source, then I think there is extreme difficulty in trying to project how they can meet the operational cost. I think if...if we get into a 100% capital funding program and we don't make the county look at funding sources, Representative, I think you would probably agree with me that that building, while it may be constructed, may then very well well be such a drain on the county to operate that they won't be able to,

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and I wonder if we're not creating just an additional fiscal hardship on down the road."

Phelps: "Well, I understand your concern and I assure that the only...the only other item in this provision does allow that the 100% or whether it be 75%, with the 25% matching locals that's incorporated the cost to take care of the salaries and the operations so it's just not the construction of a juvenile detention center. So, I didn't mean to mislead you in saying a 100% for construction and nothing else in place for salaries and operations. It would include that cost."

Black: "So, it would be your intent then that from this fund would even come continuous funding for operational cost?"

Phelps: "Well, we do know that the fees that are involved to the court system would help relieve some of the fines and so forth, would help relieve that cost. I don't know if there's statistics to show how much the burden would be shared, but first of all we have to acknowledge that the counties are absorbing the costs now, without any help. So if they can do it now when there's...If they were relieved from that 25% match they may not be able to come up with a full 25%, but they would have a little bit of room to operate."

Black: "Thank you very much, Representative."

Speaker Breslin: "Any further discussion? There being none, Representative Phelps to close."

Phelps: "Just to be expeditious in time, I appreciate the positive vote for this."

Speaker Breslin: "The question is, 'Shall House Bill 4221 pass, the Veto of the Governor notwithstanding?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open. 71 votes are required. Have all voted who wish? 71 votes are required. Have all voted who wish? Have all voted who

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wish? The Clerk will take the record. On this question there are 68 voting 'aye', 41 voting 'no', and 2 voting 'present' and the House does not reach the necessary Three-Fifths Majority and the Motion fails. The next Order of Business, Ladies and Gentlemen, is the Amendatory Veto Motions Gubernatorial. Repres...excuse me, Representative Steczo has a Bill on Total Veto Motions on page 4. With leave of the Body we will go back to that. That's House Bill 3406. Representative Steczo."

Steczko: "Thank you, Madam Speaker, Members of the House. I would move to override the Governor's Total Veto of House Bill 3406. House Bill 3406 is a Bill that amends the Insurance Code and it extended the right that is currently enjoyed by police officers, firefighters and deputy sheriffs with regard to health insurance retirement privileges and it allows those people an extra approximately 18 months of coverage when they retire. Keeping in mind that the...the premiums are paid by the retiree, both the retiree share and the municipal share or the local governments share. This benefit as I mentioned is currently enjoyed by police officers, by firefighters and by deputy sheriff's. In addition to that federal law, the federal COBRA law provides for employees and retirees to purchase up to 18 months of health insurance contribution after they terminate their employment or retire. So this Bill extends that time for those employees retiring before the age of 63 1/2, and that was the portion of the Bill that the Governor found objectionable. However, and I would indicate to you that in the course of our discussions that as much as some of the local government groups, including the municipal league or the municipal league in particular, pointed to potential cost problems. In fact, COBRA is law, is federal law, affects them and not once during the entire debate on

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this Bill all last spring and all summer and all fall so far, has one bit of information come to my attention from them indicating what a strain on their resources it would be. The best estimates we have is that the...that the cost, if any, would be insignificant. In fact, Madam Speaker, Members of the House, the township officials of Illinois who certainly have a stake in this, have written to me and indicated their support of the override. That being the case, I don't think that the...again, the fiscal impact or any fiscal impact would be seen. This Bill...this provision is extremely fair to those people who need to retire early and until they reach medicare age would have no place to go to get coverage. Once again to repeat, they would have to pay their portion of the premium cost as well as the local government premium cost, so it's not really a bargain for them, it just allows them into the group coverage. I would be happy to answer any questions that you might have and would appreciate your 'yes' votes to override the Governor's Veto."

Speaker Breslin: "You have heard the Gentleman's Motion. On the question is there any discussion? There being no discussion, the quest...excuse me, the Gentleman from DuPage, Representative Barger."

Barger: "Thank you, Madam Speaker. The municipal governments are strongly opposed to this override. I have a letter here from the DuPage mayors and managers, it says, the conference supports the Governor's Veto because we oppose the health insurance mandates. House Bill 3406 requires municipalities to continue to offer health insurance to retired firefighters even after they become eligible for medicare. Also retired IMRF members after the 18 months insurance extension required by federal law, which means the state will not help municipalities meet the cost of

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this mandated insurance benefit. These will have to be subsidized, these costs by property taxpayers and the municipalities say that this is circumventing the collective bargaining process which would be the logical place for the municipalities to address this particular problem. And we ask that we sustain the Governor's Veto. Thank you very much."

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

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

Speaker Breslin: "He will yield."

Harris: "Did we...in our legislation that we passed or in the legislation that we passed House Bill 3406, did we specifically state that this was not a...that this was exempt from the States Mandates Act?"

Steczo: "Representative Harris, yes, that provision was placed in the Act and there was a strong sense of feeling then and now that perhaps it was not necessary to do that because...the impact, if any, would be absolutely minimal on this Bill."

Harris: "There..."

Steczo: "So perhaps there was an error in judgment at that point to include that language but even the township officials who have now come out in support of this realize that the fiscal impact would be negligible."

Harris: "Thank you. I suppose logic, Ladies and Gentlemen, dictates... well, whether or not a mandate is of a small amount or a large amount, the idea that we are imposing any mandate that we, the General Assembly are imposing a mandate on local municipalities and then not reimbursing that mandate. Be it for one dollar or be it for one million dollars is not the right procedure to take. We

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have a State Mandates Act that says we impose a mandate we should pay for it. Yet, by legislative legerdemain we can simply say, 'Well, we don't want to pay for it, we will exempt it from the State Mandates Act and therefore, you local municipalities have to pick up the cost'. Where do they get it? They get it from their property taxpayers. That means me, you, our constituents. Their property taxes are high enough and they don't want to pay any more. Whether or not it's a dollar whether or not it's a million dollars, it's a mandate. The local municipalities are strongly opposed to this Bill and understandably so. The Veto of the Governor in this matter was correct. We should not be imposing these mandates without doing what we have said we would do and reimburse them and we ought to uphold the Governor's Veto of this Bill."

Speaker Breslin: "Representative Steczo is recognized to close."

Steczko: "Well, thank you, Madam Speaker. I think the question of mandates is a good one. Sometimes people say, 'If it walks like a duck and quacks like a duck it must be a duck'. Just because the mandates language is included in this legislation does not necessarily means that it's a mandate. We provide yes, that the coverage has to be offered. In that respect, yes, you could say we are mandating. However, I want you all to keep in mind that the cost to the municipality is negligible because the retiree who qualifies and chooses this option has to pay the cost of their own premiums as well as the municipal share of the premium so they pay the full ride, the municipality is not responsible for one dime. All we are mandating is that the coverage be offered and we have mandated in the past that the firemen and policemen, deputy sheriffs, be allowed this coverage. The Federal Government has already indicated and mandated that that coverage be offered under the CORBA Law

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for 18 months. We are allowing a little bit longer coverage but again the retiree bears the full cost of paying the premium. This is a decent thing to do. It poses no burden on...on local governments and I would encourage your 'yes' vote."

Speaker Breslin: "The question is, 'Shall House Bill 3406 pass the veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 71 votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 86 voting 'aye', 21 voting 'no', and 3 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. On page 7, we will go to Amendatory Veto Motions, Gubernatorial Compliance. The first...the Sponsors are Tenhouse, Curran, McPike, Edley, Kulas, Hicks, Homer and Hallock. The first Bill is...excuse me, Representative Tenhouse. Representative Keane indicates that he has a Bill that was not called on Total Veto Motions. So if there is no objection we'll go back to Total Veto Motions, House Bill 3671. Representative Keane."

Keane: "Thank you Madam Speaker. I move to override the Governor's Veto on House Bill 3671. As you may remember 3671 passed both the House and the Senate unanimously and all that the Bill did was include public community colleges among those institutions for which the student assistance commission shall make matching grants for scholarship programs. The Governor's Veto... in the Governor's Veto Message he indicated that there was a potential of expanding the addition...by expanding it, it brought in a potential of 328 new college...328,000 new community

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college students and that for that reason he had felt he had to veto it. It's...the reason that I'm trying to override his veto is that I don't think that there should be inequities in our higher education funding between senior and public senior institutions in the community colleges. I would ask that you do override the Governor's Veto so that we do treat both students in senior institutions and in the community college institutions the same."

Speaker Breslin: "You've heard the Gentleman's Motion. Is there any discussion? There being no discussion the question is, 'Shall House Bill 3671 pass, the veto of the Governor notwithstanding?' All those in favor vote 'aye', opposed vote 'no'. Voting is open. 71 votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 100 voting 'aye', 102 voting 'aye', 10 voting 'no' and none voting 'present'. This Motion having received the required Three-Fifths Majority is adopted and this Bill having received that Majority is declared passed the Veto of the Governor notwithstanding. Now, Ladies and Gentlemen we are finally going to go to page 7, Amendatory Veto Motions. House Bill 1220, Representative Tenhouse. Out of the record. House Bill 1220, Representative Tenhouse is recognized."

Tenhouse: "Madam Speaker. Madam Speaker, I move that we override the Governor's Amendatory Veto on House Bill 1220. We had a couple of issues I guess, 1220 addressed several different questions but in the Amendatory Veto there were two areas that were cut out. One would allow school districts that merged during a period...really kind of a date that fell through the cracks, moving the date back from July 1, 1989 to April 1, 1989. It happens, in fact,

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one of the school districts in my legislative district merged based on the assurances that were made by the state board of education that they would receive \$4,000 per certified employee and in effect what happened was this legislation would have addressed that concern because they were not eligible even though they had been assured verbally that they would be. The other section deals with the fact that school districts in rural areas that have lost sufficient portions of their assessed valuation, over 45%. It really would not change the amount of money going to the school aid formula, it would simply be redistributing it under the formula. I would hope that we can override this veto."

Speaker Breslin: "You have heard the Gentleman's Motion. On the question the Gentleman from Sangamon, Representative Curran."

Curran: "Thank you, Madam Speaker. I simply rise in strong support of Representative Tenhouse's Motion and encourage all the Members of this side of the aisle to do the same thing."

Speaker Breslin: "The question is, 'Shall House Bill 1220 pass the veto of the Governor...the Amendatory Veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Granberg, one minute to explain your vote. He indicates he does not wish to speak. 71 votes are required. Have all voted who wish? The Clerk will take the record. On this question there are 109 voting 'aye', none voting...110 voting 'aye'. 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 31...Representative Ropp indicates he wished to have been recorded as voting

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'aye'. House Bill 3136, Representative McPike."

McPike: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 3136 gave the City of Morris quick take powers for an airport and it made a number of changes to the Southwestern Illinois Development Authority. The Governor...there's about 10 different provisions in the Bill, the Governor made a small change to one provision. Proposed a textural change that would make the state's moral obligation to SWIDA bonds dealing with local units of government optional, rather than mandatory. And I move to accept the Governor's changes."

Speaker Breslin: "You have heard the Gentleman's Motion. Is there any discussion? There being none the question is, 'Shall the House accept the Governor's specific recommendations for change in House Bill 3136?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 60 votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 107 voting 'aye', none voting 'no' and none voting 'present'. The House does accept the Governor's specific recommendations for change in House Bill...Representative Cullerton votes 'aye'. 107 voting 'aye'...Representative VanDuyne votes 'aye'. Representative Turner votes 'aye'. Representative Tenhouse votes 'aye'. Mr. Clerk, did you get all of those? Tenhouse was the last one. 111 voting 'aye', the House does accept the Governor's specific recommendations for change in House Bill 3136 and this Bill is declared passed with those specific recommendations for change adopted. House Bill 3183, Representative Edley."

Edley: "Thank you, Madam Speaker. I move to accept the Governor's changes that he made. He added some strictly voluntary goals to the Bill. 35% in 1995, and 45% in 1997

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and I'll respond to any questions about that."

Speaker Breslin: "You have heard the Gentleman's Motion. On the question the Gentleman from Lee, Representative Olson."

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I do not have a question. I do wish the membership to know that the Illinois Press Association has a concern with the Amendatory Veto because of what they perceive had been an agreement as to the constraints that were offered during the June Session and now despite the fact that it has been changed to some voluntary quotas, some of the people in the industry who are very knowledgeable, including my publisher at Dixon who has 27 newspapers, think that the additional voluntary numbers are inadequate. Therefore, we would urge us not to accept this Motion."

Speaker Breslin: "Members should know that there is a misprint on the Calendar. That this Motion indicates it is a Motion to override, that is a misprint. The Motion is to accept the Governor's specific recommendations for change. On that Motion the Gentleman from Cook, Representative Kulas."

Kulas: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I reluctantly rise to oppose the Gentleman's Motion to accept the Governor's Veto. I think that in this case the Governor over stepped his bounds. Actually I think this Bill should be on the non-compliance list because the Governor wanted to legislate by changing certain numbers. Now, there was a task force formed last year that worked hard on this issue. They had many meetings, they argued a lot, they got things put together, this was a negotiated Bill. It was an agreed Bill between all parties. The Bill passed out of the House, passed out of the Senate, went to the Governor, then the Governor thought he should change it. Well, I don't think that the Governor should be able to change it. I think that we should not accept his

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Amendatory Veto, but we should... I have a Motion to override which will be called next. Let's face it, there might be discrepancies in the number. I'm not... I'm not arguing against the merits of the Governor's numbers. Maybe there are discrepancies as far as the numbers that the Illinois Press Association gave the Governor's Office, or the Department of Energy and Natural Resources gave. But let's then get a new Bill out in the coming Session and change those numbers. But not... let's not try to change a Bill that was negotiated and that we all worked hard on and I would ask either for a 'no' vote or a 'present' vote on this Motion."

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

Klemm: "Thank you, Madam Speaker. I'd like to stand in support of the Governor's Amendatory Veto and as a business person I think it's important that we create markets, that we create the... at least the perception that we are serious about trying to save the landfills and trying to find markets to use recycled newspapers. The two items that the Governor had added for the two subsequent years are only goals. They're only voluntary guide lines, they're not mandatory. And when you look at the statistics already of what we've done on recycling, we find that these goals already... that are in this Bill have already been equaled or surpassed already. So actually what we're saying if we don't accept the Gov... Amendatory Veto, is that what we are doing is really meaningless cause we've already done it. There's no continuation that we are serious about trying to solve the problem, that we have to create markets. One reason the price for recycled paper is relatively higher than unused paper or virgin paper is because the markets aren't there as yet. Once we create peoples demands for

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the products we will find business stepping in, recycling, using it again and lowering the price. So I think it's imperative that we continue this... this momentum and I commend the Governor and Representative Edley of least keeping this going and I stand in full support."

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

Giglio: "Thank you. Thank you, Madam Speaker, Ladies and Gentlemen of the House. I couldn't agree more with the previous speaker and disagree more with some of the previous speakers. I sat on those hearings along with some of my colleagues until the wee hours of the night and we went from I think it was a 100% down to what the Press Association wanted. We negotiated and negotiated and finally come down to what they really wanted and we gave it to them. Then lord and behold during the summer when we checked out what they told us we found out we'd been hoodwinked and we'd been had. I would recommend to go along with what the Governor's proposing and accept this Amendatory Veto."

Speaker Breslin: "The Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you, Madam Speaker. Would the Representative yield for a question?"

Speaker Breslin: "He will."

Ryder: "Representative, you've asked us to accept the changes made by the Governor and I just wanted to make sure that I understand those changes. Our analysis indicates that the Governor added...goals for the years 1995 and 1997. Were there goals for 1995 in the Bill that we sent to the Governor?"

Edley: "There were not goals set up for those years. But these are not goals in the terminology of the Bill. What the

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Bill has is a goal set in 1993 of at 28%. And if that goal is not reached then a mandatory system kicks in. The Governor's changes are strictly voluntary. They're simply saying we would like for them to hit these targets. There is no mandatory provisions in the Bill for the newspapers to have to comply to that."

Ryder: "Then Representative, what you're saying is the Governor added goals that we didn't have in there for two of the years, is that correct?"

Edley: "That's correct."

Ryder: "Alright. Thank you, Representative. An inquiry of the Chair please, a parliamentary inquiry, if I may. I would like to know what it is...when the Governor adds language, specific goals that makes his Amendatory Veto not legislative, therefore, means that it is in compliance rather than non-compliance. I wish to have a ruling from the Chair as to why this this Veto is in compliance."

Speaker Breslin: "Representative Ryder, that ruling was made by the Rules Committee. Your comments are better directed to the Chair of the Rules Committee, Representative Matijevich. Any further discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, Madam Speaker the Rule 46.1(c) indicates that the Governor's... Governor's specific recommendations for change, respect to a Bill returned shall be limited to addressing the Governor's objections to portions of a Bill, the general merit of which the Governor recognizes and shall not alter the fundamental purpose or legislative scheme set forth in the Bill as enacted. Seems to me it's very clear from Representative Edley's explanation that the Governor's changes do not alter the fundamental purpose or the legislative scheme set forth in the Bill they just further it and so I don't think that should be an issue in

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the debate. It certainly didn't bother the Rules Committee when they considered it and so I don't think it in any way violates the rules."

Speaker Breslin: "The Gentleman From Macon, Representative Dunn."

Dunn: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. If my memory serves me correctly I was the only 'no' vote on this Bill to begin with. This legislation artificially imposes standards upon the print industry which they may be able to meet and may not be able to meet because there's a cycle involved which the legislation fails to address. The legislation talks about what newsprint shall be recyclable but there is nothing in this proposal anywhere that I have seen which requires the customer who buys the newspaper to do anything and if the newsprint doesn't get back to a recycling operation, it obviously can't be recycled. Another thing is, you need processing plants to recycle the newsprint I think one of our major newspapers in this state buys its recycled newsprint not in Illinois, not even the United States but in Canada. We have a ways to go and we need to send signals to those who... who produce items which fill up our landfills that we can't tolerate continued filling up our landfills where there is a remedy. But in this instance we must proceed hand in hand with the newsprint industry and seek out those remedies to complete the cycle rather than impose artificial standards upon the industry which some printers may be able to meet and some may not. We have many small newspapers in this state who have few, if any, options about where they buy their newsprint and what to do with it. So I think what we should do here is grind to a halt and go back to the original legislative compromise which was struck after, as been earlier mentioned, very intense negotiations last Spring and Summer and try that

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out. So, I think we should reject the Governor's Amendatory Veto...we should reject this Motion. Previous speaker has indicated he plans to file a Motion to override the Governor. I think we should accept that and proceed from this point forward and see what happens without tinkering with a deal which hasn't even been set in concrete yet. So, I would urge that this Motion be defeated and that we accept the next Motion."

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

Balanoff: "Yes, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the Governor's Amendatory Veto. During the negotiations on House Bill 3183 we were told that the industry was using 650,000 tons of paper a year, when in fact from ENR we hear it's 448,000 tons. So the amount of recycled paper that was currently being used that we were using as a base line at the time was incorrect. The Governor in his Veto Message said that the House Bill very correctly is designed to help create markets for old newspapers by requiring Illinois newspapers to use a certain percentage of recycled newsprint. We have to help create markets to a market for newsprint that is basically drying up. A 'no' vote sends a very wrong message to our constituents. Across the State of Illinois our constituents are crying out for recycling, they're crying out for re-use and they were crying out for reduction. And they're crying out against landfills and incinerators. A 'no' vote sends absolutely the wrong message. So I'd encourage this...to vote on this Amendatory Veto to be a 118 to nothing to send a very loud and clear message that we're serious about being part of the solution."

Speaker Breslin: "The Gentleman from Warren, Representative Hultgren."

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Hultgren: "Thank you, Madam Speaker. I rise in support of the Gentleman's Motion. The Bill as drafted would have done nothing in Illinois except move us to the status quo to move us to where we are and if we really are serious about promoting recycling of newsprint, we must accept the Governor's Amendatory Veto."

Speaker Breslin: "The Lady from Cook, Representative Didrickson."

Didrickson: "Thank you, Madam Speaker Members of the House. I would just like to personally correct what I think is a failed philosophy with regards to General Assembly creating marketplaces. The marketplace creates markets for such recycled properties and I think if we look at some of the numbers that I have been told we've got 450,000 tons of newspaper in the State of Illinois of which 135,000 gets recycled. I think approximately, from what I've also been told, that the two big Chicago dailies take care of that quota which already meets the quota that the Governor's put in here. If we look at New York and two or three other states what they have done, they have put together advisory panels, and I think clearly that's an action that the General Assembly can take and monitor and watch. But to think that we are going to create the market by the action that we take here today is the wrong way to go and I think that...clearly, the Governor was not correct when he Amendatorily Vetoed it in the way that he did."

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

McNamara: "Thank you, Madam Speaker. The Sponsor will yield for a question?"

Speaker Breslin: "Representative Edley will yield."

McNamara: "We were taking a look at this and there seems to be some difficulty in this one area. It is our understanding that the Governor's Amendatory Veto eliminated the

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mandatory sanctions if the goals are not achieved, is that correct? In the original Bill, you had mandatory sanctions if the goals were not achieved."

Edley: "Only in 1993, it doesn't apply to 1995 or 1997."

McNamara: "Okay. Specifically now, and I guess this is the problem of our concern, there were mandatory sanctions in the original Bill, is this correct?"

Edley: "There were mandatory sanctions only if the 28% voluntary goal was not reached in 1993."

McNamara: "Okay, in the new... as the Bill is amended, is that mandatory... is that mandatory sanction still in the Bill?"

Edley: "The mandatory sanctions only apply to 1993. The Governor's voluntary numbers that he put in for 1995 and 1997 will have no impact as far as if they aren't met, as far as mandatory sanctions."

McNamara: "Okay. Then I understand you correctly that the mandatory sanctions remain the same in 1993 and new levels that the Governor has put in are not with mandatory sanctions?"

Edley: "That's correct."

McNamara: "Okay, now just to this measure. I am totally amazed that in the General Assembly that some of the business communities and the so called business representatives, that they are going to have government create markets for private business. I mean, the argument seems to be totally ludicrous because I've heard from the other side of the aisle continuously that the government should not be in the business of creating markets, let private business take care of themselves. Government... instead, this Bill is absolutely the wrong way to go because government instead should put a surcharge on wood pulp that is coming into this state and let the businessman decide as to whether he's going to use the virgin or the other products. That

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way we are using those surcharges, those taxations, for incentives for business to expand. As it is right now in this plan if they cannot meet those goals and if those goals are not met, are we going to then turn around and build a bunch of facilities in this state? Of course not. This is the wrong way to apply incentives. We should get out of the business of managing private business. We should get into the business of doing our job and providing the incentives in this state to create businesses that are correct in the right way of going. I think this is absolutely the wrong way to go."

Speaker Breslin: "Representative Edley is recognized to close."

Edley: "Thank you very much, Madam Speaker. Let me first address the concern that this is a violation of some agreement that the task force had with the Press Association. I chaired that task force and what we did, time after time, is acquiesce to the Press Association's demand. We finally got to a point where we couldn't give them any more and we said that we were going to go with this Bill and the Press Association said, 'Well, we won't oppose it'. Now to me, that does not constitute an agreement. The Press Association also provided us misdata and when somebody in a business deal gives you the wrong data and doesn't negotiate in good faith, I don't think you have any responsibility to that agreement that you made. Let me give you one example of why we need this legislation. One of the earlier drafts of the Bill had a provision in it that if a newspaper couldn't purchase the recycled newsprint at a price within 5% of the virgin newsprint that they would be exempted from it, having to buy the recycled newsprint. In other words, we were giving recycled newsprint a 5% advantage in the market. The Press Association and their spokesmen were vitally opposed to

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that and so we took it out. But I think it is illustrative of their commitment to a voluntary program. If they will not pay even 5% more for an environmentally responsible product, who believes that they will buy that product on a voluntary basis? I don't think they will. The Governor changes do not impact the underlying Bill. That is still in place and it came out of here with an overwhelming margin. I think there was only one vote against it. The Governor's changes are strictly voluntary and I would urge all of us to send a strong message that we support providing increased markets so we can clean up our landfills, so we can have our community groups be able to go out and start collection projects again and drive up the price of our old newspapers so that we can keep them from our waste streams and from clogging our landfills. I urge a 'yes' vote."

Speaker Breslin: "The question is, 'Shall the House accept the specific recommendations for change with respect to House Bill 3183?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Sixty votes are required. Representative Satterthwaite, one minute to explain your vote."

Satterthwaite: "Madam Speaker, and Members of the House. Last year a number of us saw a presentation by a man who is an archeologist showing what is happening in our landfills and giving us some graphs that indicated that the growing portion of our waste is really going to be in newsprint unless we do something drastic to reverse that trend. At this time those communities that are trying to recycle newsprint are finding it difficult to get a market for that recycled print because of a lack of de-inking processes. We have some factories on line, however, that will increase the amount of newsprint that can be recycled. We should

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give these incentives for higher reused fiber content for our newsprint in order to keep that increasing volume of waste out of our landfills. We know how difficult it is to site landfills. We know how difficult it is to take our land out of productive agricultural use and all of those other things and for just an incentive, we certainly ought to give people the incentive to use a higher newsprint recycled content. This does nothing to deprive the newspaper business of their options. It simply gives them a goal."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 47 voting 'aye', 54 voting 'no', and 10 voting 'present' and the Motion fails. Representative Kulas is recognized for Motion number two."

Kulas: "Thank you Madam Speaker, Ladies and Gentlemen of the House. I would move that the House override the Governor's veto on House Bill 3183. We've discussed this Bill and I would just ask for an 'aye' vote."

Speaker Breslin: "You've heard the Gentleman Motion. We've already had a long discussion on the question, let's go right to the vote. The question is, 'Shall the House override the Governor's specific recommendation for change with respect to House Bill 3183?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Sixty votes are required. Have all voted who wish? Have all...excuse me, 71 votes are required. Have all voted who wish? The Clerk will take the record. On this question there are 105 voting 'aye', 7 voting 'no'. This Motion having received the required Three-Fifths Majority, the Motion to override prevails and House Bill 3183 is declared passed the specific recommendations for change of the Governor notwithstanding."

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Speaker Breslin: "House Bill 3261, Representative Hicks. Is Mr. Hicks in the chamber? Representative Hicks. Out of the record. House Bill 3766, Representative Homer. Mr. Homer, are you ready? Proceed."

Homer: "Thank you Madam Speaker, this Bill provided for a uniform fee to be charged by the circuit clerks in the counties for those who pay child support that would provide that they may charge...that they shall charge a fee of \$36 per year. And the Bill also established reimbursement eligibility for county state's attorney that have state institutions of higher learning within their counties that include those 2 plus 2 baccalaureate degree programs and the Governor approved those provisions. The Bill also had a provision that Representative Countryman had asked about yesterday that specifically provides that the term, 'law enforcement agency' that is in the Circuit Clerks Act provides that law enforcement agencies shall be exempt for the payment of filing fees. There was a provision in the Bill that specifically elaborated on that definition to specifically include Attorney General and state's attorneys. That provision was included in the section that pertains only to DuPage and Cook County. My understanding is, because the problem exists only in DuPage County, there... for whatever reason... the Circuit Clerk of DuPage County was assessing filing fees against the Attorney General. All the other counties in the state interpreted the provision as not requiring payment of filing fees by the Attorney General. So this provision was added to clarify the legislative intent really that Attorney General should not be required to pay local...circuit clerk filing fees. All of those matters were approved by the Governor. What the Governor vetoed was a provision in the Bill that would provide a \$10,000 reimbursement from the state to circuit clerks of

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counties in which a correctional center was located and the provision was for \$10,000 to each circuit clerk in such counties to allow that circuit clerk to hire one additional employee for the rationale being that, in those counties that have prisons, correctional centers, there has been a growing amount of paperwork in the circuit clerk's office as a result of legal pleadings and filings by inmates at the correctional center. This has caused a burden on those circuit clerk's offices and it is only just that we provide some modest reimbursement to those offices so that they may use it exclusively for the purpose of hiring one additional clerk to handle the paperwork that's filed by inmates that are residing in that county by virtue of their involuntary incarceration in prisons in that county. So I would move at this time that we override the Governor's Veto and thereby restore the \$10,000 reimbursement to counties that have prisons."

Speaker Breslin: "You have heard the Gentleman's Motion. On the question the Gentlemen from Lee, Representative Olson."

Olson, M.: "Thank you Madam Speaker and Ladies and Gentlemen of the House. I would just like to point out to the Members that while we are concerned about reimbursements to counties such as mine that have correctional facilities, might also add that the surtax that was passed in this chamber in 1989, provided my county of 35,000 people with \$750,000 in additional monies. So therefore, I don't think that is a cogent argument."

Speaker Breslin: "The Gentlemen from DeKalb, Representative Countryman. Judge Countryman."

Countryman: "Thank you Madam Speaker, Ladies and Gentlemen of the House. Will the Gentleman yield?"

Speaker Breslin: "He will."

Countryman: "Now Representative Homer, yesterday I guess I raised

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this question on the clerk fees in Cook and DuPage County and...is it my understanding that you do not intend this only to apply to DuPage and Cook County for purposes of legislative intent? That is, the Attorney General and state's attorney under the current law should not be required to pay a fee in any county in this state and you're only clarifying it because theirs is a separate Fee Act with regard to Cook and DuPage County and it is your intent that no county ever collect a fee?"

Homer: "That's right. Representative Countryman in all candor, I think the Bill was incomplete, it should have amended both provisions. For whatever reason there was an incomplete drafting job done and only the one clerk's provision that pertains to Cook and DuPage was addressed. It will be my plan to make this uniform through legislation next spring, although I'm informed that in the other 100 counties they all currently acknowledge that there is an exemption. And the problem only existed in DuPage County and I suppose that's why only that section was addressed. But it should be made uniform and it is my intent and belief that the current language should be interpreted by circuit clerks in all 102 counties to exempt payment of fees by the Attorney General and the state's attorney."

Countryman: "Well please remember that there are those of us who may be sitting in judicial positions and others in downstate counties that may have to interpret the statutes and all we have generally in front of us are the statute books that says, it's exempt in DuPage and Cook and the presumption would then be in the other counties that it might apply. So I think you ought to work on clarifying it. There is another...to the Bill, Madam Speaker. There is another provision in the Bill with which I vehemently disagree and disagreed at the time that we passed it and

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that is the definition of a state university for reimbursement for state's attorneys salaries. I represent a county that has a major state university in it and we received some money from the state to supplement the State's Attorneys Office because we have a large population in our county which does cause action in the State's Attorneys Office which lives in effectively tax exempt property. That is the property in Northern Illinois University doesn't pay any tax and these students all live there and there is incidents involving these students that require prosecution whether they are traffic cases or misdemeanor cases and so forth. I think that is fair and just impaction legislation. However, this takes this the 2 plus 2 to include a state university where there is in essence an outreach program in another county. And what you're going to do is you're going to expand this impaction so that ultimately next year you're going to get an argument that it ought to go everywhere. I don't think that's legitimate impaction argument and I don't think we ought to expand the program. It's a costly program and it's that provision that I object to and will vote 'no'. Thank you."

Speaker Breslin: "Any further discussion? There being none, Representative Homer to close."

Homer: "Thank you Madam Speaker. I would simply ask that the Members support the Motion. The matter to which Representative Countryman refers was approved by the Governor and I don't think it's a matter of real subject of any dispute at this time. So, I would ask that Members join in Motion to override."

Speaker Breslin: "The question is, 'Shall House Bill 3766 pass the specific recommendations for change of the Governor notwithstanding?' All those in favor vote 'aye', all those

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opposed vote 'no'. Voting is open. 71 votes are required. Have all voted who wish? Representative Homer, one minute to explain your vote."

Homer: "It's hard for me to believe that Members can honestly want to vote against this Bill. It's...it's simply...there's nothing controversial in the Bill at all. The \$10,000 for the circuit clerks in counties that have prisons is woefully inadequately to compensate them for the flood of paperwork that they are receiving from the inmates. The Bill strictly provides that they are required to use that money for the employment of an additional circuit clerk in their office. Thank you, Madam Speaker."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 73 voting 'aye', 41 voting 'no' and none voting 'present'. This Motion having received the required Three-Fifths Majority, the Motion to override prevails and House Bill 3766 is declared passed, the specific recommendation for change of the Governor notwithstanding. House Bill 4038, Representative Hallock. Out of the record. Ladies and Gentlemen, the next Order of Business will appear on page 8 on your Calendar under Amendatory Veto Motions Gubernatorial Noncompliance. The Sponsors are Representatives Homer, McGann, Curran, Woolard, Trotter, Phelps, Ryder, Regan, et cetera. The first Bill is House Bill 2872, Representative Homer. This is on Gubernatorial Noncompliance, Representative Homer."

Homer: "Right. Madam Speaker, I filed a Motion to override. It's not on the Calendar would it be in order to present that Motion?"

Speaker Breslin: "Mr. Clerk, can you advise me what happened to Representatives...Representative Homer's...second Motion? He says he filed a Motion to override."

Clerk Leone: "I'm in possession of Motion 2 to override House

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Bill 2872."

Speaker Breslin: "You can proceed on Motion #2, Representative Homer."

Homer: "Thank you, Madam Speaker. This...this Bill has several provisions in it which... The Bill passed overwhelmingly last spring, I don't recall the exact vote. Let me just very briefly talk about those provisions. One, it created the Will- Kankakee Regional Development Authority Act. Secondly, it provided that the...that DCCA shall grant funds to the Regional Tourism Councils for administrative cost and require performance audits as well as Open Meetings Act to apply to meetings of Tourism Councils. Thirdly, it...it's moot now, but it was to allow East St. Louis to enact a home rule sales tax by August 1 of 1990. That date having expired, that provision would not really empower East St. Louis to do anything. Fourth, it changed in Cook County the number of assessment districts from 4 to 3 to allow for a triennial reassessment as opposed to a quadrennial reassessment. That was to accommodate a request from assessor, Tom Hines. Number 5, it extended the time period for tax increment financing districts from 23 to 25 years for those districts that were created prior to 1981. That is already the essence of...substance of a Senate Bill that was signed by the Governor. Sixth, it provided...amended the pull tabs and jar games and bingo's Act to allow a super prize once per year for misericordia. Number 7, it required the Department of Revenue to study feasibility of using electronic fund transfers for tax payments in order to increase the amount of interest the state earns on its...on the monies that are owe...are due it by large taxpayers in this state. And number 8, and very importantly, it provided a one time acceleration to help home rule sales tax allocations to nine different

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cities including the City of Chicago which, while not costing the State of Illinois anything, would certainly be very meaningful to these nine home rule communities which would benefit by the one time acceleration of the home rule sales tax allocation. I don't believe that there is anything particularly controversial in the Bill and would be willing to answer questions. Would urge your favorable consideration."

Speaker Breslin: "You have heard the Gentleman's Motion. On the question is there any discussion? There being none, the question is, 'Shall House Bill 2872 pass notwithstanding the Governor's specific recommendations for change?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 71 votes are required. Have all voted who wish? Representative Black, one minute to explain your vote."

Black: "Thank you very much, Madam Speaker. I should have asked the Gentleman a question. But it appears that there is a rather substantial prize for bingo and pull tab games in this Bill. I'm not certain that...if that legislation creating that \$50,000 prize will survive if you override this Amendatory Veto. Those of you who have some difficulties with those kinds of gambling prizes may wish to take a look at that and vote according to your conscience."

Speaker Breslin: "71 votes are required. Have all voted who wish? Have all voted who wish? Representative McGann, one minute to explain your vote."

McGann: "Thank you. Madam Speaker and Members of the Assembly the one provision relative to Misericordia is a very, very important provision. If you look at the balances in the general funds, we are unable to help...in the near future the disabled and this section of this...one provision of

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this Bill was definitely going to give an opportunity to help misericordia, give them a shot in the arm for the fine work that they have been doing through the years in taking care of the disabled. I would ask you...those who are on 'no' votes to reconsider your position. I think this is a good provision for all of them to raise some extra dollars that the state cannot provide for them. I'd ask you to place a green vote up so we can override this measure. It's very, very important to the disabled. Thank you."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? Representative Edley, one minute to explain your vote."

Edley: "Thank you Madam Speaker. Also included in this legislation is some sunshine legislation affecting Regional Tourism Councils who, as you may recall, there was some improprieties in the expenditure of hundred of thousands of dollars in state funding. This Bill would allow the public to have access to their records and also have their board meetings open to the public. I think that's the minimum our taxpayers should expect that when hundred of thousands of dollars of their tax money is being expended that they ought to have a right to see how that money is being spent. This is a pro taxpayer Bill and I would appreciate your support."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 58 voting 'aye', 50 voting 'no' and 1 voting 'present' and the Motion fails. House Bill 3042, Representative McGann on a Motion to override. Out of the record. House Bill 3146, Representative Curran. Mr. Curran. This is on Gubernatorial Noncompliance."

Curran: "Thank you Madam Speaker. I would like to have Representative Woolard explain his portion of the Bill.

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The portion of the Bill that I have is...is not in controversy at this time."

Speaker Breslin: "Representative Woolard."

Woolard: "Yes, the portion that we would like to override is in regards to 4 small school districts lying within my district. There is a \$132,000 that has..."

Speaker Breslin: "Excuse me, Representative Woolard the Motion on the Calendar, Mr. Curran is a Motion to accept. Mr. Woolard is speaking to overriding. Can you tell us what your Motion is, Representative Curran? Mr. Curran."

Curran: "For purposes of that particular Motion I wish for this Bill to be taken out of the record. We want to give Representative Woolard his chance."

Speaker Breslin: "I see. We're going on to Motion #2 is what you're telling me then. Very good. Motion #2, Representative Woolard. Proceed, Sir."

Woolard: "Okay. This is in regards to \$132,000 of funding for 4 small school districts lying within Franklin County which is in my district. Which is a necessity for them to survive throughout this coming year. I believe that the Governor's Amendatory Veto...was short sighted and we believe that there was justification in providing this stipend to this 4 school districts to accommodate their immediate needs. I would encourage a vote to override this Amendatory Veto."

Speaker Breslin: "You have heard Representative Woolard's Motion. On that question is there any discussion? The Gentleman from Coles, Representative Weaver."

Weaver: "Thank you very much, Madam Speaker. Just a brief question of the Sponsor. I'm very much in support of your effort, as I would assume all veterans are. I'm just a little curious about the Ewing Northern Community College. Is that...where does that institution derive its name?"

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Woolard: "There's not...it's not a community college, it's a grade school district in Ewing Northern."

Weaver: "Is this...was this named after Tom Ewing or anyone else that we may know?"

Woolard: "Very definitely, this is some of his ancestors that founded this school."

Weaver: "Did...did our august Member, did he graduate from there, or..."

Woolard: "I'm reasonably sure that the good portion of his body came from that area of the state."

Weaver: "Oh, so we should vote for this just for his namesake?"

Woolard: "For the sake of Representative Ewing, it would be very much in order."

Weaver: "Well, we certainly always try to support Representative Ewing. Thank you."

Speaker Breslin: "Any further discussion? There being none, the question is, 'Shall House Bill 3146 pass notwithstanding the Governor's specific recommendations for change?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 71 votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 104 voting 'aye', 7 voting 'no', and none voting 'present'. This Motion having received the required Three-Fifths Majority, the Motion to override prevails and House Bill 3146 is declared passed notwithstanding the Governor's specific recommendations for change. House Bill 3580, Representative Trotter. Representative Trotter. You have a Motion to override on House Bill 3580, do you wish to proceed? Out of the record. House Bill 3585, Representative Phelps. Mr. Phelps, on a Motion to override, #2."

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move to override the provision...the Motion which

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deals with increasing funding for coal research projects. We passed out of this House overwhelmingly this provision which most of us know at the time that we...with the acid rain from the federal level facing us. The intent of this Bill as passed by the General Assembly is to deal with a very direct pressing problem. Our current markets for the use of Illinois coal, as you know, is generally high in sulphur content and they are in jeopardy. The intent of this legislation is to increase the level of research so as to find environmental acceptable ways to continue to use our states greatest natural resource and at the same time protect our environment. The General Assembly supported existing programs for this purpose. For that and for the people who live in my district, thank you. But the Congress within the last several weeks has passed a new clean air legislation which will cause a sufficient reduction in numbers of miners employed in the state due to the fact that they may...many current users will switch from the use of Illinois coal to other low sulphur content coal. So my Motion to override the Governor's Veto will put in place an increased level of research funding so as to find better methods which will reduce the level of sulphur increased from the burning of our coal and thus protect the jobs of thousands of miners in this state. On that one point alone let me emphasize that I place no exaggeration on the impact that the Federal Clean Air Bill passed by Congress will have on the miners in this state. Thousands...literally thousands, with some estimates projecting a decline up to 40% of the miners currently employed, will lose their jobs as result of this Federal Bill. Therefore, I ask your support to override the Motion so that we might protect the welfare and standard of living of the miners throughout the state and at the same time progress and clean-up our

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environment."

Speaker Breslin: "You have heard the Gentleman's Motion. On the question is there any discussion? There being no discussion, the question is, 'Shall House Bill 3585 pass notwithstanding the Governor's specific recommendations for change?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Goforth, one minute to explain your vote."

Goforth: "No, no. I'm going to vote for it."

Speaker Breslin: "Representative Goforth, do you wish to speak? No. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 79 voting 'aye', 27 voting 'no' and none voting 'present'. This Motion having received the required Three-Fifths Majority, the Motion to override prevails and House Bill 3585 is declared passed notwithstanding the Governor's specific recommendation for change. House Bill 3639, Representative Ryder."

Ryder: "Thank you, Madam Speaker. I would move to consider this Bill notwithstanding the Governor's Veto, I would move to override. In a sudden fit of modesty our Governor decided that he was not interested in such a license plate. And I think it was probably because he hadn't adjusted to the fact that, indeed, he was going to be a retired Governor. And as a result of that and some sneedlings and inklings he decided that he would veto that portion out of the Bill. There is very little cost associated with this and I think as a appropriate departure for the Governor of the State of Illinois, I would ask to override his veto."

Speaker Breslin: "You have heard the Gentleman's Motion. On the question is there any discussion? There being no discussion the question is, 'Shall House Bill 3639 pass notwithstanding the Governor's specific recommendations for

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change?' All those in favor vote 'aye', opposed vote 'no'.
Voting is open. 71 votes are required. Representative
Cullerton, one minute to explain your vote."

Cullerton: "Well, Madam Speaker, perhaps the Gentleman can
explain by explaining his vote. My understanding was that
the Governor took out his own retired Governor's license
plate from the Bill. Now the Gentleman's attempting to
override it. My understanding is that the Governor took it
out because it was going to cost an enormous amount of
money, just to make this one plate. Something like \$80,000
and I thought that information may have come from the
Secretary of State's Office and that's why the
Governor...after being notified of this that it was going
to cost so much money, the Governor himself, this license
plate only applies to him and he took it out. So he
doesn't want it so you're trying to override the Governor
and I wonder if he could explain in his explanation of vote
why we have to do this and if he knows how much money it's
supposed to cost. Because the Secretary of State's Office,
I believe said it was going to be...I can't remember the
specific figure but for one license plate it was going to
be something like \$85,000 because you have to change the
computers. Maybe he can explain."

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

Ryder: "Well, thank you very much and I appreciate the
opportunity. I'm glad that Representative Cullerton became
awake over there. John, if you correctly read your gossip
columns in Chicago, you would have recalled that Steve
Brown, as an unnamed source, indicated some outlandish
figure of \$40,000 which has been repudiated by the
Secretary of State's Office, who indicates that the fee, a
vanity license fee...that the Governor would be required to

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pay would be sufficient to create this single license plate. Just as, Representative, the vanity license fee is sufficient for the license plate that retired Legislators would have in this matter and yes, it's true that the Governor did veto this portion out in response to that because unfairly it became a campaign issue. But we know...we know that Governor Thompson would really like to have a plate that says, Retired Big Gov, Big Jim. And by the way, I would think that there would be more democratic votes on this because they would like to see Jim Thompson showing a retired Governor's license plate. And I would hope that you would join with me in that."

Speaker Breslin: "71 votes are required. Have all voted who wish? Have all...Representative Black, one minute to explain your vote."

Black: "Yes, Madam Speaker, I would join with Senator...excuse me, Representative Cullerton to say that perhaps something else needs to be explained in this. Do you have this on the noncompliance Calendar, is that correct?"

Speaker Breslin: "Yes, Sir."

Black: "Well, it would appear then, if the Gentleman's Motion that we do not override this Amendatory Veto that the Pearl Harbor Veterans plates will also be a casualty of this Bill. I believe that's correct. I'm not sure you want to be out there listed as denying a Pearl Harbor Veteran the opportunity to get a commemorative plate. You might wish you would keep that in mind."

Speaker Breslin: "Representative Cullerton's name was mentioned in debate."

Cullerton: "Well, no, I just have a question. The Gentleman, the previous speaker said that if we don't vote for this we're going to deny some veterans some license plates from Pearl Harbor. As I understand it, if we don't override this

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Motion then we can accept the Governor's Amendatory Veto and those...and those Pearl Harbor veterans can get their license plates because if this is not overridden then we can...someone... anyone can file a Motion to accept and those plates can be...be issued."

Speaker Breslin: "Representative Cullerton, the Gentleman has pointed out that the Rules Committee has determined that the Governor's Amendatory Veto was in noncompliance with our rule. So that is the reason for his single Motion to override. The Gentleman from Cook, Representative Harris, one minute to explain your vote."

Harris: "Thank you, Mr. Speaker...Madam Speaker, Ladies and Gentleman of the House. I think the Gentleman on the other side of the aisle made a very good case when he talked about the cost of just this one individual license plate. I'm putting my 'no' vote up there really for that reason and also regarding the Pearl Harbor Veterans. There's no question but that we want to honor those people, but what about the people who participated in D-Day? What about the people who landed in Anzio, what about the Iwo Jima veterans, what about all those veterans who participated in major battles throughout any number of our wars? I guess you say where does it stop? We already have as many as 173 or 176 license plates in the State of Illinois. This seems to be a never ending process and if we override it's just going to keep getting more and more and more. We do no disrespect to the veterans of Pearl Harbor by holding to this Amendatory Veto."

Speaker Breslin: "The Gentlemen from DuPage, Representative Barger."

Barger: "Thank you, Madam Speaker. I can't see a reason for this controversy because the Governor like anyone else in the State of Illinois has the right to not have a vanity

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license plate if he doesn't want to buy it. So why don't we just vote 'yes', to allow him to have it if he wants it and then if he decides he really doesn't want it, all he has to do is to not purchase it. Thank you."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there 66 voting 'aye', 25 voting 'no', and 21 voting 'present' and the Motion fails. House Bill 3852, Representative Regan."

Regan: "Thank you, Madam Speaker and Members of the House. I move to accept the Governor's Amendatory Veto to the Bill. This Bill gives townships, small townships the right have a planning commission. It never was intended to give them the right to site landfills. So what the Governor did was what my intention was and I wish that you would give these townships from 1,000 to 12,000 in population the right to plan for roads and to growth that is coming in very quickly in our area and in many areas of the state. So I would move to accept the Governor's Amendatory Veto."

Speaker Breslin: "The Gentleman has moved to accept the Governor's specific recommendations for change in House Bill 3852. On that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Madam Speaker...I would rise in opposition to the Gentleman's Motion because the Governor's Amendatory Veto violates one of our House rules and the Rules Committee so recommended the Amendatory...the Amendatory Veto rule specifically states that, when the Governor's Amendatory Veto changes or alters the fundamental purpose or the legislative scheme set forth in the Bill then he has exceeded his authority. This Bill allows the township board of trustees to authorize taxes and continues...continues to license with respect to certain programs and allows them to adopt rules and regulations in

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respect to those programs dealing with recycling, yard waste, and solid waste programs. The Bill also authorizes a township with a population of more than 1,000 located in a county of less than 600,000 to create a township plan commission. Now the Governor's amended deletes entirely that aspect of the Bill dealing with the township recycling programs. Plus all that remains after the Governor's Amendment is the authorization for certain townships to create the township plan commission. So, I think this is an example of the Governor exceeding his authority and for that reason, if we should follow the recommendations of the Rules Committee and vote 'present' on the Bill. Now the Gentleman is certainly...it's certainly possible for him to submit this as new legislation, if he's here next year and if he's not here, I'm sure we could find somebody to put the Bill in for him. But for now I think we should vote 'present' on the Motion."

Speaker Breslin: "Any further discussion? There being none, Representative Regan to close."

Regan: "Thank you Madam Speaker, Members of the House. This is the 6th piece of legislation that I've passed out of this House, excuse me, 5 pieces of legislation passed out of this House this year by my name, under other people's Bills. I gave them to Democrats, I gave them to Republicans, no Regan name was on any of those 5 Bills but everybody knew they were my Bills. This is the only one that was let out of the House with my name on it. So now, Terry, take it away. Thank you very much."

Speaker Breslin: "The question is, 'Shall the House accept the Governor's specific recommendations for change on House Bill 3852?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 60 votes are required. Have all voted who wish? 60 votes are required."

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Representative Homer, one minute to explain your vote."

Homer: "Madam Speaker, I think the Members on this side should be encouraged to vote 'present'. The issue here is whether the Governor exceeded his constitutional authority to amend the Bill. Now, there are 8 Bills on this list, 6 of them are Democrat Bills, 2 of them are mine. The next Bill coming up is one that I would like to accept the Governor's Amendments but can't because he exceeded his constitutional authority and therefore, I'm going to not call that Bill at all. But I think what's fair for me should be fair for the other side and I would think that we would want to be consistent. The correct vote would be a 'present' vote to send a message not only to this Governor but the next Governor that he has to live within the guide lines of the constitution when taking action with respect to the legislation that this Body puts on his desk."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 58...57 voting 'aye', 1 voting 'no', and the Motion fails. House Bill 4124, Representative Homer, on Motion #1.

Homer: "Thank you Madam Speaker. As I just indicated, this is a Bill that I think the Governor improved with his Amendments. However, because he exceeded the constitutional authority vested in the Governor in such matters, I'm not going to call either of these Motions."

Speaker Breslin: "Out of the record. Going back to Representative Trotter's Bill, House Bill 3580. Motion #1, Representative Trotter."

Trotter: "Thank you very much, Madam Speaker. Members of the House, good afternoon. I would like...I would like to vote to override the Governor's Amendatory Veto on House Bill 3580. Proceed?"

Speaker Breslin: "Proceed, Sir, on your Motion to override."

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Trotter: "My Motion to override. 3580 was one of the foster care Bills that came out of the Speaker's Task Force under foster care. That Bill is made up of 6 components, 6 components which dealt with making the lives a little bit easier for the children that are subjected to our system and for the parents who have to work within our system. Specifically, it clarified the program for reimbursing the licensed state and private welfare agency foster parents for damages resulting from malicious or neglected actions of foster children. Two, admitted the Insurance Code to prohibit insurers from treating a foster child any differently than a naturally adopted child when determining homeowners, renters insurance. Further, it required that a minor be placed in a home of a close relative and that when placed, that a background check be done within 90 days. It required also that the Department of Children and Family Services establish an administrative review and appeal process for children of families who request and receive child welfare services. And lastly, it requires the department to set room and board payments for foster children by July 1st, 1994 at 100% of the United States Department of Agriculture's cost. The Governor did not go along with that and because of that and because those changes that he made, we thought it was not and the Rules Committee felt was not in compliance with his rights as a Governor. We're asking for a total override of his...Bill."

Speaker Breslin: "The Gentleman has moved to override, not accept the Governor's specific recommendations for change in House Bill 3580. On that question, the Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you Madam Speaker. Would the Representative yield for questions, please?"

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Speaker Breslin: "He will."

Ryder: "Thank you. Representative, is there a price tag to this Bill?"

Trotter: "Yes, there is but it would not become...effective until 1994, which was the agreement made with the department."

Ryder: "And when it becomes effective, it has a price tag of how many million? I think the answer is 18."

Trotter: "18, yes, that's what I say."

Ryder: "So this Bill is going to cost us \$18,000,000, correct?"

Trotter: "Yes."

Ryder: "Alright. Have you identified any source for those funds?"

Trotter: "Not at this time, which is why we did work out in Conference Committee to work on this and have it eased into the budget by 1994."

Ryder: "So in the event you don't work out any...any source for those funds, you're spending \$18,000,000 of GRF right now, is that correct?"

Trotter: "Well, the bottom line is, if we do not retain those parents and try to assist them we will be spending more down the line. And this is what was negotiated on in the Conference Committee in June. This was agreed upon with that same understanding with the department at that time. This Bill passed out of here basically as an agreed Bill, 90 to 8, to 10. So this is no secret and it just come up...the department knew of this in June."

Ryder: "So, we acknowledge that it is going to cost \$18,000,000 GRF unless you find something else by '94. Let's go to some of the other issues within this...within your Motion. My understanding is, that this requires foster parents to be reimbursed at 100% of USDA, urban midwest cost index, is that correct?"

Trotter: "That's true. And that was the policy that was made in

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1979 that we have not enacted upon as of this date."

Ryder: "Alright. Is not..."

Trotter: "So we're doing it eleven years later."

Ryder: "Is not one of the reasons why we haven't enacted upon that is that these children already receive Medicaid to cover the medical portion and their education is covered by the local school districts? So in essence, if we do what you're saying, the foster parents receive payment for which the government is already paying."

Trotter: "No, that's not the reason."

Ryder: "Explain it to me then."

Trotter: "The reason is that we have lived up our commitment, to the laws that we passed 11 years ago. That's the reason, so now we have an opportunity to act upon it as adults and as responsible Legislators and I think we should do it now. Not wait another 11 years for a Bill that has already been passed, the legislation is already on the books."

Ryder: "One last question, if I may. You require here...background checks, criminal background checks within 90 days?"

Trotter: "That's correct."

Ryder: "And I have had some problems...with fingerprinting and some other circumstances, so I assume that that 90 days is something that is...you deem to be reasonable?"

Trotter: "Right, that's what the department told us. It was unconscionable that we should allow our children to be subjected to anyone, to parents or to anyone who hasn't had a background check and that should be done in a timely manner. Which hasn't been done. Initially we asked 48 hours...the department said..."

Ryder: "Hours?"

Trotter: "48 hours, in 2 days. That's correct. If it was your child I think you would like to know who's watching your

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child that night within a day. So, we're saying that these children do not have the right to where they are going or at least a measure of knowing where they're going, we're saying at least in 90 days we should know, as being responsible Legislators and responsible people, who are actually watching our children. And the department agreed upon that in June. These are no new secrets."

Ryder: "Then I suppose my question is on criminal background checks. It's the FBI that does that check, is it not?"

Trotter: "That's what I have been told, one part of those background checks, correct. That's not the total check."

Ryder: "Fine. How does this legislation hope to...hope to mandate the FBI to do that?"

Trotter: "Well, there's no guarantees in life, you know that unfortunately. So you're arbitrarily now picking 180 days, why don't we just take 360 days or why don't we just take 2 years? Okay, we're saying that in a reasonable amount of time in which this check should be done, should be within 90 days. And that was agreed upon in June."

Ryder: "Thank you for your answers to the questions. Madam Speaker, to the Motion. I would ask the...the House to look very carefully at this Motion. First of all, we have a price tag of \$18,000,000, an obligation for the out years. Secondly, because of the language which I find to be somewhat confusing, we are paying the foster parents who certainly deserve consideration in this because of the good work that they do. But the foster parents are to be reimbursed for items that they do not have to pay, being medical and school, they don't pay that. The State of Illinois and the local school districts do. And then finally, it may have been agreed, but how do we mandate the FBI in order to do something when we have no control over them? I would suggest that we sustain, not override the

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Governor's Veto."

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

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

Speaker Breslin: "He will yield."

Black: "Thank you. Representative, you indicated in answering a question from the previous speaker that the department had agreed on the fingerprint issue in a time frame of 2 days."

Trotter: "No, no, no, I said 90 days. We had initially requested in 48 hours, but through negotiations in that Conference Committee, we felt that that was maybe rushing it to get a thorough check and it was agreed upon for 90 days."

Black: "I think maybe where we're confused on this issue is, I think the department position is they could take...obtain the fingerprints relatively soon, certainly within 90 days. But I'm led to believe that they never maintained, in fact, maintained strongly that they cannot guarantee that they will be processed in anywhere near 90 days. In fact the FBI says, expect them to be processed in 6 months, or 180 days."

Trotter: "So, our children again are being subjected to...possible child molesters and child abusers. That's unconscionable and I think that this Legislature should be in the forefront of enacting or insuring that our children are well protected. At least in our system."

Black: "Well, I can appreciate where you're trying to go, Representative, and I don't think we're in that much conflict here, but Madam Speaker and Ladies and Gentlemen of the House... to the Gentleman's Motion. We're asking that a state agency process something in 90 days that they have no means or authority or wherewithal to process within 90 days. It is the FBI, an agency of the Federal

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Government who must return those fingerprints with the background information. We're now logistically placing something on a department... in this case DCFS... we're logistically mandating they do something that they don't even do. They're going to catch the static and I submit any of you who support this, you will catch the static because it will not be done and you will have over sold a Bill once again that we can't meet. You're going to take the heat, Ladies and Gentlemen when you go home for the FBI. If the Gentleman wants a faster turn around then let's write our congressional delegation and say, why does it take 6 months to get the information back. I suggest to you, in all fairness to the Sponsor and in all fairness to those people who read what we do here and think it will automatically happen. It won't happen in this case. I urge you to sustain the Governor's Veto."

Speaker Breslin: "The Lady from Cook, Representative Currie on the Motion."

Currie: "Thank you, Madam Speaker, Members of the House. I rise in support of the Gentleman's Motion to override the Governor's Veto. The department in June said, 90 days was adequate for a background check, I would suspect that it's just as adequate in November. But the central issue in this Bill, the central issue is the fact that foster parents are dropping out of the program and it is impossible for the state to recruit new ones. The reason for that is cost. We have failed to increase the room and board rates for foster parents and foster parents digging deep in their own pockets find that there is not enough there to sustain that activity. What this Bill as we send it to the Governor would do would be to insure that we meet a commitment made in 1979, by 1994 to increase cost paid to foster parents for room and board. That's the central

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point of this Bill and the central point of the Governor's Amendatory Veto was to strike that language so as not to make any assurance to any foster parents or prospective foster parents in the state that one day they might get adequate reimbursements for simple board and simple room. If we are at all concerned about how our children fare, the only responsible vote on this one, which will have no cost implication for the coming fiscal years budget but will recommit ourselves to fair play, fair treatment for children in foster care. The only responsible vote is a vote to override the Amendatory Veto."

Speaker Breslin: "Representative Trotter is recognized to close."

Trotter: "Thank you very much, Madam Speaker, Members of the House. In June we negotiated in good faith with the department and with all the other people that were involved in the task force. In June we made a commitment to our children and to those foster parents that we're going to try to make their lives a little bit better. We have reneged on those commitments. The department, DCFS has reneged on their role to help our children. They have now again put our children at risk to be hurt, at risk to be molested, at risk to be used. That as I've mentioned earlier is unconscionable. We have an opportunity to make that change here in 3580. We have the opportunity now to make amends for all the injustices that our children have been subjected to through the years. I strongly recommend that we all vote 'aye' on 3580. Thank you very much."

Speaker Breslin: "The question is, 'Shall House Bill 3580 pass notwithstanding the Governor's specific recommendations for change?' All those in favor vote 'aye', those opposed vote 'no'. Voting is over...open rather. 71 votes are required. 71 votes are required. Have all...Representative Stern, one minute to explain your

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vote."

Stern: "Madam Speaker and Members of the House. I urge you to reexamine your vote on this. We need the foster parents of Illinois to care for our neediest citizens, our foster children. These youngsters have no one to speak for them if we don't. It is of the greatest importance that this Bill be passed and the Amendatory Veto be overridden so that these youngsters can be cared for with the love and attention that they need. I urge you to vote 'aye' on this."

Speaker Breslin: "One more vote is needed. Have all voted who wish? Have all voted who wish? Representative Davis, one minute to explain..."

Davis: "I think that's okay, thank you."

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

Black: "Well, Madam Speaker, should this get the requisite number of votes, please vote your own switch, I will request a verification."

Speaker Breslin: "Have all voted who wish? The Clerk will...take the record. On this question there are 71 voting 'aye'...Representative Black has requested a verification of the affirmative Roll. Poll the affirmative, excuse me, poll the absentees and then the affirmative."

Clerk O'Brien: "A poll of those not voting. Matijevich. No further."

Speaker Breslin: "Poll the affirmative, please. Representative McNamara requests leave to be verified, Mr. Black. As does Representative Turner. Proceed with the affirmative, Mr. Clerk."

Clerk O'Brien: "Balanoff. Bowman. Breslin. Brunsvold. Bugielski. Capparelli. Cullerton. Curran. Currie. Davis. DeJaegher. Dunn. Edley. Farley. Flinn.

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Flowers. Giglio. Giorgi. Granberg. Hannig. Hartke.
Hasara. Hicks. Homer. Lou Jones. Keane. Kirkland.
Krska. Kulas. Lang. Laurino. LeFlore. Leitch.
Leverenz. Levin. Martinez. Mautino. McGann. McNamara.
McPike. Morrow. Mulcahey. Munizzi. Noland. Novak.
Phelps. Regan. Rice. Richmond. Ronan. Saltsman.
Santiago. Satterthwaite."

Speaker Breslin: "Representative Hartke asks leave to be
verified. Leave is granted. Proceed, Mr. Clerk."

Clerk O'Brien: "Satterthwaite. Shaw..."

Speaker Breslin: "Excuse me, Representative Novak asks leave to
be verified. Leave is granted. Proceed, Mr. Clerk."

Clerk O'Brien: "Shaw. Steczo. Stern. Sutker. Tenhouse.
Terzich. Trotter. Turner. Van Duyne. Weller. White.
Williams. Wojcik. Wolf. Woolard. Anthony Young.
Wyvetter Younge and Mr. Speaker."

Speaker Breslin: "Representative Martinez asks leave to be
verified. Leave is granted. Do you have any question of
the affirmative, Mr. Clerk...rather Representative Black."

Black: "Thank you very much, Madam Speaker. Representative
Farley?"

Speaker Breslin: "Representative Farley. Bruce Farley. Is the
Gentleman in the chamber? He is not, remove him from the
Roll Call."

Black: "Representative Keane?"

Speaker Breslin: "Representative Keane. Representative Jim
Keane. Is the Gentleman in the chamber? He is not, remove
him from the Roll Call."

Black: "Representative Ronan?"

Speaker Breslin: "I'm sorry?"

Black: "Ronan."

Speaker Breslin: "Representative Ronan. Is in the chamber."

Black: "Representative Leverenz?"

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Speaker Breslin: "Representative Leverenz. Ted Leverenz. Is the Gentleman in the chamber? He is not, remove him from the Roll Call."

Black: "Representative Dunn?"

Speaker Breslin: "Representative Dunn. John Dunn is in the chamber."

Black: "Representative Curran?"

Speaker Breslin: "Representative Curran is in the chamber."

Black: "Representative Granberg?"

Speaker Breslin: "Representative Granberg is in his seat."

Black: "When did he get there? Representative Laurino?"

Speaker Breslin: "Representative Laurino is in the chamber."

Black: "Representative Leitch?"

Speaker Breslin: "Representative Leitch. Representative Leitch. Is the Gentleman in the chamber? He is not, remove him from the Roll Call. Representative Keane has returned to the chamber, add him to the Roll Call voting 'aye'. Representative Farley has returned to the chamber, add him to the Roll Call voting 'aye'."

Black: "Thank you, Madam Speaker. Representative Edley?"

Speaker Breslin: "Representative Edley. Mr. Edley. Is the Gentlemen in the chamber? He is not, remove him from the Roll Call."

Black: "Representative Krska?"

Speaker Breslin: "Representative Krska. Has anybody seen Representative Krska? Remove him from the Roll Call."

Black: "Representative Wojcik?"

Speaker Breslin: "Representative Wojcik. Is...the Lady is in the chamber. Representative Edley has returned to the Roll Call, vote him 'aye'."

Black: "Thank you, Madam Speaker, I have nothing further. You can take the roll."

Speaker Breslin: "There are 68 voting 'aye', 41 voting 'no', and

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3 voting 'present'. And the Motion has failed. Ladies and Gentlemen on the Order of Total Veto Motions appears House Bill 4049, Representative Williams. Mr. Williams."

Williams: "Thank you, Madam Speaker, 404...I move to override the Governor's Veto on House Bill 4049. What it does is basically, it's two sections to the Bill, one deals with Condominiums Act and trying to deal with the confusion that relates to mortgagors first lien. That part was okayed by the Governor but the other part would have removed the tenancy by the entirety which was created, I believe, two Sessions ago and it became under attack by the various bar groups because the tenancy by the entirety created quite a bit of problems in trying to set up a protect in terms of title and other measures in trying to set up a protection for spouses and others in homestead rights which in reality it did not really create the protection. Briefly speaking, the protection was so that one spouses interest could not be sold when another spouse had acquired some sort of debt. The reality of it all is that it was later determined that that interest would stay as a lien and that at any point that the couple tried to sell the property, the lien would then be able to be...the judgment would be able to be satisfied by the sales proceeds from the sale so that the protection would not actually stand. This particular Override Motion is supported by both the Chicago Bar, the Illinois Bar. The Women's Bar Association has reviewed it and they too agree that this particular piece of the law should be overturned. And I move for...to override the total veto of the Governor for House Bill 4049."

Breslin: "You've heard the Gentleman's Motion. On the question, the Gentleman from Lee, Representative Olson."

Olson, M.: "Thank you, Madam Speaker. Would the Sponsor yield?"

Williams: "Yes."

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Olson, M.: "Paul, I noticed in the Governor's veto message he said that a previous Act in this area has just passed a year or two ago, and he'd like to see it have a chance to blossom and see what changes might be needed. How would you respond to that?"

Williams: "Well, the reality is that many people because of the way that property and property transfer is enacted, there's a lot of confusion as this new particular entity is put into place and the title problems it is going to cause. They don't know, say for instance, if a person...the tenancy in the entirety is only supposed to apply to the homestead. If people have two particular houses, which one can you lien, which one can't you lien? There were a number of problems that was actually raised by the Bar Association as it related to this. Now the only other response is that when the actual Bill was passed, they say, and I don't really recall, that it...which is probably good testimony to what they said, that it was passed without any real debate or any real understanding. And after thorough review, they decided that it is both unnecessary, because most of the protection can be covered by joint tenancy and that it does cause quite a few problems that they had not and that were later discovered after the passage of the Act."

Olson, M.: "Would this problem be principally related to the metropolitan market or should this be a universal problem in the state? In other words, when you're talking about this, I have had no one call me on this from my market. Have you had some calls in your market...in your district on this issue?"

Williams: "Well, I've not had any per se from the individuals. Not many people... Tenancy of the entirety is something that most of us lawyers learn about in law school. But in

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lieu of no experience here in Illinois with, and therefore we haven't been able to really what I would say conceptually determine all of the ins and outs of it. And right now when they begin to look at it, they tend to think that it's going to create more problems than what it was intended to solve. The only place that they were concerned about it is in a situation...I think it occurred once when someone sold property...deal...fraud, by signing someone else's signature, their spouse's signature and then thereafter that person was able to sell another person's interest. But that would occur even under tenancy of the entirety. Fraud is a fraud. They could commit the same fraud."

Olson, M.: "Thank you."

Speaker Breslin: "The Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I've been approached several times today not to speak against this. I don't know why. I think the Governor did the right thing. We voted on a Bill a few years ago to establish this. I think we created an estate which is purely voluntary, one which lawyers know in other states. And I think you've just got a bunch nervous title companies out there, nervous lawyers who are afraid to deal with something new. I think this is good law. Nobody is forced to use it. If they don't want to use it they don't have to use it. They just need to talk about it and discuss it and come out with a plan. And it also addresses some problems that over the years that I've been here, Legislators in the other chamber have come to me and asked me to address a problem in dealing with spouses who sign mortgages and other things and create liens upon the property and really encumber that property to the detriment

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of the other. The use of tenancy by entirety would avoid that. I think it's good law and I agree with the Governor. I think we ought to vote 'no' and let this work and see how it goes. Thank you."

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

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Despite the fact that as I think many of you know, I represent some condominium associations. I am supporting the override of the Governor's veto of this legislation because I think that the portion of the Bill that deals with condominiums is well needed. The law is very clear that where there is a mortgage foreclosure on a condominium, the association loses its lien rights with respect to that unit. And when somebody new comes into that unit they then have the obligation to pay assessments. But you can't go back and pick up the old assessments. There are a few lawyers that represent associations that aren't following the law. They are attempting to shake down some of the new unit owners who get title through a mortgage foreclosure. They're refusing to release the association's rights, even though they don't have any rights. They come in and they harass, and this is not good. It is not fair. And for that reason, because of the underlying portion of the Bill that relates to condominiums, which I think makes a lot of sense, I'm going to support the override of the Governor's veto on this legislation."

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

Wennlund: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. The General Assembly made a mistake in 1989 when it created tenancy by the entirety. And what the Bill really was, is the full employment for lawyers Bill. Tenancy by

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the entirety is an annuity for lawyers, because tenancy by the entirety is going to be subject to years and years and years of expensive litigation. It will bring...in support of this Motion it will bring certainty to the entire estate process and the estate that everybody knows and deals with who are non-lawyers, which is joint tenancy. So I rise in support of the Motion and encourage the Members of the House to return the law back to the way it was prior to the time we made the mistake in the first place."

Speaker Breslin: "Any further discussion? There being none, Representative Williams to close."

Williams: "I ask for a favorable Roll Call to override the Governor's veto of 4049."

Speaker Breslin: "The question is, 'Shall House Bill 4049 pass notwithstanding the Governor's specific recommendations for change?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Actually this is a veto, so, the question is, 'Shall the Bill pass notwithstanding the Governor's veto?' Seventy-one votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 78 voting 'aye', 34 voting 'no' and 3 voting 'present'. This Motion having received the required Three-Fifths Majority, the Motion to override prevails, and House Bill 4049 is declared passed notwithstanding the Governor's veto. House Bill 3699, Representative Novak."

Novak: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think we debated the merits of House Bill 3699 at quite length. And I think we all had a time to reflect on our votes and I'd like to ask for your support. Thank you."

Speaker Breslin: "The question is, 'Shall the House...shall House Bill 3699 pass notwithstanding the veto of the Governor?'"

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All those in favor vote 'aye', all those opposed vote 'no'.
Voting is open. Seventy-one votes are required.
Representative Novak, one minute to explain your vote."

Novak: "Thank you, Madam Speaker. We discussed these...discussed the merits of the Bill at length and I believe it's relevant to the matters in hand concerning the legislation that was passed a number of years ago, allowing the treasurers for the stipend which they never received. And we did indicate during the floor debate that should the treasurers be successful before the Illinois Supreme Court, we simply would not go ahead and file any type of an appropriation to fund this Bill. This Bill is merely a substantive Bill. We're asking for parity and equality for the treasurers for the extra duties that they assumed. Thank you."

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

Black: "Thank you very much, Madam Speaker. I see the Gentleman is about where he was an hour ago on this Bill, almost the same vote total. Nothing has really changed. If the Supreme Court comes back and says that we owe the thirty-five hundred dollars for the last three years, where you going to get that money? Now the Gentleman is here wanting not only the thirty-five hundred dollars, but to increase it to five thousand dollars. You know at some point you're either going to pay the treasurers or you're not. I again said...I'll say what I said an hour ago, let's wait and see what the Supreme Court rules and then we'll come back with this thing. But if you're going to pass it, let's find the money."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 72 voting 'aye', 38 voting 'no' and none voting 'present', and this Motion

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having received the required Three-Fifths Majority, the Motion to override prevails and House Bill 3699 passes notwithstanding the Governor's veto. Ladies and Gentlemen, we are now going to the Order of Reduction Veto Motions on page 5. On page 5 on your Calendar appear Reduction Veto Motions. The Sponsors are Representative Bowman, Didrickson and Giglio. House Bill 3143, Representative Bowman on Motion #1."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise to offer Override Motion, Restoration Motion on House Bill 3143. There...this is the adult education line... I beg your pardon. This is the Supreme Court. I'm handling this on behalf of Representative Matijevich who is ill today. So this is a Supreme Court override and I ask your favorable consideration. This is...trial services."

Speaker Breslin: "Representative Bowman, is your Motion that the item be restored on page 5 line 1?"

Bowman: "Yes."

Speaker Breslin: "Okay. You have heard the Gentleman's Motion. On the question, the Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Madam Speaker. The cost to the GRF is 3.9 million dollars. This is in contrast to an agreement that was made in the original establishment of this program. The Governor and leadership all signed off on it. It was supposed to be around one million dollars. This is a 3.9 million dollar GRF hit that the budget just cannot stand. I would urge opposition to the Gentleman's Motion and hope that all of our guys will stick together on this one."

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

Cullerton: "Yes, thank you, Madam Speaker and Ladies and Gentlemen. I rise in support of the Gentleman's Motion to

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override. Let me tell you a little bit about pre-trial services funding. I was the Sponsor originally of this Bill and it doesn't work if we don't fund it. Now the pre-trial service program provides screening services for judges at criminal bond hearings..."

Speaker Breslin: "Representative Bowman."

Bowman: "Would you please take this Motion out of the record?"

Speaker Breslin: "Out of the record. House Bill 3341, Representative Didrickson."

Didrickson: "Yes, thank you, Madam Speaker. I move to restore the \$120,000 that the Governor vetoed out of four direction services. It's a program that for the last four years has provided a referral system for parents of handicapped children along with disabled people. There are about four or five different sites. A couple that I think might bear worth noting with regards to one in East St. Louis and one in the Hispanic community. Clearly, this is a program that we have funded for the last four years. It provides a very good service to over three thousand families in the State of Illinois and I move for its restoration."

Speaker Breslin: "You've heard the Lady's Motion. On that question, the Gentleman from Madison, Representative Stephens."

Stephens: "Would the Lady yield for a question? Was that House Bill 3341 you were talking about?"

Didrickson: "I think we have a different Bill that we are discussing."

Stephens: "Yeah, I think you're right."

Didrickson: "And I would like to restate my Motion. And I move to again, override the Governor's veto and move to restore the reduction veto with regards to, I believe it's about fifty-six million dollars of public aid funding for hospitals in the State of Illinois. I would ask my

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colleagues to join me. I think what we have done here in the State of Illinois has to be not to be a good business partner. There are people that count on a payment cycle for us. We are without restoring these funds. We will be placing hospitals and physicians on a ninety day payment cycle. As most of you know that could shut down most businesses in the State of Illinois. And clearly that is what is occurring with regards to hospitals. I also think that it's an important restoration if we look at the fifteen to nineteen counties that have no obstetrical care in the State of Illinois. And I think it's good for us with regards to the health care delivery in the State of Illinois to restore these funds and once again become a good partner with these people. I ask for your favorable vote."

Speaker Breslin: "You've heard the Lady's Motion. On that question, the Gentleman from Madison, Representative Stephens."

Stephens: "Well, thank you, Madam Speaker. I rise in opposition to the Lady's Motion. I think it's worthy that we note that today medical providers in Illinois are facing a delayed payment cycle as it is, and if you want to increase that payment cycle to medical providers such as hospitals and doctors and others, then that's exactly what you'll do by adding fifty-six million dollars to the money that the State of Illinois owes. This is something that sounds good on the surface, but the fact of the matter is, that you're rewarding a program that is not functioning well. We have to get a better handle on the entire state budget and you're not going to get a handle on the state budget by a band-aid approach such as this is. The Governor's veto, his amendatory veto, is correct in this instance, in that without this amendatory veto you're going to do nothing

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more than hurt every medical provider in the State of Illinois by extending the payment cycle beyond the sixty day limit. And that's going to cost even more dollars because of the interest penalties that will be so due. And so I move in strong opposition to House...the Motion on 3341."

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

Regan: "Thank you, Madam Speaker and Members of the House. I would urge the restoring of these funds. The hospitals all over the state, you know they're in trouble. They're closing down all over the state. Jobs are being lost and services are being taken away. I think that the state has an obligation to take care of its bills like anyone else does, and I urge you to restore these funds."

Speaker Breslin: "The Gentleman from Fulton, Representative Homer."

Homer: "Thank you, Madam Speaker. It's important...this Motion to restore may be one of the most...I think it is the most important Motion that we'll deal with in respect to the budget this fall. At issue here is whether we're going to try to pay our bills on time with regard to medical providers in this state who serve the medically indigent. Already our medicaid reimbursement formula provides those providers with too little reimbursement. Without the money that would be restored by this Motion, we would also be paying these providers too late. And it's projected that without this money we would run out of money in this area of the budget in April of this year, which would mean that medical providers who service the medicaid eligible in our state would have to wait until the next fiscal year to receive payment. That's unconscionable and that's wrong for the State of Illinois to engage in the non-payment of its bills. And it would also impose a severe interest

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penalty on the taxpayers of this state, because the law requires us to pay a 2 percent interest penalty for every month that we're late beyond sixty days. This would throw us into a ninety...a hundred-twenty day arrearage obligation to the providers who service the medically indigent. That not only hurts the medically indigent, that closes down hospitals in both urban and rural areas and shifts the responsibility for the payment of services for the poor from the State of Illinois where it belongs, to the private pay...patients of that hospital, which is adding to the further burdens of health care costs to all residents of our state. Further, by reducing this line...these line items, the Governor not only took away twenty-eight million dollars of state money, but in fact robbed us of a chance to be reimbursed that same amount by the Federal Government which affords us a dollar for dollar reimbursement for medicaid responsibility. So this was a shortsighted move. It's one that will burden the taxpayers of this state beyond what we already have because of the severe interest penalties that we will incur. We'll punish not only the indigent in our state, but also we'll cause rural and urban hospitals alike to close and we'll cause more and more doctors to shy away from providing service to the medically indigent. So for a great variety of reasons we ought to join the Lady in a bipartisan approach to vote 'yes' on this Motion and to restore the twenty-eight million dollars that the Governor cut for hospitals as well as for doctors in this state."

Speaker Breslin: "The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you, Madam Speaker. I would like to repeat something that the prior speaker said because I think it is truly important. Of the fifty-six million dollars involved

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in this Motion, twenty-eight million dollars of that is federal funding, which if we do not pass this Motion is twenty-eight million dollars of federal funds that will be lost to the State of Illinois and will not be available to us to use to help provide medical care for the indigent. The other fact, Madam Speaker and Members of the House, that I think we ought to take into account when we decide how we are going to vote on this important Motion, is that during the past five years twenty-two hospitals in Illinois have closed because they could not make the grade financially. We cannot continue that type of trend and expect our people to receive adequate, accessible, affordable health care. I stand in strong support of this Motion and I thank you."

Speaker Breslin: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I too want to join in urging a 'yes' vote to restore the funds in this line item. There again, we continue to ignore what is pressing each and every one of us in our districts throughout the state. In my own district in 1986, Cairo Hospital closed. In my hometown, Paris Hospital. And it goes on and on and on. Isn't it ironic that the...the very responsibility that we need to meet through financing our own obligation or our own debts, is also just feeding that perpetual cycle that gets us deeper into trouble in trying to provide health care and just basic primary health care for not only long-term and senior citizens, but our indigent. And now in this way, the high percentage of unemployment rates that we have throughout the state, the rural areas are suffering the worst. I urge to restore these funds to such a needy cause."

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

Parke: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill, not because the Bill does not have merit, but because we have shown a lack of resolve as a House to facing up to our responsibilities to help our hospitals solve the problem that is before them and the health care providers. I think that we should force this state to take a good hard look at what the future lies for our hospitals. If we continue to put a band-aid approach to this problem, we'll never solve it. Each year we come up with more and more money to bail out our hospitals instead of taking on the responsibility that is ours and facing how we are going to fund medicaid and help our hospitals and the health care providers. It is time that this state takes on that responsibility. I challenge Speaker Madigan to meet with Governor-elect Edgar, to address this issue with this Body and the Senate to work out a way of solving this so that each and every year we do not come up with a supplemental or come up with additional funding. It is time for us to face up to our responsibility as a Body. And therefore I must respectfully ask this Body, do not pass this Bill...this override, and put ourselves in a position to come back in the spring and address this issue as a major issue for this Body and the people of the State of Illinois."

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

Bowman: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. For those who were concerned about how we are going to pay for this in tight fiscal times, let me just remind everybody that since 1983 in years of feast or years of famine, the Governor has requested and we have routinely approved supplemental appropriations of a hundred to two

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hundred million dollars each and every year. What this represents, Ladies and Gentlemen, is establishing priorities. With this veto override we are saying that before any supplemental appropriations are considered now or hereafter for the current fiscal year, that the...these items have to be taken care of. So believe me, there's room in the budget. There always has been for items of this magnitude, particularly because we haven't yet acted on the supplemental appropriations for the current fiscal year. So I urge an 'aye' vote on this Override Motion."

Speaker Breslin: "The Lady from Cook, Representative Wojcik."

Wojcik: "Yes, Madam Speaker and Members of the House. I rise in support of this legislation and for the specific reason which I shall state right now. I happen to be a trustee on Alexian Brothers in Elk Grove Village, which is supposedly a very affluent area. Let me tell you the statistics of memberships on medicaid. Five thousand, seven hundred and ninety-two people had been on medicaid in the last year at Alexian Brothers Hospital. They also have a fifty day billing date. Now you tell me what business could stay open with this type of number and how would they operate. I thoroughly believe that we should start looking at this and perhaps look at the budget in total and when we come out with our supplemental Bill, remember what we're trying to do now and save some of the hospitals from closing down."

Speaker Breslin: "The Lady from Cook, Representative Didrickson."

Didrickson: "In closing?"

Speaker Breslin: "Proceed."

Didrickson: "Yes. Madam Speaker, Members of the House, I officially do move to restore fifty-six million, one hundred and eighty-three thousand dollars that the Governor has reduced with his veto pen. This clearly is going for

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hospitals, for physicians and for ambulatory care in the State of Illinois, to honor contracts, contracts and commitments that all of us made with these providers in the beginning of this fiscal year. There is no way that they are going to be allowed to keep open their doors as you have heard on a continuing basis. And why would they continue to do business with us when we do not honor those contracts. Clearly the delivery of health care in the State of Illinois is an important issue, one that we ought to honor our commitments. That is all this is, is honoring a contract and keeping it within the payment cycle that will allow them to honor the commitments that we have made with them. I also think that the important thing here has been mentioned, is that we want to also retrieve federal dollars, half of which we would lose if we do not. Twenty-eight million dollars as it is suggested, that we would lose if we do not restore these dollars. I ask for your 'yes' vote to maintain your commitment to keeping open the hospitals and the contracts that we have made with these health care providers in the State of Illinois. Because to not do so, to simply cost shift those dollars back to the private payers and continues to drive up to double inflationary rates with regards to health care insurance in the State of Illinois. Please vote 'yes'."

Speaker Breslin: "The question is, 'Shall this item be restored to its original amount notwithstanding the reduction of the Governor?' All those in favor vote 'aye', opposed vote 'no'. Sixty votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 105 voting 'aye', 6 voting 'no' and 2 voting 'present'. This Motion having received the Constitutional Majority prevails, and the House restores the item veto. House Bill 3341, Representative Giglio on

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Motion #2."

Giglio: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Motion #2 restores approximately forty-three million dollars on line 24 of House Bill 3341. What this one is, is for the long-care providers throughout Illinois who provide the care for approximately fifty thousand elderly citizens. And also, it adversely impacts the proposed delay in the payment cycle. These payments must pay their...providers must pay their staff, vendors, on a timely basis, and the payments are in jeopardy. The payment cycle for long-term care providers are even longer than that of the other medical assistance providers due to a unique billing system for the providers. For these reasons I would ask for your favorable vote on this Motion."

Speaker Breslin: "You have heard the Gentleman's Motion to restore. On the question, the Gentleman from Madison, Representative Stephens."

Stephens: "Well, thank you, Madam Speaker. By every method of measure this Motion ought to be defeated, but I would predict that it's going to get a hundred votes. And I stand in opposition."

Speaker Breslin: "Is there any further discussion? There being none, the question is, 'Shall this item be restored to its original amount notwithstanding the reduction of the Governor?' All those in favor vote 'aye', opposed vote 'no'. Sixty votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 89 voting 'aye', 19 voting 'no' and 3 voting 'present'. This Motion having received the Constitutional Majority prevails, and the House restores the item...the item line. Now, Ladies and Gentlemen, we are going over to page 6 on our Calendar to Reduction and

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Item Veto Motions. The first Bill is House Bill 3273, Representative Woolard."

Woolard: "For some reason we're not... Alright. What we're talking about here is the actual funding mechanism for the Bill that we passed just a few short minutes ago. This was the 3146 veto override which was passed by 104 to 7 votes. We believe that this hundred and thirty-two thousand dollars for these four particular schools that are located in Franklin County is a necessity, and this will just restore that dollar amount into the budget to accommodate that need. I would recommend and ask for a 'yes' vote on this override."

Speaker Breslin: "You have heard the Gentleman's Motion. On the question, is there any discussion? The Gentleman from Madison, Representative Stephens."

Stephens: "Well, you know my instructions are that we're supposed to oppose this. Representative Woolard, I don't think it makes that much difference and I think we ought to vote in favor of your Motion."

Speaker Breslin: "The question is, 'Shall this item pass, the veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required. Have all voted who wish? The Clerk will take the record. On this question there are 84 voting 'aye', 23 voting 'no' and 1 voting 'present'. This Motion having received the required Three-Fifths Majority does prevail, and this item is declared passed, the veto of the Governor notwithstanding. The next Bill is House Bill 3273. Representative Bowman."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move to restore to the original amounts the items on page 19 lines 21 and 24 of House Bill 3273. These are the adult education lines. On behalf of the students in

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your district who depend on these programs, I urge that you support this Override Motion. Specifically, there's four hundred and seventy-seven thousand nine hundred dollars in the public assistance line and three hundred forty-two thousand, one hundred in the state adult education line. Both sets of funds are used in teaching adult learners, particular public aid recipients and other low income students, but who may well be on public aid if they are unable to get the job skills necessary to find employment. So this is an appropriation that saves money by reducing the welfare rolls by putting money into education and putting the money where it is needed most. And I urge you to support this Motion."

Speaker Breslin: "You have heard the Gentleman's Motion. On that question, the Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Madam Speaker. Representative Bowman, we have heard that language before that we're going to spend money to save money. The last Bill that we didn't oppose very vigorously was only a hundred and seventy-two thousand dollars, and maybe we can find room to cover that. This reduction was made to meet the levels of reduction to match the 1990 levels. You know that this did not hurt these programs. This reduction is only fair considering the reductions that had to be made in the budget across the board to wind up with a relatively balanced budget. This is almost a million dollars that will, given the other additions that we...reductions that we have overridden today, will make it absolutely impossible for state government to function in the next year unless we slow the train down here a little bit today. So I seriously rise in strong opposition to your Motion. This is a bad recommendation, Representative. These programs will

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survive and we will educate adults without these dollars."

Speaker Breslin: "The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House. To veto these line items is very counterproductive. First of all, the public assistance line item is fifty percent reimbursable by federal funds. And so we certainly get a big bang for our bucks when we put some money into that line item. Even in the other line item, we find that what has happened over the years is that we are able to take people off public welfare by giving them an education. It's amazing that the Governor would veto programs that he himself has supported, Project Chance and other types of putting people into adult educational programs so that they can be productive citizens. Forty-seven million dollars of welfare savings through job placements have been accomplished from these adult education programs in the last six fiscal years. In just the last two fiscal years it has been documented that we have saved eighteen million dollars through our welfare program. This is money that takes people off welfare and puts them in productive occupations. Please vote to restore these funds."

Speaker Breslin: "Representative Bowman is recognized to close."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think all of us remember the legislative history of this line. Typically, the request is always made for well, level funding, last year funding. The Legislature always adds more money to this line because this is a program that very definitely needs expansion. We know that there are a lot of...that illiteracy is a major problem in the society. A lot of people can't even fill out a job application. If we don't give them the tools to be able to fill out a job application, what can we then expect to

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happen. So this is where the money ought to be put. This ought to be our priority. It has been our priority every year. Frequently we have to override gubernatorial vetoes in order to expand the program. This is a question of legislative priority setting and I urge you to take the same position that you took in the spring and pass this measure, restore it to the original amount. Thank you."

Speaker Breslin: "The question is, 'Shall this item be restored to its original amount notwithstanding the reduction of the Governor?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Sixty votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 77 voting 'aye', 36 voting 'no' and none voting 'present'. This Motion having received the Constitutional Majority does prevail, and the House restores the line item. House Bill 3462, Representative Ryder."

Ryder: "Thank you, Madam Speaker. On behalf of Leader Daniels, Motion #1 would restore two hundred thousand to Nipsey-Grant for stormwater planning assistance. I'm sorry. Late breaking news item requests that I take this Motion out of the record."

Speaker Breslin: "Out of the record. House Bill 3462, Motion 2, Representative Ryder. Out of the record. On House Bill 3273, Representative Bowman. It has been noted that there is an Override Motion filed also. There were two Motions put together on that same Motion. Who's the Sponsor of the second one?"

Bowman: "I thought we took those Motions together. That's the way I stated it in my opening. I stated..."

Speaker Breslin: "Except that..."

Bowman: "...that I wanted the items on page 19, lines 21 and 24 restored to the original amounts. So that's how I put the

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question."

Speaker Breslin: "Representative Bowman, you are correct. It's the Calendar that is incorrect. Both of your Motions were Motions to restore reductions and as a consequence the House's action was proper and both items were restored. Both on line 21 and line 24 of page 19 of House Bill 3273. Representative Mulcahey. Mr. Mulcahey, the Chair is advised that Motion #3 has been filed on this same Bill, House Bill 3273, so we will go to that Motion now. You are recognized to proceed with your Motion."

Mulcahey: "Thank you Mad...thank you Madam Speaker. I move that we restore to the General State Aid Fund by way of the school aid formula, five million, forty-eight thousand dollars which was removed by the Governor and I would move that we override that particular line item veto."

Speaker Breslin: "Okay. The Gentleman has moved to restore money that was reduced by the Governor from this item. On that Motion, the Gentleman from Madison, Representative Stephens."

Stephens: "Just like an explanation of what that five million dollars is for."

Mulcahey: "General state aid, Representative Stephens. Just general state aid. Teachers, upgrading classrooms, whatever."

Stephens: "Well, I would imagine then, spread out from one end of the state to another as it might be, that we would stand in opposition because it's not going to do much good once you make it...spread it out to each district. We're not making a substantial change. It's...with that reduction we're still allowing for a thirty-three million dollar increase from FY '90, so I would stand in opposition."

Speaker Breslin: "Any further discussion? There being none, Representative Mulcahey to close."

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Mulcahey: "Madam Speaker, five million dollars may not seem a lot statewide, but it does affect a lot of the schools that need it the most. And I would move for the override."

Speaker Breslin: "The question is, 'Shall this item be restored to its original amount notwithstanding the reduction of the Governor?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Sixty votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 77 voting 'aye', 32 voting 'no' and 1 voting 'present'. This Motion prevails having received the Constitutional Majority and the House restores the item line. The next Bill on this order of call is House Bill 3462, Representative Didrickson."

Didrickson: "Yes. Thank you, Madam Speaker, Members of the House. This does restore the hundred and twenty thousand dollars to direction services, which provides a referral system through our state library system in the State of Illinois. It's been in action for the last four years, services about thirty-six hundred families of the disabled and special need community in our state. We wanted to transfer it out of the State Board of Education's budget and that's what this does. It will now restore it to what it has been in the past. It is not new money that we haven't spent in the last four years."

Speaker Breslin: "Representative Didrickson, just to clarify. The Calendar indicates that this is an Item Veto and that your Motion is to override. Which is correct? You have indicated that it's a restoration."

Didrickson: "Right. The Governor has reduced a hundred and twenty thousand dollars. I move to override and restore the hundred and twenty thousand dollars to direction services."

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Speaker Breslin: "Okay. The whole line was taken out, Representative Didrickson, so the Motion is to override the Governor's item veto of House Bill 3462. On that question is there any discussion? Seventy-one votes are required. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 'Shall this item pass, the veto of the Governor notwithstanding?' Seventy-one votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 95 voting 'aye', 13 voting 'no'... Representative McCracken votes 'aye'. There are 96 voting 'aye'... Representative Wojcik votes 'aye'. There are 97 voting 'aye', 12 voting 'no' and 2 voting 'present'. This Motion having received the required Three-Fifths Majority does prevail, and this item is declared passed, the veto of the Governor notwithstanding. House Bill 3462, Representative Hoffman on Motion #4. Mr. Hoffman. Representative Hoffman is recognized."

Hoffman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move to override the Governor's item veto on two hundred thousand dollars for the Northeastern Illinois Planning Commission for stormwater planning activities. Those of us who live in that northeastern Illinois area know how important intercounty and intergovernmental cooperation is on the issue of stormwater management. We're making progress, but this amount of money will move us forward in that direction and I would move for your support of this override of the item veto."

Speaker Breslin: "You have heard the Gentleman's Motion. On the question, is there any discussion? There being none, the question is, 'Shall this item pass, the veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one

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votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 92 voting 'aye', 18 voting 'no' and 3 voting 'present'. This Motion having received the required Three-Fifths Majority does prevail, and this item is declared passed, the veto of the Governor notwithstanding. House Bill 3462, Motion 5. Representative Bowman is recognized. Representative. Excuse me. Representative Hoffman will handle Motion 5. Proceed, Representative Hoffman."

Hoffman: "Thank you, Madam Speaker. This is the same issue. It just has to be taken in the aggregate lines, so I move that we override the reduction veto on page 25, line 15."

Speaker Breslin: "The Gentleman has moved to restore the items...the item reduced in House Bill 3462 on page 25, line 15. On that question, is there any discussion? There being no discussion, the question is, 'Shall this item be restored to its original amount notwithstanding the reduction of the Governor?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Sixty votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 99 voting 'aye', 9 voting 'no' and 1 voting 'present'. This Motion having received the Constitutional Majority prevails, and the House restores the item line. House Bill 3544, Representative Saltsman. Motion #1."

Saltsman: "Yes. Thank you, Madam Speaker. The eighteen million dollar figure is an assumption of the amount of revenue that tax increment districts will generate. If the money that goes into this escrow account don't reach the eighteen million dollar level, we will not hold the Department of Revenue responsible for any amount above the escrow limit. The eighteen million dollar amount was just an anticipated

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figure, and for instance if it would only generate sixteen-five in that escrow account, that's all that we're gonna...we would probably be asking the Department of Revenue to put into this fund to return to the municipalities. I'll answer any questions."

Speaker Breslin: "You've heard the Gentleman's Motion. On the question, is there any discussion? The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the Gentleman's Motion. All this matter simply is, is the state needs to keep its word. The state was promised...promised to work with these communities and it is not keeping faith with them. And we need this passed very urgently for the communities of downstate Illinois. Thank you."

Speaker Breslin: "The Lady from Cook, Representative Currie."

Currie: "Thank you, Madam Speaker and Members of the House. I rise in opposition to the Gentleman's Motion. These tax increment fund dollars under agreement among the municipalities and state government were limited to ten million dollars a year when we revised the underlying TIF proposal two years ago. I think the municipalities understood that that was the agreement, that was the commitment of the state. And it seems to me that if we're going to keep ourselves from ever increasing dollars for this local project...these local projects, that the sensible thing for us to do is to stand by that ten million dollar commitment, which is where the Governor's veto left the TIF appropriation. If we don't do that at this point, I think we're buying many many millions of dollars down the road. So I would appreciate your support for a 'no' vote on this Restoration Motion."

Speaker Breslin: "The Gentleman from Madison, Representative

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Stephens."

Stephens: "Representative Currie, we salute your new found conservatism, and you're exactly right. This would be a terrible precedent to set. We have to try to make some limits on spending. This is an attempt by the Governor...the amount reduced...he's trying to insure a balance of some reasonable figure around two hundred and seventy-five million dollars by the end of the year. The end of the fiscal year is...that balance is certainly in jeopardy with the previous Motions that we have overridden. And you're right, Representative, we need to defeat this Motion."

Speaker Breslin: "The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Madam Speaker and Members of the House. I stand in support of this Motion. It seems to me that the State of Illinois is again trying to back out on a commitment that they made to these communities. And many of these communities have bonded and made plans in anticipation of these funds. And I think it's only appropriate that the State of Illinois restore these funds to the districts."

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

Kubik: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise also with Representative Currie to oppose this Motion. It was an agreement of over a year ago that this would be limited to ten million dollars. It was an agreement by all parties. Here we go again. We're going to break that limit and it's going to set a poor precedent. So we ought to take the tough vote now and stop it and relieve ourselves from future consideration to this. Everybody agreed to it and we ought to remain at where we are. I would...I would urge that you oppose the Motion."

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

McNamara: "Thank you, Madam Speaker. The Gentleman will yield for a question? Thank you. Representative Saltsman, these funds are generated by what? Where do these funds come from?"

Saltsman: "These funds are sales tax revenue that are generated from within the tax increment district..."

McNamara: "So it's..."

Saltsman: "...that is drawn and through the consent of DCCA."

McNamara: "So in actuality these funds are generated by the communities themselves. And what they're asking is permission to get their funds back that they've generated? I rise in support of this fine measure because first of all, it is extremely important to realize that these communities entered into these tax incremental financing districts with the intent of creating development that will produce sales tax funds. These funds, according to his answers, go right back into the state fund and then should come back to the community for that development. That was my understanding of TIF districts. I think it's the right way of going. We should not be remiss in our duties to continue on with our agreements to give the communities back again the dollars that are there. I rise in support of this measure."

Speaker Breslin: "The Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Madam Speaker. I rise in support of the Motion because as many have indicated, when the Legislature attempted to provide new life blood into communities that were somewhat sagging, this was an attempt to provide finances so that economic development could actually take place. Many of those communities now effecting that

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initiative by the Legislature, find themselves in a position where if we do not fund this adequately, their interest in their repayment of those bonds is really coming in a position where they're going to have less money to pay off those bonds. It is a commitment that we made to them. They have in fact made those commitments with bonding companies, and here we are in the process now of saying, 'Oh, we want you to drop back and not do what we said.' And so I support the Gentleman's Motion in an attempt to override at this point."

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

Keane: "Thank you, Madam Speaker. I rise in support of the Gentleman's Motion. As previous speakers pointed out, this is money that's been collected from local government. It's been put into a fund on their behalf. The Sponsor of the Motion indicated that we will only disburse the amounts of money that have been collected. I have talked to the Department of Revenue in regard to this. We do have to tighten it up a little bit and make sure that all the funds go to reduce the debts so we can pay off the debt service and the bonds that were issued and get the money back into the...get the bonds paid off and start getting the money into the treasury. The sooner we do that, the better. We cannot have local government not living up to its bonded covenants and therefore I'd ask you to vote in support of the Gentleman's Motion."

Speaker Breslin: "Representative Saltsman is recognized to close."

Saltsman: "Yes. Madam Speaker, all of the sales tax, I think everyone here knows, does not come back to that district. It averages out to be about sixty percent of the commitment to pay off the bonds which Representative Ropp had spoken about. So we had a quite extensive amount of research. We

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had a tax increment finance reform two years ago, which Representative Keane put many hours in with myself and members of the Tax Increment Finance Committee. And this is owed. This is not a gift, this is owed. And we...I ask for your favorable vote."

Speaker Breslin: "The question is, 'Shall this item be restored to its original amount notwithstanding the reduction of the Governor?' All those in favor vote 'aye', opposed vote 'no'. Voting is open. Sixty votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 78 voting 'aye', 27 voting 'no' and 4 voting 'present'. This Motion having received the Constitutional Majority does prevail and the House restores the item line. House Bill 3544, Motion 2, Representative Saltsman."

Saltsman: "Motion 2 pertains to a follow-up of what we just worked with. This one million, seven hundred and forty-six thousand dollars has been put in escrow and is owed to our municipalities that have the tax increment financing districts. Under the TIF Reform Act that was voted in by this General Assembly, we are obligated to pay the municipalities this commitment. Like I said before, it averages out about sixty percent of the sales tax that's going to be paying the bonds that your municipalities have borrowed in order to do the public works projects to entice the redevelopment. So at that, I ask for your favorable vote. This money is in escrow."

Speaker Breslin: "You've heard the Gentleman's Motion. Is there any discussion? There being none, the question is, 'Shall this item be restored?' Excuse me. This is an item veto, so the question is, 'Shall this item pass, the veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one

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votes are required. Have all voted who wish? Mr. Clerk, take the record. On this question there are 74 voting 'aye', 29 voting 'no' and 6 voting 'present'. This Motion having received the required Three-Fifths Majority does prevail and this item is declared passed, the veto of the Governor notwithstanding. On page 7 under Amendatory Veto Motions appears House Bill 3261, Representative Hicks. Mr. Hicks, do you wish to go with your Motion to override or the Motion to accept, first?"

Hicks: "Yes. Thank you, Madam Speaker. I have a Motion to accept the Governor's Amendatory Veto on House Bill 3261. The Governor made changes in the Horse Racing Act and basically took out the full funding for county fairs and also took care of several park districts in extending the date by which park districts would qualify for receiving of money from the off track betting parlors that are being built and proposed for the near future. I'd be happy to answer any question on the Bill."

Speaker Breslin: "I'm sorry, Representative Hicks, I'm still not clear. Are you moving to accept the Governor's recommendations for change? He is. On that question is there any discussion? There being no discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change in House Bill 3261?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Sixty votes are required. Representative Cullerton, one minute to explain your vote."

Cullerton: "No, I have no comment."

Speaker Breslin: "He indicates he does not wish to speak. On this...Mr. Clerk, take the record. On this question there are 103 voting 'aye', 6 voting 'no' and 1 voting 'present'. This Motion has received the required Constitutional Majority, so the Motion is adopted and the House accepts

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the Governor's specific recommendations for change. On page 6 on the Calendar under Reduction and Item Veto Motions appears House Bill 3544. Motion 3 has been filed by Representative Giorgi. Representative Giorgi, you are recognized on Motion #3."

Giorgi: "Madam Speaker. I move to restore the following reduced item appropriation on House Bill 3544, page 8, line 35. And this veto deals with the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. This is the most popular of all the senior citizens tax relief programs, and with the advent of the pharmaceutical benefits, the most needed. This action restores the twenty million that was vetoed by the Governor's Office, and I urge the Members to join me in this override."

Speaker Breslin: "The Gentleman has moved to restore items reduced in House Bill 3544. On that question, the Gentleman from Madison, Representative Stephens."

Stephens: "Question of the Chair. Was this Motion filed in a timely manner and is it on the Calendar?"

Speaker Breslin: "It has been filed. The question, 'Is it timely?' Just a moment, please."

Stephens: "Let's concentrate on the second part of the question."

Speaker Breslin: "The answer is, that it is timely filed. It was filed by the time we were on the Bill, etc."

Stephens: "Okay. And is it on the Calendar?"

Speaker Breslin: "No, it is not on the Calendar."

Stephens: "And? Tell them, Tony."

Speaker Breslin: "Representative Giorgi."

Giorgi: "Madam Speaker, to save the time of the House I'll withdraw my Motion and take it up tomorrow morning."

Speaker Breslin: "Very good. It'll be on the Calendar in the morning. Thank you. Ladies and Gentlemen, on page 10 on

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your Calendar under the Order of Motions appears Senate Bill 2237. Representative Cullerton is recognized to present...Representative Keane is recognized to present a Motion. Representative Cullerton, for what reason do you seek recognition?"

Cullerton: "I want the record to reflect that I'm no longer the Sponsor of this Bill. And if it's possible to have the board changed, I would appreciate it."

Speaker Breslin: "Very good. Mr. Clerk, can you change the board? Who is the Sponsor of this Bill now? Representative Keane will take responsibility for Senate Bill 2237. Representative Keane is recognized."

Keane: "Thank you, Madam Speaker. I move to take Senate Bill 2237 from the Table and advance it to the Order of Second Reading, Second Legislative Day and suspend Rule 37(g). This has been cleared with the opposite side."

Speaker Breslin: "You have heard the Gentleman's Motion. On that question, the Gentleman from Cook, Representative Bowman."

Bowman: "Question of the Sponsor, Madam Chair (sic-Speaker). Could he please enlighten us as to the nature of the emergency that requires this extraordinary action?"

Speaker Breslin: "Representative Keane."

Keane: "Yes. If you see a green sheet on your desk, it's been there for a couple of hours...you're aware of what we're going to use it for. And it's explanatory to everyone who wants to read the sheet."

Bowman: "Well, I recognize..."

Keane: "I'd be happy to get into that when we have that before us."

Bowman: "Why is it an emergency, though?"

Keane: "One man's emergency is the other man's..."

Bowman: "I believe the issue before us is whether we should suspend rules and accelerate the process. Why is it an

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emergency? There is no pending legislation that this Amendment would preempt. There's no pending legislation period. It's a non-issue."

Keane: "My answer to that, is one man's emergency is another man's non-emergency."

Bowman: "Well... Okay..."

Keane: "You can quote me on that."

Bowman: "To the Motion. Okay. To the Motion, Ladies and Gentlemen of the House. I admire the eloquent speech that was just given by the Sponsor of this Motion. I rise in opposition to the Motion because in fact there is no emergency. If you take a look at the legislation that he's going to propose as an Amendment, it deals with a non-issue. There was in my hometown a matter before the City Council that was voted upon. The Mayor vetoed it. It's a dead letter. So why we should rush this through in the Veto Session is beyond me. And I urge that we keep local matters, local controversies bottled up in local communities and not let them spill over into the General Assembly, especially when there is no legislation pending at the local level that would...that threatens any college or university that would require this treatment. So, I stand in opposition to the Gentleman's Motion and hope that we can deal with it in the next session of the Legislature."

Speaker Breslin: "There being no further discussion, Representative Keane is recognized to close."

Keane: "I would ask for approval of the Motion."

Speaker Breslin: "The question is, 'Shall Senate Bill 2237 be taken from the Table and advanced to the Order of Second Reading, Second Legislative Day and suspend Rule 37(g)?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required."

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Representative Williams, one minute to explain your vote."

Williams: "Just curiously in explanation. Does this, if someone out there who knows, prevent cities from taxing tuition? That's what I've been informed, and if that is so... I never know...never know."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 81 voting 'aye', 24 voting 'no'...82 voting 'aye', 22 voting 'no' and 7 voting 'present', and the Motion carries. The Bill is placed on the Order of Second Reading, Second Legislative Day. An Amendment has been filed. Read the Amendment, Mr. Clerk."

Clerk Leone: "Floor Amendment #1."

Speaker Breslin: "Excuse me. Whoops! Excuse me. Representative Bowman."

Bowman: "Madam Speaker, I question the germaneness of the Amendment. The underlying Bill deals with condemnation powers, quick-take procedures and this is a revenue matter."

Speaker Breslin: "Okay. First, we're going to read the Bill first and then we will get to your Motion. Thank you."

Bowman: "Thank you."

Clerk Leone: "House Bill 2237, a Bill for An Act concerning condemnation, amending named Acts. Second Reading of the Bill. There are no Committee Amendments. Floor Amendment #1 is being offered by Representative Keane."

Speaker Breslin: "Representative Bowman, the ruling of the Chair is that the Amendment is germane. Representative Bowman."

Bowman: "Okay, so let's proceed then. Thank you."

Speaker Breslin: "Okay. Representative Keane, proceed as the Sponsor of the Amendment, Sir."

Keane: "Thank you, Madam Speaker. Amendment #1 to Senate Bill...House Amendment #1 to Senate Bill 2237 sets the law so that corporate authorities of a municipality may not

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impose a tax on any tuition or fees received by a public or private post-secondary educational institution or on any student with respect to his or her being enrolled in such an institution. I'd be happy to explain any questions...or answer any questions on the Amendment and would ask for adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to Senate Bill 2237. On that question, the Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Amendment on several grounds. Before we even consider the substance of the measure, let me point out that what is really at issue here is a local controversy between the City of Evanston and Northwestern University. You may have seen news accounts of an attempt by the Evanston City Council to impose a tax on student tuition. Now, that is an issue that has been around the City of Evanston for a long time. In fourteen years serving here in the General Assembly, there have been numerous controversies between the City of Evanston and the university. And never once, never once in fourteen years have I asked you, my colleagues, to mediate a local dispute in the City of Evanston between a university and a municipality. Never once. And now what's happened is, the controversy has arisen again and the universities now are bringing the controversy, which is a local controversy, to you to decide. This is wrong. It opens the door to many other local controversies being brought before you. This is a matter which, in any event, should be postponed until the next session of the General Assembly when committee hearings can be heard. This is a matter of great local concern, I can assure you. And I'm sure you understand that for yourselves, having seen news accounts, it is a

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matter of great local concern. What is wrong with having public hearings before committees of this House? What is wrong? What is the urgency, I ask you? The issue was voted on by the City Council and the Mayor vetoed it. It is a dead letter. There is nothing pressing at this moment. So I urge you to reject this Amendment. Consider it in the next session of the General Assembly if you will. Let the people of the City of Evanston and other communities, and there are forty-one communities, by the way, that this affects. This preempts home rule. You're taking home rule powers away without giving anything in return. This is a dangerous precedent. Anytime you preempt home rule, Ladies and Gentlemen, you're setting a dangerous precedent. I ask you to at least postpone this till the next session of the General Assembly and let people come in and offer their testimony. I urge your rejection at this time."

Speaker Breslin: "Any further discussion? There being none, Representative Keane is recognized to close."

Keane: "Thank you, Madam Speaker. This Bill does something I think most of us agree with and that's to take away the power of localities to tax public or private institutions of higher education in the state. It would give unnatural and I think unwarranted control over those institutions by units of local government. And I would ask for the adoption of the Amendment."

Speaker Breslin: "The question is, 'Shall Amendment #1 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 79 voting 'aye', 15 voting 'no' and 14 voting 'present' and the Amendment is adopted. Are there any further Amendments?"

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Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Yes, Representative Bowman."

Bowman: "While I'm obviously pursuing a losing cause here, I have one more card to play. I think the title is amended and it has to be returned to First Legislative Day?"

Speaker Breslin: "Representative Bowman, the rule that you quote specifically indicates that in this instance the title has not been amended, because all they did was change the...it added or deleted the Section numbers from the same Act. The rule says, 'This subsection does not apply to Amendments which amend the title of the Bill by adding or deleting Section numbers from the same Act that is amended by the Bill.' And that's what happened here. So, that card is a bad card. This Bill is on the Order of Third Reading. Now, Ladies...Ladies and Gentlemen, on the Order of Motions also appears House Bill 4009, Representative Capparelli. It's on page 9 on your Calendar. Representative Capparelli."

Capparelli: "Thank you, Madam Speaker. I'd like to suspend Rule 79(d) and place House Bill 4009 on the Order of Concurrence."

Speaker Breslin: "You have heard the Gentleman's Motion. On that question is there any discussion? Any discussion? There being none, the question is, 'Shall the House take House Bill 4009 from the Table, suspend Rule 79(d) and (e) and place it on the Order of Concurrence...Concurrences?' All those in favor say 'aye', opposed say 'no'. In the opinion of the Chair the 'ayes' have it by use of the Attendance Roll Call. The Motion carries. The Bill is placed on the Order of Concurrences. On Supplemental #1 appears two Bills under the Order of Total Veto Motions."

Clerk Leone: "Supplemental 1 to the House Calendar is now being distributed."

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Speaker Breslin: "Everyone has a copy of the Calendar. We'll begin with House Bill 2924, Representative Terzich. Motion #2."

Terzich: "Yes, Madam Speaker and Members of the House. Yesterday...I'm sure there was a little bit of confusion on House Bill 2924 and I would move to override the Governor's veto. Basically, the Bill provides a minimum stipend for downstate sheriffs who operate county jails, and the yearly stipend of at least two thousand dollars to be paid by the state from its funds if the county jail has between a hundred and two hundred beds, the total stipend is four thousand dollars. If a jail has more than three hundred beds it would be five thousand dollars, and the balance would be two. There's approximately seventeen county sheriffs that would have...be eligible for the stipend. What has happened, that the General Assembly passed this provision quite overwhelming in this Session and the responsibility for misdemeanors was shifted over from the state to the county, which has relieved the state of a substantial amount of money confining these prisoners. And this is a small stipend and I would appreciate your support on House Bill 2924."

Speaker Breslin: "You have heard the Gentleman's Motion to override the veto of House Bill 2924. On that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Breslin: "He indicates he will."

Black: "Thank you. Representative, how long ago, refresh my memory if you will, when did we last raise the salaries for county sheriffs?"

Terzich: "Representative Novak mentioned it was 1892, but it might have been a little bit sooner than that. I really

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don't know, Representative Black."

Black: "I...wasn't it about four and a half years ago we substantially raised the pay of sheriffs?"

Terzich: "Well, I understand that about four and a half years ago that there was a salary adjustment for sheriffs and this was done by the General Assembly, which, you know, sets those salaries. And yes, I believe it was about four years ago."

Black: "And wouldn't you agree, you're an astute observer of the political scene, wouldn't you agree that since we substantially raised the pay of our county sheriffs, there has been no scarcity of candidates wanting to run for that office?"

Terzich: "Well, I wouldn't know that, Representative."

Black: "Well, I think most of us would agree that we've had some spirited races, particularly downstate. And I would submit to you, in Cook County for that office, the pay is now very, very competitive. Let me ask you, Representative, because I know you're very good with figures in your tenure as Chairman of the Insurance Committee, what's the approximate cost of this stipend to county sheriffs who operate a jail?"

Terzich: "I mentioned that according to the information I've received, there are 92 counties that operate county jails and there are approximately seventeen, ten have between one hundred and two hundred beds, three have between two hundred and three hundred beds and there are four in excess of three hundred beds. So there's approximately seventeen sheriffs that would receive this stipend because of the fact that this stipend is simply of the added responsibilities that they have of housing the prisoners that was transferred over from the state over to the county sheriffs."

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Black: "It's hard to hear in here, but did you say it would cost approximately two hundred thousand dollars the first year?"

Terzich: "That is the information I've received from the Governor's veto message. Right."

Black: "Okay. Representative, thank you very much. Madam Speaker, to the Bill. You know, here we go again. We've already passed one stipend here awhile ago, that increased a stipend from a stipend that's never been paid. Now we're coming in to put a stipend for county sheriffs. Interesting to note that probably in only one county will they operate a jail bigger than five hundred beds, and I think we all know where that would be. That's a five thousand dollar stipend. You know, at some point we have to say, 'Wait a minute.' If indeed the economy is slowing down, if indeed, we might have to make some budget revisions, if indeed, we're going to look at some revenue projections in the coming Session, then I really question whether you can just sit here in a lame duck Session and say. 'Yeah, we're going to spend money for new programs. We don't know what the money situation is going to be, but we think every sheriff who operates a jail should get a stipend.' I would submit to you that indeed those sheriffs work very hard. And indeed we have made a conscientious effort to see that those salaries are at least competitive in the State of Illinois today. I'm not sure that the situation in law enforcement would grind to a halt if we not pass this Bill over the Governor's veto. There is a cost involved, a substantial cost involved, and it goes on ad infinitum year after year. I would submit to you that you might be well advised to uphold the Governor's veto of this costly mandate that has no appropriation, I might add, in conjunction with it. A 'no' vote would be advised."

Speaker Breslin: "Is there any further discussion? There being

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none, Representative Terzich to close."

Terzich: "Yes, Madam Speaker. If this stipend, as was mentioned before, that the treasurers did receive a...we did pass a stipend provision. This only provides that the sheriffs did have the additional responsibility of maintaining these jails that relieve the state of a substantial amount of money of housing them. We did basically promise the sheriffs. This is simply added compensation for added responsibilities in that they have saved the state many, many dollars. It's a small amount. It only affects approximately seventeen sheriffs that have this added responsibility and certainly they should be remunerated for this. The General Assembly has agreed, they passed this here Bill out quite unanimously. The sheriffs have been...have not been compensated for over four years, and I'm sure you'll agree that this is a well earned stipend and should receive your support."

Speaker Breslin: "The question is, 'Shall House Bill 2924 pass, the veto of the Governor notwithstanding?' All those in favor vote 'aye', opposed vote 'no'. Voting is open. Seventy-one votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 75 voting 'aye', 34 voting 'no' and none 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 3655, Representative Hicks. Motion #2."

Hicks: "One second. Just one minute. Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I would move to override the Governor on House Bill 3655. House Bill 3655 was passed out of here as full funding for the long-term care providers. In that, we've seen where the

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state has time and time again lengthened out the time period in which reimbursement went to long-term care providers. In reality, what we were doing was we were borrowing from those long-term providers. In this Bill we would be saying that the long-term care facilities would actually receive treatment for services on the same day of the month in which that treatment's received. It deletes some other language in the Bill and establishes a state policy that the department would not have different payment cycles for different sections of the state, that all those providers would be treated the same way and equally. I would be happy to try and answer any questions about the Override Motion."

Speaker Breslin: "The Gentleman has moved to override the Governor's veto of House Bill 35...3655. On that question, is there any discussion? There being none, the question is, 'Shall House Bill 3655 pass, the veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 95 voting 'aye', 17 voting... Representative Deuchler votes 'aye'. There are 96 voting 'aye' and the House...and this Motion did receive the required Three-Fifths Majority, and thus the Motion is adopted. And this Bill is hereby declared passed, the veto of the Governor notwithstanding. Bill introductions."

Clerk Leone: "House Bill 4243, offered by Representative DeLeo, a Bill for an Act to amend the Humane Care of Animals Act. First Reading of the Bill. House Bill 4244, offered by Daniels and Black, a Bill for an Act making appropriations to the Department of Rehabilitations Services. First Reading of the Bill. House Bill 4245, offered by

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Representative Petka, a Bill for an Act making appropriations to Capitol Development Board. First Reading of the Bill."

Speaker Breslin: "Committee on Assignment. Death Resolution for a former Member."

Clerk Leone: "Death Resolution for a former Member. House Resolution 2359, offered by Speaker Madigan. Whereas, the House learned with deep sorrow of the death of a former colleague, the Honorable Joseph P. McGah. And whereas, Joseph P. McGah was born in Chicago on February 26, 1922, and educated at Fenwich High School in Oak Park. And whereas, he graduated from Holy Cross College with an A.B. degree and from Loyola University Law School in 1948. And whereas, a veteran of World War II, he served as police Magistrate in Berkeley from 1953 to 1961. And whereas, Mr. McGah was Justice of the Peace in Proviso Township from 1961 to 64 and Magistrate of the Circuit Court in Cook County from 64 to 65. And whereas, he was an active member of the American Legion and the Veterans of Foreign Wars. And whereas, Representative McGah served in the 75th, 76th, 77th, and 78th General Assemblies, where he was a member of the Judiciary I Committee and the Committee on Cities and Villages and was Democratic spokesman on the Public Utilities Committee. And whereas, Representative McGah engaged in the general practice of law with offices at 77 West Washington Street in Chicago. And where he and his wife, Pat had four children: Barbara, Joseph, Jr., Mary and James. And whereas, Representative McGah for the 6th district, Joseph P. McGah tried earnestly and faithfully to meet the needs of his constituents, and he learned their trust. And therefore, be it resolved, by the House of Representative of the Eighty-Sixth General Assembly of the State of Illinois. That we express our deep sense of

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sorrow at the death of our friend and former colleague the Honorable Joseph P. McGah. And that we offer our heartfelt sympathy to his family, and that we honor his memory at this time with our fond remembrances. And be it further resolved that a suitable copy of this preamble and Resolution be presented to the family of the Honorable Joseph P. McGah with our sincere condolences and a further token of our sorrow the House will stand adjourned."

Speaker Breslin: "Representative Giorgi."

Giorgi: "Madam Speaker, I sat in the House with Joe McGah, and if some of the Member of the General Assembly or students of the General Assembly will know that Joe McGah served in this House during our most turbulent times and that's... you'd have to go back in history to find what I'm talking about. If you'll stop by and see me personally I'll tell you about the turbulent times. But, Joe was a guy that took his duties seriously. He was always faithful in attendance to committee meetings. He was a kind...he had a kind demeanor and if I had to say, or if I had to pick the epitome of a Gentleman in the House of Representatives I'd have to pick Joe McGah. I urge you to support the adoption of the Resolution."

Speaker Breslin: "Representative Giorgi ask leave that all Members be added as Co-sponsors. Ladies and Gentlemen we are going to adopt the Death Resolution but stand at ease before adjournment. On Representative Giorgi's Motion 'do adopt' on the Death Resolution all those in favor say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it. The Resolution is adopted. Stand at ease we'll be back with you in just a moment, please. You can sit at ease, too. Out of respect for the memory of Representative Joe McGah, Representative Giorgi moves that this House stand adjourned until 10:00 A.M. tomorrow

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morning. All those in favor say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it and this House stands adjourned until 10:00 o'clock tomorrow morning."

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Speaker Breslin: "The hour of 12:00 o'clock having arrived the House will come to order. I'm not sure we have a lot to do but we'll come to order. I would ask Members to be in their seats. The Chaplain for today is the Reverend William Warford of the Illinois Veteran's Home in Quincy. He is the guest of Representative Tenhouse. We invite our guests in the gallery to rise and join us for the invocation."

Reverend Warford: "Thank you. God of our Fathers who gave to us this wonderful land for our heritage. We ask Thy divine blessing upon it and upon us. We pray especially this morning for the men and women of this distinguished Body as they seek to carry out their arduous task. We pray for them Thy guidance and support, upon them their fellow citizens have placed their trust and confidence. There's so many tasks they acknowledge the need of the support from a greater source. We pray that divine rod and staff will comfort and support them. All these things we ask in the name of our Lord and Savior Jesus Christ. Amen."

Speaker Breslin: "Representative Ropp will led us in the pledge."

Ropp - 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 Breslin: "Roll Call for Attendance. Representative McGann are there any excused absentees from the Democratic side?"

McGann: "Yes, Madam Speaker. For today, Wednesday, November 14, Representative Lee Preston and Representative Shirley Jones for illness, excused absences."

Speaker Breslin: "Thank you. On the Republican side, Representative Black."