

STATE OF ILLINOIS
85th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

77th Legislative Day

October 22, 1987

Speaker McPike: "The House will come to order. Members will be in their seats. The Chaplin for today will be Father Frank O'Hara, Pastor of Saint Peter and Paul's Catholic Church of Springfield. Father O'Hara is a guest of Representative Michael Curran."

Father O'Hara: "Oh, Mighty and ever living God, we praise you for all that you have done for us, deep in the root of our National and State life and your everlasting righteousness lest your Blessing be withdrawn. Make us equal to our high trust, reverent in the use of freedom, just in the exercise of power and generous in the protection of weakness. Inspire the Legislators of our State that they might guide us wisely and well. Give insight and faithfulness to these Legislators and may our deepest trust be always in You."

Speaker McPike: "Led in the Pledge of Allegiance by Representative Wyvetter Younger."

Younger: "I pledge Allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker McPike "Roll Call for attendance. Representative Piel."

Piel: "Yes, Mr. Speaker, would the record show that Representative Barnes and Representative Panayotovich are excused today, please?"

Speaker McPike: "Representative Matijevich."

Matijevich: "Mr. Speaker, let the record reflect the excused absence due to official business of Representative Jim Keane."

Speaker McPike: "Take the record, Mr. Clerk. 115 Members answering the Roll Call, a quorum is present. Resolutions."

Clerk O'Brien: "House Resolution 850 offered by Representative Ronan. 856, Krska, et al. 857, Krska, et al. House Joint

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Resolution 131, Mautino, et al. House Joint Resolution
133, Currie, et al."

Speaker McPike: "Representative Matijevich"

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

Speaker McPike: "The gentleman moves the adoption of the Agreed
Resolutions. All in favor say 'aye', opposed 'no'. The
'ayes' have it. Agreed Resolutions are adopted. General
Resolutions."

Clerk O'Brien: "House Resolution 825 offered by Representative
LeFlore. House Resolution 844 offered by Representative
Hensel. House Joint Resolution 132 offered by
Representative Deuchler, et al."

Speaker McPike: "Committee on Assignment. Death Resolutions."

Clerk O'Brien: "House Resolution 855 offered by Representative
Morrow with respect to the memory of Celeste Jones."

Speaker McPike: "Representative Morrow moves the adoption of the
Death Resolution. All those in favor signify by saying
'aye', opposed 'no'. The 'ayes' have it. Death Resolution
is adopted. Supplemental Calendar announcement."

Clerk O'Brien: "Supplemental Calendars #1, 2 and 3 have been
distributed."

Speaker McPike: "Page 32 of the Calendar. Amendatory Veto
Motions appears House Bill 16. Representative Cullerton.
Out of the record. House Bill 113. Representative Stange.
Is the gentleman here? Representative Stange in the
Chambers? Out of the record. House Bill 814.
Representative Lang. Mr. Clerk."

Clerk O'Brien: "I move to accept the specific recommendations for
change to Senate Bill 814. (sic - House Bill 814)"

Speaker McPike: "Representative Lang."

Lang: "Move to accept the Governor's specific recommendations for

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amendment to House Bill 814."

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

McCracken: "Would the gentleman restate his motion? I couldn't hear it."

Lang: "Motion to accept the specific recommendations of the Governor on House Bill 814."

McCracken: "Will the Sponsor yield for questions?"

Speaker McPike: "He indicates he will."

McCracken: "Would you tell us, Representative, what the Bill does and how the amendment changed it?"

Lang: "Would you repeat the question, please?"

McCracken: "Yes. Would you tell us what the Bill does and how the amendment changes it?"

Lang: "The Bill provides that no employer who makes available to his employees' group accident or health insurance can discharge the employee where the basis is retaliation for firing."

Speaker McPike: "Representative Lang. Excuse me. Would you take this out of the record and come to the Chair? Maybe we can work out a problem with the Bill."

Lang: "Yes, I will."

Speaker McPike: "Thank you. Out of the record. House Bill 814, Representative Lang. Yes, Representative McCracken?"

McCracken: "Mr. Speaker, we started at the top of the order here and you've skipped four Bills to get to 814."

Speaker McPike: "No, I didn't. I started with House Bill 16, it was taken out of the record and so I went to House Bill 113, Representative Stange was not on the floor then I went to House Bill 814."

McCracken: "Yeah. Well, 420, 428, 692 and 805 are on the calendar prior to 814."

Speaker McPike: "Maybe on Wednesday's calendar. I've got

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Thursday's."

McCracken: "No, I have Thursday's. Page 31"

Speaker McPike: "We're on motions."

McCracken: "Oh. I apologize."

Speaker McPike: "It's alright. Representative Lang on House Bill
814. Mr. Clerk."

Clerk O'Brien: "I move to accept the specific recommendations of
the Governor as to House Bill 814."

Speaker McPike: "Representative Lang on the Bill."

Lang: "Move that we accept the amendatory veto of the Governor on
House Bill 814."

Speaker McPike: "You've heard the gentleman's motion. Is there
any discussion? There being none, the question is 'Shall
House Bill 814 pass, the specific recommendations for
change of the Governor...I'm sorry. 'Shall the House
accept the specific recommendations for change with respect
to House Bill 814?' All those in favor signify by voting
'aye', opposed vote 'no'. Have all voted? Have all voted
who wish? The Clerk will take the record. On this motion
there are 114 'ayes', no 'nays' and one voting 'present'.
This motion, having received the required Constitutional
Majority, the motion is adopted and the House accepts the
Governor's specific recommendations for change.
Representative McCracken."

McCracken: "Thank you, Mr. Speaker. I found what I was looking
for and you were right, of course. The Amendatory Veto
Motions are in the order you stated. However, between
yesterday's calendar and today's calendar you've split off
the Amendatory Veto Motions. One on Supplemental #1, which
was just passed out and the others on the regular daily
calendar. Can you tell us why you felt it necessary to put
these various Amendatory Veto Motions on a Supplemental
calendar? Are these the ones that Speaker Madigan was

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referring to in his press conference yesterday? Are they going to be called?"

Speaker McPike: "The Clerk advises me that they were on a Supplemental calendar yesterday. The Clerk's office failed to get them on the regular calendar, so they were added to the Supplemental calendar again today. And yes, we do intend to get to all Supplemental calendars today."

McCracken: "Can we just take them in numerical order?"

Speaker McPike: "Well, as soon as we finish this order of business, we will...it's the Chair's intention to go through the regular calendar and then to go to the Supplementals."

McCracken: "Okay. Thank you."

Speaker McPike: "House Bill 887. Representative McGann. Mr. Clerk."

Clerk O'Brien: "I move to accept the specific recommendations for change of the Governor to House Bill 887."

Speaker McPike: "Representative McGann."

McGann: "Thank you Mr. Speaker, Members of the Assembly. I do accept the amendatory recommendation. It is only...applies to an effective date and I would ask support."

Speaker McPike: "Heard the gentleman's motion. Is there any discussion? There being none, the question is, 'Shall the House accept the specific recommendations for change with respect to House Bill 887?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this motion there are 113 'ayes', no 'nays', none voting 'present'. This motion having received the required Constitutional Majority, the motion is adopted and the House accepts the Governor's specific recommendations for change. Representative Tate"

Tate: "Thank you, Mr. Speaker. With the permission of the Chair,

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I'd...I know this Chamber is always concerned about History and I'd like to share a few statistics about the activity down about two and a half hours south of here, in the World Series. At least I think there's quite a few Minnesota fans in the Chamber today. Since 1965, Minnesota has lost one more...one more than any other state in the Union. The Twins lost the World Series the year...in that year the Los Angeles Dodgers. The football Vikings have been in the Super Bowl four times and have lost all four times. The Hockey North Stars failed in the Stanley Cup Final. Minnesota's had two Presidential candidates, both of them have lost, and Minnesota has had one team that has got into the soccer finals and it has lost, too. So, for all the Member's today that are concerned about the activities down in St. Louis today, I'd just like to share that bit of history with them."

Speaker McPike: "House Bill 1145, Representative Braun. Mr. Clerk."

Clerk O'Brien: "I move to accept the specific recommendations of the Governor to House Bill 1145."

Speaker McPike: "Representative Braun."

Braun: "Thank you very much. The Governor in his veto message changed the effective date of this Bill so that some changes could be made on it in the future. Frankly, he suggested that the Bill be made more specific than it is in its present form. I applaud the Governor for his position and move to accept his amendatory veto. I am not aware of any opposition to this motion."

Speaker McPike: "You've heard the Lady's motion. Is there any discussion? Representative McCracken."

McCracken: "Thank you Mr. Speaker. Will the sponsor yield?"

Speaker McPike: "She indicates she will."

McCracken: "Representative Braun, it appears we're going to have

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a lot of controversy surrounding the propriety of certain amendatory vetoes. Would you state again, I couldn't hear you, what this one does?"

Braun: "The Governor just changed the effective date."

McCracken: "To make it effective next year, in 1988, right?"

Braun: "Yes."

McCracken: "And does that substantially alter the impact of your Bill?"

Braun: "No."

McCracken: "Was it an immediate effective date, prior to the amendatory veto?"

Braun: "I frankly don't even think it had an effective date in it."

McCracken: "So...But it passed prior to June 30th, right?"

Braun: "Yes."

McCracken: "So it would've been effective..."

Braun: "What are you doing McCracken? I don't have....The Governor's change....just a simple change of the effective date. There was no effective date. Frankly, the Governor's message, if you'll read it, suggests that I should've gone further with the Bill than I did. I'm looking forward to working with you or any Members of the Governor's staff to implement the changes that he has specifically recommended and move to accept his amendatory veto."

McCracken: "But this Bill, or this amendment, changed the effective date by a total of almost ten months. Does that not have an impact on your Bill? For the first ten months of 1988, the Bill won't be law. It won't be in effect. Wasn't it your intention to make it effective on January 1?"

Braun: "I think the Governor's done the right thing, Mr. McCracken."

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McCracken: "Has he done the right thing?"

Braun: "Yes, Sir."

McCracken: "Do you feel that he's done the right thing on House Bill 1867?"

Braun: "I have no idea what you're talking about. What is House Bill 1867?"

McCracken: "Okay. Well, I think you'll hear about it a little later today. Thank you."

Braun: "Thank you."

Speaker McPike: "Representative Braun to close."

Braun: "Thank you. Having come into this...being subjected to this kind of abuse this early in the morning, I think...I suggest to all the Members that the Governor has made a sensible recommendation in his veto message what, frankly, was done.... quite well done and I do look forward to working toward the objectives that the Governor suggested and move to accept his amendatory veto."

Speaker McPike: "The question is 'Shall the House accept the specific changes for change with respect to House Bill 1145?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this motion there are 107 'ayes', 8 'nos', none voting 'present'. This motion having received the required Constitutional Majority, the motion is adopted and the House accepts the Governor's specific recommendations for change. Representative Stange, I believe, has walked in. Did you want to call your Bill? House Bill 113. Pardon? No? Out of the record. House Bill 1145. I'm sorry, House Bill 1174. Representative McGann. Read the Bill, Mr. Clerk."

Clerk O'Brien: "I move to accept the specific recommendations of the Governor's to House Bill 1174."

Speaker McPike: "Representative McGann."

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McGann: "Thank you, Mr. Speaker, Members of the Assembly. I do accept the recommendations of the Governor and I would ask support on House Bill 1174 on this recommendation."

Speaker McPike: "You've heard the Gentleman's motion, is there any discussion? Representative McCracken."

McCracken: "A Parliamentary inquiry, Mr. Speaker. Since part of the acceptance relates to an effective date immediately, is it the Chair's ruling that this requires 71 votes to accept? Specifically, Section 3 of the Act takes effect upon its becoming law."

Speaker McPike: "It requires 71 votes. You're correct."

McCracken: "Thank you. I would like to ask the Sponsor some questions."

Speaker McPike: "Proceed."

McCracken: "Representative McGann, did you request this amendatory veto of the Governor?"

McGann: "No, I did not."

McCracken: "And it...among other things, it changes the effective dates of the, of portions...various portions of the Bill, is that right?"

McGann: "I believe that that is correct. I haven't looked into it that deeply."

McCracken: "What substantive sections of the Bill, if any, does the amendatory veto change or delete?"

McGann: "Well, let's just take the time to read the Governor's statement. I think you've got it before you, but I will be glad to read it. The Governor has given his assent to those parts of the Bill described in the synopsis above as numbers 1, 2, 3, 5, 7 and 8. He has given conditional approval to number 6, while withholding his approval entirely with regards to number 4. The Governor deletes from the Bill in its entirety, the provision which proposed to eliminate the names of delinquent property taxpayers

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from the annual published notice of tax delinquency. The Governor's statement and rationale is that this name publication may motivate taxpayers to pay the money they owe in order that they not be publically recognized for nonpayment of taxes and for this, I do accept. This Bill, if you'll recall, Representative McCracken, Representative Churchill, certainly would be...this was a catchall Bill from the Revenue Committee and was supported by both sides of the aisle. Representative Frederick was involved...I'm sorry, was the Spokesperson on the..."

McCracken: "Would you agree, the Governor's Amendatory Veto makes substantial changes in some or all of the Bill?"

McGann: "I...I don't think it does, no."

McCracken: "No. Okay. Ladies and Gentlemen of the House, It's too bad we're getting off on the wrong foot this morning. Speaker Madigan yesterday has told us that he's going to make an example of some Bills because he disagrees with the way in which the Governor exercised his amendatory veto powers. Some of those Bills are on supplemental calendar #1, which are on a different calendar from the daily calendar's list of amendatory veto motions. We are told, at least in the press conference, they are not going to be considered. Motions to accept are not going to be acted upon. The Democrats will be asked to vote 'present'. Well, I suggest to you that that is a facade. That is a... an excuse to divert attention from the actions of this Chamber yesterday where irresponsible veto overrides were made. And the thing we should do is not allow that to happen. Don't let anyone lead you down the path of believing that the issue here is the Governor's amendatory veto power. It's a smoke screen to divert attention from the real issues that were here yesterday and are still with us today. So, I'm going to ask my side of the aisle to

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vote 'present' on this motion so that it will not pass and that we will at least have fair treatment or seek fair treatment from the Speaker, that all amendatory veto motions be considered on their merits, not just the ones that Speaker Madigan believes in. So, please vote 'present'. Let our strength be shown. Let's stay together on this one. We can't take this lying down."

Speaker McPike: "Representative Frederick. Representative, did you want to address this?"

Frederick: "No."

Speaker McPike: "Representative McGann to close."

McGann: "Thank you, Mr. Speaker. I believe the previous speaker is totally wrong, because what is he stating here this morning is irrelevant to the issue before us in accepting an amendatory veto of the Governor. This has nothing to do with the politics of yesterday or the politics of tomorrow. This has got to do with trying to bring taxpayers money that's due the state into the state. These are the examples that we go through always here in this General Assembly. We don't look at it in a bi-partisan way but we look at it in partisan areas to satisfy different deals. This is unfortunate that this Bill should be penalized when the Revenue Committee is trying, trying hard to get the revenue that's due the State of Illinois. I ask the other side of the aisle to stand up and support this. If you have to vote present on other areas that are of concern to the previous speaker, that's fine, but not this Bill here. Too much work has gone into this Bill and I think we should be sending it on with the amendatory veto from the Governor and make it a statute. Please do not have this happen here this morning. I ask your support."

Speaker McPike: "The question is 'Shall the House accept the specific recommendations for change with respect to House

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Bill 1174? All those in favor vote 'aye', opposed vote 'no'. Representative Braun to explain her vote."

Braun: "Thank you, Mr. Speaker. And on a point of personal privilege, I would suggest to Representative McCracken and others on the other side of the aisle, this is highly irresponsible. Each piece of legislation has to stand on its own merit and if indeed there is a debate between the Speaker and the Governor regarding a matter of legislative or constitutional interpretation, then the time will come when we can debate that. But to just scatter shot and attempt to shoot down other Member legislation which has gone through the process and into which they have put a lot of work is not only irresponsible, but it seems to me borders on insulting to that Member. I would encourage those of you who respect this process that if we are to respect this process and if we are to get this House to function today in the normal course, that this kind of targeting of individual Member Bills is inappropriate and unfair."

Speaker McPike: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker. To explain my vote. I agree wholeheartedly with everything that Representative Braun has said. That it's unfair to pick out individual Member's Bills. I think it's unfair to pick out individual Member's Bills when they're on one side of the aisle and when you let Bills go through on the other side of the aisle. I think it's unfair that you take the minority and perhaps don't consider their Bills, when you consider the Bills of the majority. I think it's unfair that the Speaker doesn't talk to the Minority Leader and work out something so that all the Members can get their Bills presented in a fair fashion. I think all that is unfair and I think in this particular situation, where in a veto session, I think that

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the way that we raise that issue to the level of consciousness of all people who are on this floor, is to send a message. That's all this is, is a message. We want to work with you. We want to cooperate. But it's going to take working from the Speaker to come to the Minority Leader to talk to us so that we can all sit down and finish out the business of this House and go home."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this motion there are 60 aye....67 'ayes', no 'nays', 46 voting 'present'. This motion having failed to receive the required Constitutional Majority is hereby declared lost. Representative McGann."

McGann: "I thought only 60 votes were needed on this."

Speaker McPike: "No, Sir. The chair announced it required 71 votes. It has an immediate effective date. House Bill 22...House Bill 2044. Representative Pullen. Right here. Out of the record? House Bill 2193, Representative Braun. Out of the record. House Bill 2269. Representative Richmond. Mr. Clerk."

Clerk O'Brien: "I move to accept the specific recommendations of the Governor as to House Bill 2269."

Speaker McPike: "Representative Richmond."

Richmond: "Yes. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move to accept the specific recommendations for change on House Bill 2269 that...the action by the Governor. The main thrust of the Bill is still in place and his changes will not affect the main thrust and I urge your acceptance."

Speaker McPike: "You've heard the Gentleman's motion. Is there any discussion? There being none, the question is 'Shall the House accept the specific recommendations for change with respect to House Bill 2269?' All those in favor vote 'aye', opposed vote 'no'. Representative McCracken. Have

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all voted? Have all voted who wish? The Clerk will take the record. On this motion there are 98 'ayes', no 'nays', 14 voting 'present'. This motion having received the required Constitutional Majority, the motion is adopted and the House accepts the Governor's specific recommendations for change. House Bill 2532. Representative McCracken. Out of the record. Representative Braun, are you now ready on House Bill 2193? Mr. Clerk, 21...House Bill 2193."

Clerk O'Brien: "I move to accept the specific recommendations of the Governor to House Bill 2193."

Speaker McPike: "Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2193 made some changes... procedural changes in the Illinois Human Rights Act. Changes with regard to the timing of a complaint and damages and enforcement proceedings. The Governor's message is quite explicit. In making changes to the Bill, it particularly changes the issue having to do with punitive damages by delaying saying that the punitive damage issue will not affect any pending cases before the Human Rights Commission. There is no opposition to this Bill. Or at least I've been advised that opposition which might have surfaced has been withdrawn and I would encourage your support."

Speaker McPike: "You've heard the Lady's motion. Is there any discussion? Representative McCracken."

McCracken: "Will the sponsor yield?"

Speaker McPike: "She Will."

McCracken: "Representative Braun, how does this change the Bill as passed? The amendatory veto? It makes it prospective only?"

Braun: "Well..yes, it does."

McCracken: "And your intent was to make it effective for all

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cases in process as of its effective date?"

Braun: "Actually, I really don't even have a problem with this. I frankly think that the Governor...again, that the Governor's recommendation regarding the prospective element is probably fairer and improves the Bill and so I would encourage its support."

McCracken: "Okay. So you wouldn't say it changes it substantially?"

Braun: "No, Sir."

McCracken: "Alright. Thank you."

Speaker McPike: "The question is 'Shall the House accept the specific recommendations for change with respect to House Bill 2193?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this motion there are 68...take the record, Mr. Clerk. On this motion there are 67 'ayes', 5 'nos', 41 voting 'present'. This motion having received the required Constitutional Majority, the motion is adopted and the House accepts the Governor's specific recommendations for change. Representative McCracken, did you want to do House Bill 2532 now? Out of the record. House Bill 2813, Representative Churchill. Mr. Clerk."

Clerk O'Brien: "I move to accept the specific recommendations of the Governor as to House Bill 2813."

Speaker McPike: "Representative Churchill."

Churchill: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2813 is the rewrite of the Emergency Services and Disaster Agency Act. Emergency Services and Disaster Agency is the agency that comes into play any time there's an emergency throughout the State of Illinois. In the event that a tornado goes through your area or in the event that a flood occurs in your area or some other terrible thing should occur, there is a nuclear meltdown,

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there is some holocaust, there is some problem in your area, the Emergency Services and Disaster Agency which goes to bat that brings in the aid to help the people in your area get back on their feet and get started again and to protect them from other losses. This Bill passed through the House. It passed through the Senate and it was realized after it was passed that it deleted the provisions in the Bill that gave the Director the right to be the Director and to receive compensation for doing that. The Governor amended it so that the Bill would be in conformance with all the rest of the statutory language that permits for directorships and permits for the payment of compensation to those Directors. At this point I would move to accept the Governor's Amendatory Veto."

Speaker McPike: "The Gentleman has moved to accept the Governor's recommendations for change. Is there any discussion? Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Will the gentleman yield?"

Speaker McPike: "He indicates he will."

Mautino: "Representative, in the amendatory veto, you stated that the Governor, by virtue of his action, abolishes the current law which includes the salary of the Director. Is that correct?"

Churchill: "That is correct."

Mautino: "What...before the amendatory veto, what is the salary?"

Churchill: "\$37,000."

Mautino: "With the amendatory veto, what is his salary?"

Churchill: "45,000, or the amount set by the..."

Mautino: "Wait, wait, wait, wait...now"

Churchill: "Commission, whichever is greater."

Mautino: "37.....Let's go back. The salary before he touched this is how much?"

Churchill: "37,000. 3-7-0-0-0-.-0-0-0."

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Mautino: "37,000. With the amendatory veto..."

Churchill: "And now it will be 45,000. 4-5-,0-0-0-.0-0, or the amount set by the Compensation Review Board, whichever is greater."

Mautino: "Alright. So what we're doing with this amendatory veto is directing our attention to a salary Bill without real substantive language it went through the General Assembly. Is that correct? We're increasing a Director's salary through the amendatory veto process. We're changing it with an amendatory veto."

Churchill: "We are reincluding the salary that was stripped out in the original Bill and we are setting a salary of something that is compensatory with the remainder of the Directors in the Governor's cabinet. That is correct."

Mautino: "You are supporting and asking us, as a General Assembly, to accept the Governor's determination of a salary increase without action by this General Assembly."

Churchill: "This, Sir, is the action. And I'm asking you to accept that and I am stating to you that the value of the services of the Director of this agency is great for the State of Illinois. That he protects us, protects our health, our homes, our safety, our lives. And I think that his compensation of \$45,000 or whatever is set...."

Mautino: "I don't disagree with the analysis for an increase. My question, and you've answered it, is we are not going through the legislative process. We are allowing a Governor to set an increase in salary. There's proposals on our desks for establishing stipends. They're substantive legislative pieces. I've been here seven terms. I have yet to ever see, or I certainly can't remember, this Body establishing a salary provision on an amendatory veto that has not been addressed by this General Assembly. Do you remember of any others in this fashion?"

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Churchill: "I haven't been here as long as you've been here, perhaps my recollection doesn't go back as far as yours does and I cannot recollect that, but I would say that... Article 4, Section 9 of the Constitution provides for the power of the Governor to do this and so we are acting completely within the boundaries of the Constitution to set the salary in this fashion. This is a part of the legislative process. The part of the checks and the balances of the legislative process and we're here today, we're going to vote on this issue and I'm asking you to consider it. I've explained it to you. I've set it out. I haven't tried to sneak it through at the last minute on June 30th or anything. It's right here for everybody to see it and that's what I'm asking the Members of this body to do."

Mautino: "One addit....May I question the Sponsor?"

Speaker McPike: "Yes. Proceed."

Mautino: "Do you recall a young Lady in this General Assembly who served here for awhile, her name was Judy Koehler? Do you remember that name?"

Churchill: "My memory does go back that far. Yes. I do remember her."

Mautino: "Okay. Do you....I mean.... do you remember where she sat?"

Churchill: "It seems to me that I would occasionally see her sitting in a lot of different Members' chairs, but they were always on this side of the aisle."

Mautino: "Do you remember the cases she made in this General Assembly for six years, as it pertains to Members of an elected body voting on the salaries of elected and appointed officials? A Member of your side of the aisle. Statewide publicity. I think she was a candidate for the United States Senate who started her career on that issue."

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Do you remember that?"

Churchill: "I sure do. And she was very eloquent in that and I remember voting against her on it. And that was for your salary increase so you could get more money when you went home. I remember looking over at you and you were smiling. You were so happy I was opposing her on that."

Mautino: "I just wanted to jog your memory. Okay"

Churchill: "I do reMember now."

Mautino: "Now you remember. Okay. To the Amendatory veto, if I may, Mr. Speaker. Ladies and Gentlemen, the proposal is laudable. It is not the intent, in my evaluation of what the General Assembly stands for. If any director or any official is to receive increases, the proper procedure is through the appropriations process, when those departments come before us. I think that a terrible precedent will be set if we allow, through the amendatory process, salaries to be established. I know of noone in this House that would walk away unscathed if former Representative Judy Koehler were still sitting in this Chamber because on that issue, she was correct. She was absolutely correct. We have a responsibility. That responsibility lies in us as Legislators. Not in the Governor's hand, willynilly, to provide for an increase for a certain individual. I don't think the intention of the Constitution is to provide that situation for any Governor, no matter Democrat or Republican. It's a bad proposal to present. A bad policy to establish and I would hope that this does not get accepted. If in fact the pay raise should be provided, we have other means of doing it so that the Members of this General Assembly can vote on them individually and not through the amendatory veto process."

Speaker McPike: "Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, as

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bad as we needed a Constitution....a new Constitution in 1970 and as much good as the Constitutional Convention did in many of the changes that it proposed, I recall when the issue came before the electorate on the matter of the amendatory veto alone, I thought, and did tell some people in my district...quite a few people in my district...and took a position to vote against the new Constitution because of the immense power that we put in the hands of the Governor and that power has been abused with every successive Governor. Governor Ogilvie abused it. Governor Walker went a little farther in abusing it and Governor Thompson has really made a mockery of the whole process. On this Bill alone, if we think and....to expand on what Representative Mautino said....If we think that this is a good precedent, then that means that Governors in the future can reduce salaries and compensation. That means a mad Governor who gets in trouble with the legislature, that division between the Legislature and the Executive, it could, by the amendatory veto, say that salaries could be reduced. Salaries of the Legislature. Salaries of his own Executive. And I don't think anybody wants that precedent, be it reduction or an increase in salary, so I would hope that this legislature, both Republican and Democrat, would take a strong stand against this abuse of the amendatory veto process and vote either 'no' or 'present' on this motion."

Speaker McPike: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker. The 1970 Constitution provided for the amendatory veto power, and frankly, it may have pre-dated that, I'm not sure. But after that time there was a referendum which would've limited the amendatory veto power to technical changes. That referendum failed. It never became an amendment to our Illinois

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Constitution. Now, I would say that if we had a Constitution which creates the amendatory veto power, cases....a few cases that have interpreted that...the scope of that power and a failed referendum that would have restricted that power to technical matters, then your argument has no basis at all. And if the other side of the aisle wants to make amendatory vetoes a test case, if they want to try to make an issue out of this, I submit to you that if you do not pass these amendatory vetoes, you have no case to go to court with. And that's the only place you can make it. You can overrule something because you believe it's out of order, because it's unconstitutional, but everybody knows that's just a guise. It's just a guise to divert attention from what is really happening down here and that is deficit spending. That's what's going on. It's not an amendatory veto issue and I think the proof is that if you do not pass a Bill, you will have nothing to go to court with. The courts decide what's constitutional under our system of government. It isn't the legislature to rule on a matter of constitutionality. It is for the courts to do that and the courts have upheld this amendatory veto power for more than technical changes. Changes which improve the Bill. Changes which do not change, but enhance the essence of the Bill. So, it's just a false issue and Representative Churchill's Bill in particular is a good example of the proper scope and use of the power. It makes a good Bill better. So let's accept the amendatory veto, put this issue behind us. We can vote on Representative McGann's Bill and get some work done here."

Speaker McPike: "Representative Cullerton."

Cullerton: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It is ironic, I think, that we are accused of

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deficit spending when this particular Bill is a Bill to raise someone's pay. And it's not a Bill to raise someone's pay, it's an amendatory veto to raise someone's pay that was added on by the Governor. A \$4,400 salary increase. The previous Representative that spoke, I think is...knows the rules fairly well. He's also familiar with the cases. The amendatory veto power does not extend to the point where the Governor can make a substitution of a completely new Bill. It doesn't extend to the point that he may change the fundamental purpose of the legislation. It's true that it's more than just proofreading, but I think adding...raising someone's salary with an amendatory veto is a little bit more than making a technical change, a little bit more than mere proofreading corrections and I think that the question is whether the changes are less than fundamental but more than technical. There is a gray area there. This is clearly an excess of what the Governor's power should be."

Speaker McPike: "The Gentleman from Cook, Speaker Madigan."

Speaker Madigan: "Thank you Mr. Speaker, Ladies and Gentlemen. I rise to speak on this question because I view this Bill and this question in this general area as a fundamental institutional question for all of us. We come to this body as legislators. We are Members of this institution. On certain questions we disagree because of political considerations. On other questions we disagree because of sectional differences. But then on a question such as this, we ought to unite and adopt the united institutional position. Now, I realize that necessarily there will be some partisan consideration on how you vote in this particular Bill and on this particular question. I understand that. That's the nature of the body. But in your own minds, I'd like for you to think on what has

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happened with the amendatory veto since this current Constitution was adopted in 1971. At the beginning there wasn't really any problem. But early on in the process, Governor Ogilvie did go beyond the bounds of the authority given to him in a parochial aid Bill and the Supreme Court held that a Governor cannot completely rewrite a Bill. Subsequent to that, we've had different fluctuations in the amount of the use of the amendatory veto by all Governors and we've had different fluctuations in the abuse that has occurred. So just under Governor Thompson a few years ago, in particular on a freedom of information Bill. During that particular summer, Governor Thompson, in my judgment, abused his authority under the amendatory veto. I complained publicly about his conduct during that summer. Thereafter, for a short time, he appeared to moderate his actions in offering amendments to Bills and was pretty much reserved and restrained in what he did. But this summer, if you just read the amendments that were offered to House Bills... and again I say to you, there will be partisan consideration in this. I understand that. But have your own private thoughts and render your own private judgments, because I'm not speaking for myself today. I'm speaking for all of us. I'm speaking for the institution. I've given more years of my life to this institution than most of the people sitting here today. And so I feel strongly about the institution and that's why I'm taking the action that I'm taking. This summer Governor Thompson exceeded his authority under the amendatory veto. He abused his authority under the amendatory veto. We have selected certain Bills where we will state our position, take our stand and simply tell the Governor 'You've gone too far. We are not going to take it any more.' A previous speaker said this is a constitutional issue. It ought to be

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decided by the courts. It has been decided by the courts and for the Legislature there's been little relief from the court. But still, under my understanding of the constitutional doctrine of separation of power, we, as Members of this institution, have certain rights. And in my judgment our rights are being ignored and they're being abused. And the contemplated relationship between the Executive department and the Legislative department is not as was contemplated by the framers of this Constitution and by the framers of every Constitution that is used in any state in the United States of America, including the Federal Constitution. And so, as will happen in life, you're pushed so far and you take it and you take it and then finally, you fall back on your fundamental rights and you look for whatever opportunity is available to state your case, to make your stand, and to attempt to establish the proper relationship between the Executive department and the Legislative department. That is what I have decided to do. And that is what we will do on a series of Bills this morning. I have asked the Democratic Members of the House to cast a 'present' vote on motions to accept these amendments and that on one Bill, I will issue a ruling from the Chair which will speak to this question. In conclusion, I understand of necessity there will be certain partisan remarks made during this debate. That's part of the process. But render your own private judgments and please join with me in attempting to work to build respect for our institution. This is our life. It's not easy to get here. It's not easy to stay here. There's a lot of abuse and anguish that goes along with this job and so at least call upon your self respect and if the best you can do is to privately join us, then do it that way. But let me just conclude by saying, I'm not offering an effort

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to sidetrack attention from budgetary matters. I'm sure that those matters will be debated for the next three weeks, long after we take our action today. This is an institutional question and I'm acting on behalf of the institution. Thank you, Mr. Speaker."

Speaker McPike: "Representative Daniels."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I don't have any long planned response to the request of the Speaker to vote 'present' on these Bills and to thereby take various subject matters of extreme importance to the people of Illinois. And I don't have a lot of fault with the Speaker advocating his position. He has a right to do that. He has a feeling that the Governor has abused the process. I know, as he knows, that there are times that he asked the Governor to engage in an amendatory veto on certain legislation over the last five years, or certainly over the years that he's been a Member of the Assembly. As a matter of fact, I think all of you would be quite surprised to see the letters that the Governor has in his files from many of you, asking the Governor to implement an amendatory veto. Where you have asked him to correct a piece of legislation or to add another provision in there. And you have done that, as I have done that. The framers of our Constitution, of course they were very concerned with this provision when they put it in. There has been legislative lawsuits involved on it and the authority of the Governor has been clear. But I question the manner in which it's being brought up now and the time in which it's being brought up. First of all, it's pretty obvious that this body is a body steeped in history, as the Speaker said, but also steeped in a long-term regard for people's rights, collectively and individually, in an effort to solve problems. Yesterday we had a spirited day on many

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different and varying Bills and we argued about this side or that side, but we debated certain pieces of legislation. And today as we come in and we're advised that there's a series of Bills on the calendar that have been earmarked as Bills that one side of the aisle is going to vote 'present' on because they don't like the action of a Governor and they're thereby going to take that legislation, of which those Bills are numerous in nature, ranging from House Bill 420, dealing with the Secretary of State. And looking into the legislation that's important dealing with supplemental dealers licenses to 428, which amends the Civil Administration Code, Department of Conservation, to 692, which deals with the Civil Procedure, to 814, which deals with employers discrim...discharging an employer. 1256, authorizing downstate forest preserve districts to fix a maximum annual salary and the various legislation that we're dealing with right now, all of which were items debated by this Assembly. All of which you have a right to accept or reject on a vote and I don't think you're too concerned on your side of the aisle when a Bill requires 60 votes as to whether or not you're going to accept or reject it, cause you know you have the majority votes and you can do that. If you want to pick one Bill, fine. Pick a Bill. Maybe even you ought to pick your Bill and take...instead of taking Bills that are riddled with Republican amendments in them, that are aimed at the heart of some of the important legislation, like the Bill that we're debating right now that will cure some of the problems of the people of Illinois, fine. Pick a Bill. Your Bill. Make your point on your legislation. But don't take these Bills and tell us that you've evenly divided them between your side of the aisle and my side of the aisle and suggest to us that we should accept your argument because you arbitrarily

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suggested those Bills. And don't suggest to us that what you're doing is talking about this institution and the value of the institution, when you don't even have the courtesy to sit down with us and discuss which Bill you're going to use in the amendatory veto challenge. I'll help you pick a Bill. I'll work with you on that. Put it up on a Roll Call and let's agree to challenge the Bill, if that's what you really want to do. You have the majority votes. We'll work with you on that, but don't take a whole series of Bills that when you analyze them, you're punishing Republicans again. We want to work to resolve the problems of the people of the State of Illinois. Yesterday we had some major differences on override issues and the questions raised yesterday involved many, many millions of dollars. Some of your Members voted to override \$160,000,000 worth of spending cuts. I disagree with that. They obviously feel I'm wrong. You have a right to that feeling. We debated it yesterday in the true spirit and tradition of the legislative process. We're not debating anything today. You've arbitrarily selected a series of Bills and you can camouflage it all you want, the net effect is that you're aiming at the Republicans and it's really not going to hurt you at all. And once again, it's driving a division, it's dividing this Chamber and it's driving us away from each other. We don't need that in Illinois today. And you know that as we look at the problems monetary in nature and a Chicago school system that's in revolution, according to one of your own Members, you've got to solve those problems. We want to work with you on it. Don't divide us further, drive us further apart. Pick a Bill. Take this out of the record right now and let's work with it. We will work with you. But don't make the point on so many pieces of legislation that are so

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critical to people of Illinois."

Speaker McPike: "Representative Churchill to close"

Churchill: "I rise in disbelief that the Speaker would come out and talk about his philosophy about the amendatory veto process on this Bill. Just a few minutes ago we had a Bill, it was a Bill that was originally sponsored by Representative Greiman, who of course has left us for the bench. And I feel sorry for Representative Lang because I thought for a minute that he was going to get involved in this whole controversy and that would be a cruel way to initiate him into this process. But that Bill was a complete rewrite. Where's the philosophy on that Bill? That one passed out. That was a rewrite. Why didn't we choose that Bill? Thank you. It's my Bill. Let me tell you what we're changing in this Bill. One provision. In the rewrite there was an error and the rewrite.... that. It took out the Director's salary. We're putting that back in, but that's in existing statutory language and we're putting that back in. We're increasing the salary by \$8,000. And that's a point we can discuss here. Whether we should increase or not increase. And we can discuss that perhaps in this manner. But that's all that Bill does. It's not a complete rewrite of a whole Bill, as Representative Lang's Bill was, which would've been more appropriate to bring up this philosophical discussion than this Bill. This Bill is a rewrite of the ESDA Act. This Bill takes a statute that was created in 1975 and says 'you know, maybe we're not up to date on the things that we can do for our people of the State of Illinois to protect them from disaster'. We have to write into the statutes provisions that give powers for us to go into areas so that if there's a flood or if there's a tornado or if...you know, hopefully this'll never occur, but if we had a Bhopal

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incident here in the State of Illinois, it gives the director the power and the Governor the power to go in and help the people of our state in an emergency. That's what this Bill is. This Bill reduces us to one dilemma. Are we going to wash away all the powers of ESDA to help the citizens of our state for \$8,000? Is that what we're going to do? On a philosophical debate that only applies to this Bill and doesn't apply to a Bill that was a major rewrite a few minutes ago? That's where you're at? Vote present. Tell the people back home 'I don't care. Tornado comes through your area, fine. We don't care if we don't have the most up to date abilities to go in and help you out.' Tell the people if there's a Bhopal incident that when they're sitting there and they're hurting, and they're dying and they're screaming for help, that for \$8,000 on a philosophical issue that you wouldn't help them out. Because you're always coming down here and saying 'You got to help the people out back home. We've got to help the people. We've got to give them more money.' \$8,000 is all we're talking about on this Bill. For a philosophical point. And I suggest to you that you ought to vote green because we've got to help the people back home. You say that day in and day out. And I would suggest to you that a green vote's proper and a 'present' vote says, 'Well, we help the people when it's our side and we don't help the people when there's a philosophical debate that could be handled in some other fashion.' And that's unfair to the people of the State of Illinois. There's only one proper vote here. It's a green vote. You know it in your hearts and you got to do it. So please, let's pick another Bill for a philosophical debate. This is not the Bill to do it."

Speaker McPike: "The question is, 'Shall the House accept the

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specific recommendations for change with respect to House Bill 2813? All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this motion there are 49 voting 'yes', 7 voting 'no' and 59 voting 'present'. This motion, having failed to receive the required Constitutional Majority, the motion is declared lost. House Calendar Supplemental #1 appears House Bill 420. Motion by Representative Mautino. Representative Hartke, you're going to take your motion out of the record, is that correct? Motion by Representative Mautino. Mr. Clerk."

Clerk Leone: "I move that House Bill 420 do pass, the Governor's specific recommendations for change notwithstanding."

Speaker McPike: "Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House..."

Clerk Leone: "That's a correction. I move to accept the specific recommendations of change of the Governor as to House Bill 420 in the manner and the form as follows."

Mautino: "This is a unique piece of legislation as well. House Bill 420. It has two basic parts. One amends the Vehicle Code which addresses the question of tarpaulins on certain vehicles. Tickets and violations on those vehicles not being a reportable offense. That was the initial intention of the legislation. The Governor's amendatory veto deals with the supplemental license provisions as it pertains to used car or tent sales and provides substitute language which is in direct opposition to current law, that being Continental Illinois National Bank versus Hagel and the City of Canton versus Crouch. The Governor's Amendatory Veto provides that that supplemental license may be provided in a given area if in fact the provisions for purchase of a vehicle will suit the financial institutions

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and the seller has a warranty provision offered to and available to the individual buying that vehicle. Be happy to answer any questions."

Speaker McPike: "The gentleman has moved to accept the Governor's changes, and on that Representative Cullerton."

Cullerton: "Would the sponsor yield for a question?"

Speaker McPike: "He will."

Cullerton: "Representative Mautino, with regard to the issue on this Bill of the supplemental license portion of the Bill."

Mautino: "Yes."

Cullerton: "Let me see if I understand this. The way the Bill passed, the way we in the General Assembly voted the Bill out, did it provide that the Secretary of State shall not issue a supplemental license to a new or used car dealer outside a certain market area?"

Mautino: "Correct."

Cullerton: "Okay. Now, the Governor amendatorily vetoed that portion of the Bill, correct?"

Mautino: "Correct."

Cullerton: "And as I understand his amendatory veto, he deleted the language that prohibited the issuance of a license outside this area and substituted language which allows for the supplemental licenses to be issued outside the area."

Mautino: "Correct."

Cullerton: "Is it your opinion that that is basically making a fundamental change in the nature of the legislation that we passed?"

Mautino: "It would be a substantive change, I would evaluate..."

Cullerton: "In other words, if he had vetoed the Bill because he didn't like the concept of us saying that the Secretary of State shall not issue a supplemental license to a new or used car dealer outside an area, that would be one thing. But it appears to me that what he's done is not just say,

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"I don't agree with what you and the General Assembly have done and I'm going to veto that." He then has gone around and written a new Bill that does the opposite of what this Bill does and added it to the Bill."

Mautino: "That's correct."

Cullerton: "Okay. Thank you very much."

Speaker McPike: "Representative McCracken"

McCracken: "Will the Sponsor yield?"

Speaker McPike: "He will."

McCracken: "Given your answers to the series of questions and your motion to accept the amendatory veto, you don't feel this is an abuse of gubernatorial power, do you?"

Mautino: "I answered the previous questions as they were presented to me, Representative McCracken."

McCracken: "Well, let me ask you, do you...yes or no...do you believe that this amendatory veto is an abuse of Executive power?"

Mautino: "It's an interesting use of the executive power. It could be construed by an attorney, of which I am not in that field, to be an abuse of the executive power, yes."

McCracken: "But whether it is or not, you're not concerned. You want to accept the amendatory veto."

Mautino: "I'm sorry. I was..."

McCracken: "You want to accept the amendatory veto. You don't care whether it's an abuse or whether Speaker Madigan feels it's an abuse?"

Mautino: "Well, my position, and the rationale for filing the motion, was that last Saturday at the credit union banquet in Ottawa, I was asked by the President of the local credit union who said he was not certain whether the Sponsor of the Bill would submit a motion that could be voted on by this general body. At that point, in Ottawa, of which Representative Breslin was in attendance, they asked if I

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would accommodate them by filing the motion. I said yes, I would accommodate them here. On Tuesday they presented the motion to me. I evaluated it and I filed it."

McCracken: "You want it to pass, I take it. Are you asking your colleagues on that side of the aisle to vote for this motion?"

Mautino: "I'm asking my colleagues to make the evaluation, as I did, on House Bill 1680 yesterday. The philosophy embodied in this, I think, is one which will be determined by each individual Member. And I presented the motion, yes."

McCracken: "Are you going to vote for this motion?"

Mautino: "Oh, I could vote for this motion, yes. Are you going to vote for the motion?"

McCracken: "Depends on what everyone else does."

Mautino: "It's an individual decision then by Members elected to this body."

Speaker McPike: "The gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen, briefly, this is another one of the Bills that we have selected for our program and I would appreciate a 'present' vote. Thank you."

Speaker McPike: "Representative Mays."

Mays: "Thank you very much. I don't want the....as some Members have said, we should view each Bill on its merits and so on, rather than try to subterfuge the whole topic with institutional questions and other intellectual type thoughts. I might just add that in my mind the Bill, as amendatorily vetoed, does not do what I think we should be doing on its face. And on the merits of the Bill, as changed by the Governor, we should not support it. Car dealers in this state are required to go through a licensing process which is to help protect the public in some manner or form. There is no reason why other people

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would go into districts and sell cars and then run out, shouldn't have to go through the same type thing, so on its face, on the basis of what the Bill does, I would suggest that we vote against this motion to accept the amendatory veto."

Speaker McPike: "Representative Mautino to close. I'm sorry. Representative Hartke, did you wish to close?"

Hartke: "No, I had a comment on the Bill."

Speaker McPike: "Okay, proceed. Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. Members of the House, House Bill 420 was my Bill and my original motion was to override the Governor. I didn't feel there were enough forces out here to do that and so I withdrew my motion. I object to the amendatory veto as well, because as stated previously, it completely reverses the intent of the original Bill. And I agree with the Speaker that the Governor is abusing his power in rewriting this Bill and it's completely wrong. It puts me in a box. I want part of this Bill. To accept the parlimen...amendatory veto, I must take that entire Bill. To override, which I could not, would knock part of the amendatory veto out, which would then give the tarp Bill and put it into law. I'm opposed to this amendatory veto and I would ask my colleagues to cast that 'present' vote."

Speaker McPike: "Representative Mautino to close."

Mautino: "Thank you, Mr. Speaker. In closing, I think that if a vehicle is to be sold it certainly should carry a warranty. The Governor has provided that within the purview of 420. As I stated to...responded to every question presented to me by Members on both sides of the aisle. The choice is yours, as I said yesterday. I move for the acceptance."

Speaker McPike: "The question is, 'Shall the House accept the

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specific recommendations for change with respect to House Bill 420?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this motion there are 8 'ayes', 39 'nos' and 65 voting 'present'. The motion, having failed to receive the required majority, is hereby declared lost. Representative Hultgren."

Hultgren: "Mr. Speaker, I was on the phone when you asked for the vote on that. I'd like the record to reflect that I would have voted no on that Roll Call."

Speaker McPike: "The record will reflect that. House Bill 428. Representative Phelps. Mr. Clerk."

Clerk Leone: "I move that House Bill 428 do pass, the Governor's specific recommendations for change notwithstanding."

Speaker MCPike: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 428 sets up two provisions. One is very important. It creates the office of Conservation Resource Marketing within the Department of Conservation which will conduct a program for marketing and promoting the use of conservation resource in this state. I believe there's a big, missing void in that area and one of the reasons why we do not see tourism taking off like it really has a potential of doing, especially in the southern part of the state and not saying that it wouldn't totally statewide. The other provision in that Bill grants the Department of Conservation the authority to buy and sell advertising and promotion education programs relative to conservation ideas. The Governor vetoed the main provision of the Bill, which really took away the purpose of the whole legislation, I feel. And I had originally had filed a total override motion, realizing I couldn't get the votes to override, I did file a motion to accept the portion of

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the Bill that creates the part of advertising... and within the Department of Conservation. Allows them the provision to buy and sell advertising for promotion of education materials. So, I move to accept the Governor's changes."

Speaker McPike: "You've heard the Gentleman's motion on the motion to accept. Representative McCracken."

McCracken: "I would say that if this rationale for voting 'present' on these Bills and the ruling that's going to be issued regarding House Bill 1867, if the Speaker were interested in actually getting something accomplished, then I submit to you that there are ways he could do it so that he could have a test case if he wants it, in court, a test case being the only way to enforce the problem which he is so intent on resolving. To the extent that these acceptance motions are not carried, to the extent that they are either not acted on at all or the vetos are overridden, then you have no test case. So, I think that what this is is a sham. I think this is an excuse to penalize us and to penalize you. The last two Bills have been Democratic Bills. Representative Phelps, I assume you want this Bill to pass. You don't care about this supposed issue of amendatory veto authority, do you? You want this Bill passed. Is that right?"

Phelps: "Well, in it's present form it is a very valuable Bill. We'll take some provision of it. At least they're acknowledging there's a problem within the conservation and promotion of tourism. "

McCracken: "Well, you want the motion to pass. You want your Democratic colleagues to vote for this motion. You want that amendatory veto accepted, right?"

Phelps: "I filed a motion to accept, yes."

McCracken: "And now you're acting on it, so you want it to pass. You going to ask your friends to vote for it?"

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Phelps: "I have asked them and they have their own conscience to lead them."

McCracken: "Oh. Alright. So we can expect to see a variety of votes up there. We don't expect to see 60 yellow votes?"

Phelps: "We've seen them on both sides since we've been here, so I imagine that's what we'll see."

McCracken: "Okay. Well, I think if the Gentleman were serious about this problem, and he's a lawyer, he knows how to create a case. He knows how to set up the machinery so that he can get into court and argue the position on behalf of all of us. But he's not doing that. He's not giving you a test case. He's not going to allow any vehicle to come out of this body which could be used in litigation on this point so that we could resolve this problem which he finds so egregious on the part of the Governor. So, I think it's a sham and I think when these Democratic Bills get up, vote for your friend. The institution is not in jeopardy and if it were, there would be a way to address the problem in a constructive manner. That is not being done."

Speaker McPike: "Representative Mays."

Mays: "Will the Gentleman yield for a question, please?"

Speaker McPike: "Representative Phelps."

Mays: "It appears to me that what the amendatory veto does is take out the office of conservation resource marketing, right?"

Phelps: "Yes."

Mays: "And you and...the effect of the Bill as passed was to establish that office, was it not?"

Phelps: "Yes."

Mays: "And the Bill was pretty important to you last Spring when we passed it out of Committees and passed it out of the House, was it not? I mean, this was supposed to be the new

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wave in conservation, as it was built up in Committee, anyway. I thought this was a pretty important concept to you. Why would you accept an amendatory veto that basically changes the Bill?"

Phelps: "Representative Mays, I...I lit..

Mays: "Why did you not file an override?"

Phelps: "I did originally. Yesterday. And after soliciting support for a total override on your side of the aisle I don't have the numbers. And so, I'll take a piece of the Bill."

Mays: "I see. I see now exactly what's happened. To the Bill, Mr. Speaker. This is absolute folly. The strategy that is going down the road right now. I would suggest that if a person had an interest in a Bill and it was as important as he said it was back in June, he wouldn't be filing a motion to take out the major part of that Bill. To accept that. I would suggest that he would file a motion to override and he would work it hard both sides and then we would get some sort of action on it. But he has not done that. He has chosen to accept this amendatory veto. I don't think it's a good idea and I will oppose the Gentleman's motion."

Speaker McPike: "Representative Hallock. The Gentleman from Cook, Speaker Madigan."

Speaker Madigan: "Again, Mr. Speaker, I would request a 'present' vote on this question."

Speaker McPike: "Representative Phelps to close."

Phelps: "Thank you, Mr. Speaker. As I've said and I will repeat, on the calendar Tuesday, there was a motion to totally override 428. I sincerely meant that because I believe that the main portion of the Bill which the Governor vetoed is really the Bill. This advertising provision would just enhance that marketing resource program. But I believe with the lack of support that was proven existed that at

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least a compromise position would be to accept a portion of that and let's get on about the business next year of accepting the total program, so I ask that you accept the veto."

Speaker McPike: "The question is, 'Shall the House accept the specific recommendations for change with respect to House Bill 4287' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this motion there are 7 'ayes', 38 'nos' and 68 voting 'present'. This motion having received....failed to receive the required Constitutional Majority fails. House Bill 692. Representative Countryman. Which motion did you want to put, Representative Countryman?"

Countryman: "#1. Motion to override."

Speaker McPike: "Mr. Clerk."

Clerk Leone: "I move that House Bill 692 do pass, the Governor's specific recommendations for change notwithstanding."

Speaker McPike: "Representative Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 692 provided in one part that the public corporation, that an action brought against a public corporation amended the statutes so that if the action should be commenced in the county in which its principal office is located or in the county in which the transaction or some part thereof occurred out of which the cause of action arose. That made this Section of the statute exactly the same as it is for private corporations. The Governor vetoed that portion of the Bill, leaving intact the remainder of the Bill which dealt with the statute of limitations and the time for sureties to be sued under the statute of limitations. This is a motion for a total override, and what I'm asking you to do is to override that

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provision. Now the Governor said in his amendatory veto that he felt that this would be a cause for forum shopping by the plaintiffs. I do not feel that that's the case. This only brings the public corporation in the same venue section as the private corporation. And the instance which I'll cite to you where transactions have occurred, where problems have arisen, is an instance involving the Board of Regents. The Board of Regents governs three institutions; one being Northern Illinois University in DeKalb. If a student is excluded from the basketball team at Northern Illinois University and has to bring an action to get himself, by court, back on the basketball team for whatever reason, he goes to court and the lawyers for the university say, 'Oh, you can't sue us in DeKalb county, you have to go to Sangamon county.' And that isn't fair, it isn't right. If you're in an automobile accident here in Springfield and you're hit by the City of Centralia, does that mean that we have to go to Centralia to try the case, because the automobile was owned by the City of Centralia? That isn't fair. That isn't right. All I want to do in this Bill is to bring equity to this provision as it is to the privates. So I move to override the Governor's Amendatory Veto on House Bill 692."

Speaker McPike: "The Gentleman's motion is for an override of the Governor's amendatory veto. And on that, Representative Cullerton."

Cullerton: "Yes. Will the Sponsor yield?"

Speaker McPike: "He will."

Cullerton: "Representative Countryman, what was the fundamental purpose of your Bill that we passed out of the General Assembly?"

Countryman: "It was the provision that's been amendatorilly vetoed out. The Amendment for the other Section was put on

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in the Senate."

Cullerton: "So in other words, the Bill that we passed, that you introduced, that we passed in its entirety out of the House of Representatives, went over to the Senate. They added some Amendments dealing with sureties on payment of a performance bond, it went to the Governor and the Governor just took your entire Bill and just vetoed it."

Countryman: "He took what was originally in the Bill and vetoed it, yes."

Cullerton: "The fundamental part of the Bill is what he vetoed."

Countryman: "Right."

Cullerton: "Well I think what you're doing with this motion is to...is consistent with what the Speaker has been saying, because what we're doing is eradicating the malignant actions of the Governor. The Governor came in and, contrary to case law, changed the fundamental purpose of the Bill as you have just indicated and the only way to eradicate that, would be to override the Governor's veto and put it in position as if...as it would be had he signed the Bill. So for that reason, I would be happy to support your motion to override."

Speaker McPike: "Representative O'Connell."

O'Connell: "Question of the Sponsor."

Speaker McPike: "Yes. He'll yield."

O'Connell: "This...your example Representative, dealt with a personal injury action, but isn't it true that the venue change could occur in any number of actions, any action that would take place against a public entity?"

Countryman: "That's true, but with the proviso, it says it must be in the county in which the transaction or some part thereof occurred or in which the cause of action arose."

O'Connell: "Well I just had an interesting case and I'll raise this with you to determine legislative intent. It dealt

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with a special service area where the municipality was broke into part Cook and part DuPage. And the principal office was in DuPage, but the taxpayers who were levied the special service area, or imposed a special service area upon, were in Cook. And the courts held that...the Appellate court held that the action to the 'rental' action, should properly take place in the county where the principal office was, citing this Section. Now are you saying with this Bill that that would then change the venue to Cook County?"

Countryman: "I would say that it certainly could. I'm not that familiar with the facts of your case, but it seems to me that it could as long as some part of the transaction occurred within the county of Cook or the course of action arose to the plaintiffs who brought it within the County of Cook. I'm presuming the cause of action, whatever cause of action they have, arose in Cook County, because that municipality is located in part within Cook County."

O'Connell: "But the actual tax was levied in...the levy of the tax, would that be interpreted as the transaction, or the cause...where the cause of action occurred? I guess that's my question."

Countryman: "Well, thank you for respecting my legal expertise, but I'm not ...I'm not certain if the levy itself would in essence be the transaction that gave rise to the cause of action or if it's the fact that the levy is extended to that property which is in Cook County. And I'd certainly say that I could see where it could go to the property tax extended in Cook county and it would not necessarily be in the principal office where the meeting might have taken place. I would think it would be...there would be dual venue, because the municipality is located within two counties. And as long as the plaintiffs were from the

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county in which they were suing, it would be proper."

O'Connell: "Well has this Bill, this provision, Representative, did it go through the entire legislative process or was this a Conference Committee change?"

Countryman: "No, it went through the entire legislative process. It went through the Judiciary I Committee and it was fully explained. As a matter of fact, you and I discussed some of these issues that you're raising here today in that Committee. We discussed these sorts of things. Went over to the Senate and did the same sort of thing."

O'Connell: "Thank you."

Speaker McPike: "Representative Countryman to close."

Countryman: "Thank you, Mr. Speaker. I think we've adequately argued this matter and I'd move for the override."

Speaker McPike: "The question is, 'Shall House Bill 692 pass, the specific recommendations for change of the Governor notwithstanding?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this motion there 110 'ayes', 2 'nos' and 2 voting 'present'. This motion having received the required three-fifths majority, the motion to override prevails and House Bill 692 is declared passed, the specific recommendations for change of the Governor notwithstanding. Representative Davis, are you seeking...Representative?"

Davis: "Change my vote to...I'd like to change my vote to yes, on House Bill 692."

Speaker McPike: "The record will reflect that you would have preferred to vote yes. House Bill 805, Representative Klemm. Mr. Clerk."

Clerk Leone: "I move to accept the specific recommendations of the Governor as to House Bill 805 in the manner and form as follows:"

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Speaker McPike: "Representative Klemm."

Klemm: "Thank you, Mr. Speaker. I understand that Representative Hannig had also filed a motion to override and I was told that his motion would come before mine. I was wondering if that's still correct?"

Speaker McPike: "I believe that is correct. The motion was called yesterday or the day before and I think the motion failed. Is that correct, Representative Hannig?"

Klemm: "But I'd also...."

Speaker McPike: "Your motion to override was called yesterday or the day before and the motion failed."

Hannig: "Mr. Speaker, I filed a motion again today, but one was called previously and it did fail."

Speaker McPike: "It was called yesterday and it failed. Is that correct?"

Hannig: "That's correct, but I have filed an additional motion."

Speaker McPike: "It was filed yesterday and the motion failed."

Klemm: "I understand that, Mr. Speaker, but I had heard that he was going to be given another attempt. And I don't....you know, in fairness to my colleague, I wanted to find out if in fact he will be given that attempt, that's all. I was told that by the Chair, and therefore I'm trying to keep my obligation and honor my commitment, that I would accept his attempt to try it again. That's all, Mr. Speaker. Otherwise I'll move ahead with my motion."

Speaker McPike: "Yeah. Representative McCracken."

McCracken: "The motion that failed was Representative Hannig's override motion."

Speaker McPike: "Correct."

McCracken: "And this motion appears on the Calendar and is next in order and that's Representative Klemm's motion to accept."

Speaker McPike: "That's correct."

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McCracken: "So this question has not been considered, whether to accept. And I know that on..."

Speaker McPike: "That is correct."

McCracken: "...some other Bills where the motion to override failed, they've already been called for an acceptance. So are we proceeding on Representative Klemm's motion..."

Speaker McPike: "Well, the Chair is trying to proceed, but Representative Klemm is trying to insist that Representative Hannig have a second chance. Now that's certainly alright with me..."

Klemm: "It's not a matter of my insisting, it was a matter that the Chair had indicated that to me after it failed and I wanted to keep my obligation in saying fine, let's give it another shot. And I've just...while we're on the Bill, if you don't wish to move on his second motion, we'll move on mine. That's fine. But I just want to be honorable as I've given my word to give him that opportunity."

Speaker McPike: "Well the difficult thing that we're at right now, is the motion is not on the Calendar. We're on Supplemental #1, so Representative Klemm, why don't you proceed?"

Klemm: "Alright fine. Thank you, Mr. Speaker. Let me proceed on my motion to accept the Governor's amendatory veto. Sometime ago when I had a...some legislation that Representative Hannig considered and was kind enough to say that he would allow that Amendment to go on his Bill, he at first warned me, he said, 'well it's not probably the best Bill you could find, because my leadership I understand and your leadership really don't care too much for the provisions of my Bill, so it probably will go down the tube' and I said well that could be, but let's see what we can do together. And Representative Hannig's Amendment was to change some zip codes on the emission testing for EPA on

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automobiles. And it was felt by both sides of the aisle and obviously the Governor in his veto message that, you know, if we start this, there's going to be so much 'fine tuning' of districts that will be getting out of this emissions area, that we probably don't want to start it. So what Representative Hannig had told me earlier, actually came about. We were though, successful in passing both the Bill and the Amendment of mine that was important to my county and my subdivisions, to allow some traffic control and to have signs that were put up there that were perhaps accidentally knocked down or something to at least give some sort of immunity to liability for those county officials that were trying to accommodate private subdivisions. In effect, I think even Representative Cullerton said that I had tried so hard last year that this Bill deserves to be passed and even supported it. Now I find out that this is one of the Bills obviously that is not supposed to be passed, only because we have the argument between the Speaker and the Governor. That well may be, but certainly there are a number of Bills already here that I think we have acted upon that have done and given the Speaker adequate ammunition to use, if he wishes, against the Governor. What I'm asking my colleagues, obviously, is this is an important Bill to my district, to the people the thousands of people who live in subdivisions who have under our quirk of the legislation that we've enacted through the years will allow them no protection whatsoever for any vehicles driven in their subdivisions. This is relatively a simple issue of allowing counties to end up helping private subdivisions that don't have traffic control devices. The Speaker had ruled that my Amendment was germane, it was part of the entire Bill. The Governor agreed with I guess both sides of the aisle, that

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Representative Hannig's part of the Bill perhaps was not in the best interests. He did veto that. We tried to override that. Came closer than we ever did on the Bill on both sides. It failed. Now I'm asking my colleagues to at least allow me to continue my part of the Bill that I worked pretty hard on, that is pretty important that really the Governor could care less whether you accept it or not, I'm sure. But it's important to mine and I do ask if you will consider adopting and accepting the Governor's amendatory veto on 805."

Speaker McPike: "Representative McCracken, on the motion."

McCracken: "Thank you, Mr. Speaker. I assume Speaker Madigan will ask his side of the aisle to vote present on this Bill, but I want you to know that it really is a false issue and I know I've spoken of that before. But I just want to set this matter in the context of the constitutional separation of powers. That Constitution invests the Governor with the authority to make recommendations for change. The courts have held that that is a substantive right and does not limit the Governor to being a technician or proofreader. And the power as you know is not absolute. Obviously we are voting on override motions which would negate the recommendations. We're voting on acceptance motions, because the General Assembly in its wisdom sometimes feels that those ideas recommended are in fact good ideas. It is an appropriate balance between the different branches of government and is in the...and is consistent with our concept of separation of powers and checks and balances. In this particular case, the Governor merely vetoed a portion of the Bill. He did not insert any new language. He did not insert unrelated provisions. He merely vetoed a portion of the Bill. I would submit to you that this is not in any stretch of the

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imagination a proper case out of which to make an example for this doctrine which the Speaker is advocating. Again, if he wants to make an issue out of it, pick a Bill, let it pass with the amendatory veto over your objection, make whatever record you need to make in the legislative body and then sue. And then you will have your court case. You will have your enforcement. You cannot enforce it, except by voting on it. It can only be enforced by the courts. The decision as to the proper balance and proper relationship between the separate branches of government is not decided by the Legislature, except as it relates to its own function. That is you can vote to override, you can vote to accept. You're not limited in that regard. There is no abuse."

Speaker McPike: "Yes. Speaker Madigan."

Madigan: "Exactly as predicted by Representative McCracken, I would request a 'present' vote."

Speaker McPike: "Mr. Klemm to close. Representative Klemm."

Klemm: "Well I'd just ask you to use your conscience and hope you'll vote in favor of it. It's a Bill for the people. I'm sorry it got caught up in this parliamentary procedure, but it's an important Bill. And I just hope you'll appreciate the work we all do down here in trying to represent our people and ask for a favorable vote. Thank you."

Speaker McPike: "The question is: 'Shall the House accept the specific recommendations for change with respect to House Bill 805?' All in favor vote 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this motion there are 44 'ayes', 7 'nos' and 61 voting 'present'. The motion having failed to receive the required majority is hereby declared lost. House Bill 1256. Representative Steczo. Mr. Clerk.

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Motion 1 or 2? Motion 1."

Steczo: "Mr. Speaker, the motion to override."

Clerk Leone: "I move that House Bill 1256 do pass, the Governor's specific recommendations for change notwithstanding."

Speaker McPike: "Representative Steczo."

Steczo: "Thank you, Mr. Speaker and Members of the House. House Bill 1256 is a Bill which contains a number of provisions which affect forest preserve districts and park districts in the State of Illinois. One of those provisions was a provision relating to golf courses....golf courses and the sale of golf courses where the Cook county forest preserve district would be able to have the right of first refusal for thirty days, after which the right would pass to park district where part of that golf course was located. The Governor in his amendatory veto acted to include other counties besides...besides Cook. And those counties would include the forest preserve...forest preserve districts of those counties. Having spoken to those county forest preserve districts, they had indicated to me last week that they would prefer to seek an override of the Governor's veto, because the other provisions of the Bill which passed, was so important to them. So therefore, Mr. Speaker, I would move now to override the Governor's amendatory veto of House Bill 1256."

Speaker McPike: "You've heard the Gentleman's motion on... Any discussion on that? The Gentleman from Cook, Representative O'Connell."

O'Connell: "Question of the Sponsor."

Speaker McPike: "He will yield."

O'Connell: "Representative, does this mean that if a currently existing golf course is situated within the confines of a municipality, an incorporated area and the owner of that golf course has a purchaser in the, let's use as an example

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a developer of single family home sites and that further, the single family home site development was pursuant to a comprehensive plan that that municipality has developed over the course of time, that if in the process of the owner of the golf course executing a contract with this third party, this developer, the developer could be precluded from proceeding with the plan, if the county, either DuPage county or Cook county exercise their right of first refusal and purchased the property to be used as a golf course. Is that what we're talking about?"

Steczo: "Representative O'Connell, I appreciate this simple question that you've asked this morning. The Bill as passed, first related to Cook county only and the language that was placed on the Bill by Senator Topinka refers to the rights of a forest preserve district for thirty days. They have the right of first refusal, rather, for the purchase. So I presume once the purchase is completed by a private party, then there would be no right by the forest preserve district or a park district for that matter, to become involved in any kind of dealings."

O'Connell: "So if there's already a purchase executed, that that, that contract with the third party....the developer is preeminent over any right of first refusal that the county should wish to exercise?"

Steczo: "The language in the Bill says this: 'A forest preserve district shall have the right of first refusal for the purchase of any public or private golf course located (sic) within the territory of the district.' For the purchase. Once a purchase has been made by a private party, I would presume the right of the forest preserve district to intercede then, would be nil."

Speaker McPike: "Representative Giglio in the Chair. Proceed, Representative O'Connell."

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O'Connell: "Well I'm trying to visualize the situation then, as to why we would need this legislation, if that be the case, because the landowner could negotiate prior to any execution of a contract and the right of first refusal wouldn't...wouldn't be necessary, because he could exercise his own discretion as to who he wishes to select as a purchaser. My vision of what this Bill does, is that it precludes the exercise of that right by the property owner and...and gives it to the county in its exercise of right of first refusal. I appreciate what you're doing, but..."

Steczo: "If your question is directed to the situations after House Bill 1256 becomes law, you may be correct. I wasn't sure if you were referring to a situation now..."

O'Connell: "Yes. I'm talking prospectively if this Bill becomes law. I'm not talking about anything that's gone on before, because that wouldn't be affected anyhow. We're not...we can't constitutionally tamper with contracts already entered into. I'm talking prospectively if this becomes law."

Steczo: "Not being an attorney, Representative O'Connell, I would just suggest that should golf course property be up for sale, then in fact in this case, the Cook county forest preserve district would in fact have some...have some say so as to whether or not they would exercise a right, but that right extends only for thirty days. So I would presume they would be properties they would not be interested in."

O'Connell: "Okay. One last question and then I wish to make a comment. The language with regards to DuPage county, or counties contiguous to a county over three million, was that inserted pursuant to the Governor's amendatory veto?"

Steczo: "Well the motion here, Representative O'Connell, is to override the Governor's amendatory veto. He did in fact

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exercise his right by including the contiguous, the counties contiguous to a county of three million. My understanding from talking to those people in those contiguous counties was that they had not requested specifically him to insert that language. Therefore, they were willing to support the motion to override, because of the other provisions of the Bill which they feel they need."

O'Connell: "So somebody in DuPage county doesn't care if the right of alienability of a property owner in Cook county is affected by this, but they don't want property owners in DuPage county to have the same right of first refusal."

Steczo: "Representative O'Connell, in fact they do wish to have that same right. However, they've expressed to me that they would maybe try to come to the Legislature next spring and do it on their own."

O'Connell: "Well with all due respect to the Sponsor, who I hold in high esteem, I think that this Bill flies in the face of the right of property ownership and goes further than that. If a local unit of government, if a municipality has developed a comprehensive plan which is becoming a very important part of zoning and land use in this state, that whole comprehensive plan can be thrown out the window if the county, in this case it's restricted to Cook county, chooses to exercise its right of first refusal. I just think that the....that the tenants of property ownership are done in by this legislative proposal. I would support the....I would encourage the defeat of this Bill."

Speaker Giorgi: "Further discussions? Speaker Madigan."

Madigan: "Mr. Speaker, I would again request a 'present' vote."

Speaker Giorgi: "Representative Steczo to close. Speaker Madigan."

Madigan: "I stand corrected, Mr. Speaker. And so I would plan a

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vote in support of a motion to override."

Speaker Giorgi: "Representative Steczko to close."

Steczko: "Thank you, Mr. Speaker. To close, I would just suggest to the Body that the motion that has been filed on House Bill 1256 would place the Bill in the same posture and same condition that it was in when it passed this House late in June and passed this House by a unanimous vote. The language regarding the golf courses was placed in the Bill by Senator Topinka. That passed the Senate overwhelmingly and was accepted by this House overwhelmingly. Evidently there is a problem in her district where this language was a help, but in addition to that, the other provisions of House Bill 1256 would be very, very important to forest preserve and park districts throughout the State of Illinois. It's a very, very important Bill for them. And I would certainly urge an 'aye' vote to override the Governor's amendatory veto."

Speaker Giorgi: "The question is: 'Shall House Bill 1256 pass with specific recommendations for change of the Governor notwithstanding?' All those in favor signify by voting 'aye', those opposed 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there's 103 voting 'yes', 8 voting 'no' and none voting 'present'. House Bill 1256. This motion having received the required three-fifths majority, the override prevails and House Bill 1256 is declared passed, with specific recommendations for change of the Governor notwithstanding. House Bill 1256. Representative Steczko. House Bill 1320. Mr. Clerk. Representative Ryder, read the Bill."

Clerk Leone: "I move that House Bill 1320 do pass, the Governor's specific recommendations for change notwithstanding."

Speaker Giorgi: "Representative Ryder."

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Ryder: "Thank you, Mr. Speaker. This Bill passed the House 103 to 9. It simply reduces some paperwork required by the Illinois Department of Transportation. We currently have a system during harvest time that allows farmers to take their crops from the fields to the grain elevator during a specific time period. The Governor vetoed that out...vetoed out the changes which was on the permit system. We do not wish the permit system to be in place. We want them to be able to continue to do this without the paperwork. And for that reason that I would ask the Governor's amendatory veto to be overridden."

Speaker Giorgi: "On that question the Gentleman from Jackson, Representative Richmond."

Richmond: "Yes. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I fully agree with the previous speaker in that this is legislation that is needed and necessary to help with the problem that is very evident at harvest time. And so I also would urge a yes vote on this motion."

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

Cullerton: "Will the Sponsor yield?"

Speaker Giorgi: "He indicates he will."

Cullerton: "I'm trying to find out again, focus in on the nature of the Governor's actions. We passed a Bill that basically had an exemption. Is that correct?"

Ryder: "Correct."

Cullerton: "And the Governor's Amendment...the Governor's Bill that he introduced eliminated the exemption, but then authorized permits to be issued under certain circumstances?"

Ryder: "Not quite that simple, Representative. Close, but not quite."

Cullerton: "Just how simple was it?"

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Ryder: "The situation was that prior...prior to passing the Bill, if you wish to have the overweight vehicle, that you had to apply to the Department of Transportation, they would issue a permit. So the exclusion or the exemption was there, you simply had to go through the paperwork to get it. and it was a situation that caused some hassles. The Department of Transportation by the way, will tell you that it seemed to be....everybody was cooperating fairly well, but it was just a paperwork situation. This Bill simply reduced that paperwork, reduced the necessity of applying for and obtaining the permit, so that now, as long as the criteria are met, that that exemption is in place."

Cullerton: "Alright. So I understand what the purpose of that Bill was. Now what did the Governor do?"

Ryder: "The Governor took away the removal of the permit. In other words, he kept the permit there and kept the paperwork in place."

Cullerton: "So he changed the fundamental purpose of the Bill by his amendatory veto."

Ryder: "Why, I think you're correct."

Cullerton: "Okay. And that's what's unconstitutional. So I think your motion to override is consistent with our attempt to eradicate this malignant action of the Governor. So I support your motion."

Ryder: "I'm not sure that I would use such moderate language to discuss what the Governor did, but I would do...applaud your support."

Speaker Giorgi: "Further discussion? Gentleman from McHenry, Representative Klemm."

Klemm: "Thank you, Mr. Speaker. I just stand and join Representative Ryder, Cullerton, Richmond and myself and support this Bill. In fact, it has the provisions that we had previously discussed on mine, on 805. So therefore

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it's again an important Bill for many of us. So I do ask for your vote."

Speaker Giorgi: "The Gentleman from Morgan, Representative Ryder to close."

Ryder: "Thank you, Mr. Speaker. I would ask for your affirmative vote to override the amendatory veto of the Governor."

Speaker Giorgi: "The question is: 'Shall House Bill 1320 pass, the specific recommendations for change of the Governor notwithstanding?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question 112 voting 'yes', 1 voting 'no' and none voting 'present'. This motion having received the required three-fifths majority, the override prevails and House Bill 1320 is declared passed, with specific recommendations for change of the Governor notwithstanding. House Bill 1469. Representative Curran. Mr. Clerk, read the Bill."

Clerk Leone: "I move to accept the specific recommendations of the Governor as to House Bill 1469 in the manner and form as follows."

Speaker Giorgi: "The Gentleman from Sangamon, Representative Curran."

Curran: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1469, many of you would have heard a lot about it during the session. It's called the Family Preservation Act. It was sponsored by the Illinois Voices for Children. We've worked with the Illinois Child Care Association, the Illinois Action for Children, the Illinois Association for the Prevention of Child Abuse, the Catholic Conference and the Department. What the Governor did is accepted most of the Bill. He simply took out the word entitlement and substituted for that, that the Department

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shall promptly notify families of the Department's responsibility to provide family preservation services. Also allow the families to be involved in the...in the development of the family service plan. The people who originally wrote the Bill and worked so hard for it, feel that that's a reasonable accommodation and I do too. And I ask for a favorable Roll Call, because I think the Governor made an intelligent decision on this legislation."

Speaker Giorgi: "Further discussion? Hearing none, the question is: 'Shall House Bill 1469 pass, the specific recommendations for change of the Governor notwithstanding?' Excuse me. The question is: 'Shall the House accept the specific recommendations for change with respect to House Bill 1469?' All those in favor signify by voting 'aye', those opposed 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 113 voting 'yes', none voting 'no', 1 voting 'present'. This motion having received the required Constitutional Majority is adopted and the House accepts the Governor's specific recommendations for change."

Speaker Madigan: "Speaker Madigan in the Chair. House Bill 1867. Mr. Kulas. Mr. Kulas."

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I find myself in a little bit of a dilemma here. I feel like that little rabbit who's been caught in a leg-hold trap and he's sitting there just waiting to be skinned. But life must go on. We all...especially a lot of people worked hard on House Bill 1867. It was the Omnibus Bill for the Environmental Protection Agency. There are a lot of good things in the Bill. Unfortunately the Governor in his wisdom vetoed out a lot of things and then he got creative, he felt like he wanted to be a

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Legislator and he wrote in his own legislation into this Bill. Well if the Governor wants to be a Legislator, then let him run against Ellis Levin. I might even support him. But, as long as he's the Governor, let him stick to the Executive branch and leave the legislating to us. But, I made a commitment that I was going to move to accept the Governor's amendatory veto. There are a lot of good things in this Bill. And if the motion does not pass, I'm sure we'll get to them in the future. But right now, I would ask that the House accept the Governor's amendatory veto."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yes. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I have a parliamentary inquiry, Mr. Speaker. I request that the Chair carefully examine this motion to accept the Governor's Amendment to House Bill 1867. It's my firm belief that a...and a belief shared by many of my fellow Representatives, that the Governor has exceeded his constitutional authority under Article IV, Section 9e, of the Constitution of the State of Illinois, to return a Bill with specific recommendations for change. If the Chair rules that the Governor has exceeded his authority under Article IV, Section 9e of the Constitution, I request that this motion be ruled out of order."

Speaker Madigan: "Mr. Cullerton. Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. I'd like to address the motion."

Speaker Madigan: "Proceed. Mr. McCracken. Mr. McCracken, we're on a point of parliamentary inquiry. Did you wish to address that?"

McCracken: "Yes."

Speaker Madigan: "Okay. Proceed."

McCracken: "By what authority does the Chair propose to examine...rule on the constitutionality and therefore rule

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the motion to accept out of order?"

Speaker Madigan: "The Chair is prepared to render a ruling. Would you like for me to render that ruling?"

McCracken: "Well I think this is a threshold question. Mine is. No. No. Mine is. If you don't have the authority to render the decision based upon a claim of unconstitutionality, then there's no reason to reach the issue. So I think mine is more elemental, shall we say. And I would ask you to advise the Body on what basis you claim to have the authority to do so?"

Speaker Madigan: "Well fine, Mr. McCracken. Let me simply state, that the Chair has examined the motion to accept the specific recommendations of the Governor as to House Bill 1867, as well as House Bill 1867 as presented to the Governor on July 29, 1987. The Chair has also carefully examined the narrative portion of the Governor's veto message, wherein he states the rationale for his specific recommendations for change. For some years now, many Members have raised considerable concern as to the virtual emasculation of Bills which passed the General Assembly and are returned from the Governor in an entirely different form. I have shared this concern. House Bill 1867 as passed by the Legislature, established a cap on local solid waste fees of 45¢ per cubic yard. The Governor's Amendment increases this cap to 90¢ per cubic yard. His recommendations for change make substantial alterations in the waste water treatment site approval process passed by the Legislature. Finally, the Governor uses this Bill to amend the Solid Waste Management Act in response to the decision of the Cook County Circuit Court in the case of E&E Hauling vs. The Illinois Environmental Protection Agency, which was decided December 1, 1987, two months after House Bill 1867 passed both Houses of the General

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Assembly. The Governor's specific recommendations for change with respect to House Bill 1867 changed the fundamental purpose of this Bill and made substantial and expansive changes contrary to the Illinois Supreme Court decisions of *People X...Klinger vs. Howlett*, *Continental Illinois National Bank vs. Zagle* and *City of Canton vs. Crock*. After careful consideration of this issue, the Chair rules that with respect to his veto of House Bill 1867, the Governor has exceeded the scope of his authority granted to him by Article IV, Section 9e of the Illinois Constitution of 1970, to return a Bill with specific recommendations for change. Therefore, Mr. Kulas's motion which incorporates the Governor's specific recommendations for change is out of order. Mr. McCracken."

McCracken: "Mr. Speaker, I understand you can stand up there and say that it's unconstitutional. I mean, we can all say that. By what right does the Chair rule a motion out of order, because it finds an Executive action unconstitutional? We are not the arbiters of what is constitutional. I respectfully submit that you have no authority to rule a motion out of order on that basis, that you are limited to procedural matters regarding motions made by a Member of this Body and that you cannot, in effect, act as a court of last resort in an issue such as this, because in effect what you do, is tell everybody in this room that there will be no resolution to the solid waste program. You're telling everybody in this room whether they're from downstate counties, Cook or Chicago, that they will not have a chance in this legislative session to deal with the most pressing problem. And there are some of you here who have spent months and years working on that type of problem and I respectfully submit that the Speaker usurps the authority of the Supreme Court

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when he says in effect, because of his personal belief as to the scope of the Governor's powers and that he objects to the scope of those powers as used in this Bill, he acts as our Supreme Court. He does not act as Speaker of the House. So again, Mr. Speaker, I ask you on what basis do you claim the authority to rule a motion out of order on the basis of your personal belief that it is unconstitutional? Is there a provision somewhere by which you claim authority to rule out of order a motion on that basis?"

Speaker Madigan: "Mr. Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House. The Speaker of the House earlier had indicated to this Body that there is an institutional problem. An institutional problem as between the Legislature and the Executive branch of government. An institutional problem that the Executive has gone too far in abusing the matter of the amendatory veto process. By what the Speaker has done now, in this ruling, he has said, 'As the leader of this House, which is part of the legislative institutional body, I'm making a determination that on this Bill the Governor has gone too far. The Governor has become an all powerful Legislator. And I am saying by this ruling, that the legis...that the Governor cannot write a new Bill.' That's what he's done. He has become a supreme Legislator. By this ruling, the Speaker now is placing it before this Body. If anybody makes a....says, 'well we don't believe in that ruling', then we can vote. And by a majority of this Body we can say that we say that the Speaker is correct, that he has made a decision by this ruling that the Governor has gone too far, that he has abused this power, the amendatory veto power, and then it does become a court matter. I think personally that it is about time. I think personally that

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this Body and believe me, there is not always going to be a Republican Governor, there will be Democratic Governors and then you will find out that you can't separate this as a political matter, that this is a matter as between the Legislative branch of government and the Executive branch of government. I stand here as a Member of the Executive branch of government with only one person on the floor of the House that has more time than I have. And I defend the Legislative branch of government and I hail, I hail this ruling and say it's about time."

Speaker Madigan: "Mr. McCracken."

McCracken: "Mr. Speaker, I renew my inquiry. I understand that Representative Matijevich was called upon to defend the Chair, but my question is still unanswered Sir."

Speaker Madigan: "And Mr. McCracken, I will rest my position on the remarks which have already been entered in the record. And I do not plan to offer any further comment. Mr. McCracken."

McCracken: "That's fine and I can understand that. I don't think it's a defensible position, so I completely understand. I move to appeal the ruling of the Chair, Mr. Speaker and I'd like to address that motion."

Speaker Madigan: "Proceed, Mr. McCracken."

McCracken: "Thank you. Ladies and Gentlemen, the Speaker precipitates a constitutional crisis. Under our form of government, when the Executive collides with another coordinate branch, we have a constitutional crisis. We had a constitutional crisis over Watergate and the claim of executive privilege. We have no lesser a constitutional crisis here in Illinois today. The legislative branch as we all know, has its function in policy, public law. The Supreme Court decides whether cases are constitutional and has the sole authority to do so. The Governor is to

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execute the laws and under our Constitution is also given the authority to amendatorilly veto Bills. In the past, a particular exercise of that authority has been challenged, which I would say parenthetically is the correct way to proceed if one wants to truly have a decision on this issue. And in those cases, some of which were cited by the Speaker, he claims support for his position. Some of the challenged actions in those Bills include the Governor's reduction of a voted increase in a tax rate in Zagle. Some of the changes in Crouch, which I believe the Gentleman also cited, added a requirement of estimated completion date for referendum plan, added requirement of an ordinance to authorize disposition of property, added a requirement of disclosure of interest in affected property. Very substantial changes. Changes which may have arguably been consistent or inconsistent with the various subject matters to which I refer. In Carlson, something dealing with the Public Labor Relations Act. The Governor deleted educational employees from coverage of the Bill. Now that alone, use your common sense, that alone is a very substantial change made by the amendatory veto process. What is the governments....what is the Legislature's response, where is the balance between the Executive and the Legislative branches of government under our Illinois Constitution? I submit to you, that the balance is found in this Body's ability to override those amendatory vetoes or to accept those amendatory vetoes or even to take no action, which apparently is going to happen in this case, which would kill the Bill. You have your options. You have resort to authority by which you can correct or override the Governor's actions. It is this checks and balances in which we are....all of our state governments and our Federal Constitution create. That is what we are

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talking about here. When he rules out of order, when the Gentleman rules out of order, a motion because of a finding of its unconstitutionality, of the Bill's unconstitutionality, not only does he tell the people of the State of Illinois that this particular problem will not be changed, that this particular problem will not be addressed, that solid waste which is a problem for all of us and a problem that's growing every day, will not be addressed. He's also telling you that he is the Supreme Court of Illinois. If you want a test case, if you want to resolve this problem, Representative Matijevich and others, then you will go ahead and create that test case. This does not create a test case. All this is, is an excuse to kill a Bill, provisions of which you don't agree with. And it's nothing more. There are some lawyers in this Body, you know I'm right, that the Chair's ruling not only precipitates a constitutional crisis, but it tells everyone in Illinois that only one person in Illinois is powerful, only one person in Illinois is necessary in order to pass a law and that's the Speaker of the House. Mr. Speaker, I respectfully and you know that I respect you, I respectfully disagree. There has been no attempt even, to justify the Chair's actions by resort to either Robert's Rules of Order, by resort to the House Rules which purport to give you authority to declare unconstitutional and hence kill a Bill, because of your personal disposition toward the Governor. And Sir, I respectfully ask that the ruling of the Chair be overruled."

Speaker Madigan: "Mr. Levin."

Levin: "Thank you, Mr. Speaker. I rise first on a right of personal privilege, since my name was used in debate and secondly also to support the ruling of the Chair. First of all, I would welcome the Governor of the State of Illinois

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who is a constituent, running against me. I think first of all, people in my district remember that he went off to Europe when his child and our children were home because of the school strike, rather than trying to be present to try to facilitate that particular problem. But I suspect if he were here it would do him some good, because he would see some of the frustration that we as duly elected Legislators feel when he runs totally roughshod over us. He has vetoed and amendatorilly vetoed more Bills this year than I think in the ten years that I have been down here. He don't need a Legislature if this continues, because he does what he sees fit. If there's a problem, you don't have to come to us in the Legislature, you simply go to the Governor. It's clear that when we passed this Bill in June, not one of the Members of this Body had any idea that there was a lawsuit pending in Cook County, let alone what the alternate resolution to that lawsuit was and that it's clear that there was absolutely no intention on the part of Representative Kulas or anybody else who voted in June to put this Bill on the Governor's desk, to take care of a problem with a lawsuit that didn't emerge until September. So I commend the Speaker for his ruling, which I think is a correct constitutional ruling. And if this Body is going to continue to exercise any power as people vote for us to ask us to exercise power on their behalf, we need to sustain the Speaker's ruling, because he is correct."

Speaker Madigan: "Mr. Hallock."

Hallock: "Thank you, Mr. Speaker and Members of the House. We've been debating all day today the power of the Governor to make amendatory vetoes. And I think that if you look at the court cases, it appears very clear that from the Constitution on to this point in time to the court cases, he has the power to do that. There really has been only

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one case which the law of the land was determined in this situation and that was it said, that back in the Klinger case, 'unless the Governor substitutes a brand new Bill, he in fact is in order.' Subsequent cases like the Continental Illinois Bank case said that, 'You can go beyond technical errors.' Other cases like the Canton-Crouch case indicated that the realm of possibilities for the Governor are somewhere between technical corrections and fundamental alterations. But no matter where you say the Governor should be on these issues, the one determining case has said that he has the power to make amendatory vetoes and to make major changes as long as he does not in fact change the Bill completely and toss out the original Bill. And that's an issue we've been debating all morning long here today. But I find it especially ironic that those Members on that side of the aisle, the Speaker included, have said one thing loud and clear here today. And that is, they have said, 'We have three branches of government. We have a Legislature, we have a Governor and we have the Courts.' And of course we all know that, that's fundamental through all our knowledge and our history and our democracy. And you have said to all of us today, and bemoaned the fact that we... over the summer, Thompson in fact indicated that he wanted to be a Legislator or at least make some legislative changes and that was outside his realm of possibilities to do that. Well I think you're wrong in that case. But the irony is, Mr. Speaker, that although you're complaining about Governor Thompson trying to do some legislation, you in fact are now trying to act as the court. If you do in fact believe that we have three branches of government, let's stick to that belief. If you want to be consistent in your philosophy here today, you should be saying, 'That although

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Thompson may have erred from your point of view, you can't act as the court.' It's very ironic, Mr. Speaker, to have you stand up there as the Speaker of the House telling all of us what is and is not constitutional. In those of us in this General Assembly who are attorneys, you may have some beliefs and philosophies about what we can and cannot do in this chamber. But those are just our stances on issues. The final determination of what's constitutional is not decided by us, it's decided by the courts. You know that and I know that. So for you to stand up there today and tell us what is or is not constitutional, is only your suggestion, your premise and your idea. That's for the courts to determine, not for you or any other Member of this chamber. So, Mr. Speaker, respectfully on that issue, I would say that this motion is correct. Secondly, on the issue of the merits itself of this Bill. All of us in this chamber will concede that probably one of the most important issues confronting our state and the nation, is solid waste. It's not a glamorous issue, but it's one we all have to deal with. And I suppose the barge floating around the Atlantic Ocean last summer highlighted that issue. But to take this Bill and use this Bill as a challenge, is absolutely ludicrous, because you are sending a message to all of our communities and all our citizens around the state, saying that you don't care about solid waste, that you're going to let this go on and on and on, until we in fact have a catastrophe in Illinois. And that catastrophe, Mr. Speaker, that catastrophe you know is coming very, very soon. So for those two reasons, Mr. Speaker, I would say to you this motion is right. It's a very hard thing for us to do on this side of the aisle, but you have forced our hand and we have no choice. Let's vote in favor of the motion."

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Speaker Madigan: "Mr. Kulas."

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Chair has ruled that my motion to accept the amendatory veto is out of order. I agree. I filed this motion because I made a commitment to the Illinois Environmental Council, but I agree with the Chair, enough is enough. I'm not a lawyer, I'm a mushroom. I don't know what the courts say, I don't know what those court cases do or anything else, but I know when the Governor is usurping my power, when he is doing work that I should be doing. I don't go telling the Governor what to do in his office and the Governor shouldn't be rewriting my legislation. Yes, there are a lot of good things in this Bill. A lot of good things were taken out. There's still a lot of good things in this Bill. When I argued in June about the hazardous waste problem, we all dug our heads in the sand, we didn't want to face it then. But all of a sudden now we're saying well it's a problem. Sure it's a problem. But we'll get back to it. I would respectfully ask all the Members to sustain the ruling of the Chair."

Speaker Madigan: "Mr. Churchill."

Churchill: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Mr. Speaker, you know this motion is not made very often. Now the last time that this motion was made, it was made by a Member of your side of the aisle. In fact Representative Greiman was in the Chair and Representative McPike made a motion to overrule the Chair. The result of that was that Representative Greiman left for the bench. Can we expect the same result from you today? On to the serious issue before us, since I can see by your smile that you do not intend to answer that question. There's a sole issue here. It's an issue that should be decided, it's an issue that can be debated, it's an issue that needs to be

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presented to the public, but it's an issue that does not need to be before us here today. It's an issue that should be properly brought in a court of law for a court to make a decision. A ruling on a specific factual circumstance under a Bill that has been amendatorilly vetoed by the Governor. To make this decision today that the Chair seeks to make, creates a second issue and it's the second issue which I'm more concerned about than the first. The second issue is the power of the Chair to make these types of rulings. So then not only are we calling to the attention of the public the ruling...a ruling that would tell us whether the Governor is correct, but we are also asking for a ruling on whether the Chair is correct. So instead of dealing with just the Executive branch of government, we bring the fight to the Legislative branch of the government. What happens, Mr. Speaker, if a court decides that your powers are too broad, that maybe your powers ought to be limited? Will you stand for that? Is that something that you want to see? Do you want to have a court tell you that you have too much power? But you're opening yourself up to that by doing what you're doing here today. And I think regardless of the past rulings the Chair has made, I think that the Speaker wants to preserve his powers and not to give them up by some court decision. I think what you're doing here is a dangerous precedent. It's a dangerous thing for you to do for this Body. You harm us all by your action today. And I think the only proper motion is the motion that's been made. He should support that motion. Let somebody file a private lawsuit in the private sector if they feel that the Governor has exercised powers that are greater than he has the right to do. But don't drag us into this fight. And that's what the Speaker has done today."

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Speaker Madigan: "Mr. Young. Anthony Young."

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Gentleman's motion and most of the dialogue from the other side of the aisle says that if you don't agree with the Governor's use of the amendatory veto then the proper forum would be in the courts, not with this Body. Well, I think I know something about the most recent court rulings. I think if you look at the last case that went before the Supreme Court that challenged the amendatory veto of the Governor, the plaintiff in that case was Representative Anthony Young. The Bill that we challenged most recently, in fact, was a Republican-sponsored Bill. If my recollection serves me right, the Sponsors of that Bill, it was a Daniels-Olson Bill. The case was filed in 1985, 62523, it was Anthony Young, et al vs. James Thompson, dealing with the amendatory veto. And in that case the procedure we followed was the exact procedure that certain people on the other side of the aisle are recommending that we follow right now. In that case, we came back to the General Assembly, we refused to accept the Governor's amendatory veto, which was another complete rewrite of the Bill and we took our position to the Supreme Court. The Supreme Court ruled that since this Body had in fact acted on the Governor's action by either accepting or overriding the amendatory veto, that the question of the constitutionality of his use of the veto was therefore moot. So what I'm suggesting to the Body today, is that by this action we are keeping alive a question. In legal terms we are making it right for the Supreme Court, because there still will be an issue today to talk about the constitutionality of this Bill. I would also like to suggest in response to arguments that this Body nor its Speaker has the right to

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rule on the constitutionality of legislation, that constitutionality is an issue that is reserved to the Supreme Court, then I would remind us all to look at veto messages of the Governor who in fact has vetoed numerous legislation on the grounds of its constitutionality. So clearly in the relationship between the Executive branch and the Legislative branch, constitutionality has not been reserved to the Supreme Court. And finally, I would like to suggest to the Chair and to the Members of the Body, that by the action the Chair's taken today, joined with the action the Governor took with his unconstitutional use of the amendatory veto, that this Bill has not been constitutionally vetoed within the time required and therefore it should in fact be law as it was tendered to the Governor at the conclusion of our session."

Speaker Madigan: "Mr. Black....Mr. Daniels."

Daniels: "Well of course the Gentleman that just spoke knows that his arguments are entirely wrong. He realizes by saying that, that the net effect of what the Speaker is doing in this case, is imposing his own ruling to stop a Bill utilizing a constitutional species argument that he is trying to bring forth to say that he has the authority to do this by ruling the amendatory action of the Governor to be out of order. One only need to look at the case law on the subject to know that the previous speaker is in error. To recognize also by the action of the Speaker and his unlimited mind as to his unlimited ability that he is thereby setting up a mechanism in which no Bill can be constitutionally challenged on the area of the amendatory veto power. If you look at House Bill 1867, as an explanation why I intend to support the Gentleman's motion... an unusual motion...or an unusual motion at that to overrule the Chair, because I think it's a critical

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matter that we're dealing with right now, to stop this Speaker from imposing himself as Supreme Court, executive and legislative leader, that he has been working towards in an effort to accomplish and by this ruling has taken an unprecedented step to try to consolidate an unreasonable amount of power to punish other parts of the state that may not agree with his view. House Bill 1867 is an environmental Bill that many of you have pointed for years as a Bill of some authority and interest. It includes many Environmental Protection Act features. Includes several features and administrative language and a large number of environmental provisions that are critical importance to the people of Illinois. With respect to the Solid Waste Management Act, House Bill 1867 imposes certain fees and limitations and also imposes upon a solid waste disposal facility located within its borders certain restrictions. The amendatory veto that is the subject of discussion, fits totally within the aspects of this Bill in that it deals with constitutional problems that were obvious on the nature and the surface of the Bill, with the state landfill fee imposed under the Solid Waste Management Act and also deals with other areas totally within the structure of this legislation. Now a Governor when he wants to impose an amendatory veto has that authority under the Constitution of Illinois. And it states specifically that a Governor may return a Bill together with specific recommendations for change to the House in which it originated. The Governor has done this in instance and of importances of review of two very important Supreme Court cases, Continental Illinois National Bank vs. Zagle, 78 Illinois 2nd, 387, 401 North Eastern 2nd, 491. When in 1979 the Governor used the amendatory veto to make recommendations regarding a piece of legislation for reduction of the

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increase in the yearly corporate income tax from 2.85 percent provided, to 2.5 percent. Sound familiar? Not unlike the legislation that you have in front of you. The court said that Section 9e does not limit the veto power to the making of minor technical changes and the recommendations made by the Governor neither changed the fundamental purpose of the legislation nor were so expansive as to render his use of the veto power violative of Section 9e and upheld his authority under that instance. In the case of People X-Rel, City of Canton vs. Crouch, 79 Illinois 2nd 356, it was contended that the specific recommendations for changes made by the Governor to the Real Property Tax Increment Allocation Redevelopment Act, exceeded the scope of his authority under Section 9e of the Constitution. The court held that the changes made by the Governor were intended to improve the Bill in material ways. Sound familiar? One of the purposes of the amendatory veto of this legislation was to improve the constitutional problems of the Bill and improve its actions. And yet the court held also in that case, that the changes were not so substantial or expansive as to alter its fundamental purpose and intent. Even if the Governor's recommendations for change are approved in House Bill 1867, by both the House and Senate, the Bill is then certified by the Governor. The possibility still remains and is available to an individual that the Act could be challenged later in court on the constitutional ground that the Governor's recommendations exceed the authority of his amendatory veto power under the Constitution. And that tells you clearly that the forum is the courts of the State of Illinois, not this Legislature. It tells you clearly, that the Constitution of this state has a protection and a division of power and a checks and balances, specifically

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states that no Speaker should be allowed to stand up and say that his single individual judgment far exceeds the knowledge, the combined knowledge of our courts and our Supreme Court, the executive branch of this government. That there must be a check. And I suggest to you Ladies and Gentlemen of the House that this Speaker in implementing his own desire and whatever it is that he has against this current Governor, is escalating the warfare that has been started by him and is continuing those problems. I implore you not to go along with this division of this House, with the separation, further separation of the majority party from the Executive branch of this government. And I advise you and beg of you to recognize that this step taken by this Speaker is not only outside the scope of his authority, but also will only escalate the problems in a time when this Body must work together to solve the very serious problems of the people of Illinois. I could tell you that if you think this Bill has no meaning or purpose whatsoever, you are wrong, because the provisions of the Bill are critical to be enacted now for environmental protection and for solid waste disposal sites that we all know are so critically needed in Illinois. This ruling destroys that legislation that so many of you worked so hard on. This ruling substitutes one person's judgment over the collective judgment of this Body. And even though the Governor acted in an amendatory fashion, it's within the scope of the Bill and a clear reading of the legislation and combine that with the court's rulings by the Supreme Court in the past, tells you clearly that the Governor was right and this Speaker is once again wrong. Now you tell me what happens after this Bill dies. Do you challenge this man's authority in court? That's what he wants you to do. He wants you to have to file suit

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to show that he acted in an unauthorized manner, because he's setting himself up once again as a sole arbiter in trying to implore his decision making authority over the Governor's authority. Don't be part of it. Don't create a separation of these parts of this state. Don't be part of destroying legislation that was worked on hard. Reject him. Reject this action and accept the Gentleman's motion to overrule the Chair."

Speaker Madigan: "Mr. Huff."

Huff: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Speaking for myself and in behalf of all of the spear carriers who are growing restless, I believe, Mr. Speaker, we have balked enough on this issue and therefore I would move the previous question."

Speaker Madigan: "Mr. Huff, could I simply suggest that there are only four more Members seeking recognition and I think on a question such as this, we ought not to attempt to foreclose the debate. So, Mr. Huff would you be so gracious as to withdraw that motion? Mr. Huff."

Huff: "Yes, Mr. Speaker, only if you will recognize me at the appropriate time for the appropriate motion."

Speaker Madigan: "Yes, Mr. Huff. Thank you. Mr. Black."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. In all due respect to the Speaker and certainly in all due respect to my learned and distinguished colleagues who are members of the legal profession, let me just address an issue as a non-Member of that profession if I might. If I remember my high school civics class, I don't think we're going to settle the debate of a constitutional issue on this floor today. But, I would submit to you that while we debate what is in effect a Judicial branch issue, we are delaying an important piece of legislation that affects probably everyone in this

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chamber. Certainly most of the people it would affect that live in the State of Illinois. We are running out of time. I would submit to you and most of you know that and I think the Sponsor tried to make it clear earlier today, we are running out of time on the issue of solid waste disposal. In my own district I have a neighboring county that has eighteen months or less, or less, usable life in their landfill. They are currently looking at counties in a wide radius around them as to what they're going to do with this solid waste. I don't think we can stack it up on vacant lots. We cannot delay the underlying issue that is before us on the Bill in question. I would say to you, that if there is a constitutional issue which we feel we must address, then let's take it to the courts, let's have an answer, but don't delay legislation that is so critical to this state. The matter of solid waste disposal is the real issue here. It's the only issue that this Body should be concerned with at this time. This Bill gives local units of government some flexibility in trying to plan for the future needs of disposing of that waste. That we must address. We are running out of time. And the longer we debate and the longer we say that there is an underlying constitutional issue here, so we're not going to address the Bill in hand, the more difficulty we're going to find ourselves in. In all due respect, Mr. Speaker, I ask that we overrule the ruling of the Chair and that we get on to the Bill at hand. Thank you."

Speaker Madigan: "Mr. Van Duyne."

Van Duyne: "Yes. Thank you, Mr. Speaker. We are talking about House Bill 1867, if I read it right on the board, right now. And I fear that knowing a little bit about the court action, that because the Speaker has only ruled on this one particular Bill, that the court may restrict any kind of

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testimony or any kind of judgment on the action taken upon this Bill and this Bill only. And to put into the record, I would like to say that I was a primary Sponsor of House Bill 717, which was also amendatorilly vetoed by the Governor. And the total scope of that Bill was changed by the Governor. And I filed a override motion with this Body and thanking you all, you agreed with me and we did override the Governor's veto and it is now in the Senate waiting for action over there. Now I only bring this up to put it on our record today, so that when the interpretation of the court has to be rendered, that someone in their wisdom can bring up the fact that the Speaker's ruling was not regimented to this one particular Bill, that there were other Bills that were candidates for this action too. And so, I would like to put...make darn sure that House Bill 717 is one of those that can be referred to for some kind of scrutiny. Thank you very much."

Speaker Madigan: "Mr. Barger."

Barger: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Normally I consider that you as my friends are more than capable of clarifying the problems that exist in this Body and that it is not necessary for me to speak on each and every subject that comes up. This one though, I feel that requires a person who has been in the same position that the Speaker is, when has also been in the position as the Governor, having spent twelve years as a mayor, both in serving both as the spokesman for the Legislative and as the Executive of the community. I can see that these problems do exist, because I've had to fight them within myself from both sides. And as the Speaker of a legislative body, the Speaker's responsibility is primarily to maintain order and to give those who are Members of the legislative Body the opportunities to express their

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positions on the Bills that they present. Mr. Kulas presented this Bill and he had the opportunity of either accepting or refusing to accept the amendatory vetoes of the Governor. He was within his right, that was proper. And the choice should have been made by him. The rest of us should have an opportunity to discuss the Bill and to discuss whether or not we think it's constitutional, because the Chair sits there and maintains order and gives us the opportunity to express those opinions. I think Mr. Madigan has done an excellent job during the years that I have been down here. I am proud to have been associated with him. I'm proud to have been associated with all of you. In this particular instance though, I feel that he has overstepped his responsibility as Speaker and I suggest that we all consider the facts as they happen here. I have had Bills that I have introduced that were killed in Committee and the identical Bill come up with a higher number, sponsored by a Democrat and I have supported that Bill. And I know that that is an improper function of the office of the Speaker. But in this particular case, this is the only time I have ever risen to oppose something that he has done. And in this particular instance, he is dead wrong. And I think that we should override him. Thank you very much."

Speaker Madigan: "Mr. Huff. There are no other Members seeking recognition, Mr. Huff."

Huff: "Thank you, Mr. Speaker. I would now move the previous question."

Speaker Madigan: "Okay. So Mr. Huff, as I said, there's no one else seeking recognition. We're ready to go to Roll Call. So we don't need the motion. And the motion shall be withdrawn. And Mr. McCracken has moved to overrule the ruling of the Chair. The motion by Mr. McCracken is to

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overrule the ruling of the Chair. On that question, those who support the Gentlemen's motion will vote 'aye', those opposed to the motion will vote 'no'. Have all voted who wish? Mr. Homer to explain his vote."

Homer: "Thank you, Mr. Speaker. I would direct the attention of the Gentleman on the other side who moved this motion, to Rule 4(n) of the rules that we adopted at the commencement of this session, which specifically states that it is the duty of the Speaker of the House of Representatives to enforce all constitutional provisions, statutes, rules and regulations applicable to the House. I think it is not only the right of the Chair to make such rulings, but in fact the obligation as imposed upon the Chair by the Members of this House and the adoption of these rules. In that regard, I commend the Speaker and urge a 'no' vote."

Speaker Madigan: "Have all voted who wish? Mr. McCracken, to explain his vote."

McCracken: "Thank you, Mr. Speaker. The Gentleman refers to Rule 4-(n) which apparently is an afterthought in support of the right of the Speaker to usurp the authority of our other branches of government. I submit to you that the court or the court... that the Speaker is not defending the constitution today. That rule could not possibly apply to a case where a judgment has to be made as to the proper scope of an amendatory veto. That section can only apply to those areas of law which are uniformly clear on their point. It does not authorize the Speaker to rule out of order a motion, otherwise properly put, on the basis of a judgment that the Executive branch has violated the Constitution. What is necessary for one to conclude that this is an authorized act is to conclude that the Speaker can unilaterally judge the actions of a coordinate branch of government and that he cannot do. And if Rule 4(n) were

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interpreted to authorize this act, then that rule would be unconstitutional."

Speaker Madigan: "Have all voted who wish? The Clerk shall take the record. On this question, there are 49 'ayes', 66 'no', the Gentleman's Motion fails. Proceeding on the Calendar there is House Bill 2364, Representative Doederlein. Representative Doederlein. Proceed."

Doederlein: "Madam... Mr. Speaker, Ladies and Gentlemen of the House, I move to accept the Governor's Amendatory Veto on House Bill 2364. The veto exempts the junior and community colleges from the Bill."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Madigan: "The Sponsor indicates that she will yield."

Cullerton: "Could you indicate, Representative, what the Governor's Amendatory...the effect of what the Governor's Amendatory Veto was?"

Doederlein: "The junior and community colleges are nonresidential and he feels that these people are not so close together that it would cause a communicable disease."

Cullerton: "What was his rationale for that?"

Doederlein: "Alright. Mainly the problem has caused... was on residential colleges and not at the junior college level. The communications I've gotten from the junior colleges say that they might also do this on their own."

Cullerton: "Well, could you... why don't you... I'm sorry, but, I don't understand. Perhaps you could just indicate, briefly, what did the Bill originally do, what did the Governor's Amendatory Veto do and what was his rationale? If you could do that I would appreciate it."

Doederlein: "The Bill... because so many of the people are having, so many of the students are having a problem having mumps and measles on campuses and this takes away from

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their going through the school. They lose a whole semester of school. He hoped to... that the students will come protected against these diseases..."

Cullerton: "Okay, what did the Governor do concerning that portion of the Bill, which specified the length of time before a student becomes ineligible to attend classes? Yeah, the part that he added in, the new Bill that he added to your Bill, that's what I want you to address."

Doederlein: "Instead of..."

Cullerton: "... Since this is the first time we've had a chance to debate it, I thought maybe you could explain... present it like it... present it like it was Third Reading of the House, and yet, this new Bill... new Administration Bill that the Governor added to your Bill in his Amendatory Veto and..."

Doederlein: "Instead of just 2 weeks, it was they could be out the next semester."

Cullerton: "Your Bill said what originally?"

Doederlein: "My Bill wanted them to have the inoculations before they came to school."

Cullerton: "Before they came to school and the Governor said that... that two week periods extended to the subsequent school term or semester?"

Doederlein: "That's right."

Cullerton: "Well, why don't you move to override the Governor's Amendatory Veto? What's wrong with your Bill as you drafted it? Did you send a letter to the Governor asking him to..."

Doederlein: "I will accept this amendatory veto because I think that this will help the situation and I think it'll be alright."

Cullerton: "Well, do you... are you accepting it because you want to get what was in your original Bill or did you think that

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you made a mistake in drafting your original Bill?"

Doederlein: "No, I think that this was alright with the people that I have talked to."

Cullerton: "I'm having difficulty following your rationale. Did you send a letter to the Governor asking him to amendatorily veto your Bill?"

Doederlein: "No, I didn't."

Cullerton: "Did you want him to amendatorily veto your Bill?"

Doederlein: "No, I didn't but I think this is alright."

Cullerton: "It doesn't make a big difference to you one way or the other? It would have been better..."

Doederlein: "It might have improved the Bill because the ones at the junior colleges... the students at the junior colleges have a wide range or age range. And they're not residential. I think we need this for the residential colleges and universities."

Cullerton: "Well, I would suggest that you... if you want to pass the Bill, that you should simply file a Motion to override the Governor's Veto and I think a Bill like this that passed 98 to 14 and 52 to 4 in the Senate, as you originally drafted it, a Motion to override would be very successful."

Doederlein: "If we had known the concerns of the junior colleges when this Bill was presented, I think we would have accepted their recommendations."

Cullerton: "Okay. Thank you."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yes, just to follow up then with my thought, Mr. Speaker. I would suggest that we vote 'present' on this Motion to accept the amendatory veto and then support the Lady on her Motion to override when she files it. So I would ask for a 'present' vote on this Bill."

Speaker Madigan: "Alright, the question is, 'Shall the House

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accept the specific recommendations for change with respect to House Bill 2364?' On that question, those in favor of the Lady's Motion will vote 'aye', those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 48 'aye', 1 voting 'no', 64 voting 'present'. This Motion, having not received the required Constitutional Majority, the Motion fails. Representative Doederlein."

Doederlein: "I'm just sorry I was the first one after the big debate of 1987."

Speaker Madigan: "Okay. Thank you. The next Bill will be House Bill 2410, Mr. Wennlund."

Wennlund: "Thank you, Mr. Speaker. I would ask that we move to Motion 02, which is a Motion to override. A Motion to 'do pass' notwithstanding the specific recommendations for change."

Speaker Madigan: "The Gentleman moves to override the... let the record show Mr. Wennlund that we have moved to House Calendar Supplemental 05 where it shows your Motion 02 to override the Governor. And so on that particular question... the question is, 'Shall House Bill 2410 pass the specific recommendations for change of the Governor, notwithstanding?' On that question, those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? The Gentleman is attempting to override the Governor's Veto. Have all voted who wish? The Clerk shall take the record. On this question, there are 114 'ayes', no 'nos'. This Motion, having received the required three fifths Majority, the Motion to override prevails and House Bill 2410 is declared passed, the specific recommendations for change of the Governor notwithstanding. Is Mr. Novak seeking recognition? Mr. Novak, are you seeking recognition? Mr. Novak."

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Novak: "Yes, Mr. Speaker, I would like to be a 'no' vote on this please."

Speaker Madigan: "Alright, I believe... I believe we've already taken the record, but the record will reflect your desire to change your vote from 'aye' to 'no'. House Bill 2636, Mr. Saltsman, Motion #1. Mr. Saltsman. Mr. Saltsman."

Saltsman: "Yes, thank you, Mr. Speaker. I move to accept the Governor's Amendatory Veto."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

McCracken: "Apparently, this is an amendatory veto which you feel does not exceed the Governor's powers. Would you tell us what this does and how it changes the Bill as originally passed?"

Saltsman: "No, I just want to please the Governor once in awhile, and I trust him. And the utility companies that were involved in this are from my district."

McCracken: "You trust him. I'm glad to here that, you didn't vote with the Speaker on my Motion to overrule the Chair, did you?"

Saltsman: "Well, that's my prerogative."

McCracken: "Well, you voted with us if you trust the Governor."

Saltsman: "Not all the time."

McCracken: "Oh, okay. Is this Bill important to you? Do you want your friends to vote for this Bill?"

Saltsman: "Yes."

McCracken: "Is Representative Cullerton going to stand up and ask all the Democrats to vote 'present'?"

Saltsman: "I don't speak for Representative Cullerton."

McCracken: "Well, that's a good point. Okay, well, I'm... I'm glad you feel the Governor did the right thing in this instance and I know that if it ever comes to a

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constitutional crisis again, you'll be with us. Thank you."

Saltsman: "Maybe."

Speaker Madigan: "The question is, 'Shall the House accept the specific recommendations for change with respect to House Bill 2636?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 73 'aye', 1 person voting 'no'. This Motion, having received the required Constitutional Majority, the Motion is adopted and the House accepts the Governor's specific recommendation for change. House Bill 925, on page 8 of the Calendar, Mr. Capparelli. Mr. Capparelli."

Capparelli: "Thank you, Mr. Speaker. Ladies and Gentlemen, I move to override the Total Veto on House Bill 925. As everyone knows House Bill 925 provides that under no circumstances shall any school building, school grounds or other school facilities be used for the purpose of dispensing, prescribing, selling or providing any contraceptives, drugs, products or devices to students or persons under the age of 18. By vetoing House Bill 925, the Governor said, 'I'm willing to spend \$210,000 to establish the sex clinics in our schools in Illinois'. When doing this, he has to understand that the other possibility is that with this dispensing of contraceptives and giving advice that we could be under the course of many law suits on malpractice. Mr. Speaker, I'm not going to belabor the people, everyone knows how they're going to vote on this issue. I would ask that it be 71 green lights on the board. Thank you."

Speaker Madigan: "Representative Pullen."

Pullen: "I'd like to ask the Sponsor a question or two, please."

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Speaker Madigan: "The Sponsor yields."

Pullen: "Did I understand you to say that there is state funding involved in these school-based sex clinics?"

Capparelli: "\$210,000."

Pullen: "At the moment."

Capparelli: "Yeah, it could get larger at other times. But, right now there's \$210,000. \$50,000 of private money, \$210,000 state funds."

Pullen: "Are you aware that the state government... the bureaucracy of the state government, the Executive branch not only provides funding but also helps make decisions about where these school-based sex clinics will be located?"

Capparelli: "The state has no authority to do that. No."

Pullen: "But... but you are aware that they do that?"

Capparelli: "Yes, I am."

Pullen: "So, would you say that local control has anything to do with this issue?"

Capparelli: "It's all local control from what I understand. The state had... the state gives \$210,000 and has nothing to say except give the money. The school districts themselves are the one providing the locations and the advice."

Pullen: "But, the state does participate in making the decision about where these sex clinics are being put in the schools..."

Capparelli: "I presume, yes, I presume that."

Pullen: "And fosters them through the granting of money for this purpose."

Capparelli: "You're absolutely right."

Pullen: "I notice on the board that the title... the short title on the board deals with providing no contraceptives. Could you tell me, please, whether this Bill also has any provisions concerning the practice that is going on in some

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of these school-based sex clinics...referring or counseling for abortion?"

Capparelli: "Well, in the Bill it says that under no circumstance shall the duties of the school or nurse or physician include dispensing any contraceptive drugs, product or devices to any student under the age of 18. That's what the Bill says..."

Pullen: "Is there a section concerning abortion..."

Capparelli: "... whether they do that or not, if they go beyond that I don't know."

Pullen: "Is there a section concerning abortion in this Bill?"

Capparelli: "Penny, I don't see anything about abortion, no."

Pullen: "Mr. Speaker, perhaps I could help the Gentleman. Apparently, the staff analysis on that side does not cover the entire scope of the Bill. The Bill not only bans providing contraceptives but it also bans the providing or the referring or counseling for abortions in schools. And reports have come to me which are very disturbing, that indeed, in at least one of the school-based sex clinics in Illinois, there are referrals for abortions taking place. That a physician, in at least one of those clinics, is arranging for abortions on the girls that he has persuaded to be sexually active by giving them contraceptives and then the contraceptives don't work and he covers his mistakes by referring the girls to have an abortion at a hospital in Chicago, where he has staff privileges, although that hospital is not involved with the school-based sex clinic in question. I think that this Bill is not only proper, but very much needed. It is needed to stop a state program that has been put into place with no authorization from this General Assembly ever, to put clinics into the schools in Illinois that provide so-called family planning services. And those services

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include not only giving pills to girls, but also referring them for abortions when the pills don't work. This is a very pernicious program on the part of the State of Illinois. It is supposedly well intended but the effect is to encourage our young people to engage in premarital sex. And I think many Members on this House floor have recognized, at least during the last several months, how dangerous that policy can be. I applaud the Gentleman for bringing this override Motion and I would hope that we would give him our full support. Thank you."

Speaker Madigan: "Mr. Young."

Young: "Thank you, Madam... Mr. Speaker, Ladies and Gentlemen of the House. I rise, of course, in opposition to this Motion and in regards to a lot of the comments the previous speaker made. Two days ago this House debated an override of a Governor's Bill that dealt with counseling for, regarding, preventing sex abuse in public schools. The previous speaker gave a very eloquent speech in which she talked about this body recognizing, for a change, rights of parents. This body was so moved by that speech that they in fact overrode a Governor's veto under the guise of recognizing the rights of parents. I would ask the body at this time to again recognize the rights of parents. This is indeed an issue of local control. This is an issue as to whether parents within the school system of the City of Chicago, that same system that has been berated these last two days by people in this chamber, has been ineffective, that system which has tried to correct many of the ills that the people in this chamber have pointed out for the last two days. That system has looked at those problems and instituted this program in an attempt to stop babies from having babies. I think the previous speaker made some statements that couldn't be more false. First of all,

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there are no state dollars. Ladies and Gentlemen, I would like to repeat that, there are no state dollars that go toward the birth control portion of these clinics. There are several clinics in the schools in the Chicago public school system. Some of those clinics do not have a birth control function. The state money that goes to the clinics in the Chicago schools goes solely for health care. The birth control portion of the school is privately funded. Secondly, if the Representatives from that side of the aisle..."

Speaker Madigan: "Mr. Young, let me attempt to get some order. Ladies and Gentlemen, would you please give your attention to Mr. Young? Proceed, Mr. Young. Proceed, Mr. Young."

Young: "Okay. This Bill is about birth control and contraceptives in the school. This Bill, this issue is not about abortion. There is no abortion counseling done at Orr High School in my district which dispenses birth control. If, in fact, some physician is operating outside of the scope of his authority then that breach of his duty could occur whether or not a school has birth control at its disposal. This is not an abortion issue. This is not an issue that deals with state funds. This is purely an issue of local control and allowing the same Chicago students and parents to have that same degree of control over their children and their school systems that so many of you espouse in almost every other area. And I would urge that we not override the Governor on this measure."

Speaker Madigan: "Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. We've debated the merits of this issue several times in the spring session. I think it only remains that... two points that need to be made. First of all, this should not get caught up in the yellow vote problem that we've had for several issues this

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morning. And secondly, it's quite clear, this is right-to-life. We've got the group that needs to stick together. We know who we are. Let's make clear that we maintain our position. The Governor made a mistake on this. He's out of touch with the issue. And we need to support the Lady's Motion, or the Gentleman's Motion, excuse me, and override the Governor's veto. Thank you."

Speaker Madigan: "Mr. Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to the General's (sic - Gentleman's) Motion to override the Governor's Veto of House Bill 925. A short while ago, a couple of days ago, we discussed in this House a Motion to override a veto of a Bill that would have provided parenting education in public schools throughout this state and this body saw fit not to instruct children who are about to become parents, what being a parent is all about. We decided not to instruct children who are about to become parents, how indeed you go about being a parent and how you treat a child and raise a child. We thought that wasn't important enough to do. And here, we at the same time, are now telling those same children, who we don't want to teach how to properly be a parent, to go out and perhaps be a parent. We're not teaching them how to... in communities where they want this information, where they want the provision of these services, where the parents, the voting parents want this provided for their children, we're saying you can't provide this information to these... to your children. And on top of that, we've already said that we're also not going to teach your children how to be good parents. I think that is a crazy way for a legislative body in this state in the 1980's to behave and I would ask for your 'no' vote on this Bi... on this Motion."

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Speaker Madigan: "Mr. Williams."

Williams: "Thank you, Mr. Speaker. Mr. Speaker, and Ladies and Gentlemen of the Assembly. The nature of this Bill which we are debating today.... it's very crucial to me. It's very important to my district and I hope that I would have everyone's attention because we want to look at... what are we talking about? What is the problem that is trying to be addressed by the school-based clinics? Let's first look at that. We're talking about teen pregnancy. I live in a district and at the school where the clinic is operated, 30% of the women, young teenage women, who go through that school become pregnant before they complete their high school education. 30%. Understand it. We're talking about... and of that 30%, 80% of the teenage mothers... their mothers were unmarried teenagers at the time that they were conceived. We're talking about an area that has the highest infant mortality rate in this state. We're talking about an area and a problem that exists that this body, I mean this body will not do anything to solve, but want to tell us what is the answer. When we asked you about the cycle of poverty that exists in my area, when we asked you about funding adequate welfare reform so that people can live a decent life who have been brought up in this cycle of poverty, you say no. When we come to you and we tell you about babies having babies, you say, 'go back and tell those young girls to just say no'. But, understand what you tell them when you tell them that. You tell them to ignore everything that stands around them. You tell them to look out and you said that we, that these clinics are somehow encouraging sexual activity. When is the last time you looked at television? When is the last time you listened to the radio? When is the last time you went to a movie or saw a record, and saw anything that does

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not put in the face of not just my children, all children, the concept that sex is what goes on throughout. Even this body, each and every one of you here, know that we're just riddled with rumors about the sexual activities of the Members. And as we talk about parental things, let's talk about the truth of the matter. When you and our parents and their grandparents were growing up, people 13 and 14 years old were getting married because they had babies. The only thing that has changed is the environment where we live in. Where people now grow up to be 30 before they leave their homes. The reality of it is, is that what's taking place in the pregnancy and the sexual activities that takes place among young people, was normal in your day and it's not normal in mine. Don't foreclose a solution to a problem that exists. The concept, when you talk about, what about the parents, the parental control, in these clinics, each and every one, they don't just require that the parents sign off. The parents must come in. They must talk to the counselors. They must understand fully what's going on. And they have a right to check on which services their children will receive. As one lady put it, 'I would rather my daughter come home with birth control pills than to come home with a baby'. And understand that, that when that baby gets home how many of you are going to support that baby? You don't want to give the proper nutrition to the child. You say that we don't have the right to educate the child right. You say that in all this ...they must live in this cycle of poverty. And we're not talking about abortion. We're not talking about doing away with the conception that has already been had. We're talking about trying to create responsible people who are going to deal with it in a responsible way. All of you here who are on the subject of AIDS, my district also has the number one

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rise in effective AIDS in this city, in the City of Chicago. And understand this, you talk about preventions....condoms to help prevent the spread of AIDS. You want to give AIDS to prisoners. You want to give condoms to prisoners. But, you don't want to give them to young kids trying to prevent a life situation that they will not come from under. This is more than just... it's a total program. At the clinics they talk about refrain. They teach these children a number of things. And they say this is not proper for the schools. Our school system has changed. Years ago I, myself a black, was not considered eligible to a free public education because you didn't want us to learn. Women were not given the right to an education. But, they now have that right. And I say to you, as the situation changes we must change to meet that situation. The proper role of the school is that this is where these children have the most available access to health care. They do not have the funds necessary to go to private providers. They do not have the access to the sort of health plan that many of you have. They just don't have it. There are... and the real question is, 'What is the environment in which they live?' What is it like to live in the Robert Taylor Homes? There are 28,000 plus residents that live in less than a ten block area. 28,000 plus people crammed into ten blocks. And each of those blocks are filled up with what I would call, triangle type buildings of 3 buildings in a row, 16 stories each, and approximately 8 apartments on each story. The concept of parental control when a parent... you're asking a parent to control the child, who's down in the street while they're up on the 16th floor. A child who's seen all of the mess that comes out of this world. A child is being pressured by gays. A child is being pressured by seeing prostitution

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and yes, and seeing their own bad activities of their mothers and fathers. These children... understand it, these children are not subject to the type of parental control which you say that they must be forced into. Just say no to this Motion we hear today. That's what we should be saying no to. Understand, if you don't want this to happen in your area, tell your local school districts never to let it happen. If you don't have this problem, then don't try to come and force your solution on my area. I have the problem. I need a solution that works beyond the sort of, what I would call 'moralistic attitude'. Of people who willing to talk but not willing to solve real problems. So today, and I say this to my Democratic friends, and I say it in all honesty, this is the most important issue facing me in my district today. This issue goes to the very heart of what I'm here to do. To represent the people of my district. To represent them in a way, because understand, when you talk about it, 57% of the people in Chicago support this and 80 plus people in my district support it. You brought down Hiram Crawford to try and tell me different. Hiram Crawford is not a leader in my neighborhood and you can send that back to him. Hiram Crawford does not speak for the people in my area. So, you can parade him all day long but, understand... the mothers and fathers in my areas ask for this clinic and they ask for you to leave us to deal with our problems if you're not going to give us the proper funding to our life. So please, please, to my Democrats, please show me that you care. I come to all my downstate friends. All of them say I need this. I need this levy because I won't be back here if you don't give it to me. I need this particular dam or highway, and little do I say to you, No. But today I ask you. The parents in my district need this to stay here.

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We do not need to invade. And I ask you, for the same law to you ask me. Please vote 'no' on this obnoxious piece of legislation."

Speaker Madigan: "Representative Stern."

Stern: "Mr. Speaker and Members of the House, I recognize that many of you have already decided how you're going to vote on this. But after hearing Representative Williams, I am hoping that some of you have had your heart softened a bit. I don't need to tell any of you who is a parent, that when you have a child you have acquired a responsibility for twenty years, anyway and perhaps for a life time. It is our responsibility here to help those of our state who need it to break the cycle of poverty and failure. If we can help the young women of the high schools in question. And I'm not talking about all the high schools of the state or even most of them, but those high schools who wish to do so. If we could help to prevent what could be a life blighting pregnancy, then I think we should certainly do so. I have received a great deal of mail on this question. I voted against the... no, let me try that again, I voted to support the clinics in the first instance and the letters I received took me to task for that vote, suggesting that it was an immoral vote. I want to say to you, I think that the moral position on this question has got to be to save those young women from something that could ruin their lives. I think morality is an important position on this. And I think a moral vote on this question has got to be 'no'. We must mind our own business. If we are not contributing to the solution, we are contributing to the problem. A 'no' vote helps with the solution. I urge you to vote 'no'."

Speaker Madigan: "Representative Curran."

Curran: "Thank you, Mr. Speaker. Ladies and Gentlemen of the

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House, when I was in first grade, we had a book. And the same kind of theme existed in the reader in first and second and third and fourth and fifth grade. Probably existed for most of you. The theme was that there was this mother and there was this father and there was this son and there was this daughter and there was this puppy dog and there was this 'ideal life'. For a lot of you, for a lot of us, for a lot of the people that work in this building, for a lot of the people that make laws in this state... that ideal life, that mother and that father, that boy and that girl, that puppy dog, the father is the bread winner, the mother is the bread baker. For a lot us, that's what we understand. That's what we know. And so that's what we make our decisions upon. But what we are faced with now is imposing our decisions, based on that kind of a family unit and the morality which stems from that kind of a family unit. Upon every neighborhood, every community, every county, every legislative district, every school, every family and every child. And yet, in all those cases there is nowhere near, in many of those cases, there is nowhere near a majority of families in that area that have anything to do with the kind of theme and the kind of idea that we grew up with. There are some places in this state where people who have lives that you could not even believe. There are some places in this state where for miles you can't find a semblance of a life that you can understand. And I suggest to you that for us to impose our sense of what is right and wrong on every community and not let them have their own identity of what is right and what is wrong for them is improper and is bad public policy. Let me say to you that if my school board in this community decided to give out free contraceptives in Springfield and District 186, I would do everything I could to defeat every Member

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who voted for that. But, I would be doing that on a local basis because I understand the circumstances in this local area and the lack, basically, for the need for the dispensation of birth control products and devices. But my district is different. My community is different. And I think we need to understand the differences in this state before we try to impose our morality on everybody in Illinois with one Bill and one fell swoop. Regrettably, because I know there are fine and noble people on both sides of this issue, I ask for a "no" vote on this override Motion."

Speaker Madigan: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker, Members of the House. This certainly is a very critical issue and certainly one that, in my judgment I do not feel that we should in all honesty attempt to impose this kind of legislation throughout the whole state when there may be a particular area that needs this kind of attention. We have passed a number of Bills this past year that dealt with AIDS, which is probably one of the most serious diseases that we have encountered in this civilization in a long time. If for no other reason, this Motion should not pass it would be for the help in attempting to resist the spread of this disease. In my judgment there are certain kinds of morality and then there is also the fact of being a realist. And no matter how much we attempt to direct the lives of young people, tragically enough in our society today, we see things occur that we do not like. We see young people being mothers that are still young people and need to grow and mature for their own physical benefit as well as for their own personal maturity. Certainly, we should do all we can even in our schools to acquaint them with the facts of life, with the safety that they may incur in not getting a deadly

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disease and if this Bill is overridden, we have taken away a very important tool in saving and maybe even preserving this civilization. Thank you."

Speaker Madigan: "Representative Jones."

Jones: "Thank you, Mr. Speaker and Members of the House. ...DuSable High School is adjoined right to my area. And when these clinics... when this clinic came into being, I went over there to be a part of the meetings when this clinic started. I'd like for you to know that this clinic did not come about with one or two meetings. We met over there for approximately 6 to 7 months. And when I went over there, I went over there with the idea not to have that clinic. But after attending the meetings over there, at each meeting we had over there, we had approximately 300 to 400 mothers and fathers attending those meetings asking for that clinic. Now I would like to tell you something, that when that 14 or 15 year old child over there, and I mean child, have a baby... who do you think supports that baby? That baby goes on welfare. You say, on the other side of the aisle and also my colleagues on this side of the aisle, that you for welfare reform and you want to reduce the rolls. Believe you me, when these babies are born they are automatically put on welfare with a medical card and that increases the rolls. When I discussed this matter with DCFS, and they told me that 62% of the child abuse cases in Chicago, are done between... are done for mothers between the ages of 15 and 18, those are unwed mothers. Those are children having children that do not understand how to take care of your children. And when Representative Williams told you about the death of babies that are in my district and his district we have the highest because of 14 year old does not... does not know how to take care of themselves when they're carrying

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another child. They do not have the proper nutrition. Most of them don't even get to a clinic or a doctor until they're in their 8th month of pregnancy. I say to you, if you cannot at this time give me, and I have a lot of constituents that go to the school-based clinic... if you cannot give me any other alternative for babies having babies, other than... You talk about your religion. I'm a religious person. I might not be Catholic but I'm Baptist and we don't go out and advocate having sex. But, if you cannot give me an alternative we have some sort of an alternative now, DuSable High School dropouts from pregnancy cut 1/2... 1/2 since that clinic has been there. You don't have the problem and God I pray to you that you never have the problem that me and Representative Williams or Representative Young have. But one day you might have that problem. I hope you never do. But I have that problem. It's real. And I ask for a 'no' vote. Thank you."

Speaker Madigan: "Mr. LeFlore."

LeFlore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I too have a high school in my district that has a clinic. The only different... the clinic that is in my high school do not disperse contraceptives. It is at the free will of the child and the parents to receive the contraceptive. Before any one of the children in the school, the young ladies in the school, receive the contraceptive, they have to get approval from their parents. The parents have to sign for it. I feel this should be a decision that is made on the local level and not on the state level. I feel that the clinics are needed in the school because it's depressing when you see one of our children, 13, 14 years old, who are pregnant, who are a child themselves and not really able to take care of a

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child that they will bear. Ladies and Gentlemen, this is serious. We need your support. We need you to stand up for the children of our communities and vote 'no' on this particular veto. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass, the veto of the Governor notwithstanding?' Those in favor of the Motion signify by voting 'aye', those opposed by voting 'no'. Mr. Young."

Young: "Mr. Speaker, should this Bill get the requisite number of votes I would request a verification."

Speaker Madigan: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 67 'ayes' and 43 'nos'. Mr. Capparelli requests a Poll of the Absentees."

Clerk Leone: "Representative Deuchler is the only Member who is not absent, who is not voting."

Speaker Madigan: "There are 67 'ayes', 43 'nos', the Motion fails. On page 8 of the Calendar there appears House Bill 1415. Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. I move that House Bill 1415 pass notwithstanding the Governor's veto. I make this Motion because I think the Governor's Veto wrongly reads the Bill. This Bill was passed by the House, obviously, and it allows a doctor not to actively assist or aid and abet in the giving or taking of diagnostic testing, the purpose of which may be to determine whether or not to have an abortion. The Bill amends what's known as the Right of Conscientious Act, passed in 1977. The particular Amendment tracks that language which is already a part of the law and includes by way of example the fact that among other things the doctor is not required to assist in these particular procedures. I think that there has been undue concern over

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this Bill for a number of reasons. I think that the opposition has read into it an immunity from civil liability for not ... performing up to medically accepted standards. You will note that under the law, both as it occurred prior to the Amendment and as amended that the doctor is under a duty to inform the patient of the patient's condition, prognosis and risks. In many interviews held over the summer in an effort to support this Bill, I have repeatedly stated that the doctor is not authorized, one, to not advise of the existence of this testing; two, to not advise of any results of this testing. All this does is accord to a person who believes that by his active participation in securing the testing that he is in complicity with an abortion which is against his conscience that he not be required to do so. No standards of medical practice are changed. There is no immunity from failure to inform of the prognosis, condition and risks. There is no immunity from failure to... from failure to inform of the existence or results of the test. And I move that the House override the Governor's veto."

Speaker Madigan: "Mr. Young."

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

Speaker Madigan: "The Sponsor yields."

Young: "Representative, could you explain to the body why the Governor vetoed the Bill or what he said in his message?"

McCracken: "Yes, the Governor read into it that this Bill would allow the doctor not to advise of the existence of the test or even necessarily to advise of the results of any tests which were taken. I might add, I wrote a letter to the Governor and I said, 'If you agree with the concept but feel the language is a problem then I would consider an Amendatory Veto.' I never received a response and then I got the message which essentially says that... 'Although

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the underlying concept is laudable, the... his reading of it was not acceptable to him'."

Young: "What is the underlining concept, again?"

McCracken: "That the doctor not be forced to participate in the securing or taking of the tests."

Young: "Okay. To the Bill, Ladies and Gentlemen of the House. I read the Bill exactly as the Governor does. It is my interpretation of this Bill, even though I'm glad for the record, the Sponsor said that he doesn't agree with it, but, it's my interpretation of the Bill that it would authorize a physician not only to refuse to participate in testing or treatment but would also grant immunity from a physician if he refused to fully inform a patient of all the medical options. I think that is a very most significant step that certainly should not be undertaken by this body. That if any one of us or any of our constituents goes in for medical treatment of any kind, we have an absolute right to be informed of all the medical options that might be available. The Governor correctly interpreted this Bill. His Veto Message is clear. This is a step that should not be taken. All of our constituents have a absolute right in any area of medicine, regardless of whether it deals with fetal viability. We cannot open up a door where we start granting physicians immunity from refusing to fully inform. We cannot even suggest to the medical field that they can decide, based on their own personal beliefs, what a patient should or should not be told regarding his medical options. This is a Motion that we should vote 'no' against."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. A question of the Sponsor."

Speaker Madigan: "Sponsor yields."

O'Connell: "Representative McCracken, as the Chief Sponsor of

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this Bill, I would like to ask you several questions. If a doctor, a physician in the routine examination of a patient or child birth discovers that there may be an abnormality in the... in the caring of the unborn child. Does the physician have a duty to inform that patient that he has detected an abnormality?"

McCracken: "Absolutely. And I refer you to the language which is in the old Act and is unchanged in the Act as amended, requiring the physician to inform the patient as to her condition, prognosis and risks."

O'Connell: "And is it your opinion as the Chief Sponsor of this legislation, that the option as to once the patient is informed that there is an abnormality that that patient when asked... asking the treating physician whether or not a further diagnostic test is needed, that that patient if the patient is not satisfied with that doctor's position where he makes no recommendations whatsoever can obtain another physician for further recommendations?"

McCracken: "Yes, of course. And I might add that the doctor would be under a duty to inform about the testing because of the duty to inform as to condition, prognosis and risks. So, I... it is my intent that the doctor not only advise of the condition but also advise of the availability or the existence of other diagnostic tools."

O'Connell: "And that the intent of this Bill then, is that a physician who has, in his own conscience, an aversion to providing these diagnostic tests does not have to be compelled to perform those tests but does have an obligation to advise a patient of an abnormality which he suspects and has a duty to recommend that that patient seek other advise if he is not satisfied with his."

McCracken: "Yes, that is correct."

O'Connell: "Well, to the Bill, Mr. Speaker. I am the hyphenated

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Chief Sponsor of this Bill and I would concur with the responses given by Representative McCracken, that this Bill in no way, immunizes a physician from the duty to perform adequate and proper care in the treatment of a pregnant woman. And in fact, has an obligation and duty when it is detected that there may be an abnormality which could lead to harm either to the unborn child or to the wife, to inform that patient of such potential defect. I would support the override of House Bill 1415."

Speaker Madigan: "Mr. Bowman."

Bowman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, the operative language in this Bill is 'may lead to an abortion'. Now, abortion is a choice that is made by the woman carrying the fetus. This requires the physician to understand and to know the mind of the pregnant woman. This is something that we should not ask our physicians to do, to be mind readers. They cannot be mind readers. Number 2, it is possible with the present state of medical technology to do operations in utero, so that if certain fetal abnormalities are detected at the proper time in the pregnancy cycle, they may be corrected through proper surgery. And the fetus would be born normal, with a healthy prognosis. There is also, I think, the possibility that this legislation would result in fewer tests being conducted because the Bill clearly says that the physician is protected by law even if such tests are considered routine or normal medical procedure. And so even the most routine, the most basic or the most normal procedures may be, at the physician's discretion, dispensed with. And we may in fact, have a condition of more fetal deaths occurring and more babies born with abnormalities than if this Bill were not to pass. I think the most prudent course of action for us to take is not to approve this

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Motion and support the Governor's veto."

Speaker Madigan: "The question is, 'Shall House Bill 1415 pass the... Mr. Black, are you seeking recognition?'"

Black: "Yes, Mr. Speaker, if I might a question of the Sponsor?"

Speaker Madigan: "The Sponsor yields."

Black: "Representative, I think one of the concerns that has come up over this Bill, and I was with you on the original Bill, but I'm having some serious doubts about this. If indeed the Governor's veto message is even remotely accurate, are we not getting into the area of informed consent?"

McCracken: "No. And the reason I say that is because the law has been and still is, a duty to fully inform the patient of condition, prognosis and risks. That has always been the law. It is the law when this Act was created ten years ago. It is unaffected by this Amendment so there is not an issue of informed consent."

Black: "I... I appreciate your answer and your candor and in all due respect to you I, as a non-attorney, have some very serious doubts that this Bill perhaps does not raise that question and for that reason I will not be able to support you in this Motion."

Speaker Madigan: "The question is, 'Shall House Bill 1415, pass the veto of the Governor notwithstanding?' Those in favor of the Motion signify by voting 'aye', those opposed by voting 'no'. Mr. Young wishes to request a verification if this gets the required number of votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. McCracken, to explain his vote."

McCracken: "I'd just like to point out that the issue of informed consent does not exist in this case. As you can see from the language that is unchanged, the duty to inform is unchanged and you can see also that the point at which the doctor can safely no longer participate is when it becomes

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an issue of aiding in the performance of these tests. That is all that this Bill allows the doctor to do. It is a matter of conscience which this country accords even to those who do not wish to fight in defense of her. It is analogous to, I submit, the conscientious objector in war time. And I think that this is a moral issue that should have the deference of the legislature and the state. That is where we deal in questions of such an intimate moral nature. We should allow the conscientious objector to exercise himself according to his personal conscience and that's all this Bill does."

Speaker Madigan: "Mr. Homer."

Homer: "Thank you, Mr. Speaker. I've been asked by a number of groups to take a good look at this Bill. Actually, they were lobbying against the Bill. I've looked at it and read it. And candidly, I can't understand why this debate has been so expansive. As I read the amended language, it really doesn't do anything to change what is already the current law. The law already is that, 'no physician is required to participate in any medical practice against his or her conscience'. And then this Bill goes on to say, 'including but not limited to participating in diagnostic testing to detect fetal abnormalities'. Well, isn't that already a form of medical practice and if so, what's that big hoopla about? I don't think that what were doing here really adds or detracts from the Bill. We're just giving an example of what the law already provides for. So, I don't really think that our debate here on this issue is all that significant."

Speaker Madigan: "Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 66 'ayes' and 44 'nos'. On this question, there are 66 'ayes', 44 'nos'. The Motion fails. On page 9 of

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the Calendar there appears House Bill 2114, Mr. Bowman. Mr. Bowman. Mr... Mr. Bowman. Turn on Mr. Bowman. Is your light on, Mr. Bowman?"

Bowman: "It is now, thank you. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. After two controversial Bills, I'm glad to say we have an easy one here. House Bill 2114 simply directs emergency service agencies, otherwise known as 911 systems, to install communications equipment with which deaf people can communicate. Right now, deaf people who have this specialized equipment in their homes, cannot communicate in many instances with their local emergency services. So their calls... they have no way of calling for police or fire protection and if you were a deaf person in a burning building, you would want this Bill very much indeed. I believe the Governor's Veto is ill-advised and I ask for you to join me in overriding this. It passed almost unanimously in the first instance."

Speaker Madigan: "The question is, 'Shall House Bill 2114, pass the veto of the Governor notwithstanding?' Those in favor of the Motion signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 83 'ayes', 28 'nos'. This Motion, having received the required three fifths Majority, is adopted. House Bill 1149, page 8 of the Calendar. Martinez."

Martinez: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1149 provides for certified interpreters to interpret for a criminal, defendants and certain individuals in juvenile proceedings who are not capable of understanding the English language or expressing in such language so as to be understood by counsel or court. We have a fast growing Hispanic community in Chicago and many

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of our young people do not speak English well. My Bill simply guarantees these young people will be fully aware of their legal rights. I would greatly appreciate your favorable vote on this legislation. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass, the veto of the Governor notwithstanding?' The Chair recognizes Mr. McCracken."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen. Certainly, this is a not bad idea. No one... no one wants a person to appear before a court of law and not be able to communicate. But, in the courts I've been in, there is an interpreter provided. I think in Cook County they even have an official service for it. And I know in other counties in the Chicagoland area, they provide one as necessary. And it isn't just Spanish it could be any language. In effect, this is a problem which is being addressed already at the local level. I don't see a reason that it has to be addressed by the state because it would be duplicative. And particularly at this time when money is short, and I respectfully rise in opposition to the Motion."

Speaker Madigan: "Mr. Berrios."

Berrios: "I stand in support of Representative Martinez's Motion because of the fact that a lot of times when you go to court there aren't interpreters present. There aren't individuals there that can step forward and help an individual that speaks Spanish or any other language and help them. I've gone to court in Chicago and have been asked by people, 'Do you speak English?', so that I can step forward for them and in actuality explain to the Judge what happened. I think this is wrong because of the fact that I don't think that a lot times that I can stand up there and communicate for some of these individuals and I

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think there should be an official there within the court system that can help these people. And I would ask for your favorable vote in overriding the Governor's Veto."

Speaker Madigan: "Representative Parcells."

Parcells: "Thank you, Mr. Speaker. Ladies and Gentlemen, it's very important to have these interpreters in court and they are there now. The courts are doing a good job. This might even prevent some from coming because they're going to have to be registered and licensed. And we have many languages, we may have as many as 50 or 100 languages that have to be spoken. And if these people have to go through this procedure, they may not be available to the court. The courts do a good job now. Furthermore, in the Registration and Regulation Committee we have 30 or 40 new groups that come in all the time that want licensing and registration. We're overdoing this thing. We don't need this. The courts are doing a good job of it now. You'll actually hamper these people because they won't have the proper languages being spoken there when they need it. I encourage you to vote 'no' on this Motion."

Speaker Madigan: "Mr. Matijevich."

Matijevich: "Mr. Speaker, I'm prompted to speak now because I heard the last person. This is a case where somebody who's not living with the problem is telling somebody who's living with the problem, that you have no problem. Both Representative Martinez and Representative Berrios know that there's a problem. Even Representative McCracken in his remarks, said this is a good idea that we ought to have interpreters to protect people's rights. And I think that's important that we ought to all stand here and protect the rights of people who may be innocent. And because they have a language problem, cannot show their innocence. So I would urge the Members to listen to these

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two Gentlemen who come to us with a problem and to respond with an 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass, the veto of the Governor notwithstanding?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Mr. Homer. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Younge to explain her vote."

Younge: "Thank you, Mr. Speaker. I support Representative Martinez in this Bill because it is impossible to talk about a person having a fair trial if they can't understand the proceedings. If we are do not... make the interpreters available to court to a person with a language difficulty then it is impossible for them to be a person who receives his rights under the Bill of Rights and under the Constitution. I think it's an extremely important from the standpoint of our system of jurisprudence and our systems of laws that we be fair and just to all people in our society. And I think it's just a basic question of... of... of fairness that a person ought to have the capability of understanding what is happening to him in the proceedings. And for those reasons I think that we ought to be voting with Representative Martinez."

Speaker Madigan: "Have all voted who wish? Mr. McGann to explain his vote."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. When Representative Martinez first came to me to ask for my support in this override, I had a question because of the cost. But after my deep conscience and thinking it over, I felt as though it was very, very unfair that a person is unable to speak the English language and understand the English language would be deprived of his rights. For a small amount of cost, I felt as though a change in my

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attitude should take place. And I wholeheartedly attest with the last speaker stated, I believe it's very, very important that everyone, no matter what their national origin should be, they should have their rights protected. And the only way we can protect those that cannot understand the English language is to have these interpreters in the court to work in their behalf. I would urge everyone to reconsider and to give the 71 votes that are necessary to bring this about because I think it's a step in the right direction and we're working in the '80s, not in the '40s. Thank you."

Speaker Madigan: "Have all voted who wish? The Clerk shall take the record. On this question, there are 63 'ayes', 49 'nos', the Motion fails. Page 9 of the Calendar there appears House Bill 1646. Mr. Martinez. Mr. Martinez."

Martinez: "Thank you, Mr. Speaker, Members of the House. House Bill 1646 directs the Department of Public Health to conduct a study of the dreaded disease of diabetes among the high risk groups of Hispanics and of also among the people of African descent, the elderly, the obese, persons with high blood sugar content and persons with a family history of diabetes. The Department shall also conduct a public information campaign to inform these groups about the causes and prevention of disease, the types of treatment for the disease and how treatment may be obtained. I would appreciate a favorable vote. Thank you."

Speaker Madigan: "Mr. Ryder. Representative Breslin in the Chair."

Ryder: "Mr. or Madam Speaker, as the case may be. Transitional Speaker. I rise in opposition to the Motion for a number of reasons. One of which is that this program, although I think well intentioned, would be duplication on many of the

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programs of the Department of Public Health now has that is not specific to a particular high risk group, which is not specific to either Hispanics or people of African descent or elderly or obese, but rather is, as a Public Health Department should be, concentrating on the particular condition... the particular disease. As a result, there's going to be some duplication. Additionally, and I think, the most important is the reason that the Bill was vetoed. It was vetoed because of an annual cost of \$400,000. \$400,000 in the Public Aid... Public Health budget, which is not there now, not going to be there. The money is not there. We cannot, do not have the funds. We're not in a position to do it. And even as well intentioned as it is, I don't believe that the study at this time is the best way to treat the problem, but the study is simply duplicative of those other kinds of active programs that we now have. So, it's not the best way to spend money. It's not money that we have. I reluctantly urge to oppose the Gentleman's Motion."

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

Berrios: "Thank you, Madam Speaker, Ladies and Gentlemen of the Assembly. First of all, we're not talking about 400,000, we're talking about 200,000 that we may not even have control of. But, in the wisdom of the Senate and then later on when we get the chance to vote for it, if it passes the Senate, this legislation would have to be there in order for the University of Illinois to do this study. The only reason that in actuality that we bring this before you is because of the fact the University of Illinois through their own studies and other studies throughout the U.S., have found that Hispanics have a higher percentage of individuals who get diabetes. Why? We don't know the

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answers and that's why we want to do this study. We want to do this study because people in our community are having diabetes at such an alarming rate that we don't know what causes it. If it was in any other group, you know, we've always done studies before. We've done studies on dropouts. We've done studies on health care. We've done studies on why children die early. Why in the heck don't we pass this legislation so that we can find out in the Hispanic community why it affects us? The benefits will be for everyone. Why, you know, why stop this now. If it's going to help everybody let's do it. You know, we're talking about \$200,000 right now. We've spent millions of dollars on other things that in actuality won't help, you know, people throughout this state. A study like this will help everyone. And I would ask for your favorable vote."

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

Hasara: "Thank you, Madam Speaker. I rise in support of this Motion. I would like to inform all of you on the floor that I have a part of this Bill that would cost no money that would assist the 15,000 former Polio victims in the State of Illinois who are experiencing the same effects of Polio that they experienced thirty and forty years ago, for some unknown reason. My part of the Bill would mandate the Department of Rehabilitation Services to establish a hot line and to provide information to these people, who are now just really finding out that they are not alone in this problem. I attend support group meetings for Polio victims and almost every month someone new will come to a meeting, thinking that in some cases that they're dying. They have no idea what is happening to them. And it is quite touching to watch them come into a room of other people, who are also going through hopefully that you've read about the Post Polio Syndrome, and it is very

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gratifying to them to know that there is some help out there. This Bill got collapsed onto a Bill with Grace Mary Stern and Representative Martinez. I would like to remind you that my part of the Bill has no cost and so obviously, if there's no money there for Public Health, that Bill will not get funded. But, it will also then kill the Post Polio part of the Bill, which does not require any money. Thank you very much."

Speaker Breslin: "Representative Martinez, to close."

Martinez: "I would just like to say that, in my opinion, my Bill is not going to cost any money because it's part of the Medical Center budgeted funds that were appropriated for the Medical Center. And I personally don't think that \$200,000 is too much money to spend to save a few lives. And I'm asking everybody to search their souls and help me to save a few lives. So, I'm asking your favorable vote for this Bill. Thank you."

Speaker Breslin: "The question is, 'Shall the House override the Governor's Veto on House Bill 1646?' 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 Lady from Lake, Representative Stern, one minute to explain your vote."

Stern: "I only wanted, Madam Speaker and Members of the House, to make the point that the portion of this tripartite Bill that I sponsored, dealt with Osteoporosis, a disease that afflicts mostly the women past middle age and that we are dickering with the Dairy Association for the cost of the brochures that are called for in the Bill. So there's a very good chance, it wouldn't cost a dime. They have been very forthcoming and very cooperative. Thank you."

Speaker Breslin: "71 votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the

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record. On this question, there are 67 voting 'aye', 47 voting 'no' and 1 voting 'present'. Representative Martinez asks for a Poll of the Absentees. Are there any absentees, Mr. Clerk?"

Clerk O'Brien: "There is no one not voting."

Speaker Breslin: "Very good. And thus the Motion fails. Ladies and Gentlemen, we are going to go to page 7 on your Calendar under the Order of Total Veto Motions. We intend to proceed down the Calendar across page 8 and page 9 in an orderly fashion, hoping that the Members would give us a brief explanation of the Bill. And perhaps one person to speak in opposition and then go to a vote. After that we intend to go to Amendatory Veto Motions and then we intend to go to all of the budget items for those Members who wish to present their Motion to restore funds. We will not go to every Motion but only those that you indicate you wish to pursue that Motion. We have a lot of material as you can see to be covered in this amount of time. Once we finish on Total Veto Motions, if you do not call your Motion, we will not go back to it. This is like 6:00 on June 30th. So, if you can be prepared, in your seat and ready to give us a brief explanation of why the Membership should override the Governor's Veto, we will begin. The first Bill is House Bill 73, Representative McAuliffe. Out of the Record. House Bill 93, Representative Curran. Representative Curran. The Gentleman is not in the chamber. Out of the record. House Bill 192, Representative Anthony Young. Out of the record. House... page 8 on your Calendar, House Bill 213, Representative Cullerton. The Gentleman is not in the chamber. Out of the record. House Bill 294, Representative Currie. Out of the record. House Bill 394, Representative O'Connell. Out of the record. House Bill 401, Representative Matijevich.

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Clerk, read the Motion."

Clerk O'Brien: "House Bill 401, I move that House Bill 401 'do pass', the veto of the Governor notwithstanding."

Speaker Breslin: "Representative Matijeich."

Matijeich: "Madam Speaker, Ladies and Gentlemen of the House, House Bill 401 is a Bill that has been thoroughly debated on the floor of the House. It has been called the CUB insert Bill where inserts would be provided in state mailings of 50,000 or more pieces. It is a Bill that the Governor Vetoed. And in his veto message said that he would have signed the Bill as it was originally introduced, where it would have been in the public utility mailing... mailings as an insert. That part of the Governor's Veto Message, I might say, has made the public utilities very nervous at least one that I have been alerted to, who indicated if he... have his druthers he'd druther we override the Governor's Veto. If we do not pass this Bill as it is presented to us, the Citizens Utility Board would be virtually useless in its stated public purpose and certain public mandates that we have given the Citizens Utility Board. The Bill was structured so that CUB would pay all incremental costs in this mailing. CUB has written agencies promising to work with them as it did the public utilities when it had inserts. And when it worked with the public utilities there at no time was... any time did the CUB have to pay any incremental costs. In our debate on the floor of the House, we said one, that the... there would be no mailings, for example made to... inserts made in legislative mailings as the State Chamber of Commerce, for example said in one of the letters to us. We also said on the floor of the House and some of you, for example, I think it was a question brought on the floor by Representative Black, that in no way would the inserts be

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placed in mailings that would be contrary to both federal law or federal rules and regulations. For example, in mailings to the... the Depa... the Department of Employment Security, Department of Public Aid. The CUB needs this Bill, we need this Bill. When we passed CUB and put it into these state law, we declared it a public purpose, a public purpose, and that makes it very different from private agencies. They have to live up to the Open Meetings Act, for example. So, I would urge the Members to override the Governor and pass House Bill 401, the Governor's Veto notwithstanding."

Speaker Breslin: "Ladies and Gentlemen, this is a Bill that was thoroughly debated and lobbied in the last Session. There are 8 or 10 people seeking recognition. I think with the permission of the Membership it would be appropriate to go to a person who will speak in opposition and then allow Members an opportunity to explain their votes, if that is still necessary. The first light on and a Member of Leadership on the Republican side of the aisle, was Representative Ewing. Representative Ewing."

Ewing: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. There are many pieces of legislation that we consider here every year, some of which I oppose and some of which I support. Many of these, I have some lukewarm feelings about. This is not one of those. I feel extremely strongly that this is a very bad precedent for this House to set to override this veto and to require a private organization to have the right to include their literature in our state mailing. Now, why do I feel this way? Because I support the aims of CUB. I support the aims that this organization is seeking to achieve in modifying and lowering and holding down utility rates. But, I oppose this, it's very bad policy, even though I

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support the underlying principle, this organization. And I do so because of the costs to the state. Now, I'm sure that the proponents are going to say, 'It doesn't cost anything'. Well, Ladies and Gentlemen, it only doesn't cost anything if there is in the state mailing, hardly any weight for the state. Because if the CUB organization keeps their mailing weight down there will be below point 3 of ounces. There will be no charge even if the state has to put another stamp on. The estimate for cost by the different agencies, Employment Security, Public Aid, Revenue, Secretary of State, those alone are over \$6,000,000. Ladies and Gentlemen, \$6,000,000 of state money which we need for really state purposes. Number two, the Sponsor of this Motion indicated that in his debate that there were certain legislative intents put into the record. I want to point out, Representative, that within two weeks of the passage of this Bill, before the Governor had acted on it, the CUB organization had already contacted the Department of Employment Security to arrange for their mailing. When in fact, it was pointed out in debate in this House, they wouldn't be included. When it was pointed out that we were going to lose federal funds if it was included. I think it's obvious that CUB doesn't intend to pay any attention to legislative intent by the Sponsor. I think it is obvious that they will try to put their mailings in Senatorial mailings or House mailings if there is enough quantity. Ladies and Gentlemen, let's keep state mailings for state mailings, private mailings for private mailings. And I would reiterate the cost and the very bad precedent. Every one of us knows of at least one other organization that could avail themselves of the right to use public mailings. This is an excellent place to sustain the Governor's Veto, save money and make good public policy."

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Speaker Breslin: "There being no further discussion.
Representative Matijevich to close, briefly."

Matijevich: "I'll be brief but, Dick Klemm came over to my desk for example and wanted me to make sure that in my closing that I will make the statement again, that there will be no cost to the... to the state. The Bill says that, that the incremental cost will be born by the Citizens Utility Board. And also in response to Representative Ewing, that in the law that created CUB, we state that the purpose of the act is to promote the health, welfare and prosperity of all the citizens of the state. And such person shall be... such purpose shall be deemed a state-wide interest, and not a private or special concern. Ladies and Gentleman of the House, if CUB is going to be remain viable, it needs this. It needs it badly. And I think all of you have heard from your consumers. I urge an 'aye' vote."

Speaker Breslin: "The question is, 'Shall the House... Shall House Bill 401 pass the veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Lake, Representative Churchill, one minute to explain your vote."

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. There's some particular problems with this Bill I've discussed with the representatives from CUB. This Bill relates to every department in state government. And there are some departments that send out so few mailings, or mailings that are specialized, or mailings that take specialized personal handling that if CUB delivered the material to those agencies they would have to hire additional help to get those mailings put out. And I think just from that point alone, that there is additional cost that will not be covered from CUB because of the fact that

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they only cover postage cost. We should have some limitation on the departments that this is related to. And it's something that we should work on at a future time when we can determine those cost and at this point I think it's inappropriate to pass the Bill at this time. Maybe next time it would be."

Speaker Breslin: "Mr. Novak, one minute to explain your vote."

Novak: "Thank you, Madam Speaker. As a Sponsor of this I rise in support of this Bill. CUB... the CUB situation is, is the answer to the citizens lobby in Springfield. The Commerce Commission has not listened to the citizens of the State of Illinois, with all these outrageous utility rates. And CUB is the last resort for our citizens. Especially, senior citizens that are on fixed incomes that need a voice in Springfield before the Commerce Commission. This is a good Bill and I applaud Representative Matijevich and all the supporters of this. Thank you."

Speaker Breslin: "Mr. Johnson, one minute to explain your vote."

Johnson: "I think just for the record I'm supporting the Bill as well as a number of others are. But, I think it's my intention and I would hope and assume the intention of the Sponsors of the Bill, that... that this Bill not include a requirement that the various state university athletic associations, University of Illinois foundation, for example, and the Alumni Association have to include this in their mailing. That wasn't the intention of the Bill, I don't think. And Representative Matijevich has indicated to me that that is likewise his intention. And we just want to make sure we don't get overly broad in this area. I think it's an important Bill that addresses a serious problem. Stick with those of us who are faced with a real crisis in power, supply and cost now. And I support the Bill, but I wanted to make that clarification. Thank you."

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Speaker Breslin: "Mr. Sutker, one minute to explain your vote."

Sutker: "Madam Speaker, and Ladies and Gentlemen of the House, I support this CUB Bill for several reasons. And I think it's important for all of us recognize the peculiar and important role that CUB has had. It is not just an informational agency. It has truly become the ombudsman for us all in matters that relate to public utilities. I would urge those of you who have voted 'no' on this to reconsider it because I think it's important that this House show its unanimity with respect to this ombudsman and to this creation that came from this House in the first instance. And Madam... Madam Speaker, I vote 'aye'."

Speaker Breslin: "Mr. Barger, one minute to explain your vote."

Barger: "Thank you, Madam Speaker. As one of the original Sponsors of the CUB act, I'd like to mention that in the statute it states that the CUB is to represent the ratepayers in before the Illinois Commerce Committee and that it is not supposed to involve itself in politics. I got many threatening post cards, threatening to vote against me if I did not support CUB. This is wrong. It's statutorilly wrong. And it should not be allowed. Another thing I would like to mention is that we represent not only ratepayers but we also represent citizens of the State of Illinois who are stockholders in the various utility companies. I do not own stock in any utility company, but it is unfair for us to represent one side against another in any..."

Speaker Breslin: "Bring your remarks to a close."

Barger: "... It is un... improper for us to represent one group of Illinois citizens against another group of Illinois citizens. And I would ask you all to vote for fairness in this case and to defeat this Bill."

Speaker Breslin: "Mr. Klemm, one minute to explain your vote."

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Klemm: "Thank you, Madam... Madam Speaker. Initially I voted against this Bill and I explained when I went back to my district, all the reasons why. The philosophical differences of allowing a group to vote or to insert their Memberships in the mailings. I explained all that but, in my district, two issues are very important. One is not to increase taxes. And the second issue, everybody asks me about is, we've got to do something about the high, spiralling increases of our utility costs. That became the paramount issue in my district this summer. So, in spite of my philosophical beliefs, because I don't think we should be including it, and with the assurances however of CUBs, the Sponsor of the Bill of what we're trying to do and that they will not include incremental costs that will affect the Gov... financial responsibilities, I decided that I will vote... vote in favor of the consumer and support this Amendment. (sic - Bill) Thank you."

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

Black: "Thank you very much, Madam Speaker. As my name was mentioned by the Sponsor of the Bill. I would just like to say that I appreciate Representative Matijevich talking with me yesterday about this Bill. And I think he's made it clear again today, that if anything is done that endangers the franking privilege from the Illinois Employment Security Agency, we're going to take another look at this. We also discussed the precedent factor. And I think if we're besieged a year from now by dozens of worthy agencies who want to spread the message, he said he would take another look at this matter. That's good enough for me. I think public policy is well served by stirring debate and public discussion on an issue of importance to every person in this state, business, management, labor or individual. And that is where we're going with utilities,

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rates, availability, etc. It's therefore, that I join with the Sponsor in... in his Bill."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 100 voting 'aye', 14 voting 'no' and 1 voting 'present'. And this Motion, having received the required three fifths Majority, is adopted. House Bill 422, Representative Hyvetter Younge. Do you wish to proceed? Read the Motion, Mr. Clerk."

Clerk O'Brien: "I move that House Bill 422 'do pass', the veto of the Governor notwithstanding."

Speaker Breslin: "Representative Younge, what... the Motion. She withdraws the Motion. Just motion to me so that we can move quickly. You don't have to get up and speak. House Bill 486, Representative Didrickson. Read the Motion, Mr. Clerk."

Clerk O'Brien: "I move that House Bill 486 'do pass' the veto of the Governor, notwithstanding."

Speaker Breslin: "Representative Didrickson."

Didrickson: "Thank you, Madam Speaker, Members of the House. House Bill 486 is the State Board of Education's comprehensive gifted education state-wide program. It's the beginning of coming on to a 25th anniversary of gifted education in Illinois, which we really need to become to... make a commitment. What this Bill does is, it does not mandate a state-wide program at this point, but it does say that each of our school districts must begin to develop a plan and determine due an assessment, what is and what isn't out there. The Governor's Veto Message said nothing. There was no veto message other than the fact that it ended up in the onerous list for taxpayers. When I look at... I don't think that the Governor could have probably really closely read this Bill, because in here we have very

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clearly stated and very carefully, that there would be no funding, there will be no mandate until 1991 unless the Governor and the General Assembly, that means you and I, decide that yes, there are resources available. And that yes, we want to put together a funding formula for the kids, the gifted education kids in the State of Illinois. I ask for your 'aye' vote for the kids out there. That special core of kids that really do need some attention in this state and commitment from you and I. I ask for your 'aye' vote."

Speaker Breslin: "The Lady has moved to override the Governor's Veto of House Bill 486. Is there any discussion? Hearing none, the question is, 'Shall House Bill 486 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? The Clerk will take the record. On this question, there are 89 voting 'aye', 24 voting 'no' and 1 voting 'present'. And this Motion, having received the required three fifths Majority, is adopted. House Bill 654, Representative Rea. Read the Motion, Mr. Clerk."

Clerk O'Brien: "I move that House Bill 654 'do pass', the veto of the Governor notwithstanding."

Speaker Breslin: "Representative Rea."

Rea: "Thank you, Madam Speaker, Members of the House. House Bill 60... 654 passed out of the House on home health care. It provides that the value of cash, property and other assets of a recipient. It's not that it's increased in the amount to determine the amount and nature of home care services. There is a great need as we discussed this before. There are approximately 14% that are not receiving that should and there are many of these people that certainly would not be going to nursing homes that they would be able to

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remain in their homes where they... where it would be less expensive to keep them. And also they'd be much happier and perhaps live a much longer life. There was a recommendation by the Illinois Senior Citizen Leadership Conference that urged this action to be taken. And this Bill had passed out of the committee 20-0 and 113-0 earlier. I would ask for your 'aye' vote."

Speaker Breslin: "The Gentleman has moved to override the Governor's Veto on House Bill 654. And on that question, the Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Madam Speaker. Will the Gentleman yield for a question?"

Speaker Breslin: "He will."

Mays: "By raising the asset test on this, how much increased eligibility are we talking about? In other words, what's the estimated increase cost to the state?"

Rea: "Well, actually there was an estimate that was done by the Department of Aging. But that fiscal note, we feel, was far over projected. And that was 651,000. And the thing about it is that whenever you can keep people in their homes, it's much cheaper to do that than it is for the state to have to pay the expenses in the nursing home."

Mays: "Is there any appropriation to follow this Bill, in the Aging's budget? If we increase the eligibility, where does Aging's budget stand on this? Will we just be running them out of money sooner in the year?"

Rea: "I think that in reviewing this back earlier that there would be sufficient funds within the department to be able to carry it."

Mays: "Thank you. To the Bill, the bottom line is this is a substantive change in legislation that will have a net cost increase to state operations. The estimate of the department is \$651,000. I don't know if the department has

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this money built into its existing budget, but if it doesn't, what that means is we'll just run a line item out earlier than we have and it's another false promise delivered to a special group. I would urge a 'no' vote."

Speaker Breslin: "The question is, 'Shall House Bill 654 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 66 voting 'aye', 47 voting 'no' and 1 voting 'present'. And the Motion fails. House Bill 664, Representative Turner. Clerk, read the Motion."

Clerk O'Brien: "I move that House Bill 664 'do pass', the veto of the Governor notwithstanding."

Speaker Breslin: "Representative Turner."

Turner: "Thank you, Madam Chairman, and Ladies and Gentlemen of the Assembly. House Bill 664, it amends the Illinois Act on Aging and it requires the Department of Aging to appoint a task force to study the need for senior shared housing here in the state. As you know there's been no commitment on the part of the State of Illinois to deal or to address the question of housing for both low and moderate income. And of course, there's a whole other category in terms of seniors and it's been proven over the years that shared housing is a workable idea. It's...states, Michigan and others have created this approach and we're only asking and with the help of the Department of Aging to study this particular issue so that next year when we better know what our funding sources look like... funding resources look like we could hopefully implement a very crucial problem that our seniors are confronted with here in the state. I ask the support of this Assembly to override the Governor's Veto on this. His message is a rather lengthy

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one. He accused us of being popular legislation in terms of just an idea that I'm trying to satisfy our constituency, for whatever reason. And I am very serious in terms of the nature of this problem. The cost of the task force was estimated at \$50,000. I think the department feels they could do it for a lot less than that. Actually, we're only talking about the cost of incidentals for the meetings and all. I think this is very little expenditure in terms of the need... in terms of the problems that we're trying to address. And I ask your favorable support in the override of the Governor's Veto on House Bill 664."

Speaker Breslin: "The Gentleman has move to override the Governor's Veto on House Bill 664. And on that question, the Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Madam Speaker. I might just point out that our analysis indicates that the Department of Aging currently is operating a shared housing program, called the Senior Shared Housing. And the program, according to this analysis, is operated by the Northwest service coordinator for health impaired elderly. If that is the case, I don't know what the difference in that and what he is proposing would be. But, I do see an added cost and under that circumstance and scenario, I would urge a 'no' vote."

Speaker Breslin: "With permission we will only entertain those who... wish to explain their vote later. The question is, 'Shall House Bill 664 pass, the veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Myron Olson to explain his vote, one minute."

Olson: "Thank you, Madam Speaker. I just noticed in our veto analysis book, this initiative didn't include Madison

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counties, Winnebago and Peoria and as a consequence I feel constrained to cast a 'no' vote."

Speaker Breslin: "Have all voted who wish? 71 votes are required. Have all voted who wish? The Clerk will take the record. On this question, there are 65 voting 'aye', 45 voting 'no' and 5 voting 'present'. And the Motion fails. House Bill 708, Representative Hannig. Representative Hannig. Out of the record. House Bill 819, Representative Flowe... excuse me, Representative Hannig is here and wishes to pursue the Motion. Read the Motion, Mr. Clerk. On 708."

Clerk O'Brien: "I move that House Bill 708 'do pass', the veto of the Governor notwithstanding."

Speaker Breslin: "Representative Hannig."

Hannig: "Yes, thank you, Madam Speaker, Members of the House. Very briefly, we debated this Bill yesterday and under a verification with some light attendance, it was finally defeated. Basically, this proposal says that the state agencies, that our state agencies will not be allowed to purchase and distribute food that was purchased outside, or was made outside of the United States, grown outside of the United States in areas where we have, in our own borders in the United States, American grown food products. And as I stated yesterday, it grew out of an incident where we found that in our state prison system, right here in the heart of America where we have very efficient hog farmers and grain farmers, we were buying foreign products from over in Yugoslavia. On that debate, all the merits of the Bill, I think you are familiar with from yesterday. And I'd ask your 'yes' vote."

Speaker Breslin: "The Gentleman has moved to override the Governor's Veto on House Bill 708. Is there any discussion? Hearing none, the question is, 'Shall this

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Bill 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? 71 votes are required. Have all voted who wish? The Clerk will take the record. On this question, there are 63 voting 'aye', 40 voting 'no' and 6 voting 'present'. And this Motion fails. House Bill 819. Representative Flowers. Representative Flowers. Out of the record. House Bill 848. Representative McGann. Read the Motion."

Clerk O'Brien: "I move that House Bill 848 'do pass', the veto of the Governor notwithstanding."

Speaker Breslin: "Representative McGann."

McGann: "Thank you, Madam Speaker, Members of the Assembly. We won't take too much time. We had House Bill 848 yesterday. There were some misconceptions in regards to what the Bill did. And it sets forth the guidelines for the Department of Mental Health and Developmental Disabilities to set up the qualifications for their staff and prescribe duties and so forth. And we have these difficulties resolved and this is a bipartisan effort to help the Department of Mental Health. And I'd ask your support... this override total veto without withstanding of the Governor's..."

Speaker Breslin: "The Gentleman has moved to override the Governor's Veto on House Bill 848. Is there any discussion? Hearing none, the question is, 'Shall House Bill 848 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', 8 voting 'no' and 2 voting 'present'. And this Motion, having received the required three fifths Majority, is adopted. House Bill 866. Representative Terzich. Clerk... out of the record."

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House Bill 1034. Representative Hyvetter Younge. Clerk,
read the Motion."

Clerk O'Brien: "I move that House Bill 1034 'do pass', the veto
of the Governor notwithstanding."

Speaker Breslin: "Rep... Excuse me, Representative McCracken, for
what reason do you rise?"

McCracken: "Just to say that this... this had it's vote
yesterday. There are many things on the Calendar that
haven't had a vote yet. I would ask the Speaker if she's
going to go back over these Motions, to at least take first
those that haven't had a vote yet."

Speaker Breslin: "I don't intend to do that. I intend to do them
by numerical order. We will be very quick. Representative
Younge, tell us what..."

McCracken: "Alright."

Speaker Breslin: "... the Bill does and why we should override,
please."

Younge: "Thank you very much, Madam Speaker. The Bill
establishes a job opportunity act or program that would
give 32 hours a week of work to people 16 years and older.
More importantly it would give the state an alternative to
the popularism of general assistance and public aid."

Speaker Breslin: "Okay. Representative Younge, Ladies and
Gentlemen, this is a Bill that we voted on yesterday. If
you will recall what it does. Does anyone seek to speak in
opposition? No one does. We will take the vote. The
question is, 'Shall House Bill 1034 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? 71 votes are required. Have all voted who
wish? The Clerk will take the record. On this question,
there are 60 voting 'aye', 49 voting 'no' and 2 voting
'present'. And this Motion fails. House Bill 1068.

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Representative Leverenz. Representative Leverenz. Read the Motion. Excuse me, out of the record. House Bill 1446. Representative Giorgi. Representative Giorgi. Representative Giorgi. Read the Motion, Mr. Clerk."

Clerk O'Brien: "I move that House Bill 1446 'do pass', the veto of the Governor notwithstanding."

Speaker Breslin: "Out of the record. House Bill 1498. Representative Bugielski. Out of the record. House Bill 1562... 67. Representative Petka. Read the Motion, Mr. Clerk."

Clerk O'Brien: "I move that House Bill 1567 'do pass' the veto of the Governor, notwithstanding."

Speaker Breslin: "Representative Petka."

Petka: "Madam Speaker, Members of the House, House Bill 1567 would add a new factor to be considered by in determining whether or not the death penalty should be imposed where a person has been convicted of a murder committed in a cold, calculated and premeditated fashion pursuant to a preconceived plan. This piece of legislation was designed to clarify and clear up an anomaly that we have under Illinois law, which permits the imposition of the death penalty, where an individual did not actually plan to commit a murder during the course of a commission of a forceful felony. And yet, where a person, such as the case we had back in Will County, where a woman was driven to a secluded spot and was immersed in gasoline and burnt to death while she was alive, but because of the provisions of the... did not exist for the imposition of the death penalty, one could not be sought. This Bill passed out of the House and was vetoed by the Governor on the basis that in his opinion, the Bill was unconstitutional. Now, I recognize that our Governor was one time a prosecutor, but so was I. And in looking at this law and researching it,

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we found that the State of Florida, which is the genesis for this law, had the constitutionality of this provision tested in its Supreme Court. And I may remind the Membership that the State of Florida, at this time, leads the Nation in executions. And there is a very active American Civil Liberties Union in that state along with a very active coalition against the death penalty. This provision was tested in the Florida Supreme Court. There was a ... to the United States Supreme Court which was denied. As a result, this statute has been found constitutional in a state that leads the Nation in executions. I would strongly urge the Members of this General Assembly at this time to override the Governor's Veto. If in fact there is going to be a constitutional infirmity, which I do not believe exists, the place for testing that constitutional infirmity is in the court. It will not jeopardize all of the other statutory aggravating factors, which we currently have. It will not result in the release of John Wayne Gacy or others like him from prison. Once again, I ask for your favorable vote as you gave to this Bill in June."

Speaker Breslin: "Representative Countryman."

Countryman: "Thank you, Madam Speaker. I rise in opposition to this Motion to override the Governor's Veto. The Representative making the Motion has indicated that the Governor was a former prosecutor. And very seldom does he veto criminal law legislation. But, in this particular instance, he has said specifically in his veto message and I quote, specifically new language added to this section raises the constitutional question of vagueness in terms of quote, 'cold and calculated' are not defined. These are the very questions that I raised in this House floor when we voted on this Bill in a big hurry on the last night

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for... Bill deadlines. In addition to that this Bill has not had the opportunity of being scrutinized by the committee nor being redefined. Now, I stand as one who supports the death penalty and I would like to see us come to a reasonable solution to these things. But, passing bad law, bad language, language that won't meet in our own Governor's estimation, the Illinois Constitution, is not the way to do it. What happens in Florida is an entirely different thing. This question is whether or not this language meets the requirements of the Illinois Constitution. It's vague. It's indefinite. It's uncertain. And if you can tell me what cold murder is or calculated murder is without a definition then I think you're a better lawyer than I am and I applaud you for it. But, I think right now the thing to do is sustain the Governor's Veto. And I ask for a 'no' vote."

Speaker Breslin: "Representative Cullerton, briefly."

Cullerton: "Yes, I can be very brief especially if I know it's not going to pass. I didn't speak on this the first time, but it's very important. The reason why the Governor vetoed the Bill, I'm sure, was because of the cost. The Governor knows that to prosecute a capital case, a death penalty case, it costs ten times the amount that it costs to prosecute a normal case, a normal murder case. Now, the reason why that would make a difference in this Bill is because this Bill makes virtually every murder available for the death penalty. Okay. Now, that is not... that is not constitutional. A prosecutor under this Bill has a great deal of discretion in deciding which deaths are eligible. But, the Bill fails to give any guidelines which prosecutors may use in determining what is cold and calculating. The cases are clear and hold a clear and objective standards are necessary to narrow the class of

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crimes deserving the death penalty. So that sentencers can be guided in their decisions. This language says cold and calculated. That's all it says. The... I would give you an example that a wife, who after years of abuse, decides to kill her husband, would be just as liable to a death sentence under this Bill as a rapist or an armed robber who murders his victim. It is clearly unconstitutional. The Governor... I have looked at those Florida... the Florida statute and the Florida cases, it is entirely, I shouldn't say entirely different, it's similar, but it is different. The Florida cases almost contemplate a contract murder. They talked about it applying in a case of a contract murder. I would also say that the Florida statute has resulted in cases that are all over the ball park in determining when something is cold and calculated. I will give you this fact situation. A trial judge found that a victim who was 81 years old, semi-invalid, she was beaten, raped and killed by asphyxiation. Her hands had been tied behind her back and a gag placed in her mouth, and that either the gag or the garrotte placed around the victim's neck caused death and the court found that that was not cold and calculated. So, it... it's just... it just throws the death penalty statute to the wind. It will result in incredibly expensive, costly litigation and the Governor was absolutely correct. Now, let's face it, the Governor is a former prosecutor out at 26th and California, prosecutor in federal court. He does not take actions like this lightly. I would urge for you to listen to the arguments that the Governor's expressed and vote 'no'."

Speaker Breslin: "Representative McCracken, briefly."

McCracken: "I rise in support of this. There is no vagueness problem. The similar language has been sustained in Florida when challenged on that same basis. And any

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attempt to distinguish cases merely because they might originate in Illinois instead of Florida just doesn't hold any water. There is no good reason as a matter of public policy while cold and calculated murders should not be an aggravating factor in determining the death penalty. And that's all this does. It doesn't mandate the death penalty. That issue is still before the jury for the jury to decide whether this aggravating factor exists in any particular case. There's nothing wrong with this provision and we should vote to override the veto."

Speaker Breslin: "Representative Petka, to close. Representative Petka."

Petka: "Thank you very much, Madam Speaker. The issue of cost has been raised by one who opposes this legislation. And if I may just state something that's perhaps not directly germane to the legislation but, to me it's a doggone shame in this state, that 7 1/2 years after a man was convicted of murdering 33 innocent boys, that we're still paying for him. There is a reason we're paying to keep him alive. There is a reason why cost of litigation are so high as Mr... one of our Representatives so eloquently pointed out. The reason is not because the state wants to make the cost so high it's because the anti-death penalty lobby files motions and motions and motions and countless motions and endless motions fighting guerilla warfare to ensure that their chosen class of individuals, convicted killers of innocent people, will never meet their just desserts. As far as I'm concerned we ought to follow the lead of the State of Florida where they have a number of individuals who have already ridden what we very, very finely refer to as 'Old Sparky', we ought to enact legislation which in our opinion is very similar to, in my opinion which is very similar to that which has already been found

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Constitutional, not only by the Florida Supreme Court but ... an opportunity be tested in the United States Supreme Court, they simply refuse to even hear the argument. The smoke screen that has been raised here today, should not take away one iota from what we had before us. This is a vote which is on the merits of the death penalty. If you are in favor of the death penalty, as I am, I urge your strong and unequivocal 'yes' vote."

Speaker Breslin: "The question is, 'Shall House Bill 1567 pass, the veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Young, one minute to explain your vote."

Young: "Just to seek a verification, Madam Speaker."

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

Wennlund: "Thank you, Madam Speaker. I would ask the Members of the House to consider the tragic, cold and calculated murder of a young lawyer by the name of Tim McNammy early this year. This is the type of cold, calculated murder performed with a deer rifle at 100 yards to slay a young man. That's the type of murder that this Bill is aimed at. I'm a hyphenated Cosponsor. I urge more yes votes up there."

Speaker Breslin: "Have all voted who wish? 71 votes are required. Have all voted who wish? The Clerk will take the record. There are 63... 64 voting 'aye', 35 voting 'no' and 1 voting 'present'. Representative... 74 voting 'aye', 35 voting 'no' and 1 voting 'present'. Representative Young has asked for a verification of the Affirmative. Poll the Affirmative, Mr. Clerk. Representative Piel asks leave, Representative Young? Bob Piel asks leave. That is granted."

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Clerk O'Brien: "Poll of the Affirmative. Ackerman. Barger. Black. Brunsvold. Bugielski. Capparelli. Christensen. Churchill. Curran. Daley. Daniels. DeJaegher. Deuchler. Doederlein. Ewing. Farley."

Speaker Breslin: "Excuse me, Mr. Clerk. Representative McGann asks leave to be verified. Representative O'Connell asks leave to be verified. Representative Hicks changes his vote from 'aye' to 'no'. Representative Flinn is voting 'aye'. You want leave to be verified? Leave to be verified and leave to be verified for Representative Richmond. Richmond and Flinn. That is granted. Representative Deuchler asks leave to be verified. Representative Pedersen. B. Pedersen and Mays asks leave to be verified. Proceed, Mr. Clerk."

Clerk O'Brien: "Flinn. Frederick. Giglio. Giorgi. Goforth. Granberg. Hallock. Hannig. Harris. Hartke. Hasara. Hensel. Hoffman. Homer. Hultgren. Klemm. Krska. Kubik. Kulas. Laurino. Mautino. Mays. McAuliffe. McCracken. McGann. McNamara. Hulcahey. Novak. O'Connell. Robert Olson. Parcels. Parke. B. Pedersen. W. Peterson. Petka. Phelps. Piel. Pullen. Rea. Regan. Richmond. Ronan. Ropp. Ryder. Sieben. Stange. Stephens. Tate. Terzich. Tuerk. Van Duyne. Wait. Weaver. Hennlund. Williamson. Wojcik and Wolf."

Speaker Breslin: "Do you have any questions of the affirmative roll, Mr. Young?"

Young: "Representative McAuliffe?"

Speaker Breslin: "Representative McAuliffe? Roger McAuliffe is in the chamber."

Young: "Representative Ryder?"

Speaker Breslin: "Representative Ryder? Tom Ryder is here."

Young: "Representative O'Connell?"

Speaker Breslin: "He was given leave."

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Young: "Representative Farley?"

Speaker Breslin: "Representative Farley? Bruce Farley? The Gentleman is not in the chamber, remove him from the roll call."

Young: "Representative Ronan?"

Speaker Breslin: "Representative Ronan? Al Ronan? The Gentleman is not in the chamber, remove him from the roll call. But Representative Farley has returned to the chamber, add him to the roll call voting 'aye'."

Young: "Representative McGann?"

Speaker Breslin: "Representative McGann was given leave."

Young: "Representative Rea?"

Speaker Breslin: "Representative Rea? Jim Rea? The Gentleman is not in the chamber, remove him from the roll call."

Young: "Representative Hoffman?"

Speaker Breslin: "Representative Hoffman? Gene Hoffman? The Gentleman is not in the chamber, remove him from the roll call."

Young: "Representative Ewing?"

Speaker Breslin: "Representative Ewing? Tom Ewing? The Gentleman is not in the chamber, remove him from the roll call."

Young: "That's all."

Speaker Breslin: "On this question there are 69 voting 'aye', 36 voting 'no' and 1 voting 'present'. And the Motion fails. Going to page 9 on your Calendar appears House Bill 1623. Representative Curran. Representative Curran. Read the Motion."

Clerk O'Brien: "I move that House Bill 1623 'do pass' the veto of the Governor notwithstanding."

Speaker Breslin: "Representative Curran."

Curran: "Thank you... thank you, Madam Speaker, Ladies and Gentlemen of the House. Just take about 60 seconds. House

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Bill 1623 amends the Alcohol and Substance Abuse Act to distribute information to state employees on the hazards of alcoholism and substance abuse. We've got 100,000 state employees we lose, time and quality on the job. Due to those two reasons, this is simply a Bill to get information out to these people. I don't see any... any... anybody would ever want to vote against it. And I ask for a favorable roll call."

Speaker Breslin: "The Gentleman has move to override the Governor's Veto on House Bill 1623. And on that question, is there any discussion? Hearing none, the question is, 'Shall House Bill 1623 pass... your light is not flashing, Sir. Representative McCracken."

McCracken: "Thank you. Will the Sponsor yield?"

Speaker Breslin: "He will."

McCracken: "Was this Bill called and voted upon before?"

Curran: "No."

McCracken: "No. Okay, thank you."

Speaker Breslin: "The question is, 'Shall House Bill 1623 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 to override. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 65 voting 'aye', 43 voting 'no' and 4 voting 'present'. And the Motion fails. House Bill 1730. Representative Rea. Representative Rea. Out of the record. House Bill 1841. Representative LeFlore. Read the Motion, Mr. Clerk."

Clerk O'Brien: "I move that House Bill 1841 'do pass', the veto of the Governor notwithstanding."

Speaker Breslin: "Representative LeFlore."

LeFlore: "Thank you, Madam Speaker. House Bill 1841 creates an

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emergency housing for our veterans throughout the State of Illinois. It's a substantive Bill with no costs. The Governor stated that there would be a cost, but that's not true. I would ask for a favorable vote on this piece of legislation."

Speaker Breslin: "The Gentleman has moved to override the Governor's Veto on House Bill 1841. And on that question, is there any discussion? Hearing... the Lady from Cook, Representative Wojcik. Hearing no discussion, the question is, 'Shall House Bill 1841 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? 71 votes are required. Have all voted who wish? The Clerk will take the record. On this question, there are 66 voting 'aye', 45 voting 'no' and 1 voting 'present'. And the... and this Motion, having... this Motion fails. House Bill 1868. Representative Hannig. Clerk, read the Motion."

Clerk O'Brien: "I move that House Bill 1868 'do pass' the veto of the Governor notwithstanding."

Speaker Breslin: "Representative Hannig."

Hannig: "Yes. Thank you, Madam Speaker, Members of the House. House Bill 1868 is a Bill that myself and other Members of the Education Committee worked with David Carry and the State Board of Education on. And I talked to David today about it, and he tells me that the State Board has already obtained a federal grant of \$300,000 in order to implement this program. And this is where they want to spend the money to try and provide some help for our youth for drug abuse. Unfortunately, the Governor apparently did not get that message and he vetoed this Bill and sent it back to us. But, I'm asking you today to help me override the

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Governor's Veto for a program that we already have funds for. That the State Board indicates that they want to support and want to fund and will not cost our state taxpayers any additional monies. And I'd ask for your 'yes' vote."

Speaker Breslin: "The Gentleman has moved to override the Governor's Veto on House Bill 1868. Is there any discussion? Hearing none, the question is, 'Shall House Bill 1868 pass, the veto of the Governor notwithstanding?'

All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Van Duyne, one minute to explain your vote. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 65 voting 'aye', 42 voting 'no' and 5 voting 'present'. And the Motion fails. House Bill 1908. Representative Terzich. Clerk, read the Motion."

Clerk Leone: "I move that House Bill 1908 'do pass' the veto of the Governor notwithstanding."

Speaker Breslin: "Representative Terzich."

Terzich: "Yes, Mr. Speaker, (sic - Madam Speaker) Ladies and Gentlemen of the House. House Bill 1908 amends the Income Tax Act to provide a credit to individuals equal to 50% of the cost of installation for homes to protect against airport noise with the maximum credit of \$10,000 per year. And it also provides authorization for increases in the general bond obligation limits for grants to schools and hospitals adversely affected by the O'Hare Airport. We all know that this is a substantial problem, not only in my district but throughout the State of Illinois, with the airport noise. This issue has been going on for many, many years and House Bill 1908 was a possible solution to this. What it did is, it provided a tax credit for the purchase of home installation. And we all know that the quality of

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life and many medical studies have shown that the excess of levels of noise within enclosed spaces can lead to many, many serious illnesses as stress. This Bill will provide simply a tax credit and it will not really go into effect until the next taxable year. And certainly, we should override the Governor's Veto. And I'd appreciate your support."

Speaker Breslin: "The Gentleman has moved to override the Governor's Veto on House Bill 1908. Is there any discussion? Representative Cullerton, briefly."

Cullerton: "Yes, as Chairman of the Aeronautics Committee we held hearings out in Bensonville, Illinois, right near O'Hare Airport. And the testimony was very clear that the schools that had been insulated for noise was very effective in cutting down on noise from the airplanes that flew over those schools. What this Bill does is to allow for, not only schools to be insulated, but also hospitals that are adversely affected, as well as individuals receiving any tax credit so they can do the same thing for their homes. So if you live near an airport where the issue of noise is important, this is the Bill to vote for, because it really goes to solve, a long way toward solving a problem of noise in airports. I urge an 'aye' vote."

Speaker Breslin: "The question is, 'Shall House Bill 1908 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? 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 54 voting 'aye', 53 voting 'no' and 4 voting 'present'. And the Motion fails. House Bill 2052. Representative Hartke. Out of the record. House Bill 2203. Representative

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Hannig. Out of the record. House Bill 2494.
Representative Hartke. Representative Hartke. Out of the
record. House Bill 2606. Representative Kirkland.
Representative Jim Kirkland. Out of the record. House
Bill 2645. Representative Stephens. Read the Motion, Mr.
Clerk."

Clerk Leone: "I move that House Bill 2645 'do pass' the veto of
the Governor notwithstanding."

Speaker Breslin: "Representative Stephens."

Stephens: "Thank you, Madam Speaker, Ladies and Gentlemen of the
House. We... we ran this up yesterday and there must have
been a lack of communication. Quite simply all this Bill
does is require the Department of Education to promulgate
rules, defining autism and children with autism. Ladies
and Gentlemen, I implore you. The autistic children of
Illinois need this Bill. It doesn't cost anything. They
are sitting silently, trapped within themselves. Autistic
children are bright and beautiful and trapped within their
own minds. Often time... times because of state
regulations they are purposely misdiagnosed as retarded or
with other mental disabilities. And they are given
inappropriate treatment that often worsens their condition.
Ladies and Gentlemen, we can reach them if we get
cooperation. This Bill is harmless to the state. It's
harmless and at the same time extremely helpful to that
small, small percentage of the population. And yes, they
live in your district and yes you may have never heard from
them and may never will. But they have come to the General
Assembly with a simple request. A request that costs us
nothing. A request that gives sensible direction to the
State Board of Education to promulgate a simple rule
defining autism and children with autism. Last year we put
it in the rest of the statutes. I implore you, I ask you,

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I beg of you, let's put it in the School Code, help these children who cannot otherwise help themselves. And isn't that the purpose of government? Madam Speaker, I move to... the veto of the Governor notwithstanding to override his veto."

Speaker Breslin: "The Gentleman moves to override the Governor's Veto on House Bill 2645. And on that question, the Gentleman from Cook, Mr. Preston."

Preston: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the Gentleman's Motion. People on my side of the aisle might feel that since the Gentleman is sometimes reluctant to support other Motions, other legislation that are supportive of the same kind of programs that he is now advocating that maybe this is an opportunity to get even. We should not be getting even on any kind of imagined dispute or even tongue in cheek dispute, we should on this piece of legislation help autistic children. It is indeed a serious problem that hurts families and if this does a little something for autistic children and their families we ought to support it."

Speaker Breslin: "Does anyone rise in opposition? Representative Young."

Young: "Thank you, Madam Speaker, Ladies and Gentleman of the House. As much as I... I reluctantly rise behind my colleague and I have to take issue with what he said and agree with the Governor. This is an issue that should be an administrative rule by the State Board of Education. It's not a matter for the House to start dealing with administrative rules. If my recollection is correct, this Bill was defeated yesterday and we should defeat it again today."

Speaker Breslin: "The question is, 'Shall House Bill 2645 pass

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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? 71 votes are required. Have all voted who wish? The Clerk will take the record. On this question, there are 66 voting 'aye', 28 voting 'no' and 15 voting 'present'. And the Motion fails. House Bill 2682. Representative Pullen. Out of the record. House Bill 2758. Representative Homer. Clerk, read the Motion. Out of the record. Going to Total Veto Motions appearing on Supplemental 5, Supplemental 5 appears House Bill 2470. Representative Pullen."

Pullen: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 2470 passed the House 114 to nothing and the Senate 59 to nothing. It would direct the Illinois Emergency Service and Disaster Area... Agency, excuse me, to expeditiously inform all political subdivisions of data pertaining to potential flooding. This is needed because there is no agency in state government that is responsible to inform municipalities when they are facing a potential flood. They need this information as early as they can get it in order to get ready, in order to minimize the damage and hurt done to their constituents. The sole reason that the Governor vetoed this is because it was also incorporated into the provisions of House Bill 2813, which repeals the ESDA Act and replaces it. However, the House earlier today, chose not to act on House Bill 2813 in a manner which would put it into law. As a consequence of that, I filed this Motion to override the veto on this Bill because it is no longer a duplicative provision. It is rather a provision that is very much needed and was endorsed by this House with 114 'aye' votes last spring. I now move that the... that House Bill 2470 pass over the Governor's Veto. Thank you."

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Speaker Breslin: "The Lady has moved to override the Governor's Veto on House Bill 2470. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, would the Sponsor yield? Representative Pullen, I understood that in the Governor's Amendatory Veto that he said that there was in another Bill, there was an enactment of Emergency Services and Disaster Act of 1987. So as a result, provisions in this Bill were unnecessary. Now, did you say that the provisions that he signed, well, I didn't understand. Is that true what the Governor says?"

Pullen: "This is not an amendatory veto, this is a total veto, Sir."

Cullerton: "Right, he totally vetoed this Bill..."

Pullen: "And what I said was that the reason he did that was because the provisions of this had been incorporated into House Bill 2813, which this House did not act on in a favorable manner earlier today..."

Cullerton: "Fine. Thank you. I..."

Pullen: "... I'm trying to keep my Bill alive in case that one goes down..."

Cullerton: "No, no, no. No, I understand. I thought that what the Governor's message was that he had signed the other Bill that contained that language. And apparently, it was through an amendatory veto which was unsuccessful. So, I would..."

Pullen: "Well, if you will pardon me, Sir, the Governor is very loose with the word 'sign'. He claims to have signed all sorts of things that he actually amendatorilly vetoed."

Cullerton: "Oh, well, I agree with you that the Governor is loose."

Speaker Breslin: "There being no further discussion, the question is, 'Shall House Bill 2470 pass, the veto of the Governor notwithstanding?' All those in favor vote 'aye', all those

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opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 112 voting 'aye', 1 voting 'no' and 1 voting 'present'. And this Motion, having received the required three fifths Majority, is adopted. On Amendatory Veto Motions, on Supplemental #5, is House Bill 805. Representative Hannig. Clerk, read the Motion."

Clerk O'Brien: "I move... I move that House Bill 805 'do pass' the Governor's specific recommendations for change notwithstanding."

Speaker Breslin: "Representative Hannig."

Hannig: "Yes, thank you Madam Speaker, Members of the House. This is one of the Bills that the Governor erased my Bill and left Representative Klemm's Bill in the... in his amendatory veto message. I'm asking that we override the Governor's Veto and both my Bill and Representative Klemm's provisions in the Bill be sent over to the Senate for further consideration. We debated the merits of the Bill earlier today and yesterday. And I ask for your favorable support. It deals with zip codes on for emission testing on my part. And some proposals that Representative Klemm supports as well. And I ask for your 'yes' vote."

Speaker Breslin: "The Gentleman moves to override the Governor's Veto on House Bill 805. Is there any discussion? Hearing none, the question is, 'Shall House Bill 805 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? Representative Turner. Have all voted who wish? The Clerk will take the record. On this question, there are 89 voting 'aye', 22 voting 'no' and 2 voting 'present'. And this Motion, having received the required three fifths Majority, is adopted. By agreement of both sides of the

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aisle, we'll now go to House Bill 2532. It appears on page 32 on your Calendar. Page 32 on your Calendar. House Bill 2532. Before we do that, Representative Turner, for what reason do you rise?"

Turner: "Thank you, Madam Chairman. I just wanted to make an announcement. One of my... one of our colleagues has been sitting rather quietly the last couple of days, has on this very day, is celebrating a very memorable occasion. Today happens to be the birthday of Representative Nelson Rice, and I think we all would want to wish Nelson Rice a Happy Birthday."

Speaker Breslin: "Happy Birthday, Nelson. Representative McCracken."

McCracken: "Thank you, Madam Speaker. I move to accept the Governor's Amendatory Veto. This Bill would allow counties to use road fund money anticipated to support bonding for the purpose of road funds. They could bond no greater an amount than that which the road fund dispersement from the state would support. And the Amendment is technical in nature providing for necessary assurances and explicit statements that it does not constitute state debt. And I move that we accept the amendatory veto."

Speaker Breslin: "The Gentleman has moved to accept the amendatory veto of House Bill 2532. And on that question, the Gentleman from Cook, Representative McCracken. Excuse me, Representative Cullerton."

Cullerton: "Thank you. Will the Sponsor yield?"

Speaker Breslin: "He will."

McCracken: "Yes."

Cullerton: "This only applies to counties under 100,000 people, is that correct?"

McCracken: "No. It applies to counties other than, or under, 1,000,000."

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Cullerton: "Oh, 1,000,000, okay. So it doesn't apply to Cook County?"

McCracken: "Correct."

Cullerton: "Do you know why?"

McCracken: "No, I don't."

Cullerton: "Is this primarily designed to help out a particular county that you represent?"

McCracken: "No."

Cullerton: "I see. So it would help all counties not just... all counties except Cook?"

McCracken: "Right."

Cullerton: "And, could you tell me what, once again, what the amendatory portion of the Bill does?"

McCracken: "Yes. That... that is certain technical language required by the bond houses and essentially states that the principal amount or the amount bonded and the debt due is a result of the bonding, cannot exceed the available revenues from the road fund dispersement. No property taxes can be used to defeat the bonds or to pay off the debt. And it can be done by Resolution."

Cullerton: "So, in other words, the Bill then, as amended, would allow counties to incur indebtedness to build some roads. And this would be paid for by a fund created by the county. And the Bill would allow the counties, once they get the approval of the Department of Transportation, to use Motor Fuel Tax Funds, to maintain the county highways?"

McCracken: "No, only for the purpose they would otherwise be used for. It doesn't change the purpose of their use."

Cullerton: "Well, how are Motor Fuel Tax Funds used... are Motor Fuel Tax Funds used to maintain county highways right now?"

Speaker Breslin: "Is there any further discussion?"

Cullerton: "Yes, I just asked a question. He's answering it."

McCracken: "It's construction, repair and maintenance of roads."

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Cullerton: "It's what?"

McCracken: "It's construction, repair and maintenance of roads.
It's the same use that can be put to now."

Cullerton: "Okay, thank you."

Speaker Breslin: "The question is, 'Shall the House accept the
specific recommendations for change?' Representative
Mautino on the question. Do you stand in opposition?
Representative Mautino."

Mautino: "Yeah, probably."

Speaker Breslin: "Okay, proceed, quickly."

Mautino: "It seems to me that you're establishing a bonding
authorization with no way to pay the bonds back other than
the existing money we get at the county level from the
motor fuel tax, so you're accelerating a building program
and you're taking everything away from the townships that
put into that fund that is paid for by the..."

McCracken: "Only the county's Motor Fuel Tax, not the
township's."

Mautino: "The township Motor Fuel Tax goes into the county..."

McCracken: "... and that is not part of this..."

Mautino: "... and from that it is dispersed."

McCracken: "No, that's not part of this."

Mautino: "Well, I beg to differ with you. If you're going to do
a road or a bridge project, the township money goes to the
county. The county then disperses, based upon probably a
formula between... where a bridge covers a township area.
So, you're ex... you're taking existing funds and you're
going to provide bonds and those same funds are going to
pay bonds off in the future?"

McCracken: "Right."

Mautino: "This is a unique program. Where did this come from?
Are you an attorney, Tom?"

McCracken: "Yes."

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Mautino: "If I came to you with a program like this, I'm sure that you would tell me in your legal opinion and your noted opinion..."

McCracken: "... I'd buy your bonds."

Mautino: "Pardon?"

McCracken: "I'd buy your bonds."

Mautino: "I just don't see the rationale. I don't know where it came from. And you're basically allowing a county to establish bonds with no way to pay them back, other than the funds that they have coming on Motor Fuel Tax. It's crazy. Let's start voting funds into some future pay-off."

McCracken: "Yeah. Madam Speaker, should I close?"

Speaker Breslin: "Proceed."

McCracken: "This is only the county's Motor Fuel Tax allotment. It does not affect township projects. And it does not change the use to which the funds can be put. And it does not allow any property tax to support any bonding. That is, can only be from the Motor Fuel Tax Fund. And I move that we accept the amendatory veto."

Speaker Breslin: "The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 2532?' 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 74 voting 'aye', 29 voting 'no' and 7 voting 'present'. And this Motion, having received the required Constitutional Majority, the Motion is adopted. And the House accepts the Gove... accepts the Governor's specific recommendations for change. The next Bill on Supplemental #5, excuse me, Representative Stephens, for what reason do you rise?"

Stephens: "Well, Madam Speaker, just to make an announcement. A

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point of personal privilege, if you don't mind. The chairman of the Hillbilly Caucus on the Republican side of the aisle, is honored to have a birthday today. And I'd like to wish him Happy Birthday. Wayne Goforth."

Speaker Breslin: "Happy Birthday. Representative Wennlund, have you done 2410? It has been done. Representative Regan, for what reason do you rise?"

Regan: "Madam Speaker, just to get... common information, Wayne did not want to know, anyone here in this to Assembly know that his birthday was today because he's too cheap to buy a cake."

Speaker Breslin: "Going to the order of Supplemental #6 under Amendatory Veto Motions, appears House Bill 2364. Representative Doederlein. Representative Doederlein."

Doederlein: "Madam Speaker, Ladies and Gentlemen of the House, I'm at this time asking you to... that I'm making a motion to override the Governor's Amendatory Veto on House Bill 2364. I ask you now to keep in the junior and community colleges. Their only objection, when we were having the hearing of the Bill, was the compliance date. And this was amended in the Senate with an effective date of July 1, 1988."

Speaker Breslin: "The Lady moves to override the Governor's Veto on House Bill 2364. Is there any discussion? Hearing none, the question is, 'Shall the House override the Governor's Veto on House Bill 2364 and this Bill shall pass regardless of the Governor's Veto... Amendatory Veto?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Sorry, it's covered up on my desk. Representative Black, one minute to explain your vote."

Black: "Thank you very much, Madam Speaker. I would rise in opposition, although it seems senseless at this point to

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the Lady's Motion. The only objection the community college had went far beyond what she said. Community colleges and almost every one of you have a community college in your district are opposed to this Bill for reasons of simple implementation. The ages of community colleges will range from 17 to 90. Now, are you going to tell a senior citizen that they can't get into your community college because they can't produce their measles and mumps vaccine which didn't even exist back when they were young men and women? This is an idea whose time has not come. I asked the Sponsor to not recall this Bill. Let us work it out in the spring to where it would be reasonable and enforceable. I would ask that you vote this down."

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

Doederlein: "The immunization laws only go up to the age of 30. That's in the Health Department."

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

Satterthwaite: "I'll pass. Thank you."

Speaker Breslin: "The Gentleman from Cook, Representative Preston, one minute to explain your vote. He passes. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 55 voting 'aye', 49 voting 'no' and 11 voting 'present'. And the Motion fails. On Supplemental #4, under Amendatory Veto Motions, under Motion #3. Motion #3. House Bill 1174. Read the Motion, Mr. Clerk."

Clerk O'Brien: "I move to accept the specific recommendations of the Governor of House Bill 1174."

Speaker Breslin: "Representative McGann."

McGann: "Thank you, Madam Speaker, Members of the Assembly. I'm

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dealing only with mo..."

Speaker Breslin: "Representative McGann."

McGann: "Thank you. Madam Speaker, Members of the Assembly, I'm dealing with only Motion #3 of House Bill 1174 to accept the amendatory veto of the Governor. And I believe we had this this morning. The problems have been resolved and I would ask for support on both sides of the aisle. Thank you."

Speaker Breslin: "The Gentleman moves to pass... the Gentleman moves to accept the amendatory veto of the Governor on House Bill 1174. And on that question, the Lady from Lake, Representative Frederick."

Frederick: "Madam... Madam Speaker and Ladies and Gentlemen of the House, I also rise in support of this Bill. This Bill underwent a lot of work last session, last spring. And I would say that we should accept the Governor's Amendatory Veto."

Speaker Breslin: "The question is, 'Shall the House accept the specific recommendations for change with respect to House Bill 1174?' 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 114 voting 'aye', none voting 'no' and none voting 'present'. This Motion, having received the required three fifths Majority, the Motion is adopted. And the House accepts the Governor's specific recommendations for change. Okay, Ladies and Gentlemen, we're going to page 32 on your Calendar. We're going to run through the Amendatory Veto Motions one more time. Taking it from the top, House Bill 16. Representative Cullerton. Out of the record. House Bill 113. Representative Stange. Out of the record. House Bill 814. Representative Lang. Read the Motion, Mr.

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Clerk. We have acted on this, I understand. House... Out of the record. The only one left, I understand, is House Bill 2044. Representative Pullen. Read the Motion, Mr. Clerk."

Clerk O'Brien: "I move that House Bill 2044 'do pass', the Governor's specific recommendations for change notwithstanding."

Speaker Breslin: "Representative Pullen".

Pullen: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is a Bill to prevent the transmission of AIDS. The Governor amendatorilly vetoed this Bill to take out a provision that I believe was very important, which was sought by George Dunn, the President of the Cook County Board with respect to possible transmission of AIDS or related infections, in the health care setting. The provision would require... would not require the testing of health care workers but would require that if a health care worker finds out that he or she is infected or is diagnosed with AIDS or AIDS related complex, he or she must inform his employer. And then it authorizes the employer to remove the health care worker from direct patient care in situations where that is indicated. It does not require that they be removed, but it does authorize the employer to do that where appropriate. I think that that provision is just as important as the premarital testing provision, which is also in this Bill that the Governor seemed to like and says he signed. And other provisions within this Bill and the rest of the AIDS control package. And I did a great deal of thought about whether to override or to move to accept his changes. I talked with many colleagues who have worked with me on this package. And I talked with President Dunn, who indicated that he was still just as strongly behind this provision as he was last spring, when

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he asked us to pass it. This Bill passed the House last spring, 91 to 19. And I would ask and urge that you join me now in overriding the Governor's action so that this Bill may go into law as we passed it last June. Thank you."

Speaker Breslin: "The Lady moves to override the Governor's Amendatory Veto on House Bill 2044. All those in... Is there any discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Well, I think that the Governor spent a lot of time going over this complicated issue, and he fashioned a compromise. And there are people on both ends of the spectrum, and I know on the part of some people and we have already made a decision not to override the Governor's veto, it was a good compromise that he fashioned. I was under the impression that Representative Pullen was going to go along with the compromise. Apparently she has changed her mind. I think that we should...I was under the impression, I know you never said you would to me, but I was under that impression. I would just hope that we would follow the Governor's advice on this particularly complicated issue. And perhaps vote present on the motion."

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

McNamara: "Thank you, Madam Speaker, Ladies and Gentlemen. I think one of the important things on the...total inclusive package of the AIDS problem, this is probably one of the most important issues that we have. It is very important that we override the Governor's veto...his amendatory veto in this area, to override his veto completely. This gives the safety back to the people, the people that we represent. That's what we're here for. That's what we're

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all about. I encourage everyone an aye vote."

Speaker Breslin: "Representative...Representative Stern."

Stern: "Madam Speaker and Members of the House, I rise in support of the Governor on this issue. I think when you read the words of Doctor C. Edward Koop, who is the Surgeon General of the United States and a very conservative Gentleman, you will see that he is even a little bit to the left of our Governor, who, I think, made good sense out of a hodge-podge of Bills. And I think in this case, we must rely on the good sense of that Governor and vote 'no' on this effort to override."

Speaker Breslin: "Representative Pullen to close."

Pullen: "I just ask for everyone's 'yes' vote. Thank you very much."

Speaker Breslin: "The question is, 'Shall House Bill 2044 pass, the specific recommendations for change of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Seventy-one votes are required. Have all voted who wish? The Clerk will take the record. On this question there are 69 voting 'aye', 30 voting 'no' and 16 voting 'present'. Representative Pullen asks for a poll of the absentees."

Clerk O'Brien: "There are no Members not voting."

Speaker Breslin: "Have all voted who wish? There are 69 voting 'aye', 30 voting 'no' and 16 voting 'present'. And the motion fails. Ladies and Gentlemen, we're going...we're going now to page 26 on your Calendar dealing with Reduction and Item Veto Motions. Representative Matijevich, for what reason do you rise?"

Matijevich: "Well, I've got some motions and I was going to mention which one I'm going...I'm just going with one then. I think I'm first on the Calendar. Is that alright?"

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Speaker Breslin: "Proc...restate your question."

Matijevich: "No, I...you said we're going to the Reduction and Item Veto Motions and I've just got one that I'm proceeding with."

Speaker Breslin: "Which motion do you have?"

Matijevich: "House Bill 482, motion number four. Oh, it's motion three rather. Three."

Speaker Breslin: "Okay. Anyone who had a motion that they wanted called during this time was supposed to come up to the podium and tell us. So, we'll make an exception for Representative Matijevich. Any others, Representative Matijevich?"

Matijevich: "No, no. Madam Speaker, Ladies and Gentlemen of the House, I filed a number of motions on House Bill 482, because I..."

Speaker Breslin: "We're going to call the Bill first, Representative Matijevich. House Bill 482, motion number three. Read the motion, Mr. Clerk."

Clerk O'Brien: "Motion three. I move to restore the following reduced items of appropriation on House Bill 482, the reduction of the Governor notwithstanding."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Yes, Madam Speaker, I did file a number of motions on House Bill 482, and then when we decided that we took a calculated position on the matter of school...the school aid formula funding to appropriate...restore the 62,000,000, then I felt that I should not proceed with those motions except one, and that's motion number three. And the rationale being that motion number three is a motion to restore \$1,000,000 which is a loan, not a matter of appropriations that will never come back to the State of Illinois. It's a loan to Warren Township High School in Lake County. For three years they have had to relocate all

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of the students in that building to Lake Forest so that they could continue school. And the district is making...is paying back to the State of Illinois all that we are loaning to it. Under this plan, the department...the Board of Education must certify those expenses have been made and then...then the loan is granted. So I think that it is a matter that should be done, and it is monies that already the school is paying back to the state in a prior loan that we gave to them. So I would ask for your support of motion number three to restore \$1,000,000 in the item veto of the action of the Governor notwithstanding."

Speaker Breslin: "The Gentleman has moved to rest...to override line item veto on House Bill...under motion number three on House Bill 482. And on that question, the Gentleman from Macon, Representative Tate."

Tate: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Doggone it, I certainly would like to be able to help Warren Township, but, you know, I think there's about 118 of us in here that have an individual school district that we'd also like to help too. It's kind of unclear, if you look at the language of this whether...what the repayment provisions are for this. In fact, my interpretation of this is I'm not...I'm not absolutely positive this is a loan. It could probably be interpreted as a grant. But regardless of the nature of it, it...we all understand the current fiscal restraints of the state and as a result, I would encourage the Membership to oppose the motion."

Speaker Breslin: "The question is, 'Shall the House restore the amount on page 24, line 24 through 31 of House Bill 482?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? 60 votes are

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required. Have all voted who wish? The Clerk will take the record. On this question there are 54 voting 'aye', 53 voting 'no' and 5 voting 'present'. And the motion fails. The next item appears on page 28 on your Calendar. It's House Bill 482. Representative Dunn. It's motion 38. Representative Dunn."

Dunn: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. It is my motion that we restore certain funds which have been deleted by the Governor for the purposes of special education. The Governor cut \$931,400 out of the non-public line, and that is a line from which those people who need special, special education cannot get it in the public school systems are sent to other places, other institutions, where they can be provided the proper services and it's a costly thing. Even though we have difficult times, we should restore that funding as well as the funding for those people who teach in special education. So I would move that we restore the items reduced by the Governor for non-public special education, extraordinary special education and special education personnel and ask your support for this motion."

Speaker Breslin: "The Gentleman has moved to restore the reduction item under motion 38 on House Bill 482. And on that question, the Gentleman from Macon, Representative Tate."

Tate: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I reluctantly rise against my colleague. But this is essentially the same argument that we made yesterday. If you override on this issue, you defer payment somewhere else and it's just, the money is not there. However, specifically to this motion, I'd like to encourage the Membership to realize that we have not filed or we are not entertaining any other motions on any of the other

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categoricals. And it's kind of tough to single out just one categorical, because I think all of us can make a case that there is a need for additional funding in a lot of the...in all of the categorical areas, in all of education. But the bottom line is, the money isn't there. So I would encourage the Membership to vote no."

Speaker Breslin: "The Gentleman from Lake, Representative Matijevich."

Matijevich: "Speaker, I rise because I had a similar motion and I didn't call it. And I have never voted against special education, but we have made that decision that we have allocated, we think, all the monies that can be restored. And on this motion, I intend to vote 'present'."

Speaker Breslin: "Representative Dunn to close."

Dunn: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. In some ways I regret calling this motion, because it does place well-intentioned people on the horns of a dilemma. Not spec...not those people who say that there isn't money, there's plenty of money in the state budget. The people who are put on the spot here are those who sincerely believe that they're trying to do the best they can and have put...agreed to put money in the school aid formula. But as you know, the school aid formula addresses itself in the main to the students who are in the main stream. Those who are not fortunate enough to be in the main stream, we consider special. And we provide special education for them, and we shouldn't be short-changing that special education either for those who receive it in the public schools or those who receive it elsewhere with payment at taxpayer expense. So I ask you on behalf of those who cannot get here to ask for themselves, that we restore this money and fulfill our commitments at least in part to those deserving people who receive and need special

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education in the State of Illinois."

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. And while we are voting, I should note that the House is honored to have the presidents...the presence of the Governor with us. Welcome, Sir. Representative Daniels, for what reason do you rise?"

Daniels: "Just to point out our pleasure to have our Governor here and to let you know we're discussing the next amendatory veto."

Speaker Breslin: "Very good."

Daniels: "Thank you."

Speaker Breslin: "You're on the ball, fellows. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 31 voting 'aye'...32 voting 'aye', 44 voting not... 'no', 35 voting 'present'. And the motion fails. The next motion, it appears on page 28 on the Calendar. It's House Bill 776, motion number one by Representative Mulcahey. Read the motion, Mr. Clerk."

Clerk O'Brien: "Where are you? Reduction Item Vetoes. I move to restore the following reduced items of appropriation in House Bill 776."

Speaker Breslin: "Representative Mulcahey."

Mulcahey: "Thank you, Madam Speaker. Motion number one to House Bill 776 simply restores \$641,000 for the Department of Veteran Affairs for 14 field offices to be reopened in various locations around the state. In speaking with Frank Rice who's legislative chairman of the VFW who just recently, he indicated the extreme need for these offices to be reopened. We're not just talking about the needs of the veterans here but also about widows and family Members

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and so on. And, we had more veterans today than ever before in the history of this country. Many of them are elderly, many are disabled, and it's really unfair to ask them to drive fifty, sixty, hundred miles to get those services that are desperately needed. I think it's a small amount that we ask for those who have given so much to us and so much to this country. We got to take care of our veterans, and I would ask you to give me a green vote on this motion to override."

Speaker Breslin: "The Gentleman moves to restore a reduction veto in House Bill 776. And on that question, the Gentleman from Macon, Representative Tate."

Tate: "Well, thank you, Madam Speaker, Ladies and Gentlemen of the House. I certainly wouldn't question the patriotism of any of the Members in this General Assembly and certainly, I think, all of us appreciate the fine job that the Department of Veterans Affairs does in this state. However, the bottom line here is that there is not \$641,000 that exists. We don't have the funding for this budget. We've made a lot of nice speeches and a lot of nice political speeches yesterday about priorities in government, about taking care of the children in the state. This is an opportunity to set your priorities. I would suggest that if you're willing to continue to override these budgets, then you should be willing to stay here and work with us for the next few weeks to figure out how we're going to reallocate our priorities in this state or come up with additional revenue to finance these programs. The money is simply just not there. And I would encourage the Membership to conduct themselves in a fiscally responsible way and oppose this motion."

Speaker Breslin: "Representative Mulcahey to close."

Mulcahey: "I just ask for an 'aye' vote, Madam Speaker."

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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? Have all voted who wish? Excuse me, sixty votes are required, because it's restoring a reduction veto. Sixty votes are required. Have all voted who wish? The Clerk will take the record. On this question there are 58 voting 'aye', 49 voting 'no' and 8 voting 'present'. Representative Mulcahey asks for a poll of the absentees."

Clerk O'Brien: "Poll of those not voting. There are no Members not voting."

Speaker Breslin: "Representative Laurino votes 'aye'. Representative McCracken will ask for a verification. However, Members are going to have to vote personally at this point anyway, Representative McCracken. Representative Olson. Representative Bob Olson. Representative Giglio votes 'aye'. Representative Olson. Representative Olson."

Olson: "Please change my vote to 'no'."

Speaker Breslin: "Change Representative Olson from aye to no. Representative Barger changes from aye to no. Is that it? There are only 58 voting 'aye', 50 voting 'no' and 7 voting 'present'. And the motion fails. The next item appears on page 29 on your Calendar. It's House Bill 777. Representative Cullerton. Read the motion, Mr. Clerk."

Clerk O'Brien: "Which motion?"

Speaker Breslin: "Seven seven seven. On motion number one."

Clerk O'Brien: "I move that the following items of House Bill 777 do pass, the veto of the Governor notwithstanding."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Yes, thank you, Madam Speaker and Ladies and Gentlemen of the House. Former Representative Greiman

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asked me to file this motion. Apparently there were some negotiations in June between the museums throughout the State of Illinois and the Museum of Broadcast Communication. And it resulted in an arrangement whereby the Museum of Broadcast Communication would receive \$50,000 one time only, and the other museums reduce their appropriation by \$50,000. That was agreed to. However, this \$50,000 for the Museum of Broadcast Communication was inadvertently vetoed. I would appreciate your support for the motion."

Speaker Breslin: "The Gentleman has moved to override an item veto on mot...page 14, line 14 through 19. Is there any discussion? Hearing 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. This motion takes seventy-one votes. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 54 voting 'aye', 49 voting 'no' and 7 voting 'present'. And the motion fails. On page 29 of House Bill 782, motion number two by Representative DeJaegher. Read the motion, Mr. Clerk."

Clerk O'Brien: "I move that the following items of House Bill 782 do pass, the veto of the Governor notwithstanding."

Speaker Breslin: "Representative DeJaegher."

DeJaegher: "Thank you, Madam Chairman. In behalf of 439 senior citizens residing in the downstate area, hopefully that you will consider support of the overriding motion. If we are successful in this endeavor, these funds would be used to support programs for the elderly who live at home. And one of the most important programs is the Meals on Wheels. These funds are vitally needed to maintain this vital nutritional link to the elderly who are shut in and can't

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fix hot meals for themselves. These funds would amount to \$1 per senior citizen who resides in a rural area. I think that this is a very small amount of money that basically we can continue this ongoing program that we have maintained up to this particular point. So with that and to cut this session rather short hopefully that you will give me a green vote in our attempt to override the Governor. We're only talking about \$1 per senior citizen, and this basically affects those senior citizens in the downstate area."

Speaker Breslin: "The Gentleman has moved to override the Governor's line item veto on page 6, line 34 of House Bill 782. Is there any discussion? The Gentleman from Adams, Representative Mays."

Mays: "Thank you, very much. I would simply rise in reluctant opposition to this measure. It is indeed something that, I believe, is a needed service. But I don't know where we could come up with the dollars at this time with the overrides that have already been passed in this Body. I am therefore planning personally to vote 'present' on this 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. Representative DeJaegher, one minute to explain your vote."

DeJaegher: "Members of the General Assembly, this is not...this is not new money. And I must emphasize this fact. This is not new money. It's been taken from other line items, so please, let's see that every senior at least has one meal that basically they can survive on during the course of the day. Again, this is not new money."

Speaker Breslin: "Seventy-one votes are required. Have all...Supplemental Calendar announcement."

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Clerk O'Brien: "Supplemental Calendar number seven is being distributed."

Speaker Breslin: "Have all voted who wish? Seventy-one votes are required. Have all voted who wish? The Clerk will take the record. On this question there are 67 voting 'aye', 37 voting 'no', 10 voting 'present'. And the motion fails. On...going back to House Bill 782, motion number one. Representative Bowman. Read the motion, Mr. Clerk."

Clerk O'Brien: "I move that the following items of House Bill 782 do pass, the veto of the Governor notwithstanding."

Speaker Breslin: "Representative Bowman."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is the only override motion I'm going to be offering today on the budget. This item is for \$44,000. You may remember, well, this item is for the North Suburban Community Services Agency which has a program of case management. It's located out of Schaumburg, so it embraces both Republican and Democratic territory. The reason that I'm making this motion is that when the budget was before us in the spring, the Department on Aging called this agency and said the Legislature took your money away from you. Well, when we had done no such thing. And so to teach the agency a lesson, we cut \$44,000 out of their administrative lines and gave it to the Northwest Suburban Service Agency. So this is not an add on. We actually financed it internally by making budget reductions elsewhere. And therefore I feel quite confident in moving to override the item...this particular item veto. So I ask you to support the original action. This is really a matter of legislative integrity for \$44,000. Thank you."

Speaker Breslin: "The Gentleman moves to restore the item in motion number one and on...of House Bill 782. And on that question, the Lady from Cook, Representative Wojcik."

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Wojcik: "Yes, thank you, Madam Speaker. I, too, rise in support of the \$44,000, but I would like to correct the previous speaker and say that this is located in Arlington Heights. Right. Thank you."

Speaker Breslin: "The Gentleman from Macon, Representative Tate."

Tate: "Well, thank you, Madam Speaker, Ladies and Gentlemen of the House. Representative Bowman is correct in his remarks. However, we still oppose the motion. So I encourage people to vote 'no'."

Speaker Breslin: "There being no further discussion, 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? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 58 voting 'aye', 51 voting 'no' and 5 voting 'present'. And the motion fails. Going to page 30 on your Calendar appears House Bill 784. Representative Leverenz. Clerk, read the motion. Out of the record. The next Bill is House Bill 789. We are going to take motion number three first by Representative Phelps as it includes all of the others. So we'll go to motion number three first. Mr. Clerk. Read the motion."

Clerk O'Brien: "I move to restore the following reduced items of appropriation in House Bill 789, reduction of the Governor notwithstanding."

Speaker Breslin: "Representative Phelps. I don't think this is the Department of Corrections, or is it? It is the Department of Corrections."

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. In a desire to recognize the number of employees that are hired in the institutions by the Corrections throughout this state, I believe if you will look at the

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AFSCME Members and those prisons that are present in this state, you will find that my district probably has the majority of those employees. The impact is devastating when we had experienced one particular correction facility was shut down, because of the cuts, Hardin County Work Camp. There were fifty-five jobs lost there immediately. Now I understand that that affects my district more directly, but throughout the state we're talking about priorities by the Governor and by this Assembly that establish these prisons, the number of employees that would actually facilitate these institutions to a security level, a safe level. It is a high risk opportunity that these employees experience anyway by being employed in these institutions, and now it is much more severe in that regard. So in an attempt to expedite matters and not delay this any further, I ask this Body to look at this Correction budget that has the parole officers and restoration of the entire \$7,000,000 that was cut since July 2nd. Thank you for your support."

Speaker Breslin: "The Gentleman has moved to restore the reduction veto of...in House Bill 789. For the moment the Membership should know that Minority Leader Pate Philip has joined us today. Welcome, Senator. Representative Giglio in the Chair. The Chair recognizes Representative Mays on the question."

Mays: "Thank you very much, Madam Speaker. I will be brief. I think everybody knows that in this past budget year, there were a few...few departments that were able to realize an increase in spending over last year's estimated expenditures. This was one of them. Even though they came out of 88 with a \$20,000,000 net increase for their operations, this motion would seek to restore an additional 7,000,000 or 6.6 million on top of that. Everybody knows

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that we have had to hold the line on such things as education and mental health and some of those other things, and I believe that those were, you know, if we had to do it there, we should certainly be doing it in this particular area in view of the fact that the Department itself did realize an increase over the previous year's expenditure level. So I would urge a 'no' vote on this motion."

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

Phelps: "In order not to delay any further, I don't know if this is old money, new money, but I know when we left here July 2nd, it was real money to me. I ask your support."

Speaker Giglio: "The Gentleman moves that the House restore this item to its original amount notwithstanding the reduction of the Governor. All in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 45 voting 'yes', 58 voting 'no', 12 voting 'present'. And the motion... Representative Brunsvold, for what purpose do you rise?"

Brunsvold: "Are you finished, Mr. Speaker, with that Bill?"

Speaker Giglio: "Not yet."

Brunsvold: "Go ahead and finish."

Speaker Giglio: "The motion fails. Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. I was sitting at my desk here and I didn't hit my switch hard enough on House Bill 782, motion number two, and I would have voted 'aye'. Thank you."

Speaker Giglio: "Well, the vote is past, but we'll let the record so indicate, Representative. Supplemental number seven. House Bill 2044. Motion number two. Mr. Clerk, read the motion."

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Clerk O'Brien: "I move to accept the specific recommendations of the Governor to House Bill 2044."

Speaker Giglio: "The Lady from Cook, Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House, I think that the language that the Governor took out of this Bill is very important. And I intend to continue to pursue that. But apparently the House isn't ready to pass it at this point. However, there is much else in House Bill 2044 which we cannot simply let go because you didn't like that paragraph. House Bill 2044 under this motion would require couples seeking a marriage license in Illinois to be tested for infection with the AIDS virus. It is the only Bill alive that does that. It also would require the testing of convicted sex offenders for sexually transmitted diseases including AIDS or the HIV virus. It also includes requiring convicted intravenous drug abusers for...requires testing them for the AIDS virus. It also requires that public health authorities notify school principals when a school age child is infected so that the proper school authorities can take the precautions needed to protect that child and others. This is a very important Bill for the prevention of AIDS in Illinois. And as you know, we do fall into the second tier of infection in the states. We have the distinction of being seventh in the nation in AIDS infection, well ahead of most other states in the Union. I think that we need this. And so I reluctantly move to accept the Governor's amendatory veto."

Speaker Giglio: "Further discussion? The question is, 'Shall the House accept the specific recommendation for change with respect to House Bill 2844 (sic - 2044)?' All those in favor...20...2044. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Mr. Clerk, take the record. On this question there are 99 voting 'yes', 13 voting 'no', 2 voting 'present'. This motion having received the required three-fifths majority, the motion is...prevails and House Bill 2044 is declared passed...recommendation for change of the Governor notwithstanding. Page three of the regular Calendar. House Bill 213. Page eight of the Calendar. House Bill 213."

Clerk O'Brien: "I move that House Bill 213 do pass, the veto of the Governor notwithstanding."

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

Cullerton: "Yes, thank you...thank you, Mr. Speaker and Ladies and Gentlemen of the House. I believe that misunderstandings that were...let me put it this way, the Governor's amendatory veto or veto message talked about cost of this program. The Bill deals with the administrative adjudication of parking tickets. The Senate Amendment, Senate Amendment #5, dealt with that issue. It requires municipalities to reimburse the state. So I, think with that understanding, it would be appropriate at this time to override the Governor's veto now that that has been cleared up."

Speaker Giglio: "You've heard the Gentleman's motion. Any discussion? All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 94 voting 'yes', 17 voting 'no', 2 voting 'present'. And this motion having received the required three-fifths majority is adopted. Page 34 of the Calendar. Senate Bill 714. Motion on Senate Bill 714. Representative O'Connell. Representative O'Connell. This motion requires seventy-one

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votes."

O'Connell: "Thank you, Mr. Speaker. I would at this time move to discharge the Executive Committee and ask leave for immediate hearing of Senate Bill 714."

Speaker Giglio: "You heard the Gentleman's motion. All those in favor signify by vot...the Gentleman from McHenry, Representative Klemm."

Klemm: "Well, thank you, Mr. Speaker. I just wanted to at least let the Assembly know that we did have a hearing on this particular Bill. It was a full hearing. In fact, we had a contingency, I think, of three Representatives to debate the Bill plus a lobbyist to discuss the Bill. We didn't even have copies of the Amendment given to the Members of our side of the aisle when we discussed this Bill. The entire Bill had already become law in a previous action of this House by the Sponsor of the Bill, so what they wanted to do was add an Amendment and we didn't even see it. We think it's inappropriate after having a full hearing, having sufficient Members there, having a vote taken, that we should now end up discharging the Committee that we're suppose to do. I remember earlier we had a piece of legislation, I think it was Representative Breslin that said we didn't have the proper procedure and it was wrong. And we bypassed Committee and it was a difficult vote. I think we shouldn't be bypassing Committees when we had it. There's nothing wrong with hearing this in this coming spring. We have no problems probably with the Bill if we have an opportunity to hear it again. But we did have a hearing. We did have a vote. Every courtesy was extended to the Sponsor. And I would stand in opposition to discharge the Committee."

Speaker Giglio: "Alright, the question is, 'Shall House Bill 714 be discharged from the Executive and Veterans Affairs

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Interim Study Calendar and advanced to the Order of Second Reading and suspend Rule 37(g)?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Representative Brunsvold."

Brunsvold: "In explaining my vote, Mr. Speaker, this Bill as it stands now, only includes a change in the Rock Island...Rock Island Civic Center Authority and that's all it deals with. We're trying to get our local county in with the authority and with the cities, and that's basically all we're trying to do. And Representative Barnes' Bill was already passed out, and this was the only available Bill for use in that purpose. And I would ask for your green vote."

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

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, at the Executive Committee, of course, of which I'm Chairman, there was only ten Members that were present at the time, because there was also conflicts of other Committee meetings at that time. The Amendment was properly presented and as the previous speaker just mentioned, it just happens to deal with the civic centers. It was a partisan vote on there, and certainly the Sponsor of this has every right to ask for a discharge motion on it. And I would support it, and I would appreciate a few more votes on there."

Speaker Giglio: "Further discussion? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative DeJaegher."

DeJaegher: "Mr. Chairman...Mr. Speaker, what's the vote requirement on this?"

Speaker Giglio: "Seventy-one votes."

DeJaegher: "May I speak to it, please?"

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Speaker Giglio: "Proceed."

DeJaegher: "Ladies and Gentlemen, of course, this Bill has been discussed in the past, in fact, it passed the Senate. All we're basically trying to do with this Amendment and there's no money, absolutely no money involved in this measure. All we're asking you to do is give some consideration to Rock Island County. We are one of the largest counties in the State of Illinois. But yet we have no civic center there. All we're doing is trying to include the Rock Island County along with the cities to try to promote this endeavor. So hopefully that you will reconsider, all that it will require is three additional votes. I know that if this Bill had been discussed properly before you that there would be no objections to this. I know that we have a support from many of you on the other side. Please, exercise this vote and put up the necessary green votes. Thank you."

Speaker Giglio: "The Gentleman from Lake, Representative Matijevich."

Matijevich: "I'm voting 'aye', because I want to see how Bob builds the civic center without money. I think this is a good test for all of us."

Speaker Giglio: "Have all voted who wish? Mr. Clerk, take the record. Representative Sieben from Henry."

Sieben: "To explain my vote, Mr. Speaker. If this is the mechanism that's going to be used by my colleagues on the other side to help the Quad City Civic Center Authority, I rise in support of it, and I would ask for a few extra votes from this side of the aisle. If we need this in order to increase the funding authority so that we can proceed with the Quad City Civic Center Authority. The civic center in the Quad Cities in Rock Island County is essential not only to Rock Island County but to the greater

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part of northwestern Illinois. And I would appreciate a few extra votes if we could get them to move this along so that we could do that. It would be vital to the economic development of that...to the northwest part of the State of Illinois."

Speaker Giglio: "Mr. Clerk, take the record. On this question there are 68 voting 'yes', 48 voting 'no', none voting 'present'. And the motion fails. Alright now we're going...go to three more Appropriation Bills and that's it. On page 13 of the Calendar appears House Bill 1065. Representative Breslin. Mr. Clerk, read the motion."

Clerk O'Brien: "I move to restore the following reduced items of appropriation on House Bill 1065, the reduction of the Governor notwithstanding."

Speaker Giglio: "The Lady from LaSalle, Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, I move to restore the items reduced by the Governor in his cuts of this budget. I do so particularly because this is a very small agency. You should know that it has sustained during the process through this Assembly a cut in the House, a cut in the Senate and then a cut by the Governor. The total cuts amounted to over...to close to twenty percent of their total budget. They are not a large agency to begin with. In addition to that, they have incurred a larger caseload, so we're asking them to do far more work with far less money. They have instituted a hiring freeze. They have not given any pay raises, and they don't intend to. But they cannot continue to operate, and you cannot expect them to write briefs in a timely fashion and addressing an eight hundred case backlog if you don't give them the tools to do so. You should know that that has taken place. And I suggest you consider an over...restoring these items. Thank you."

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TRANSCRIPTION DEBATE

77th Legislative Day

October 22, 1987

Speaker Giglio: "Any discussion? The Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. It's my understanding that we appropriated 3,369,000 to the State Attorneys Appellate Defenders Office and the Governor reduced 226,000, almost 227,000 of that amount. This override would restore some positions to that office. But I tell you, in view of some of the decisions we've had to make on this House floor in consideration of the fiscal constraints we have, this would be in my mind one of the easier overrides to defeat. And I would suggest that that is the appropriate action that this body should take. Say 'no'."

Speaker Giglio: "Further discussion? The Lady from LaSalle to close, Representative Breslin. Alright the question is, 'Shall this item be restored to its original amount, notwithstanding the reduction of the Governor?' All those in favor signify by voting 'aye', those opposed 'nay'. This requires sixty votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 39 voting 'yes', 66 voting 'no', 6 voting 'present'. And the motion fails. On page 30 of the Calendar appears House Bill 789. Representative Homer. Mr. Clerk, read the motion."

Clerk O'Brien: "I move to restore the following reduced items appropriation in House Bill 789, reduction of the Governor notwithstanding."

Speaker Giglio: "Gentleman from Fulton, Mr. Homer."

Homer: "Thank you, Mr. Speaker. Ladies and Gentlemen, the last speaker talked about a twenty percent reduction in budget. The effect of the Governor's reduction in respect to the Department of Corrections item concerning parole officers had the effect of causing the layoff of two-thirds of all

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the parole officers in the state, leaving us now with forty-four parole officers to supervise eleven thousand five hundred inmates on parole. Twenty-five percent of which, or about three thousand, have served time for murder or class X offenses. When these people are released from prison, they're given a hundred dollars. Many of them are homeless. Many of them have no families, no support groups, no jobs, no opportunities and no chance. The only opportunity they have in many cases comes at the hand and the supervision of their parole officer. With forty-four parole officers for this many parolees, each parole officer supervises on an average two hundred sixty parolees which has reduced them candidly to being paper shufflers. There is no effective parole in this state at the current time. The alternative is for these people to get in trouble again, go back to prison where we pay \$18,000 a year per inmate. Frankly we cannot afford not to restore the million and a half that was cut, so that these parole officers can go back to work and so that victims can be spared crimes committed against them by unsupervised parole...parolees. I'd urge your joining me in overriding the Gov...or restoring the Governor's cuts."

Speaker Giglio: "The Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I rise in opposition to the Gentleman's motion. There is no doubt the parole officers remaining will have their work cut out for them. But I might add that the Department of Corrections' budget has received a \$20,000,000 increase over the previous year's expenditure level. And we just don't have the dollars to restore in this particular area at this time."

Speaker Giglio: "Further discussion? The question is, 'Shall this item be restored to its original amount,

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notwithstanding the reduction of the Governor?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This requires sixty votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 51 voting 'aye', 50 voting 'nay' and 8 voting 'present'. And the motion fails. On page 30 of the Calendar appears House Bill 789. Representative Phelps. Motion number two. Mr. Clerk, read the motion."

Clerk O'Brien: "I move to restore the following reduced items appropriation in House Bill 789, the reduction of the Governor notwithstanding."

Speaker Giglio: "Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. If you'll bear with me just a few moments, this particular portion of the Correction's budget is very important to a county in my district. It experiences twenty some percent unemployment. I know that may not sound real to many of you, but we are dependent on Correction jobs. And with farming and coal on its back, there's very few things that these people can depend on. This would be somewhat \$800,000 that would put fifty-five people back to work. This particular facility received a million dollars renovation just a year ago by this administration, by this particular budget in the Correction under the direction of Mr. Lane. Now it's closed down. Fifty-five people back to work would pump a lot of dollars in that local economy. We would lose \$380,000 in services with this particular institution remain closed. It is very vital to a very poor southern county, some county you might never travel through, but believe you me, those fifty-five people would appreciate their jobs back. I'd appreciate your support."

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Speaker Giglio: "Any discussion? The question is...Representative Mays, Gentleman from Adams."

Mays: "I would simply reiterate the remarks made previously on this budget. We don't have the dollars to add to the Correction's budget at this time. I hope that maybe we can look at something like this in the next fiscal year. But vote 'no' for now."

Speaker Giglio: "Question is, 'Shall this item be restored to its original amount, notwithstanding the reduction of the Governor?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This requires sixty votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there's 44 voting 'yes', 58 voting 'no', 9 voting 'present'. And the motion fails. Resolutions."

Clerk O'Brien: "House Joint Resolution 134, Capparelli; House Resolution 844, Hensel; 858, Phelps; 859, Cullerton; 860, Laurino; 861, O'Connell; 868, Madigan and Daniels; and 869, Curran."

Speaker Giglio: "The Gentleman from Lake, Representative Matijevich, on the Resolutions."

Matijevich: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, both sides of the aisle have examined these Resolutions. They are all agreed to, and I move the adoption of the Agreed Resolutions."

Speaker Giglio: "The Gentleman moves that the House adopt the Agreed Resolutions. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Resolution 863, Pullen; House Resolution 864, Mulcahey; House Resolution 867, Cullerton."

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

Clerk O'Brien: "House Resolution 862 offered by Representative Morrow with respect to the memory of Cuetta Virginia Rollins and House Resolution 866 offered by Representative Shaw with respect to the memory of Eleanor Carter Young."

Speaker Giglio: "Representative Matijevich moves the adoption of the Death Resolutions. All those in favor signify by saying 'aye', those opposed 'no'. The 'ayes' have it. The Resolutions are adopted. Message from the Senate."

Clerk O'Brien: "Message from the Senate by Miss Hawker, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has passed a Bill of the following title, passage of which I'm instructed to ask concurrence of the House of Representatives, to wit: Senate Bill number 1520, passed by the Senate October 22, 1987, by three-fifths vote. Linda Hawker, Secretary."

Speaker Giglio: "Senate Bills First Reading."

Clerk O'Brien: "Senate Bill 1520, Bowman and Leverenz. A Bill for an Act making certain appropriations and amending certain Acts herein named. First Reading of the Bill."

Speaker Giglio: "Adjournment Resolution."

Clerk O'Brien: "A message from the Senate by Miss Hawker, Secretary. Mr. Speaker, I am directed to inform the House of Representatives the Senate has adopted the following Senate Joint Resolution, adoption of which I am instructed to ask concurrence of the House of Representatives, to wit: Senate Joint Resolution number 85. Resolved by the Senate of the 85th General Assembly of the State of Illinois, the House of Representatives concurring herein that when the Senate adjourns on Thursday, October 22, 1987, it stands adjourned until Wednesday, November 4, 1987 at twelve o'clock noon. And when the House of Representatives adjourn on Thursday, October 22, 1987, it stands adjourned

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until Monday, November 2, 1987, at three o'clock p.m. And when the House of Representatives adjourns on Monday, November 2, 1987, it stands adjourned until Tuesday, November 3, 1987, at six o'clock p.m. And when the House of Representatives adjourn on Tuesday, November 3, 1987, it stands adjourned until Wednesday, November 4, 1987, at twelve o'clock noon."

Speaker Giglio: "Representative McPike moves for the adoption of the Adjournment Resolution. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Resolutions are adopted. Allowing the Clerk Perfunct time, Representative McPike moves that the House now stands adjourned until Monday, November the 2nd, at three p.m. for Perfunct and on Tuesday, November 3rd, six p.m. for regular session. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The House now stands adjourned."

Clerk O'Brien: "Introduction First Reading of Bills. House Bill 2903 offered by Myron Olson. A Bill for an Act to amend Sections of the Public Utilities Act. First Reading of the Bill. House Bill 2904 offered by Representative Keane. A Bill for an Act relating to tuition rates in certain public...in certain public institutions of higher education. First Reading of the Bill. House Bill 2905 offered by Representative Leverenz, et al. A Bill for an Act to add Sections of the Public Utilities Act. First Reading of the Bill. I have Resolutions for Representative Phelps, Laurino, O'Connell, Morrow and Shaw that they wanted to take home with them. Resolutions are at the Clerk's well to be picked up."

Clerk O'Brien: "The House will be back in session, in perfunctory session. Messages from the Senate. A message from the

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Senate by Ms. Hawker, Secretary. *Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills, the Governor's specific recommendations for change to the contrary notwithstanding and the passage of which I am instructed to ask concurrence of the House, to wit: Senate Bills #28, 537 and 1314. I am further directed to transmit to the House of Representatives the following copies of the Governor's specific recommendations for change to the Senate. Passed by the Senate October 22, 1987, by a three-fifths vote. Linda Hawker, Secretary.' Message from the Senate by Ms. Hawker, Secretary. *Mr. Speaker, I am directed to inform the House of Representatives that the Senate has restored the items reduced by the Governor, which are attached in Bills, the restoration of which I am instructed to ask concurrence of the House, to wit: Senate Bills #290, 338 and 349. I am further directed to transmit to the House of Representatives the following copies of the Governor's Item Reduction Messages to the Senate. Action taken by the Senate October 22, 1987. Linda Hawker, Secretary'. A message from the Senate by Ms. Hawker, Secretary. *Mr. Speaker, I am directed to inform the House of Representatives the Senate has accepted the Governor's specific recommendations for change to Bills, the acceptance of which I am instructed to ask concurrence of the House, to wit: Senate Bill #1, 2, 147, 218, 226, 382, 400, 421, 441, 461, 478, 482, 505, 523, 646, 653, 717, 749, 798, 809, 827, 909, 926, 957, 1046, 1052, 1113, 1181, 1215, 1228, 1243, 1286, 1335, 1484 and 1498. I am further directed to transmit to the House of Representatives the following copies of the Governor's specific recommendations for change to the Senate. Action taken by the Senate October 21, 1987. Linda Hawker, Secretary.' A message from

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the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills with the following title, veto of the Governor to the contrary notwithstanding, the passage of which I am instructed to ask the concurrence of the House, to wit: Senate Bills #200, 454, 504, 670, 687, 804, 834, 883, 1266, 1267, 1384, 1226, 1412, 1057 and 1393. I am further directed to transmit to the House of Representatives the following copy of the Governor's veto message to the Senate. Passed by the Senate October 22, 1987, by a three-fifths vote. Linda Hawker, Secretary.' There being no further business, the House now stands adjourned."

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