

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

131st Legislative Day

November 16, 1988

Speaker Breslin: "The hour of 11:30 having arrived, the House will come to order. I would ask Members to be in their seats. Our Chaplain for today is an old friend of ours, Reverend Gary McCants, Pastor of the Bethel African Methodist Episcopal Church in Kewanee. Reverend McCants is the guest of Speaker Madigan. I would invite all of our guests in the gallery to join us for the invocation."

Reverend McCants: "May we bow our hearts. This is another day that the Lord hath made. We will rejoice and be glad in it. Lord, as we come to invoke Your holy presence we give thanks for another day. We thank you, Oh God, for how you spared our lives and our property through the storm that raged through this community and various parts of this state last evening. We ask, Oh God, that you might send Your Holy Spirit to give comfort where people were injured, where there was loss and where people are depressed. We thank you, Oh God, for how You meet our needs on a daily basis. How You wake us up, and yet we find ourselves clothed, in our right minds and we have hearts that are stayed on You. Bless us as we come together today. We ask that You might heal wounds, that You might restore us to our rightful place in You, that we might ever give You the Glory and that we might give You the honor and all the praise. In the name of Thy Son, Jesus Christ, we pray. Amen."

Speaker Breslin: "Representative Ropp. Lead us in the pledge."

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

Speaker Breslin: "Roll Call for Attendance. Representative Matijevich, are there any excused absences?"

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Matijevich: "Yes, Madam Speaker. Let the record reflect the excused absence due to illness of Representative Nelson Rice."

Speaker Breslin: "Thank you. Representative McCracken."

McCracken: "Yes. May the record reflect the excused absence of Representative Barnes."

Speaker Breslin: "Thank you. Have all others been recorded who are here? Mr. Clerk, take the record. There are 114 people answering the Roll. A Quorum of this House is present. Representative McGann, for what reason do you rise?"

McGann: "Madam Speaker and Members of the Assembly, on yesterday when a vote was taken on House Bill 3199, a very important piece of legislation, I was off the floor and my vote was not registered and I would therefor like to reflect that I supported this legislation from its inception and if I'd have been on the floor I would have been voting 'aye'."

Speaker Breslin: "Very good, Representative McGann. That'll be reflected in the record. Committee reports."

Clerk O'Brien: "On November 15, 1988, the Committee on Rules met and pursuant to Rule 46.1 makes the following report on House Bills amendatorily vetoed by the Governor. Compliance with House Rule 46.1b, House Bills numbered 253, 2034, 3109, 3335, 3349, 3482, 3666, 3733, 3739, 3785, 3800, 3968 and 4116. Noncompliance with Rule 46.1b, House Bills number 917, 2918, 3125, 3273, 3735 and 4075. Signed, John Matijevich, Chairman."

Speaker Breslin: "Ladies and Gentlemen, on page 5 on your Calendar under the Order of Amendatory Veto Motions, Gubernatorial Compliance, we will begin at the beginning with House Bill 2034 and go down this list. That is the plan of the Chair. Representative Phelps, are you prepared on your Motion on House Bill 2034? Out of the record."

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House Bill 3109, Representative Giglio. Representative Giglio. Present your Motion, Representative Giglio. Representative Giglio. We'll take this out of the record, Representative Giglio."

Speaker Madigan: "Ladies and Gentlemen. If the Members could please be seated and if the staff would retire to the rear of the chamber, we have a distinguished visitor today who will offer some brief remarks. So again, if the Members would please take their chairs. Mr. Dunn, would you please be seated? Mr. Mulcahey. We're very pleased to have with us today the representative of the government of Taiwan in Chicago. Mr. C. Y. Chang is the Director General of the Office of the Coordination Council for North American Affairs located in Chicago. Many of us in this Body have been privileged to visit Taiwan, to be introduced to the governmental officials in that country, to be exposed to their culture and their government. And for those of us who have been there, why, on a bipartisan basis we can tell you that Taiwan is truly a friend of America in Southeast Asia and because of that I am very pleased to introduce to you Director General Chang. Mr. Chang."

Mr.Chang: "Thank you. Thank you, very much. Thank you, Mr. Speaker. I understand you have had a very busy morning and it is close to lunch time and I will cut short my talk. Mr. President, Honorable Members of Illinois House of Representatives, Ladies and Gentlemen. It is indeed my great honor and privilege to be given this opportunity to say a few words here today. With your permission I will use the next few minutes to present to you a brief introduction of the current situation in my country, the Republic of China on Taiwan and it's close relations with your country. The United States of America and the Republic of China have been close friends for many, many

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years. The kind of friendship between our two countries has always been characterized as traditional and of historic significance. From...Since 1979, the substantive relations between our two countries, in absence of a diplomatic relationship, have been close and cordial in areas of trade, culture, education, science, technology, et cetera. Since recent years, my country has been known for it's economic stress. Last year our worldwide trade volume was about 88 billion U.S. dollars, ranking us the thirteenth largest trading country in the world. The battle for trade between our two countries last year hit 31.2 billion U.S. dollars with a trade surplus in our favor at 16 billion dollars, making us the fifth largest trading partner of your country. We are proud of what we have achieved there. Nevertheless, we have been also taking concrete steps to help out our troubled partner. Since about seven years ago, we began to cut tariffs on imports from the United States. In 1987, tariffs on more than three thousand five hundred import items were cut, up to an average of 50 percent, meaning a loss of 3.3 billion dollars in our customs duty revenue. The average effect duty rate last year was only 3.8 percent, comparable to that of any development country. Now, many of your boats came into Taiwan duty-free. Some of other trade partners have even accused us of displaying favoritism to the United States. As a result, the growth rate of our import from your country since April, 1987, has been higher than that of our export to your country. The trade surplus... our trade surplus with the United States this year is expected to drop to somewhere around ten billion dollars from last year's sixteen billion dollars. Now, people in my country enjoy one of the world's most equitably distributed income levels and prosperity is evident everywhere on the island.

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The success of our recent political reform programs, especially in the last 2 years has made us the model of democratization, the most of the developing countries in the world. The middle class on Taiwan today is less interested in further promotion of living standards, per se, than they are real concerned about pollution of the environment caused by industry, quality of cultural activities, and the welfare of aged, so forth. There is no doubt that my country is recognized as what it really is. A stable, wealthy and significant economic zoom in the world. I assumed my office in Chicago, May... five months ago. Yet I have had opportunities to visit five states in this midwestern area meeting with government officials, business people. I have sensed a strong desire there to seek our investment in this area and to promote the sale of local products to my country. My country today has the capacity to respond to the needs of this area and we're willing to do so. Although my office in Chicago covers seven states in this country, yet, because I'm stationed in Chicago, Illinois, I do have a special sentiment toward your esteemed state. I wish to assure you, my first priority is to do whatever I can to promote the balance of relations between your state and my country, which I believe is definitely to the interest of yours as well as ours. Thank you."

Speaker Breslin: "Ladies and Gentlemen, the Order of Business is on page 5, Amendatory Veto Motions, Gubernatorial Compliance. Representative Giglio, are you ready on House Bill 3109? He indicate... Representative Giglio."

Giglio: "Yes, Madam Speaker, I move to accept the Governor's Amendatory Veto on House Bill 2034. What this Bill was, and still is, is a Bill for the..."

Speaker Breslin: "Excuse me, that's 20... that's not your Bill,

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Representative. Your Bill is House Bill 3109."

Giglio: "Well, are we on 2034?"

Speaker Breslin: " Well, we were on 3109. Representative Phelps was called upon to present the Motion on 2034 and he took it out of the record."

Giglio: "Okay."

Speaker Breslin: "So yours is 3109."

Giglio: "House Bill 20... 20... or, 3109, Madam Speaker, Ladies and Gentlemen of the House, House Bill 3109 amends the Illinois Training.. Police Training Act and the Sheriff's Act to require that the Sheriffs obtain 20 hours of training each year. This Bill was agreed upon by the associations of the the training... the Sheriff's department and also the Sheriffs of the county. What the Governor done in this Amendatory Veto was remove the language that would require the training police board to conduct the training classes for the county sheriffs. He specified that the board should review and approve the curriculum for the county sheriffs and thereby eliminating what the County Sheriff's Association wanted to do. I totally agree, the people involved that the Bill pertains to agree, and I would ask for your favorable support."

Speaker Breslin: "The Gentleman has moved to accept the Governor's Amendatory Veto of House Bill 3109, and on that question is there any discussion? Hearing none, the question is, 'Shall this House accept the Governor's specific recommendations for change in House Bill 3109?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Sixty votes are required for acceptance of this Motion. Have all voted who wish? The Clerk will take the record. On this question there are 112 voting 'aye', none voting 'no' and none voting 'present'. The House does accept the Governor's specific recommendations

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for change on House Bill 3109 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3482, Representative Didrickson."

Didrickson: "Thank you, Madam Speaker, Members of the House. I move to accept the Governor's Amendatory Veto. The Amendatory Veto on the breast cancer written summary pamphlet takes out the funding language. It allows us statutorily to move on with regards to the producing of this pamphlet and putting it together. We figure it will take about a year and we hope that the funding, which is ranging anywhere between 17 to 30 thousand dollars will be able to come in the next session, so I move to accept the Governor's Amendatory Veto."

Speaker Breslin: "The Lady moves to accept the Governor's Amendatory Veto on House Bill 3482. On the question the Gentleman from Fulton, Representative Homer."

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

Speaker Breslin: "She indicates she will."

Homer: "The effect of the Governor's Amendatory Veto was to do what?"

Didrickson: "The effect of the Governor's Amendatory Veto was to take out the funding language which says that every two years a new pamphlet would be produced by the Department of Public Health at a cost of approximately thirty thousand dollars."

Homer: "Well, I don't want to disagree with you, since you're the Sponsor, but it seems what he did was to insert some language that says that the program would be limited to funds that were made available for this purpose. That's the language that he added to your Bill, which means that the program could not go forward unless there were a separate line item appropriation for the program."

Didrickson: "Exactly. Right. The funding isn't there."

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Homer: "Seventeen thousand dollars isn't there to fund this program?"

Didrickson: "It's anywhere between...two years ago it was seventeen thousand, this year it's thirty thousand. I am working with the Department of Public Health. The committee is being formulated and being put together. We are moving forward in terms of the committee work that needs to be done to draft this pamphlet. In California it took two years to put this pamphlet together. It is our hope that within the next two years and even sooner than that the actual funding and printing of that pamphlet will occur."

Homer: "Representative Didrickson... Well, Madam Speaker to the Bill, then. If the State of California has already drafted the brochure, I would assume that the information given to women in California about early detection of breast cancer could be borrowed here in the State of Illinois and save us that expense. The Bill simply requires the Department to put together a brochure to make available to health providers information that would inform women as to early breast detection and to provide them with some information and some knowledge. The Department...the Bill was written so the Department would do that. I don't know why they even say it would cost them seventeen thousand or thirty thousand. I can't believe the Department of Public Health doesn't have somebody on staff that couldn't take that California brochure and make whatever revisions were required and print it and send it out to health providers so that women have this information available to them. But even if it did cost seventeen thousand or thirty thousand, if it allowed just one woman to find early detection of breast cancer, it would be well spent in terms of the relative scope of the state budget. I think the Lady has a

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good Bill and I regret the Governor vetoed the Bill on such flimsy grounds, that we don't have seventeen thousand dollars in the State's Department of Public Health budget. I wish that the Lady had moved to override. I think she'd be well supported if she moved to override. But she wants to accept, she wants to accept, which means that if we accept it's a nothing program until we sometime down the road come up with seventeen thousand dollars. That's ludicrous. There may be many women who will suffer as a result of this lack of information in the meantime. It would be unconscionable for us to do that. I hope the Lady will reconsider. I move that we reject the effort to accept the veto and encourage her, once we do so, to make a Motion to override. And I'm sure that we can put the votes up to override that Amendatory Veto and do what's fair and proper, so I urge that we stand with 'no' votes to the Lady's Motion."

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

Cullerton: "Yes, thank you, Madam Speaker, Ladies and Gentlemen of the House. Would the Sponsor yield?"

Speaker Breslin: "She will."

Cullerton: "Representative Didrickson, if... As you know, if... anyone can make a Motion to override. It's not just the Sponsor at this stage that has control. If we were to defeat your Motion to accept and someone was to file a Motion to override and 67 Democrats supported it, do you think you could come up with 5 Republican votes to support the override? For this... for this... budget busting Bill?"

Didrickson: "Representative Cullerton, I am just delighted that we're getting such support. I think it's wonderful that we're getting such support for this very fine piece of

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legislation and I would just like to..."

Cullerton: "Let me interrupt just for a second."

Didrickson: "Okay, go ahead."

Cullerton: "The Bill passed on May thirteenth 114 to nothing and in the Senate it passed on June seventeenth 57 to nothing. What was it that was so intimidating by this Governor's Amendatory Veto that forced you to accept the gutting of the Bill at a cost of seventeen to thirty thousand dollars?"

Didrickson: "Representative Cullerton, you know, I think I understand when I'm getting tweaked and I'm getting tweaked right here with regards to the Governor. It is going to take more than just a simple grabbing California's brochure, as Representative Homer said, in order to put this together, okay? So I'm more willing to work with the Governor's office regarding the public health, simply to put together the finest brochure that we can. Ours is going to be far more extensive than what they did in California. We're using detection ...measures are going to be in there in regards to mammography, we have a national breast cancer association right here in the State of Illinois who wants to have that input. It's going to take time. The 'Why Me?' breast cancer organization wants to be able to be a part of that committee. All of that is moving along. We are doing that, okay? The only thing we are doing here is not saying that that seventeen or that thirty thousand dollars is going to be available Day One, today. We don't need it Day One, today. We are going to need it after this committee finishes this work and it's going to take a few months to do that. The committee meeting has already been set up."

Cullerton: "Let me ask you this... what is the cost... the maximum worst case scenario for the cost to the state?"

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Didrickson: "Thirty thousand dollars. Thirty thousand dollars."

Cullerton: "Okay. Thirty thousand dollars. Let's accept that figure. Now, what you're saying is it's going to take some time to put together the material for the brochure."

Didrickson: "That's right."

Cullerton: "And what happens if we don't... if we override the Governor's Veto?"

Didrickson: "The money will be sitting there, and we won't necessarily be using it in the next 3 to 6 months. We might be better off to put that money in a line item back for education, Cullerton. Would we like to do that? Or for the homeless. Maybe the seventeen or the thirty thousand dollars for the homeless might be more appropriately used over the next six months with the upcoming winter months versus, you know, having it just sit there right now. I'm saying that the Department of Public Health is working with us. We're moving right along, just as we would whether or not that line item was sitting there or not."

Cullerton: "Well, Madam Speaker, to the Bill. I think that I agree with Representative Homer. I'm not trying to... I think the expression used was 'tweak' the Sponsor. I'm certainly not trying to tweak the Sponsor, I don't think anybody here is. I think this is just ridiculous. I mean it's... if it's thirty thousand dollars and it was a good Bill when she introduced it, it was a good Bill when she passed it, no one voted against the Bill in the entire General Assembly, we can easily override the Governor's veto and we should. And I think that the best procedure would be to vote 'no' or vote 'present' on the accepting of the Amendatory Veto and then support a Motion to override."

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

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Matijevich: "Madam Speaker, Ladies and Gentlemen of the House. I rise because of that term 'tweak'. The Sponsor thinks that we're tweaking her because of Governor Thompson. I want to tell that Sponsor that we are being tweaked by Governor Thompson, that's what's happened. I read in this morning's newspaper where there is that probability that Governor Thompson vetoed the CHIPS Bill in retaliation for not getting a tax increase, and that is very probable. It is possible, it is very probable. Now what I believe he's done in this instance, he is tweaking us again in retaliation for not having his tax increase. I think we ought to tell the Governor that we have a good program, you have a good program, Representative Didrickson, and I think it is just ridiculous. As I read the Bill I think it would be much, much less than thirty thousand. I think, give me some information and I can write that summary in a day. In one day. And it surely won't cost thirty thousand. If it does, I'm in the wrong business. But I think that it is ridiculous as the other two Sponsors... It has nothing to do with politics. It has to do with public health. Now if we want a good Bill, Representative Didrickson, just go away with this Motion. Withdraw it and have a Motion to completely override and you'll get every vote in this House."

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

Currie: "Thank you Madam Speaker, Members of the House. I rise in support of the Ladies Motion. The former speaker is right. We might well override this Veto in the House. The history of last year's Bill along the same lines, however, suggest that we would not be nearly so successful in the Senate. So the Sponsor of this good piece of legislation tried to do exactly what many speakers have suggested she do today. Tried that route last year. Tried and succeeded

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in this chamber, but did not succeed in the chamber across the rotunda. So I think that if we want to begin action in this area our best advice would be to accept the Governor's Amendatory Veto and hope that we can find the resources and the energy in the Department of Public Health to begin work on this useful pamphlet."

Speaker Breslin: "The Gentleman from DuPage, Representative McCracken."

McCracken: "Well, I see this is on the Gubernatorial Compliance status, so apparently we don't have an institutional problem or a constitutional problem, so I'm at a loss to understand the objection claiming that the Governor's done something wrong here and that you'd be happy to support an override, but not an acceptance. In light of the Sponsor's wishes, in light of her compelling argument in favor of accepting the override and in light of the fact that there is no problem with the Governor's use of the Amendatory Veto power, I'm at a loss to understand the resistance to this Motion. In fact, the program can go ahead if we accept this Amendatory Veto. There will be time through an appropriate appropriation process to fund this as necessary. One of the staunch supporters of your side of the aisle has gotten up in favor of accepting this Amendatory Veto and I would ask everyone to do the same. Apparently, this is not one of those actions which you feel is unwarranted on the Governor's part, so let's not take a stand on this one. I'm sure there are other, better Bills that we can argue about."

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

Davis: "Madam Speaker, Ladies and Gentlemen of the House, I think every woman in this chamber should be voting to override this Veto. I think every woman who has given birth to a girl or who has a child who is a female should be voting to

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override this Veto. Thirty thousand dollars is not a lot when you consider the information that's given as far as where a person can go and fish, and I know that's a tremendous cost to the State of Illinois. I think the information supplied to women will help to decrease some of the medical costs that the state pays for victims to the radical surgery and I would advise and urge every woman, especially, in this chamber along with my male colleagues to support the override of this legislation."

Speaker Breslin: "Representative Matijevich is recognized on a point of personal privilege."

Matijevich: "Madam speaker, based on what I heard after I spoke, I take back everything I said except the tweaking and my comments on the Governor. I'm going to now support the Amendatory Veto. The Sponsor's right but the Governor's wrong."

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

Didrickson: "Thank you, Madam Speaker and Representative Matijevich. I appreciate your vision here. My concern is, if we are to override the Governor's Amendatory Veto we may be successful here in this House, Ladies and Gentlemen. We went down this road last year in the Veto Session and I lost it in the Senate. And for every one of you who are going to vote 'no' on nonacceptance, that's exactly the risk that you're going to run so that we won't have a pamphlet or a brochure that will be developed. I urge a 'yes', an acceptance on this Amendatory Veto. We will move along on track just as if that funding was there and the funding, I am certain, with your help will be there in the next session. Please vote 'aye' on this Amendatory Veto... acceptance."

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

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specific recommendations for change with respect to House Bill 3482?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Satterthwaite, one minute to explain your vote."

Satterthwaite: "Madam Speaker and Members of the House, although I am going to vote to accept this Amendatory Veto, in a way I feel that it's an insult to women that we should have to make a specific appropriation for this particular public health issue, when in fact the Department of Public Health has funds available for many other kinds of educational programs that they undertake without specific line item kinds of appropriations. And so I regret that women have been singled out in this instance as having to get specific funding for a public health issue of direct concern to them."

Speaker Breslin" "Have all voted who wish? 60 votes are required for acceptance of this Motion. Have all voted who wish? The Clerk will take the record. On this question there are 106 voting 'aye', 4 voting 'no' and 3 voting 'present' and the Motion has received the required Constitutional Majority so the Motion is adopted and the House accepts the Governor's specific recommendations for change. The next Bill is House Bill 3666, Representative Stange. Present your Motion."

Stange: "Thank you, Madam Speaker, Ladies and Gentlemen of the House, I move to accept the Governor's Veto on House Bill 3666. The reason for the Veto is to basically expand the exemption to include waste from unauthorized open dumping sites. Clean up by the state as well as the local unit government. I recommend your vote."

Speaker Breslin: "The Gentleman has moved to accept the Governor's specific recommendations for change on House Bill 3666. Is there any discussion? Hearing none, the

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question is "Shall the House accept the Governor's specific recommendations for change with respect to House Bill 3666?" All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 71 votes are required for acceptance of this Motion. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 115 voting 'aye', none voting 'no' and none voting 'present'. This Motion has received the required constitutional majority so the Motion is adopted and the House accepts the Governor's specific recommendations for change. Ladies and Gentlemen, Representatives Giglio and Piel are recognized for a special introduction."

Piel: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. To a great pleasure, many times Members of the House come before you to introduce a state champion team. But Representative Giglio and I talked to the South Holland Babe Ruth baseball team and we said that we would not introduce them if they were just state champions. It is with great honor that I introduce to you the South Holland Babe Ruth team, who happens to be, One: The Illinois State Champions. Two: The Ohio Valley Regional Champions, and Ladies and Gentlemen of the House, they ended up taking third in the nation in the Babe Ruth World Series. Would you help me honor them with a round of applause, and Mr. Clerk... First of all, let's honor them. The State of Hawaii who happens to play baseball 365 days a year, 24 hours a day, happened to be the National Champions. They won by scores of like 16 to 4 and 13 to 2. The team you're looking at lost to Hawaii by one run and Hawaii had 3 unearned runs in that game. They were true sportsmen to the letter of the word and Mr. Clerk, would you please read the Resolution presented?"

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Clerk Leone: "House Resolution 1883, offered by Representatives Piel and Giglio."

WHEREAS, The South Holland Babe Ruth League won the Illinois State Tournament and went on to finish third in the United States; and

WHEREAS, The team, managed by Chet Gronowski and coached by Gary Ericks, Jr., and Alex Wojcikiewicz, ended the season 15 to 2 and went on to win the Ohio Valley Regional in Niles, Michigan; and

WHEREAS, In the World Series in Lebanon, Missouri, the team beat Connecticut, Oregon, and Pennsylvania, finishing third to Hawaii and Texas; and

WHEREAS, At the World Series, the Babe Ruth team was acknowledged to be the best in sportsmanship and discipline; and

WHEREAS, The team members who played so well are: Sam Antkiewicz, Jon Dunlop, Brad Ericks, Gary Ericks III, Paul Feichtinger, Craig Gronowski, Jason Lepore, Vince Loucado, Chris Hack, Justin Mattio, Jeff Mickolayck, Mark Nardi, Kevin Sheridan, Keith Sprehe and John Riddle; and

WHEREAS, South Holland can be proud of being third in a field of more than 3,000 competing teams; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the South Holland Babe Ruth League on coming in third in the U.S. World Series and 1st in Illinois; that we commend players, manager, and coaches on their excellent sportsmanship and outstanding effort; and that we wish all the players and their hometown fans every blessing in the future; and be it further

RESOLVED, That suitable copies of this preamble and resolution

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be presented to the team's manager, coaches and players with our best wishes."

Piel: "Thank you, Mr. Clerk. All in favor say 'aye', all opposed 'no'. The 'ayes' have it. At this time I'd like to introduce Chet Gronowski, the Manager of the team to introduce the members of the State Champion Babe Ruth team. Chet."

Mr. Gronowski: "Thank you, Ladies and Gentlemen of the House. We sincerely appreciate the opportunity to be recognized by you. I present to you a team that not only were excellent ballplayers, but represented the State of Illinois very proudly. We were acknowledged at all levels of competition as being good sportsmen and gentlemen in what they were doing and accordingly, I feel, did our state proud. I would like to call the ballplayers by name so that you might know who they are. Gentlemen, if you would raise your hand as I call your name. Sam Antkiewicz was our catcher. Jon Dunlop, our shortstop. Brad Ericks, our rightfielder. Gary Ericks, an outfielder. Paul 'Scoop' Feichtinger was our first baseman. Craig Gronowski, pitcher, centerfielder. Jason Lepore our second baseman. Vince Loucado, an outfielder. Chris Hack, an infielder. Justin Mattio, an outfielder. Jeff Mickolayck, an outfielder. Mark Nardi our third baseman and shortstop. Kevin Sheridan caught and played outfield for us. Keith Sprehe was utility infielder and outfielder and John Riddle was one of our catchers. My coaches, Ladies and Gentlemen as acknowledged before, are Gary Ericks, Jr., and Alex Wojcikiewicz. Thank you, very much."

Piel: "Thank you, Chet. Thank you, Ladies and Gentlemen of the House and thank you, Madam Speaker."

Speaker Breslin: "Ladies and Gentlemen, returning to page 5 on your Calendar under Amendatory Veto Motions, Gubernatorial

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Compliance the next Bill is House Bill 3733, Representative Mulcahey is the Sponsor of the Motion. Representative Mulcahey."

Mulcahey: "Thank you, Madam Speaker, Members of the House. I move that we agree with the Governor's Amendatory Veto to House Bill... we accept the Amendatory Veto to House Bill 3733. The Bill stays intact as was originally written and passed the House and the Senate. The Governor has simply added a provision whereby both parties involved, the Commerce Commission or the complaining party involved agree that additional time is needed above and beyond a year. If both agree, then the year limitation is waived and I would move for the... that we accept the Amendatory Veto."

Speaker Breslin: "The Gentleman has moved to accept the Governor's Amendatory Veto on House Bill 3733. Is there any discussion? Hearing none, the question is, 'Shall the House accept the specific recommendations for change with respect to House Bill 3733?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 60 votes are required for the adoption of this Motion. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 113 voting 'aye', none voting 'no' and none voting 'present'. This Motion has received the required Constitutional Majority so the Motion is adopted and the House accepts the Governor's specific recommendations for change. House Bill 3800, Representative Currie. State your Motion, Representative."

Currie: "Thank you, Madam Speaker and Members of the House. I move the House do accept the Governor's proposed... amendatory changes in respect to House Bill 3800. The Bill as originally introduced, dealt with the authority of the Environmental Protection Agency to apply new procedures

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encouraging the use of composting as an alternative to disposing of leaves and grass clippings and other yard wastes in landfills. By Amendment was added material having to do with biodegradable containers. That Amendment was also the subject of another Bill that found its way to the Governor's desk and his amendatory changes in 3800 are merely to delete that second point in the Bill which he dealt with, as I say, in another piece of legislation which at this time is in the Senate, so I would appreciate your support for the acceptance of this Motion approving the Governor's suggested language changes."

Speaker Breslin: "The Lady has moved to accept the Governor's specific recommendations for change with regard to House Bill 3800. On the question is there any discussion? Hearing none the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 3800?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 60 votes are required for the adoption of this Motion. Have all voted who wish? The Clerk will take the record. On this question there are 114 voting 'aye', none voting 'no', and 1 voting 'present' and the House does accept the Governor's specific recommendations for change and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3968, Representative DeJaegher. State your Motion, Mr. DeJaegher."

DeJaegher: "Thank you, Madam Speaker and Members of the House. I stand in opposition to the Governor's Amendatory Veto of House Bill 3968. This Bill passed the Senate 39-16, the House vote was 78 to 39. The language of the Bill is similar to the language which is in K-12 Section of The School Code. There may be opposition to this Bill, but remember, it has been successful in K-12. It gives all

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those in the teaching profession the same right. There is no language change, contrary to what someone may have you believe. You voted for this Bill in the spring. Hopefully, that you will consider and vote for this Bill again at the present."

Speaker Breslin: "The Gentleman has moved to accept the Governor's specific recommendations for change for House Bill 3968. On that question, the Lady from Cham...Excuse me...You have moved to override. Excuse me. Representative DeJaegher has moved to override on this Bill, House Bill 3968. On that question the Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House, the Amendment that is at issue in the Governor's Amendatory Veto is an Amendment that was added to this Bill while the Bill was in the Senate. It came back to us for approval, but there was not really a very extensive discussion of this Amendment at that time. When I talked with representatives of the community college Board earlier today, it appeared that their objection to this amendatory...their approval of the Amendatory Veto rests on some of the language in the Bill that talks about services that an individual is competent to render. There has been some confusion, I think, in individual community colleges in regard to how they can define that term. Until just a few minutes ago I was unaware that that language will be in the community college statutes whether or not we override the Governor's Amendatory Veto. On behalf of the community colleges, I would suggest to people that there is some confusion. They may want to weigh their vote on this issue in regard to whether or not their community college has in the past had to have a reduction in force and whether or not that particular community college has already defined

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how their employees fit into this schedule of competent to render services for a specific class assignment. I believe that there may be a more basic problem with the statute that is in current existence, but I am really ambivalent at this point in terms of whether or not we should override this Amendatory Veto. I simply think you should base your vote on whether or not your community college has already had to establish this list of seniority and whether or not this will be imposing upon them an additional chore that they have not had to do in the past. They will still have to prepare this list. It's a matter of whether they will have to do it under the time lines of this Amendment."

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

Cowlshaw: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, the Governor looked at this Bill and left 2 of the 3 major provisions of the Bill precisely as they were when the Bill was sent to him. The only part that he changed and simply removed is the part that requires all Community College Boards to establish a list, categorized by position, showing the seniority of each and every faculty member and by a certain date within each year to supply that list to the bargaining unit. The Governor states in his message on this Amendatory Veto that this provision of this Bill would establish in law, in state law, an issue which is and should be discussed in local collective bargaining negotiations. The jurisdiction for this kind of decision is at the local level, not at the state level. The Governor makes that point and I think it is well taken. In addition, he states, and frankly this was one of my objections to the Bill when we were considering it in the spring... he states that the language in this Bill is too specific with regard to the word

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'position' and not specific enough concerning which personnel are to be included in these lists. Madam Speaker and Members of the House, because there are so many uncertainties about what the language of this Section that the Governor had eliminated...what really that would impose upon our community colleges, I think we would be well advised to vote 'no' on this Override Motion and give the Sponsor an opportunity to accept the Amendatory Veto and work out at another time the language that would be satisfactory both to the community colleges and to the Sponsor. The community colleges are opposed to the Override Motion. Thank you."

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

Curran: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, I'd like you to think about this thing for a minute. I've got a community college that serves my district. I'm in touch with the people from that community college and I haven't heard from them on this Bill. But just think for a second...Which community college in the state is there that doesn't know how many faculty they've got and how long these people have been on board. We're talking about making a list and having it available by February first. It is silly to think that these people don't already have the list and certainly if there is a community college somewhere in this state, in some dark corner that doesn't already have this list, they better get with it in a hurry. Every community college knows who they've got on board and how long they've been there. This is just silly talk. And then for the Governor to say at one point the language is too specific and the language is too vague. On both those points the language doesn't change. It's already applied under the law and it's already interpreted at the local

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district, in each local district, and that doesn't change at all. So we're talking about a list that already has to exist and language that doesn't change. It's silly to do anything other than vote with the Gentleman in favor of the Override Motion."

Speaker Breslin: "The Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think we need to focus on what is in this Bill, not what some people assume that's in this Bill. And let me tell you, the basic problem with this legislation as it came out of the Legislature and went to the Governor was the fact that they took language from the School Code, which only affects K-12. There is no requirement above K-12 for certification. You want to talk about, you know, the difference between dealing with faculty and employees at elementary and secondary level and higher education, it is very clear that one the School Code applies to and the other doesn't. You cannot treat them both the same way. There is... you just can't do it and you ought not do it, particularly since so many people in the community colleges are part-time faculty members as opposed to full-time. And there's a good reason for that, which is irrelevant to this Legislation. But I stand here today to tell you that the Governor's Amendatory Veto should be supported. We should not override this Veto in the best interest of the community colleges as well as the best interest of the taxpayers of this state and I rise in opposition to the Gentleman's Motion."

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

Matijevich: "Will the Gentleman yield to a question?"

Speaker Breslin: "He will."

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Matijevich: "Representative DeJaegher, as I read the Bill, if completely overridden... as I read the Bill, you would really be making no policy change with regards to seniority as now exists in the law. Is that correct?"

DeJaegher: "That's correct, John."

Matijevich: "Yeah. Well, I make that comment because evidently, from the comments I just heard, and somebody, I think it was Representative Hoffman, said you're not reading the Bill. Well, I'm going to tell Representative Hoffman, evidently you haven't read the Bill because as I read the Bill the present law... the present law does say that nobody can be terminated if they have seniority and can do a job... is competent to do another job. That's what the law is. And all that this Bill does is says that the community college, with the representation of the unions or whatever you want to call them, shall prepare a seniority list. That's what it does. So the present law, the law that we have right on the books now protects seniority. It protects seniority. That doesn't change anything, so I believe that the Bill ought to be overridden. There's no danger here whatsoever. It's in direct concert with the present law and I would urge an 'aye' vote on the complete override."

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

Ropp: "Thank you, Madam Speaker, Members of the House. I think the entire process in this Bill is a bit confusing in talking to both groups. But let me say I think that it is important that the override not be supported because what I think the Governor's attempting to do here is to clearly state, or allow some time for clarification on what is considered full-time and what is considered part-time people in the community college system. And I don't think

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there's any problem with seniority because we all understand that, but the way the Bill is written out it does not clearly define full-time and part-time with clear definitions that would not cause some kind of potential lawsuit ultimately. And I think for the protection of those people involved, both members of the faculty as well as the system itself, we need to readdress this this next Session and to sustain the Governor's Veto amendatorily at this particular point."

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

Homer: "Thank You, Madam Speaker. I, too, rise in support of Representative DeJaegher's Motion to override and I think that the Governor's message... in his veto message is what is causing the confusion. He talks in his message that somehow this Bill would impair the right of the community college to not appoint people that were not qualified. This Bill doesn't do that. This Bill still requires the community college to make the sole determination as to who is competent to render the service. And as Representative Matijevich says, the current law for community colleges provides that no tenured faculty member may be terminated while another employee with less seniority is retained to render that service. So it's already the law that the community college cannot take away someone's job who has seniority, who is competent to do that job. And there's nothing in this Bill to say that the community college will not have the right to determine who is competent. All that this Bill would do as it passed here is to require the community college to publish a list of seniority prior to February one and that would give the employee bargaining representative an opportunity to dispute some of the findings with regard to: a) seniority and, b) competence.

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It still leaves the final decision with the community college. All it does is give 60 days advance notice to the teachers group as to who is on the list. That just seems to make a lot of good sense and it's already the law for K through 12. It's been on the books for K through 12. It's the same language and we've had no complaints from school administrators or school boards in K through 12. It's working well there, it should work just as well for community colleges. It makes a lot of sense. We should vote... we should vote to override the Amendatory Veto. A 'yes' vote is the correct vote."

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

DeJaegher: "Thank You. There has been some stated opposition, but I think that Representative Homer and Representative John Matijevich has basically cleared up the opposition to the points that had been raised. It makes no rationale at all or no substance to the argument that basically this is wrong, the wrong approach. Basically we have the Bill, currently in effect and we're really not changing the Bill in substance at all. In fact, we're changing the Bill not one iota. So if you feel that this Bill has been a workable object for a good number of years, the K-12 system, all it does is give those teachers in the community colleges the same rights that presently prevails in the K-12 system. For that particular reason, for the above stated reasons that the favorable opponents have I ask for support of this Bill."

Speaker Breslin: "The question is, 'Shall the House pass House Bill 3968, 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 Phelps, one minute to explain your

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vote."

Phelps: "Thank you, Madam Speaker. In explaining my vote, with all due respect to Representative DeJaegher, this provision in this Bill that seems to me now has confusion on the matter. It had a fair debate through the House and Senate in the last few months and here we are now at the last phase and the question that's coming up is that it's just not honestly put forth, I don't feel, and the provisions aren't changed. The extremities that has been pointed out by my colleagues that K through 12 have lived with for 5 years. There's not a problem. One uniform change that's added, it will only improve the quality of education. I ask for your favorable vote."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 66 voting 'aye', 47 voting 'no' and none voting 'present'. This Motion having failed to receive the necessary three-fifths majority thus fails. On page 6 appears House Bill... Representative DeJaegher, for what reason do you seek recognition?"

DeJaegher: "Would it be proper for me to readdress this Bill and accept the Governor's Amendatory Veto?"

Speaker Breslin: "Yes. That is possible. You may do so immediately if there are no objections. There isn't a written Motion filed, but all indications are that you have leave to do so. The Clerk, however... Excuse me."

DeJaegher: "Madam Chairman, I would like to make a Motion at this time to accept the Governor's Amendatory Veto."

Speaker Breslin: "Okay, Representative DeJaegher, according to the Clerk, we need the language in a Motion in order to determine what language you are accepting, so if you would come down and we will have the language... LRB will prepare that Motion for you so we can get back to that even today if you will have that prepared for us. Thank you."

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On page 6 appears House Bill 4116, Representative Tate."

Tate: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 4116 was an Amendatory Veto. I move to override the Governor's Amendatory Veto. The current law provides that if a person becomes disabled during a minority and later obtains substantial economic resources, one parent may have additional children with the same spouse or subsequent children. And those essentially unrelated children share the child estates equally with the parent who gives a lifetime of care to that disabled child. This Bill simply allows both mechanisms to address this inequity and both of which are now currently discretionary with the court. So I move to override the Amendatory Veto. Thank You."

Speaker Breslin: "The Gentleman has moved to override the Governor's specific recommendations for change in House Bill 4116. On that question is there any discussion? Hearing none the question is, 'Shall the House... Shall House Bill 4116 pass, the Veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 110 voting 'aye', 4 voting 'no' and one voting 'present'. This Motion has received the required Constitutional Majority so the Motion is adopted and the House...This Motion has received the required three-fifths majority, so the Motion is adopted and the House overrides the Governor's Veto. Okay. Excuse me. The Clerk informs me that there's been a malfunction. We're going to have to take that Roll Call again. We don't have that Roll Call in the computer. So the Roll Call is on the override of the Amendatory Veto language on House Bill 4116. All those in favor vote 'aye', all those opposed vote 'no'. Have all

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voted who wish? Have all... Representative Bugielski wishes to vote 'aye', Mr. Clerk. Thank you. Have all voted who wish? The Clerk will take the record. On this question there are 107 voting 'aye', 6 voting 'no', one voting 'present'. This Motion having received the required three-fifths majority, the Motion to override prevails and House Bill 4116 is declared passed, the specific recommendations for change of the Governor notwithstanding. Representative Phelps, there's only one Bill left on this order. Do you wish to go back to it, that's your Bill? Okay. On page 5 on the Calendar, Ladies and Gentlemen, under Amendatory Veto Motions, Gubernatorial Compliance, appears House Bill 2034. Representative Phelps."

Phelps: "Thank you, Madam Speaker. I move to accept the specific recommendations of the Governor as to House Bill 2034 in the manner in which the Governor recommends."

Speaker Breslin: "The Gentleman has moved to accept the Governor's specific recommendations for change on House Bill 2034. On that question is there any discussion? Hearing none, the question is, 'Shall the House accept the Governor's specific recommendations for change on House Bill 2034?' 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 112 voting 'aye', none voting 'no' and one voting 'present'. The House does accept the Governor's specific recommendations for change on House Bill 2034 and this Bill has received the const... necessary Constitutional Majority. Ladies and Gentlemen, we are changing the Order of Business to the Order of Motions. On page 9 on your Calendar appears Senate Bill 1889. Excuse me. Representative VanDuyne, for what reason do you seek recognition?"

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VanDuyne: "Thank you, Madam Speaker. That... Just a general comment about House Bill 2034. One of the provisions of House Bill 2034 was to eliminate a call for a referendum on the Joliet Port Authority and I just wanted to notify the Members that the court suit involving that referendum has now been settled in favor of the Joliet Port Authority, so me, being the prime Sponsor of that Bill initially, feels some sort of vindication and for informational value to the Members, the court has ruled in favor of the Joliet Port Authority and now they are going to proceed with their plans to redevelop and expand and buy the Lewis College airport. So that's now on target again and I want to thank all the Members for their help."

Speaker Breslin: "Thank you. Representative McCracken, do you wish to speak on this issue? For what reason do you rise, Sir?"

McCracken: "Just a point of order. I don't believe we can just move on the Calendar. Have you declared a subject matter or something? Is this the Charitable Games?"

Speaker Breslin: "Yes."

McCracken: "Then we're with you. We're with you."

Speaker Breslin: "Okay. Do you wish to proceed to that?"

McCracken: "Yes. Let me ask a question, though. Are we going to be calling the alleged Noncompliance Amendatory Vetoes?"

Speaker Breslin: "I'm sure that we will. I don't know what time, but I'm sure that we'll get to them."

McCracken: "Are we calling them today?"

Speaker Breslin: "I don't know, but I'll find out."

McCracken: "Will you tell me when you find out?"

Speaker Breslin: "I will."

McCracken: "Okay."

Speaker Breslin: "Representative Keane. You're recognized on a Motion on Senate Bill 1889."

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Keane: "Thank you, Madam Speaker. I move to suspend Rule 79(d) and (e) and place on the Calendar on the Order of Speaker's Table on the Order of Conference Committee Reports."

Speaker Breslin: "You have heard the Gentleman's Motion. Is there any discussion? Is there leave for Representative Keane to suspend Rule 79(d) and (e) and place Senate Bill 1889 on the Calendar on the Order of Speaker's Table on the Order of Conference Committee Reports? Hearing no objection the Gentleman has leave by use of the Attendance Roll Call. Ladies and Gentlemen, before we do any further business I would like to introduce to you a new Member of this Assembly who was sworn in in September, Representative Shirley Jones. Representative Jones. Welcome. Going to page 3 on the Calendar, under the Order of Total Veto Motions, appears House Bill 2986. Representative Satterthwaite. Mr. Clerk. Okay. Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House. As you will recall, last year the Legislature passed a fairly complex Bill dealing with programs to permit people in the state to provide for investments so that they would have money available for their students going to college. In fact, several of those Bills were passed and placed on the Governor's desk. By his amendatory veto at that time the Governor took Senate Bill #2 and transformed it into a Bill that retained much of the language of the original Bills, but restricted the involvement to a program for sales of General Obligation Bonds. Under that legislation, the Governor and the Bureau of the Budget have moved forward to sell those General Obligation Bonds. They have been in high demand and a number of people throughout the State of Illinois are now in possession of bonds that will mature when their children are going to college. That is a very

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fine program. Unfortunately, however, the Amendatory Veto took out language relating to the authority of the Baccalaureate Trust Authority. The Baccalaureate Trust Authority is a group that is appointed to advise on these investments. We have met a couple of times, have given advice on the issuance of the bonds and means of marketing those bonds. But in my opinion the Governor's Amendatory Veto on Senate Bill #2 went too far, because it removed any authority for the Baccalaureate Trust Authority to provide other investment mechanisms. That's why I came back this year with House Bill 2986 so that we can offer other kinds of savings programs for people who are interested in accumulating money to help their children go to higher education programs. If you looked at the material that came out last spring in the Legislative Research Unit's bulletin about this program, they provided us with a chart that indicates that for some families...in fact, a taxable bond program is better for an investment for that family than the tax free program that we currently have in place. We have also heard from a number of our constituents who may not be able to put money in excess of a thousand dollars per bond into investment at one time who would prefer to have some kind of periodic investment so that they can accumulate the money in smaller portions, but still be saving toward that ultimate goal of having some resources available to help their child finance their higher education. The Governor has vetoed House Bill 2986 because, I believe, he interprets it to mean that the Baccalaureate Trust Authority wants to become a new bank. That is certainly not the case and it is not my intent that the Baccalaureate Trust Authority would have... would be the recipients of any money being invested, but rather that we would have the ability to provide for alternative

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investment programs to be available to the families across the state. The current bond program, in a study done by an intern working with the Board of Higher Education indicates that most of the families investing in the current bond program have incomes in excess of \$80,000 per year. What we hope to do is to be able to reach down into lower income families to help them in a similar way for the best investment available to them. If we are to have the authority to make those programs available, I believe we need to override the Governor's Veto of 2986 and I ask for your support in doing so."

Speaker Breslin: "The Lady has moved to override the Governor's Total Veto of House Bill 2986. On that question the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Ladies and Gentlemen. I ask that we sustain the Governor's veto and this I hope is not perceived as a political issue. It has proved to be a very popular program, something that obviously our constituents are most grateful for. And I agree with the Lady generally, that we want to explore the possibility of other means of creating devices for savings for the college years. But this runs into a problem for a couple of reasons. One, it has been the Governor's position that they can already investigate the other devices and recommend their use. Now, this would substantially change the relationship that is enjoyed by the authority relative to the Governor's Office, but more importantly we are told, could have an impact on the tax exempt status of these proceeds. Apparently, bond council although they have not made a final determination feel that this could affect the availability of that tax exempt status for these bonds and obviously, that is the crucial character of this program. This is what makes it so successful. I just think that in

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light of the fact that the authority can already look into this matter, can already make recommendations, that to give it what amounts to a relatively nominal authority or power at the risk of the tax exempt status of the proceeds is just too great a risk to run. Again, we're all for this program. This is not a political decision to stand up and say no, and I'm not telling you that bond council has made a final opinion. That's not the case. I'm told that it's provisional. But why run the risk when the rewards are so minor by comparison? They can already investigate this. They can already make these recommendations. I just don't see a need to run this risk and I would ask that we sustain the veto."

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

Ropp: "Thank you, Madam Speaker, a question of the Sponsor. In your interpretation of what the Governor was attempting to do, do you feel that he wants this group to strictly still be advisory or are we attempting to determine what is in the best interest of allowing young people to have sufficient dollars to go on to higher education?"

Satterthwaite: "I'm not sure I completely heard your question, but in my opinion, not only does he want it to remain advisory, but he wants it to remain related only to the specific bond program that is in place. Now as I indicated in my opening remarks, there are a number of alternative investments that would be more beneficial to some of the families who cannot participate in the current bond program. It is true that the language of current law says that the Baccalaureate Trust Authority can study and review alternatives, but we don't have any power to offer them to the public. And so what I'm seeking, is just that further step of not only being able to study and review, but to

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make recommendations for programs that the state ought to be carrying forward."

Ropp: "Well, wouldn't the Legislature take those recommendations and then be in a position to act on them, assisting more people to secure funds that they need to go to higher education?"

Satterthwaite: "There may be some alternatives that would be suggested that would need legislative approval, but I think that there are probably also alternatives that would not require legislative action, but simply permit us to advertise or to otherwise promote much as we have promoted the general obligation bond program, so that families could see the alternatives. I don't believe that it in anyway endangers the tax status of the general obligation bonds. There is another law that relates to the extension of the governmental bonds and we're not infringing on that in anyway. I simply want to be able to have an array of alternatives available for people to choose from."

Ropp: "Thank you."

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

Satterthwaite: "I believe the issue has been adequately discussed. If you feel that we should be offering programs in addition to the general obligation bond program so that our young people will be better funded when they go to college, I ask for your support on the Override Motion."

Speaker Breslin: "The question is, 'Shall House Bill 2986 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 to override. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 77 voting 'aye', 37 voting 'no' and none voting 'present'. This

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Motion having received the required three-fifths majority, the Motion is adopted. House Bill 3286, Representative Novak. State your Motion, Sir."

Novak: "Thank you, Madam Speaker, Members of the House. House Bill 3286 amended the Forest Preserve District Act to provide for petitioning out by referendum of a contiguous part of a forest preserve district. This is subject to the will of the people and the forest preserve district. The question would be certified by the court and put on the ballot for the people to approve or disapprove. The Bill passed out of the House on Consent Calendar, I don't believe there was a dissenting vote. And it also passed, I think, without a dissenting vote in the Senate. And I urge the Members of the House to override the Governor's total veto of this Bill."

Speaker Breslin: "The Gentleman has moved to override the Governor's veto of House Bill 3286. On that question, the Gentleman from DuPage, Representative McCracken."

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

Speaker Breslin: "He will."

McCracken: "Thank you. We understand that this affects one area in the state. Is that right?"

Novak: "In counties of 125,000 and below, Representative."

McCracken: "Okay. Is it, and I don't think this is a bad thing, so I'm just looking for an answer..."

Novak: "Yes. Yes."

McCracken: "Is it drawn so that it addresses a problem in your area?"

Novak: "Yes. Yes, Sir."

McCracken: "Alright. Have you been advised about the possible problem because of federal funding to buy this land at one time?"

Novak: "Right. I have been advised."

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McCracken: "Alright. What is the position of the Federal Government? Is it a problem to do this for you, because federal money was used in the original purchase?"

Novak: "No. Representative McCracken, there wasn't any federal funds used to purchase...purchase any land back in Kankakee County. You're talking about the Perry farm, I think?"

McCracken: "Yes."

Novak: "I think...no. That was... The Department of Conservation deeded that property over to the Bourbonnais Township Park District. I filed this Bill on behalf of people that lived in all the townships of the forest preserve district that wanted to place the question back on the ballot, whether they could disconnect or not, but it has nothing to do with any federal funding at all."

McCracken: "Okay. And does the Bill require that the disconnected area remain liable for its proportionate share of bond liability?"

Novak: "Yes, yes it does."

McCracken: "Alright, thank you."

Speaker Breslin: "Any further discussion? Hearing none, Representative Novak, to close."

Novak: "Yes. Ladies and Gentlemen, I think this Bill is important. The law provides...the statutes provide certain special districts, governmental districts like fire protection districts, park districts, to petition out, for areas to petition out by referendum. It gives the people a choice. When special taxing districts are created, people approve them by the ballot. This is only a reasonable thing to allow people to just give themselves a voice whether they want to remain in a particular district or not. And I think it's a very democratic way for people to determine their self-government. And I urge your 'aye' vote."

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Speaker Breslin: "The question is, 'Shall House Bill 3286 pass, the veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 113 voting 'aye', none voting 'no', 1 voting 'present'. This Motion having received the required three-fifths majority, is adopted. House Bill 3695. Out of the record. House Bill 4280, Representative Hannig. Is Representative Hannig in the chamber? Out of the record. Representative Hannig has returned to the chamber, so we'll go back to his Bill. Appearing on page 3 on the Calendar under Total Veto Motions, House Bill 4280. Representative Hannig, present your Motion."

Hannig: "Yes, thank you, Madam Speaker and Members of the House. We've passed this Bill now for the last two years and unfortunately we've seen the Governor veto it the last two years. And his objection has always been that this Bill would cost the State of Illinois some additional dollars. Now what we're proposing in this Bill, is that we set up a task force under the direction of the Department of State Police for the purpose of investigating the violations of the Environmental Protection Act, particularly to look for hazardous waste violations. Now in areas like California and Los Angeles where they've already adopted this kind of attitude towards cleaning up the environment, we've found that the fines that these strike forces have generated for their state or their municipality have exceeded the additional costs incurred in putting together this kind of program. So although the fiscal note talks about some additional expenditures, I think that they fail to take into account the fact that there will be additional

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revenues available to the state as well. The environmental groups basically feel that the Department of State Police is the appropriate place to put this agency, this task force, and they believe that having a task force devoted strictly to and solely for the purposes of finding violations of the Hazardous Waste Act will put Illinois in a position where we can find and prosecute these midnight violators who still exist here in Illinois. I believe that this is an important Bill and it's a good piece of legislation. I would hope that you could support me in my effort to override the Governor's total veto of this proposal, and I'd ask for your 'yes' vote."

Speaker Breslin: "The Gentleman has moved to override the Governor's veto of House Bill 4280. On the question, the Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Madam Speaker, Members of the House. I think that this is real important that we override this total veto. This is the second year that we passed this Bill. It passed the House and it passed the Senate, and the Governor for the second time has vetoed this Bill. We are not tough enough in this state to crack down on hazardous waste and all these polluters. And I think this is a very combined coordination of all these respected state agencies, that we need to make this law and put this in effect. The fines that we're going to collect are going to more than offset the costs of this program. So really think twice about this. Whether you're from the southeast side of Chicago where there's all kinds of polluters or downstate Illinois, you know what the threat that this does to our communities. So think twice about this, and vote for this Bill. It is a good Bill."

Speaker Breslin: "The Gentleman from DuPage, Representative McCracken."

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McCracken: "Thank you, Madam Speaker. You know, this is...this is just window dressing. This is a politically expedient thing to do. You can go home and tell your people you're against toxic waste. But, the state police already have the authority to do this. They've already participated in criminal investigations and plan on continuing to do so. It is no more than window dressing, but it's window dressing at a price. It isn't like we're giving away something free. It isn't like this will look good back home, plus not cost any money. The fact is, requiring an explicit strike force for this purpose is absolutely inconsistent with the current revenue picture of this state. So by virtue of the fact that it serves no purpose, that it is true in substance and the fact that it is not consistent with the funds voted out of this Body by this Body in the appropriation process in the spring, this is absolutely an unnecessary vote. You know, I acknowledge that if this passes, everyone's going to go home and say they've voted against toxic waste, but that is all it's good for, nothing else."

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

Morrow: "Thank you, Madam Speaker. I beg to disagree with the previous Gentleman. If the state police have this...has this program right now, why is it that they have not yet to find anyone in...who has not complied with the Act? This Bill here would dictate that fines be imposed on anyone who violates this law. In the two years that Representative Hannig has tried to get this Bill passed into law, if this law had been enforced, we would have covered the 1.5 million dollars that they say it would cost to run this program. This is a revenue producing Bill, not a tax eating Bill. I rise in support of the Governor's...to

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override the Governor's veto of House Bill 4280. Thank you."

Speaker Breslin: "The Gentleman from Adams, Representative Mays."

Mays: "Thank you, very much. Would the Gentleman yield?"

Speaker Breslin: "He will."

Mays: "Representative Hannig, was there a fiscal note filed with this Bill when it passed?"

Hannig: "Yes there was, Representative."

Mays: "What was the amount of dollars involved in the funding of this Bill?"

Hannig: "The fiscal note stated that it would cost about a million three, to implement this program, but as I stated, I think they failed to take into account any additional revenues we might generate due to fines."

Mays: "To the Bill. I don't know whether they failed to take into account potential revenues or not, but I do know that we don't have a million and a half to add to the budget for this purpose. If we were to add anything to the state police budget, we should be doing it to get nighttime patrols in our counties, downstate where they don't have service right now from three to seven in the morning. If we wanted to add money to the state police budget, we could be adding money to the drug task forces or the 'MEG' units. I think those are far greater priorities than a brand new program, when we've got the existing functions of the state police needing dollars, any dollars anywhere. We can't be affording to start a new program with a nebulous at best revenue generation. So I'd urge a 'no' vote."

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

Hannig: "Yes, thank you, Madam Speaker and Members of the House. It's been stated that these...these programs could already be done by the state police, but I would point out that

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they are simply not at this point. And that's one of the reasons that we need to have this piece of legislation. The states and the communities that have put this into law have found that they've cracked down and found many numerous pieces of violations. They've generated additional revenues to their county or their state or their municipality by collecting these fines. They've closed down these midnight dumpers and these unlicensed hazardous waste sites and they've had tremendous success with this Bill. And that's why we're asking you to adopt this as the State of Illinois' policy. I believe that we are doing the right thing by accepting and overriding the Governor's veto. And I feel very strongly that Illinois really should be on record as against hazardous waste. We have people in the state police that are already trained for this. We need to put them together, make that their priority and send them out on a trail on a daily basis in order to enforce the laws of the State of Illinois. It's an important piece of legislation. I'd ask for your 'yes' vote."

Speaker Breslin: "The question is, 'Shall House Bill 4280 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? Seventy-one votes are required to override. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 83 voting 'aye', 29 voting 'no', 2 voting 'present'. This Motion having received the required three-fifths majority, is adopted. Ladies and Gentlemen, under the Order of...on Supplemental Calendar #1, under the Order of Total Veto Motions, appears House Bill 2981. Representative Cullerton is recognized to present his Motion. Representative Cullerton."

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Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I would move to override the Governor's Total Veto of this Bill. It's a relatively simple Bill. The Bill deals with the issue of compulsory retirement age for judges. And what the Bill said, was that we recognize that...that judges are elected by the people in the State of Illinois and that we have a mandatory retirement age of seventy-five for judges. Now these are the only state elected officials who have a mandatory retirement. Now in the past there was an attempt to eliminate the mandatory retirement for judges altogether, and that was unsuccessful. So this year I attempted to reach a compromise and the basis of that compromise is in this Bill. And what it says is this: Since the public elects judges, they know or have the ability to find out what the age of a judge is, and so when they make that decision and elect that judge, that judge should be allowed to fill out his or her term, since that is what the people intended when they elected he or she. So all the Bill says, is that if a person reaches the age of seventy-five and there still is time left on their term, they can fill out the remainder of that term and then they would have to retire. Now, I can't tell you...I can read the Governor's Amendatory Veto... I think you have to sort of read between the lines. The Governor says the question of whether age is a bona fide occupational qualification for judges, is one in which the judicial community itself has yet to answer. Therefore, any action to change current statute is premature. This question must be addressed by the judicial community to ensure that the best possible system of justice is provided for Illinois citizens. I don't know what that means. Does he expect the judiciary to come over here and change this statute? What does that mean? I

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mean, we are the ones that decide whether or not we should eliminate the...or modify the compulsory retirement. So, I really think that what the Governor's really saying, is that there are some judges who are in favor of this law and some judges who are opposed to it. But that to me, doesn't provide sufficient reason for us to not pass the law. I think the law, as I explained it, I hope it's clear to you, it's a very reasonable compromise. We still have mandatory retirement, but we at the same time acknowledge that the public, when they elect a judge, knows how old that judge is and wants that judge to fill out the entire term. So, I would be happy to answer any questions and I would urge that you join me in overriding the Governor's veto."

Speaker Breslin: "The Gentleman has moved to override the Governor's veto of House Bill 2981. On the question, the Gentleman from McHenry, Representative Klemm."

Klemm: "Well, thank you, Madam Speaker. I stand in support of overriding the veto and I agree with Representative Cullerton, but maybe not for the same reasons. But I really think it's about time we eliminate some of the last vestige of age discrimination. You know, sometimes for us, those of us who support electing our judges rather than merit selection, I still think the voter's the best one to determine whether somebody should be elected. You know, I would think today our voter's are knowledgeable enough to determine an age of a candidate simply by asking or reading the reports that they send out, in determining whether they feel in their hearts that they believe that person can do a good job, irrespective of whether they're sixty-five or fifty-five or seventy-five. So I stand in support of overriding the veto, because I believe we should allow our voters to decide and not discriminate because a person reaches a mandatory age. Thank you."

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

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. First of all, I have a conflict concerning this Bill and I will vote in the best interests of my constituents. I have a family member who would be affected by the outcome of this vote and by the provisions of this legislation. However, talking to the merits of the Bill, the United States Congress in the last couple of years passed legislation doing away with virtually all mandatory retirement ages for all individuals with the exception of military and law enforcement and a few other select categories of occupations. That was because of a nationwide effort and interest of senior citizen organizations to do away with mandatory retirement ages. Seniors do not want to be classified and lumped together as a class for discriminatory purposes. An individual ought to be judged individually on his or her own merits. This Bill as Representative Cullerton has stated, simply permits members of the judiciary to complete the term that they were elected to. The only elected office in this state, the only elected office in the United States that has a mandatory retirement age, is that of members of the Illinois judiciary. And this says that the voters can select after knowing the ages of candidates, who they're for, who they're not for, whether they vote for or against someone, without having a law saying that a person who reaches a certain age cannot complete the term that they were duly elected to, but have to leave in midterm. I think this is good legislation. As Representative Cullerton said, it's a compromise position and I urge and encourage your 'aye' vote. Thank you."

Speaker Breslin: "There being no further discussion, the question

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is, 'Shall House Bill 2981 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. Representative Wyvetter Younge wishes to vote 'aye', Mr. Clerk. Wyvetter Younge, votes 'aye'. Have all voted who wish? The Clerk will take the record. On this question there are 97 voting 'aye', 18 voting 'no', none voting 'present'. This Motion having received the required three-fifths majority, is adopted. Ladies and Gentlemen, we are now going to the Order of Amendatory Veto Motions, Gubernatorial Noncompliance. It appears on page 6 on your Calendar. Page 6 on your Calendar. The first Bill is House Bill 917, Representative Brunsvold. Out of the record. House Bill 2918, Representative Mays. Present your Motion, Mr. Mays."

Mays: "Thank you very much, Madam Speaker. I move to override the Governor on this Amendatory Veto. The Governor's agreed with all the technical aspects of the Bill, but he sought to delay its effective date by a year. This Bill deals with the income tax refund issue and I believe with the refunds coming in for the next year on January 1, January 1 is the time to start this Bill up. So I'd move for an override of the Governor's Amendatory Veto."

Speaker Breslin: "The Gentleman has moved to override the Governor's Total Veto of House Bill 29...the Amendatory Veto rather, of House Bill 2918. On that question, the Gentleman from Madison, Representative McPike."

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

Speaker Breslin: "He indicates he will."

McPike: "Does this Bill apply only to refunds, income tax refunds, or does it also apply to other appropriations?"

Mays: "This applies to both."

McPike: "To both what?"

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Mays: "Did you ask if it applied simply to corporate or individual refunds, or to what?"

McPike: "It applies to both corporate and to individual income tax refunds and does it apply to anything else?"

Mays: "No."

McPike: "Does it apply to the corporate replacement tax?"

Mays: "I just asked our staff, and yes."

McPike: "Is the answer yes?"

Mays: "Yes."

McPike: "Does it require the General Assembly to appropriate any money for the corporate personal property replacement tax, or will that also be a nonappropriated item?"

Mays: "It sets up a continuing appropriation."

McPike: "When you say a continuing appropriation, does that mean that the General Assembly will no longer appropriate that money?"

Mays: "Yes."

McPike: "Madam Speaker, to the Bill."

Speaker Breslin: "Proceed."

McPike: "I would presume that this Bill has got a lot of support and I presume that if it's not overridden, the Governor's Amendatory Veto will probably then...someone will move to accept that and one or the other will prevail. So I don't think my speech is going to make a lot of difference in the final outcome of this Bill. However, I do think that the people in the General Assembly should occasionally stand up for what we stand for. We have an Executive Branch of government. An Executive Branch of government provides services to people in this state, be that parks or transportation or whatever service we provide. The Legislative Branch of government is set up to do basically two things; one is tax, and that is a Revenue Committee decides how and whom we're going to tax and then we

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appropriate money. We are the checks and balances between the Executive Branch and the people. It is up to this Body to appropriate money, and if we do not appropriate money, then in essence we give up one of our basic and most important powers. I was asked yesterday by a lobbyist if we could expand this concept in the Sales Tax Cleanup Bill and not appropriate money to the RTA. In the sales tax cleanup, we are going to be collecting money for the RTA. And it was suggested to me that why do we have to appropriate that money to the RTA, why don't we simply have a continuing appropriation and I said no, I don't agree with that concept. We skim money from horse racing and that money goes into the AG Premium Fund, and that money goes to various county fairs. Why don't we simply stop appropriating that money to county fairs? We collect gasoline tax money and return it to every municipality and township in this state, a certain portion every year. Why don't we simply stop appropriating that money and have it just a continuing appropriation? The reason we don't do that, is because the basic job of a Legislative Branch of government is to appropriate money. This is the beginning of giving away our constitutional powers and duties and rights. I don't think that we should allow the State of Illinois to collect money and then have the Executive Branch spend that money, albeit as a grant to a local unit of government or as a tax refund or any other of two hundred other items that are going to be presented to us in the future. If we do so, then we give up our constitutional powers. I think that's a mistake. I think this Bill sets a bad concept and I think that many of us in the future will regret that we ever gave away or started to give away our power to appropriate money."

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

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Keane: "Thank you, Madam Speaker. I rise in support of this Motion. We've seen what happens...we see what happens with our funds, our tax funds when we allow the system to take peoples money, monies that are owed to them and we use them for purposes for which they were not intended. I agree with the previous speaker, that in many, many instances we should not give up our power to appropriate. But, when we take money that we owe to people and we pay our bills out of monies that people have overpaid in their taxes, and we use that and we say that we have a right to appropriate that, I disagree with them. I think that the Bill...everyone knows what the Bill does. I think that it's...we've all been told how important this is to our constituents. And I hope that all the targets are aware of the import of the Bill. And I'd ask for a favorable vote."

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

Pullen: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. We heard an impassioned speech from the Majority Leader about this creating a precedent and about the concept that this would be allowing the Executive Branch to spend state money without appropriation. Well like the previous speaker, I agree with the Gentleman in terms of our keeping our prerogatives about appropriating money, but I do think that this is indeed different and does not create a precedent, because what we're talking about here is money that people have for one reason or another overpaid in their taxes. If the taxpayers do not have first claim on that money, then something is very, very wrong. The practice that has been indulged in by this government for the past several years, of spending out money that has been paid in erroneously, is nothing short of theft. The Illinois General Assembly and its Executive

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Branch have been stealing money from taxpayers for other people's business and it's time that the taxpayers have first call on their tax refunds. It's time that we set up a trust fund and keep trust with those taxpayers. I urge support of this Motion. Thank you."

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

Bowman: "Thank you, Madam Speaker. I also rise in support of the Motion. I had many of the same feelings myself that were expressed by the Majority Leader for a number of years, because after all I Chair the Appropriations Committee II, and I'm loathe to give up legislative prerogatives. But, this is a special case, because this is not our money, this is the taxpayers money that they overpaid. And the regular process for appropriations served us well for many years until the Federal Government started making a number changes in their tax code, which of course affected the liability of the state taxpayers to the State of Illinois. And consequently, we found ourselves owing more or less from year to year than we were able to predict, and consequently we weren't able to...our appropriations were not able to keep pace and a lot of people had to wait just an insufferably long period of time. They shouldn't have to do that, it's not our money. We should override this veto and start this up as soon as possible."

Speaker Breslin: "The Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you. Just a brief footnote to the debate. I got the impression that maybe the Governor's use of his Amendatory Veto was at issue here and I think that's not the case, because the Amendatory Veto does not make an annual appropriation into the continuing appropriation process, that was in the Bill as originally passed. And it

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passed, I think, with one or two 'no' votes, with virtual unanimity. So overriding obviously returns us to the status quo, which passed about 113 to 1 or 2."

Speaker Breslin: "Are you finished? Okay. Representative Frederick, did you still wish to comment?"

Frederick: "Thank you, Madam Speaker. Just briefly, I'd like to say I also rise in support of this Motion. This Bill originally passed out of the House with an overwhelming majority, so obviously it's a matter of prime concern to the taxpayers of this state, thus I think we ought to give high priority to those same taxpayers and return money in refunds that they have coming to them. Thank you."

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

Ropp: "Thank you, Madam Speaker. It's kind of an interesting point here, that some people do not want to support this Bill, when in fact, they are willing to use money to appropriate funds that actually do not belong to the state. When an individual overpays, they're giving the state money that really the state does not deserve. And it is only logical that we should give back that money to the taxpayer as soon as we can. And if we wait, as we have been doing and as the Governor wants us to do another year, the state will continue to spend money that it really does not justifiably deserve. And I certainly think that we need to override this Bill, so that people can in fact begin January 1 receiving their income tax refunds much quicker in a timely fashion, and that Bill will do it."

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

Mays: "Thank you very much, Madam Speaker. To the Members, I truly appreciate the kind of support that we've been able to generate on this Bill, bipartisan support and in both

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chambers. It's been a learning experience for me, working with all the different people involved in trying to put together a Bill that would technically address the problems of refunds in this state. We tried to gear the Bill to the appropriations of the current fiscal year, so that there would be no fiscal impact. Yes, there may be a cash flow impact, but the whole idea of a dedicated fund is to set the priority where it ought to be. We do have dedicated funds throughout state government. And to the degree that the Majority Leader is opposing he's been consistent, I respect that. I think it is time for this to get on the books. Clearly, if we don't go with this, the alternative is to postpone them for another year and that doesn't serve the taxpayers of this state to any degree at all. So I thank you for the support. I would urge a 'yes' vote on this Override Motion."

Speaker Breslin: "The Gentleman has... The question is, 'Shall House Bill 2918 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 to override. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 104 voting 'aye', 3 voting 'no' and 5 voting 'present'. This Motion having received the required three-fifths majority, is adopted. Ladies and Gentlemen, the next Bill is House Bill 3125. Representative Ewing has filed an Acceptance Motion on that Bill. However, on Supplemental #2, Representative Homer has filed an Override Motion. As a consequence, we think it's proper parliamentary procedure to take the Override Motion first. So I'm going to recognize Representative Homer on the Motion to override first. If that fails, then we'll go to Representative Ewing, second. Excuse me, Representative

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McCracken, for what reason do you seek recognition?"

McCracken: "It clearly is not proper procedure to take something off the Supplemental and deviate from the Daily Calendar. But, we are happy to consider the override first, but we just want you to know that we know it's not proper procedure."

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker. Actually I think it is proper procedure, because I think Robert's Rules do provide that an Override Motion shall take precedence. But in any event, that isn't an issue here and so to the merits. Madam Speaker, House Bill 3125 was a Bill that provided that whenever there is a review proceeding, that under the garbage disposal application provisions of the Environmental Protection Act, that the plaintiff must pay for preparing and certifying the record instead of the counties, unless the Bill provides the plaintiff as a citizen group or a not-for-profit organization. In other words, if a garbage developer has an application before the county and is unsuccessful and wants to appeal, then that developer would have to pay for the transcript instead of the taxpayers of the county. If on the other hand, the county grants the application of the garbage developer and a citizens group wishes to appeal that ruling, the Bill would say that that group of plaintiffs would not have to pay for the transcripts. And I think that's a good balance. It's a good Bill in the form that it passed and unfortunately the Governor Amendatorily Vetoed the Bill to provide that not only would the developer have to pay if the developer is a plaintiff, but also these not-for-profits and volunteer citizen groups would also have to pay. That's an awfully punitive burden upon them and I think it's an unjust one. The Bill in its original

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form was the correct version. And so the Motion to override would put the Bill back in the form that it was in when Representative Ewing passed the Bill to the Governor. As a second reason, I would point out to all the Members that the Governor's Amendatory Veto of this Bill, as determined by the House Rules Committee, was a noncompliance and therefore would be doing violence to our rule and to the Constitution, were we to accept this Governor's Amendatory Veto. Unlike the previous Bill, it was referred to in debate, there was some question, I think, raised by Representative McCracken, that was a Motion to override. The issue of compliance or noncompliance isn't involved when you have a Motion to override, because what you'd be doing when you override is put it back in the form we passed it. The only time that there's an issue of compliance is where there's a Motion to accept an Amendatory Veto. And unless we override this Amendatory Veto, then we'll be put in a posture of having to determine whether to accept an Amendatory Veto which the Rules Committee has determined to be in noncompliance. So, for that reason and because of the merits and our citizen representation demand that they be exempted from the payment of these transcript fees, I would urge everyone to vote 'yes' on this Motion to override the Amendatory Veto."

Speaker Breslin: "The Gentleman has moved to override the Governor's Amendatory Veto on House Bill 3125. On the question, the Gentleman from Livingston, Representative Ewing."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House. This was my piece of legislation and I did not file a Motion to override the veto. Now of course, I understand under our rules, that Representative Homer can do that. I'm asking the people on this side of the aisle to vote against that

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Motion. The Governor in his Amendatory Veto has indicated that he feels to put in the provision to allow not-for-profit groups to obtain these transcripts without paying costs could damage the constitutionality of this legislation. I think that's one good reason to support the Governor's action. The other one is, if any of you represent taxpayers and I repeat, if any of you represent taxpayers, why should they foot the Bill for these transcripts for any not-for-profit, any do-gooder group who wants to get in the contest at a large amount of money for these transcripts and your taxpayers will pay the bill. Some people may be for that, I'm not. I say a 'no' vote on this Motion."

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

Currie: "Thank you, Madam Speaker and Members of the House. I rise in support of the Gentlemen's Motion to override the Governor's Veto of House Bill 3125. The Governor's complaint that the provision he removed from the Bill is unconstitutional, is flatly wrong. We in the Freedom of Information Act and in other statutes provide special differences in the treatment of not-for-profit organizations, good government groups, than from everybody else and it seems to me that the provision in this Bill is no different from those which are already part of other statutes that have been signed into law by this very same Governor. Secondly on the question of cost; there's no question that not-for-profit groups will never be able to appeal unless we override the Bill...the Governor's Veto of this Bill. They'll never be in a financial position to make the copies available as is prescribed in the underlying proposal. There are opportunities for those costs to be borne without risk to the taxpayers. In fact,

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counties can charge substantial filing fees well over a hundred thousand dollars, and it is those fees brought...paid for by the applicant in the first place, that can be available to cover the cost of the duplication and copying of any kind of appeal that might be brought by a not-for-profit good government group. If we do not override this Gubernatorial Veto, we have shut the door on those organizations, the environmental groups that are in the best position to adduce the evidence and to bring forward the information that will ensure that people are safely protected against noxious substances in landfills sited inappropriately. There is not a constitutional issue. That's a red herring that the Governor obviously, inadvertently threw into the discussion of the Bill. This will not impose additional costs on the taxpayers. The Override Motion is in order. It's a good one and I urge your support."

Speaker Breslin: "Representative Homer, to close."

Homer: "Thank you, Madam Speaker. You've heard the arguments. The Bill was a good Bill as we presented it. Failure to override may well in fact jeopardize altogether Representative Ewing's Bill, because his Motion to accept will fly in the face of the Rules Committee's finding of noncompliance. So this may in fact be your only vote to help taxpayers by imposing a fee on plaintiffs and yet at the same time do what the original Bill did, exempting these not-for-profits from having to pay these fees. So whichever side of the issue you're on, I would submit that this is a good vote and to pass up this opportunity to vote 'yes' may in fact jeopardize Representative Ewing's Bill altogether. So I urge for a 'yes' vote."

Speaker Breslin: "The question is, 'Shall House Bill 3125 pass, the specific recommendations for change of the Governor

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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? Seventy-one votes are required for the adoption of this Motion. Have all voted who wish? The Clerk will take the record. On this question there are 68 voting 'aye', 45 voting 'no' and none voting 'present', so the Motion fails. Now we will go to Representative Ewing's Motion to accept the Amendatory Veto. Representative Ewing. Out of the record. The next Bill is House Bill 3273, Representative Hannig. Out of the record. House Bill 3735, Representative Ewing."

Ewing: "Madam Speaker, are we taking the Override Motion?"

Speaker Breslin: "That's the on...no, we should take... Yes, the Override Motion is filed first and it should go first. And it's the first one on the Calendar."

Ewing: "Yes."

Speaker Breslin: "House Bill 3735."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House. I move to override the Governor's Amendatory Veto of this Bill. This was passed as a first step toward budget reform by requiring that all state agencies submit the same annual assessment of their current long term capital needs to the General Assembly as they give to the Bureau of the Budget. Now the Governor took that out and actually what he did with his Amendatory Veto, is to return us to the status quo, where he said that they will give this to the Bureau of the Budget and then the Bureau of the Budget will give it to us. I think that was probably a mistake and maybe he didn't even really intend to do that. And I would suggest that we override this veto. This General Assembly deserves the right to know what the different agencies believe may be our capital requirements in the years to come. Thank you."

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Speaker Breslin: "The Gentleman has moved to override the Governor's Veto...Amendatory Veto of House Bill 3735. On the question, is there any discussion? Hearing none, the question is, 'Shall House Bill 3735 pass, the specific recommendations for change of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required. Have all voted who wish? Have all voted who wish? The Gentleman from DuPage, Representative McCracken. No. Have all voted who wish? The Clerk will take the record. On this question there are 112 voting 'aye', none voting 'no' and none voting 'present'. This Motion having received the required three-fifths majority, is hereby declared passed and this House overrides the Governor's specific recommendations for change. The Bill therefore becomes law. The next Bill is House Bill 4075, Representative Ryder. Representative McCracken, for what reason do you seek recognition? Representative..."

McCracken: "Thank you. I see Representative Hannig is on the floor now, does he want to call his acceptance of the Amendatory Veto."

Speaker Breslin: "He was on the floor before, and he wished to take it out of the record."

McCracken: "We'd be happy to have it heard. Are you willing to let your Bill die, because someone has called it a noncompliance Bill, Representative Hannig?"

Speaker Breslin: "Representative McCracken..."

McCracken: "I'm just asking the Gentleman, are you not calling your Bill?"

Speaker Breslin: "Representative McCracken, that's improper procedure, you're to address the Chair. We're on House Bill 4075, Representative Ryder. Present your Motion, Sir."

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Ryder: "Thank you, Madam Speaker. We have filed two Motions on this and the first Motion that I would ask to be heard at this time, is a Motion to accept. It's my understanding that that Motion to accept falls askance of the technical advisory by the Speaker. In the event that that fails, then I will call the Bill on a Motion to override."

Speaker Breslin: "Representative Ryder, that is certainly fine with the Chair. Representative Cullerton, did you wish to speak to the issue of which Motion we here first? The Gentleman has asked that the Acceptance Motion be heard first."

Cullerton: "Well, I think it would be more appropriate if I would speak after he makes his argument on the Motion to accept."

Speaker Breslin: "Fine. Representative Ryder."

Ryder: "Thank you, Madam Speaker. I ask that the Amendatory Veto of the Governor be accepted in this Motion. The reason for that is that there were some problems with the implementation of this Bill. And the Governor's Amendatory Message indicates that in acknowledging those problems of implementation, that there would be some delay. I think it's a three or a six month delay, I don't recall at this time. And we feel in negotiating on that Bill and working in good faith on that Bill and those...that amendatory process. Therefore I feel constrained and in fact required to make a Motion to accept based on that issue."

Speaker Breslin: "The Gentleman has moved to accept the Governor's specific recommendations for change in House Bill 4075. On that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, I have a parliamentary inquiry. First of all, I would like to find out how many votes it would take to accept the Amendatory Veto and secondly, I would like to determine how many different Motions to accept, the

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Gentleman has filed?"

Speaker Breslin: "Representative Ryder."

Ryder: "It offers some clarification to the Speaker. It's my understanding that I filed two Motions."

Speaker Breslin: "You filed three Motions..."

Ryder: "Well, I'm sorry."

Speaker Breslin: "...but two Motions to accept."

Ryder: "Two Motions to accept."

Speaker Breslin: "Yes."

Ryder: "Alright. And of the two Motions to accept, it's my understanding that the first Motion as of 11-4, would require seventy-one votes. And it's my interpretation that the second Motion, Motion #2, would require sixty votes. And as a result, it's my intention to proceed with #2."

Speaker Breslin: "I see. So the Gentleman withdraws Motion #1..."

Ryder: "Right."

Speaker Breslin: "...and proceeds now with Motion #2. Very good. Representative Ryder."

Ryder: "Oh, okay. I'm sorry."

Speaker Breslin: "Ladies and Gentlemen, we are looking over these Motions and its compliance, especially with a recent Supreme Court case, so it's going to take us a little while to make a determination how many votes this Motion will take to carry. Representative Cullerton, for what reason do you seek recognition?"

Cullerton: "Yes, I have a further question. It appears to me that in the Motion #2, that Representative Ryder filed, on the last line, line 26, that Representative Ryder is changing the language of the Governor's Amendatory Veto. And I just wondered if the Parliamentarian could tell us if that procedure is proper, and if it is, maybe we should take a little time out and everybody can go back and

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rewrite the Amendatory Vetoes of the Governor, if they don't like what he's done."

Speaker Breslin: "That's exactly what we're researching, Representative Cullerton. So it will take us a minute to get a copy of the Amendatory Veto and the original Bill. Representative Ryder, for what reason do you seek recognition?"

Ryder: "Thank you, Madam Speaker. I'd be glad to do that. I would reserve the right...I would reserve the right to come back and deal with one...either of the three Motions, once we come back. And so if that's the point, I'll be glad to take this Bill out of the record for the time being, in order to give Representative Hannig an opportunity to reconsider his position on his Bill."

Speaker Breslin: "Okay, we'll take this Bill out of the record and be sure to get back to it for Representative Ryder. Mr. Clerk. Excuse me. Mr. Doorkeeper, there are lobbyists on the floor. We would ask all lobbyists to leave and we would ask the Doorkeeper to enforce the rules. Ladies and Gentlemen, the Public Affairs Reporting Class from Sangamon State University is in the west gallery. They will be press interns in this Spring Session. Welcome. Representative Ryder, we are ready to get back to your Motion. Ladies and Gentlemen, going back to the Bill that we were just on under Amendatory Veto Motions Gubernatorial Noncompliance, starting on page 6 on your Calendar, three Motions have been filed. Number one and #2 to accept and #3 to override. The Gentleman withdrew... The Clerk is now trying to put that into the board. Okay. Number 1, the Sponsor decided to withdraw, so we proceeded with Motion #2, which was also a Motion to accept. However, the Motion to accept has been drafted in a manner to add material to the Amendatory Veto Motion, changing the

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effective date. That is material that was not originally contained in the Amendatory Veto as sent to us by the Governor. It is therefore the ruling of the Chair, Representative Ryder, that Motion #2 is out of order. Representative Ryder, on that question."

Ryder: "Thank you, Madam Speaker. I would draw your attention to a precedent that has been set just yesterday on Bill 3331, in which a similar circumstance took place. I think that you will find that in that case a Motion to accept included language that was not part of the Governor's Amendatory Veto. I don't have that language, since I wasn't aware that you were going to rule in this manner. And therefore, I would ask you to look again, because I believe that the Chair has already made a precedent in that manner, to do that."

Speaker Breslin: "Representative Ryder, we will check House Bill 3331, however, the issue has never been presented to this Assembly before. While the Bill was presented, it was not drawn to our attention that there was a change through the Motion in the Amendatory Veto. We will certainly check that. It's the ruling of the Chair that regardless of what Bill it is, that is not a proper procedure. So we will have to go back and rectify that at a later date, if that is the case. Your Motion #1 however, is still in order, if you wish to present it. Is there any further discussion on the ruling of the Chair? Representative Matijevich."

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House. I just want to get into this issue a little bit by telling the Membership this is the problem with the Amendatory Veto process. This is exactly the problem, because what is at issue here, is Tom Ryder likes part of what the Governor does, but he doesn't like the other part of what the Governor does. These are policy changes the Governor's

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making and now Representative Ryder is saying, 'I like part of it, but I don't like the other part of it.' We eliminate this problem totally, by telling the Governor, hands off, Governor, you're doing this too often, let's cut it out totally."

Speaker Breslin: "Representative Matijevich, I would like to correct you to one extent and that is that the Gentleman filed his Motion solely to reduce the number of votes that would be required to accept. So, it had nothing to do with a disagreement with the Governor's Amendatory Veto. This is a determination that the Chair is just going to have to make that we can't change Amendatory Veto Motions at this stage in the game. On the same question, the Gentleman from McHenry, Representative Klemm. Representative Klemm. Would you turn on Representative Klemm?"

Klemm: "Thank you, Madam Speaker. An inquiry to the Chair, then. Representative Ryder had indicated that House Bill 3331 was indeed amended irrespective of the Governor's Amendatory Veto language. If that is found to be true and it wasn't called to your attention and the Body did not know that, will we re-act on House Bill 3331, since it was not in order and it would not have been proper?"

Speaker Breslin: "The Clerk informs me that the Bill has already gone. I think we'll have to look into that further. If it is the case, fortunately we have..."

Klemm: "But then it was acted...it was enacted erroneously."

Speaker Breslin: "However, we do have a second chamber, so we can correct our errors at a second point. But, we will certainly look into it."

Klemm: "Well then this one could be allowed to do the same thing and we could correct it in the Senate, the same as you're doing on 3331. Would that be correct?"

Speaker Breslin: "No, Sir. Representative Ryder, for what reason

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do you seek recognition?"

Ryder: "Simply to make a clarification. I quoted the wrong number, it's 3335. 3335."

Speaker Breslin: "Okay. 3335 was not presented to this Assembly, Sir. 3335 has not been presented to this Assembly. Representative Ryder, are you ready to proceed on the Bill?"

Ryder: "Yes."

Speaker Breslin: "Yes, very good. On which Motion, Sir?"

Ryder: "Motion 1."

Speaker Breslin: "Motion #1 is a Motion to accept. Proceed, Representative Ryder."

Ryder: "I've already spoken to this Motion previously, as to the reasons for it. I would ask a ruling from the Chair as to how many votes that it will take, and then I would ask for the Motion to be accepted."

Speaker Breslin: "The Chair will rule that the Motion will require seventy-one votes to be adopted. On the question of the acceptance of the Governor's specific recommendations for change, Representative Cullerton is recognized."

Cullerton: "Thank you. I would only point out that we have the Sponsor of the Bill filing a Motion to accept the Amendatory Veto that requires seventy-one votes, and the Sponsor of the Bill has filed a Motion to override the Governor's Veto that also requires seventy-one votes. I suppose we're suppose to guess as to whether or not he likes the Amendatory Veto or is just kidding about this Motion. I think the only way to vote is to help him out by voting against his own Motion, so that then we can get to the Motion that overrides the Governor's Veto. So I would suggest that we vote 'no' on this Motion, and then we'll help him out by voting 'yes' if we want to, on the next

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one."

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

Matijevich: "Madam Speaker, I hate to use that term 'tweak' again, but the Gentleman now again is 'tweaking' the legislative process. And again, I think I was right in the fact that when I said that he does like part of the Bill, mainly because it reduces the votes, but that brings out the whole issue of what the Governor does to the amendatory process. I just was a... one of the TV commentators had me outside on this whole issue of the Amendatory Veto process, and in fact, I think, after I got through I convinced her on how important this whole issue is. This is a precedent that we're establishing right today, that finally in Illinois as other states have done, other states have said to their Governors, that they have got to go carefully and slowly with regards to the Amendatory Veto process and abuse. So I would urge the Members, and I again say to the Republicans, you're going to be glad that we did this, you're going to be glad that we did this, because I...and I mentioned this to the TV commentator, that to me it's not a political issue. When Governor Walker was Governor of the State of Illinois, on this side of the aisle, I spoke against the Governor and his abuse of the Amendatory Veto process. I said it with a Governor...a Democratic Governor. I say it again with a Republican Governor. We've got to delineate the powers of the Governor and the abuse of the Amendatory Veto process. I would urge all of the Members on this side of the aisle to vote 'present' or 'no'. But I say again that one day you will be happy that we established this process. Let's stop this abuse of the Amendatory Veto process. Vote 'present' or 'no'."

Speaker Breslin: "The Gentleman from DuPage, Representative

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McCracken."

McCracken: "Thank you. There are a couple of issues, the previous speaker raised one, the other one is to agree with the Chair that it's correct that the Gentleman's Motion to accept looked only toward the number of votes required to pass the Acceptance Motion. There's a recent Supreme Court decision which the other side has advised us it will be enforcing in the future, that where an Amendatory Veto is...a Bill which is amendatorily vetoed which has an effective date of July...or June 30 of the following year or sooner, will require an extraordinary majority pursuant to the three-fifths rule of the Constitution. That's a recent change. We are in agreement with that, because unlike your arguments that the Amendatory Veto power is implicated by our separation of powers argument, we agree with you on the latter...or on the former, I'm sorry, because the Supreme Court has spoken on the issue. We acknowledge that and we agree with you, the Gentleman sought to change the Amendatory Veto for purposes of a vote requirement only. If he thought you were going to vote on the merits, Gentlemen, if he thought you were going to consider the changes made and whether they comport with public policy which you choose to implement, he would not be worried about the seventy-one versus sixty vote rule. But, rather than consider the issues on the merits, you purport to right a constitutional wrong. And as I explained before, that is absolutely erroneous, because unlike the U.S. Constitution, in Illinois, the Governor has the right to amendatorily veto Bills. And that scope is determined by our Supreme Court. So, let's not make a mistake. This is not a consideration on the merits. We think you're probably going to vote 'present' en masse and we think you do a disservice to the people by relying on a

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false argument regarding the constitutionality of what the Governor does. So, if you're willing to consider the merits, it could be a ninety vote requirement, we don't care. We're happy to have your consideration as long as it truly is on the merits. But it's not going to be apparently and that apparently is why Representative Brunsvold and Hannig pulled out their Acceptance Motions. Apparently they're willing to let the Bills die in the cause of this political fight. If...if you want to consider the merits on these issues, fine, do so, we welcome you."

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

Young: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Just in contrast to what the last speaker said, it's my opinion that we in fact do the people of the State of Illinois a disservice if we don't guarantee the separations of power as stated in the Constitution. As far as the most recent Supreme Court ruling on this issue, I believe it was in 1973, we're in a position where whenever we act on the Governor's Amendatory Veto, either by accepting or rejecting it, we make it a moot point so it cannot be acted on by the courts. So the courts have not lent us any assistance. So it is our obligation and duty to protect the rights of the people who sent us here to make sure that we in fact write the legislation as our constituents dictate us to and that the Governor carries that legislation out, and that we narrow the scope of his Amendatory Veto to come more in comport with the language of the 1970 Constitutional Convention. So yes, I think this would be a political vote. It's a necessary political vote and I urge the Members on this side of the aisle to vote 'present', to let the Governor know that there are some constraints on the Amendatory Veto and it was not

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intended to allow him to in fact usurp the Legislature and write legislation."

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

Ryder: "Thank you, Madam Speaker. Let me tell you that some of the allegations as to why I filed a Motion as indicated by my friends on the Democratic side of the aisle are not correct. We worked on this Bill, there were advocates against this Bill, folks who didn't like it primarily from that side of the aisle that worked on the Governor and the Governor's Office to try to change it. We continued to work on this Bill and made some changes, agreed to some changes to meet those objections. As a man of my word, I agreed that I would accept those. It has nothing to with the Governor's abilities, desires or whatever. I agreed to accept those. And now because of the whim of those deciding in the Rules Committee, we come to the situation which we have. I ask as I indicated that I would, you to accept the Amendatory Veto of the...of the Governor. Thank you."

Speaker Breslin: "The question is, 'Shall the House accept the Governor's specific recommendations for change on House Bill 4075?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 56 voting 'aye', 2 voting 'no', 55 voting 'present' and the Motion is not adopted. Representative Ryder is recognized on Motion #3, which is a Motion to override. Representative Ryder."

Ryder: "Thank you, Madam Speaker. At this time, I would move to override the Governor's Veto. And by doing this, I'll also indicate to you the commitment that I've made to the Department of Public Health, that I will be sponsoring

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legislation in the immediate next Session. We'll be filing legislation to make the legislation that I hope that we're able to pass here, come into compliance with the objections raised by the advocates of the other side in order to meet those Amendments suggested by the Governor. But at this time, I move to override the Amendatory Veto."

Speaker Breslin: "The Gentleman moves to override the Governor's specific recommendations for change in House Bill 4075. On that question, the Lady from Cook, Representative Currie."

Currie: "Thank you, Madam Speaker, Members of the House. On the merits of the Gentleman's Motion, I rise in opposition. I would have opposed on the merits the Amendatory Veto as well. The Illinois Citizens for Better Care, the only statewide advocacy group for nursing home residents, suggests to the Members of this Assembly many reservations, many problems with the underlying Bill as well as with the Governor's amendatory proposals for change. The organization that will mount the inspection program under House Bill 4075, is not an organization whose standards are identical with those of the Illinois Department of Public Health. In a pilot study done by the Department of Public Health of thirty-nine nursing home facilities that were investigated by the Joint Committee, fully nine of them received only conditional licenses from the department, and seven of them found that decertification proceedings were appropriate. Under this Bill, any home that participates in the medicaid program, would find an incentive to leave the medicaid program, if they would prefer licensing and investigation under the Joint Committee rather than the Department of Public Health. Over the last several years, at least twelve facilities have already left the medicaid program in this state. It seems to me it would be a disservice to individuals whose only source of payment for

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nursing home care is through the publicly funded program to make it less likely that they will be in homes that might meet the definitions for participation in the program envisioned by House Bill 4075. The Sponsor of this Motion has already indicated his intention to come back to the next General Assembly with language that is aimed at correcting the problems he knows exists in House Bill 4075. Why don't we wait until the next General Assembly and pass legislation at that time that meets the objections of the advocacy groups as well as the objections raised by the Legislature. There is no need for this Assembly to put a law on the books of the State of Illinois, that is not in the best interest of the people who are in our nursing home facilities, some of the most vulnerable citizens that we stand here charged with responsibility to protect. I urge a 'no' vote."

Speaker Breslin: "The Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you. I wonder if the Lady could just nod. This Bill passed on Third Reading in the House with a 117 votes, there were no 'no' votes. Do you remember Representative Currie, if you voted on the proposition and did you vote 'yes'? Oh, you're not going to tell me. Fair enough, fair enough. Well I think that's evidence of good faith consideration on the merits. No question of...the political vendetta has nothing to do with this vote. I am convinced that the Lady got up and said what was exactly on her mind. I don't know if she voted for it, I think she voted for it. Now, what conclusion can we draw from that. Can't...isn't the conclusion that you at any price have decided to take up this political vendetta. Your own Membership can't even call their Bills when they want to accept the Amendatory Veto. Everyone's in lock step over

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there. The Governor's a big bad guy. And you're willing to do anything, make the public pay any price, so that you can carry out your plans."

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

Satterthwaite: "Madam Speaker and Members of the House. As all of the Members of the House are aware, I'm sure, there are frequently times when Bills pass through this legislative process before our constituents are really aware that it has happened. In this case, when we have an advocacy group that has been interested in the quality of care for people in nursing homes, and they have now come forward with substantial objections to the process that would be instituted if this Bill passes, it seems to me that we should not blindly go along with a vote that we made several months ago, before we had the benefit of that input from our constituency. And so I would also rise in opposition to this Motion on the basis of the fact that we would in fact be lessening the kinds of inspection and safeguards that we have tried to put in place for our nursing homes by passing this legislation. One of the points that the Illinois Citizens for Better Care makes in their letter to us, indicates that they think that it is improper for us to have what they term experiments on people within nursing home care without their informed consent. And in this case, there is no provision made for what would happen if we were to go forward with these pilot projects without the informed consent of people who may not have the ability to move to another location or otherwise cope with this system. When we are in fact trying to be protective of people in nursing home care, it appears to be a step backwards for us to go against an advocacy group that has tried to protect those very people, and so I rise

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in opposition to the Motion."

Speaker Breslin: "Representative Ryder, to close."

Ryder: "Thank you, Madam Speaker. And here we have the problem. For the record, let me state that this Bill passed 117 to 0, to 0, in this House and 52-48 in the Senate. For the record, 117 to 0. Let me further state that you can't have it both ways here. Either you give us the opportunity to work with that advocacy group to meet the objections as they were stated in the Governor's Amendatory Veto, that worked with those objections, it didn't meet them all, but it worked with them, it attempted to address them. It attempted to do the job of the Legislature, which is to compromise, to try to address all of those issues. But we're not even allowed to do that now, because of the rule adopted on a partisan vote that says that if this violates some reason, we can't address those Amendatory Vetoes. Well you can't have it both ways, folks. You can't come now and say, oh, you didn't dot your 'i' and cross your 't', because these folks were unhappy when we tried to address that issue, but we can't hear that. To then say, but you can't have the bill either. Plain and simple, this is for a pilot project. Plain and simple, we're going to come back with legislation to meet some of those issues that were addressed. Plain and simple, at least one of the previous speakers from the other side, by my estimation, spent at least two days talking about nursing home issues and has since have compromised. And we have adhered to those on those other Bills and I would ask that we do the same thing on this Bill. If this is the manner in which we have to address it, so be it. We don't have the votes to put seventy-one on the board. Neither does the other side. But the Bill itself addresses an issue that does need the kind of consensus. And I ask you at this point, let's pass

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the Bill, override the veto and then I offer the opportunity to work again to those on the other side of the aisle that have expressed their concerns. I ask to override the Governor's Veto."

Speaker Breslin: "The question is, 'Shall House Bill 4075 pass, the specific recommendations for change of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Matijevich, one minute to explain your vote."

Matijevich: "I'm going to vote 'aye', because I think I'd rather do it through the legislative process. But I...there's another danger here. I understand this is exactly like a Bill that came out of the Senate, came here and failed. But this Bill was on Consent Calendar and we all believe everything on Consent Calendar is okay. Maybe we ought to be looking closer at some of the Bills that come out of Consent Calendar."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 101 voting 'aye', 7 voting 'no', 4 voting 'present'. This Motion having received the required... Representative Berrios, votes 'aye'. So there are 102 voting 'aye', 7 voting 'no'. This Motion having received the required three-fifths majority, the Motion to override prevails and House Bill 4075 is declared passed, the specific recommendations for change of the Governor notwithstanding. Ladies and Gentlemen, we're going to Calendar...Supplemental 2 Calendar. Under Conference Committee Reports appears Senate Bill 1889, Representative Peterson."

W. Peterson: "Thank you, Madam Speaker, Members of the House. Conference Committee Report #1 on Senate Bill 1889 is a compromise dealing with the reactivation of Las Vegas

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Nights in our state. As you know, the original legislation was sunsetted on September 1st of this year leaving many organizations without a major means to raise funds. The ability to schedule, what in many cases their most profitable fundraising event of the year, was denied to these organizations. The Conference Committee Report is as follows: The House recedes from House Amendment 1, which was a grammatical correction. It will eliminate the September 1 sunset date. It will authorize counties with fewer than 60,000 inhabitants the following: the current limitation of one license for one location is changed to allow the use of two locations per license, the Department of Revenue is authorized to waive the bond requirement if the licensee is able to show that he has sufficient funds on deposit. Also the current limitation that no location for the conduct... for the conduct of games may be used more than four times in a year is changed to allow eight game nights if no other suitable location is within five miles. And finally, it will allow all counties the maximum bet limitation in all counties is increased from five dollars to ten dollars. Madam Speaker, at this time I would like to relinquish the floor, Madam Speaker."

Speaker Breslin: "Excuse me."

W. Peterson: "Madam Speaker, at this time I would like to relinquish the floor to Representative Giglio who would like to make further comments regarding this Bill and also Representative Giglio will move for the adoption of Conference Committee Report #1 on Senate Bill 1889. Thank you."

Speaker Breslin: "Rep... Representative Giglio."

Giglio: "Thank you, Madam Speaker and Representative Peterson. Representative Peterson explained the Conference Committee Report very well. If you recall this was the Bill that

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went back and forth during the Spring Session. It got... it got tied up in the Senate and from July until now the Conferees from the Senate and the House got together and we compromised and this is what we come up with. And may I also mention that it was decided that there will not be any changes for the next two years with regard to what we have done. We... If you recall, we just wanted a sunset provision repealed, however, we made a few changes to help the downstate counties with 60,000 population or less. So I believe we worked out a admirable compromise and therefore I would ask, Madam Speaker, Ladies and Gentlemen of the House, that we accept the First Conference Committee Report on Senate Bill 1889."

Speaker Breslin: "The Gentleman has moved to accept the First Conference Committee Report on Senate Bill 1889 and on that question, the Gentleman from McHenry, Representative Klemm."

Klemm: "Will the speaker yield for a question?"

Speaker Breslin: "Representative Giglio or Representative Peterson? Representative Peterson."

Klemm: "Thank you. I noticed on page 2 of the Conference Committee Report that the licensee of counties of 60,000 or more could only hold one license for... or for one location and under 60,000 inhabitants they could have two or more. What was the rationale for having more locations for one licensee in smaller counties than it would be for a larger county?"

W. Peterson: "Representative, because in some of those very rural counties it's very hard to find a location and sometimes there's only one location within many miles and they wanted to give them the option to use that location more than one time."

Klemm: "Well, up to two locations in a county sounds like, I

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assume there are two different locations, otherwise a location is a location. I don't understand that."

W. Peterson: "Well..."

Klemm: "I mean I'm assuming two locations means two different locations in a county."

W. Peterson: "It could be outside. It could be inside. There's many variations."

Klemm: "Well, when, I just thought..."

W. Peterson: "...They wanted that flexibility."

Klemm: "... I just thought... I just thought it was logical that with a lot of people you may need more locations in the larger counties than you do in a smaller county, and therefore I thought it was almost in reverse of what you're asking for. I was just wondering what the rationale was."

W. Peterson: "Some of the smaller counties do outside activities in the summer and they wanted this to be available to do outside Las Vegas Nights."

Klemm: "... We don't know. Okay, thank you."

W. Peterson: "... They felt this language met their needs."

Speaker Breslin: "The Gentleman from Madison, Representative Stephens."

Stephens: "Will the Gentleman yield for a question?"

Speaker Breslin: "He will."

Stephens: "Representative, are downstate volunteer fire departments included in this Act now?"

W. Peterson: "No."

Stephens: "Is there a reason for that or..."

W. Peterson: "I don't know if they were ever considered. Maybe they don't qualify under the... the federal requirements, 501C Organization; and maybe it was never brought before the committee. I don't think it was brought before the committee when we drafted this Conference Committee Report."

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Stephens: "Thank you."

Speaker Breslin: "The Gentleman from Winnebago, Representative Giorgi."

Giorgi: "Madam Speaker, the answer to that question is not-for-profit, charitable and veterans and labors are included in the Act now, Ron; not-for-profit, charitable and veteran's and labor's organizations are included in the Act..."

Speaker Breslin: "There being no..."

Giorgi: "While I have the floor, Madam Speaker, I think this is one of the mistakes of the last Session of the General Assembly that we've... should have corrected before this. But I'm glad that we finally are approaching the problem because there are many organizations that are waiting that have had to postpone events that they've scheduled, they've expended a lot of funds. They've put a lot of effort into having these Las Vegas Nights and I'm glad we're finally facing up to our responsibility in correcting the law."

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

Wojcik: "Yes, Madam Speaker and Members of the House, I too would like to rise in support of this fine piece of legislation and say that it was a shame that it did end up the way it did in June. There are people waiting and there's many charitable groups that need the Casino Nights to be a function for them in order to operate. In my area right now, our committee for the disableds are waiting and also our Twinbrook YMCA. So I certainly would urge the Members of this House to vote for this."

Speaker Breslin: "Representative Peterson to close."

W. Peterson: "Thank you, Madam Speaker. I think the Conference Committee Report has been discussed extensively and I think at this time I will move for its adoption, Conference Committee Report #1 on Senate Bill 1889."

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Speaker Breslin: "The question is, 'Shall the House adopt the First Conference Committee Report on Senate Bill 1889?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 108 voting 'aye', 2 voting 'no', 3 voting 'present'. The House does adopt the First Conference Committee Report on Senate Bill 1889. And this Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we'll now go to your Regular Calendar on page 4, under the Item... of Reduction and Item Veto Motions appears House Bill 3543, Representative Wyvetter Younge. Out of the record. Supplemental 3 is being distributed. On the Supplementary Calendar #2 under the Order of Amendatory Veto Motions, Gubernatorial Compliance, appears House Bill 3739, Representative O'Connell."

O'Connell: "Thank you, Madam Speaker. I would move to accept the Governor's Amendatory Veto of House Bill 3739. Basically, the Amendatory Veto does two things. It adds an immediate effective date and it also eliminates the provisions which call for a parental reunification program because of the estimated 350,000 dollar cost was unacceptable at this time. I would therefore move to accept the Governor's Amendatory Veto."

Speaker Breslin: "The Gentleman moves to accept the Governor's specific recommendations for change in House Bill 3739. On the question, the Gentleman from DuPage, Representative McCracken."

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

Speaker Breslin: "He indicates he will."

McCracken: "Does the Amendatory Veto create an immediate effective date?"

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O'Connell: "Yes."

McCracken: "Why is this not on Gubernatorial Noncompliance, do you know?"

O'Connell: "Was the question, why is this not on Gubernatorial Noncompliance?"

McCracken: "I thought date changes were one of the criteria you've adopted to determine Gubernatorial Compliance, am I wrong? Oh, that's only on Republican Bills?"

O'Connell: "It's only on target Bills."

McCracken: "It's only on target Bills, okay. Okay, what does it do as amended?"

O'Connell: "It eliminates the parental reunification program because of a cost of 350,000 per year and it also creates the immediate effective date."

McCracken: "Alright, thank you."

Speaker Breslin: "Is there any further discussion? Hearing none, the question is, 'Shall the House accept the Governor's specific recommendations for change in House Bill 3739?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required for the adoption of this Motion. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 105 voting 'aye', none voting 'no'... Representative Shaw votes 'aye'. There are therefore 106 voting 'aye', none voting 'no' and 3 voting 'present'. This Motion has received the required Constitutional Majority, so the Motion is adopted and the House accepts the Governor's specific recommendations for change. The next Bill is House Bill 3785, Representative O'Connell. Representative O'Connell is recognized."

O'Connell: "Thank you, Madam Speaker. I would move to accept the Governor's Amendatory Veto of House Bill 3784. (sic - 3785) The changes address an oversight that affected the Illinois

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Housing Development Authority. And the language was dated to clarify that the IHDA may issue taxable bonds at variable rates not subject to the interest rate limitations in the Bill itself. The Bill itself created a local government debt reform act of 1988 and IHDA, the department... the IHDA had requested this additional language. We also, in light of the Amendatory Veto, made some technical changes that clarify the Bill and make it more acceptable into the financial community. I'd ask for acceptance of the Amendatory Veto."

Speaker Breslin: "The Gentleman has moved to accept the Governor's specific recommendations for change on House Bill 3785. On that question is there any discussion? Hearing none, the question is, 'Shall the House accept the Governor's specific recommendations for change on House Bill 3785?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 101... 111 voting 'aye', none voting 'no' and 1 voting 'present'. This Motion has received the required Constitutional Majority, so the Motion is adopted and the House accepts the Governor's specific recommendations for change. Representative Parke, for what reason do you seek recognition?"

Parke: "Thank you, Madam Speaker. Will the record show that I inadvertently did not have a chance to vote on it, I would have voted 'yes'."

Speaker Breslin: "Very good. On the Order of Total Veto Motions appears House Bill 2930, Representative McGann."

McGann: "Thank you... thank you, Madam Speaker. Members of the Assembly, I move that House Bill 2930 pass notwithstanding the Veto of the Governor. House Bill 2930 creates an

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advisory committee to develop a Bill of Rights for persons with developmental disabilities and to develop the plan for its implementation, but clearly specifies that no rights are established except as provided in the plan and made effective by the express provisions of laws enacted after the effective date of the Bill. The director of the Department of Mental Health and Developmental Disabilities and the chairman of the existing council on developmental disabilities would appoint the committee. The committee must submit a report to the General Assembly, which includes the plan, the estimated cost of implementation and proposed legislation to affect the rights. I disagree with the Governor's Veto of House Bill 2930, does not establish any entitlements nor mandates any costs. The fact that it passed the House unanimously 115 'ayes', no 'nays' and 1 'present', passed the Senate by a near unanimous vote, 52 'ayes', 1 'nay', 1 'present', is clear enough evidence that it does not obligate the State to any major costs. The Governor vetoed... the Governor's Veto does not give favorable consideration to the negotiations and the compromises that enable the Bill to pass the House and Senate by these unanimous Roll Calls. Explicit assurances were given by the Sponsor and written into the Bill that the legislation only established a planning process. This legislation originated from the Governor's Council on Developmental Disabilities, which still officially endorses its purpose and objectives. The legislation is supported by the Illinois Association of Retarded Citizens and other groups that advocate for the developmentally disabled. These groups are concerned about the decline of state services and the lacking commitment to the development of a comprehensive system of institutional long-term care and home base services. This legislation could also provide a

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basis for the state to respond to the issues of the Illinois Association of Retarded Citizens litigation against the state. I would ask your support in overriding this total Veto. I have spoke to the other side of the aisle and Representative Daniels has had great concern for the mentally handicapped and disabled, has pledged his support which I'm sure along with Representative Ryder, will take place also. So I would ask for support in overriding House Bill 2930, the Governor's Veto."

Speaker Breslin: "The Gentleman has moved to override the Governor's Veto on House Bill 2930. On that question, is there any discussion? Hearing none, the question is, 'Shall House Bill 2930 pass the Veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 110 voting 'aye', 2 voting 'no', none voting 'present'. And the House... this Motion, having received the required Three-fifths Majority, is adopted. On Supplemental Calendar #2 appears, under the Order of Motions, appears House Bill 2975, Representative Granberg. Out of the record. House Bill 3008, Representative Martinez. Representative Martinez. Present your Motion."

Martinez: "Thank you, Madam Chairman. House Bill 3008, I ask that I move to take from the Table and return to the Committee on Judiciary I, pursuant to Rule 74(a)."

Speaker Breslin: "You have heard the Gentleman's Motion. Is there any discussion? Representative McCracken."

McCracken: "Yes, Representative, would you tell us what your intentions are?"

Martinez: "Well, I want to hear the Bill in committee and see if it will pass and then bring it to the floor."

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McCracken: "You want to have it heard in committee..."

Martinez: "Yeah..."

McCracken: "... Or on the floor?"

Martinez: "Committee first, yes."

McCracken: "Thank you. I stand in opposition to the Motion.

It's a very substantial Bill that we're talking about here. And it had previously been assigned to the Judiciary Committee and had not been reported out of there. I stand in opposition."

Speaker Breslin: "Representative Martinez, so that we understand your Motion, is your intention that you would like to have this Bill heard in the Judiciary Committee?"

Martinez: "Yes, it is."

Speaker Breslin: "If that is the case then I think you need to suspend the committee deadline rule in order that the Bill be considered and acted on at this time. So with leave of the Body we will amend the Gentleman's Motion to also amend... to also waive the appropriate rule to extend the committee deadline for a hearing on House Bill 3089 (sic - 3008) until the end of the Veto Session. Is there any... any problem with that? On that Motion, Representative Dunn."

Dunn: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think if the Gentleman who rose in opposition will think back a moment, this is... the purpose of this Motion and there are two or three other Bills is to provide a hearing on the... on the issue, if I recall correctly, of the corporate security's legislation, which is... which the Secretary of State wants. And... this is a takeover Bill. Pardon me, this is not that... this is the takeover legislation, anti-takeover legislation and the parties who were interested in this legislation last spring indicated they wanted a grind to a halt, but renewed interest has

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arisen this fall and what we want to do is have a hearing. And at the time of the hearing we will hear the subject matter of this issue and if support is generated for legislation, we will take one of these Bills, if we have time, if not we may have to proceed with the subject matter on a Conference Committee Report. But the purpose of this is to... is to permit the issue of anti-takeover legislation to be fully aired in House Judiciary I Committee, when we come back here next, I think the 28th of November. So I wish the Gentleman would withdraw his opposition to the Motion and... and consent to proceed with a hearing on these Bills. In other words, I think we have a deal."

Speaker Breslin: "Okay, Representative Matijevich, on the deal."

Matijevich: "Yeah, I'm happy to see a deal is cut and if that's the case I would urge Representative McCracken to reconsider. I mean, Representative Dunn says they have a deal to have a hearing, but if there's something good going to come out of it with regards to anti-takeover, I think we're all for that and I know your side of the aisle is. So I would... I see Representative Dunn talking to you now or getting over there, so I would hope you reconsider."

Speaker Breslin: "Representative McCracken, for what reason do you seek recognition?"

McCracken: "Just... just to say that the position has not changed. I understand who's asked for it and I know that the spokesman or the Chairman of the committee wants to hold the hearing, but this is anti-takeover legislation. There were discussions at one time to defer until the ABA has adopted standards. To my knowledge that's not yet done, isn't that right?"

Speaker Breslin: "Okay, so we understand that there is no deal, Representative Martinez. You are recognized then to close

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on your Motion."

Martinez: "I'd like to know how many votes would it take to..."

Speaker Breslin: "Seventy-one."

Martinez: "I see, okay. I simply think that this is a very important issue and I think it deserves to be heard again. And, you know, to be heard in committee and then debated on the floor. I ask for a favorable vote."

Speaker Breslin: "The question is, 'Shall the House take... at this point, Representative, would you take the Bill out of the record for a moment and we'll get back to it if we can?'"

Martinez: "Very good, thank you."

Speaker Breslin: "Out of the record. On that same order of call appears House Bill 3519, Representative Richmond."

Richmond: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move... or pursuant to Rule 74(a), I move to take from the Table and suspend Rule 37(g), pertaining to House Bill 3519."

Speaker Breslin: "The Gentleman has moved to take House Bill 3519 from the Table and suspend Rule 37(g). On that question, is there any discussion? Hearing none, the question is, 'Does the House give leave for Representative Richmond to take House Bill 3519 from the Table and suspend Rule 37(g)?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Gentleman has leave by use of the Attendance Roll Call to take this Bill from the Table and suspend Rule 37(g) as it applies to it. Representative Richmond, for what reason do you seek recognition?"

Richmond: "Point of personal privilege, Madam Speaker."

Speaker Breslin: "State your point."

Richmond: "Just a word of explanation concerning the Motion that we just passed, and... so that the Members would know this

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is something that will be finalized tomorrow and it deals with a very serious problem confronting the agriculture community. And I'm sure that you will all embrace it as soon as you hear about it, but the Amendment isn't quite ready yet. Thank you."

Speaker Breslin: "Going to Supplemental Calendar #3, Ladies and Gentlemen, under Conference Committee Reports appears House Bill 2993, Representative Brunsvold, do you wish to call this Conference Committee Report on Supplemental #3? You may proceed."

Brunsvold: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is Second Conference Committee Report on House Bill 2993. To refresh your memory of Ho... Conference Committee Report #1 contained some White Sox buy out provisions as were added by Rep... Senator Zito. After that the passage of the White Sox package at the end of Session, extended the deadline on the Bill intending to go back and strip everything off and to go with the original Bill. The original Bill simply stated that we'll extend the territory for the Aledo Civic Center Authority from the City of Aledo to Mercer Township, which would be a minute change in the boundary lines to... to include some individuals that would be important to the Aledo Civic Center. So I would ask for the... the passage of Conference Committee Report #2 for House Bill 2993."

Speaker Breslin: "Okay, Representative Brunsvold, I did not notice, but further down on this Calendar under the Order of Motions appears the same Bill. So, let us take that Motion first. Ladies and Gentlemen, Representative Brunsvold moves to suspend Rule 79(d) and place House Bill 2993 on the Calendar on the Order of Conference Committee Reports. Is there leave to do so? Hearing no objection, there is leave by use of the Attendance Roll Call. Now,

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Representative Brunsvold has moved for the adoption of the Second Conference Committee Report on House Bill 2923. (sic - 2993) On that question, is there any discussion? Hearing no dis... hearing no discussion, the question is, 'Shall the House adopt the Second Conference Committee Report on House Bill 2993?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Seventy-one votes are required for the adoption of this Conference Committee Report. Have all voted who wish? Mr. Clerk, take the record. On this question there are 110 voting 'aye', 5 voting 'no' and none voting 'present'. The House does adopt the Second Conference Committee Report on House Bill 2993, and this Bill, having received the Constitutional Majority, is hereby declared passed. Under Amendatory Veto Motions Gubernatorial Compliance appears House Bill 3349, Representative Mary Flowers. Representative Flowers on your Motion."

Flowers: "Madam Speaker, Ladies and Gentlemen of the House, I move to accept the specific recommendations of the Governor as to House Bill 3349. And I would move for the passage of House Bill 3349. Thank you."

Speaker Breslin: "The Lady has moved to accept the Governor's specific recommendations for change on House Bill 3349. On that question, is there any discussion? The Gentleman from DuPage, Representative McCracken."

McCracken: "In... in your opinion does this Amendatory Veto comply with the Governor's constitutional authority?"

Flowers: "Yes, it does."

McCracken: "Doesn't change anything that's important, it's only technical in nature?"

Flowers: "It's only a technical change."

McCracken: "You don't... you don't think that some of these

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changes go beyond mere technical changes?"

Flowers: "No, not really. Not at all."

McCracken: "Okay. Alright, thank you. I wanted to be careful that none of you over there voted for this by mistake if in fact he had exceeded his authority."

Flowers: "No. This..."

McCracken: "Alright, I just... I just wanted to clear the air on that one."

Flowers: "I accept the technical changes. Thank you."

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

Currie: "Thank you, Madam Speaker. I rise in support of the Lady's Motion. I think this is an elegant example of an Amendatory Veto properly imposed by the Governor. He raises a large number of questions, which he feels may not have been answered by the Bill, but he doesn't attempt to answer them with an abuse of the Amendatory Veto power either. He does take a specific technical issue, addresses that with his Amendatory Veto pen. It seems to me that he acted quite sensibly and quite constitutionally in respect to his suggestions for change on House Bill 3349. I support the Lady's Motion."

Speaker Breslin: "The question is, 'Shall the House accept the Governor's specific recommendations for change on House Bill 3349?' 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 98... 97 voting 'aye', 16 voting 'no', none voting 'present'. This Motion has received the required Constitutional Majority, so the Motion is adopted and the House accepts the Governor's specific recommendations for change. Returning to Supplemental Calendar #2 under the Order of Motions appears

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House Bill 2975, Representative Granberg."

Granberg: "Thank you, Madam Speaker, Members of the House. House Bill 29... the Motion on House Bill 2975 would be to susp... to take from the Table and to suspend the appropriate Rules on Committee deadlines. This deals with the corporate takeover Bill, which Representative McCracken was speaking to a few moments ago. I believe that issue has been resolved and I would ask for an affirmative vote."

Speaker Breslin: "The Gentleman... you have heard the Gentleman's Motion, is there any further discussion? Hearing none, the question is, 'Shall the House, pursuant to Rule 74(a), take House Bill 2975 from the Table and return it to the Committee on Judiciary I?' Is there leave? The Gentleman from DuPage, Representative McCracken."

McCracken: "No. I'm sorry. Right. We need to take it out of the record one more time."

Speaker Breslin: "Representative Granberg, that's your call."

Granberg: "If I may, let me take this out of the record so we can have one more check."

Speaker Breslin: "Out of the record. Supplemental #3, under the Order of Amendatory Veto Motions Gubernatorial Compliance, appears House Bill 3968, Representative DeJaegher."

DeJaegher: "Thank you, Madam Speaker, Members of the General Assembly. There was quite a few people that were confused when this Bill was heard originally this morning. They were not knowledgeable that IEA was totally supportive of this Bill. They were not knowledgeable of the fact that there was no language change incorporated in the Bill. And as a matter of courtesy to the fellow Members of the House of Representatives I wish for an affirmative vote on this particular Bill. I think we've discussed it at length this morning, so I ask for reconsideration and hopefully that we'll get a positive vote at this juncture."

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Speaker Breslin: "The Gentleman moves to override the Governor's specific recommendations for change on House Bill 3968. On that question, the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you very much, Madam Speaker. Ladies and Gentlemen of the House, nothing has changed since we considered this Bill before. The language is exactly the same. All you have to do is go to page two, take a look at the language, tell me what you mean by categorize by position. That's the kind of thing that ought to be negotiated at the local level. We passed collective bargaining, it is in place. And here they come back with the addition of this language. The Governor takes it out and they are taking a position that it is so significant that they cannot accept the Amendatory Veto. The Gentleman had filed a Motion, had to accept the Amendatory Veto and now he's coming back with the override. I don't think anything has changed. I think that we have to continue to stay in a position that we were in before as a Body and sustain the Governor's Amendatory Veto by voting 'no' on the Gentleman's Motion to override."

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

Satterthwaite: "Madam Speaker and Members of the House, I echo the words of the previous speaker that nothing has changed in the last hour or so since we dealt with this issue previously. The community colleges and the community college board are very concerned that this language has never been considered in an open forum where it could be discussed, where the concerns about the language can be explored and to see whether or not this is acceptable language. And so on behalf of the community college board and the individual community colleges, I ask for the defeat

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of this Motion."

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

Ropp: "Thank you, Madam Speaker, Members of the House. To... I suppose very briefly reiterate what the previous speaker said. This particular provision is exactly the same as it was. We have not clearly defined what full-time and part-time people are for seniority purposes that potentially opens up a potential law suit that I don't think we need. I think we need the additional month or two to revise this whole process in the next Session. And I would urge people not to support this that in fact, we accept the Governor's Amendatory changes, because really there is a difference between community college instructors and their ability and skills that are required for specific fields of education versus those that are in the elementary, secondary level, that are somewhat broader in scope and there is a number of things that this Bill really needs to address. I urge you to not change your previous vote."

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

Matijevich: "Madam Speaker, I wasn't going to speak on this issue because it has been discussed, but I notice all the opponents are. Nothing has changed and really we aren't changing the law with regards to seniority. All we are is mandating a seniority list with regards to these... to the various categories so that we can implement the law properly. After I spoke on this issue, I did speak with a member of the Illinois Education Association; I was not aware before hand whether they were for the Bill or against the Bill. I just happen to believe it... it... it is proper for a full override. But that representative from

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the Illinois Education Association said that it had been some mixed signals. Some people thought the Illinois Education Association was opposed to the full override and they are in support of it and I think that you ought to be too. So I do support the Governor... the Gentleman's Motion for a full override."

Speaker Breslin: "The question is, 'Shall the House override the Governor's specific recommendations for change with respect to House Bill 3968?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 64 voting 'aye', 45 voting 'no' and 2 voting 'present'. And the Motion fails. Representative DeJaegher, I notice that you have another Motion filed to accept, do you wish to go to that now?"

DeJaegher: "Please."

Speaker Breslin: "Yes, okay."

DeJaegher: "I'd like to have this Bill resolved."

Speaker Breslin: "Okay, House Bill..."

DeJaegher: "And I will accept the Governor's Amendatory Veto."

Speaker Breslin: "Okay, House Bill 3968 for a Motion that appears on Supplemental Calendar #2 under the Order of Amendatory Veto Motions Gubernatorial Compliance, Mr. Clerk. Representative DeJaegher is recognized."

DeJaegher: "Thank you, Madam Chairman, Members of the Assembly. At this particular time to eliminate some of the confusion and so that this Bill will not be brought to light again during this current Session, I will accept the Governor's Amendatory Veto and hopefully that you'll be supportive because there are some provisions in that Bill that are an asset to the public education system."

Speaker Breslin: "You have heard the Gentleman's Motion, is there

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any discussion? Hearing none... the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Madam Speaker, Ladies and Gentleman of the House. One thing about this Body in their deliberative process as we accumulate facts and information like numbers that appear on the board, we become wiser. And I commend the Gentleman from Rock Island for his wisdom."

Speaker Breslin: "The question is, 'Shall the House accept the specific recommendations for change with respect to House Bill 3968?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 115 voting 'aye', none voting 'no' and none voting 'present'. This Motion has received the required Constitutional Majority, so the Motion is adopted, and the House does accept the Governor's specific recommendations for change. On Supplemental Calendar #3 under the Order of Amendatory Veto Motions Gubernatorial Noncompliance appears House Bill 917, Representative Parcels."

Parcels: "I was not the Sponsor of this Bill, that was a Motion, right?"

Speaker Breslin: "Yes, the Motio... you are recognized on the Motion. Are you the Sponsor of the Motion?"

Parcels: "Yes, I am the Sponsor of the Motion."

Speaker Breslin: "Okay, proceed with your Motion."

Parcels: "Yes, I move to have the House Bill 719 (sic - 917) to accept the Amendatory Veto by the Governor."

Speaker Breslin: "Okay, Representative Parcels is moving to accept an Amendatory Veto on Representative Brunsvold's Bill. Is there any discussion on the question? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Would the Sponsor yield?"

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Speaker Breslin: "She will."

Cullerton: "Did you give any explanation at all as to what the Amendatory Veto does or did you just get up and say I make a Motion and nothing else?"

Parcells: "That's exactly what I said."

Cullerton: "Okay. So, could you explain why we should accept the Amendatory Veto?"

Parcells: "Because they're good."

Cullerton: "What does..."

Parcells: "The Amendment was good. The Amendatory Veto was fine."

Cullerton: "What does it do?"

Parcells: "Now I understand that this is one of the noncompliance which is why it wasn't called earlier today, however it has a change of date, which is the only thing that evidently your side of the aisle is opposed to. Is the..."

Cullerton: "Well, could you just tell me what the Governor's Amendatory Veto does?"

Parcells: "Yes, I can read it as well as you can. Would you like me to read this to you..."

Cullerton: "I'm not making the Motion though..."

Parcells: "I beg your pardon?"

Cullerton: "I'm not making the Motion."

Parcells: "Alright. I will be happy to read this to you. It adds the hydrostatic testing to the list of activities which will require licensing under this legislation. It delays the effective date of the Act to October 1st of '89 and the licensing requirement to April 1st of '90; to allow preparation time for those who will be affected. It extends the sunset date to December 31st of 1999 and from December 31st, '97 to conform with the ten year licensing and sunset date of other regulatory Acts. It establishes that the advisory board powers are subordinate to the State

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Fire Marshall. That was a very big important thing, rather than the reverse as provided in the legislation. Adds to the Bill the five hundred dollar small business reduction for a Class B license fee for licensees with fewer than five employees. Clarifies anyone who performs hydrostatic testing of fire equipment, but does not service, recharge, install, maintain or inspect fire equipment is not required to be licensed under this Act. Establishes the State Fire Marshall, may provide a mechanical recording device rather than a stenographer as required by the Bill to preserve testimony and a record at a hearing to revoke or suspend a license."

Cullerton: "Okay. Now..."

Parcells: "Makes other technical and stylistic changes."

Cullerton: "Okay, now the question that is, why don't we just pass this Bill next year since the Governor has delayed the implementation until after October 1st of '89? And no coaching."

Parcells: "My coach said exactly what I was thinking, you pass Chicago's school reform with an effective date that was a year hence, and so there is no problem with doing that. It will give them more preparation time, which is exactly what they need..."

Cullerton: "Yeah, but the difference... the difference was that the Legislature did that."

Parcells: "I beg your pardon?"

Cullerton: "The Legislature did that in a... by passing the Bill."

Parcells: "And I'm asking the Legislature to do this now."

Cullerton: "By accepting this... but to ratify the Governor's action, is that what you're saying?"

Parcells: "Yes, and the industry said that it was a good idea so they would have preparation time."

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Cullerton: "Well, they would have a lot of preparation time if we just didn't accede to the Governor's changes and we just introduced the Bill next year. In other words, this industry that you're talking about apparently did not think at the time the Bill was passing that it had to be delayed. Is there something that occurred between the time the Bill passed and the time the Governor..."

Parcells: "Well, one of the things is, it's now under the fire marshall and evidently they felt they needed a little more time to get organized."

Cullerton: "I see."

Parcells: "We've done this before, Representative. This is certainly not new."

Cullerton: "Yeah. Well, I just... I think we should hear from the Sponsor of the Bill to see what his thoughts are. But I think that as a practical matter since the whole implementation has been pushed back to a date within which we could simply just pass the new Bill again, the better course of action would be to have the Legislature do it through the committee process, through the passage of a Bill, and then the Governor can sign it and immediately... with an immediate effective date it would probably go into effect even sooner than October 1st of next year if he wanted it to."

Speaker Breslin: "The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Madam Speaker. I've been conspicuously quiet on this Bill. I'd like to explain a little background about what happened early on in the Bill's history. In Registration, Regulation Committee, I took the Bill and we went through the process in the House and in the Senate and passed the Bill on to the Governor. Well, back before that in February, meetings were held by the

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Fire Equipment Distributors, setting up language in the Bill. Well, the opposition to the Bill was... attended those meetings. And from that point on did not participate in any of the House Committees, Senate Committee meetings to... to voice their objection to some of the provisions. After Session this spring and when it passed... and when we passed the Bill in the House and the Senate, I received a call in August asking how I could possibly pass a Bill like this. And that's how bad this Bill was. And I said, well, where were you during the process. Well, we didn't know it was going to pass. Something like that language. And I said, well, you know, the Governor... it's on the Governor's desk. So they contacted the Governor's Office and had the Governor make a number of changes, in fact, there are three pages of changes, and I can't say that I totally disagree with the changes. I'm just saying that I disagree with the procedure that they waited until it was on the Governor's desk before they acted and then getting the Governor to make these numerous changes and then come back to this House and say, we'll accept the Governor's Amendatory Veto. I don't disagree with the language that's been in there, I just disagree with the process. And I don't think we ought to be working this way, bypassing House and Senate Committees so that the Governor can make the changes. So that's why I've been quiet on the Bill. And... and would ask the Democrats to support the position that we don't want him rewriting Bills totally and subverting the committees in the House and the Senate. Thank you."

Speaker Breslin: "The Gentleman from Madison, Representative McPike."

McPike: "Well, thank you, Madam Speaker. I think Representative Brunsvold explained that about as best as can be done. We

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have two Legislatures in Springfield. One is the House and the Senate and the other is the Governor. Now we believe that the legislative process should work the way Joe described it. We have hearings, we have the proponents and we have the opponents and we sit down and try to forge a compromise. But he explained exactly what has been happening in the last few years. If you're against a particular Bill, you don't come in. You wait until Legislature number one is finished and then in August you go see Legislature number two, that's the Governor's staff. And you work with the Governor's staff, Legislature number two and you draft the Bill that you wish. And then you send it back to Legislature number one, which you've ignored in April, May and June; and expect them to take it or leave it. We don't believe that that is the way the Legislative process should work. And this is a very good example. A perfect example of what we've been talking about. Does the Legislative Branch of Government exist on this floor and in the Senate or does it exist in August in the Governor's Offices? We think it should be back here and the way to bring it back here is to uphold our authority, our rights, the legislative process and to vote 'present' on this Bill."

Speaker Breslin: "The Gentleman from DuPage, Representative McCracken."

McCracken: "We have a problem. We have so many institutions of government running around here proclaiming themselves to be someone else, that we don't know who is who anymore. If there are two Legislatures then clearly there are two Governors. If you don't get what you want out of the Legislature the first time and you don't get what you want from the Governor, then you go to Mike Madigan and he says he's the Governor and he kills the Bill, because he doesn't

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like what a different branch of government did. So what's good for the goose is good for the gander. Under our Constitution, the supreme law of the land, the Governor has the authority to write the Bills. Now, if you disagree with him on a particular Bill that's fine. But to tell us that that's a constitutional infirmity, when our Supreme Court has said it's not, is nonsense, absolute nonsense. And I... I would ask the Sponsor of the Bill, didn't you file an acceptance Motion for this matter? I don't see an override on the Calendar. Have I missed something? So, if you don't want it accepted that's fine, but if you think that the merits are... are acceptable, if you think they're a reasonable compromise on a issue, then you can vote for this Bill; because this does not become law until we vote upon it. Everyone acts as if the Governor is creating laws without reference to us. That's not the case. This is not the law. He has made recommendations for change, that's what the Constitution calls them, that's all they are. They're not laws. They're not laws until we vote on precisely those recommendations for change and that is all they are, recommendations for change."

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

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House, one more comment with regards to this process. One of the provisions that the Governor changed was changing the penalty. Now that doesn't sound like much, but that to me is a policy change. Let's, for example, say that we passed a sexual abuse law and we wanted a very serious penalty and I don't think the Governor ought to be able to reduce that penalty. He can veto the Bill. But that to me is more than purely technical. And I think that's a matter of a legislative prerogative. I don't... That doesn't wash with

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me that it has to come back here, because then we get out of the... we have to get into the realm of political realities. Now, take for example, in the courts this is why it's so important that we act before something goes to the courts. Take this case, for example, and the courts said this was constitutional. I happen to disagree, but I... I can't help it. I think the Legislature should have responded first. The... What happened was we had a Bill that related to the property replacement tax and we had a 2.85 corporate tax as a replacement. The Governor reduced it to 2.5. You know why he did it, he made a lot of friends with the corporations. That Amendatory Veto was done in his office to get a lot of campaign contributions. Now, if the guy can do that, he can also raise taxes. We could have a Bill enacted to reduce a tax, the Governor could change it and then after a Veto Session, after an election, get the votes to raise the tax. You know, if you can believe that he can reduce it, then he can raise it. It'd be the same thing as a... as a salary increase after an election. That is the danger and the importance of stopping this abuse now."

Speaker Breslin: "The Gentleman from Livingston, Representative Ewing."

Ewing: "Yes, Madam Speaker, Ladies and Gentlemen of the House, we hear and hear from the other side of the aisle about fairness. I ask one question of this Body, what is in the fairness in the way the Rules Committee sets the rules, sets the agenda? Certainly it is no fairer than the system we have."

Speaker Breslin: "Is there any further discussion? Hearing none, Representative Parcels to close."

Parcells: "Thank you, Madam Speaker. Well, I think this is a vote that, I hope, you on the other side of the aisle, are

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listening on. I know you've got your marching orders. You're all going to march in lock step over there, because you've got the order, but for any of you who might be free thinkers, I'd like you to think about one thing. There are three branches of government, which is what makes this country and this state great. And we are accusing the Governor of trying to take over the Legislative Branch. But think of it this way, maybe we're trying to take over the Executive Branch by the action you're about to commit over there. He has the right, constitutionally, to do Amendatory Vetoes. You're saying, we don't like your Amendatory Veto, we think you've gone to far, so now we're going to take over your branch of government. What's good for the goose is good for the gander. If you don't want him meddling in our job of writing laws, then you should not meddle in his right to make... to have an Amendatory Veto or any kind of a Veto he chooses. We still have the right to override any Veto or to accept an Amendatory Veto and I hope some of you are listening and will use your own good judgment on what is fair for the Governor and Executive Branch is fair for us and therefore I hope that you will vote 'aye' on this Motion."

Speaker Breslin: "The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to House Bill 917?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Sixty votes are required to accept. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 51 voting 'aye', 4 voting 'no', 54 voting 'present'. And the Motion fails. House Bill 3273, Representative Hannig on Motion #2. Out of the record. Ladies and Gentlemen, we have finished our work for today. Representative McPike moves that the House stand adjourned

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until twelve noon, tomorrow. Note that that is different, twelve noon, tomorrow. All those in favor say 'aye', all those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and this House stands adjourned until twelve noon, tomorrow. Thank you."

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