

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

149th Legislative Day

June 22, 1994

Speaker Giglio: "The House will come to order. The Chaplain for today is the Reverend Tony Allen of Kansas United Methodist Church in Kansas, Illinois. Reverend Allen is the guest of Representative Weaver. The guests in the gallery may wish to rise for the invocation."

Reverend Allen: "Let us pray. Almighty and most merciful God, we thank You for the gift of life this day. We are grateful that You have made us stewards of Your creation, which includes not only the earth but its people as well. We ask for Your presence among us as we set about the work You have placed before us. Help us to be led not so much by our own plans and wisdom but by Your Holy Spirit. As Your children, we are complex persons; body, mind and soul. We ask for Your guidance of our intellect and emotions of all that we are so that what we do will benefit Your kingdom to the greatest degree. Meet us in our own needs and minister to us even as we seek to serve You. As a minister of Your gospel, I pray for Your blessings to be upon this Session of the House of Representatives of the State of Illinois. May its citizens be served well and Your purposes worked out among those who represent them. We pray in the name of Jesus Christ, our Savior and friend. Amen."

Speaker Giglio: "We will be led in the prayer (sic- Pledge of Allegiance) today by Melissa Barnheart."

Barnheart - 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 Giglio: "Roll Call for Attendance. Representative Cross."

Cross: "Thank you, Mr. Speaker. I'm still not sure about the rules on this, but I'd like to introduce the...a class from

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Oswego High School up in the gallery. I'm not sure whether that's improper or not. Welcome. And thank you for letting Melissa do the pledge today."

Speaker Giglio: "Representative Kubik."

Kubik: "Well, there's no doubt that Representative Cross was in violation of the rules, but we'll let him...we'll let him get away with it this time. There are no excused absences on the Republican side, Mr. Speaker."

Speaker Giglio: "Representative Currie."

Currie: "Thank you, Speaker. Let the record reflect that there are none on the Democratic side either."

Speaker Giglio: "Take the record, Mr. Clerk. There are 118 Members answering 'present', a quorum is...is here. The House is ready to do its business. Adjournment Resolution."

Clerk Rossi: "Senate Joint Resolution 180. Resolved by the Senate of the 88th General Assembly the State of Illinois, the House of Representatives concurring herein, that when the two Houses adjourn on Wednesday, June 22, 1994, the Senate stands adjourned until Tuesday, June 28, 1994, at 12:00 noon, and the House of Representatives stands adjourned until Tuesday, June 28, 1994, at 5:00 p.m. Adopted by the Senate June 22, 1994."

Speaker Giglio: "Representative Granberg moves for the adoption of the Adjournment Resolution. All those in favor say 'aye'; opposed, 'no'. The Resolution is adopted. Agreed Resolutions."

Clerk Rossi: "House Resolution 2995, offered by Representative Santiago; House Resolution 3002, offered by Representative Tenhouse; House Resolution 3003, offered by Representative Erwin; House Resolution 3004, offered by Representative Erwin; House Resolution 3005, offered by Representative

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Erwin; House Resolution 3006, offered by Representative DeJaegher; House Resolution 3007, offered by Representative DeJaegher; House Resolution 3008, offered by Representative DeJaegher; House Resolution 3009, offered by Representative DeJaegher; House Resolution 3010, offered by Representative DeJaegher; House Resolution 3011, offered by Representative Parke; House Resolution 3012, offered by Representative Ryder; House Resolution 3013, offered by Representative Rutherford; House Joint Resolution 171, offered by Representative Martinez; Senate Joint Resolution 143...Senate Joint Resolution 175, offered by Representative Moseley; Senate Joint Resolution 178, offered by Representative Biggert."

Speaker Giglio: "Representative Granberg moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye'; opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it. The...Resolutions are adopted. Committee Reports."

Clerk Rossi: "The Committee on Rules has met, and pursuant to Rule 14(a)4, 14(a)5, and 14(a)6, recommends consideration and the following Bills be placed on the following orders of business: Second Reading, Senate Bill 138; Concurrence, House Bill 1594; and Conference Committee, House Bill 1915 the Second Conference Committee Report, and Senate Bill 533 the First Conference Committee Report. Signed by Frank Giglio, Chairman."

Speaker Giglio: "Supplemental Calendar announcements."

Clerk Rossi: "Supplemental Calendar #1 is being distributed."

Speaker Giglio: "On the Supplemental Calendar #1 appears Senate Bill 138, Representative Hannig. Senate Bill 138, Sir. Second Reading. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 138, a Bill for an Act amending the

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River Conservancy Districts Acts. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Hannig."

Speaker Giglio: "Representative Hannig, the Gentleman from Macoupin."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is our response to the Purchasing Act that has been debated for a number of months in this General Assembly. As you recall, there were hearings last year over the summer, many hearings, dozens of hearings in which the Blue Ribbon Committee under the leadership of the Auditor General proposed rewriting the Purchasing Act, and that proposal was introduced in both the House and the Senate earlier this year. Unfortunately, the Blue Ribbon proposal was defeated in the Senate, but I applaud my colleagues here in the House for helping us pass the bipartisan Blue Ribbon proposal here in the House. The Senate in turn sent over a different proposal; one that I would suggest was not as strong as the Blue Ribbon. It did have some improvements in the Blue Ribbon proposal, but it also had some weaknesses that were not in our proposal. This Bill proposes that we take the best of both of those Bills, that we should amend it here on Senate Bill 138 and send it back to the Senate for their consideration. So, let me just briefly highlight what I feel are the most important points of this Bill. First of all, this Bill includes not only the executive branch but, also, the legislative and judicial branches, the universities, including the foundations. It does not include the chip board, local governments which are covered under other Acts, public employment retirement systems or investment boards under the Pension Code. It reinstates the board of five members

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who will promulgate the binding rules covering purchasing and provides one chief purchasing officer to oversee purchasing. It gives the various state groups their own state purchasing officer. It causes a volume to be published at least every 28 days with a notice of invitation for bids so that the process will be open to anyone who is interested in bidding on state contracts. It provides that contracts be awarded to the lowest bidder. It provides that we open all bids to the public in...for public inspection. All contracts over \$5,000 must be filed with the Comptroller. It allows individual orders of supplies and services not exceeding 10,000 and 25,000 in construction to be procured without competitive sealed bidding. It reinstates the Prevailing Wage Act which was stripped by the Senate Bill. Construction contracts over \$5,000 must be supervised by licensed architecture engineers. This is different than the Senate Bill. Provisions regarding real estate property and contracts and capital improvement sunset on May 1, 1996. This is the same as the Senate Bill. It reinstates the preferences that were sunset by the...that exist in law today and were proposed to be sunset by the Senate. It uses the more restrictive conflict of interest language that appeared in the Senate Bill. It provides for a stricter conflict of interest for someone who becomes a state employee, and provides that contracts in existence prior to state employment are automatically void if not completed within six months. It provides that only the Governor may exempt individuals from prohibitions in conflicts of interest. And it provides and that all state employees whose duties were directly related to procurement may not do business while...may not do business with employing agency for two

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years. It's a wider net than the Senate Bill, and it uses the same duration of two years that the Senate Bill had. It provides for an immediate effective date. Those are the major provisions of this Amendment and this proposal, and I'd move for its adoption and be happy to answer any questions."

Speaker Giglio: "Representative Leitch, for what purpose do you rise, Sir?"

Leitch: "Thank you, Mr. Speaker. We request an immediate Republican conference to go over this proposed legislation and other items."

Speaker Giglio: "All right. The Republicans ask for a caucus immediately. The Republicans will meet in Room 188, and you'll be back here by 2:00, Representative Leitch?"

Leitch: "Probably in that vicinity, yes."

Speaker Giglio: "All right. The Republicans will stand at ease...I mean the Democrats will stand at ease until the hour of 2:00. Have a little more patience. The Chair informed the Republicans to hopefully bring their caucus to a close, and they'll be up here shortly. Representative Wyvetter Younge, for what purpose do rise?"

Younge: "Thank you, Mr. Speaker. I would like to welcome to the House Floor Mayor Gordon Bush of East St. Louis and his wife Brenda. Would you welcome them, please."

Speaker Giglio: "Welcome. The House will come to order. On Supplemental Calendar #1 on Concurrence appears House Bill 1066. Representative Hicks. Hicks in the chamber? Out of the record. House Bill 1594, Representative Brunsvold. The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Would...would the Clerk look at the Bill. I've been...on my desk has been delivered Senate Amendment #1 which the digest says was tabled, but

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this says it was adopted May 19th. So, are we dealing with Senate Amendment #1 or Senate Amendment #2?"

Speaker Giglio: "Amendment #1 has been tabled, Representative Brunsvold."

Brunsvold: "Okay. So, we're dealing with Amendment #2. Mr. Speaker and Ladies and Gentlemen of the House, I'd move to nonconcur with Senate Amendment #2. Senate Amendment #2 is Conservation 2000. There are some questions on this side of the aisle and, also, questions by the Farm Bureau about the Bill that need to be ironed out, and I would like to proceed to put it into Conference Committee so we may be able to work out those disagreements."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it, and the House nonconcur in Senate Amendment #2 to House Bill 1066 (sic - House Bill 1594). House Bill 2641, Representative Ostenburg."

Ostenburg: "Mr. Speaker, Ladies and Gentlemen of the House, I move concurrence with Senate Amendment #1 to House Bill 2641."

Speaker Giglio: "You heard the Gentleman's Motion to...that the House concur in Senate Amendment #1 to House Bill 2641 and on that, all those in favor signify by voting 'aye'; opposed, 'no'. The voting is open. Representative Black."

Black: "Yes, I...I know you're in a hurry, Mr. Speaker, but the Gentleman failed to, not adequately but perhaps could more adequately tell us what's in Senate Amendment #1."

Speaker Giglio: "Representative Ostenburg."

Ostenburg: "Thank you, Mr. Speaker. The Amendment establishes the effective date being immediate for this Amendment. That's the only change in Senate Amendment #1."

Black: "The underlying Bill was one we've discussed about

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nonresidential schools and immunizations?"

Ostenburg: "That's right."

Black: "Okay."

Ostenburg: "The Bill remains the same. The effective date is immediate under this Amendment."

Black: "Okay. Thank you."

Speaker Giglio: "All those in favor signify by voting 'aye'; opposed, 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 110 voting 'yes', 4 voting 'no', and the House does concur with Senate Amendment #1 to House Bill 2641, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Flowers."

Flowers: "Mr. Speaker..."

Speaker Giglio: "Representative Flowers."

Flowers: "Mr. Speaker, would you please record me as voting...Mr. Speaker, would you please record me as voting 'no' on House Bill 2641 to Senate Amendment #1, please."

Speaker Giglio: "Let the record indicate that Representative Flowers voting 'no' on Senate Amendment #1 to House Bill 2641. On page 52 of the Calendar appears under Nonconcurrency appears Senate Bill 230. Representative McPike. Representative Granberg, Senate Bill 230."

Granberg: "Thank you, Mr. Speaker. I'd like to move to nonconcur with Amendment #3. We're going to put this in conference and come up with an agreed package."

Speaker Giglio: "The Gentleman moves to refuse to recede from House Amendment #3 to Senate Bill 230. And all that...and that question, all those in favor signify by saying 'aye'; opposed, 'no'. In the opinion of the Chair, the 'ayes'



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have it, and the House refuses to recede from House Bill...or House Amendment #3 to Senate Bill 230 and requests a Conference Committee. Is Representative Hicks in the chamber? Representative Hannig. All right, Representative Ryder, Conference Committee Reports, House Bill 1915. It's not out? All right, out of the record. All right, Representative Hannig, I'm sorry. Senate Bill 138. Mr. Clerk, read the Bill. The Bill is on the Order of Second Reading."

Clerk Rossi: "Senate Bill 138 has been read a second time previously. No Committee Amendments. Floor Amendment #1 offered by Representative Hannig."

Speaker Giglio: "Representative Hannig, the Gentleman from Macoupin."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This is rewrite of the Purchasing Act that I explained shortly before the Republican caucus. I'd be happy to answer any questions on it, and I move for its adoption."

Speaker Giglio: "Any discussion? The Gentleman from Lake, Representative Churchill."

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

Speaker Giglio: "Indicates he will."

Churchill: "Representative Hannig, I note in Amendment #1 to Senate Bill 138 that you create a board. Can you tell us a little bit about that board?"

Hannig: "Yes. The Bill provides for the creation of a policy board of five members to...to create the binding rules covering the Purchasing Act, and the...the concept that we developed, and this is from the...this language is from the Blue Ribbon concept that also was modeled after the American Bar Association, is that there should be a system of checks and balances just like there is in the system

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that we participate in between the legislative, executive, and judicial. In this case, under our current law, for example, we have a agency, IDOT, CMS, and CDB that not only create the rules but, also, then go out and live under those rules. This policy board would then actually be the board that creates the rules and sets the policy for the State of Illinois for the purposes of determining what is best and then the agencies themselves would live by that and they would still do the purchasing."

Churchill: "Don't we have JCAR to do that very same thing? Isn't that why we have JCAR?"

Hannig: "We have JCAR to review rules, Representative."

Churchill: "Okay. Now, tell me some of the powers that this board has. Would this board have the power to change the requirements of this Act?"

Hannig: "No, Representative. The Act itself serves as law if it should be enacted and signed by the Governor, but they would have the power to create the policy of the state and then the administrative agencies, CMS, CDB, IDOT, all the others, would then live by those rules and they would do the purchasing by those rules."

Churchill: "So, under this, if there were certain ways that you had to do purchasing, you're telling me that the board can't come in and set its own rules on how business can be done?"

Hannig: "The...the Policy Board would create the policy of the state. They would be profession people, and they would create a policy which they think is in the best interest of the state."

Churchill: "Okay. Let me just point out to you the question that I'm asking. On page 13 of your Amendment under Section 20-15 when you're talking about competitive sealed

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proposals, under Senate Bill 1705, there is a procedure that you must follow before you go out and purchase goods. This starts out saying when under this code or under the rules promulgated by the board, and it tells what you're supposed to do, but then the bottom portion of that paragraph says that the board may provide by rule that it is either not practicable or not advantageous to the state to procure specified types of supplies, services, or construction by competitive sealed bidding. So, in other words, in this particular situation, can't the board just come along and say the rules don't apply?"

Hannig: "This is...this is so that the board could spell out in instances where they think it's appropriate to do competitive sealed proposals or competitive sealed bids. In other words, they could establish what they think is the hierarchy and the proper procedures."

Churchill: "But isn't that the very problem they have now? Isn't that why we're trying to pass the procurement code so that you don't have some other board deciding this? We're trying...I mean, it seems to me that when you compare 1705 and you're Amendment #1 to 138, that you're severely weakening what we've done in 1705 by allowing this board to create exceptions to the rules."

Hannig: "I think that for the most part we tried to lift the best language out of either 1705 or out of 3704, which is the Blue Ribbon proposal. So..."

Churchill: "Let me go to another section on page 24, Section 25-25 on printing cost. The board may promulgate rules permitting the exchange of advertising rights in a receipt of free copies of...etc. I mean, this whole Amendment is filled with the board may do this, the board may do that, the board can change these rules, the board can decide if

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these rules don't apply. It sounds to me like you're putting all the power of purchasing in the whole state in the hands of five people who are appointees, who are doing this as a part-time job, and that everything that we try to do to strengthen the procurement laws in 1705 is weakened by this board in your Amendment."

Hannig: "Representative, this...this is from the model procurement code that the American Bar Association has established, and we tried to parallel that language in not only the Blue Ribbon proposal but in this proposal."

Churchill: "Let me switch to a different line of questioning. Are local governments included or not included under your Senate Amendment?"

Hannig: "Local governments are not included."

Churchill: "Not included. Can you tell us which local units of government are not included?"

Hannig: "The definition of existing law that controls what is a local unit of government."

Churchill: "How about community colleges?"

Hannig: "Community colleges are considered a unit of local government, because they collect property taxes for one thing and that's why they were inadvertently put in the Senate Bill, and should not have been."

Churchill: "How about the University of Illinois?"

Hannig: "The University of Illinois is con...is a considered...is in the Bill."

Churchill: "How about the Foundation Board of the University of Illinois?"

Hannig: "The University of Illinois Foundation is in the Bill."

Churchill: "How about the City of Chicago?"

Hannig: "The cities are local of unit...local unit of government."

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Churchill: "So, in 1705, the City of Chicago would have to live according the procurement code, but in your Amendment, the City of Chicago does not have to live according to this procurement code?"

Hannig: "I don't believe that's correct, Representative. I don't believe that in 1705 the City of Chicago is in. I think that community colleges were specifically mentioned as in, but that was in error, and the Senate has actually sent us a letter in writing saying that it was, and I don't think that they included any other units of local government. They simply included a unit of local government inadvertently."

Churchill: "They way I read 1705 was that local units of government were included, and when it talks about body politic created by statute, not by constitution, but by statute in the State of Illinois that that includes local units of government. Whereas, your Amendment is very clear. It takes out the word statute under the definition of state agency. So, that would exclude the City of Chicago. To me, 1705 includes Chicago. Your Amendment does not include Chicago. Let me ask you this, does...does your Amendment cover the Legislature?"

Hannig: "Yes. And just in your last question, so I can clarify in 1705 it says, how body politic incorporate of the state created by or in accordance with the constitution or statute of the executive branch of state government. So, clearly, the City of Chicago is not in 1705, but in...on page 5 of 1705."

Churchill: "I read the comma after the word statute to mean that the next portion of language is a separate portion of language. It's like one comma two and a three. Well, one would be the body politic under the statute, two would be

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under the executive branch of state government, and three would be the universities, institutions, etc. So, I think...I think that a careful reading of 1705 could...could give you the belief that the City of Chicago was covered under 1705, but it is clearly excluded under your Amendment, and I think that makes your Amendment a weaker version of the procurement code. Let me...let's go back to the legislative branch though. Is the legislative branch included under your Amendment or not included?"

Hannig: "They're clearly included."

Churchill: "I note that one major difference between 1705 and your Amendment is the provision under 1705 that says that constitutional officers, the legislative branch of government, and the judicial branch of government except for circuit courts have the right to promulgate their own rules which need to be at least as strict as the rules of 1705. You cut that whole paragraph out of your Amendment. Why did you do that?"

Hannig: "We included them in the definition, and now they fall under the board and the rule and the policy making powers of the board. So, they don't make their own policy, they..."

Churchill: "So, in other words, we can't make a rule that more stringent than the rest of the Amendment. See, under 1705 we could make a much stricter set of rules under that paragraph, but you've taken away that ability from us here."

Hannig: "Is that...was that a question?"

Churchill: "Yeah. I mean, right now what you're saying...what you're saying I guess the difference between your Amendment and 1705 is, is that under 1705, the Legislature could set a more stringent set of standards for itself. Whereas,

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under your Amendment the board is going to set some standard. It may or may not be as stringent as what we could set. So, you've taken away that ability for us to control our own purchasing."

Hannig: "First of all, Representative, there was some question as to whether or not we were even included under 1705, and I think if you look at the debate in the Senate, they suggested that we were not. Now, when we had the committee hearing and you were there, the Auditor General's response was he was not sure whether or not the legislative branch of government was included under 1705. I think we clearly have put the legislative branch, the judicial branch, the executive branches under this and in that respect, it certainly is a much more stringent Bill."

Churchill: "Now, I...I beg to differ with you, but then of course, that's why we're here. Would you explain the prevailing wage portion that you've added to this. I note that 1705 did not have the same prevailing wage requirements that your Amendment..."

Hannig: "Yes, Representative. This was a very important philosophical difference for many of us at least on this side of the aisle. The Senate made a decision apparently to delete some prevailing wage protection that now exists in current law for service contracts. We feel that's very important, and we have included it in this provision."

Churchill: "Let me...let me go to the artistic and professional service portion of your Amendment. The way I read 1705 was that if you wanted to hire professionals that you had to go out to publish for those professionals. So, in other words, let's say that you wanted someone to do \$200,000 worth of legal services to represent the Legislature during legislative session, that you would have to publish in the

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bulletin for 28 days. You would receive bids, and then you had to look at the lowest responsive and responsible bidder. If you chose not to go with the lowest responsive and responsible bidder, then you had to again publish in the bulletin your reasons for selecting somebody else. Now, that seemed to me to be a very strict requirement that...for those kinds of services that you had to go with the lowest responsive bidder or publish why, and you had to give everybody a chance to come in and put in a bid. I don't see that in your...I don't see that in your Bill. I don't see this in your Amendment. I don't see where you have to go out and publish for these services ahead of time. Is it in there and maybe I've missed it someplace?"

Hannig: "Yes. We require that you publish ahead of time and that you take the lowest responsive bidder. I would point out that that's not necessarily the case in 1705, but I...we're not debating that Bill here, but do you have...go ahead and follow up."

Churchill: "Could you just...could you just show me. I mean, I'd like to see the language where it says that you have to publish for 28 days ahead of time. That's...I couldn't find that in here, and I was hoping you could point that out to me."

Hannig: "Okay. It's on page 17..."

Speaker Giglio: "Representative, can you please bring your remarks to a close and address the Bill."

Churchill: "We'll finish this question, and then I'll conclude. I'm sorry, Representative Hannig, I...I was interrupted by the Chairman of the Rules Committee who is in the Chair."

Hannig: "Okay."

Speaker Giglio: "No. The Speaker right now."

Hannig: "On page 17, Section C where it talks on public



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announcements and forms for requests, and if you go on down it says the Illinois procurement bulletin for...well, let me just read it. 'Public notice of the need for the procurement shall be given in the form of a request for proposal and published in the Illinois procurement bulletin at least 28 days before the date set in the request for proposal for opening of the bids.'

Churchill: "Yeah, that's under the wrong section though. You know, that same...that same language should be under Article 35, professional artistic services, but it's not. You have the same...you have competitive selection procedures the same thing that you have...you're under competitive selection procedures for all other services, but when you get to professional and artistic and you go under competitive selection procedures, you don't have anything about publishing 28 days before you open the bids."

Hannig: "If you look on page 37, where it talks of method of source selections..."

Churchill: "Right. That's where we are."

Hannig: "Right. It references back to this section on the publishing, this Section 20-35 which I just read to you."

Churchill: "I think that's in the..."

Hannig: "In other words, line 20 and 21 where it says in accordance with this Section and Section 20-35, and I just read Section 20-35 where it said 28 days. So, it does cross reference back to that, Representative."

Speaker Giglio: "All right, Representative Churchill, please address the Bill."

Churchill: "I think...to the Amendment, Mr. Speaker..."

Speaker Giglio: "Proceed."

Churchill: "I think Representative Hannig has made a good attempt

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to try to address some of the concerns that were expressed in the committee hearings that we had, but I think that some of the things that have come forth in this Amendment to Senate Bill 138 make this much less strict than what we had in 1705. I disagree with Representative Hannig in the reading of the Bill. I think that this creates a part-time board of people which will have the right to change the rules of this Bill. You can't do that under 1705, but you're going to be able to change the rules under Senate Amendment #1 here. I think this is...that makes this Bill less strict. This Bill...this Amendment cuts out local governments. It cuts out the City of Chicago. I read 1705 to include the City of Chicago and other units of local government. I mean, if we're going to set a procurement code for the State of Illinois, let's set a procurement code for the State of Illinois and everybody in the State of Illinois. Why do we cut out the City of Chicago? I'm not sure that this Amendment includes the legislative, judicial, and executive branches. There's one sentence that says that it does, but we've taken out a whole paragraph out of 1705 that specifically referred to the rule making powers of the Legislature, the judicial branch and the executive branch, and I think that the Section of professional artistic services is also weaker in this Amendment, because I don't read it that you have to publish. I read it in this Amendment that you can just go ahead and select your professional services and then if you don't take a low bid of some sort, you can go out and publish it or you can publish the reason why you did what you did afterwards, but there's nothing requiring that you go out the public and say these...you know, these services are coming up for bid. You have the right to come in and

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make that bid, and so I, in total, I think that...I mean, I understand the attempt that Representative Hannig is trying to do here, but I think this weakens the procurement code from the Bill that we found in 1705, and I understand we all want to end up with a procurement code, but I'm afraid that if we send this Amendment back to the Senate, all we're going to do is have them nonconcur in it, and we're going to end up in a Conference Committee Report. And in the hidden bowels of the Democrat chambers down in the basement of this building, we're going to end up with something popping out in a Conference Committee Report that comes out to the Floor as quickly as this did with no notice to us, with no notice to the Senate, with no notice to the public, just pop something out and you'll pass a procurement code which is much less than the procurement code that was established by the Senate in 1705. As always, I'm sure we'll all have to vote for this thing, but it sound to me like we're not doing a job for the people of the Illinois with this Amendment."

Speaker Giglio: "All right, all those persons who are not authorized to be on the House Floor, will you kindly leave. Those persons not entitled to the House Floor, please leave the chambers. Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in support of Floor Amendment #1. It's well crafted legislation, but more than that, I get a little tired of hearing people on the other side of the aisle talk about the Senate setting the agenda for the citizens of the State of Illinois. I get a little tire of hearing them talk about what will happen if we pass a Bill here and what the Senate will do to it. Ladies and Gentlemen, we have a responsibility to pass the best legislation we can in this chamber. If the Senate doesn't

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vote on it, if the Senate shirks their responsibility, if the Senate doesn't care, if the Senate doesn't have an agenda that includes a new procurement code for the State of Illinois, that will be the Senate's headache. Our responsibility is to pass legislation, and we'll worry about what the Senate does to it after they do it. We have a responsibility to vote on good legislation. This is good legislation. Vote 'aye'."

Speaker Giglio: "The Gentleman from Kendall, Representative Cross."

Cross: "Will the Sponsor yield?"

Speaker Giglio: "Indicates he will."

Cross: "Representative, going back to the awarding process for professional artistic contracts and Representative Churchill asked you some questions on it, I read from 1705 on page 21 and 22 that in the event you pick the lowest bidder that, that decision has to be...notice has to be submitted to the Department of Central Management Services prior to the bidding. I do not see that in your Amendment. Is there a reason for that?"

Hannig: "On page 38, Section C, the state agency awards a professional or artistic contract exceeding \$25,000 to a party other than the lowest bidder, the state purchasing officer must forward a written decision together with the contract notice of who the lowest bidder was to the board, which shall publish the decision in the next issue of the Illinois procurement bulletin; page 38 on the top."

Cross: "I see page 38, Representative, but I think that's after the fact, and I'm...1705 seems to require it prior to the fact. I have a couple of other questions with respect to Section 25-60, the General Assembly printing, on pages 27, 28, 29, 30, 31, 32, is that not the current law already?"

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Hannig: "Yes, that's current law."

Cross: "What's the need to...why the addition here?"

Hannig: "We're putting it in this comprehensive code. It exists in the state law but elsewhere. So, we want to lift it into this Act and codify it all right in one section."

Cross: "Can you explain the difference between Article 45 and your Amendment under preferences and the language in 1705."

Hannig: "The real differences between the chambers, I think, and this is again a philosophical question, is that many of us on this side of the aisle feel that it's important that we have some preferences for small businesses, for veterans, for women's groups, for minorities, and the Senate made a decision and put it into the law that they would sunset these provisions. So, we've included them, because we feel very strongly that they should be included."

Cross: "I'm not questioning that, but in our...in this Amendment, have you taken out the sunset provision?"

Hannig: "Yes. We have struck the sunset provision that had been proposed by the Senate."

Cross: "Does this preclude the Legislature from periodically examining the preference section?"

Hannig: "Well, you know and I know that our job is to change the law, Representative, so at some later time if you want to subtract or add to this list, you can introduce a Bill and go through the process."

Cross: "Can you explain to us, Representative, Section 25-50, human services, that's...I don't recall seeing that in 1705 and the need for that."

Hannig: "Okay. That was...okay, this I'm told is language that was in the Blue Ribbon Bill that we felt was..."

Speaker Giglio: "Please bring your remarks to a close."

Cross: "Representative, can you explain to us the need for 25-50

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and what it actually does. I'm having a hard time following the percentage calculation outlined in here."

Hannig: "Could you repeat the question."

Cross: "Well, I'm on Section 25-50 under human services. Why the need for that and what does...actually first of all, what does it do? And why do we need it?"

Hannig: "Again, Representative, this is current law that we are lifting and putting in to this...putting in to this section of law so that it's all codified."

Cross: "Well, can you explain to us what it does?"

Hannig: "It provides that if a human service provider enters into a contract and subsequently their insurance increases, then the purchasing agency may, at their discretion, increase the contract to cover the costs."

Cross: "It says the revised contract amount shall not exceed the percentage calculated by dividing the total contract or grant amount by the providers total budget. How...what's the point of that?"

Hannig: "That acts as a cap, but again this is all in current law."

Cross: "And the Blue Ribbon panel is examining current law?"

Hannig: "The...part of what the Blue Ribbon proposal tried to do is bring all sections of the Purchasing Act under one portion of the law so that you and I don't have to page through miles and miles of pages to find all this, it will be together. So, we lifted this part of the Purchasing Act that was in the law and put it here so that it would all be together."

Cross: "Representative, can you ex...I'm under 25-40, freight increases. That was not, at least in my reading of 1705, was not part of 1705. Can you explain to us the need or the addition of 2540?"

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Hannig: "And again, this is current law. It was in the Blue Ribbon proposal, and we're simply reinstating it in this proposal."

Cross: "What does it do?"

Hannig: "It allows...it's set up to allow utilities...or state agencies to have savings because of utility savings."

Cross: "Under 1705, there was mention and...great deal of mention about a procurement bulletin and the contents. There's some changes and differences in this language. Can you explain those to us and why the changes?"

Speaker Giglio: "Representative, could you address the Bill. I think we're getting into a dialogue here."

Cross: "Well, Representative, if you could tell us why your Amendment doesn't contain the procurement bulletin language we had...we had earlier seen."

Hannig: "We provide for a single volume to be published at least monthly, 28 day notice for invitation for bids are required, and that's what we have in this proposal, Representative."

Cross: "Under the other Bill, Representative, or 1705, there were three different procurement bulletin volumes is my understanding. Are we, once again, softening up what we're trying to do through this Amendment?"

Hannig: "We're consolidating three into one so that we can save a few bucks."

Cross: "All right. A couple more questions, Representative, I..."

Speaker Giglio: "Representative, please bring your remarks to...we got a lot of questions all leading here. There's a dozen people that want to address the Bill, and you've had quite a few shots at questions. I would ask that you consider and talk about the Bill."

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Cross: "I'm almost there, Mr. Speaker. Thank you. Representative, is the Chicago School Board included under this Amendment?"

Hannig: "No."

Cross: "Is there a reason why the Chicago School Board is not included in this Amendment...it was under 1705..."

Hannig: "They are not under 1705, and they're not in this Bill."

Cross: "Under 1705, it said all state...all contracts, all state contracts and where state money was involved should be...a bid should be awarded under competitive seal...sealed bidding, and that's in 1705 under Amendment 5. I don't see that anywhere in...I don't see that anywhere in your Amendment."

Hannig: "Representative, in the 1705 proposal it is...they're not a state agency, and I don't know anyone who believes that they are."

Cross: "They receive state money, if I'm not mistaken, quite a bit of state money. So, under 1705 they would be included, is that not correct?"

Hannig: "Representative, we don't believe that they're in 1705, but needless to say, we're not even debating that Bill. This proposal is Senate Bill 138."

Cross: "Thank you, Representative. I have no further questions."

Speaker Giglio: "Representative Schoenberg. Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To the Amendment, I am a Co-Sponsor of the Amendment, and I'm a Co-Sponsor to the underlying Bill as well, and I find it rather entertaining, to tell you the truth, that having sat through enumerable hours of meetings, both here in Springfield and in Chicago, as a member of the Auditor General's Blue Ribbon Committee on



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procurement reform, some of the contortions and distortions which are being represented as...particularly as far as the City of Chicago and the Chicago public schools are concerned. I think that we all recognize that this version is not going to be the final product of what we ultimately end up signing off on, nor is the Senate version which Senator Rauschenberger has worked so diligently on and which I have worked with him on. That's not going to be the final product either. But it's a bit of a stretch to suggest that if you're against this, then you're lame on accountability of Chicago, because we created the Chicago School Finance Authority. We have an Inspector General whose a former FBI agent. I don't know how much more accountable you can get than that, and maybe we should put a provision in here, if it will satisfy Mr. Cross, that former FBI agents should be responsible for the oversight of all the portions of state government. We should vote for this to move the issue along. If you want to be subject to the criticism that we don't do anything, and some of us here seem to be all too welcoming of that, then we should move this along through the process, sit down with Senator Rauschenberger and the other Senators, Democrats and Republicans, come up with a version that we can indeed agree upon, and put it on the Governor's desk and then he can wield his mighty amendatory pen and do whatever he wishes. But for him to lay out his blueprints as far as how he's going to change something which we, the Legislature, are charged with implementing, to me, that seems rather backwards."

Speaker Giglio: "Representative Flinn."

Flinn: "Mr. Speaker, I move the previous question."

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

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favor, signify by saying 'aye'; opposed, 'no'. In the opinion of the Chair, the 'ayes' have it. The previous question has been moved. Representative Hannig to close."

Hannig: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The problem that we have is that a few years ago the Edgar administration gutted the Purchasing Code. Now, we have seen scandal after scandal as a result of that. The Blue Ribbon Commission was appointed to try to solve that problem by putting together a bipartisan plan to solve that problem and rewrite the Purchasing Act. We have passed that proposal here in this chamber, but the Senate Bill that was introduced on that side of the aisle by those Members of the Senate on both parties that have participated in the Blue Ribbon panel has been bottled up in committee. Our proposal that we have passed over there has been bottled up in committee, and the Senate has sent us their own version, a watered down version, of the Purchasing Act. Now, we've tried to work with the Senate on this and take those provisions in their Bill that we believe are stronger, then make the Bill better and add them to the proposal that we had in the Blue Ribbon panel and come up with a superior Bill to anything that anyone has introduced in this chamber or that chamber this year or last year. This proposal is the best proposal that we have and probably will have Ladies and Gentlemen, and I'd urge its adoption on Senate Bill 138."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor of the Amendment signify by saying 'aye'; opposed, 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Giglio: "Third Reading. Conference Committee Reports

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Senate Bill 533, Representative Granberg. Conference Committee Reports. The Gentleman from Clinton, Representative Granberg. Out of the record?"

Granberg: "Clinton, Clinton. That's not Cook."

Speaker Giglio: "Clinton. How about Centralia?"

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 533 incorporates the provisions to fully fund the five state pension systems. We've been negotiating on this for quite a period of time, as you are aware, most people are aware, we had a proposal to fully fund the pensions. The Governor had his proposal, we have reached a compromise to fund them at 90%. Most actuaries agree that 80% is more than sufficient, 90% is the national average, so we would fund the systems at 90%. It would be a continuing appropriation Bill, it would not be subject to the appropriation to Legislature. Extraordinary measure, but since we have not fulfilled our constitutional responsibility to all the retirees, the teachers, the state employees it seemed like this was drastic but necessary. It has been endorsed by all groups except I think AFSCME, they are neutral on the position. The taxpayers federation has now come out in favor of it, I know of no opposition. It also contains two other provisions, one brought about by Minority Leader Daniels and Speaker Madigan this spring that would limit the pension benefits of retired State Legislators where there would not be reciprocity in other pension systems. That way they would be limited to their...their pension would be limited to that as a General Assembly Member. That would go into effect after this Body. It also contains other provisions, the plan would not be implemented until the next fiscal year, FY 96. At that point, it would be a continuing appropriation based on

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a 50 year plan. This is a 15 year ramp period to get the pension systems up to speed. And I would be happy to answer any questions."

Speaker Giglio: "Any discussion? The Lady from Cook, Representative Zickus."

Zickus: "Yes. This Bill is a good compromise between the two pension Bills that...the funding Bills that we had before. And I'm glad to see that we do have the '96 effective date and the, you know, the middle of the road with the 15 years between the ones that were proposed in the other two Bills. I did have one question of the Sponsor and that is, why we are only going to the 90% instead of the 100% funding level?"

Speaker Giglio: "Representative Hannig? I'm sorry, Representative Granberg. We were on that Bill for so long I thought it was still in progress."

Granberg: "And what it was, as I mentioned earlier, again, this is part of the compromise and the 90% level reflects what is the nationwide average. So, we're trying to get up to 90%. Most actuaries seem to agree, that 80% is more than sufficient. Additionally, there is a study, that is going to be released in a few months, that would indicate that a much lower level is sufficient. So that is how we arrived at the 90% figure."

Zickus: "Okay. Thank you. I think it's a very good compromise Bill."

Speaker Giglio: "Further discussion? The Gentleman from Sangamon, Representative Curran. Curran. Michael Curran."

Curran: "Thank you, Mr. Speaker. Just a brief point to clarify the position of AFSCME. AFSCME is neutral, not opposed in any way shape or form. They would like to have as Representative Zickus raised the issue, they would like to

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have a 100% funding. And they also would like to have, as many of us in this chamber would like to have, an improvement in the formula so the state employees would actually get a better retirement, more dignity in their later years. But this is probably the best thing we can do at this point. AFSCME is neutral, not in any way, shape, or form opposed and I am in favor of this legislation as well."

Speaker Giglio: "Representative Black."

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

Speaker Giglio: "He indicates he will."

Black: "Representative, there's some language in the...in this Conference Committee Report that deals primarily with the Chicago pension fund that's separate from ITRS. To be real honest with you, I haven't found it yet. Basically what...what are we doing to the Chicago teachers pension system?"

Granberg: "Representative, when you find the language, and I know you will, there...this does not commit the state to any legal obligation to fund the systems. The language states that we should attempt to provide more pension funds for the Chicago system, there is no obligation."

Black: "Is this...different from current treatment in any way, shape, or form?"

Granberg: "No."

Black: "But didn't we get into all this mess because of that kind of language, it would be our intent to fund?"

Granberg: "The current policy...it has been a policy of this state to take a certain percentage, generally about 21 - 22% to get to the Chicago school system for their pension, that is the existing policy. There is nothing in the law

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to do that. At...some groups requested we tried to make that, put that in the Bill, we did not, so we just acknowledged that there is a problem with funding pensions and if the state could, they should look to putting more pension...more dollars into funding the pensions."

Black: "So we...the bottom line is and certainly your intent and what is written in here, we are assuming no liability for the Chicago teachers pension system of any kind, is that correct?"

Granberg: "Yes, Sir."

Black: "Is there any language in here about any pension enhancement formula. I know Representative Curran said AFSCME was not considered, and there's nothing in here for those teachers who retired years ago who's formula is also out of..."

Granberg: "No, Representative Black. I'm glad Representative Curran mentioned that. AFSCME is not opposed to this, they are neutral. There is no benefit enhancement language in the Bill. This goes to funding and funding alone."

Black: "Well, and I think it's high time that we faced that issue and maybe at a date in the very near future we can look at some formula enhancements and improvements, but I certainly rise to support this measure as far as it goes to put our pension systems on an actuarially sound basis. Thank you very much."

Speaker Giglio: "The Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. I certainly rise in enthusiastic support of this legislation. I believe this is the first serious attempt that the General Assembly has taken since we passed and adopted Senate Bill 95, I believe, in 1989, if I'm correct. To

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deal with the ominous problems dealing with all of our public pension systems. This...all certainly dedicates enough dollars to begin to fund the liabilities that we incur in our pension systems and I certainly encourage all of our...all of my legislative colleagues to adopt this Conference Committee Report."

Speaker Giglio: "Representative Flinn."

Flinn: "Mr. Speaker, I move the previous question."

Speaker Giglio: "Representative who? Representative Parke."

Parke: "Thank you, Mr. Speaker. I have a couple points that have not been covered that I would like to make sure it's in the record. Representative Granberg, there is a provision in here, is there not, that will...incorporated the ideas of House Bill 2836, which was Representative Lee Daniels provision to take care of the well publicized abuses that have occurred in the past on the pension system and that effective date of this Bill that anyone who comes into the General Assembly can not have reciprocal pension enhancements, is that correct?"

Granberg: "Yes it is, Representative. That was Minority Leader Daniels' and Speaker Madigan's initiative, as you indicated. That is included in this Bill."

Parke: "Thank you. In addition, it is your intent that this is...the Chicago contributions is not binding on the state but is, in fact, a goal of the state?"

Granberg: "As I indicated, Representative Parke, there is no legal obligation with that language for the state to fund the Chicago pension system."

Parke: "Thank you. In addition it is my understanding, that though this is a 90% funding formula which is acceptable by most actuarially established pension systems that we, in fact, will reevaluate this every five years, starting with

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the year 1999, so that if, in fact, we're not on line with 90 or 100% funding that, in fact, we could do that in future Legislatures, is that your understanding?"

Granberg: "That is correct."

Parke: "In addition, it is my understanding that this Bill is unique in its approach because it has continuing appropriation which has not been mentioned before. And that that continuing appropriation affects the five systems in that for the first time we will have that in essence not being appropriated by the General Assembly but automatically being done through the budgeting process. Can you elaborate a little bit more on that, Representative Granberg, and on the significance of the continuing appropriation?"

Granberg: "Yes, Representative, as you mentioned the continuing appropriation is frankly a drastic measure, but because of the lack of commitment by previous administrations and the ability to fund the pensions, it is an extraordinary measure. But since we have a constitutional responsibility to fund the pensions systems which we have not done, we felt this type of action was necessary to guarantee to all of our state workers, all our teachers, retired teachers that their pensions will, in fact, be there in the future."

Parke: "Thank you, Representative Granberg. One last thing, under the continuing appropriation, this does not, in fact, apply to Chicago teachers pension fund. Is that your understanding also?"

Granberg: "Yes."

Parke: "To the Bill. I would like to, Mr. Speaker, Members of the General Assembly, I'd like to commend Representative Granberg, Representative Madigan, Representative Zickus, and Representative Emile Jones on the hard work that went



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into drafting this legislation, that is setting a precedent that Governor Edgar supported, to make sure that the men and women who have counted on the pension system of this state that, in fact, when they are ready to retire that the benefits committed to them will be there. The General Assembly by voting for this will commit that we will have the money there at the appropriate time and that under the constitution, no benefits can be curtailed. And I think this is a positive step in the right direction. I want to recommend and commend Governor Edgar for working on this compromise with all four chambers, with the two chambers and the two Parties in each chamber and tell you that I would ask the Body to support this legislation."

Speaker Giglio: "Representative Hawkins."

Hawkins: "Mr. Speaker, Ladies and Gentlemen of the House. I am a Co-Sponsor of this legislation, and I urge its adoption. This Bill represents the good and both the good and the bad of government here in Illinois. The bad is for the past 10 to 15 years the General Assembly and the Governor of this state has been borrowing from the pension fund to fund state government. That has to come to a halt and that's what this legislation does. The good about this legislation is that it shows that if we're pressed against the wall, Republicans and Democrats together in a bipartisan manner can solve the problems of this state. I hope we take the lesson from this Bill and move forward on all of the other pressing problems of this state. Thank you."

Speaker Giglio: "Representative Cross."

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

Speaker Giglio: "He indicates he will."

Cross: "Representative, what is the position of the

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administration on this particular legislation?"

Granberg: "Thank you, Representative Cross, it's my understanding that the Governor is in support of this legislation. I have not dealt with him, Senator Madigan and I when we are doing negotiations, we did really...at that point we did not consult with the Governor or Madam Netsch. We're trying to stay clear of the politics involved, but I would like to thank the Comptroller for taking the initiative on this issue. It is my understanding however, that the Lieutenant Governor is opposed to this, and he is lobbying against this Bill. That is what I have been informed. I don't know why he would do that. He will not admit it publicly but if that is the case, I'm very disappointed. And I hope the Governor would not listen to him, and I've also been told that that is a matter of policy anyway. So, thank you very much, for the question."

Speaker Giglio: "Further discussion? Representative Granberg to close."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. First of all, I want to thank Representative Zickus, the Minority Spokesman on Pensions, for her help in this matter, and I want to compliment Senator Madigan who did an outstanding job and without his leadership in the Senate, this Bill would not be before us today. I would also like to thank all the Members for their input in this process. As we have discussed, this is an extraordinary measure. It now puts us on track to fulfill our constitutional responsibility to fund the pensions. As Representative Black indicated, there is not a benefit increase in the Bill, however, if we do fund the pensions benefits will come. As we have depleted the principal, that means less benefits for our retired teachers, less

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benefits for our state employees. This will put us on track. It is an extraordinary measure and, finally, we will send the message to the public that we fulfill our responsibilities as we are required to do by law, and I would ask for an 'aye' vote."

Speaker Giglio: "Question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 533?' And on that question all those in favor signify by voting 'aye'; opposed, 'no'. The voting is open and this is final action. Have all voted who wish? Have all voted who wish? The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I would just like to explain my vote. I'm voting 'yes' for this, and I would also like to defend the Lieutenant Governor who happens to be a constituent of mine and a teacher, and I feel that he would certainly want us to support this Bill and if there is any rumor he is not, it is probably only because it does not go far enough to support teachers. Thank you."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take...Representative Black."

Black: "Thank you very much, Mr. Speaker. Representative Granberg, my good friend and colleague, used my name in debate and I couldn't let this opportunity pass to just thank all those who Representative Granberg, Representative Parke thanked, but also to thank our staff...our staff people on both sides of the aisle who have worked many hours on this. And I think I would be remiss in all honesty, Mr. Speaker, to thank Governor Edgar for proposing this funding package in his budget address. While it didn't go quite as far as the Governor had intended, at least it represents a step forward, long overdue. I can

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only hope that with the guidance of our Governor and all those voting for it, that we will not allow this to fall into the trap that Senate Bill 95 fell into some three years ago. And with the continuing appropriation that Governor Edgar has asked be in this and we have now accepted, I think we are making tremendous progress, I think we can all be proud of this legislation."

Speaker Giglio: "Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 117 voting 'yes', none voting 'no'. And the House does accept the First Conference Committee Report to Senate Bill 533. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Hicks, on the Order of Concurrence, House Bill 1066. Representative Deering."

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. About a week ago, we circulated a questionnaire asking if the Members were interested in taking part of a program with the Illinois State Police, going down to the shooting range and driving the obstacle course. There were some Members that expressed interest and the date was the 27th of the month. I've been informed by the state police they had to postpone that because of some training going on. So, anybody that was wanting to come down next week, will have to wait until the Veto Session. Thank you."

Speaker Giglio: "The Gentleman from Jefferson, Representative Hicks, on House Bill 1066."

Hicks: "Thank you...thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to concur with Senate Amendments #1 and #2 to House Bill 1066. Let me explain. Senate Amendment #1 actually becomes the Bill. This Amendments deals mainly with the gross investment income

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dealing with the income tax for life insurance companies. This change is necessary due to changes in the federal law. I know of no opposition. It's agreed to by all members of the insurance industry, the Department of Revenue. It's a provision of the law that I think is very important that we change. Also, in that Amendment is...deals with domestic stock insurance companies changing the bylaws by which they no longer have to...under current law, they have to currently change...any time they have a change of directors, they're required to...by the Department of Insurance to make those changes within the department itself. This would simply say they're allowed to make those changes in the department without...within their bylaws and change their number of directors. Senate Amendment #2 actually becomes a part of this Bill but if members of the Insurance Committee will remember, last year we had the president of Golden Rule Insurance in. He talked about the Medical Care Savings Account Act. I believe all the Members of the Insurance Committee were very interested in that Act. This would actually put into place the Medical Care Savings Act. Be happy to answer any questions anyone may on these two Amendments."

Speaker Giglio: "Any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Giglio: "Indicates he will."

Black: "Thank you. Representative, the...it would appear that what's in these Amendments that you're asking us to concur in, were, in fact, at one time embodied in House Bills that have passed this chamber, is that you're understanding?"

Hicks: "I believe some of them were. I believe in..."

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Black: "One wasn't called."

Hicks: "...the original Income Tax Act was House Bill 3720.  
Representative Kubik at one time has that Bill."

Black: "And that wasn't called on Third Reading, but I think  
passed Revenue unanimously."

Hicks: "Representative, I don't know."

Black: "Okay."

Hicks: "I can't answer that question. Maybe the Clerk could, I'm  
sorry."

Black: "The only question that's come up is in Amendment #1 on  
changing the taxability. We're not doing anything that  
would change life insurance proceeds to a surviving spouse  
making that life insurance check taxable are we?"

Hicks: "No, Sir, Representative Black."

Black: "Okay."

Hicks: "It's my understanding we are not."

Black: "Okay, thank you."

Speaker Giglio: "Representative Hicks to close."

Hicks: "Just ask for a positive vote."

Speaker Giglio: "The question is, 'Shall the House concur in  
Senate Amendments #1 and 2 to House Bill 1066?' And on  
that question, all those in favor signify by voting 'aye';  
opposed, 'no'. The voting is open, and this is final  
action. Have all voted who wish? Have all voted who wish?  
Have all voted who wish? Take the record, Mr. Clerk. On  
this question, there are 117 voting 'yes', none voting  
'no', and the House does concur with Senate Amendments #1  
and 2 to House Bill 1066, and this Bill, having received  
the required Constitutional Majority, is hereby declared  
passed. Resolutions."

Clerk McLennand: "House Resolution 3014, offered by  
Representative Martinez; House Resolution 3015, offered by

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Representative Cross; House Resolution 3016, offered by Representative Weller; House Resolution 3017, offered by Representative Weller; House Resolution 3018, offered by Representative Weller; House Resolution 3019, offered by Representative Daniels; House Resolution 3020, offered by Representative Krause; House Resolution 3021, offered by Representative Roskam; House Resolution 3022, offered by Representative Flowers; House Resolution 3024, offered by Representative Granberg; House Resolution 3026, offered by Representative Hicks."

Speaker Giglio: "Representative Granberg moves for the adoption of the Agreed Resolution. All those in favor signify by saying 'aye'; opposed, 'no'. In the opinion of the Chair, the 'ayes' have it. The Resolutions are adopted. General Resolutions."

Clerk McLennand: "House Resolution 3025 offered by Representative Pugh."

Speaker Giglio: "Committee on Assignments. All right, the Chair would like to make the announcement we're prepared to adjourn. We're scheduled to come back next Tuesday at 5:00 p.m. Next Tuesday at 5:00 p.m., and prepare to work Tuesday, Wednesday, Thursday late; Thursday is the last day of the month, and be prepared to stand by over Thursday night to be here perhaps Friday if we have to. Representative Currie now moves that the House stand adjourned until Tuesday at the hour of 5:00 p.m. All those in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. The House stands adjourned."

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