

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

130th Legislative Day

November 15, 1988

Speaker Breslin: "The House will come to order. The hour of twelve noon having arrived... the Clerk informs me that we've moved this back until 12:15, so we'll have to put you on hold until 12:15. I'm ready. Okay. The hour of 12:15 having arrived, the House will come to order. Ladies and Gentlemen, I would ask Members to be in your seats. We are going to begin with the prayer. The Chaplain for today will be the Reverend Raymond Bassett from the United Methodist Church in Hanna City. He is the guest of Representative Hultgren. I would invite our guests in the gallery to rise and join us for the invocation."

Reverend Bassett: "Members of the House and guests, will you join me please and so shall we pray. Spirit of justice and truth, we pause in the busyness of life to think before You our thoughts about what we're... where we are going and what we are about to do, especially as we think of the opportunities that face each one of us. Opportunities to become what it is possible to be under Your plan, to fulfill the promise and potential to rise to the noblest and finest of our kind. Help us to see that nothing we do is insignificant, that in every act of life, great and small, we either think and do right and affirm life or our thinking and our doing is out of harmony with the best in life. In this moment of prayer we confess that no relationship with other people is trivial or unimportant, that in every relationship of life we are given the opportunity to practice the perfect way of the Creator. Today we ask that You might be with our Governor, James Thompson as he endeavors to lead the peoples of this great State of Illinois. And as we gather in these chambers today, more specially as this House of Representatives begin this Session, we would intervene in their behalf that

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You would grant them wisdom and strengths to know and to do what is right. So rule their hearts and prosper their endeavors that law and order, justice and peace might prevail as they labor with the things which shall come before them, may they be worthy stewards of the gifts You have given them. This we would ask in the name of the great Statesman of all of life. Amen."

Speaker Breslin: "We'll be lead in the Pledge by Representative Ropp."

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 Piel, do you have any excused absences?"

Piel: "Yes, Madam Speaker, would the record show that Representative Hallock, Representative Barnes and Representative Wojcik are excused today."

Speaker Breslin: "The record will so show. Representative Matijevich."

Matijevich: "Madam Speaker, on this side of the aisle there are a few late but they're on their way, but we do have Nelson Rice as an excused absence."

Speaker Breslin: "Nelson Rice as an excused absence. That will be recorded. ...All recorded themselves as 'present' who are here? Representative Tuerk, for what reason do you seek recognition?"

Tuerk: "Madam Speaker, now that we've convened, I will now request a recess of about an hour for a Republican Conference."

Speaker Breslin: "Okay. Let's wait a minute for that, Representative Tuerk, I haven't even taken the Attendance Roll Call."

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Tuerk: "Okay."

Speaker Breslin: "Have all... have all recorded themselves? Take the record, Mr. Clerk. There are 112 voting 'present', a quorum is present. Now the Chair will recognize Representative Black for a special introduction. Ladies and Gentlemen, give your attention to Representative Black."

Black: "Thank you very much, Madam Speaker. Ladies and Gentlemen of the House, it's a distinct pleasure for me today to introduce to you and if they would come down front we would like you to welcome them as well and recognize their achievement. It is my privilege to introduce the 1988 Illinois Elementary School Association, cross-country championship team, that being the Panthers of Georgetown-Ridge Farm Mary Miller Junior High School. I will take great pleasure in introducing their coach. And by the way, this... this team was undefeated all year long. And they competed against approximately 128 schools. Without further ado, let me introduce and if you would welcome with me their coach, Mr. Robert Rice, who... it's a special introduction to me because some years ago, Mr. Rice had the fortune as I would say; he might say the misfortune of sitting in my classroom as one of my students when I taught school a few years ago. Without further ado, let me introduce the championship coach of the '88 cross-country champions, Mr. Robert Rice. Coach."

Coach Robert Rice: "I'd like to thank the Representatives for allowing us to come to Springfield today. It's already been an educational experience for the kids. At this time I'd like to introduce to you starting on my right down here, Mr. Kevin Tate, the Assistant Principal of Georgetown-Ridge Farm Community Unit District #4. And now the members of the 1988 team: Stacy Davis, Michelle

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Swinford, Candy Noggle, Amanda Mitzdarfer, Lori Bond, Stacy Pintar, Lindsey Frohawk, Mandy Pollitt, Rex Letz, Brian Killgore, Bret Bollin, Rusty Berry, Micheal Goodwin, Brian Weir, Jamie Pasquale, John Rice, Jason McCool, Wayne Brown, Jason McKinney, Curtis Vice and the last gentleman down here on my far left is the two time repeating State Champion for 1987 and 1988, Mr. Barry Pearman. I missed one right here in the middle, Mr. David Ray. Thank you."

Black: "Coach, if you may refresh my memory and I... those of you that used to run track or cross-country will get a kick out of this. This young man is an eighth grader, two time State Champion. What was his time for the two mile?"

Coach Robert Rice: "10 - 30."

Black: "Ten minutes, thirty seconds for the two mile. Not bad. I think you're going to hear more out of this young man. Thank you very much, Ladies and Gentlemen."

Speaker Breslin: "Ladies and Gentlemen, Ladies and Gentlemen, the Clerk has an announcement that is pertinent to when we come back from our Caucuses. So please listen to the Clerk."

Clerk O'Brien: "On your desks there's been distributed a memo from me relating to Membership pictures. There will be a group picture taken in the House today immediately on return from the Conference. So to give you an idea of what these pictures are, we have a demonstration picture here. It's a scanning camera that will take the whole House chamber. When you return from Caucus, the floor will be cleared of all staff, every... all guests, everyone except Members and the camera will be in place when you come back from Conference. It will take about one Member... one minute to take your picture and then it will be available on the second week of the Veto Session for you to view and make orders. There's a memo on your desks explaining this to you. Thank you."

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Speaker Breslin: "Ladies and Gentlemen, there has been a request by Representative Tuerk for a Republican Conference for one hour, for one hour. So the Republicans will go to Conference now in Room 118. The Democrats will have a Democratic Conference in Room 114, immediately. So both sides of the aisle should go to their respective Conferences for one hour. Be prepared to come back immediately at 1:30 and be prepared for this picture. We need the cooperation of 118 people in order to take this picture. So we would most appreciate your being in your seat at 1:30. This will be a first if we can pull this off. So we need the cooperation of all 118 people. Democratic and Republican Conferences right now."

Speaker Breslin: "House will come to order. The Gentleman from Coles, Representative Weaver, for what reason do you seek recognition?"

Weaver: "Thank you, Madam Speaker. Would like to extend an invitation to the Members of the House to come and join us for a piece of cake to celebrate the birthdays of Representative Williamson and Black, who have a combined age of eighty-three today. Thank you."

Speaker Breslin: "Happy Birthday. Representative Ewing, for what reason do you rise?"

Ewing: "Yes, Madam Speaker, I'd just like to make an announcement that the Economic and Fiscal Commission will have their meeting tomorrow morning in Room 400 and this will be the forecast for FY89, our budget forecast and income projections for FY9... 8... 1989. And I would certainly encourage everybody to come who's interested in the income and the budgeting work of this House."

Speaker Breslin: "What time is that, Representative Ewing?"

Ewing: "It's 8:00 a.m., Room 400."

Speaker Breslin: "Okay, Ladies and Gentlemen, Economic and Fiscal

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meets tomorrow at 8:00 a.m., Room 400. Committee Reports."

Clerk O'Brien: "The Committee on Rules has met and pursuant to Rule 29(c)3, the following Bills have been ruled exempt on November 15, 1988: House Bills 4299 and 4301. Representative Breslin, acting Chairman of the Committee on Rules reported the following Committee Resolution with a recommendation that it be adopted: House Resolution 1878. Signed, Representative Breslin."

Speaker Breslin: "House Resolution 1878. Representative Young. Representative Young. Anthony Young, are you ready to... excuse me, Rep... Representative Matijeovich. Representative Matijeovich is recognized. Representative Matijeovich. Mr. Clerk, can you... excuse me. Representative Matijeovich."

Matijeovich: "Yes, Madam Speaker, Ladies and Gentlemen of the House, House Resolution 1878 is a recommendation of a special committee chaired by Representative Anthony Young, which met after we adjourned the Regular Session and was created by a House Resolution to study the... the Amendatory Veto process and this has been a subject of concern of Legislators for many years now. The... we listened to various people who came before the committee and it was the general sentiment of those who... came before the committee that this matter of the Governor's use of the Amendatory Veto process was not going to be resolved by the courts and it was a matter that the Legislature itself would have to confront in some fashion. The recommendation of the... that special committee was that the Rules Committee should meet and the House should adopt a rule whereby there should be some standard by which the Governor should be held accountable on the Amendatory Veto process. So we have... the House Rules Committee today did adopt Rule 40... which now would be House Resolution 1878

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and would have Rule 46.1 with regards to Amendatory Veto and the Governor's specific recommendations for change with respects to a Bill returned pursuant to Subject (e) (sic - subsection (e)) of Section 9 of Article IV of the Illinois Constitution shall be limited to addressing the Governor's objections to positions (sic - portions) of a Bill the general merit of which the Governor recognizes and shall not alter the fundamental purpose of the legislative scheme set forth in the Bill so enacted. And the Rules Committee then would meet and look at all the Amendatory Vetoes and then make recommendations whether it is in compliance with that standard or if it is non... in noncompliance. And then those recommendations would be advisory and would be listed on the Calendar. Madam Speaker, Ladies and Gentlemen of the House, I believe that this is a salutary recommendation and we should adopt this rule. Finally, the Legislature and this House will be doing something that the Legislature for many, many years on both sides of the aisle have said is of serious concern and we will finally put some measure of standard on the Amendatory Veto process. And I move the adoption."

Speaker Breslin: "The Gentleman has moved the adoption of House Bill... House Resolution 1878. And on that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Speaker, before I proceed further, I'd like to make a point of order. This matter was a... as posted in the Calendar for Rules Committee this morning, it was passed out; does not appear on the Calendar for any action, does not appear on the Calendar for Speaker's Table, appears on the Calendar only for the committee action. For that reason it's out of order and I ask the Chair to so hold."

Speaker Breslin: "Representative McCracken, your point is well taken. This Motion... this Resolution should appear on a

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Calendar. It'll be taken out of the record, Representative Matijevich. Representative Countryman. Representative Countryman, please see the Clerk. Ladies and Gentlemen, we are prepared to go to Total Veto Motions. If Sponsors of those Motions would be in their seats, we will begin. On page 3 appears Total Veto Motions. Is Representative Johnson in the chamber? Are you ready on the override of House Bill 2925? House Bill 2925."

Clerk O'Brien: "House Bill 2925, a Bill for an Act to amend the Boat Registration and Safety Act with a Motion to override."

Speaker Breslin: "Representative Johnson."

Johnson: "I... I don't know why the Governor vetoed this. It really doesn't make any sense. So I just ask you to... to join with me in overriding the Veto on House Bill 2925. We... This is the Bill you no doubt received a lot of letters and calls on throughout the spring, and the Bill addressed itself to the mistake we made a year before that, when we included canoes and kayaks with motor boats and others. This basically eliminates the regulations, licensing and costs associated with that mistake. This is supported by all the good sportsmen and environmentalists and people... Boy Scouts and others because it just simply makes sense. And the previous Bill didn't make sense. And I would urge you to join with me and others of a bipartisan nature throughout the State in overriding House Bill 2925."

Speaker Breslin: "You have heard..."

Johnson: "Outside of the Governor, I don't know anybody who's against it."

Speaker Breslin: "You have heard the Gentleman's Motion. On the Motion, the Gentleman from Warren, Representative Hultgren."

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



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House. For the... for the purpose of clarity I'd like to differentiate the legislation being discussed here with legislation which I sponsored in the Spring Session and which the Governor did sign into law. I sponsored House Bill 3607, which would exempt from the same registration and titling requirements canoes that were owned and used by not-for-profit groups, such as the Boy Scouts, the Girl Scouts, the Campfire Girls, what have you. That legislation exempting the not-for-profits was signed into law by the Governor and that group is now taken care of. This Bill, 2925, goes further and would exempt all canoes and kayaks whether they were owned by those not-for-profit camps or whether they were owned by a for-profit individual or private person. I wanted to make that distinction for the Members of the Body for the purposes of debate."

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

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the Motion to override the Governor's Veto of this Bill. This Bill undoes some damage that I'm afraid that we did in one of the famous Consent Calendar pieces of legislation a couple of years ago. The original legislation which caused the damage was well-intended, but it created an onerous burden on recreational canoe... canoeist and kayakist... kayakers all over the State of Illinois. Fact is, a lot of people own and use canoes, who were not associated with one of the not-for-profit organizations that the previous speaker spoke of. And what we have is we're imposing a... a burden on people who are using canoes simply for recreational purposes. And they have to not only register these things, they have to display decals on the canoe. I have a friend who has a birch bark canoe. There's... there's just no way

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of displaying the decal on a birch bark canoe. There are a number of people who collect canoes, who do not necessarily even use them for recreational purposes, but who just... who do have collections. And we do not, it seems to me we should not be imposing an unnecessary burden on these people. It's a very small percentage of our population, but for these people it is a significant burden and I think this legislation takes care of the damage that we did quite unknowingly, unwittingly in the... on a Consent Calendar a couple years ago and I'm really disappointed that the Governor vetoed it. Now we have the chance to go back and right a wrong and I think we ought to support the Gentleman in his Motion to override."

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

Ronan: "Thank you, Madam Speaker, Members of the House. I rise against the Gentleman's Motion to override this Veto. I worked on the original legislation two years ago. I have sympathy for the kayak riders and that's why the Amendatory Veto makes sense. We're asking them to pay two dollars a year. You know, that's a pack of cigarettes a year to register your kayak. It really makes sense to me that we have some control over vehicles that use our waterways. It's a minimal fee but it does give an opportunity to get some more money into the Department of Conservation and do a good job, that's why I urge a 'no' vote on this override Motion."

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

Churchill: "Thank you, Madam Speaker. I, too, rise in opposition to the Motion. We've had a lot of talk today about canoers and kayakers and whether they use the waterways and what expense it is to them to use the waterways. But for two dollars a year, what this will do, will register their

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boat. So if their boat, their kayak or canoe floats down the river and they can't find it, the Department of Conservation can pick that up and bring it back to them and deliver it to them. So for two bucks their getting the insurance of having their canoe or kayak returned to them. I think that the problems that were with the original Bill were solved and the two Bills that were passed by... and signed by the Governor and we ought to at this point override this Motion."

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

Black: "Thank you very much, Madam Speaker. If the Sponsor of the override Motion would yield, I just want to ask a question or two."

Speaker Breslin: "Representative Johnson. Representative Johnson, some questions are about to be put to you. The Gentleman yields to a question. Proceed, Representative Black."

Black: "Thank you very much..."

Johnson: "I really can't even hear, Ms... Madam Speaker, at all."

Speaker Breslin: "Yes, Ladies and Gentlemen."

Johnson: "Probably it's to my advantage that people..."

Speaker Breslin: "Ladies and Gentlemen..."

Johnson: "... Don't hear these..."

Speaker Breslin: "Please, please..."

Johnson: "... Vitriolic questions of Representative Black."

Speaker Breslin: "Please give the Members your attention. Representative Black."

Black: "Thank you very much, Madam Speaker. To the Sponsor. Representative, I think it's been stated by others that the fee is two dollars a year for canoes and we have exempted non-profits, et cetera. Could you tell me off the top of your head, what will that money be used for?"

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Johnson: "What's that?"

Black: "What would that money be used for? I have a canoe and have had for thirty years, and I have already registered the canoe, so my six dollar registration fee for a three year period, where does that six dollars go?"

Johnson: "Plus the seven dollar titling fee. I don't know where it goes. We got along in this State for two hundred years without it, so I presume it's not a major drain."

Black: "I... I appreciate your answer, Representative, but as one who has canoed up and down the streams of this State for many, many years, I don't mind paying this because the money goes to build canoe launching facilities and other apparatus needed by the Department of Conservation. If you're going to canoe up and down the rivers and the lakes of this State, I can't imagine why you would oppose paying a reasonable amount of money to help you enjoy your sport. And this is a reasonable amount of money. It's money that the Department of Conservation intends to put back into facilities so canoeists can better enjoy their activity. I would urge that we not override this particular Bill."

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

Johnson: "Well, I... just about the... with the exception of Representative Black, the people got up and opposed it are the ones I expected to. They're the ones that the Department of Conservation went around and lobbied to get up for whatever reason and oppose this Bill. There's a significant difference, Madam Speaker and Members of the House, between canoes and kayaks on the one hand and motor boats on the other hand. There's significant reasons why one would be titled and why you'd want to trace the one, why you would want to have the annual fee and why you wouldn't in the other. This Bill is good government Bill

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and it frees people from the limitations that they were freed from until we decided after a hundred and eighty years of doing without to shackle scouts, young people, environmentalists, people who love the natural and the wild from the restrictions that this Bill... it opposes. It's not really the money, it's the matter of the limitation that you have on canoes and kayaks that are significantly different, those in terms of their use, in terms of their effect on the environment, in terms of their effect on the... on... on... on the general eco-system in Illinois. This Bill is supported by nearly every sportsman, environmental group, by not-for-profit groups and by others throughout the State of Illinois. You all know how the people feel about this. There's been a major outpouring of support for this legislation and it's a Bill that simply makes sense. In addition, I don't know how one would be able to distinguish not-for-profit canoes from others. And so it just simply makes the most sense to do what we did for the whole history of this State and that is to say that nonartificially powered motor... or boats are ones that ought not to be subject to the same restrictions that ones that are powered by motors are. So I respectfully and with all due regard to those two or three people who sit up and oppose it, urge you to vote in favor of this Bill and to free up canoes and kayaks for the people of the State of Illinois."

Speaker Breslin: "The question is, 'Shall the House override the Governor's Veto of House Bill 2925?' 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 the question there are 43 voting 'aye', 63 voting 'no' and 2 voting 'present'. And the House does not

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override the Governor's Veto of House Bill 2925. House Bill 3695, out of the record. House Bill 3752, Representative Deuchler."

Clerk O'Brien: "House Bill 3752, a Bill for an Act to amend the duties and powers of the Department of Mental Health and Developmental Abilities (sic - Disabilities) with a Motion to override."

Speaker Breslin: "Representative Deuchler."

Deuchler: "Madam Speaker... Madam Speaker, Ladies and Gentlemen of the House, the Governor's Veto of House Bill 3752 seems to disregard a very modest proposal to establish a coordinator of services to mentally disabled, deaf and hearing impaired persons within DMHDD. The department has already agreed to do this and this would set the proposal in statute. The second proposal within this Bill sets up continuous treatment teams for each of the following mental health facilities; Chicago Reed, Elgin, Matt... Madden and Tinley Park. The treatment teams would improve linkage and aftercare for recipients admitted to DMHDD facilities more than three times a year. The underlying Bill, which is also vetoed, includes a requirement for a family impact statement indicating how the department's actions have strengthened and propo... promoted stability within Illinois families."

Speaker Breslin: "The Lady has moved to override the Governor's Veto of House Bill 3752. On that question, is there any discussion? The Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Madam Speaker. I'm a joint Sponsor of this Motion because the Bill contains two Amendments which were added in the Senate that incorporate legislation which I sponsored here in the House, which passed the House, and became lodged in the Senate Rules Committee. The two

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Amendments that are on this Bill were drafted by the Illinois Department of Mental Health in response to certain issues that had been raised. Among them being the coordination of services for deaf individuals and the well-known revolving door at our State mental hospitals whereby many people are discharged only to be returned within a few weeks. The legislation provides, among other things, for a State-wide coordinator for deaf services. The department has agreed to this and that we are... the department is in the process of hiring such a person. But we would like legis... not only legislative authority but also to spell out that this is an obligation to the State for future administrations. The other part of the legislation provides for continuous treatment teams to make sure that when people are discharged, if they have had a history of recidivism that they are tracked even more closely, that they are more firmly linked to community services to try and reduce that recidivism. That is a money saving measure, Ladies and Gentlemen, because more than half of the people who come to our mental hospitals have been there before. And if we can reduce that recidivism, we will save money. So this legislation is responsible, it was drafted by the Department of Mental Health and passed with its support. So I urge that we join with Representative Deuchler in overriding this very unwarranted Veto."

Speaker Breslin: "The question is, 'Shall the House override the Governor's Veto of House Bill 3752?' 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 109 voting 'aye', 1 voting 'no' and none voting 'present'. The House does override the

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Governor's Veto of House Bill 3752, and this Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, Supplemental Calendar #1 has been distributed. On the order of Supplemental #1... on a Supplemental 1 Calendar, under the Order of Speaker's Table appears House Resolution 1878. Representative McCracken is recognized for..."

McCracken: "Thank you, Madam Speaker. Point of order. The Resolution was adopted this morning by eleven votes of the Rules Committee, eleven being less than three-fifths of the total Membership, twenty Members and for that reason Rule 83(g) applies requiring that there be one day on the Calendar prior to adoption of that Rule by the House. That is a Rule that is nonsuspendable. Therefor, I make the point of order that this is out of order for that failure to comply with the Calendar requirement. Rule 83(g)."

Speaker Breslin: "Representative McCracken, there is a dispute over the number of Members on the Rules Committee, so we will have to get a copy of the Roll Call. Representative McCracken."

McCracken: "Is eleven - two not correct or is the total of twenty not correct?"

Speaker Breslin: "The total of twenty, we believe, is not correct."

McCracken: "Okay."

Speaker Breslin: "So we'll have to get a copy of the Roll Call. Representative McCracken. Ladies and Gentlemen, on the point that was made previously, it has been determined that there are eighteen Members on the Rules Committee and that eleven Members voted favorably on the Resolution at hand. As a consequence the three-fifths required majority was met. With regard to the Resolution, Representative Matijevich is recognized to present the Motion on the



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Resolution. Resolution 1878."

Matijevich: "Madam... Madam Speaker, I... rather than repeat the speech that nobody heard, I move the adoption on the Resolution."

Speaker Breslin: "Representative Matijevich moves the adoption of House Resolution 1878. And on that question, is there any discussion? Representative McCracken."

McCracken: "Thank you, Madam Speaker. We've had some notice about the intention of the majority to do this for awhile now and I have made an attempt to get the ear of the public to let them know what's going on here. And I have not been successful, with some exceptions for which I am very grateful. But on balance, no one listens and I blame myself for that. I think that if I made some sort of public stand, some symbolic gesture like Pat Quinn, you know, if I went around rapping politicians and I said they were all whores like he does, then people would start to listen. But that's not my style, I like everyone in the room. I know we're all acting in good faith. But I want to tell you something and I hope the press is listening and I hope you tell the people what's happening because this is no small matter. This is a Constitutional crisis we're talking about. It's an end to the rule of law. That's what we're talking about. Now after I speak, I... I won't have a chance to rebut the people who will speak after me. But let me tell you something, their arguments do not hold any water. First of all, they tell you that this is an advisory ruling so that we will, on behalf of the Body, be given the conscience of the Rules Committee; that the Rules Committee will tell us that in fact this does not comply with the Governor's Constitutional authority. But that's all it does, that it's advisory, that nothing else will happen. Well, I say to you this is

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the first step down a road from which there is no return. Speaker Madigan has already invoked this authority. Those of us who have been here for a little while recall Speaker Madigan ruled out of order a Motion to accept an Amendatory Veto, citing the violation by the Governor. That took away from each one of you, Democrat and Republican alike, an opportunity to vote on the Bill. We did not act as an institution when we considered that Bill. We did not take a vote. You did not have a voice. Speaker Madigan in the Chair acted on your behalf and your behalf only. You did not have an opportunity to vote on the merits of the Bill. You did not have an opportunity to vote relative to the Governor's actions. And if you think it hurts you, how about the Senate? The Senate has a vote, you know, in Amendatory Vetoes, but it makes any Senate vote superfluous because if we don't pass a Bill, the Senate's vote doesn't matter. The Bill dies. Now we act as an institution, not as individuals. And today we take a step away from that doctrine. The rule of law is what is to prevail in civilized society and that is something we've turned our backs on today. It is the Constitution which is the source of all authority, both legislative, judicial and also executive. And it is the Constitution done violence to today. Rather than take a vote, rather than act as an institution within the Constitutional parameters that give us that authority, a single man acts on behalf of eleven million people. A single man acts on behalf of 118 voters. A single man who is not required to justify his actions by a resort to the merits of the Bill, but merely can claim a problem with the Governor. And let me tell you what they say that problem is. They say that problem is, the Governor acts too much like a Legislator. That in fact, these Amendatory Vetoes do not relate to technical changes.

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They object because they relate to more than technical changes, they claim that is a violation of our separation of powers doctrine. But they cite a rule of law, a tenet of Constitutional interpretation, which is absolutely erroneous. Because you see, under the Illinois Constitution, unlike the U.S. Constitution, our Governor is given the authority to amendatorily veto Bills. So their claim that he acts like a Legislator begs the issue. Because unlike the U.S. Constitution, our Governor is empowered to act that way. Really, the truth of what they do today can be found in that report, which the Democratic Majority issued in conjunction with this Resolution. A report in which they admit that if this power were given to the Speaker of the House he would rule unconstitutional an Amendatory Veto upheld by our Supreme Court. In Continental Illinois Bank the Supreme Court upheld the Governor's use of an Amendatory Veto in a particular situation, holding that it did not violate the Constitution. The report admits that if this were the law, if this were the rule, that they would hold unconstitutional that same activity which the Supreme Court upheld. What they seek to do is reverse a Supreme Court decision by adoption of an internal House Rule, and that is the violence they do to our system of law. It is not an in... an internal House Rule which can determine for us, for the people of this State, the constitutionality of the Governor's act. It is only the Supreme Court and the Supreme Court has spoken. It is their authority which is done violence to by resorts of this. It is... it is done to the detriment of the Senate, which is now an im... irrelevant player in... in the scheme. It's a violence done to you, Democrat and Republican alike, because you will not have a vote. It's a violence done to our rule of

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law. And don't let them tell you that it's justified because the Governor does the same thing and we should have an equal authority. Because whatever the motivation of the Governor, he doesn't have to have any particular motivation. There is no particular motivation which can make correct his activities. It is judged solely by whether it impedes on the constitutional authority as determined by the Supreme Court, period. So when they tell you the Governor makes these decisions all the time, it is not relevant to this inquiry. The inquiry is simply whose role is it and how should it be acted out. It is the Supreme Court's role, period. When we vote on a Bill, and that's all we're empowered to do by the Constitution is vote on an Amendatory Veto; we act as an institution. But today we walk away from that rule and we walk toward a rule of men and not laws. And let me tell you something, just as the majority turns its back on the rule of law, I turn my back on this proceeding. I will not vote on this. I will not legitimize this attempt to do violence to our Constitution."

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

Young: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the Resolution. And listen to... listening to the previous speaker, I'm somewhat befuddled as to what he was actually addressing. It appears his speech would have been more appropriately given back in the past when a Bill was not voted on because it was found to violate the Constitution. The Resolution before the House today is in fact purely advisory. It does not take away this Body's right to vote on each individual piece of legislation. It, in fact, gives this Body the right and opportunity to, in fact, stand up for itself. This isn't a partisan issue. This is, in fact, a

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constitutional question and it deals with the doctrine of a separation of powers. The Constitution empowers the Governor to be the Executive of this State and to carry out the laws that are passed and adopted by this General Assembly. I for one feel like, when we turn over to the Governor the power and authority to write legislation and don't take any action on our own to try to correct that we are not living up to our constitutional responsibility. We're not living up to the mandates that our constituents sent us here for. We are the ones elected to adopt and pass legislation, not the Governor. In terms of who decides the constitutional issue throughout this Session, we stand on this floor and argue constitutionality every single day that the General Assembly is in Session. This Resolution is no exception. It's purely advisory. It is meant to get the Members of this General Assembly and the Governor thinking again about the importance of the separation of power. It's meant to uphold the dignity and the authority of this Body. And I urge its adoption and I urge each Member to look at those Bills that are found not in compliance. Not from a partisan viewpoint, but from a viewpoint as to... what is the Governor's role. And if we allow him to write legislation, why are we necessary. Thank you."

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

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to this Motion. And in doing so, I think that we should keep in mind that there are other means by which we can address this problem if it does exist. If the Governor is indeed exceeding his power, we have the power in this Body and in the Senate to amend our Constitution. And I would remind you, Madam Speaker, that you have the

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majority in this Body. Enough of a majority to put out a Constitutional Amendment. This is setting a pattern for the Speaker to take stronger control over this issue in future Sessions. This is only the first rule, the first step in obtaining a rule where he'll have complete authority. Ladies and Gentlemen, we could achieve the same end... you could achieve the same end by purely instructing your Members how to vote. If that is all that you need here, why do we need this advisory meeting of the Rules Committee? Is it to start to create the tyranny of the minority over us? And finally, with due respect to the Chairman of the Rules Committee, I would ask how many of you, how many of the press have ever attended a Rules Committee meeting? The Rules Committee meets mostly in the back room. There's hardly room for everybody to get in there. And when the Chairman comes into the Rules Committee, Ladies and Gentlemen, he has his instructions. There is no hearing. There is no testimony. It's merely up and down. That's only a cover-up for the Speaker's grab for raw power in this issue. And I say that Representative McCracken put it very well. This is a bad vote. This is a bad Motion. And anyone who votes for it, is not for the constitutional powers of this State."

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

Currie: "Thank you, Madam Speaker and Members of the House. Difficult as it may be to capture the public's imagination on an issue of separation of powers, it's my view that it's very difficult to capture the legislative imagination. We act far too often as individuals concerned with protecting our own pieces of legislation, anxious to succeed with House Bill 32 or Senate Bill 490. We pay little enough attention to the prerogatives of this Body as an institution. We have, as Legislators, a responsibility not

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only to our own Bills, not only to our own districts, but to the legitimacy of the legislative function within State government. Adoption of this Resolution, I think, will help turn our institutional attention to a very important matter of separation of powers. This Resolution would provide an advisory authority within the Rules Committee, an authority to make recommendations to the Members which the Members are free to accept or reject. But... an advisory recommendation that Legislators may pay attention to if they care about making sure that the framers intent that legislation emanate from the Legislature, not from the Executive mansion, be maintained. It is argued by some that it isn't up to us to uphold this provision, the Amendatory Veto provision in the Illinois State Constitution. I beg to differ. It is our responsibility as Legislators, who swore to uphold the entire Illinois Constitution from the Bill of Rights to the Revenue Article, from Home Rule Provisions to the single subject requirement; it is our responsibility to uphold the document from beginning to end. There is no question that a Governor, this Governor and any of his predecessors and any who are to come in the future, can abuse the amendatory authority granted by the 1970 Constitution. It is perfectly appropriate for us to consider the question whether a particular Amendatory Veto is an instance of abuse or an instance of the authority properly executed. Had the framers of our Constitution thought differently, they would have established different procedures for the handling of a Gubernatorial Amendatory Veto. As far as I'm aware, the Constitution does not permit the Governor to make his own Motion in this chamber to accept..."

Speaker Breslin: "Proceed, Representative Currie. Representative Currie."

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Currie: "... Nor is any Member required by the Constitution to make that Motion in behalf of the Governor. Had the framers intended this to be a dispute only between the Executive and the Courts, they would have said so, they would have created a different procedure for adopting Amendatory Vetoes than the one that is in the Constitution today. I think we have a responsibility to the electorate of this State, to the citizens of the State of Illinois, to uphold the Constitution from beginning to end; including its Amendatory Veto provision. And I think adoption of this rule will focus our attention on how we best can uphold that provision in the 1970 Constitution. I urge support for the Gentleman's Motion."

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

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I... In listening to the debate of one of the previous opponents, reminded me a little bit of former Representative Vinson. Former Representative Vinson had his speech ready and it really didn't matter what Bill it was that we were voting on or debating because he had this speech ready and he was going to give it one way or the other. I think it was very... I think it was reminiscent of that because I believe that the opponent felt that what the rule actually says was something different. The Rules Committee does not keep the Bill in Committee. All the Rules Committee does is make a recommendation and it will appear on the Calendar as such. I think the speech that was prepared and given was designed to be given against a rule that would have kept a Bill in the Rules Committee. That's not what happens. Now I don't think there's anybody here that can't envision a situation when the Governor could exceed his statutory constitutional powers. If we



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pass a Bill naming something, some State bird and the Governor amends it to increase the income tax by 1.8 billion dollars in an Amendatory Veto, I think many of us would say, well I think maybe he exceeded his authority there. So we must acknowledge that there's a... there is, hypothetically, a Governor who can exceed his constitutional powers. So all we're saying with this rule is that let the Rules Committee look and see what the Governor did and make a recommendation. That's all that's going to show on the Calendar. And you can then decide whether you think he exceeded his powers or not. So it's not as harmful as I think you are all prepared to think it was. I think you should carefully examine this. It's only advisory. And I think it will serve a fine purpose."

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

Matijevich: "Madam Speaker and Ladies and Gentlemen of the House, I think as reasonable Legislators we can differ and disagree on certain matters. I would like to commend Representative McCracken, his letter to the editor that I read on the opposition to the Constitutional Convention. I think, was a masterpiece and I agreed with Tom totally on that. On this issue however, Representative McCracken, I reasonably disagree with you. And I have disagreed with everybody that has said that the Governor should abuse this Amendatory Veto process. I took that stand when we had a Democratic Governor, I might add, Representative McCracken, you weren't here at that time. And I was vehement against the Governme... Governor's Amendatory Veto power abuse at that time. Now when we had the committee, it wasn't just Democrats, it was for example, Anne Lasine, who is now a professor and was a Parliamentarian for a Republican Speaker of the House, Rep... Speaker Blair took strong

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objection to the abuse of the Governor's Amendatory Veto process. Joe Orth, who was a Republican staff member took strong objection to that abuse. I think the day will soon come when you on that side of the aisle will say, when we do have a Democratic Governor, and that day will come; that we were right, the Governor does abuse that power. So I would wholeheartedly recommend that you vote 'aye' and adopt this Resolution."

Speaker Breslin: "The question is, 'Shall House Resolution 1878 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Sixty votes are required for the adoption of this Resolution. Lady from Cook, Representative Braun."

Braun: "Thank you, Madam Speaker. It seems that my key is out of the switch and cannot be located, could I be voted green please, voted 'aye'."

Speaker Breslin: "The Lady wishes to be recorded as voting 'aye'. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 63 voting 'aye', 47 voting 'no', none voting 'present'. Representative McCracken, for what reason do you seek recognition?"

McCracken: "Ah, let's verify it."

Speaker Breslin: "The Gentleman asks for a verification of the Roll Call. Read the Affirmative, Mr. Clerk."

Clerk O'Brien: "Berrios. Bowman. Braun. Breslin. Brunsvold. Bugielski. Christensen. Cullerton. Curran. Currie. Daley."

Speaker Breslin: "Excuse me, Mr. Clerk. Representative Cullerton, for what reason do you seek recognition?"

Cullerton: "I have an inquiry of the Parliamentarian. Can someone ask for a verification if they're not recorded as voting?"

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Speaker Breslin: "Representative Cullerton, any Member may request a verification and the Chair recognizes that Representative McCracken is a Member, for the time being and for quite some time, I think. Representative... Mr. Clerk, would you proceed with the Poll of the Affirmative."

Clerk O'Brien: "Davis. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Granberg. Hannig. Hartke. Hicks. Homer. Johnson. Lou Jones. Keane. Krska. Kulas. Lang. Laurino. LeFlore. Leverenz. Levin. Martinez. Matijevich. McNamara. McPike. Morrow. Mulcahey. Novak. O'Connell. Phillips. (sic - Phelps) Preston. Rea. Richmond. Ronan. Saltsman. Satterthwaite. Shaw. Steczo. Stern. Sutker. Terzich. Turner. Van Duyne. White. Williams. Wolf. Anthony Young. Wyvetter Younge. Mr. Speaker."

Speaker Breslin: "Do you have any questions of the Affirmative Roll, Mr. McCracken?"

McCracken: "Yes, thank you. Representative Krska?"

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

McCracken: "Representative Granberg?"

Speaker Breslin: "Representative Granberg. Curt Granberg. The Gentleman is in the chamber."

McCracken: "Representative Hartke?"

Speaker Breslin: "Representative Hartke is in his chair."

McCracken: "Representative Flowers?"

Speaker Breslin: "The Lady's in her chair."

McCracken: "Representative Morrow?"

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

McCracken: "Representative Wyvetter Younge?"

Speaker Breslin: "Representative Younge. Wyvetter Younge. Is the Lady in the chamber? Representative Wyvetter Younge. How is she recorded as voting?"

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Clerk O'Brien: "The Lady is recorded as voting 'aye'."

Speaker Breslin: "Remove her from the Roll Call."

McCracken: "Representative Ronan?"

Speaker Breslin: "Representative Ronan's in his seat."

McCracken: "Representative Hannig?"

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

McCracken: "Representative... okay, that's it. Thank you."

Speaker Breslin: "There are 61 voting 'aye', 47 voting 'no', none voting 'present' and House Resolution 1878 is adopted. On Order of Motions, a Motion has been filed on Senate Bill 2123. Would you read the Motion, Mr. Clerk. House... Senate Bill 2123, the Motion filed."

Clerk O'Brien: "Senate Bill 2123, Motion to take from the Table, discharge Committee on Judiciary I and place on the Calendar on the Order of Second Reading, Second Legislative Day, offered by Representative Countryman."

Speaker Breslin: "Representative Countryman is recognized on the Motion."

Countryman: "Thank you, Madam Speaker. I move to take from the Table and discharge Committee of Judiciary I, place on the Order of Second Reading, Senate Bill 2123."

Speaker Breslin: "Can you tell us what the Bill does and the reason for your Motion, Sir?"

Countryman: "The reason for the Motion is the Bill was held in Committee for hearings over the fall. Those hearings were held by a subcommittee of the Judiciary Committee. The Bill is a fairly nonsubstantive Bill making minor changes in the Business Corporation Act."

Speaker Breslin: "You have heard the Gentleman's Motion. Is there any discussion on that Motion? Hearing no discussion, the question is, 'Shall the House take Senate Bill 2123 from the Table, discharge the Judiciary I Committee and place this Bill on the Order of Second

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Reading, Second Legislative Day?' Is there any objection to this Motion? Hearing no objection and with leave of the House, the Motion will be granted by use of the Attendance Roll Call. On the Order of Item Veto Motions on page four on your Calendar appears House Bill 3199. Representative Bowman on Motion #1."

Clerk O'Brien: "House Bill 3199, Bowman. I move the following items of House Bill 3199; 'do pass' the Veto of the Governor notwithstanding. Page eight, lines 29 through 35."

Speaker Breslin: "Representative Bowman."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is the Veto Override Motion on the Comprehensive Health Insurance Plan funding, otherwise known as CHIP. This is a ten million dollar item that we appropriated for the start up of this program. As you know, this Assembly passed the program overwhelmingly. It passed this House almost unanimously. It passed the Senate almost unanimously. And then quickly got stalled for lack of funding. This spring we passed substantive legislation which was intended to control the out year cost. We thought we had taken care of all the fiscal objections and then I, for one, was surprised by this Veto. I say to you, Ladies and Gentlemen, we need to get this program up and running. We have already given it our support on several occasions. We should not shirk our duty now. We should appropriate this money and get it going. The people need this. The money is there. The revenues are coming in even better than expected. This is not a fiscal issue, Ladies and Gentlemen. I urge an 'aye' vote."

Speaker Breslin: "The Gentleman... you have heard the Gentleman's Motion. On the question, the Gentleman from Will, Representative Regan."

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Regan: "Thank you, Madam Speaker, Members of the House. Many calls have come to my office from insurance men and from people that are in need. Some paying premiums fifteen thousand dollars a year. I think that it's time that we move forward. The CHIP's Bill was rushed through here, but it's been worked on, it's better. We hope to make it better in the Senate. I would please ask for a 'yes' vote."

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

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I too rise in support of this Motion to override this line item Veto on this very important piece of legislation. Funding of the CHIPS program is probably one of the most important issues that will be confronted by this Body both in the House and the Senate this year. There are people... if you can think of people, members of your family, people you know who might be unable to get health insurance - CHIPS will make it possible for those people to get their needed insurance and thus to be able to benefit from health care that may, in fact, save their lives. We have procrastinated way too long already. We ought to pass this and pass this right now. We should have done this last spring, but we have an opportunity to correct some of our previous mistakes. And I urge and beg for an 'aye' vote."

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

Ropp: "Madam Speaker, would the Sponsor yield please?"

Speaker Breslin: "Representative Bowman will yield to a question."

Ropp: "Yeah, Representative Bowman, can you just refresh our memories for a moment what the cost for the second and

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third and fourth year of this particular program, when it goes into effect; will be? And I think that's the thing that many of us are concerned about, that the additional costs, because we are on a tight budget is not something we want to start if, in fact, we can't continue. It is my understanding that something may happen over in the Senate that or somewhere where we might come in at a lesser figure so that we could work into the program satisfactorily rather than put too many people out on a limb the second and third year."

Bowman: "Representative Ropp, I'm glad you asked the question, because we passed legislation this spring that significantly changes the program. This program will be appropriation driven. That is to say it will cost precisely what we appropriate and no more. We provided another... a number of safety valves in the underlined substantive statute that will guarantee that this be appropriation driven. So, it will be whatever we appropriate, Sir."

Ropp: "Yeah, but what are those dollars? I mean, since you're the Chairman of the Appropriation Committee don't you have some kind of estimate as to what the second and third year costs might be at ten million dollars?"

Bowman: "Well, Representative Ropp, we don't know how many people are going to be on the program yet. The number of people who sign up for the program will be the most significant determinant of the unmet need or the need that we need to meet, I should say. And until we actually start signing up people we won't know that. The projections are that at the outside we're estimating about twenty million dollars."

Ropp: "For the second year, or is that for the first year, even?"

Bowman: "No, no. That's for the program when it is matured. And when everyone ..."

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Ropp: "Would you... would you give me every dollar over that after about the third year? If you think it's only going to be twenty million dollars?"

Bowman: "Why, Representative Ropp, I didn't realize you were a betting man."

Ropp: "I'm always a betting man."

Bowman: "I didn't think you were a gambler, Representative Ropp. I thought you were a very conservative Gentleman..."

Ropp: "We're all gamblers, that's why we're here."

Bowman: "No, Representative Ropp, it is app... it is an appropriation driven piece of legislation. If we want to cap it at any particular figure, we are free to do so. We passed legislation in the spring, the Governor signed it, that establishes that authority. This Bill gives the CHIP... excuse me, the Bill that we passed in the spring gives the CHIP Board authority to limit new enrollments into the plan if according to the Board's projections, addition to new enrollees would cause the plans total cost to exceed total income. So that it's appropriation driven. The twenty million dollar figure I gave you is the outside figure, assuming that everybody who wants to come into the program, comes into the program. That's our outside figure. But it's... we can limit it at any point we choose."

Ropp: "Well, when we limit it then we're actually going to say, we are offering the program but because we don't have any money, you can't be a part of it. I think that's a little bit short-sighted because I think the intent was to make it available to many people who met the statutory requirements. And it appears that you're saying in order to get the Bill passed that we will just arbitrarily set a dollar figure and first come, first served, the rest of you are just left out."



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Bowman: "Representative Ropp, you can't have it both ways, Sir. You can't say that you're concerned about the cost of this program and how much it might grow and then say, well we can't limit it either. I mean, you got to have... you got to make your call... make your draw, Sir. And we did that back in the spring. We did establish a limitation on this program. And we're prepared to move ahead on that basis. Now, further down the road we see that we can't... we see our way clear to modifying the legislation, well we can do that, too. But rest assured the cost will remain under control until that time."

Speaker Breslin: "Any further discussion? The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Madam Speaker. Would the Sponsor yield to a question, please?"

Speaker Breslin: "He will."

Parke: "My question is, on the basic program itself, isn't it correct and correct me if I'm wrong that when this plan; and it will, goes bankrupt, and therefor the amount of money placed in by the participants runs out, because the benefits exceed... I mean the payout exceeds benefits; who ends up footing the bill after that when the plan becomes insolvent by virtue of the money that's paid in? Who ends up paying for it after that?"

Bowman: "Representative, I disagree with your premise. The CHIP Board..."

Parke: "...Well, you may... you may, I asked the question, who pays for the plan, if then it runs out of money?"

Bowman: "You voted for a piece of legislation..."

Parke: "I did not vote for it. I'm asking you a question."

Bowman: "No, you're trying to put words in my mouth is what you're trying to do, Sir. You're not asking a question..."

Parke: "I asked a question..."

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Bowman: "... You're putting words in my mouth..."

Parke: "If the plan became insolvent, who foots the bill after the plan becomes insolvent virtue of the money paid in by the participation of the participants?"

Bowman: "If you would let me finish the sentence, Sir, you would know that we passed legislation this spring and it did pass nearly unanimously. I doubt that you were the... were dissenting vote on that one, that provides for the cap on the rate to float under those circumstances. So it cannot become insolvent. It cannot, I repeat, cannot become insolvent by virtue of the legislation passed last spring."

Parke: "Well, it is my understanding, Representative, that it is to be supported by the General Revenue Fund of the State of Illinois. Is that correct or is that incorrect?"

Bowman: "I'm sorry, would you repeat the question? There's a little background noise here."

Parke: "Yes, it is my understanding that when this plan no longer has funds paid in by the participants, because the costs outstrip that money, that it is to be paid for by the General Revenue Fund of the State of Illinois. In other words, the taxpayers will then pay for any additional expenses. Am I correct?"

Bowman: "No."

Parke: "When did that change, in the spring then?"

Bowman: "Yes, in the spring."

Parke: "It is not backed by the General Revenue Fund of the State of Illinois, is that what you're saying?"

Bowman: "You were drawing an erroneous conclusion from the fact that there will be a State appropriation, but the conclusion you draw from the fact that there will be a General Revenue Fund appropriation is erroneous."

Parke: "Well, I am sorry but I think you're talking in circles. That is the same thing. That the taxpayers of the State of

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Illinois will end up paying through an appropriation. They will foot the bill after that. Now, you're going to tell me that in the spring the legislation that was passed, puts a cap. Those are your words, cap. That means that it will limit the amount of people that can go in the plan, I presume that that's what the cap means, and then cap the benefits that we are providing in the plan, or does that cap mean that once the plan's in force, and we've asked all these people to go into the plan, that they now... We have the prerogative as a State to drop the plan? Is that a cap? Can we drop this plan once we've asked people to join it?"

Bowman: "Look, if you don't want to vote for the Bill, don't vote for the Bill, but don't raise these bogus issues and smoke screens and say that the legislation does something that it does not."

Parke: "Oh, you don't want me to be a responsible Legislator and ask important questions on behalf of the citizens of Illinois and the people that'll go into it, is that the idea? If you don't like the question, then you can be somebody that just says you don't want to talk anymore about it? I think everybody would like to see a plan provided that people will have health care benefits."

Bowman: "You're misrepresenting the legislation."

Parke: "I think your program is bogus. I think you've set up a plan that has many outs in it that leaves people hanging, in doubt, once the plan's in place. I think it's a dangerous plan, I think we should've taken time to make sure this plan is adequate, that it provides safeguards to make sure that the people that go in will be protected and that the people of Illinois don't ultimately have to put tens of millions of dollars if this plan comes about. I think a proper vote would be vote 'present' on this Bill

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until we can come up with a plan that is going to provide quality health care benefits for all the people of Illinois, not just those chosen few by the people who would like to see it go, but all the people of Illinois and that the plan cannot be dropped once it's in place, so that those people who drop their other health care insurance won't be stuck with a plan that won't provide nearly what they were getting under the old plan. I think this is a bad Bill in the form that it's in and I know I'm going to vote 'present'."

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

Levin: "Madam Speaker, Ladies and Gentlemen of the House, we all regularly receive communications from our constituents with respect to the subject of this Bill. Not asking us to pass this Bill, per se, but people coming to us saying we're paying five, six hundred dollars a month for insurance because we have heart disease or something else. Is there something you can do for us? And the answer we've had to give is, we passed legislation to set up a program, but the Governor vetoed out the funding, so we can't help you. Everyone of us has experienced those kind of communications on a regular basis. We have the opportunity with this override to say to our constituents, we stand behind the legislation we passed, the program that we committed ourselves to and that there will be some assistance to these people with their insurance."

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

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

Speaker Breslin: "He will."

Klemm: "Representative Bowman, I understand there may be some attempts to try to find some additional funds if this Bill

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were to pass the House and move over to the Senate, is that correct?"

Bowman: "Well, I only serve here in the House. I can't speak for the Senate, I'm afraid."

Klemm: "So you don't know, then, if there will be additional funds forthcoming?"

Bowman: "Well, all I can say is that the original legislation passed the Senate 55 to nothing and I believe there is a lot of support for this program in the Senate and a lot of interest in trying to find money there. But whether there... I can't speak to any specific proposal that might be circulated there."

Klemm: "Well, many of us did vote in favor of the legislation 'cause we have concern to help people and I think there's still genuine concerns if we have enough funds to properly and adequately fund this program. I was hoping that perhaps... I was hoping that perhaps there would be some support or some indication that maybe we'll come up with some additional funds before we leave for the end of the Session. That we could, you know, vote for it now with the hope that we'll have some help in the Senate, but if you can't give us any of that, and you think it'd be better to vote 'no' and then wait for next year, tell me that, too."

Bowman: "Well, Representative Klemm, let me make two observations. Number one, the CHIP board meeting yesterday approved a Resolution unanimously calling upon the Governor to work with the General Assembly to find start up funding for this fall."

Klemm: "Well, you would expect that, though."

Bowman: "Pardon?"

Klemm: "You would expect them to support that."

Bowman: "Well, not... Well, I think the unanimous support that the Motion received was... speaks to the depth of feeling,

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Sir."

Klemm: "I understand that. I wasn't doubting that."

Bowman: "Okay. I had two observations. The second one...Back in 1980 to '82, during that Session, there was a lot of controversy over a gubernatorial veto for human services. I forget if you were in the Assembly at that point, but the Governor had vetoed a number of items in the Human Services Budget and we overrode in the House. And then the Senate worked out some arrangement with the Governor and there was a supplemental appropriation that the override did not precede in the Senate, but there was a supplemental. I don't know if that is going to happen this time, but I can assure you that the override in the House contributed very positively to a favorable outcome in that Session of the General Assembly. We do have some precedent in that Session...from that Session... and I would like for all of us to reflect upon that."

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

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

Speaker Breslin: "He will."

Parcels: "Representative, it seems to me that the Bill we passed in the spring...I'm just trying to work this out in my mind...gave the board the right to vary the premium and vary the numbers of people in the program, but they could not vary the benefits. Is that correct? We have to decide on the benefits."

Bowman: "Yes. Yes, Ma'am."

Parcels: "So, we know off...right off the bat that ten million will not be enough, it could... the farthest out projections could be fifty or eighty million and we would have to change the benefits, but they could up the premium if they wanted to. But my real question is, how are we going to decide on what... I mean, we're guessing that

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maybe it will take in five thousand people and we already know that ten to twelve thousand people would like to be in the program. Has there been a decision, and is it ours or the board's, as to whether it's first person in or the person with the worst illness?"

Bowman: "Well, first of all, let me make an observation about the projections, because we had a meeting yesterday. I'm on the board and the question was asked to our consultants what their experience had been in other states, because Mutual of Omaha, which has the contract to run this program, also runs programs in the State of Washington and Tennessee and other states. In every other state the actual experience has been below projections. In the State of Washington they were expecting three thousand people to sign up on the first day and the program's been in existence over a year and they have fewer than a thousand people enrolled. Now, I don't know the reasons for that, but I can assure you that the experience that our carrier has had in other states has uniformly been below those projections. Another thing I'd like to say, the figures that you cite as to the outside projections, the fifty-eighty million dollar figures... the largest number I ever heard was the fifty, I don't know where he got the eighty. But even that figure I heard before we made the changes in the spring. Now, we did also tinker with some benefits, too, I can't give you a whole laundry list there, but we made a number of changes in the legislation. So the figures that you are using for an outside figure are, I'm afraid, quite dated. In any event, to get to the specific question that you asked. The very specific one of about how will the priority be selected...be determined. Priority will be set up on a first come, first served basis. As the applications are received, the postmarks

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will be examined and based on the earliest postmark, numbers will be assigned. If a person has an incomplete application, and that is very often the case, their place in line will be held for a period of time. They will be notified that they have an incomplete application and have a chance to complete it within a limited period of time and if they don't complete it within that period of time, then they lose their place in line. But it will be first come, first served."

Parcells: "Okay, thank you. I was concerned because some of those first come, first served could be people who have insurance, albeit expensive, but they are able to get coverage, and I was a little concerned about those who might not make it in that first five thousand who are unable to get any other insurance. Therefore, the alternative of the board is to keep raising the premiums 'till we've made it so expensive we can't... these people can't afford it either. And I was a little concerned about the fact that first come, first served might not be the most needy of those who are in need of this insurance."

Bowman: "Well, I can appreciate your concern, but my feeling is that this has been a very well publicized issue, very well publicized program, and I think that the people who are going to be the most needy are going to be in on the first day. That's my own personal feeling. There will be some exceptions to that rule, I'm afraid, but I believe the first come, first served basis is, in the long run, the most fair. And in any event does certainly maintain the tightest control over the program, which is another set of issues that are of concern to Members of this Assembly. So, I think it is in the long run the most fair and it certainly balances the interest between the cost and meeting the needs."



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Parcells: "My final question would be, for what period of time is there on insurance policies, run on a yearly basis? Do they have to renew every year, and would there be a first-in every year again, or would those who are already in it have priority?"

Bowman: "Yes. Those who are in would have priority. In fact, that was the primary reason for letting the cap float, was to make sure that once people got into the program that they wouldn't be..."

Speaker Breslin: "Your five minutes are up, Representative Parcells. Please bring your remarks to a close."

Parcells: "That was my final question. Thank you."

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

Bowman: "Well, Ladies and Gentlemen of the House, I think we all understand the issue. The time is now. We have been promising this and promising this, we have voted for this, we have dangled the prospect of a Comprehensive Health Insurance Plan in front of the disabled people of the state long enough. If we don't start it up now, when will we do it? This is really our last chance to keep faith with the people. I urge an 'aye' vote."

Speaker Breslin: "The question is, 'Shall the House restore the item vetoed by the Governor in House Bill 3159 (sic - 3199) that appears on page 8, line 29 through 35?' House Bill 3199 is the Bill that we're on. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required to restore. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 107 voting 'aye', 2 voting 'no' and 3 voting 'present' and the House does override the Governor's line item veto of House Bill 3199, and restores the item appearing on page 8, line 29 through

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35. For the record, it should be noted that the item just voted on in House Bill 3199 is declared passed, the veto of the Governor notwithstanding. Agreed Resolutions."

Clerk O'Brien: "House Resolution 1726, Kubik. 1728, Madigan. 1729, Terzich. 1730, Terzich. 1731, Anthony Young. 1736, Madigan. 1737, Daley. 1743, Daley. 1744, Black. 1745, Matijevich. 1747, O'Connell. 1752, Panayotovich. 1753, Capparelli. 1754, Johnson. 1759, Wolf. 1760, Kirkland. 1761, McPike. 1763, Curran. 1764, Klemm. 1765, Panayotovich. 1766, O'Connell. 1767, Keane. 1769, McNamara. 1770, Johnson. 1772, McGann. 1773, Keane. 1777, Lou Jones. 1780, Johnson. 1782, O'Connell. 1783, O'Connell. 1784, Terzich. 1785, Terzich. 1786, Daley. 1787, Daley. 1788, Black. 1791, Panayotovich. 1796, McGann. 1797, Keane. 1799, Johnson. 1800, Johnson. 1803, Matijevich. 1804, Matijevich. 1807, Stange. 1809, Stern. 1810, McNamara. 1811, Berrios. 1812, Panayotovich. 1813, Goforth. 1814, Stange. 1816, Hicks. 1817, Bugielski. 1818, Wyvetter Younge. 1819, Wennlund. 1820, Ronan. 1821, Steczo. 1822, Didrickson. 1823, Laurino. 1828, Daley. 1829, Daley. 1830, Lou Jon... 1829, Lou Jones. 1830, Lou Jones. 1831, Krska. 1832, Wyvetter Younge. 1833, Matijevich. 1834, Ronan. 1835, Black. 1836, Black. 1837, Hartke. 1838, Daley. 1841, Wolf. 1843, Matijevich. 1844, Cullerton. 1848, Granberg. 1849, Shirley Jones. 1850, O'Connell. 1851, McNamara. 1852, Terzich. 1853, Stange. 1855, Mautino. 1858, Black. 1859, Black. 1860, Black. 1861, Black. 1862, Morrow. 1863, Shirley Jones. 1865, Johnson. 1870, DeLeo. 1871, Shirley Jones. 1872, Barger. 1873, Kirkland. 1874, Currie. 1875, Harris. 1876, Currie. 1877, Ryder and 1879, Virginia Frederick. 1880, Giglio. 1881, Satterthwaite. 1882, Madigan. 1883, Piel. 1885, Davis.

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1886, Ols... Robert Olson. 1888, Levin. And House Joint Resolution 217, Kubik and Senate Joint Resolution 168, Kubik. 169, Kubik and 170, Kubik."

Speaker Breslin: "Representative Matijevich moves the adoption of the General Resolutions... the Agreed Resolutions. The question is, 'Shall the Agreed Resolutions be adopted?' All those in favor say 'aye', opposed 'nay', in the opinion of the Chair, the 'ayes' have it and the Agreed Resolutions are adopted. Death Resolutions."

Clerk O'Brien: "House Resolution 1727, Black. 1732, Slater. 1733, Daley. 1734, Daley. 1735, Morrow. 1738, Daley. 1739, Morrow. 1740, Shaw. 1741, Daley. 1742, Daley. 1746, Anthony Young. 1748, Shaw. 1749, Shaw. 1750, Shaw. 1751, Johnson. 1755, Johnson. 1756, Johnson. 1757, Anthony Young. 1758, Shaw. 1762, Johnson. 1768, Mays. 1774, Johnson. 1775, Johnson. 1776, Johnson. 1778, Morrow. 1779, Anthony Young. 1781, Johnson. 1789, Morrow. 1790, Daley. 1792, Daley. 1793, Daley. 1794, Daley. 1795, LeFlore. 1798, Johnson. 1801, Johnson. 1802, Johnson. 1806, Curran. 1808, Daley. 1815, Curran. 1824, Daley. 1825, Daley. 1826, Morrow. 1827, Morrow. 1839, Stange. 1840, Shaw. 1842, Anthony Young. 1845, Daley. 1846, Countryman. 1847, Countryman. 1854, Daley. 1856, Shaw. 1857, Shaw. 1864, Johnson. 1866, Johnson. 1867, Johnson. 1868, Johnson. 1869, Johnson. 1884, Flowers. 1887, Daley and Senate Joint Resolution 166, Kubik."

Speaker Breslin: "Representative Matijevich moves the adoption of the Death Resolutions. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Death Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Resolution 1771, Wennlund. House

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Resolution 170... 1805, Curran. House Joint Resolution  
216, Wyvetter Younge."

Speaker Breslin: "Committee on Assignments. Representative  
Countryman is recognized."

Countryman: "Thank you, Madam Speaker. On Senate Bill 2123,  
which I moved to discharge earlier this afternoon, we've  
had a communications misunderstanding and I think what we  
want to do, and I ask leave of the Body, to recommit this  
Bill to the Judiciary I Committee for purposes of a hearing  
on the afternoon of November 28th, which is when we come  
back and I've done that in conjunction with the Chairman of  
the Judiciary I Committee."

Speaker Breslin: "The Gentleman asks leave to recommit Senate  
Bill 2123 to the Judiciary I Committee. Is there any  
objection? Hearing none, the Gentleman has leave and House  
Bill... and Senate Bill 2123 will be recommitted to the  
Judiciary I Committee. Ladies and Gentlemen, on page 4 on  
your Calendar under the Order of Item Veto Motions appears  
House Bill 3543. Representative McAuliffe. Representative  
McAuliffe. House Bill 3543. It's an Item Veto Motion.  
You filed to override. Read the Motion, Mr. Clerk."

Clerk O'Brien: "House Bill 3543. I move that the following items  
of House Bill 3543 do pass, the Veto of the Governor  
notwithstanding. Page 24, line 32 through 35, page 25,  
line 2."

Speaker Breslin: "Representative McAuliffe. McAuliffe."

McAuliffe: "Madam Speaker, I believe that this has been agreed to  
by both sides of the aisle. This is to help the Village of  
Rosemont, which is just located outside of my district. I  
don't think there's any opposition. I think the Democratic  
and Republican side has agreed. And the Governor's  
withdrawn his objection."

Speaker Breslin: "The Gentleman has moved to override the

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Governor's Item Veto on House Bill 3543. On that question, is there any discussion? Hearing none, the question is, 'Shall the House override the Governor's Line Item Veto of House Bill 3543 and restore the item appearing on page 24, line 32 to 35 and page 25, line 2?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 105 voting 'aye', 3 voting 'no' and none voting 'present'. The House does override the Governor's Item Veto on House Bill 3543 and restores the items appearing on page 24, line 32 to 35 and page 25, line 2 and this Bill, having received the necessary majority is declared law, notwithstanding the Governor's Item Veto. Introduction of Bills."

Clerk O'Brien: "House Bill 4308, offered by Representative Breslin, a Bill for an Act making supplemental appropriations for the ordinary and contingent expenses of the Office of State Appellate Defender. First Reading of the Bill. House Bill 4309, offered by Representatives Saltsman and Giorgi, a Bill for an Act to amend Sections of an Act relating to the care and treatment by counties of persons affected with tuberculosis. First Reading of the Bill. House Bill 4310, offered by Representative DeLeo and Daley, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, some Members have come here to ask if we're meeting. The Rules Committee is meeting, so I would urge every Member. We need full attendance and I think we'll get cooperation from the other side of the aisle, so it won't be too long a meeting. Rules Committee meeting immediately after adjournment in Room 114."

Speaker Breslin: "Okay. Rules Committee immediately after

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adjournment in Room 114. Representative Matijevich now moves that the House stand adjourned until 11:00 a.m. tomorrow. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and this House stands adjourned until 11 a.m. tomorrow."

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