

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Speaker Giglio: "The House will come to order. The Chaplain for today is Reverend Jim Reu of Oliver Church of Christ in Marshall, Illinois. Reverend Reu is the guest of Representative Weaver. Our guests in the gallery may wish to rise for the invocation."

Reverend Reu: "Let us pray. Our Father in heaven, because You love us and know our needs, we today seek Your guidance and strength for each Member of our state government. Give them and us an open heart that truly seeks what is right and just so that every decision that is made today will really benefit us all. May these men and women who serve us find comfort knowing that we care, but greater yet may they know that You care, and because You do, help them and us draw closer to You and to Your word, knowing that that You will bless our state and our nation as we follow Your divine precepts. Dear God, when this Session ends today may each Member of this state Body go home knowing they have served You and us well. In Jesus' name we pray. Amen."

Speaker Giglio: "We'll be led by the Pledge of Allegiance by Representative Weaver."

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

Speaker Giglio: "Roll Call for Attendance. Representative Kubik."

Kubik: "Thank you, Mr. Speaker. There are no excused absences on the Republican side."

Speaker Giglio: "Representative Matijevich."

Matijevich: "Mr. Speaker. There are none on this side of the aisle, I'm happy to report. I was on a plane with Dick

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Mulcahey. He looks great. He'll be on the floor shortly. We're all here."

Speaker Giglio: "Mr. Clerk, take the record. There are 118 Members on the quorum call. Quorum is present. The House is ready to do its business. Senate Bills. First Reading."

Clerk O'Brien: "Senate Bill 1509, offered by Representative Cowlshaw, a Bill for an Act to amend the Illinois Public Aid Code. First Reading of the Bill. Senate Bill 1581, offered by Representative Homer, a Bill for an Act to amend the Illinois Insurance Code. First Reading of the Bill. Senate Bill 1589, offered by Representative Edley and John Dunn, a Bill for an Act to amend the State Prompt Payment Act. First Reading of the Bill."

Speaker Giglio: "Representative Matijevecich."

Matijevecich: "Mr. Speaker, I said there's no absences on this side of the aisle. However, Mark O'Brien we missed him - he's not in today. I understand he's at St. John's Hospital. He's had a lingering cold, so he's checking it out. We hope it's not serious, but we do miss Mark O'Brien on this side of the aisle."

Speaker Giglio: "The Chair would like to remind the Body that the Supplemental Calendar on Senate Bills are on the desk. Anybody wishing to be a Co-Sponsor or be a Sponsor of the Senate Bills, please come up to the well and inform the Clerk. On the Order of Third Reading, there appears on Third Reading, House Bill 1042. Representative Parcells, are you ready to go with this Bill? Out of the record. House Bill 3065, Representative Matijevecich. Representative Matijevecich. Mr. Clerk, read House Bill 3065."

Clerk McLennand: "House Bill 3065, a Bill for an Act regarding animals. Third Reading of the Bill."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3065, you may have received some letters in opposition to it, when it was as introduced the spay and neutering Bill, but, however I would like to let the Body know that all of that has been amended out of the Bill. Now House Bill 3065, all it does is provide an income tax checkoff form so that those who receive their income tax forms can voluntarily check off and make donations to animal welfare checkoff and it goes to the counties where those persons voluntarily donate to their counties to make grants for their animal shelters. I would ask for your favorable support for House Bill 3065."

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

Black: "Thank you very much, Mr. Speaker. I think the Gentleman has done an adequate job of...of describing the Bill as amended, and I think that's what everyone should focus on, that the Amendment simply creates an income tax checkoff for an animal welfare fund. To eliminate any confusion on our side of the aisle, it seems to be a relatively good idea."

Speaker Giglio: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker, would the Representative yield?"

Speaker Giglio: "Indicates he will."

Ropp: "Representative, does the Bill, as it now stands amended, establish what that tax rate may be or a limit or is it unlimited and allows the county board to use their own discretion?"

Matijevich: "The Department of Agriculture wrote the Amendment for me, Gordon, and what it does is provide that the voluntary funds shall go distributed according to where the funds were received, in those counties, to the county

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

animal shelters. That's exactly what it does now."

Ropp: "Okay, but it doesn't establish a rate or a percentage or a cost?"

Matijevich: "No, it doesn't. No."

Ropp: "Okay. Thank you."

Speaker Giglio: "Representative Matijevich to close."

Matijevich: "Appreciate your support, as Representative Black says, all the rest of it is amended out, and it is now a checkoff Bill."

Speaker Giglio: "Question is, 'Shall House Bill 3065 pass?' All those in favor signify by voting 'aye'. Opposed, 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Somebody...Representative Hartke. Have all voted who wish? Take the record. On this question, there are 108 voting 'yes', 8 voting 'no', and 1 voting 'present' and House Bill 3065, having received the required Constitutional Majority, is hereby declared passed. Representative Balanoff, House Bill 3073. Are you ready, Sir? Representative Black, for what purpose do you rise, Sir?"

Black: "I was going to ask the Sponsor some questions on this Bill. Will you take it out of the record or what? All right."

Speaker Giglio: "Take the Bill out of the record, Mr. Clerk. Representative Giorgi, on Senate Bill 3154. Out of the record. Representative Kulas, 3251. Out of the record. Representative Stern, on House Bill 3380. Is the Lady in the Chamber? (House Bill) 3380. Mr. Clerk, read that Bill."

Clerk McLennand: "House Bill 3380, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Speaker Giglio: "The Lady from Lake, Representative Stern."

Stern: "Mr. Speaker and Members of the House. This was a Bill that we had that we amended last week and satisfied the concerns of Representative Klemm and, if I can just find the folder on it, I'll be able to tell you exactly what it does. In any case, it was noncontroversial. Give me a minute. Maybe we better take it out of the record for a minute, Mr. Speaker. I'm sorry. I apologize."

Speaker Giglio: "On this Order of Agriculture Environment, the following Representatives have Bills: Kulas, Currie and Obrzut. Those interested in having your Bills called, House Bill 3605, Representative Kulas. Out of the record. Representative Currie, 3666. Representative Currie. Representative Kulas, do you want to hear that one? (House Bill) 3666. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 3666, a Bill for an Act to amend the Solid Waste Planning and Recycling Act. Third Reading of the Bill."

Speaker Giglio: "Gentlemen from Cook, Representative Myron Kulas."

Kulas: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. Amendment #1 to House Bill 3666 became the Bill and all it is is a cleanup language for the Potentially Infectious Medical Waste Bill, which we passed out of this General Assembly last year. It's an agreed to Amendment, and I would move for the passage of this bill."

Speaker Giglio: "Any discussion? Hearing none, the question is 'Shall House Bill 3666 pass?' All those in favor signify by voting 'aye'. Opposed, 'no' ". The voting is open, and this is final action. Okay. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

voting 'yes', 0 voting 'no' and House Bill 3666, having received the required Constitutional Majority, is hereby declared passed. All right, Mr. Clerk, let's back up to House Bill 3380, Representative Stern. The Lady from Lake, on House Bill 3380. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3380, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Giglio: "Lady from Lake, Representative Stern."

Stern: "Mr. Speaker and Members of the House. This is a Bill which amends the Environmental Protection Act, at the request of Lake County. It authorizes, but does not require, publicly owned waste water treatment plants to accept for treatment and disposal septic system sludge generated by residential home owners within the county in which the waste water plant is located. It is discretionary and there is no opposition that I know of."

Speaker Giglio: "Any discussion? The Gentlemen from Will, Representative Wennlund."

Wennlund: "Thank you very much. Will the Sponsor yield?"

Stern: "Yes, sure."

Speaker Giglio: "She indicates she will."

Wennlund: "Was the Amendment put on? Was it Amendment #2?"

Stern: "I beg pardon."

Wennlund: "Was Amendment #2 put on the Bill?"

Stern: "Yes, it was."

Wennlund: "Thank you. It's my understanding that it's an agreed Bill, and it's a good Bill, and it should pass."

Stern: "Thank you."

Wennlund: "Appreciate everybody's support."

Speaker Giglio: "Any further discussion? The Gentlemen from Lake, Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker. Would the Sponsor yield?"

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Stern: "Sure."

Speaker Giglio: "She indicates she will."

Pedersen: "Has the Lake County Municipal League taken any position on the Bill?"

Stern: "They haven't given it to me if they have one."

Pedersen: "Okay, so they really..."

Stern: "This was agreed to on both sides of the aisle when it was amended, and...Yeah."

Pedersen: "Okay, I know it was a county Bill but the last time the municipalities weren't in agreement with the county, and I know it's discretionary, but I was wondering if they had...still had any position on it."

Stern: "None that they, none that they have conveyed to me."

Pedersen: "Okay. Thank you very much."

Speaker Giglio: "The question is 'Shall House Bill 3380 pass?' All those in favor signify by voting 'aye'. Opposed, 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 117 voting 'yes', 0 voting 'no', and 1 voting 'present' and House Bill 3380, having received the required Constitutional Majority, is hereby declared passed. Representative Currie, 3892. Out of the record. House Bill 4025, Mr. Clerk. Representative Kulas. Read the Bill."

Clerk McLennand: "House Bill 4025, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

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

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4025 would raise the cap on the Environmental Protection Permit and Inspection Fund for regulatory and adjudicatory proceedings from the current

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

level of \$250,000 to \$425,000. This Bill is introduced to allow the Pollution Control Board to continue to fund their scientific and technical support staff, and I would move for the passage of this Bill."

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

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

Speaker Giglio: "He indicates he will."

Black: "Representative, if if this Bill should become law and this money is transferred from the IEPA, as I understand it, to the Pollution Control Board. Will this for all practical purposes, eliminate the ground water protection function of the IEPA?"

Kulas: "No, it wouldn't. It would allow the Pollution Control Board to continue funding their scientific and technical support staff."

Black: "My notes indicate that the IEPA is opposed to the Bill. Would you have some idea why?"

Kulas: "That's...that's correct. They are opposed to the Bill."

Black: "They are."

Kulas: "Right."

Black: "Is it simply because of the transfer of funds from their turf to somebody else's turf?"

Kulas: "Yes, basically, we've always had an interagency squabble between the IEPA and the Pollution Control Board and this would just, just reinstate the scientific and technical section for the Pollution Control Board."

Black: "All right, thank you very much."

Speaker Giglio: "Representative Kulas, to close."

Kulas: "Thank you, Mr. Speaker. As the Gentleman from the other side of the aisle mentioned, this is just a transfer from

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

one agency to another. In order for the Pollution Control Board to be able to do their work, this language is needed. I would move for its passage."

Speaker Giglio: "The question is, 'Shall House Bill 4025 pass?' All in favor signify by voting 'aye'. Opposed, 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 115 voting 'yes', 0 voting 'no', and House Bill 4025, having received the required Constitutional Majority, is hereby declared passed. Representative Currie, on House Bill 3892. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3892, a Bill for an Act in relation to solid waste. Third Reading of the Bill."

Currie: "Thank you, Mr. Speaker and Members of the House. As amended, the Bill does two things. It encourages cities, large cities in larger counties, to assess the question whether volume-based disposal fees would help them reduce their solid waste landfill problems, and it, secondly, creates a Solid Waste Advisory Council with representatives from business citizens groups that recycling firms and the waste industry within the Department of Energy and Natural Resources and the Environmental Protection Agency. I'm aware of no opposition to the Bill, and I'd be happy to answer your questions and would appreciate your support."

Speaker Giglio: "Any discussion? Hearing none, the question is 'Shall House Bill 3892 pass?' All those in favor signify by voting 'aye'. Opposed, 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On this question there are 114 voting 'yes', 0 voting 'no' and 1 voting 'present'. House Bill 3892, having received the required

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Constitutional Majority, is hereby declared passed. All right, on the Special Order Calendar, under Children and Family Services, Third Reading, appears House Bill 487. Representative Burke. House Bill 487, do you wish to hear this Bill? Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 487, a Bill for an Act to amend the Probate Act of 1975. Third Reading of the Bill."

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

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 487 was a matter that was brought to my attention by the Chief Judge of the Probate Division of Cook County, Judge Novasouski, who, in fact, came down and testified on behalf of this legislation. It basically calls for reimbursement of attorney's fees when counsel is appointed by the court. Now currently there is a state fund that can be drawn upon for this particular activity, where attorneys can, indeed, recover their fees. For some years now, that fund has not been funded and attorneys throughout the State of Illinois, who are appointed by the court, guardian ad litem, are not reimbursed for their minimal expenses. Basically, the average cost to an attorney, who is appointed guardian ad litem, is approximately \$150, and I'd be happy to answer any questions on this."

Speaker Giglio: "Any discussion? The Gentlemen from Will, Representative Wennlund."

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

Speaker Giglio: "Indicates he will."

Wennlund: "As amended, I...I know in its original form when it came out of committee, Representative, it allowed the court to assess guardian ad litem fees against the petitioner, which may have a tendency to discourage neighbors or

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

someone else to petition for the appointment of a guardian ad litem for the protection of an individual. Has that been amended out?"

Burke: "No, Representative. The Amendment addressed itself to charitable, social service organizations, not-for-profit social service organizations. So your inquiry with regard to the petitioner has not been addressed in any Amendment at this time and I might reflect on what Judge Novasouski's testimony was before the committee when that question was asked. The judge presides as Chief Judge over the Court of Probate in Cook County and insisted that no Good Samaritan who would bring a matter to his court's attention could be assessed the fine. Now there is the opening for that but any good judge, as Judge Novasouski suggested, would not assess a Good Samaritan the \$150 fee. So, in other words, it was the judge's recommendation and insistence that this should not interrupt a neighbor's concern for another neighbor who might be incompetent by some means. Thank you very much."

Speaker Giglio: "Representative Burke, to close."

Burke: "Thank you, Mr. Speaker. This, again, is a matter that the Court of Cook County has for some time believed should be addressed in the Legislature. There have been concerns with respect to the Good Samaritan bringing in an action in the court on behalf of a neighbor. Again, I can only reflect on what the Chief Judge of the Probate Division, Judge Novasouski, insisted to the committee that no good judge would assess a neighbor for acting in favor of that neighbor's benefit. Again, the fund has existed in the State of Illinois. For some time, attorneys who are appointed by a court, pro bono, are not recovering their basic fees. I don't believe that the charge of \$150 per

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

guardian ad litem case is excessive. Basically the attorneys who accept these cases do indeed incur expenses that they are not reimbursed for. We have individuals, practicing attorneys, that have fees upwards of \$9,000, \$10,000, that they have never recovered, and I would ask at this time for your favorable roll call."

Speaker Giglio: "The question is, 'Shall House Bill 487 pass?' All those in favor signify by voting 'aye'. Opposed, 'no'. The voting is open. The Gentleman from Macon, Representative Dunn. One minute to explain your vote."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Sponsor is a fine man, and he knows I disagree somewhat with the concept of this legislation because I think if a petitioner is required to pay even \$150, it will slow down a lot of people from undertaking the responsibility of petitioning to be guardian in cases where a guardian is needed. So I think the legislation is well intended, but somewhat misguided."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, 108 voting 'yes', 3 voting 'no', 4 voting 'present', and House Bill 487, having received the required Constitutional Majority, is hereby declared passed. Representative Sieben, on House Bill 661. Out of the record. Representative Stange, on House Bill 1181. Representative Stange in the chamber? Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1181, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from DuPage, Representative Stange."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Stange: "Thank you, Mr. Speaker. House Bill 1181 is a very simple Bill. It prevents the custodial parent from leaving the state without the consent of the noncustodial parent. It clears up the language a little bit in the court system, and I ask for your passage of this Bill."

Speaker Giglio: "Any discussion? Hearing none, the question is, 'Shall House Bill 1181 pass?' All those in favor signify by voting 'aye'. Opposed, 'no'. The voting is open. This is final action. The Lady from Cook, Representative Currie, one minute to explain your vote.."

Currie: "Well, sorry, I had a question about the Bill. I'm sorry."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 111 voting 'yes', 0 voting 'no' and 3 voting 'present'. House Bill 1181, having received the required Constitutional Majority, is hereby declared passed. Representative Stange, you have another Bill, 1182. Do you wish to call that Bill? Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1182, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Giglio: "Representative Stange."

Stange: "Thank you, Mr. Speaker. House Bill 1182 is a very short Bill. Claims an adherence to and enforcement of custodial judgments in the court systems today. It was introduced last year, it passed 105 to 4. I ask for your passage of this Bill."

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

Currie: "Right now there are procedures, Representative, for

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

finding an individual in contempt with respect to failing to meet visitation order requirements. How exactly would this Bill change the present procedure?"

Stange: "I'm sorry, Representative, I didn't hear the question."

Currie: "Well, right now, right now, a court can fine someone in contempt in respect to a visitation violation. Tell me how your Bill changes present law."

Stange: "When custodial parents petition a court to leave the state with the children or leaves the state with the children without court permission, this Bill allows the noncustodial parent to leave and file a petition to modify the custody."

Currie: "Wait to do what, I'm sorry, could you repeat that last part."

Stange: "Allows the noncustodial parent leave to file a petition to modify custody. It also states that the law now states a change in circumstances must occur which means the children must be removed from the state first before a petition is to be modified or to be filed."

Currie: "So...so you're changing really two provisions. You're saying that if, for example, the custodial parent says Johnny can't visit with you today because Johnny has a fever of 104 and had better stay home in bed, that on that basis..."

Stange: "No, that's not the truth."

Currie: "The noncustodial parent can go in and ask for a revision in custody?"

Stange: "No. It explains to the Bill that does not enforce the Bill whatsoever."

Currie: "You...Well, I thought you just said..."

Stange: "It gives the judge the choice to let the children leave the state...leave the state or stay with the noncustodial

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

parents, friends, or in the same school system. Not if the child is sick."

Currie: "Wait, wait, wait."

Stange: "The noncustodial parent is not going to take the child out of school and take them to another state. No, that's not the case."

Currie: "So, all right. So your Bill only applies when there is a question of removing the child from the state?"

Stange: "That's correct."

Currie: "And exactly, I mean right now, my understanding is that the law basically says that the decision whether the child goes with the custodial parent out of state is made based on the best interest of the child. What does your Bill do instead? What standard would the court use?"

Stange: "I'm not sure if I understand the question, Representative."

Currie: "Well, right now there's a standard the court uses when there is a custodial modification request because one of the parents wants to take the child out of state. What difference does your Bill make to present standards?"

Stange: "I'm willing to let my Co-Sponsor, Lou Lang answer that question. Since he's an attorney, he might be able to answer that question for me."

Currie: "He's rejecting the opportunity, Representative Stange. Why don't you try?"

Stange: "Can we take it out of the record for a moment?"

Speaker Giglio: "Take the Bill out of the record, Mr. Clerk. The next Order is House Bill 2225, Representative Curran. Do you wish to have this Bill called, Sir? (House Bill) 2225. Out of the record. House Bill 2712, Representative Preston. Out of the record. Representative Stange, 2751. Do you wish to have this Bill called? (House Bill) 2751."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2751, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Giglio: "Representative Stange."

Stange: "Thank you, Mr. Speaker. I think this is probably the best family Bill of this decade in General Assembly. This Bill simply lets the grandparents today have visitation rights for the grandchildren. For the first time now, the grandchildren will be able to visit and see the grandparents. This Bill was recommended by various judges throughout the state, some child psychologists, family service groups, and so forth. It passed two years ago. I ask for your passage at this time of this Bill."

Speaker Giglio: "The Lady from Cook, Representative Currie. Do you wish to speak on this Bill, Representative Currie?"

Currie: "Thank you, Mr. Speaker and Members of the House. Right now, under current Illinois law, grandparents have the opportunity to sue for visitation of a child. We changed the law last year to say that there's one instance in which that petition is not appropriate and that is the situation when neither parent supports the grandparent's request and when the parents, both of them, are living together. That seems to me to be a sensible law. We do not, I think, want to take sides between grandparents and their children over the question, 'What should happen to the grandchildren?' and if we make the change that this Bill suggests, we turn our back on a sensible revision that we made last year that recognizes that the natural family, the parents and their children, are the place where we are best advised to place our confidence. Right now the grandparents may sue for visitation. They may only not sue for visitation if

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

that...if the child of that set of grandparents does not wish them to pursue that opportunity and there are, sometimes, good reasons why the parents may not wish the grandparents to have the opportunity to visit a grandparent who is manipulative, who chooses one of the children, but not the other three, to...to...to give treats to, to give presents to, to take out on outings--I think that in our system of laws, we would be well advised to leave this decision in the hands of the parents of the children. If we vote for this Bill, we turn our backs on the parents; and I think there's no justification for making this change, reversing the decision that we sensibly made a year ago and opting, instead, to say that grandparents' rights take precedence over the rights of the parents, who, of course, are the people with responsibility for rearing those youngsters. So, I would encourage a 'no' vote."

Stange: "With due respect to the last speaker here, okay, the judge...the grandparents has a right to petition the courts; it's up to the judge to determine if the grandparents can and will see the grandchildren. It's a quality Bill. It's good for the grandchildren. It's good for the family. In 1989, when we introduced this Bill and passed both the House and the Senate, when it passed the Governor's desk, many judges throughout the state have said, for the first time in a decade that famil..."

Speaker Giglio: "Excuse me, Representative Stange. We'll let you make those remarks when you close, so this is now open for debate. Representative Johnson."

Johnson: "I don't know how many times we have to discuss this issue. We repealed the provision that now Representative Stange seeks to put back in the law, after lengthy, lengthy, and often times acrimonious, debate. We changed

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

it. Then Representative Stange came in, not once, but more than once, with the intention of enacting this law, and every time it's been defeated. I don't know how many times we have to deal with the issue; but the issue, just to frame it in as clear a terms as I can, and I think Representative Currie did this very well, the law now permits grandparents, or great-grandparents, I suppose, to seek visitation in a wide variety of circumstances: in the case of death, in the case of divorce, and all the classic examples as to where a side of the family can be shut out. What Representative Stange wants to do with this Bill, the fundamental change in this Bill, is to take an existing, happy family and allow grandparents to file a petition for visitation against the objections of the mother, of the father, of the siblings, and of the child. Now, why on earth would we want to have a law that permits that kind of discord? Representative...or, Senator Marovitz, and Representative Currie, and others, in the course of dealing with this issue, could give you legions of examples where the prior law that was really passed in oversight, has caused an incredible amount of horror stories. Families have actually moved out of the State of Illinois to Florida and other areas, just to get away from that silly law. And everyone was relieved when, a couple of years ago, we finally brought the Bill, or the law, back to a state of rationality, and that is, to allow visitation in those circumstances where it's appropriate--death, divorce, et cetera. But where you have an existing family, to allow grandparents to intervene in that family and to file a lawsuit, and to cause legal expense, agony, and, mostly, human suffering, is absolutely ridiculous. We beat it before; we've beaten it again; we've beaten it again; I

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

don't know why we have to baby...be...be back here a fourth, or fifth, or sixth time, but this Bill ought to be defeated, as it has been before."

Stange: "Mr. Speaker, since my name was mentioned in debate, I think I should answer some of those questions."

Speaker Giglio: "I don't think the Gentleman made any question. He was making a statement. You can close, Representative Stange. There's about ten people that would like to talk on this, on this issue. Representative Curran."

Curran: "Thank you, Mr. Speaker. I don't know if this would be the time to welcome State Representative Dick Mulcahey back to the chamber. Been gone where there's been...been golfing. Anything for 18 holes of golf, right, Dick? Thank you, Mr. Speaker."

Speaker Giglio: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I rise in support of this Bill. It's a good Bill. Some of the prior speakers have not really spoken to the exact point. This Bill does not create an absolute right for grandparents to visit. This Bill creates an opportunity for grandparents to petition. Those who have said that this gives the grandparents a right to break into a happy family and disrupt it, I suppose that might happen in some cases, but there are large, large numbers of cases, where the parents of the children are at odds with each other. They're fighting. They have arguments about in-laws every day, and one says, 'I'm not going to let your parents see those kids,' and the other one says, 'I'm not going to let your parents see those kids,' and neither of them, because of circumstances, under the current law, can join into the petition and that's a requirement under the current law. We ought to be able to allow grandparents to see their

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

grandchildren. Now, when we have a situation where two happy parents and a happy family say 'We don't want them to,' the judge has the opportunity to say, 'Okay, we won't let them.' The judge has discretion, under House Bill 2751, to say 'No, we won't let the grandparents break in,' because the parents have made a rational decision not to let those grandparents see those children. But unless we pass this, we are not allowing a situation where there is acrimony between the parents, that acrimony will keep grandparents from seeing their children, and none of us, here want to see that. You know, under the last statistics I saw, my district had more seniors in it than any other district in the state, and it's no wonder that I hear from seniors in my district that say, 'My children have a problem with me; my children have a problem in the family situation; I can't get to see my grandchildren. Representative Lang, please help me get to see my grandchildren.' This Bill will do it. If you care about those children, if you care about the grandparents, give the judge the opportunity to decide whether the grandparents should see the children. This is not an absolute right. It's not breaking into a happy family. It gives an opportunity for grandparents to see grandchildren, where they've been denied it in an unhappy home. Please vote 'aye'."

Speaker Giglio: "The Chair would like to remind the Members that this Bill, and many on this Order, are on Short Debate. Representative Kulas."

Kulas: "Too much acrimony on this Bill. I move the previous question."

Speaker Giglio: "The Gentleman has moved the previous question. All those in favor signify by saying 'aye'. Opposed,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question has been moved. Representative Stange, to close."

Stange: "Thank you, Mr. Speaker. This Bill was defeated last year by five votes. The previous year, this Bill passed the House, the Senate, and the Governor signed the Bill. Every...just about every judge in the state, every family service group, wanted this Bill. It's helped the...it helped grandchildren, it helped parents, it helped the kids, and that's what we're here for. We're tired of some of these liberal Legislators in this House. We need this Bill passed, now. I ask for your passage of this Bill."

Speaker Giglio: "The question is, 'Shall House Bill 2751 pass?' All those in favor signify by voting 'aye'. Opposed, 'no'. The voting is open. This is final action. Representative Homer, one minute to explain your vote."

Homer: "Thank you, Mr. Speaker. I'm opposed to this Bill. I voted against it in the past. I think it's a good law, the current law, allows grandparents to seek visitation when a number of any one of five different factors exist. This Bill, as amended, would increase that authority to allow grandparents to seek court ordered visitation, when the couple, the parents are living together in a harmonious family and they've opted not to allow the grandparents to visit. I don't...However paramount grandparents' rights are, I don't think they're more paramount than the parental responsibility and rights of a couple that is living together, in matrimony, with their family; and I think the integrity of the family unit demands a 'no' vote on this Bill."

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

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Dunn: "Well, Mr. Speaker, Ladies and Gentlemen of the House, to summarize the remarks of a number of the speakers here, this is a bad Bill. Vote 'no'."

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

Wennlund: "Ladies and Gentlemen of the House, just so everybody knows, the Illinois Coalition Against Domestic Violence is opposed to this legislation. Thank you."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 48 voting 'yes' and 47 voting 'no' and 19 voting 'present'. Representative Stange."

Stange: "For Postponed Consideration on this Bill?"

Speaker Giglio: "The Gentleman asks leave to put the Bill on the Order of Postponed Consideration. Leave is granted. House Bill 2225, Representative Curran. Representative Curran in the chamber? Curran. Out of the record. Representative Parke, on House Bill 2770. Do you wish to have this Bill called, Sir? Representative Parke. Out of the record. House Bill 3090, Representative Preston. Out of the record. (House Bill) 3091, Representative Preston. Out of the record. Representative Currie, on 3262. Do you wish to have this Bill called? Out of the record. Representative Parcells, on House Bill 3322. Out of the record. Representative Currie, you have two Bills, 3342 and 3343. Out of the record. Representative Preston, on 3480. Out of the record. (House Bill) 81, Representative Levin. Representative Levin in the chamber? Out of the record. Representative John Dunn, on House Bill 4075. Representative Dunn. Out of the record. Representative Anthony Young. Anthony Young, 4147. Out of the record."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

On the Order of Government Administration, Third Reading.
Senate Bill appears, Senate Bill 1485. Representative
Lang. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1485, a Bill for an Act to
authorize the conveyance of certain state property. Third
Reading of the Bill."

Speaker Giglio: "The Gentlemen from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Bill
would authorize CMS and the Director of Children and Family
Services to convey certain property to Maryville Academy.
I ask your 'aye' votes."

Speaker Giglio: "Any discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. Thanks for calling on
me when I'm eating lunch. Representative, this is the Bill
we agreed to to bypass committee, read the first day.

Lang: "That's correct."

Black: "I think it's an agreed Bill. Thank you."

Speaker Giglio: "Further discussion? Hearing none, the question
is 'Shall Senate Bill 1485 pass?' All those in favor
signify by voting 'aye'. Opposed, 'no'. The voting is
open. This is final action. Have all voted who wish?
Have all voted who wish? Have all voted who wish? Take
the record, Mr. Clerk. On this question there are 118
voting 'yes', 0 voting 'no', and Senate Bill 1485, having
received the required Constitutional Majority, is hereby
declared passed. Representative Giorgi. Representative
Giorgi, on House Bill 3154. (House Bill) 3154,
Representative Giorgi. Representative Giorgi, would you
like to have this Bill called? Change your mind. Take the
Bill out of the record. Next Order of Business is Human
Services. Third Reading. Representative Hicks, LeFlore.
Daniels, Trotter, DeJaegher, Turner, Schakowsky, Curran,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Granberg, Giorgi, Deering, Davis, Homer, White, Regan and Martinez. House Bills, Third Reading Human Services. Representative Hicks, House Bill 849. Do you wish to have this Bill called, Sir? (House Bill) 849? Out of the record. Representative LeFlore. Out of the record. Representative McGann, Representative Andrew McGann in the chamber? Out of the record. House Bill 3245, Representative White, Jesse White, 3245. Do you wish to have that Bill called? Out of the record. House Bill 3350, Representative Trotter. Out of the record. Representative DeJaegher, 3373. (House Bill) 3373. Do you wish to have this Bill called, Sir? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3373, a Bill for an Act to amend the Respite Demonstration Program Act. Third Reading of the Bill."

Speaker Giglio: "The Representative from Rock Island, Representative DeJaegher."

DeJaegher: "Thank you Mr. Speaker and Members of the General Assembly. (House Bill) 3376, as you may recall, had an Amendment placed on this Bill that basically puts the Department of Aging in a neutral position. What this Bill will now provide, if federal funding becomes available, that funding would then be earmarked for care and treatment of those people that are afflicted with Alzheimer's. At the present time there are 200,000 people in the state of Illinois that are afflicted with Alzheimer's. Basically, I think this is the progressive route to take. Hopefully that there will be federal legislative following right after the first of the year that will free up more money for care and treatment of those people afflicted with Alzheimer's disease. I know that many times we have

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

discussed Alzheimer's and basically the roll calls show that each and every one of you are concerned about care for these people that are afflicted with this disease, and I think that's total explanation, and hopefully that you'll vote accordingly."

Speaker Giglio: "Any discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair. Has Floor Amendment #1 been adopted to this Bill?"

Speaker Giglio: "Mr. Clerk."

Clerk O'Brien: "Floor Amendment #1 is adopted to the Bill."

Black: "Thank you very much. To the Bill, Mr. Speaker, Ladies and Gentlemen of the House. I commend the Sponsor for working out this Amendment. Amendment #1, which becomes the Bill, removes opposition by the Department of Public Health, under the Department of Aging. All the Gentleman is doing is trying to get some of our hard earned tax dollars that we send to Washington back to Illinois for people who need it. I think he's got a very good Bill. He's worked out a very crafty Amendment and I stand in support of the Gentleman's Bill."

Speaker Giglio: "Representative DeJaegher, to close."

DeJaegher: "Thank you, Representative Black, and I think that's the general consensus of the General Assembly, and I hope all of you will vote accordingly and vote green. Thank you."

Speaker Giglio: "The question is, 'Shall House Bill 3373 pass?' All those in favor signify by voting 'aye'. Opposed, 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 117 voting 'yes', 0 voting 'no', and House Bill 3373, having received the required Constitutional Majority, is hereby declared

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

passed. Representative Turner, House Bill 3395.

Representative Art Turner. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3395, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Giglio: "Representative Turner."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. House Bill 3395 provides that the Department of Public Aid analyze payments made to providers of medical services to determine the equitable distribution of those payments to hospitals treating a disproportionate share of patients. The Department shall have, no later than January 1, of 1993, to report to the Governor and the General Assembly reporting concerning the results of its analysis, this report shall include recommendations concerning means of improving the balance of funding from disproportionate share hospitals, providers and disproportionate share hospitals, and I move for the favorable adoption of House Bill 3395."

Speaker Giglio: "Representative Black."

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

Speaker Giglio: "He says he will."

Black: "Representative, the fiscal note that was filed indicates that this carries a price tag of approximately \$100,000 in administrative costs from the Department of Public Aid. I, do you accept that fiscal note or do you dispute that figure?"

Turner: "I think that's a relatively high figure, Representative. I think that with the assistance from the Illinois Hospital Association and others concerned out here, I believe there's enough data. I don't think they would have to spend \$100,000 to come up with that information."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Black: "Is it your intent that this Bill, perhaps, would be used later in June as a possible vehicle to work out the provider assessment package, assuming no other agreement is reached?"

Turner: "If there is no other vehicle around, I'd certainly be willing to use it for such. But the intent here was basically to try to get the department to try to address those same concerns."

Black: "Thank you very much, Representative. Mr. Speaker and Ladies and Gentlemen of the House, the Gentleman has been absolutely and totally honest with you, as to the explanation of this Bill. The Department of Public Aid opposes the Bill because of administrative costs and as the Sponsor clearly indicated and I...I respect his forthrightness, this Bill may come back and be used for a possible vehicle to more an assessment package on all Medicaid providers in the State of Illinois. I think you should cast your vote knowing that and cast your vote very carefully, and I do stand in opposition of the Bill."

Speaker Giglio: "Representative Turner, to close."

Turner: "Thank you, Mr. Speaker. I just ask for a favorable roll call on this good Bill."

Speaker Giglio: "The question is 'Shall House Bill 3395 pass?' All those in favor signify by voting 'aye'. Opposed, 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 76 voting 'yes', 40 voting 'no', and House Bill 3395, having received the required Constitutional Majority, is hereby declared passed. The Chair would like to remind the Members that these Bills that are on the Order of Short Debate, if those that are seeking opposition want

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

opposition, to speak against the Bill, we could move in a more expeditious manner. House Bill 3409, Representative Schakowsky. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3409, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Giglio: "The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3409 is designed to help people move from homelessness to housing. This Bill enables homeless general assistance recipients to accumulate \$1,000 without losing their benefits, in order to make a down payment to secure permanent housing, either first month's rent or security deposit. Current law penalizes a recipient from accruing that kind of money. If they accrue more than \$154, they lose their general assistance payment. This would simply allow them to accumulate enough money to get some housing. I urge you to support this Bill. Thank you."

Speaker Giglio: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I understand the reason behind the Bill, and although it is a laudable reason, after facing the biggest budget crisis in the state's history, again we face it this year, and the Department of Public Aid estimates the cost to the State of Illinois, out of general revenue funds, to be a half of a million dollars. And even though its idea may be well, its timing is wrong, and its time has not yet come because of the fiscal crisis this state has incurred. And if you vote for this, then you're going to have to vote for some kind of a tax increase to fund it because the money is simply not there. A 'no' vote is the proper vote."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Speaker Giglio: "Further discussion? The Lady from Cook, Representative Schakowsky, to close."

Schakowsky: "I can't understand how anyone could vote against a Bill that allows a person to just gather enough of their own money, \$1,000, to be able to get housing. There is a fiscal note that says between \$100,000 and \$500,000, but what it doesn't take into account are other costs to take care of homeless people. A person that has their own apartment and has their own place to live will have...may get other benefits. They may be able to be healthier. They won't cost as much in Medicaid dollars. They'll be able to access other services that cost money. This is such a little bit amount of money. The amount of money that it costs to cut people off sooner, so they can never get housing. If we seriously want to move people from homeless conditions into shelter, then I urge you to support this good Bill. Thank you."

Speaker Giglio: 'Shall House Bill 3409 pass?' All those in favor signify by voting 'aye'. Opposed, 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mulcahey, 'aye', Mr. Clerk. Representative Laurino, Mautino, 'aye'. Have all voted. Representative Black. For what purpose do you rise, Sir?"

Black: "Thank you very much, Mr. Speaker. We're early in the Session and I just hope everybody votes their own switch. Should this get the requisite number of votes, I will request a verification."

Speaker Giglio: "Your point's well taken. All those in the chamber, please vote your own switch. Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 64 voting 'yes', 43 voting, Capparelli votes 'aye'.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

There are now 65 voting 'yes', 43 voting 'no'. Laurino, 'aye'. There are now 66 voting 'yes', 43 voting 'no'. Representative Black, do you still...On this question, 66 voting 'yes', 43 voting 'no', and House Bill 4309, having received the required Constitutional Majority, is hereby declared passed. Representative Currie, on House Bill 3609. Speaker Madigan in the Chair."

Speaker Madigan: "The Members will be in their chairs, and staff shall retire to the rear of the chamber. Mr. Shaw, would you take your seat? Mr. Williams, please take your seat? The Members will please take their chairs, and staff will please retire to the rear of the chamber. Mr. Ropp, could you please take your seat? Mr. Ropp. Mr. Klemm, could you sit down? Ladies and Gentlemen, we're very honored today to have with us a distinguished visitor to the City of Springfield. Mr. Gary Ansbro is the General Consul from the Republic of Ireland, assigned to the City of Chicago, and I know that all of you will join in welcoming the representative of the Irish government because you realize the very wonderful contributions that Irish-Americans have made to the State of Illinois and, in particular, to the City of Chicago. And with no further comments, Mr. Gary Ansbro. Gary."

Ansbro: "Mr. Speaker and Honorable Members of the House. It's a great privilege for me, as Consul General of Ireland, to address you because I'm here as the representative of the government of Ireland, and my principal job is to represent the government to other governments. It's to 20 governments, in fact. I'm representative to 20 states, Illinois is one. But Illinois is the place where I reside and live, in Chicago, so it's a particular privilege for me to be here today. I'm here for a particular reason and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

it's that on this particular day, Sir. In fact two days ago we celebrated in Ireland the festival of another great Irish saint, not Saint Patrick, but Saint Brendan. And Saint Brendan is important to us. He was born in the year 489 and about 50 years later he travelled to Newfoundland. Should I repeat that? We believe that he actually set sail and came, via Iceland and Labrador, to Newfoundland and he left behind an account, which is known as the Navigotsio Saneti Brendatis, which is the Navigation of St. Brendan, the Abbott, which became very popular and was very well known in medieval times in Europe. Everybody believed that there was a land across that vast ocean which we knew to be the border of Western Europe and everybody knew us because we had at least the legends. And I would just like, if I might be permitted, to read into the record of the House, the record of St. Brendan as it appeared in the Navigotsio. This was published in no other place than Notre Dame and it goes like this, very briefly: 'After 40 days sailing, one evening a great fog swallowed them up. This was off New-foundland so they could scarcely see one another. The steward told Brendan that the fog perpetually encircled the land which Brendan had been seeking for seven years. An hour later, a great light shone and the boat came to shore. The monks disembarked in a wide land full of autumnal fruit-bearing trees. When they had gone in a circle around the land, it was still light. They ate fruit and drank water and in 40 days exploring did not come to the end of the land. Everybody who could read in Europe in the 11th, 10th and 12th centuries knew that account. I think it may have inspired Columbus to set out on the real discovery, or perhaps re-discovery, of America. And it was Columbus, of course, who opened up our two continents to one another and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

united them in an inextricable manner from that day to this. From that day to this, the Americas have been home to countless numbers of Europeans; and hence, thereafter, Africans, Asians, every continent, every land in...in...in the world. It has been a home to people who have been persecuted, as they were in Ireland, on both the Presbyterian side and the Catholic side. It has given a home to a million Irish people in the middle of the 19th century, when we had our great disaster with the famine, and America has always been extraordinarily important to Ireland, not only economically, but in political terms. I just want to say a brief word about that because I know you are extraordinarily busy coming up to the end of your...your Session here and you're getting a lot of legislation through. But were it not for the support of America, at this time 70 years ago, I would not have a job because we would not have achieved sovereignty in Ireland. We achieved our sovereignty and it was granted by the British government because of American support at the time. American support has been very important to us down through that 70 years, and it's still important to us, as we try to resolve the greatest problem which is still on our agenda, which is the problem of Northern Ireland. And about that I want to say two brief words, or at least give you two words of hope on it. As you know, the national minority in Ireland reside in the north of Ireland. They're pro-British. They wish to retain the link with Britain, but they reside with half-a-million of the national majority, and that has led to instability and violence and discrimination for a period of 70 years. We are now, (that is the government of Ireland and the government of Great Britain) are now working very closely together to try to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

bring this problem to an end, to try to find a solution to it. And we are doing it in two ways. One way was in 1985 we and they, the British and Irish government, signed a kind of treaty, which I think is unique among sovereign states. And in that treaty, which is the Anglo-Irish Treaty, the British government gave an input to the Irish government, in terms of policy-making in relation to the north of Ireland and in relation to administration. And over the last five to six years, we have been operating that treaty more or less in through a permanent conference which takes place between the British and Irish governments, and some improvements have taken place in the north of Ireland during that period. One in particular, the British government has enacted strong legislation to prevent discrimination in employment. That came about through the workings of the agreement. It also came about through the support of very, many Legislatures in the United States, including this one. And for that, we thank you. One thing we have failed to do over the last five or six years and that is to get the political process moving again. The unionist people, that is the pro-British people of the north of Ireland, felt very let down by this agreement. They felt betrayed by it, and they refused to talk to anybody for five years. Now, in this year last year to begin with, we have dev...between the British and Irish governments we have devised a talks process as complex, I would think, as the talks process which is taking place in the Middle East, whereby every party to the dispute, that is the Nationalists and the Unionists in the North, the north and the south, and Ireland and Britain, have agreed to talk together in a three-stranded process. They've agreed to talk together. They've agreed that what

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

they're talking about is the totality of relationships within Ireland, within the North of Ireland, between Ireland and Britain, and what they hope to achieve is a new framework for relations, which will give...allow everybody in Ireland to articulate their aspirations without doing damage to any. And, in doing this, we have the headline of the European community, which we both belong to and which has achieved a unity between belligerents. People who were at their...at their...one another's throats 50 years ago in Europe, now live peaceably together and have shared power over very important aspects of their national lives. We have that as a model and that is what we are aiming and hoping to achieve within Ireland, and as between Ireland and Britain. So I would like to say in...closing that this particular task is a task for politicians, Irish and British. I think it's...it's a noble and a difficult task undertaken by people who practice a noble and a difficult art: the politicians of Britain and Ireland, the politicians of the United States, the politicians of...of Illinois. You are the representatives of your people; you are deciders of the public good and maintainers of a civilized framework which is necessary for peace, for prosperity, for reconciliation and for freedom. That is all we desire in Ireland. You are the people who deliver it, and it is my great honor to salute you today, the elected Representatives of Illinois, on behalf of the government of Ireland, elected by the people of Ireland. Thank you very much, and thank you, Mr. Speaker."

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

Preston: "Thank you, Mr. Speaker, I just want to commend the Irish government for its tremendous contribution to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

government and to politics, especially in the case of our Speaker of the House, Michael J. Madigan, and the fine Lord Mayor of Dublin, Ireland, Ben Brisco. Could the Chair perhaps look into it and let us know what the ethnic background of Lord Mayor, Ben Brisco, is?"

Speaker Giglio: "Somebody just informed the Chair, Representative Preston, that the background of the ethnic was Irish and the religion was Jewish. On the Order of Human Services, Third Reading, appears House Bill 3609. Representative Currie, do you wish to have this Bill called? Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3609, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Giglio: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. House Bill 3609 is an initiative of the American Red Cross, Illinois chapter. As you know, the Red Cross provides substantial assistance to people who are the victims of fires, floods, of other natural disasters; and, in fact, the last year, the 93 chapters of the American Red Cross in Illinois helped out about...almost 6,000 families, who were experiencing disasters at a total cost of \$2,357,000. The Red Cross is a nationally chartered organization who has responsibility in these areas. Last year, I think, inadvertently, there was a change made in the hardship assistance program in the Department of Public Aid that it made it no longer possible for people, who otherwise would be eligible for public aid, to have dollars paid for stoves and refrigerators, when they were the victims of a natural disaster. This Bill would propose to restore that opportunity, public aid funding, for families that are eligible, when there has been a natural disaster, primarily

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

a fire that has knocked out of commission the stove and the refrigerator. I have a variety of various cost estimates from the Department of Public Aid. It's a kind of a roll the dice and take your choice, but I would remind the Members of this chamber that the special assistance fund is capped statutorily at \$3 million. Whatever estimate the department gives to this Bill, I have them that range from \$25,000 to a few more thousand than that. The point is that passage of this Bill would not require, or, in fact, enable us to spend one penny more than the \$3 million statutory cap that all ready applies and is in no way changed by this Bill. But the point is that the Red Cross is there when families face fire, when they face flood, when they are in desperate need; and, without this kind of additional support from Illinois state government, the Red Cross will not be able to meet its responsibilities and its willingness to help people who are in trouble. So there is no increased cost overall associated with passage of this Bill. It's critical to help the Red Cross do its job, and I would certainly appreciate your support for this humane and sensible measure."

Speaker Giglio: "Any discussion? Representative Black."

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

Currie: "Sure."

Black: "In Fiscal Year '92, this program was eliminated, specifically for the stoves and appliances, stoves and refrigerators, excuse me, because of the obvious budgetary crisis that we were in and, unfortunately, I think, we're still in. Is the Bill changed in any way from the program that was eliminated in Fiscal '92?"

Currie: "I believe that this only applies to stoves and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

refrigerators and it only applies if there has been a natural disaster that has left the family without those particular resources. The earlier program covered a larger group of potential cases, could have covered eviction, other kinds of problems that a family might face. This Bill is limited solely to natural disasters that result in the loss of a stove or refrigerator, and under this Bill the department would be entitled, using federal funds as well for applicants who are eligible, would be able to help the Red Cross see to it that a family can put itself back together again. This would not cover other costs, the costs, for example of the clothing, the couch, the bedding, that is burned beyond use during a fire. The Red Cross would continue to have to pick up those costs, those burdens. It specifically refers only to these two major, but important, appliances, the stove and the refrigerator."

Black: "It's your intent, then, that this Bill, should it pass, would be covered under the restrictive purchasing policies that were implemented in 1990. I think, as you'll recall, some vendors would replace...They would advertise for stoves, and a vendor might get together with the tenant, and the tenant says I'd rather have a window air conditioner. So they do a quick substitution."

Currie: "That's not possible under this Bill and my understanding is that when the department provided assistance for these items, it allowed a maximum of \$90 dollars for a stove, and \$150 for a refrigerator. In addition, of course, those figures are matched. I mean 50% of those costs would be picked up by the Federal Government, but there's nothing about air conditions, nothing about window fans, nothing about couches or bedding, or children's toys or any of the other items that might be lost in a flood or a fire."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Nothing but stoves and refrigerators are covered under this Bill."

Black: "So we're we're not, in effect, we're really not expanding or adding to any entitlement program. You're just putting language in the event of a natural disaster, these items would then be replaced."

Currie: "That's right, and, as I say, there is a \$3 million statutory cap on total expenditures from this special assistance fund. That \$3 million cap is in no way changed by this Bill."

Black: "Thank you very much, Representative."

Speaker Giglio: "Representative Hartke."

Hartke: "Will the Sponsor yield?"

Speaker Giglio: "She indicates she will."

Hartke: "Representative Currie, you talk about natural disasters. Are you talking about hurricanes, floods?"

Currie: "Fires, floods, hurricanes."

Hartke: "Fires. A natural fire in a home."

Currie: "Yes."

Hartke: "That would then qualify this individual?"

Currie: "That's right. We're not covering evictions or other kinds of interpersonal problems, or what have you, that may result in a family's legitimate need for a stove or refrigerator. This Bill would be confined to the loss of a stove or refrigerator because of a natural disaster."

Hartke: "Okay. And you said this would not increase the cost for Public Aid."

Currie: "Right now the special assistance fund is capped at \$3 million. This Bill does not change the cap, but it does say that the department may pay for a stove or a refrigerator out of the moneys that are in this fund."

Hartke: "Okay, I understand that. Now, can you tell me what part

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

of this fund was used last year? All \$3 million?"

Currie: "I don't have those numbers but my sense is that perhaps it was, but remember that last year these kinds of items were available in a broad range of other items were available as well. It was not until Senate Bill 45, that the Legislature stopped many programs that were meant to help people in need, whether the need was from eviction, from spousal abuse, from natural disaster and whether the item was a stove or refrigerator, a new couch, a new bed, what have you. That was changed in Senate Bill 45."

Hartke: "If all the funds were used last year, now we're adding a stove and a refrigerator. What we're doing is allowing individuals then who maybe need other things to buy a refrigerator or stove. Because you can't replace the dollars for a refrigerator or stove and still supply all those other needs without hurting someone."

Currie: "But I would argue, Representative, that we don't have numbers from the Department of Public Aid telling us whether they are spending the \$3 million up to the \$3 million cap and accessing federal funds, since we changed the law last year. Last year, in Senate Bill 45, this Assembly said no to a variety of kinds of helps that had been available before. I would argue that stoves and refrigerators for victims of natural disasters should be among the highest priority of the needs that we are prepared to fill."

Hartke: "I may or may not agree with that, but I'm just concerned why we cannot find that information out from the Department of Public Aid."

Currie: "All I can tell you is the Department of Public Aid was able to give me very little information about this Bill. In fact, let me quote from a letter they wrote me on May

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

7...May 12. It says 'Unfortunately, the department has not collected data to indicate the reasons special assistance was issued, that is a disaster, an eviction, homelessness to escape an abusive spouse, or families threatened with dissolution by extreme need.' So what they say here is that we recognize the need to improve our knowledge of circumstances that create special need, therefore, we'll modify the processing, so they can tell us. The answer is, at this point, they haven't a clue. I haven't a clue. The Red Cross knows that it is not going to be able to help those families with their couches, their bedding, their clothing, unless they get help from the state Department of Public Aid in paying for the occasional refrigerator and the occasional stove, and that's the reason for this Bill."

Hartke: "But I still don't understand how in the world we can give or authorize the Department of Public Aid \$3 million a year for this type of assistance, and, then they come to me and say if this Bill should pass, it would cost an extra million dollars when they can't tell me how many dollars we've expended last year or on what. Now if they're keeping..."

Currie: "Well, not only."

Hartke: "Those poor records, I think maybe we ought to look at some other legislation that causes them to keep better records."

Currie: "I wouldn't mind doing that, Representative, but here's one estimate of \$25,000 for the Bill. A later letter says, 'Well it could be \$800,000, but that would be maximum, and we have no reason to think it would ever be that amount.' The answer is that we don't know. But I'll tell you this, I don't think that we can ask the low income victims of fire, flood, hurricane, typhoon, to wait around while we

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

find out. I think we have a responsibility to offer them this kind of help and if we want the volunteer money of the Red Cross to help victims of these natural disasters, let's see to it that we extend that money as far as we possibly can."

Hartke: "Do you have any idea how we come about this \$3 million cap?"

Currie: "Pardon me?"

Hartke: "Do you have any idea how we came about this \$3 million cap?:

Currie: "I believe that we adopted that maybe ten years ago, and it was a compromise with the department because the department was anxious that offering special needs assistance could ultimately break the budget. I think I was the Sponsor of the Bill that included the \$3 million cap. I would argue it's probably not adequate with the cap, but I think that this kind of aid is so obvious, so justified, that it is certainly worth our support."

Hartke: "Okay, thank you very much."

Speaker Giglio: "The Gentlemen from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In case many of the Members of the House and of this chamber don't recall, it was Senate Bill 45 last year when the Emergency Budget Act eliminated this particular program. The reason for that was is because the cost to the general revenue fund, according to the Department of Public Aid at a minimum of a half a million dollars. Now, what we're doing is we're adding another half a million dollars back on to Department of Public Aid that had already been cut out due to fiscal restraints last year. Here we are again in 1992 with a worse fiscal situation,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

and now you're adding another half a million dollars at a minimum to the cost of the Department of Public Aid from the general revenue fund. It's at this point in time that everybody is going to have to search their own souls because somebody, it's 100,000 here, 500,000 here, a million here. At some point in time, somebody's going to have to come up with a way to pay for all these new programs. This is one that we previously had before the Emergency Budget Act in 1991, and now the Representative seeks to restore. So, if you're gonna restore all these programs, you're going to have to come up with a new revenue source to pay for all these programs. Not that the programs aren't meritorious. It's just that somehow they're going to have to be paid for, and the Members of this General Assembly are going to have to consider whether or not they are willing to put their name on the line and their green vote up for a tax increase to pay for these types of programs. And, if this gets the requisite number of votes, Mr. Speaker, I'd request a verification."

Speaker Giglio: "The point's well taken. The Gentleman from Cook, Representative Peterson."

Peterson: "Will the Sponsor yield?"

Speaker Giglio: "She indicates she will."

Peterson: "Yes, Representative, under this Bill could the result of a riot be defined as a natural disaster?"

Currie: "I don't believe so, Representative. We're talking natural, physical disasters which would include fire, flood, hurricanes, typhoon, tornadoes..."

Peterson: "What do you mean you don't believe so, I mean..."

Currie: "Because I think the language of the Bill specifically refers..."

Peterson: "Are you absolutely sure? I mean, is it conceivable

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

that that could happen?"

Currie: "I would say no."

Peterson: "Did you say no?"

Currie: "I say no."

Peterson: "Okay. Thank you."

Speaker Giglio: "Representative Currie, to close."

Currie: "Thank you, Mr. Speaker, Members of the House. Just a point on Senate Bill 45, the cuts that were made in Senate Bill 45 with respect to special assistance were substantial. This Bill is not an effort to undue all that was done in that Bill with respect to emergency assistance for poor people. This Bill is a simple and narrow program that would merely restore to the purposes of special assistance, help in replacing a stove or a refrigerator for an eligible family when the stove and refrigerator is lost through fire, through flood, through other natural disaster. The American Red Cross is spending an enormous amount of money helping us help people in need. The American Red Cross is not going to be able to do that job, unless there is some help from the State of Illinois in seeing to it that these victims at least minimally get their appliances back. There is no direct cost to state government in this program because the special assistance fund is statutorily capped at \$3 million. Nothing in this Bill changes the cap. Remember that these dollars, whatever are spent, for eligible families are federally matched. So, if we spend a grand total of 90 bucks for a stove for a family that's been burned out, 45 of those dollars are returned to us by the Federal Government. This proposal from the American Red Cross, Illinois Chapter, will help those 93 Red Cross units across the state do the job we ask them to do, and that their federal charter

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

requires of them. There is not going to be anything budget busting about this. The \$3 million is the cap, no matter what changes we make within the program. The department can't tell us precisely what they think this will have as an impact in that \$3 million dollars. As I say, their initial reaction was \$25,000. Mr. Speaker and Members of this House, we have a responsibility to victims of natural disasters. It makes sense to say we'll help them out with the stove, with the refridge. It makes sense to say to the American Red Cross, 'Thanks for doing what you've done, and we're here to give you a helping hand in seeing to it that you can do all that you can.' I urge your 'aye' votes."

Speaker Giglio: "The question is, 'Shall House Bill 3609 pass?' All those in favor signify by voting 'aye', opposed, 'no'. The voting is open. This is final action. Please vote your own switch. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 47 voting 'yes', 64 voting 'no', 4 voting 'present'. The Lady asks leave for a Postponed Consideration. There has been an objection. Put it on Postponed Consideration, Mr. Clerk. Representative McPike, in the Chair."

Speaker McPike: "House Bill 3610, Representative Granberg. Out of the record. House Bill 3713, Representative Daniels. (House Bill) 3886, Representative Giorgi. House Bill 3950, Representative Deering. We might not ever get back to these Bills. House Bill 4056, Representative Monique Davis. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 4056, a Bill for an Act to amend the AIDS Confidentiality Act. Third Reading of the Bill."

Speaker McPike: "Representative Davis."

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

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

House. House Bill 4056 is a piece of legislation that we have worked diligently with the Department of Public Health on, and other interested groups. The Bill states that young people under 18 who test positive for AIDS, with the consent and the concurrence of their physician, the parent would be notified that the child has tested positive. We think in an age in which the largest number, the largest growing group with the AIDS virus, or AIDS, are our teenagers, our young people under the age of 18. And, we're just asking that each of you support us with an 'aye' vote. Thank you."

Speaker McPike: "On the Lady's 'do pass' Motion, Representative Levin."

Levin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to first compliment the Sponsor for her good intents in terms of this legislation and the fact that she did amend the Bill on Second Reading. I think she wants to do the right thing. Unfortunately, I don't think this legislation accomplishes exactly what she intended. I flew down today on the plane with one of the staff people for the AIDS Foundation of Chicago, and we were talking about this legislation, and one of the major problems that the AIDS Foundation, and a number of the others that deal with persons with AIDS have with this Bill, is that it would discourage young people from getting voluntarily tested. I think the Sponsor is well intended in terms of what she wants to do, but I think if you look at the ramifications of this, young people, we're seeing, unfortunately, are increasingly promiscuous. There is an increase in a number of potential contacts with the HIV virus among young people, and what we want to do is we want to encourage the young people to get voluntarily tested, to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

find out what their situation is and I think the concern of the AIDS Foundation, and many of the others who have looked at this well-intentioned Bill, have said that what it would do is just the opposite. It would discourage young people from being voluntarily tested. So, you know, I think the Sponsor wants to do the right thing, but on this one I don't think she's quite gotten to what she needs to. I would urge a 'no' vote."

Speaker McPike: "Representative Davis, to close."

Davis: "Well, thank you, Mr. Speaker. There are a number of young people who are engaging in unsafe sex practices. These same young people who think they're very sophisticated and know everything reach a rude awakening when they find themselves threatened with a life and death situation. Their response thus far has been to run away from home, to not go to school anymore. We leave with them a great amount of responsibility that many of them are truly not ready for. I understand the concerns of those who might feel students will not get tested if they think their parent will know. That's why the Bill states only if 'the test result is positive', with a thorough positive result. The two tests are mentioned in the Bill that give total, almost 100% accurate readings. Young people are leaving home and not telling parents why. They're not going back to school and not telling anyone why. They're continuing with the unsafe practice, when they know they have tested positive. As parents or grandparents, certainly we want to be the one there to give loving support for any child, especially our own, who tests positive. Now, some group may feel it's not significant or it's not important if this child decides to run away and cuddle up and die in a hole under a porch like a sick

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

animal. But we think our children are much more valuable than that. As parents, I think we deserve to know if any child under the age of 18 has tested positive, is supposed to take medication, is supposed to take care of his or her health, should come in out of the rain, should get a certain amount of rest. I think we deserve...our young people deserve that kind of treatment today, and I believe that all of us who think that the AIDS virus with the spread and the tremendous amount of young people who are beginning to test positive, we need to do something to make sure they don't run away, to make sure they're not continuing their unsafe practices, leaving a lot of innocent people vulnerable. And I ask for an 'aye' vote."

Speaker McPike: "The question is, 'Shall this Bill pass? All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. Representative Schoenberg, to explain his vote."

Schoenberg: "Mr. Speaker, could you change my vote to 'present'?"

Speaker McPike: "You can change your own vote, Sir."

Schoenberg: "Thank you."

Speaker McPike: "Have all voted? Have all voted who wish? Is your button locked? Oh, it's locked. All right. Representative Burzynski votes 'aye'. Did you take the record, Mr. Clerk? Did you take the record? Oh, you locked the board. All right. Edley votes 'aye'. Schoenberg votes 'present'. Anyone else? Wait votes 'aye'. Any other changes? On this Bill, there are 102 voting 'aye', 5 voting 'no'. House Bill 4056, having received a Constitutional Majority, is hereby declared passed. Representative White, House Bill 3245. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3245, a Bill for an Act to amend the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Illinois Public Aid Code. Third Reading of the Bill."

Speaker McPike: "Representative White."

White: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 3245 will eliminate an existing and policy procedure that discourages public aid recipients from obtaining and maintaining employment, and it will also eliminate some bureaucratic reporting requirements that has become a problem with the recipients and the Illinois Public Aid Department. That is basically the gist of the Bill, and I will make myself available to any questions."

Speaker McPike: "Representative Wennlund."

Wennlund: "Thank you. Will the Sponsor yield? Representative, can you tell us, the Members of the General Assembly, what the fiscal cost of this legislation would be to the State of Illinois on an annual basis?"

White: "The department said 3.9 million, and some of it will be federal, and some will be state. But the savings will come when this Bill will eliminate monthly reporting and will now allow there to be six month reporting periods."

Wennlund: "So, what's the net cost?"

White: "About \$2 million."

Wennlund: "About \$2 million."

White: "But...but there's another savings here, too. and that is, once an individual becomes gainfully employed, who is a Public Aid recipient, and this happens during the Christmas holidays, it also happens during seasonal employment, and once a person starts working and the dollars start to flow then there is a great possibility that they will get off the Public Aid rolls and then become taxpayers."

Wennlund: "Thank you."

White: "It's also a process; it's also tailgates in on a program that you have now, which is called Project Chance."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Wennlund: "Thank you, Representative White. Ladies and Gentlemen of the House, to the Bill, here we go again. At a minimum, it will cost the people of Illinois out of the general revenue fund an additional \$2 million a year, even with, after federal reimbursement, and even after whatever administrative cost savings, we're still talking about an increase in spending of \$2 million a year. The problem is, is that the State of Illinois is not in any better condition than it was in last year, when many of these programs had to be cut and limited and I understand the purpose of the legislation, and it has a good intent, and a great Sponsor. The problem is, is that when is this House going to stop trying to put in programs that it simply cannot pay for? And you're going to have to look in your own mirror and make that determination: whether or not you're willing to put your reputation and your position here in this House on the line by voting for a tax increase to fund programs like this. One after the other, new programs that cost a half million dollars here, a million dollars, two millions dollars here, here's another two million dollars - a classic example. Once you start adding them all up, no wonder we've got a budget hole of anywhere from 330 million to a billion dollars. This General Assembly is going to have to pay the price some day, and you're going to have to look back at your own voting record when you vote for programs like this, even though they may be meritorious. We can't continue to institute programs like this without a funding mechanism to pay for them. And, before you and I leave here, some time this summer, we're going to have to make some more cuts, some drastic cuts, without bringing in new programs like this one. A 'no' vote is the proper vote at this time."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Speaker McPike: "Further discussion. Representative White."

White: "Mr. Speaker, Ladies and Gentlemen of the House, at present the way the Illinois Public Aid Department has structured its program, is that it will discourage individuals from wanting to seek meaningful employment. My proposal is designed to allow an individual to take part in temporary work, seasonal work, and yet not be penalized. Sometimes when an individual starts receiving a pay check, it starts to feel pretty good, and as a result of it, they will no longer be tax eaters, they will be taxpayers, and the figure of \$2 million that the Department of Public Aid indicated may not be so, because if a lot of people decide to embark upon this kind of a program, there could be a net savings for the State of Illinois. I urge your support for this fine piece of legislation."

Speaker McPike: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', opposed, vote 'no'. Laurino, 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 50 'ayes', and 63 'noes'. Postponed Consideration. House Bill 4078, Representative Homer. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 4078, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker McPike: "Representative Homer."

Homer: "Thank you. Mr. Speaker, this is the Illinois Hospital Association proposal, one of two proposals that they have alive in the House that would effectuate their prepaid hospital assessment plan that they are presently negotiating in Washington. This Bill pertains to the continuation of the hospital assessment plan passed last year. At this time there is no agreement on a plan that

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

would meet the federal guidelines set up by HCFA for the extension of that plan beyond October of this year. Therefore, it's necessary to keep vehicles alive so that if later in the Session a plan is set forth that Bills will be in a posture at that time to enact...implement that language. So, at this time this is simply a shell Bill. Again, it's the IHA initiative to implement their prepay hospital assessment plan. I would answer questions and move for the passage of the Bill."

Speaker McPike: "On the Gentleman's Motion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, is it...Do we have your word that the only thing this vehicle Bill will be used for is to implement a prepayment system for the provider assessment program should that become necessary?"

Homer: "Well, I hate to limit it to your language. That is certainly the purpose of it, and I'm not sure what other ulterior motive you think we might have for the Bill, but it's to address the hospital assessment program..."

Black: "Okay, that's, that's the point that I wanted to make. I don't want to put words in your mouth, but this vehicle will be used for the assessment program and it's, what, your intention to wait until we hear from HCFA and we'll then go from there, correct?"

Homer: "Correct."

Black: "All right. Thank you very much. Mr. Speaker, Ladies and Gentlemen of the House, so that both sides know that they're voting on, this is a vehicle Bill. We will probably see it again in another form and may well be used for the hospital assessment program, depending on what we hear from Washington in the days ahead. Thank you very

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

much."

Speaker McPike: "Representative Currie. The question is, 'Shall this Bill pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 111 'ayes', and 3 'noes'. House Bill 4078, having received a Constitutional Majority, is hereby declared passed. House Bill 4079, Representative White. Jesse White? House Bill 4166, Representative Regan. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4166, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker McPike: "Representative Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. House Bill 4166 requires the Department of Public Aid to establish a computerized record-keeping system designed to insure that a person who receives general assistant grant from the Illinois Department of Public Health (sic - Public Aid) does not receive a duplicate grant from the township general assistance program that receives the fund. The department is satisfied that it will not take a lot of money to enforce their computer system, and it should save a tremendous amount of money on false claims, and I urge its passage."

Speaker McPike: "Discussion. Any discussion on this? Representative Phelps."

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

Speaker McPike: "Yes."

Phelps: "Representative Regan, in your proposal here, does this, the general assistance you're talking about the counties that run the general assistance on a local level whether it be township form or commission form? Is this what you want

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

to computerize to the DPA?"

Regan: "Yes, so that when grants come from the state they also don't come from the township as well."

Phelps: "Presently that is checked by audits. Is that not correct?"

Regan: "I frankly don't know if they are checked by audits or not right now."

Phelps: "I believe it is."

Regan: "All I know is that this facilitates the checking procedure."

Phelps: "I believe it is, and so if this system went in we would be able to eliminate those auditors that come to the local township office every so often to audit those people, or those offices?"

Regan: "Very possibly. I'm not sure of that part of the audit system."

Phelps: "And then I...another question, if..."

Regan: "There might be additional savings here then if that's the case."

Phelps: "If we're eliminating...if we're successful, and if you are a proponent of eliminating transitional assistance, why would we need computers to monitor them, if we're going to eliminate them through the Governor's proposal?"

Regan: "Frankly speaking, it facilitates the operations so that there is no duplication of state funds."

Phelps: "My question is...My question is if we're...if I understand what you're trying to do if...if the Governor's proposal is successful getting to eliminate general assistance, then why would we have a computer to monitor it?"

Regan: "Well, Representative, there is still there for the children's assistance program and the family program. The

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

only thing we're eliminating is single males from the Governor's program."

Phelps: "Thank you. Ladies and Gentlemen, I think here is another proposal that might have merit on the surface but it's contradictory in purpose. If those proponents are trying to clean up general assistance in the way in which they would like to advocate, I think we're defeating our purpose in installing or investing in equipment when the lack of utilization is needed because we're diminishing those involved."

Speaker McPike: "Representative Leitch."

Leitch: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to rise in support of the Gentleman's Bill. It's a very good Bill. In Chicago, it's already in place, but in downstate there is this dichotomy between the township and the Department of Public Aid systems. There probably is no more single most thing that the General Assembly could do to prevent abuse and to prevent fraud than to require this computer tie in in the case of township offices and Public Aid. It's a long overdue measure. It's a very good measure. It's not an expensive measure, and I would strongly encourage the Members to vote in favor of the Gentleman's Bill. Thank you."

Speaker McPike: "Representative Lang."

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

Speaker McPike: "Yes."

Lang: "Representative, if I understand the Bill correctly it's to create a computer system to make sure people aren't getting duplicate assistance from the township, is that correct?"

Regan: "That's correct."

Lang: "How will they get the information from the townships?"

Regan: "Well, that's up to the department to figure out how the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

computer system works. They said the operation would be minimal. They are in favor of eliminating the duplication, and I can't see why anybody would..."

Lang: "Well, I have no problem with eliminating duplication, I'm just not sure how it works. If I plug a computer in in my office, for whatever reason, unless I have a computer on the other end, how do I get the information? Or unless I hire people to go get that information, how do I get the information to put into my computer?"

Regan: "Well, the department doesn't seem to have a problem with it. Probably Social Security numbers and the township ties in the computer from the township to the state level."

Lang: "Well, so are they...Do they currently have computer terminals in each township general assistance office?"

Regan: "Yes."

Lang: "Every township in the state has a computer tied in to the department?"

Regan: "The townships that receive the state support now are large enough, and they have their computer terminals. Smaller townships don't have their terminals, but they don't have the assistance money either."

Regan: "Thank you."

Speaker McPike: "Mr. Regan, to close."

Regan: "Just simply a Bill that says that there should be no duplications in welfare money, and therefore leave money for the people that need it, not the ones that are duplicating their grants. I urge its passage."

Speaker McPike: "'Shall this Bill pass?' All those in favor vote 'aye', opposed, vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there are 96 'ayes' and 12 'noes'. House Bill 4166, having

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

received a Constitutional Majority, is hereby declared passed. House Bill 4170, Representative Martinez. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4170, a Bill for an Act to amend the Personnel Code. Third Reading of the Bill."

Speaker McPike: "Representative Martinez."

Martinez: "Thank you, Mr. Speaker, Ladies and Gentlemen of this House. House Bill 4170 simply asks the agency CMS to include in its annual report filed at the start of every year, the number of persons receiving bilingual pay supplement, as established by last year's legislation. The reason for this is that the agency has been lax in filing this report, but it seems like now they're complying and they have since withdrawn their opposition and also request for a fiscal note. I ask your adoption."

Speaker McPike: "Representative Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair."

Speaker McPike: "Yes."

Black: "Has Floor Amendment #2 been adopted to this Bill?"

Speaker McPike: "Mr. Clerk? Yes, it has."

Black: "Thank you very much. Mr. Speaker, Ladies and Gentlemen of the House, as amended this Bill has no known opposition. Central Management Services, with the Amendment, has withdrawn the opposition of the Bill, and it would seem to me that the Gentleman has crafted pretty much an agreed Bill here."

Speaker McPike: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', opposed, vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Bill, there is 113 'ayes'...113 'ayes' and 0 'nays'. House Bill 4170, having

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

received a Constitutional Majority, is hereby declared passed. House Bill 849, Representative Hicks. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 849, a Bill for an Act concerning reimbursement of medical care providers. Third Reading of the Bill."

Speaker McPike: "Representative Hicks. Do you wish to return the Bill to Second Reading? No. Mr. Clerk, has this Bill been read a third time?"

Clerk O'Brien: "The Bill has been read a third time."

Speaker McPike: "Representative Hicks."

Hicks: "Do we have another Amendment for it? Let's, if I may, I'd like to return it to Second Reading, Mr. Speaker."

Speaker McPike: "All right, the Gentleman asks leave to return it to Second Reading. Leave is granted. The Bill is on Second Reading. Mr. Clerk, any Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Hicks."

Speaker McPike: "Representative Hicks."

Hicks: "Thank you very much, Mr. Speaker. There was a technical...problem with the Amendment #1. Amendment #2 then would become the Bill, still would allow for electronic transfer of funds as in Amendment #1. It cleans up the problems that were in Amendment #1. I ask for its adoption."

Speaker McPike: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. I rise to call a Republican Conference immediately in Room 118."

Hicks: "I didn't mean to have that kind of effect, Mr. Speaker."

Speaker McPike: "Well, can we finish this very controversial Bill first?"

Wennlund: "Yes."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Speaker McPike: "Any discussion of Representative Hicks' Amendment? The question is, 'Shall Amendment #2 be adopted?' All in favor...Mr. Black."

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

Speaker McPike: "Yes."

Black: "Representative, it is my understanding that you pledged to hold this Bill until an agreement was reached with the Department of Public Aid, allowing them to guarantee loans. You were going to delete that language. Is that included in Amendment #2?"

Hicks: "Yes, it takes out the guarantee of loans, as I understand. Amendment #1 did four things which included the guarantee of loans. Amendment #2 takes that part of it out. It only leaves in the electronic transfer of funds and also still leaves in the provisions for the interest, Sir."

Black: "With that Amendment, do you know if the Department of Public Aid contacted you regarding their position on this Bill?"

Hicks: "Sir, not that I know of. I haven't talked to them if they have. Like you said, it does take out the one part that I believe they did have a problem with, which was the guarantee. That would have had them guaranteeing loans for nursing homes. That is taken out in Amendment #2. It still does the other three things that Amendment #1 did do, which is the electronic transfer of funds, and also allows them to accept electronic transfer of funds."

Black: "But it still carries the interest penalty in the Bill?"

Hicks: "Yes, it does."

Black: "And what's the fiscal impact of that penalty?"

Hicks: "Let me check, Sir, and see if I have a...Mr. Black, I'll

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

have to find that information out for you."

Black: "Perhaps I can help you, Representative. If, I'm looking at a fiscal note filed by the Illinois Department of Public Aid that simply says if all facilities requested payment of interest penalties, this would expose the general revenue fund to \$56 million in FY '93. They calculate that using a prime rate of approximately 6%, so the rate could fluctuate as the prime rate fluctuates. But that, I'm sure you'll agree, that's a significant amount of money."

Hicks: "Mr. Black, I would agree, if that was correct, I would agree that's a lot of money. That tells me then, Sir, that we owe nursing homes in the State of Illinois a tremendous amount of money if just the interest on that money is \$56 million. I have not seen that fiscal note at all. I am not aware of it being that kind of money. If it is I think we here in Illinois are doing a pretty poor job of paying our bills."

Black: "Well, thank you very much, Representative. I appreciate your patience. Mr. Speaker and Ladies and Gentlemen of the House, to this Amendment: I am looking at a fiscal note prepared by the Department of Public Aid that calls...would indicate we could incur a \$56 million liability. Now I agree with what the Gentleman said. We have certainly not done the job any of us would like to see the state do in paying its bills. I find no fault with the underlying concept of what the Gentleman is trying to do with this Amendment. I would simply say this: If we're not paying our bills in a timely fashion, (and we know we aren't and we know why we aren't), then it makes no sense to compound our error by adding the potential for a \$56 million interest penalty. If we would expend our energies and our bipartisan work and effort to get out of this fiscal

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

crisis, then when we do let's revisit interest payments if we have to. But we're not out of the fiscal crisis yet. And so I rise reluctantly in opposition to this Floor Amendment that carries a \$56 million price tag. I would urge that you vote 'no' or 'present' and I would ask for a Role Call Vote."

Speaker McPike: "Representative Hicks, to close."

Hicks: "Thank you, Mr. Speaker. Representative Black, I believe if you'll look closely, Amendment #1 does exactly the same thing as Amendment #2, except it takes out some language that the department had problems with. Even if Amendment #2 is not adopted to this Bill, the Bill still has the same cost. So you're really arguing the Bill, Representative, that Amendment #1 has already been adopted to. So I would suggest to you, you better make the Bill better by voting for Amendment #2, and it takes away some of the department's problem with guaranteeing the loan so you're in a better posture if you want to vote against this Bill to put the Amendment on, vote for the Bill, and then vote against it if you want to."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. 'Ayes' have it, and Amendment is adopted. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Representative Cowlshaw, are you hollering at the podium? Representative Cowlshaw?"

Cowlshaw: "Thank you, Mr. Speaker."

Speaker McPike: "You're certainly welcome. I thought I recognized your voice."

Cowlshaw: "It is kind of distinctive, isn't it, Mr. Speaker?"

Speaker McPike: "Yes, it is."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Cowlshaw: "It's nice of you to recognize that. Mr. Speaker, I believe that one of the people on the other side of the aisle asked for a Role Call Vote on that Amendment. Do you recall that, Sir?"

Speaker McPike: "No, I did not recall it. Is that right? Mr. Black?"

Black: "Yes, Mr. Speaker. I think even the Sponsor of the Amendment would agree that I did call for a Role Call Vote on Amendment #2."

Speaker McPike: "Well, the Chair apologizes. Under Children and Family Law, Third Reading. Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. I rise to call an immediate House Republican Conference in Room 118."

Speaker McPike: "All right, the...We will continue calling Bills on this Order, and the Republicans will go to caucus at 3:00."

Wennlund: "Okay, thank you."

Speaker McPike: "Representative Homer."

Homer: "Yes, Mr. Speaker, did we get some idea of how long this powwow is going to last?"

Speaker McPike: "Mr. Wennlund."

Wennlund: "Forty-five minutes at the latest. I recall just how long the last guesstimate when it was the last Democratic Conference was about an hour and it turned out to be two hours and 13 minutes."

Homer: "Well, Mr. Speaker, I would like to thank counterparts for holding it during the day time instead of at the end of the day's Session, as had become their custom. But, 45 minutes sounds good."

Speaker McPike: "The Democrats will not have a caucus. On Health Care, Second Reading, Representative Mautino. Frank Mautino. Are you ready for this Bill? House Bill 1516.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Out of the record. House Bill 3164, Representative Phelps.

David Phelps. Mr. Black."

Black: "Thank you very much, Mr. Speaker, and I certainly accept your earlier apology, but could you indulge me one more time? What Order are we on?"

Speaker McPike: "Now we've gone to Health Care, Second Reading. The last page."

Black: "Thank you."

Speaker McPike: "Health Care, Second Reading, appears House Bill 3638, Representative Stepan. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3638, a Bill for an Act to amend the Lead Poisoning Prevention Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Stepan."

Speaker McPike: "Representative Stepan."

Stepan: "Floor Amendment #1, Mr. Speaker, becomes the Bill. Essentially what the Amendment does is to ask that the Department of Public Health, which already maintains records that they make on lead poisoning, that they make these records available as a public record. It further asks that home owners have an obligation to give owners...to give occupants notice where there are any lead hazards in a building. This is prior to entering into a lease agreement. So, all owners of residential buildings or dwelling units built before 1978 shall give prospective tenants information on the potential health hazards posed by lead in residential buildings."

Speaker McPike: "On the...on the Amendment, Representative Black."

Black: "Thank you very much, Mr. Speaker. To the Sponsor, it's

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

my understanding that we had an agreement on some language on this Amendment. We're not certain that this agreed language is in this Bill. We've only had it about 30 seconds. Could you please take the Bill out of the record and let our staff get with your staff, so we could review this Amendment?"

Stepan: "That's fine. I'll take it out of the record."

Black: "Thank you very much."

Speaker McPike: "All right. Take the Bill out of the record. The Chair would like to welcome back to the House floor a Gentleman standing next to Representative Rice, Representative Larry Bullock, ex-Legislator from Chicago. Mr. Bullock, Larry Bullock. It's not Larry? Oh, it's not. I apologize. I asked Pollock if that was Larry Bullock and he said 'Yes, it's Larry Bullock.' Homer. Mr. Homer."

Homer: "Yes, I'd like to make an announcement. We have Stuart Markowitz up there on the podium from 'L.A. Law'. We would like to welcome him to our midst. Stuart?"

Speaker McPike: "Representative Lang, on 3651. Mr. Lang. Mr. Leitch, on 3818. Mr. Leitch? Mr. Hoffman, 3884. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3884, a Bill for an Act in relation to funding trauma centers. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Hoffman."

Speaker McPike: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 just cleans up the Bill to come

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

into compliance with some concerns by the Municipal League and the Hospital Association, and I ask for a favorable vote."

Speaker McPike: "And on that, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. An inquiry of the Chair? Has this Amendment been printed and distributed?"

Speaker McPike: "Mr. Clerk? Yes."

Ryder: "Could I impose upon the Sponsor of the Amendment to allow us a moment to take a look at it? We don't have it on this side."

Hoffman: "No problem."

Ryder: "Thank you, Mr. Speaker. Thank you, Sponsor."

Speaker McPike: "Representative Davis, House Bill 3965. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3965, a Bill for an Act concerning treatment of substance abuse. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Monique Davis."

Speaker McPike: "Representative Davis."

Davis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 removes the Department of Public...Mental Health, the Department of Mental Health, from being responsible for providing drug treatment to those who ask for the treatment. Many of you know that some people will not be considered eligible to continue with general assistance if they're not in some kind of treatment program. So, the Bill asks that they be allowed to go into treatment programs and the Department of Mental Health should not be considered a source for that treatment. So, we ask you to give an 'aye' vote for

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Amendment #1."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments."

Clerk O'Brien: "Floor Amendment #2, offered by Representative Davis."

Speaker McPike: "Representative Davis."

Davis: "I withdraw Amendment #2 because it is identical."

Speaker McPike: "Amendment #2 is withdrawn. Further Amendments."

Clerk O'Brien: "Floor Amendment #3, offered by Representative Davis."

Davis: "I withdraw Amendment #3."

Speaker McPike: "The Lady withdraws Amendment #3. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Representative Matijevich, on 4044. Out of the record. Mr. Ryder, are you prepared to go back to Mr. Hoffman's Bill now? Representative Phelps, on 3164. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3164, a Bill for an Act to amend the Civil Administrative Code of Illinois. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Phelps."

Speaker McPike: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is an attempt to upgrade the leading officer of our Public Health Department in this state. And I and many of the state are of the belief that we should have that position of the upmost high professional level. Now,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

I know this stiffens the requirements, the qualifications of the Director of Public Health, but I don't think I need to remind those of you in this state, in this Assembly, that if we had such a person at the head of the helm we probably would be able to avert a lot of health hazards, the salmonella crisis, a lot of things that have happened in the past. And what we're asking in this Bill, if we're to increase the qualifications to be the Director of Public Health in this state to be a licensed physician, to practice medicine in all branches of Illinois, with at least three years experience in the practice of medicine, and also an advanced degree from an accredited school of public health or certification by the American Board of Preventative Medicine in Public Health, and at least three years experience in a public health agency. And the current law only requires that a person is licensed to practice medicine and surgery in this state. I think that's a disgrace. I think we ought to call for a higher requirement to lead this state in such important matters. I would appreciate your 'aye' vote."

Speaker McPike: "Representative Weller, on the Amendment."

Weller: "Thank you, Mr. Speaker. A question of the Sponsor."

Speaker McPike: "Yes."

Weller: "Representative, I enjoy very much working with you, and I understand that you're working for the common good, but I just want to have a better understanding of your Amendment."

Phelps: "Would you repeat that, Representative Weller, for the common good..."

Weller: "I know you're always attempting to work for the common good, Representative, and you're a good friend."

Phelps: "Thank you."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Weller: "The question I have is, essentially I'm trying to understand what you're trying to accomplish with the broadening, or should say, the narrowly defining the requirements for the Director of the Department of Public Health. Can you explain again how your Amendment changes this requirement to the Director of the Public Health in comparison to the current requirements?"

Phelps: "Well, as you know, I don't know if you understood what I said or not, but this Bill actually just implements what we have failed to do by the recommendation on the report by the 'Road to Better Health for all of Illinois', issued by our own Department of Public Health in 1990. So, the former Director of the Department of Public Health convened this group of health professionals and to develop a plan for improving this state's public health system because the system is not functioning at its optimal level. So, therefore, I think just to endorse what our own health department said, a couple or three years ago, that it's time we do that. So, I think it does change it from current law. The way I understand it, is only required to be licensed to practice medicine and surgery in the state."

Weller: "So, the additional requirement...What is the additional requirement again that would be added?"

Phelps: "Besides just being a doctor, the additional training three years of experience in the practice of medicine, and an advanced degree in public health as certified by the American Board of Preventive Medicine, and three years experience in a public health agency."

Weller: "Now, what does three years experience public health agency, is that like a university administrator, or a hospital administrator?"

Phelps: "I assume it would be. A public health administrator."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

It could be a local health department in each of our counties, or bi-counties, or tri-counties."

Weller: "Are you familiar with C. Everett Koop, who was the Surgeon General in the 1980s of the United States?"

Phelps: "What was the first, I didn't hear the first..."

Weller: "I say are you familiar with C. Everett Koop, who was the Surgeon General of the United States back in the 1980s?"

Phelps: "Yeah. I just recognized...yeah, who he is."

Weller: "Do you recall whether or not he had any administrative experience prior to being named United States Surgeon General?"

Phelps: "I don't recall. If he did not, that's one of the things that was of short-sightedness on our administrative level."

Weller: "Well, Representative, I rise in opposition to your Amendment. I recognize, as I said earlier, you're, of course, working for the common good. You're trying to toughen these requirements because you feel it much more narrowly defined those that would be eligible to serve as Director of the Department of Public Health. But the thing is, I think all of us remember C. Everett Koop, who was one of the most outstanding and recognized, and one of those Surgeon Generals of the United States that contributed so much to public health issues in this country. Under this narrowly defined definition that the Sponsor is attempting to put into the statutes, C. Everett Koop would not, would not, he would be prohibited from participating as a United States Surgeon General, and that man served very well for eight years in that role. Ladies and Gentlemen, I rise in opposition to this Amendment and I would urge a 'no' vote, and I ask Mr. Speaker for a Role Call Vote on this Amendment."

Speaker McPike: "Representative Phelps, to close."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Phelps: "Thank you, Mr. Speaker. The previous speaker brought up very weak points in begging the question, and I'm surprised that someone as a Minority spokesman of our Health Care Committee would not be more concerned in upgrading the level, rather than trying to say, 'Why do we need to call for that kind of higher qualification?' The fact is, in the past history of this state, when we have not had a qualified person of this level in which we advocate in this Bill, the public health, safety and welfare of the state has been nothing but scandalous. We presently have someone head of the helm that meets these requirements, Dr. Lumpkin, the previous director, Dr. Turnock. Now we're saying, 'Let's regress and let's don't require what we already have at the same level.' Then we've got someone that we're saying that heads a department that now will be implementing laws to professionals who are more qualified than the top guy at the head of the helm anyway. What kind of reasoning is that? At least, let's require the best, if we can find them. And we can find them because we already have them. I would appreciate your 'aye' vote."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' All in favor vote 'aye', opposed, vote 'no'. Representative Black."

Black: "Thank you very much, Mr. Speaker. Just simply to explain my vote. If you look very carefully at this Amendment, to get someone who meets these qualifications and also holds a medical degree with this background, as touchy as we are about cabinet level salaries, you're going to pay this guy a lot of money, and I don't think that that's what we want to do right now, given the fiscal climate of this state. I don't quarrel with the Gentleman's underlying concept here, but I tell you if you vote 'yes' for this thing, you're

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

setting yourself up to pay somebody probably in excess of six figures to hold this job, and I think a 'no' vote is advisable."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Amendment, there are 49 'ayes' and 64 'noes'. The Amendment is defeated. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Returning to Representative Hoffman's Bill, 3884. Mr. Clerk, read the Bill. This Bill has been read a second time. Are there any Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Hoffman."

Speaker McPike: "Representative Hoffman."

Hoffman: "I previously explained the Amendment, Mr. Speaker. I talked to this side of the aisle. I don't think they have any problem with it."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 3638, Representative Stepan. The Bill has been read a second time. Are there any Amendments, Mr. Clerk?"

Clerk O'Brien: "What was the number?"

Speaker McPike: "(House Bill) 3638."

Clerk O'Brien: "Floor Amendment #1, offered by Representative Stepan."

Speaker McPike: "Representative Stepan."

Stepan: "Mr. Speaker, I previously described this Amendment. I have talked to our peers across the aisle, and I would like

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

to hold this Bill on Second Reading."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Mr. Clerk, leave the Bill on Second Reading."

Clerk O'Brien: "House Bill 3638, a Bill for an Act to amend the Lead Poisoning Prevention Act. Second Reading of the Bill."

Speaker McPike: "Yes, the Bill's on Second Reading. Hold it there, Mr. Clerk. Government Operations...Government Administration. Government Administration, Representative Lang. Mr. Lang, this is Second Reading. You have six Bills. Would you like any of these Bills called? All right. Representative Hasara, 2809. Out of the record. Representative Currie, 2953. Ms. Currie? Mr. Lang, 2986. Mr. Steczo, 3206. Mr. Matijevich, 3561. Mr. Lang, 87 or 88? (House Bill) 4188, Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 4188, a Bill for an Act to amend the Unified Code of Corrections. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Lang."

Speaker McPike: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, there are a number of Amendments here, nine or ten Amendments, all proposed by the Northeast Clerks' Association. In this association are one Democrat, Aurelia Puchinski from Cook County, and 12 to 15 Republicans. This is an agreed Bill. They have all gotten together, and I've

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

heard no serious opposition to any of these, so we'll try to run through these quickly. Amendment #1, the purpose of this Amendment is to clarify the authority of the circuit court clerks to collect the fee from defendants who are convicted of or receive supervision for an offense. This adds this fee in the event of a grant of supervision. I move adoption."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments."

Clerk O'Brien: "Floor Amendment #2, offered by Representative Lang."

Speaker McPike: "Mr. Lang."

Lang: "Thank you. Amendment #2 adds instances where a defendant may pay fines and costs by credit card, including bail bonds and other things. I move adoption."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments."

Clerk O'Brien: "Floor Amendment #3, offered by Representative Lang."

Speaker McPike: "Mr. Lang."

Lang: "Thank you. This Amendment clarifies in the counties of a population of 180,000 or less, fees in a criminal or quasi-criminal case will be paid by the defendant who's convicted of or received supervision for an offense. I move adoption."

Speaker McPike: "The question is, 'Shall Amendment #3 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Amendment's adopted. Further

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Amendments."

Clerk O'Brien: "Floor Amendment #4, offered by Representative Lang."

Speaker McPike: "Mr. Lang."

Lang: "The Amendment clarifies that if a county board imposes fees to finance the county's court system, as authorized by statute, the fees are to be paid by the defendant upon judgment of guilty or supervision. Move adoption."

Speaker McPike: "The question is, 'Shall Amendment #4 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments."

Clerk O'Brien: "Floor Amendment #5, offered by Representative Lang."

Speaker McPike: "Mr. Lang."

Lang: "Amendment 5 amends the Criminal Justice Information Act to increase the membership to Illinois Criminal Justice Authority from 15 to 17 members. Move adoption."

Speaker McPike: "The question is, 'Shall Amendment #5 be adopted?' All in favor say aye, opposed no. The ayes have it. The Amendment is adopted. Further Amendments."

Clerk O'Brien: "Floor Amendment #6, offered by Representative Lang."

Speaker McPike: "Mr. Lang."

Lang: "Thank you. Amendment #6 amends the Violent Crime Victim's Assistance Act, removing exemptions for equipment parking, weight and speeding violations so that a \$3 transaction cost is added to each fine. Move adoption of this Amendment."

Speaker McPike: "On the Amendment, Mr. Wennlund."

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

Speaker McPike: "Yes."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Wennlund: "Could you explain this Amendment again, please, Representative Lang?"

Lang: "Yes, currently, currently there is a...there is a penalty of \$4 for each \$40 or fraction thereof of a fine for certain Vehicle Code violations. However, currently these violations exclude equipment parking, weight and speeding violations. This Amendment would remove those exemptions so that all moving violations listed under this section would be subject to this penalty, which would go into the Crime Victim's Assistance Act."

Wennlund: "Now, does this call for a 10% surcharge on fines for speeding, parking, overweight violations?"

Lang: "Yes."

Wennlund: "To the Amendment, Ladies and Gentlemen of the House, the first five Amendments were one thing, but you ought to take a serious look at this one because your constituents are going to be writing to you and calling you on the phone wanting to know why you imposed an additional 10% surcharge on every speeding violation, on every overweight violation and on every parking ticket that is issued in your district will have to pay an additional 10% that goes into the Violent Crime Victim's Assistance Fund. Now, when you stop and think about this, this really doesn't make any sense. I hardly call a parking violation a violent crime. I would hardly call a speeding violation a violent crime, or even an overweight violation a violent crime. The user fee that, that additional 10% on top of the fine that your constituent has to pay would be going into the Violent Crime Victim's Assistance Fund when there is absolutely no relationship between a parking ticket and the victims of violent crime in Illinois. You ought to take a serious look at this Amendment, and, Mr. Speaker, I would ask for a

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

recorded record Role Call Vote on this Amendment."

Speaker McPike: "Representative Hartke."

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

Speaker McPike: "Yes."

Hartke: "Representative Lang, do you have any idea what the implications are monetarily to counties in this Amendment?"

Lang: "I don't have the dollar amount, but this...will increase by substantial dollars the amount of money that goes into Violent Crimes Victim's Assistance Fund."

Hartke: "But, I have to agree with the previous speaker, that says, 'I don't think a parking violation is a violent crime,' and why should someone with a parking violation be subject to this increase in fines when it was meant originally for the more serious offenses?"

Lang: "Well, the point of the circuit clerks is twofold. First, to get more money into the fund to take care of the problems that the fund intends to address. It also intends to insure equitable distribution between counties that are subject to the percentage distribution scheme that we passed previously and those that are not, regarding offenses for which penalties are imposed and deposited into the fund. In some counties we have this percentage scheme and others we do not, and what the clerks are intending to do here is to level that out."

Hartke: "This would make it equal in all counties then?"

Lang: "That's correct."

Hartke: "They would all have to adopt this same distribution method?"

Lang: "That is correct."

Hartke: "Thank you."

Speaker McPike: "Mr. Black."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Black: "Yeah, just an inquiry of the Chair. Did...Has Representative Wennlund called for a roll call on this Amendment? Thank you."

Speaker McPike: "Mr. Lang, to close."

Lang: "Thank you, Mr. Speaker. I recognize that the parking portion of this is somewhat controversial, but if we understand the reason for this fund and we understand why the circuit clerks want this, so that all counties are responsible in the same way under this distribution system, I think we can see the value of it. Please vote 'aye'."

Speaker McPike: "The question is, 'Shall Amendment #6 be adopted?' All in favor vote 'aye', opposed, vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Amendment, there are 29 'ayes', and 66 'noes'. The Amendment is defeated. Further Amendments."

Clerk O'Brien: "Floor Amendment #7, offered by Representative Lang."

Speaker McPike: "Mr. Lang."

Lang: "Thank you. This would amend the Code of Criminal Procedure to provide that where two or more defendants are alleged to have participated in the same act or in the same transaction out of which the offense arose, each defendant must be charged on a separate indictment and all defendants must be automatically joined for trial. What we've done...do in this Amendment is to change 'may' to 'shall' and this enables the clerks to do two things: It enables them to keep their information systems proper and enables them to save money in terms of trial time. I move that we adopt the Amendment."

Speaker McPike: "Representative Petka."

Petka: "Thank you very much, Mr. Speaker, Members of the House."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

This Amendment was embodied in a Bill which was taken before the Judiciary Committee and was beaten, for very sound public policy reasons. Number one, the proposal would basically violate the tenor of a United State's Supreme Court decision of United States versus Brutten. More importantly, when an individual is charged with an offense, and there is a confession involved, the United States Supreme Court has said that those people must be tried separately. Even though this may quick tidy up the affairs of the office of the circuit clerk, it will wreak havoc upon the decision which has been the law in this country for 25 years. I think this is a bad idea. For that reason it was soundly beat in committee, and Mr. Chairman, I would like to ask for a Roll Call Vote on this."

Speaker McPike: "Mr. Lang, to close."

Lang: "Thank you, Mr. Speaker. The purpose of the Amendment is to make it feasible for circuit...court clerks to respond to requests from the Department of State Police and the Illinois Criminal Justice Information Authority. They're constantly besieged for reporting, and unless they have separate indictments, they won't be able to properly give those reports to the State Police and the Criminal Justice Authority can do their job. I ask 'aye' votes."

Speaker McPike: "Representative Homer, did you want to explain your vote? The question is, 'Shall Amendment #7 be adopted?' All in favor vote 'aye', opposed, vote 'no'. Representative Homer."

Homer: "I rise to support the Gentleman's Amendment. I don't think there's any substantive change in the law being advocated here. This was a request of the circuit clerks' association, simply addresses primarily a file, a

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

record-keeping problem for them. Currently, where two defendants are charged in the same indictment, they have just one case number and two defendants. In those cases, those defendants will be automatically tried together unless there is a severance motion granted to the defense. Where two defendants are charged with separate information, those matters are to be separated for trial unless there is a joinder by the court. This really doesn't change anything. All this Amendment would do is say that the defendants must be charged in separate instruments, separate indictments, so that two separate files are maintained of record, and it looks like we're fighting a losing battle here. I think there is a lot of concern here that is misapplied. I think this Bill is a very reasonable Bill. It doesn't do anything substantively; it's simply a record keeping matter that the circuit clerks want. It doesn't enhance or diminish any defendants' rights of any kind and the correct vote is a 'yes' vote."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Amendment, there are 29 'ayes' and 76 'noes'. The Amendment is defeated. Further Amendments."

Clerk O'Brien: "Floor Amendment #8, offered by Representative Lang."

Speaker McPike: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Amendment #8 does two things on the issue of expungement. First, it requires that a defendant's name be obliterated from indexes after the court order directing expungement. This protects circuit court clerks from liability because many times court records have been copied under freedom of information requests, et cetera, and people have them out there in the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

communities and then the expungement order comes, and the clerk should be immune from liability under those circumstances. Secondly, the Amendment would provide that a person who's been granted a pardon may petition a court for an order directing expungement. I move adoption."

Speaker McPike: "The question is, 'Shall Amendment #8 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments."

Clerk O'Brien: "Floor Amendment #9, offered by Representative Lang."

Speaker McPike: "Mr. Lang."

Lang: "Withdraw 9 and 10, Mr. Speaker."

Speaker McPike: "Amendment #9 and 10 are withdrawn. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. The House will now stand in recess for 45 minutes for the Republican Caucus in Room 118 immediately. The Democrats will not have a caucus. We will be back in Session at the hour of 3:45. The House stands in recess."

Speaker McPike: "The House will come to order. Agriculture and Environment, Second Reading. Representative Hoffman. Jay Hoffman. Representative Novak, House Bill 3029. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3029, a Bill for an Act concerning household-generated hazardous waste. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Novak."

Speaker McPike: "Representative Novak."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Novak: "Yes, Mr. Speaker, please withdraw Amendment #1."

Speaker McPike: "Withdraws Amendment #1. Further Amendments."

Clerk O'Brien: "Floor Amendment #2, offered by Representative Novak."

Speaker McPike: "Mr. Novak."

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 is, reluctant as I wish to have to do this, deletes the deadline when the household hazardous wastes are banned thereafter from January 1 of 1996, into landfills and sanitary municipal incinerators. The reason why we deleted this is because of the inordinate cost that it will put on the taxpayers of the State of Illinois, and we, hopefully, next year will come back and find some way to finance this, and I ask for your adoption."

Speaker McPike: "The question is, 'Shall Amendment#2 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Representative Hoffman, 2567. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2567, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions?"

Clerk O'Brien: "No Motions filed. No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 3039, Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3039. This Bill has been read a second time previously and is being held for a fiscal note."

Speaker McPike: "Is the note filed?"

Clerk O'Brien: "The note has not been filed."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Speaker McPike: "Representative Hoffman. The Gentleman moves that the fiscal note is not applicable. Is there any opposition? Hearing none, the Attendance Roll Call will be used. The Motion carries. Third Reading. Mr. Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair."

Speaker McPike: "Yes."

Black: "Has the Gentleman adopted Floor Amendment #2 to this Bill?"

Speaker McPike: "Representative...Mr. Clerk. This is House Bill 3039. Mr. Hoffman, do you have a Second Amendment on this?"

Hoffman: "Yes, Mr. Speaker. I think it should have been adopted, but in our haste I can always later move back to second and have it adopted."

Black: "This Amendment very much needs to be adopted to this Bill."

Speaker McPike: "The Gentleman asks leave to return to Second Reading, is that correct?"

Hoffman: "Yes."

Speaker McPike: "All right, the Bill is on Second Reading. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Jay Hoffman."

Speaker McPike: "Representative Hoffman."

Hoffman: "Mr. Speaker, Ladies and Gentlemen of the House, this addresses some concerns of, I believe, the Environmental Protection Agency, as well as the Chamber of Commerce, and it makes the Bill more specific."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed, 'no'. The 'ayes' have it. The Amendment is adopted. Further

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Amendments."

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 3110, Representative Phelps. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 3110, a Bill for an Act concerning emission allowances authorized under the Federal Clean Air Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Phelps."

Speaker McPike: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment 2 requires a public utility which sells electric power to an affiliated interest should obtain permission from the Illinois Commerce Commission before that action. We merely want to protect the public interest here and provide that the Commerce Commission does not authorize an increase or decrease in electric rates and charge us based upon the cost of purchased power obtained from affiliated interests. I'd appreciate your 'aye' vote."

Speaker McPike: "On the Amendment, Representative Wennlund."

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

Speaker McPike: "Yes."

Wennlund: "Representative Phelps, this appears to be an attempt to force Illinois utilities to buy Illinois coal. Is that what the bottom line is here?"

Phelps: "The bottom line is to protect the public interests and whatever...to keeping the utility rate for power at the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

minimum level. And, if it is to buy Illinois coal, our strategy is that, our argument is that it would be cheaper in this regard. So, 'yes' and 'no' to your question."

Wennlund: "Well, will forcing Joppa federally regulated power plants to buy only Illinois coal, will that reduce the utility prices? Or will it increase it?"

Speaker McPike: "Mr. Clerk, has this Amendment been printed? Yes, it has been."

Phelps: "Yes."

Wennlund: "Is that correct?"

Phelps: "I'm sorry. I didn't get your full question."

Wennlund: "If we force the Joppa federally regulated power plants to buy only Illinois coal, that's not going to guarantee reduced utility prices in Illinois, is it?"

Phelps: "Rather than force them to buy Illinois coal, we hope that we...require them to look at all options before they...before they get locked into an agreement that they will not honor the use of Illinois coal. So, it's more protective rather than forcing. So, I think I quarrel with your use of words."

Wennlund: "Thank you. To the Amendment, Ladies and Gentlemen of the House, it's important you know that this Amendment is opposed to by Illinois Power, Central Illinois Power, and Union Electric, and it could very easily cause an increase in public utility rates in central and southern Illinois. And I'll tell you why: Because if they're limited to buying only Illinois coal, they have no way to protect the price of the coal that they have to buy from Illinois coal companies. They cannot go out into the market and buy from a competing industry the coal that would be used to produce electric power, and so it's ultimately going to cause an increase in the cost of coal in Illinois and in the cost of

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

public utility service in Illinois because they would be limited to buying only Illinois coal and would have no control whatsoever on the price of the coal that they purchase. So the bottom line is, is that I'm surprised CUB hasn't said something about this because the bottom line is that it will result in an increase in the cost of utility services in Illinois and electric services and ends up on the bills of the consumers. Limiting the options of these power companies like Central Illinois Power, Illinois Power, and Union Electric will only cause an increase in the ultimate rate of...for utilities for electric power in central and southern Illinois. That's why this Bill should really...This Amendment should really be defeated. I understand the purpose, and I promote, and I think it's a meritorious purpose to promote the sale of Illinois coal, but when you're not just promoting the sale, you're forcing it, then ultimately you're going to cause these public utilities in central and southern Illinois to increase the cost of their service to the customers of Illinois, and that's why this Amendment should be defeated, and, Mr. Speaker, I request a record vote on this Amendment."

Speaker McPike: "Mr. Phelps, to close."

Phelps: "Thank you, Mr. Speaker. I beg to differ with the previous speaker's position. First of all, this House voted by unanimous vote in Amendment 1 that the coal board would monitor the Federal Clean Air Act requirement of emission allowances being honored from one particular utility company to another. This activity is just about to be released, and we're going to see a very aggressive market come to be between these utility companies throughout the nation, let alone within our state. So, quite to the contrary, if we do not, in Amendment 2 ask,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

for example, in the Joppa plant which he alludes to that there is some safeguards that the ICC would look before they make a decision to go to low sulfur coal being transported from out of state, that is going to be passed on to the consumers that will definitely increase the utility rates. Do you think I'd be standing here in the guise of trying to save jobs and promote Illinois coal at the expense of raising utility bills in my district who can hardly pay them now? That is just so untrue. The Illinois Commerce Commission through this Amendment, will guarantee that they take a look at Illinois coal before, even within their own interests, (This is a joint interest of four of the companies, not just Union Electric.) that will be trading their own surplus allowances within their own companies. That's worthy of being looked at by the Commerce Commission, or let's don't have a Commerce Commission. I'd enjoy your vote."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All in favor vote 'aye', opposed, vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Amendment, there are 69 'ayes' and 36 'noes'. The Amendment is adopted. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 3712, Representative Wait. House Bill 4037, Mr. Ryder. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 4037, a Bill for an Act in relation to air pollution. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions?"

Clerk O'Brien: "No Motions."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Ryder."

Speaker McPike: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. At this time, I would ask leave of the Body to table Amendment #1 that was adopted in committee for the reason that it was out of order."

Speaker McPike: "The Gentleman moves to table Amendment #1. All in favor say 'aye', opposed, 'no'. The 'ayes' have it. Amendment #1 is tabled. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Ryder."

Speaker McPike: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Amendment does continue to keep the Bill as a shell Bill, and it is our intention to move this out and continue working on this issue."

Speaker McPike: "Question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed, 'no.' The 'ayes' have it. Amendment #2 is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative Balanoff."

Speaker McPike: "Representative Balanoff."

Balanoff: "Yes, Amendment #3 would add...would add to this Bill what is commonly known as the Lake Calumet Water Study Bill. It would provide for four-year study tracing the movement of toxins from the Lake Calumet area of the City of Chicago, one of the most polluted in the nation into the rivers and major bodies of water including Lake Michigan where over 8 million people get their drinking water. If it is found in this House. It should be noted that in 1989 both Houses of the Legislature passed this Bill, but if it is found that, indeed, toxins are leaking into Lake

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Michigan and other major bodies of water, the State of Illinois will become eligible for countless millions of dollars in federal superfund clean-up moneys. Certainly, I think if this Bill is going to go over as a shell and we're talking about negotiating as far as environmental cleanup and pollution prevention and protection, certainly, this should be part of the discussion. So, for that reason, I would urge adopt...adoption of Amendment #3."

Speaker McPike: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Although the Sponsor may be well-intentioned this is a hostile Amendment. It does go against...affirmations that I have made to the groups with which we are negotiating concerning Clean Air Act and as such, I would ask the Body to help me to reject the Amendment, so that we can continue to...continue on the Clean Air Act. Thank you, Mr. Speaker."

Speaker McPike: "Question is, 'Shall Amendment #3 be adopted?' All in favor say 'aye', opposed, 'no.' The 'noes' have it. The Amendment's defeated. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Special Order of Business. Page 4 of the Calendar, Special Order of Business. Governor's tax increases...Appears House Bill 451. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 451, a Bill for an Act relating to taxation. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Morrow."

Speaker McPike: "Mr. Morrow. Representative Monique Davis, for what reason do you rise?"

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Davis: "Mr. Speaker. I realize we're on a very important Bill; however, I must say hello to the Gillespie Elementary School students up in the gallery. I'd like you to wave to them. Gillespie Elementary School students, that's the school I graduated from in 1949."

Speaker McPike: "1929, did you say?"

Davis: "1969."

Speaker McPike: "All right, Representative Morrow. Representative...Speaker Madigan, asks leave to handle the Amendment for Representative Morrow. Leave's granted. Speaker Madigan, Amendment #1."

Madigan: "Mr. Speaker and Ladies and Gentlemen. Our intent here is to fashion this Bill so that it would carry the tax increase proposals being advanced by Governor Ogilvie...Governor Edgar. The Governor won't mind being compared to Ogilvie. Our intent is to fashion this Bill so that it will carry Governor Edgar's tax increase proposals which he has advanced to the Legislature during this particular Session of the General Assembly. This Amendment would provide that the current temporary income tax surcharge, which is being imposed for local purposes, for purposes of local governments, would be converted to a permanent income tax surcharge for state purposes. So, once again, this eliminates the use of the surcharge by a local governments on a temporary basis and provides that that income tax surcharge would be imposed permanently for state purposes, and I move for the adoption of the Amendment."

Speaker McPike: "And on that, Representative Ryder."

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

Speaker McPike: "Yes."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Ryder: "Mr. Speaker, after this Amendment goes on the Bill, I'm wondering if you could enlighten us if you intend to then support the Bill?"

Madigan: "I will make my decision on support or lack thereof at the time of Third Reading."

Ryder: "So you're...you're offering the Amendment, you're pursuing this this Bill as it is, but you can't tell us whether you plan to support it?"

Madigan: "Mr. Ryder, our purpose is to attempt to advance the legislative process. To date in this Session, twice I have told the Governor that a Bill has been identified on the House Calendar for the purpose of carrying his program reductions. I told the Governor, 'There's the Bill; it's on our Calendar. We have prepared the Amendment for you. We will provide 14 Democratic votes for the Amendment. All you need to do is call it; the Bill will pass the House and we can move ahead with finalizing the budget for this particular Session.' Having said that to the Governor, one of your Members tabled the Bill. What we want to do is to avoid what happened last year. We're here, we're in Session, it's timely to consider the budget and tax questions now, and what we want to do is to vote on these matters, so we can move ahead to finalize consideration of the budget. We are not afraid to vote."

Ryder: "Mr. Speaker, to the Bill...excuse me, to the Amendment. If what I understood has been said is that the Speaker and the Democrats are now indicating to us that which has taken place last year and the year before, which is to say that the Democrats have more votes in the House than do the Republicans, we know. We know that in order to serve the State of Illinois that we have to work with the other party. We know that we have to set down and reasonably and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

rationaly attempt to deal with the budgetary problems that the State of Illinois has. Now if we have to go through this exercise, the same exercise that we went through last year and the year before to indicate at this point in May are there votes to pass or votes not to pass, fine, we can go through that exercise after it's all done. I hope that the Speaker and the Democrats are then willing to say, 'Okay, we've proved our point. We've got more votes than the Republicans do. Now, can we get down to some serious conversation? We stand ready as we have, since the time of the bud...Governor's budget message, to set down and to talk about those issues. The Speaker and the Gentleman on the podium both know that. We're ready to do it, but if we have to go through this vote, we have to go through this exercise, then, fine, that's your choice. We'll do what...we'll go through the exercise and then I hope that you'll...at that point be willing to set down and try to work out the very serious problems that the State of Illinois has."

Speaker McPike: "Representative Churchill."

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

Speaker McPike: "Yes."

Churchill: "Is this is a temporary extension of the tax or this a permanent extension of the tax?"

Madigan: "This would implement the Governor's request that a temporary surcharge be made permanent and that the purposes of the surcharge be converted from local use to state use. This is a permanent increase in the Illinois income tax being advanced before the Legislature by Governor Edgar."

Churchill: "To the Amendment, seems like deja vu all over again. I can remember a couple of years ago, when we had a similar piece of legislation and I stood up and said, 'This is just

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

a sham.' We've tried it before and here we are again, two or three or four or five or six or seven years later, doing the same thing in the middle of the process, standing up, talking about raising revenues without any idea of what the appropriations process is going to come down to. You can't just do one without doing the other. We're not just going to raise the revenues without knowing where we're going to spend the revenues and we haven't even decided that yet. This is far too early in the game to be talking about these kinds of things. This is just another sham, and history will record this as the same way it's recorded every year before this, which is we'll get down at the end of Session, we'll make these final decisions and today will be a lost moment in history."

Speaker McPike: "Representative Morrow."

Morrow: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #1 to House Bill 451 has my name on it and for those of you who are probably wondering why my name is on this Amendment, as the previous Gentleman mentioned, that we came across this issue two years ago and I remember at that time that many Members on one side of this aisle opposed the income tax. I remember that many Members on one side of this aisle voted 'no' against the income tax, but I also remember that no Members on one side of the aisle refused to take that income tax share back to their local units of government and give it to the state. So they're talking out both sides of their mouths when they're saying that we need to do this first, we need to do that first. Why don't certain Members on one side of this aisle follow the dictates of the political leader in this state and vote 'yes' on Amendment #1? It's that simple. Your political leader says that he wants the local unit of

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

gover...government's share of the income tax to go to the state revenue in order to balance the state budget, and all we're saying is, 'Mr. Governor, we're willing to go with you on that.' Why is my name on the Amendment? 'Cause none of you wanted to put your name on an Amendment to follow the political dictates of your leader. Now, he's not my leader. I'm not getting anything out of this for putting my name on that Amendment, but put your money where your mouth is. No one has returned their local unit of government's share of the income tax, and many of you voted against it. So, I'm proud to rise in support of House Bill 451. Maybe...maybe since many of you are saying we haven't gone through the budgetry process, we've been here in Session for two and a half months. Come June 30th your Governor's going to say, I'm getting paid \$77 a day to stay down here. I'm trying to make sure that he doesn't have to pay me the \$77 a day, so we can get finished by June 30th...\$79. Oh, I gotta raise like he gave his other employees? So, let's put your money where your mouth is. Let's vote on it."

Speaker McPike: "Representative Daniels."

Daniels: "Well, that was an interesting speech. It's unfortunate the Gentleman that just spoke can't get any more than maybe 13 people on his side of the aisle to join in his eloquent words. It's unfortunate that the Majority Party is planning hide-and-seek. Once again, the Majority Party...you know, for those of you that are listening to this discussion, let's remember that for three years running now, we've heard the same baloney from that same of the aisle. Around May, we say around May 15, oh, we come out with the same kind of Amendments. We're gonna run it again. We've heard this before, right? How many times are

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

we going to hear it again? 'We are the Majority Party. We are the leaders in this state. We want to retain control of the Assembly, so we are going to lead. Oh, by the way we only have 14 votes. Now, you guys, you come up with all the rest of the votes and you show what kind of leadership you have. You furnish 46, we'll furnish 14.' That's true leadership that you have over there, and, boy, am I glad you're so proud of the leadership that you're following right now. Well, let me tell you this: When this is done and when the budget is balanced once again, we will be part of making sure the solution is the right solution with no general tax increases on the citizens of this state once again led by a great political leader Jim Edgar. Right? Right. Once again, by a man that has the vision of Illinois, that understands what the people of this state want, when he led the charge for property tax caps. Right? Right. When he led the challenge and the charge for a balanced budget in this state. Right? And he'll do it again, right? And we'll be there, but we're not going to get into this kind of schenanigans and all kind of phony issues that you're coming up with right now to say, 'We'll furnish 14 votes. Well, aren't you proud of that? Well, I'll tell you something, when the Republicans control this House, we'll lead. We'll make the determinations. We'll show you that we will continue to balance the budget, to stand up strong, but right now, right now your whole issue is phony baloney and we don't intend to be on that issue. We will vote 'present' on this for the very reason stated before, that you aren't serious about the whole thing and you know it."

Speaker McPike: "Speaker Mad...Speaker Madigan, to close."

Madigan: "Mr. Speaker, they're going to vote a courageous

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

'present'. Let's give them a big round of applause. Yay. Remember their courageous leader on the Educational Amendment? Neutral. I listen with great interest to the rhetoric coming from the other side of the aisle, and I heard comments about, 'We'll talk about this. We'll work together. End of Session. End of Session.' This is an expression that must ring through their minds through the night as they attempt to sleep, 'End of Session'. Well, we have a little history as to methods by that side of the aisle and their courageous neutral leader on the second floor, and so what we're saying is, 'We're in Session now. We're drawing our salary. We're drawing our per diem allowance. We're drawing our travel expenses. There's no reason why we ought not to move ahead now and work on the question of taxation and work on the question of the budget.' There was also a refrain from one of the prior speakers talking in terms of no general tax increases, and, of course, the Governor said five times during his budget message, there are no general tax increases in this budget message, but, of course, the fact that he wants to increase state revenue by \$345 million, to me, sounds like tax increases. Now, maybe I missed a grade in grammar school somewhere (It may have been the same grade that the Governor missed.), but when you want \$345 million of increased revenue that equates to tax increases. And that's the question that ought to be addressed now just as well as later. I renew my Motion to adopt the Amendment."

Speaker McPike: "Question is, 'Shall Amendment #1 be adopted?' All in favor say, 'aye', opposed, 'no.' The 'ayes' have it, and the record would note that there were some 'present' votes. The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Clerk O'Brien: "Floor Amendment #2, offered by Representative Kubik, Deets, Noland and Johnson."

Speaker McPike: "Representative Kubik."

Kubik: "Withdraw the Amendment, Mr. Speaker."

Speaker McPike: "Gentleman withdraws the Amendment. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 1103. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1103, a Bill for an Act to amend the Retailers' Occupation Tax Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Cowlshaw."

Speaker McPike: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. Amendment #1 to this Bill is a very simple Amendment. It simply removes the state sales tax on cloth diapers, which are reusable. I live in a part of this state, and nearly all of you live in part of this state, where there is a serious problem with a shortage of landfill space. Those people who use...disposable diapers, send them to our landfills and are helping to fill up those landfills very rapidly. I have discussed this difficulty and, as well as the environmental hazards that those...those diapers present in landfills with the director of IEPA and a number of other people who are experts in environmental issues, and I am told that if we could do just a very small thing, and this is a very small thing that this Amendment does, just a small thing to encourage the use of reusable diapers rather than the use of disposable diapers that go into landfills,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

that we would be doing our environment a very great favor, and it is for that reason that I offer Amendment #1 which simply removes the sales tax on cloth diapers and provides at least a small motivation for more people to buy reusable diapers. Thank you."

Speaker McPike: "Question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed, 'no.' The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Giorgi."

Speaker McPike: "Representative Giorgi."

Giorgi: "Mr. Speaker, this is a voluminous Amendment, and I'm going to work from my analysis. At the outset, I'm not going to call it a tax increase: it's a revenue enhancer, and what it does is it amends the Liquor Control Act to increase tax rates on alcoholic liquors and the proposal also restructures the categories to which various rates apply, and it will enhance revenues by \$83 million. Then we have the Retail Occupation Tax which is...gonna be a prepaid item, and it will enhance revenues by \$15 million. Then we create the Tobacco Products Tax law, other than cigarettes, and that will enhance revenues by \$10 million, and there will be an Amendment after this Amendment #2 to take care of corporations and net operating losses. Then we're going to do some increasing of fees in conservation. The big thing they are talking about is the habitat stamp, and they expect approximately \$1,700,000 from that to be raised, and we're going to change all the fees that have to do with fishing, canoes, kayaks, camping fees, fees for seniors and so on, special events, swim beach fees, habitat stamp, again, and that's going to yield at least \$5,880,000. Then we're going to have an agricultural

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

change by amending the Illinois...Egg and Egg Products Act, and that yield in fee structure will only amount to about \$66,000. The financial institutions would like to cut the time...Well, they're creating a new fund and the following Acts administrated by the Department of Financial Institution are amended to provide that moneys received by the department shall be deposited in the Federal Institutions Fund and those moneys are going to regulate the Safety Deposit License Act, the Foreign Exchange Act, the Pawnors' Society Act, the Sale of Exchange Act, Currency Exchange Act, Sales Finance Act, Financial Planning and Service Act, Consumer Insulation, and the fees are going to be from 200 to 400 a year, 25 to \$50 a year. Then we are going into the Uniform Disposition of Unclaimed Property Act and from that the Governor feels that eventually, he will be able to generate enough funds so that \$50 million will be realized for the unfunded liability pension system. And in the Department of Labor, we're going to be a little more stringent in enforcement, and we're going to be penalizing people that are...come under the various Act and for the penalties that have come from the infractions of the One-Day-Rest-In-Seven Act, the Illinois Street Trades Act, the Wage Payment Collection Act, the Prevailing Wage Act, and so on. Those will...All the fines from those will be used to monitor and implement the others. Now, the Department of Alcohol and Substance Abuse will create some increases in their prescription blanks. Department of Public Health are going to have funds coming from lead poisoning prevention and laboratory services and so on. Department of Children and Family Services are going to be...They're in the first year of the program. DCFS is be required to charge a child care

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

facility \$30 for each employee or applicant investigated. This money will help monitor that, and then the Department of Professional Regulation, with the barbers, the collection agencies, the private detectives, the veterinary medicine, are going to have a brand new fee schedule, and they're quite voluminous, quite numbered. Those amounts will amount to 34 million. The first series of taxes or revenue enhancers will amount to 128 million, so we're talking about \$162 million tax program for the Governor."

Speaker McPike: "On the Amendment, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. Much of the argument that you've heard on the last Bill is absolute to this. The budget process in the State of Illinois and in this House combines appropriations with revenues. It combines appropriate spending with appropriate ways to waive...to raise the revenue that is necessary to put the whole package together. This is early in the month of May, early in the process. It's another charade; it's the same thing we saw three years ago and a year ago. We all know what it's about. It's time to get on with the business of sitting down seriously and negotiating, not only what's going to be spent for the next fiscal year, but also how those moneys are going to be raised. You should be...We should be considering both of those issues at once to determine how, in fact, the State of Illinois is going to fund its budget once it sets a budget. At this point in time, there has been no budget adopted, but yet we're coming up with a revenue proposal which isn't going to be supported on the Democratic side of the aisle anymore than it is on the Republican side of the aisle because the timing is just not right. Why do you want to determine how much money you're going to raise by

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

putting on new taxes in the State of Illinois on liquor, tobacco, other types of taxes (Well, you may call them user fees, but we all know they're taxes), before the General Assembly and this House has even determined how much money it intends to spend in the next fiscal year. It's the same type of procedure that we followed in the last Bill. There is no need at this point in time to be raising taxes to be determine how much revenue is going to be coming into this state before this Body has even determined how much money it's going to spend because that determination is not made. It's a charade. We all under...know the purposes of it. It's the same thing that's been going on for the last three years and at this point in time Members on this side of the aisle certainly intend to vote 'present' until both sides, until the four legislative leaders and the Governor have an opportunity to sit down, determine how much the House and the State of Illinois will be spending this year, on all of its programs, and how to raise the appropriate revenues to do that to balance the budget for the people of Illinois. So the proper vote at this point in time on this Amendment and tomorrow will be a 'present' vote. Thank you."

Speaker McPike: "Representative Black."

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

Speaker McPike: "Yes."

Black: "Representative Giorgi, if you would look on page 157 of this Amendment, Article 18, I don't recall that..."

Giorgi: "Representative Black, I alluded to that in my opening remarks. That is to be covered by Amendment #4. It's just a technical correction, and it's completely embodied in Amendment #4 which is coming up after this Amendment which is Amendment #2."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Black: "Well, I didn't...You are making some pretty substantive changes in the Corporate Franchise Tax Refund Fund."

Giorgi: "We're taking it out of the Bill."

Black: "In Amendment #4, you're taking this out because...you know, what scares me is your creative and irrevocable and continuing appropriation, and generally this Body hasn't been in favor..."

Giorgi: "...Amendment #4 is going to take it out of the Bill. Amendment #4."

Black: "So, Amendment #4 is going to take this language out. I should have known you'd have been on top of that, Representative."

Giorgi: "Thank you."

Black: "Thank you."

Speaker McPike: "Speaker Madigan. Give the Gentleman some attention. Speaker Madigan."

Madigan: "Mr. Speaker, I rise in support of this Amendment, just as I did on the previous Bill, because this Amendment on this Bill taken together with the previous Bill will permit us to vote up or down on the Governor's request for tax increases for the State of Illinois."

Speaker McPike: "Question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed, 'no.' The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative Manny Hoffman."

Speaker McPike: "Representative Hoffman."

Hoffman, M.: "Thank you, Mr. Speaker, Ladies and Gentleman. This limits the Home Rule Municipal Occupation and Use Tax to a minimum of 1%. In light of Cook County Board's recent decisions to raise the sales tax effective September 1, 1992, something must be done to protect citizens of home

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

rule communities from unlimited increases in sales taxes. The Cook County increase has raised taxes from 7 to 7.5% outside the Chicago city limits and from 8 to 8.75% in Chicago. I think it's time that we address this issue and show the taxpayers that we are really for them. I request, Mr. Speaker, that we have a roll call on this Amendment."

Speaker McPike: "Representative Black."

Black: "Thank you very much, Mr. Speaker. I simply rise to support the Gentleman's Amendment and join with him in asking for a Roll Call Vote. I think the lead article in this week's 'Crane Chicago Business' clearly points out what has happened as a result of this most recent sales tax increase along with some other tax increases in Cook County when a major business announced that that's it. They're leaving. They're going to leave Cook County. I think the Gentleman has drafted a very reasonable Amendment because there is no limit on these 15 municipalities that can levy a home rule sales tax. There's no limit on what they can do. The Gentleman has drafted an Amendment worthy of our consideration and certainly worthy of a Roll Call Vote as he's asked, and I stand in absolute support of the Gentleman's Amendment."

Speaker McPike: "Speaker Madigan."

Madigan: "Question to the Sponsor."

Speaker McPike: "Yes. Mr. Hoffman."

Madigan: "Mr. Hoffman."

Hoffman, M.: "Yes."

Madigan: "Did you serve as a mayor at anytime?"

Hoffman: "Yes, I did."

Madigan: "And while you served as mayor, did you ever raise any taxes for that municipality?"

Hoffman: "I certainly did, on occasion."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Madigan: "More than one occasion?"

Hoffman: "More than one occasion."

Madigan: "Thank you for your honest answer, Mr. Hoffman. Mr.

Speaker, to the Amendment, this clearly tells you what the policy and the program of the Republican Party is. They're complaining about a tax that was adopted by Cook County to pay for a jail and to pay for a public hospital and if you're honest about this situation and if you ask honestly, 'Why did the county adopt that tax to pay for a jail and a public hospital?' They did it because there's no help coming from anywhere else. The days of federal help for these programs are gone. We've got a Governor here in Illinois who will not provide any help. On the contrary, he's trying to strip money away from local governments that might be used for those purposes, so the whole thrust of the program is to take all the problems and shove 'em right down to the local level and turn around on an Amendment like this and take away from those localities the ability to respond to the problems. This embodies what their program is. It's mindless. It's senseless. This Amendment ought to be defeated."

Speaker McPike: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The previous speaker points out the typical difference between the Republicans and the Democrats. The speaker's answer to problems with government is to raise taxes. He doesn't understand that if you cut government and curtail government that you don't need to raise taxes, and that is a response that this Governor has asked this Legislature to look at, is to try to look at cutting state government, and, again, I would like to point out that the previous speaker's pointing of saying that you have to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

raise taxes is just beyond my comprehension. We do not have to raise taxes."

Speaker McPike: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. First, to clarify, as I understand that this Amendment has nothing to do with the power of the County of Cook to raise its sales tax. The Amendment, as drafted by the Sponsor, deals with only the municipal power, the home rule power, to raise the sales tax. So those of you who think that voting for this Amendment will stop the county board from raising the money it needs to supply us with jail and hospital services should think again, and those of you who plan to do mailings about various people who voted 'no' on this Amendment and charge them with voting against letting that tax hike go through had better have a second thought as well. What the measure would do, would be to break the agreement, to break the promise that was made when we adopted sales tax reform, uniform reform, in the State of Illinois some four years ago. At that time, it was a clear commitment on the part of the Administration, on the part of this Legislature, Republican and Democratic Parties alike, that we would not cap the home rule power of municipalities to raise their sales tax rates. At this time, as I understand it, there is not a single home rule community whose sales tax rate exceeds that that is announced in this Amendment to House Bill 1103. There are 16 communities who are at the point that this cap would begin to...begin to take effect. But to vote for this Amendment doesn't stop anything from happening that is now happening in the State of Illinois, has nothing to do with the County of Cook and would break a serious promise and commitment that this House made to home rule communities

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

just a few short years ago. I urge a 'no' vote."

Speaker McPike: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. I rise in support of this Amendment. I think this Amendment is eminently reasonable. We're not saying that you can't raise a sales tax. What we are saying is you can't raise it beyond a certain point. What is unreasonable about that? We're not saying you can't raise taxes; we are simply saying you can't raise it beyond 1%. Now, to me that's reasonable. The previous speaker talks about the commitment that made to...to local government before. I submit there were a lot of people on both sides of this chamber...this House who voted for limitations on property taxes last year, and there didn't seem to be a lot of hand wringing over that one. The bottom line is we're saying there ought to be a limitation on the amount of money that you can raise by sales taxes. I don't think that that's crazy or unreasonable. I think that's very reasonable. Secondly, I would point out that after...Lady...Currie has said in the past, this will not affect Cook County because they've already done this, so it's not going to damage the County of Cook at this point in time. They can build their jail and they can build their hospital, whichever they like, but I think if there's anyone in this House who really believes that Cook County has done everything they can to cut expenses before they look at raising sales taxes, I'll tell ya there's a great bridge in Brooklyn I'd like to sell ya. They simply have not taken the approach...the approach of the '90s which is 'government within reason'. We've got to look at ways to downsize government. The County of Cook hasn't done that; they haven't looked at it; their payrolls are going up and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

up and up, and there's no attempt to downsize. So, the bottom line is we're saying, 'You ought to be...you ought to limit the amount of sales tax that's allowed, and I think that's an extremely reasonable approach, and I would support this Amendment. I think every reasonable Member of this House ought to support it, as well.'

Speaker McPike: "Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. Just last week we gave away \$100 million from local government with the Homestead Exemption; Now, all we're asking is to put a cap on the sales tax. We're getting taxed, taxed, taxed to death. Senior citizens cannot afford to stay in their homes. Young couples cannot afford to stay in their homes because of this. All we're asking for is a simple cap on sales tax. It's no big deal. We're asking for the cap on sales tax. Let those people be able to afford to be in their homes. I ask for your favorable vote."

Speaker McPike: "Question is, 'Shall Amendment #3 be adopted?' All in favor say 'aye', opposed, 'no.' The 'noes' have it, and the Amendment is defeated. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representative Giorgi."

Speaker McPike: "Representative Giorgi, on Amendment #4."

Giorgi: "Mr. Speaker, this is the Amendment...that Representative Black referred to. Representative Black, we took the Section out that you're concerned about, and this Amendment restores the language like the Governor wants it, that has to do with corporate income taxes. The Governor...The Governor says and this is his language, the Governor's proposing that the carry back of net operating losses be eliminated and the net operating losses carry forward be limited, so that income tax liability cannot be reduced by

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

more than 25% in a year. This change will enhance revenues by \$20 million. I urge your support of the Governor's find in the new structured Amendment."

Speaker McPike: "Question is, 'Shall Amendment #4 be adopted, (Amendment)#4?' Question is, 'Shall Amendment #4 be adopted?' And on that, Representative Daniels."

Daniels: "Well, Mr. Speaker, Ladies and Gentlemen of the House. It's unfortunate that Amendment #3, where Representative Hoffman asked for a roll call, that the Chair didn't grant that. Now, I understand that the Sessions are long, and it's a difficult time right now, but the Chair knows that if it's going to start ramming Bills through of this importance when he asked for a cap on sales tax authority, a cap, not like the Speaker said previously, that would take back anything just to limit their authority and the Chair doesn't even grant the ability for a roll call when requested at proper time, and I think it's wrong, and I think you ought to go back that Order of Business, and I think you ought to correct the mistake that you made because it's early in Session right now, Mr. Speaker, and we don't want things to get out of hand, and you contribute to that when you do that."

Speaker McPike: "Representative Black on Amendment #4."

Black: "Well, Mr. Speaker, my...my light's been on since you...Amendment #4 does what the Gentleman says it was going to do, and I have no problem with that. Not only did the Sponsor of Amendment #3 ask for a roll call, I clearly asked for a roll call, and I really think that...while the power of the Chair is absolute, and I can appeal the ruling of the Chair, but I can count...I would appeal to your sensitivities while you are in the Chair that when an obvious Roll Call Vote is requested that it be given and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

that was clearly requested and I know that you have apologized once before, but...and I don't want you to apologize two or three times, I just think it's really an abject abuse of the power of the Chair for you just simply to trod on the rights of people asking for a Roll Call vote on their Amendment, and I would hope that we...we might revisit that Amendment and, certainly, that this early in the Session we not take such positions that are simply going to disrupt the orderly transaction of business and leave a bad taste in everybody's mouth. There could be no doubt as to our request for a Roll Call Vote on Amendment #3."

Speaker McPike: "Your point is well taken, Mr. Black. Question is, 'Shall Amendment #4 be adopted?' All in favor say 'aye', opposed, 'no.' The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Tomorrow it's the intent of the Chair to visit both of these Bills at 10:00 a.m., 10:00 a.m. These Bills, I want everyone to hear, these Bills will be voted on tomorrow morning at 10 a.m. All right returning to the Special Order. Representative Black, for what reason do you rise, Sir?"

Black: "Inquiry of the Chair. I don't want there to be any confusion. There's been too much confusion. These Bills are going to be called at 10:00 Which Bills? This Order?"

Speaker McPike: "No, the two Bills that we just covered. That will be House Bill...These are the Governor's tax increases, his...the two Bills that refer to the Governor's tax increases."

Black: "I'm sorry, you mean..."

Speaker McPike: "The first one that refers to the Governor's tax

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

increase is House Bill 451. The second one that refers to the Governor's tax increase is House Bill 1103. Both of those Bills that refer to the Governor's tax increase will be heard tomorrow at 10:00 a.m. when we go to the Order of Governor's tax increase."

Black: "You mean, the Order of User Fees?"

Speaker McPike: "Yes."

Black: "I think the Democrats are sponsoring the tax increases. The Governor calls for user fees. Are you sure you don't want those heard at high noon?"

Speaker McPike: "10:00 a.m...Government and Administration, Third Reading, appears House 2590, Representative Mautino. Mr. Mautino, do want this Bill heard? We have very good attendance. Representative Homer, on 2677. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2677, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of the Bill."

Speaker McPike: "Representative Homer."

Homer: "Thank you, Mr. Speaker. Could I have leave to place the Bill on the Order of Second Reading for the purpose of an Amendment?"

Speaker McPike: "The Gentleman asks leave to return the Bill to Second Reading. Leave is granted. The Bill's on Second Reading. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representative Homer and Daniels."

Speaker McPike: "Representative Homer."

Homer: "Thank you, Mr. Speaker. I would move the adoption of Amendment 4. It is very similar to Amendment 3; however, it has some language dealing with mental health referrals, mental health counseling of those released from custody after being convicted of stalking. This is an agreed

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Amendment with Representative Daniels and myself,
Department of Mental Health."

Speaker McPike: "Representative Black."

Black: "Inquiry of the Chair, Mr. Speaker?"

Speaker McPike: "Yes."

Black: "Could...could the Chair enlighten us is to what Floor
Amendments are now on the Bill? Amendment #2, we're not
certain whether that's on or off."

Speaker McPike: "Mr. Clerk, what Amendments are on this Bill?
(Amendment #) 1 and 3 have been adopted."

Black: "And (Amendment) 4 is now pending?"

Speaker McPike: "Four is pending."

Black: "All right. Thank you."

Speaker McPike: "Mr. Homer, to close."

Homer: "Yes, to clarify, Representative Black. Amendment #4
becomes the Bill."

Speaker McPike: "Mr. Black."

Homer: "Representative Black, Amendment #4 becomes the Bill. It
deletes everything after the enacting clause and becomes
the Bill...I would move the adoption of the Amendment
unless there is any questions."

Speaker McPike: "Question is, 'Shall Amendment #4 be adopted?'
All in favor say 'aye', opposed, 'no.' The 'ayes' have it,
and the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 2716, Representative
Homer. Read the Bill, Mr. Clerk. Mr. Homer."

Homer: "With respect to the previous Bill, House Bill 2677, I
would ask leave to have that...to suspend the appropriate
rule and have that Bill considered for immediate
consideration."

Speaker McPike: "Are there any objections to the Gentleman's

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Motion? Hearing none, the Attendance Roll Call will be used. The Gentleman's Motion carries. Mr. Clerk, House Bill 2677. Read the Bill."

Clerk O'Brien: "House Bill 2677, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker McPike: "Representative Homer. Representative Homer."

Homer: "All right, Speaker, I'm consulting. Could we...Representative Daniels apparently has some input on this issue whether it's called now. Could we take it out of the record? I'm sorry."

Speaker McPike: "Certainly. The next Bill is also yours. (House Bill) 2716, Mr. Homer. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2716, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker McPike: "Representative Homer."

Homer: "Thank you, Mr. Speaker. This...this is an important piece of legislation being advanced at the request of the Office of the Attorney General, along with the Illinois Environmental Protection Agency. It would remedy a...a problem that was created earlier this year by the First District Appellate Court case of People versus N. L. Industries. Prior to that Appellate Court decision, the Attorney General and the respective state's attorneys in this state were able to initiate enforcement actions against polluters and those who would emit hazardous waste into our environment in either the Pollution Control Board or by an action in the circuit court. That had been the...the status of the law until this peculiar ruling a...a short time ago, actually in August of 1991. That case is now pending before the Supreme Court. In the meantime, it is vital to the environmental interests of this state that we take legislative action to remedy what

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

otherwise would be a travesty against the interests of environmentalists and our citizenry. This Appellate Court decision, People versus N. L. Industry, would have the effect of throwing our entire enforcement procedures into chaos because what that case ruled was that except for actions for injunctive relief, all other actions to enforce provisions of the Environmental Protection Act, including actions for civil penalties, punitive damages and, most importantly, compensatory damages for liability incurred by the state as a result of polluters, would have to be initiated in the Pollution Control Board. The Pollution Control Board is already backlogged and overworked. Even prior to this court case, the Pollution Control Board had a full and complete agenda of business. With this court case saying that all these actions would have to be first filed in the Pollution Control Board, we would bring that bureaucratic...bureaucratic agency to its knees, to a screeching halt, and, as a consequence, polluters in this state would have free rein to emit their hazardous and toxic waste into our underground water systems, into the air we breathe and into our environment with their carcinogens and their dangerous consequences that flow from that kind of conduct. This Bill simply would purport to restore the parties to the position they were in prior to this Appellate Court anomaly, allow the Attorney General and the state's attorneys of this state to go about the business of enforcing the Environmental Protection Act and that there would be concurrent jurisdiction with the PCB and the circuit courts to handle actions that are filed on behalf of the people of this state to protect their environment and to keep them safe from these types of emissions. I would try to answer questions. I would urge

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

your favorable support for this important environmental legislation that is championed by both the administration and the Office of the Attorney General, as well as the respective state's attorneys throughout the State of Illinois.

Speaker McPike: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. There's no Sponsor that I have more respect for in this Body than Representative Homer, but if I could, let me speak as succinctly as I can as to why this Bill is deserving of a 'no' vote, and I hope those of you who are intending to vote for this would at least listen to some of the debate. What you are doing if you vote for this, you are abolishing the Pollution Control Board for all practical purposes. The issue is not whether or not polluters will be prosecuted. The issue is whether you're going to follow the rules, regulations, and procedures that this Body established to do so. You will remove the provision for pre-enforcement conferences. How many of you in your district have seen the IEPA come in, without due process, with a great deal of negative publicity and perhaps chase jobs out of your district when the courts later on ruled that there was real no (sic - no real) violation. Ladies and Gentleman, we have...we have currently in statute that if a violation is deemed so serious as to require an injunction, the Attorney General can do so. The reason the Pollution Control Board was established was to resolve such conflicts that could lead to the filing of a formal complaint. If you eliminate this provision, you're going to simply add to the court overload that we already have in this state. I would submit to you, in all due respect to the Sponsor, there is no

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

justification to change a system that is currently working, especially when that change would impair the ability of our jobs community to negotiate, rather than litigate, environmental issues. Don't be misled. We're not standing up and say you shouldn't go after the polluters, but we have a system that allows us to do that in a reasonable manner. This Bill is opposed by the Chamber, the Illinois Manufacturers, the Solid Waste Management Association, Waste Management Incorporated, Browning Ferris Industries. If you vote for this Bill, you are eliminating one of the negotiating...negotiated steps to try to resolve what can become such a serious matter as to close down, maybe, the only plant you have left in your district. In a time when we are crying for jobs in this state, I beg you don't let the Attorney General bypass procedure and take a case directly to the courts that are already overburdened. It could be years before these cases could be heard and in the meantime the cloud over the company, five-will-get-you-ten, they'll simply close their doors and leave the State of Illinois. In all due respect to the Sponsor, this Bill flies in the face of what we've tried to do on mediation and arbitration of disputes. The system isn't broken. I subject to you this Bill isn't necessary, and if we pass it, we all may bear the brunt of some hastily filed lawsuits in our districts that could cost us jobs many of us can ill afford to lose. I urge a 'no' vote on this Bill."

Speaker Laurino: "Representative Laurino, in the Chair. Representative Flinn."

Flinn: "Thank you, Mr. Speaker. I rise, too, in opposition to the Bill, in due respect to the Sponsor, likewise. What this Bill says to the people who have a problem,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

environmental problem, 'Go directly to jail. Do not stop by "go" or any other place.' What happens is that you deny yourself the opportunity to sit down and reasonably discuss what the problem is and come to some conclusion. I would hope this is not intended to be a lawyers' Bill, but it most certainly will work that way."

Speaker Laurino: "Representative Hultgren."

Hultgren: "Will the Sponsor yield? Representative, if I understood your explanation of this, you indicated that this is in response to an Appellate Court decision, a decision which is currently before the Supreme Court, because my question to you is, 'Is this Bill premature if, in fact, the Supreme Court has this under consideration and may in fact reverse the decision of the Appellate Court, which I think you labeled as 'an anomaly'?"

Homer: "I don't believe so. My view is that there's a sense of urgency with respect to the passage of this Bill. We can't here, as policy makers of this state, sit back and hope that the Supreme Court will reverse what otherwise will throw chaos into our environmental enforcement actions. I think we have an affirmative responsibility to move forward on behalf of the people of this state who expect us to protect them from pollutants and from those who would spray their toxic waste into our environment, so, no, I don't think it's premature to step forward to safeguard the interest of our citizenry."

Hultgren: "...One additional question, Representative. Do...do you happen to know which of the appellate districts rendered the decision in which you consider to be anomalous?"

Homer: "I'm not sure. Could you repeat that?"

Hultgren: "Do...Do you know which of the appellate districts

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

rendered the decision that...?"

Homer: "...Yes, it...it was the First District."

Hultgren: "Thank you."

Speaker Laurino: "Representative Jay Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Laurino: "He indicates he will."

Hoffman: "Representative, currently if you bring in an injunctive action under that...under that opinion, would that go to the circuit court or before the Pollution Control Board?"

Homer: "Representative Hoffman, I understand that the opinion would still allow for injunctive relief to...to be...raised at either level."

Hoffman: "Then what is...What is that opinion taking away from the civil courts?"

Homer: "The...What it would take away from the civil courts, the circuit courts, would be the right to obtain other than injunctive relief such as for cost recovery, for civil penalties, punitive damages, other types of remedies would be...solely limited to the original jurisdiction of the Pollution Control Board."

Hoffman: "And prior to that opinion, those things were gotten in circuit court as opposed to the Pollution Control Board?"

Homer: "Right, prior to the opinion, which was rendered in August of 1991, the enforcement actions and all remedies were believed to...to lie with either the circuit court or the Pollution Control Board."

Hoffman: "If your Bill should pass, would the Pollution Control Board still have jurisdiction over what's called 'citational processes'?"

Homer: "Yes, they absolutely would."

Hoffman: "So, the Pollution Control Board, if you went under the statutory language of a citation, could still have

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

the...the original jurisdiction even if your Bill passes."

Homer: "Absolutely, all this Bill would do would be to put the parties in the jurisdiction back the way it was prior to this court decision in August of 1991."

Hoffman: "Mr. Speaker, to the Bill. I think what we're comparing here is apples and oranges. We're not taking the...the jurisdiction away from the Pollution Control Board. They would have what we statutorily gave them in prior years of the citational process. They would also have dual jurisdiction under many of these circumstances; further, it would still, as it is today, maintain its run of the circuit court the injunctive provisions that are under the EPA. I think this...this is a good Bill. We should go back to the way we were before. I used to do these prosecutions. It worked fine, and I think that's a good process of doing it."

Speaker Laurino: "Representative Kulas."

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in strong opposition to House Bill 2716. This is a typical example of the type of legislation which we passed in this General Assembly dealing with the environment. All you need to hear...throw...is some phrases: 'toxic, polluters'. This is something we wanna scare the people with, so they throw these phrases...throw these phrases out at us. Well, let me tell you something: What we do here when something ain't fixed, then we break it. We formed the Pollution Control Board, a Pollution Control Board which is supposed to look at these issues, adjudicate the environmental cases that come up. Instead of helping the Pollution Control Board, we're going to bypass them and go to court, where the courts' dockets are three, five years behind. Now, if you think that's gonna

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

stop the polluters, forget it. This is a terrible Bill. This Bill should never have been on the Calendar. All it is, is a little public relations. That's all this Bill is, and I would ask for a 'no' vote."

Speaker Laurino: "Further discussion. Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I have an inquiry of the Chair, please. Earlier today we had some problems with the Chair and the attention, so I just wanted to indicate that should this Bill get the requisite number, that we would ask for a verification and for the Chair to acknowledge that we...made the request. Is that okay with you, Mr. Speaker? I just wanted to avoid an apology. I would hate for you to start down that track."

Speaker Laurino: "I think that we can accommodate your request, Representative Ryder."

Ryder: "Why, thank you. I appreciate the honor of the Chair."

Speaker Laurino: "I'm easy to get along with."

Ryder: "Where were you about two hours ago?"

Speaker Laurino: "Representative...Representative Homer, to close."

Homer: "Probably, there never will be a vote, Mr. Speaker, that more clearly shows where Members in this Body stand on...in connection with the environmental concerns of the citizenry. I'm well aware, painfully aware, that the industry lobbyists clicked off by one of the Members on the other side, have been out lobbying hard...long and hard against this Bill, and, unfortunately, as often happens in this Body, their voice is heard and the voice of those who advocate a clean environment and enforcement of the environmental protection laws for the benefit of the health of our citizenry is drowned out. This is a simple Bill. This is not some innovative, new authority being asked for.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

All this Bill does is put all of the parties back to the way we were prior to this Appellate Court case which stripped the circuit courts of their authority to hear these enforcement cases. Prior to that decision, last year alone, 229 cases were filed in the circuit court and 119 cases in the Pollution Control Board. The Pollution Control Board, even under that split of authority, was utterly backlogged and unable to handle the case load. Now, according to this court decision, all 4 or 500 of those cases will be thrown in the laps of this overburdened Pollution Control Board. I would submit to you that they are not the ones who have lobbied you against this Bill. They know they're ill-equipped to enforce this Appellate Court case; they know that if this Appellate Court case stands that polluters in this state will have a free rein. Those who are for this Bill are the Attorney General's Office and the EPA, two groups that are charged with enforcing the environmental laws of this state. The administration and the Attorney General and the environmental groups who are concerned about what will happen if...if these enforcement cases are all forced to go through the Pollution Control Board. We're not wanting to put the Pollution Control Board out of business. We wanna let them breathe. We wanna let the citizens of this state continue to breathe clean air and drink clean water. A vote for this Bill is a vote on behalf of environmentalists. A vote against this Bill is a vote placating the special interests who are happy as can be that the state will no longer be able to take strong enforcement actions against them because of this Appellate Court case. I implore you to put aside the beckoning of these special interests. Do what's right for the people of

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Illinois; vote for our environment; vote for our kids; vote for those who are concerned about the carcinogens and the toxic substances in our environment. Vote for good government. Vote for House Bill 2716."

Speaker Laurino: "Question is, 'Shall House Bill 2716 pass?' All those in favor indicate by voting 'aye', opposed vote 'nay.' The board is open. Representative Parke, for what reason do you arise, Sir?"

Parke: "To explain my vote, Mr. Speaker. You know, for some reason the Sponsor of this Bill seems to think that only he has the answers for the citizens of this state and that he never talked about finding a balance between the needs of the business community and the environment...It just seems to me that it's time for us to talk about how we work together on this planet and not just because he happens to be the Sponsor of a Bill and thinks that only he has all the answers for the people of this state. There's a balance needed and we need to find a balance, and that's what this Bill is not going to do."

Speaker Laurino: "Have all voted who wish? Representative Klemm, for what reason do you arise?"

Klemm: "Mr. Speaker, I'd like to explain my vote, too. I...You know, I...I...support the, of course, the attempt to try to stop pollution and polluters, but, you know, many small manufacturers inadvertently may have a problem and rather than bypassing the Pollution Control Board, of trying to resolve it so they can solve the problem without having civil action taken out on small businessmen is really too stringent. As a small businessman, and the only one of the General Assembly who owns a manufacturing company, I've seen many people work very hard to try to clean up the pollution, clean up the environment, but maybe sometimes

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

it's called to their attention there's an error or mistake, and they'd like to do a decent job. Most people who own businesses in Illinois are hard-working, decent, honest people, and I think when you try to bypass a Pollution Control Board, which was set up by the General Assembly, to do the very thing of helping business help themselves to clean up the environment, we only address more problems in our courts, more problems of businesses, and that's the reason I am voting 'no'."

Speaker Laurino: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 45 'ayes', 63 'nay', 6 voting 'present'...Representative Turner votes 'no'. Representative Preston wants to vote 'no'. Representative Nelson Rice wishes to vote 'no'. This Bill, having received 43 'aye', 66 'nay'...Representative Hicks wants to vote 'no'. Representative McGuire wants to vote 'no'. Representative Stepan wants to vote 'no'. Representative Brunsvold votes 'no'. Representative Martinez votes 'no.' There are 40 'ayes', 71 'nay', and 6 voting 'present'. This Bill, having failed to receive the Constitutional Majority, hereby...is hereby declared failed. Representative Ryder, would you like to verify the...negative votes?"

Ryder: "No, but it's nice that you actually recognize me. I hope that we established a practice that will continue. The hearing must be poor, the acoustics in the area where you're sitting there."

Speaker Laurino: "This rapport will probably will go on for centuries. House Bill 2763, Representative Lang. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2763, a Bill for an Act to amend the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Counties Code. Third Reading of the Bill."

Speaker Laurino: "Representative Lang."

Lang: "Thank you, Mr. Speaker. House Bill 2763 is a vehicle Bill for county government. I move passage."

Speaker Laurino: "Representative Lang moves for the passage of House Bill 2763. Is there any discussion? Seeing there is, Representative Black is recognized."

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

Speaker Laurino: "He indicates he will."

Black: "Representative, as always you have succinctly stated what this Bill is a, vehicle for Cook County, but before we vote, could you...Do you have any particular thing you want to use this for later on?"

Lang: "I bel...First of all, let me correct you. It may have come to me from Cook County, but it probably won't end up just being for Cook County. I believe they want to do something relative to...fees and penalties for violations of ordinances. That's why they chose the section they used."

Black: "I'm sorry. You're right. It's any county of 300,000 or more."

Lang: "That's correct."

Black: "And it's your intent then for any fees or court related matters is what it will probably be used for?"

Lang: "That's my understanding, although I can't guarantee that to you."

Black: "I appreciate your candor. Thank you."

Speaker Laurino: "Gentleman moves for the passage of House Bill 2763. All those in favor indicate by voting 'aye', opposed, 'nay'. The board is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Take the record, Mr. Clerk. This Bill, having received 78 'ayes', 33 'no' and 5 voting 'present', having received the required Constitutional Majority, is hereby declared passed. House Bill 2927, Representative Kulas. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2927, a Bill for an Act in relation to medical and family responsibility leave. Third Reading of the Bill."

Speaker Laurino: "Representative Kulas."

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2927 is the exact Bill that we passed out of this House three times previously. It gives eight weeks of unpaid, and I stress 'unpaid' leave to an employee for the birth of a child, adoption of a child, or the illness of the employee or his child or his spouse or parent. This is a Bill which we've passed out which we debated. I'll be glad to answer any questions, and then I'll just close. Thank you."

Speaker Laurino: "Further discussion, Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill. It has, in fact, as the Sponsor said, been presented time and time again, and it keeps coming back. There is no one in this state that would not say that people should have the right to take care of loved ones when they're ill, but the fact of the matter is that's not the entire issue here. What we have is this state, is a government stickin' their fingers into how business is to regulate. We are mandating to the businesses of this state how they'll run their businesses, and we wonder why job creation in this state is declining. We are wondering why businesses are leaving. This is a prime example. We continue to force government into the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

marketplace, instead of getting government, less government, out of the marketplace, we insist on this. And on top of that, when we go to the...and say, 'Look, if you put this in place and someone is hired to replace an...a person that's left for...family leave and they come back, we get a charge-back. The business community, those employers, they get a charge-back on their unemployment insurance which makes it very costly again to do business again to do business in this state because we have extremely high unemployment insurance rates in this state. I would ask that we support the Governor in his understanding of this issue. In the long run this Bill is anti-business, anti-job and anti-people of this state. I would ask this Body to vote 'no' on this ill-advised, mandated benefit on the businesses of this state."

Speaker Laurino: "Further discussion, Representative Black."

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

Speaker Laurino: "He indicates he will."

Black: "Representative Kulas, I...And I don't know if you know the answer to this question, I...I truly do not know the answer to this question. In the recent most unfortunate, most acrimonious negotiation between Caterpillar and the United Auto Workers, do you know whether or not the United Auto Workers had a...or asked for a family leave provision in their contract negotiations?"

Kulas: "I have no idea, Representative Black."

Black: "All right. I thank you very much and I appreciate your candor, and I really don't know the answer to that, either. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill, this Sponsor's correct. I don't think this Sponsor's correct. I don't think we need to berate this. It's been

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

before us many, many times. I have mixed emotions about this Bill as one who has unfortunately spent some time in a hospital. I know it's...how important it can be to be able to have a family member with you. I guess I would submit to you that that has always been able to be worked out by my wife's employer and...and her request. I would further submit to you that those companies and organized labor unions that have negotiated this (for example, AT&T), I think has...have one of the most progressive family leave policies of any company in the Western World, but it...it wasn't imposed on them. It wasn't mandated on them by government; it was created by labor and management coming to the table and seeing what both needed, wanted, and could live with and still maintain their viability of the company that made their paycheck. It is a difficult issue. It's been before us many times. I would simply ask that you...Ultimately, I guess, the decision you have to ask yourself is, 'Should this be a state-mandated program?' In which case, I submit to you, some of our border states will pick up some of our employers, or, 'Should it be something best left to the employer and the employee to work out in a manner best suited for their particular employment situation and to protect the security of not only their job, but the security of their employer?' Generally speaking, I would think that most of us could place great confidence in the ability of employers and their employees to negotiate what they think is important, what they think is necessary, and it may not, perhaps, it's not an issue that government should mandate."

Speaker Laurino: "Further discussion, Representative McNamara."

McNamara: "Will the Gentleman yield?"

Speaker Laurino: "He indicates he will."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

McNamara: "Representative Kulas, on...on this...How many...What is the percentage of companies that is affected by this family leave Bill?"

Kulas: "Representative McNamara, under this piece of legislation, only 5% of the businesses in the State of Illinois would be affected, 5%."

McNamara: "And that would be employees of how many or more approximately?"

Kulas: "Fifty or more employees."

McNamara: "So, it really doesn't affect the small business community is what you're telling me."

Kulas: "It doesn't affect the small businessman at all."

McNamara: "Then, when they give this leave...what insurance costs will they have to pay for these people, that they give the leave to?"

Kulas: "If the employee wishes to take the eight weeks off, he has to pay his own insurance cost. The employer does not pick up the insurance cost. The employee pays his own insurance."

McNamara: "Thank you. To this Bill, I think it's very important to note from those questions that only 5% of the employers in the State of Illinois are affected by this Bill, and, granted, most of them do that anyway. If you're a small businessman, you're right, it is not necessary to have it because you know your employees, you know their family circumstances and you're more likely to have a first name basis with them. When you are a larger employee you get colder and further away from your employees, so, therefore it's absolutely necessary to have a measure which will protect somebody's livelihood and save the state money by not losing the job for someone and having that person have to go on unemployment because they have been fired because

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

of a person in the family needs some health care at that time. I know from my personal situation, as most of us do around here, that it is absolutely necessary and, thank God, that I've always been in a structure where I have been able to get the family leave when it is necessary. I think it's absolutely important to vote for this for the family. It's absolutely the correct way of going. I'm proud to support it."

Speaker Laurino: "Further discussion, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. In the event that this gets a requisite number of votes, I request a verification."

Speaker Laurino: "Representative Ropp."

Ropp: "Mr. Speaker, I would like to ask a question of the Sponsor."

Speaker Laurino: "Go ahead."

Ropp: "Representative, of the 95% of the companies that are providing family medical leave proposals, does your Bill state that if it should pass that if any of those companies are providing more health care, more benefits, that they would have to reduce those benefits to comply with the law?"

Kulas: "No, absolutely not."

Ropp: "Okay, it is my understanding, and I think it's pretty clear, that happy business people are the kind of people who are more willing to perform service, go above and beyond their duty to help their employer, and we found that by 95% of the companies already doing this. They're obviously very happy, obviously performing their jobs well because they have worked this out through agreements, through collective bargaining agreements, and it is clear, as we have found out down through the years, that when government tells business what to do, it severely affects

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

their operation and their net income. It would be a tragedy for this kind of legislation to pass, even though we all support the need for family health care, to force businesses to go out of business because they could not afford to do this. Why would we want to, as a state, tell businesses that you have to do something which would, in fact, jeopardize the very existence and employment with the people that they are trying to help. It does not seem logical. It does not seem practical, and, clearly, businesses who work together with their employees through collective bargaining, in my opinion, are happier businesses than having government force them to do something that maybe they feel they ought to do themselves, but because they just can't financially. I urge, as we have done in the past, oppose this Bill and urge the rest of this Body to do the same."

Speaker Laurino: "Further discussion, Representative Currie.
Madam Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. There's no question that this Bill is good for workers and family. I would argue that, in fact, it's good for businesses. The research shows that businesses, large businesses that offer their employees time off for family responsibilities, in fact, save money in the long run, and there's no question that they develop a more productive, a more loyal, a more stable work force. We're told that passage of this Bill would make Illinois a compe...an uncompetitive state economically. I think exactly the opposite is true. Many other states have moved to policies of family leave. What's the first thing a business looks for when it's deciding where to put down its roots? The first thing a business looks for is a competent, productive

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

work force. I would suggest that passage of this Bill is a strong signal for putative workers, not just in this state, but in neighboring states, that Illinois is a great place to ply your trade. Illinois would be a great place to be worker if House Bill 2927 becomes law. I would say it would enhance our competitiveness with other states. The research tells us that it is, in fact, good for business and saves the money, not just in the long run, but in the short run. If you care about the business climate, if you care about workers and if you care about families, vote 'yes' on House Bill 2927."

Speaker Laurino: "Further discussion, Representative Klemm."

Klemm: "Thank you, Mr. Speaker. Will the Sponsor yield for a couple of short questions? Representative Kulas, just a couple of questions. You said that if an employee were to be gone they would not have to pay for their...or the...employer would have...not have to pay for the medical insurance coverage and that the employee would pay for that. Is that correct?"

Kulas: "That's correct. Under this piece of legislation, the employee must pick up the cost of his insurance during the time he takes off."

Klemm: "Your Bill, I noticed, also said that an employee could not lose any employment benefits during that absence. Is that correct, also?"

Kulas: "I'm sorry, I didn't hear your question."

Klemm: "I think the Bill, or I at least I thought the last time I read it, was that the employee would not lose any of its...his or her employment benefits because of this absence."

Kulas: "Right. His seniority or benefits, right."

Klemm: "Does the employee benefits also include that in the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

insurance coverage, because that's usually considered employee benefits?"

Kulas: "Yes, but the Bill explicitly takes the insurance coverage off."

Klemm: "All right. How do we handle the intermitted (sic - intermittent) type of question where we had some problems? You know, 50 employees may be a very large company, but then in the operation of so many departments, 50 employees is not a great deal, especially in a manufacturing company. How would you handle a payroll clerk, who does it, say on a Friday, and the employer (sic - employee) has no opportunity to perhaps work out an arrangement to be gone, say on a Monday or on a Thursday or whatever it may be, to meet the requirements of meeting the payroll? Is that prohibited to fit in with a schedule somehow so that it could be compatible with the, you know, the regular...normal business...operation?"

Kulas: "Under this legislation, Representative Klemm, there are a number of protections built in for the employers. There has to be notice by the employee. He has to give notice wherever possible. He has...if needed, he needs to produce a doctor's certificate, whatever else. There are a lot of protections for the emplo...employer, so I don't see this system being abused. First of all, a person won't take time off if he knows that he's going to have to pay his own insurance. He is not going to take that time off. This is for a real emergency when a person needs to take time off to safeguard that he doesn't lose his job."

Klemm: "But an employee can, at their request take off intermittent days from work for a total of 40 days in 24-month period. Would that be correct?"

Kulas: "It's up to eight weeks in a 24-month period, yes, but he

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

has to work this out with the employer. He can't just say...come in and say, 'Well, I'm going to take every Friday off or Monday off,' or something like this."

Klemm: "How could the employer say no?"

Kulas: "How?"

Klemm: "Yeah."

Kulas: "The employer has to have some proof why is he taking that day off or if he can't manage it, they have to work out an arrangement between themselves."

Klemm: "So, the employee could say, 'I have to do this every Friday for the next 40 days...weeks' and that would be really sufficient."

Kulas: "That's a ridiculous example. I mean, you're going to the absurd already."

Klemm: "One other question that businesses have asked many times is that the replacement employee that would be hired to takes this person's job for filling it while they're gone. Would they, when they...when they would be terminated because they would have to be...position probably offered to that person, if necessary, would they be excused from paying the unemployment penalties and the benefits that that unemployed person who is a temporary hire...Would they be responsible for that?"

Kulas: "Under this legislation, there are no excuses for unemployment...unemployment benefits; however, most people, when they...employers when an employee takes the time off he doesn't replace them with a full time. He replaces them with temps in order not to pay unemployment comp."

Klemm: "You don't run a business, so I guess you don't understand what we have to do."

Kulas: "I did."

Klemm: "And you're...So you got temporary employment; is that

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

what you did?"

Kulas: "Instead of hiring a full-time employee. I go to a temporary agency, and I hire how many persons I need, then I know that I don't have to pay unemployment compensation and that's what the businesses do today."

Klemm: "All right. Well, thank you for your response. You know, to the...to the Bill then, shortly, briefly, Mr. Speaker. Businesses that have 50 or more employees, in the instances that were presented to our committee, indicated that almost without exception employees that needed medical..."

Speaker Laurino: "Will the Gentleman bring his remarks to a close, please?"

Klemm: "The businesses that have 50 or less employees who needed medical or family leave conditions have almost without exception been able to fulfill the request of the employee who asked for it and that this Bill with the provisions in here, really does tie up business' hands more than I think the Sponsor really needs to do to find a good family leave Bill, and I think we should carefully consider this Bill."

Speaker Laurino: "Representative Flinn, for what reason do you seek your recognition?"

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

Speaker Laurino: "The previous question has been moved. All those in favor indicate by saying 'aye', opposed, 'nay'. The 'ayes' have it. The previous question has been adopted. Representative Kulas moves for the passage of House Bill 2927. All those in favor indicate by voting 'aye', opposed, 'nay'. The board is open. Have all voted who wish? Have all voted who wish? Representative Stange votes 'no'. Have all voted who wish? Have all voted who wish? Representative Kulas, for what reason do you rise?"

Kulas: "Well, Mr. Speaker, it's nice to see that with every year

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

more and more Republicans with vision come on this Bill, and I think that they see that its time has come."

Speaker Laurino: "Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 80 'aye'...Representative Satterthwaite votes 'aye', Representative Wennlund, for what reason do you rise?"

Wennlund: "To withdraw my request for verification."

Speaker Laurino: "The Gentleman withdraws his verification request. This Bill, having received 81 'ayes'...Representative Turner votes 'aye'. This Bill, having received 82 'ayes', 30 'nay' and 6 voting 'present', having received the Constitutional Majority, is hereby declared passed. House Bill 2936, Representative McPike. Out of the record. House Bill 2990, Representative Trotter. Out of the record. House Bill 3050, Representative Santiago. Is the Gentleman in the chamber? Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3050, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Speaker Laurino: "Representative Santiago."

Santiago: "Thank you, Mr. Speaker. This is a very noncontroversial Bill. I passed this Bill last year. It was on the agreed Bill list. It went to the Senate. It was there agreed; the Governor had a minor problem with it. We corrected that. What this Bill does, it requires insurance companies to return on their premium to a premium finance company within 60 days, rather than 30 days, whenever finance insurance contracts are cancelled. I move due passage."

Speaker Laurino: "The Gentleman moves for passage of House Bill 3050. Any discussion? Seeing none, all those in favor will indicate by voting 'aye', opposed, 'nay'. The board

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

is open. Have all voted who wish? Have all voted who wish? This Bill, having received 117 'aye'...116 'aye', 0 voting 'no', 2 voting 'present', having received the Constitutional Majority, is hereby declared passed. House Bill 3150, Representative Keane. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3150, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker Laurino: "Representative Keane."

Keane: "Thank you, Mr. Speaker. House Bill 3150 makes some changes under the Municipal Telecommunications Tax regarding mobile or cellular systems. It affects the City of Chicago only. It provides that if the location of the service address is not in a municipality imposing the tax then the users taxable services shall be deemed to originate in the municipality where the principal place of business is located and it, also, if prior to 7/1/92, a business transmitting messages through mobile services has been transmitting...has transmitting or switching equipment located in the tax then the...neither the municipality which collected the tax nor the retailer shall be required to refund it. The municipality which would have collected the tax but did not shall have no claim against the taxpayers or the retailer and the change gives mobil communication, telecommunications providers, until 7/1/92 to convert their gross receipts calculations and collections of taxes. There's an Amendment put on in Second Reading which took care of some concerns that the City of Chicago had. I know of no opposition. I would ask for a favorable roll call."

Speaker Laurino: "Any discussion? Representative Wennlund."

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

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Speaker Laurino: "He indicates he will."

Wennlund: "Representative Keane, this only applies to the City of Chicago?"

Keane: "That's my understanding."

Wennlund: "Does it extend the 5% tax to only interstate or intrastate calls made on the cellular phones?"

Keane: "No, interstate telecommunication. The Bill deals with municipal telecommunications taxes which authorize municipalities to tax interstate telecommunication services."

Wennlund: "Is it an extension of the 5% tax that we allowed? The two-year 5% tax?"

Keane: "This deals with...this deals where the point of service. It basically changes service addresses. It doesn't change the taxing structure. This isn't a revenue Bill. This doesn't change the taxing structure. It changes the point of reference used to bill."

Wennlund: "Thank you very much."

Speaker Laurino: "Representative McNamara."

McNamara: "Will the Representative yield for a question?"

Speaker Laurino: "He indicates he will."

McNamara: "Representative, what I'm wondering about is what we're saying is if the billing address before was say in a community such as Oak Lawn, and Oak Lawn would collect that tax and then the major switching equipment may be in Chicago and it changes that address to Chicago even though the customer may be in Oak Lawn, then the tax would reverse to Chicago rather than Oak Lawn?"

Keane: "If, if, let me go over it. If the...if the...the Bill provides that if the location of the service tax is not in a municipality imposing this tax, you with me? If the location of the service address is not in a municipality

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

imposing this tax, then the user's taxable services shall be deemed to originate in the municipality where the user's principal place of business is located or within the municipality where the user's principal residence is located if it was an individual, a mailing address."

McNamara: "So, suppose both of those locations are precisely the same? In other words, suppose a little village like Oak Lawn did not have that tax. Suppose it. Yet the principal business was in Oak Lawn, then there would be no tax on that. Is that correct?"

Keane: "It says that...this only applies, again, I'll go over it with you: If the location of the service address is not in a municipality imposing this tax, so, basically, for a Chicagoan who is driving and using his cellular phone in an area outside of Chicago and that municipality does not impose the tax, then the tax will be charged on the billing of the plan. This is the same Bill we passed last Session which got screwed up in the Senate."

McNamara: "This is a Bill where...If I understand correctly, there were cellular towers built in certain towns. Is this the same Bill that was there? And then the cellular towers that were built in that town and negotiated on with those suburban locations, the suburban location because of the tower being built in that town was recouping some of the service taxes from there. What this says now is, it now goes back to the consumer or the person who's buying those services, and it says that if that town does not charge a tax itself, then that will revert back to wherever the consumer is from."

Keane: "Wherever the billing address is. Wherever the billing address is."

McNamara: "Wherever the billing address is. Now, and please bear

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

with me because I really don't understand this very much. If I have a car phone, if my billing address (I live in the suburbs), my billing address..."

Keane: "It doesn't affect you. It doesn't affect you."

McNamara: "Right, but my billing address is Springfield."

Keane: "The Bill doesn't affect you. It only applies to people who live in Chicago, who, where your billing address is in Chicago."

McNamara: "I have a Chicago exchange, but my billing address is Springfield."

Keane: "My understanding of the Bill is, again, I'll read this to you. It's on your analysis. 'The Bill provides that if the location of a service address is not in a municipality imposing this tax, then the user's taxable service shall be deemed to originate in that municipality where the user's principal place of business is located, as to businesses, or within the municipality where the user's principal residence is located, as to individuals.' You know, so in other words if you don't live in Chicago...and the Bill only applies to Chicago. This is something that Cellular I has been trying to work out for quite a while, and it means a substantial reduction in their overhead, and that's the people who've asked for the Bill."

McNamara: "Okay, I still don't believe I understand, but I don't want to take up the time of the House. Thank you."

Speaker Laurino: "Further discussion? Representative Kubik."

Kubik: "Thank you, Mr. Speaker. Would the Sponsor yield for a question? I guess he will. Representative Keane, so, following up on what Representative McNamara's discussion, what we're basically trying to do here, as I understand it, is to...to make sure that those people who live in the City of Chicago and have cellular service and they build their

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

service in the City of Chicago will pay the taxes to the City of Chicago. Is that...is that okay? Now, if somebody lives in the suburbs, but has a business in the City of Chicago and bills their Cellular I, or whatever phone system, out of the City of Chicago, they pay tax on this, correct?"

Keane: "The Bill only applies to the City of Chicago."

Kubik: "I understand that, but I guess what I'm saying is, though, is that if somebody lives as in Representative McNamara's case, if they live in Oak Lawn, but they have a business in the City of Chicago and the cellular service is billed out of the City of Chicago, they pay the tax. They pay the tax, correct?"

Keane: "Where...If you live in Oak Lawn, if your business is in Oak Lawn and your home is in Chicago, and your home is in Chicago, my understanding is if the bill is a personal one, and it's your personal account (You know, let's say your wife...you put a car phone in your wife's car, and it's registered, and the Bill comes to your house in Chicago), you'll pay it there, but if your business phone is in Oak Lawn and you're billed there, then you won't."

Kubik: "Okay. You mentioned that Cellular I is concerned about this particular law. Could you briefly explain to me what their...what their involvement..."

Keane: "This clarifies their billing."

Kubik: "Do they have a...Are they billing out of the City of Chicago or what?"

Keane: "I really don't know what their total concerns are."

Kubik: "Okay."

Keane: "But the Bill...There seems to be a lot of...a lot of confusion about what the Bill does."

Kubik: "Okay. Now, if I could ask you another question. So, in

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

other words, it doesn't matter where the exchange is made, it only matters where the billing or where the residence is in this legislation? Is that correct?"

Keane: "Your bills, yes. In other words..."

Kubik: "In other words, if you bill out of the City of Chicago and you, or if you live in the City of Chicago and you bill out of the City of Chicago?"

Keane: "If you're driving down the Tri-State, and you're using a number, in the course of that drive, you use a number of different towers, your bill will be based on Chicago...and you live in Chicago, then your billed out there."

Kubik: "If I live in Chicago. Now..."

Keane: "Yes."

Kubik: "Now, okay. So if I live in the suburbs, but I have a business in the city and I bill my cellular service out of my city business address, I pay the tax. Conversely, if I live in the city, I have a business in the suburbs, I bill out of Oak Lawn, for my business my cellular service?"

Keane: "My unders..."

Kubik: "I pay no tax."

Keane: "That's right. That's right. That's my understanding."

Speaker Laurino: "Further discussion. Representative McAfee."

McAfee: "Will the Sponsor yield, Mr. Speaker? Representative Keane, does this particular Bill have the impact of taking dollars away from those communities that may have had cellular towers in the past?"

Keane: "I really don't know. I don't know...All this Bill deals with is...My understanding is that the City of Chicago levies this telecommunication tax. They are the only ones that levy it. If another town levies one, then I don't know."

McAfee: "Well, it may have the effect, may it not, on communities

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

that may have already had contractual arrangements with Cellular I?"

Keane: "It...it...Well, if there are contractual arrangements, then the contract, I think, Cellular I would have to live up to its agreement of its contract. This again does not...This is not a revenue Bill. This is not a Bill raising any kind of taxes. It's clarifying the City of Chicago's how Cellular I is going to relate to them."

McAfee: "Well, I was led to believe by your previous response that you said that this was the same legislation that took place last year which had the net effect, if I'm not mistaken, of taking money away from certain suburban communities because of the cellular towers. Now, am I understand..."

Keane: "My understanding is that the City of Chicago was against the Bill without the technical Amendment..."

McAfee: "That's not my understanding previously, but... Thank you."

Speaker Laurino: "Representative Parcels."

Parcels: "Thank you, Mr. Speaker. Would the Sponsor yield for a quick question?"

Speaker Laurino: "He indicates he will."

Parcels: "At the time we started 708 for the suburbs, we were allowed with a cellular phone..."

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

Parcels: "Okay. At the time 708 was started, you know we had...at the time 708 was started for the suburbs, those who had car phones or cellular phones were...could keep the option of using a 312, even if you didn't live in Chicago, you could bill out of there. How would that phone...For instance, if I had a 312 cellular..."

Speaker Laurino: "Representative Keane."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Keane: "My understanding is that if your bill is delivered to an address in Chicago, you will be taxed. If it is delivered to a suburban address, you will not."

Parcells: "So, the address makes the difference? Nothing to do with the exchange?"

Keane: "Well, that's right. Yes. I've said that about five times."

Parcells: "I guess we're questioning..."

Keane: "I'd be happy to read it again."

Parcells: "I guess what we're looking for is..."

Keane: "The Bill provides that if the location of the service address is not in a municipality imposing this tax, then the user's taxable service shall be deemed to originate in the municipality where the user's principal place of business is located, if you're a business, or within a municipality where the user's principal residence is located, as to an individual."

Parcells: "If the municipality doesn't have a tax, will it then apply?"

Keane: "Will what apply?"

Parcells: "Well, I guess I'm having a problem with those who are using a 312 who don't live in the city and don't have business...but you're saying that doesn't make a difference."

Keane: "If you don't live in the city, then you won't be billed."

Parcells: "Okay. Thank you."

Speaker Laurino: "Representative Flinn, for what reason do you arise?"

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

Speaker Laurino: "Representative Flinn moves the previous question. All those in favor indicate by saying 'aye', opposed, 'nay'. The 'ayes' have it, and the question has

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

been moved. Representative Keane, to close. Briefly."

Keane: "The Bill applies only if you have addresses within the city. I would ask for a favorable roll call. If we have problems, beat the Senator up when it gets over in the Senate. I move the adoption or the passage of the Bill."

Speaker Laurino: "The Gentleman moves for the passage of House Bill 3150. All those in favor indicate by voting 'aye', those opposed, vote 'nay'. The board is open. Representative Harris, for what reason do you arise?"

Harris: "Thank you, Mr. Speaker. Just to explain my vote. I don't know if it will be...I don't know if it'll be necessary, but I guess I have a problem with a tax being levied simply because a bill is delivered within the confines of a municipality. If the service is not used within the confines of the municipality, why should I pay a tax just to have my bill delivered to an address within the city, if the service is used outside of the city? That's what troubles me. The use tax, if we...we levy the use tax because its on an item which is brought into the city to be used and therefore we are subject to a tax. But if the service is outside the city, and I have my bill delivered within the city, why should that subject me to the tax? That's my problem, Jim. I'm going to vote 'no'. Thank you."

Speaker Laurino: "Have all voted who wish? Have all voted who wish? Representative Keane, for what reason do you rise, Sir?"

Keane: "I would just like to explain my vote. I think that we ought to spend another hour or two on the Bill, so we can totally confuse it. I also believe that this is a great partisan roll call, so I advise all targets to get on a 'no'. Take the roll call."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Speaker Laurino: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 18 'aye' votes, 89 'no' votes, 11 voting 'present', fails. Representative Giglio, in the Chair."

Speaker Giglio: "House Bill 3221, Representative Woolard. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3221, a Bill for an Act to amend the Prevailing Wage Act. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill passed out last year with a very overwhelming vote. It amends the Prevailing Wage Act to include TIFF districts and enterprise zones, and this is very important for a particular project in my area, and I think it is a good Bill. I think we should be very receptive to this idea. I'll make it brief."

Speaker Giglio: "Any discussion? Hearing none, the question is, 'Shall House Bill 3221 pass?' All those in favor signify by voting 'aye', opposed, 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 81 voting 'yes', 36 voting 'no', and House Bill 3221, receiving a required Constitutional Majority, is hereby declared passed. Representative Curran, 3227? Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3227, a Bill for an Act in relation to labor. Third Reading of the Bill."

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

Curran: "Thank you, Mr. Speaker. This is the Bill that, for the public sector, prohibits the hiring of permanent striker

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

replacements and, in the private sector, which affects, of course, much more of the employment in Illinois, it prohibits the State of Illinois or units of local government and school districts from doing business, that is to say, selling products and services or receiving grants and tax credits et cetera, with the employers who hire permanent employees to replace workers who are engaging in a legitimate labor dispute. The reason for this, is at the federal level you don't have the right to fire somebody who is engaged in a legitimate labor dispute, but there is a loophole in the law. The loophole in the law says that you can permanently replace them. It's absurd to be able to permanently replace somebody when the law says you can't fire them. I don't know if there's any controversy at all on this legislation. I'd be glad to answer any questions. I ask for an 'aye' vote."

Speaker Giglio: "Any discussion? The Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker. I rise in opposition. This Bill allows or requires the State of Illinois to discriminate against some of its citizens merely because those citizens choose to engage in activities expressly allowed in federal law. Federal labor is pre-empted by the...Labor law is pre-empted by the federal government. The Sponsor of this Bill seeks to have us do indirectly what we cannot do directly and that is this: discourage or, in effect, disallow the invoking of federal law by some of our citizens. That is precisely what this does. And not only does it discourage it, it positively allows the State of Illinois to discriminate against those people, and it allows them to do that merely because they invoke their rights under federal law. Nothing could be worse public

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

policy, nothing could be more unjust, nothing could be more discriminatory than this Bill. I recommend a 'no' vote."

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

Wennlund: "Thank you, Mr. Speaker. To the Bill. It's clear that this Bill is aimed at one of Illinois' finest citizens, Caterpillar Tractor Company. I think that it is important that the Membership of this House know that what Caterpillar has done and what Caterpillar is doing. Caterpillar is a net exporter, \$2.5 billion a year. Sixty percent of all its sales are made outside the United States, and it has to compete on a global basis. Seventy five percent of its manufacturing is done inside the United States, and I think everybody knows its primary opposition is Komatsu, which is made in Japan. Caterpillar made its third and final contract offer which was fair and reasonable, if not enviable. Offered six years by named job security, no plant closings for six years, 13% wage increases over three years and full health care coverage in the network, and besides that it improved their pensions. It's important that you know that the average Caterpillar worker makes \$47,000 a year. Now that's in the manufacturing sector in Illinois. The only way Caterpillar can continue to succeed, can continue to be one of the largest single employers in the State of Illinois, is if it can remain competitive on a global basis, being able to compete with Komatsu and other foreign manufacturers. They've made some significant reductions in their management and their salaried employees, just 2,400 alone in the last 18 months. It's important that you know that all these actions were taken despite very small profits between 1989 and 1991. Caterpillar needs a leeway to

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

become competitive in a global and a world market and can't be saddled here in Illinois by individual state's action, injecting itself, the General Assembly injecting itself, into contract negotiations between management and labor. This is a bad concept. We need to allow Illinois businesses to compete on a global basis, not hindered and hampered by legislation like this that absolutely ties their hands and puts them at the mercy of one party or the other, and here it's labor. This is a bad concept, and it should be defeated."

Speaker Giglio: "The Gentleman from Macon, Representative John Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I really do not intend to speak on this legislation until the last Gentleman arose, and I don't think this is an issue which is designed to...aid or abet either side in a labor dispute. This is a piece of legislation which is aimed at fostering and protecting the trade union movement in this state and in this nation. If you believe that there is to be a trade union movement, then you should support this legislation because all the trade union person has, as a weapon in his or her arsenal, is the right to strike, and if a trade union person strikes and has to face the possibility of being permanently replaced, the power to strike, the weapon to strike, becomes emasculated, and if you are going to vote that way you might as well forget the trade union movement. So, a trade union movement has been a boon to the United States of America, to the middle class of this country and to probably everyone in this room, directly or indirectly, most of us are descendants of people who have been in the trade union movement. We have family members who have been in the trade union movement on

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

both sides of this aisle, and we're, at the very least, beneficiaries of the things they have accomplished. So, I have a Caterpillar plant in my district and I think that both Caterpillar and the union should be at the bargaining table trying to work out their differences, but whether or not there should be a replacement of permanent...permanent replacement of strikers is an issue which transcends that individual labor dispute, and you should view your vote on this Bill in that way, and I hope that everyone in this room votes 'yes' on this Bill."

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

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

Speaker Giglio: "He indicates he will."

Black: "Representative, as to your understanding of the Bill, would it...Let's just use the Caterpillar situation as an example. Had negotiations deteriorated further and Caterpillar had found it necessary to follow what is federal law and go on with operations, under this Bill had they done that and, thank God both sides came to the table and agreed to arbitration, but, anyway, had Caterpillar gone ahead and replaced them (and I don't think anybody in this Chamber would have wanted that to happen), would this Bill then say had that happened that the State of Illinois could not, under any circumstances, purchase a product made by the Caterpillar Corporation?"

Curran: "Well, first, let me disagree with part of the premise of your question and that is that if Caterpillar followed state law...followed federal law. Caterpillar, if they would choose to have replacements, would not have been following any law, but following an option. Second, this

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Bill does not seek to prohibit or to discourage necessarily temporary replacements. Caterpillar could have hired temporary replacements and been okay with this legislation."

Black: "But to the main point...had they...Had that unfortunate situation continued and, let us say, let us say the worst case scenario, permanent replacements would have been hired. Does your Bill then say that any unit of government within the State of Illinois could not purchase a product made by that company?"

Curran: "After a time in which it is determined by the Department of Labor and after a full hearing that those replacements which we would have all preferred to be hired temporarily, after it had determined that they were hired permanently, same thing as firing, the answer to your question then, under that very unusual circumstance, under that extremely unlikely circumstance, then the State of Illinois would say that it is public policy that what you have done, Caterpillar, is unwise and that we will discourage it, but we could not prohibit it, and the implementation of this Act then would come into being."

Black: "Would the implementation of that Act, then, mean that the State of Illinois, when going out for bids for road maintenance equipment, construction equipment, backhoes, diesel engines, would that, if the final implementation had to come about, unfortunately, would that mean then we would remove Caterpillar Corporation from our bid list?"

Curran: "If Caterpillar would take advantage of this loophole in the federal law that will allow them not to fire people, but to permanently replace them (which is a difference that I have not been able to understand), then, yes, the State of Illinois would say, 'We intend to discourage this

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

behavior. We intend to discourage this wrong public policy on the part of this employer, and we intend that the taxpayers of the State of Illinois and the taxpayers of local districts will not underwrite this negative behavior of this company that is engaging in this unfortunate policy."

Black: "All right, I appreciate your candor, Representative. What is the criteria? What is the point? I'm trying to understand at what point in a labor dispute do we classify a worker as a permanent replacement vis a vis a temporary replacement. Is it a time line or...I really don't understand just how that's going to work."

Curran: "My understanding is the Department of Labor would, after complaint by an interested party such as that worker, or such as a bargaining representative, the Department of Labor then, after that complaint, would make that decision whether that person was a permanent or a temporary replacement."

Black: "Then would you - and I don't want to put words in your mouth - might we agree that the Bill is somewhat vague at what point a temporary replacement becomes a permanent replacement?"

Curran: "The Bill does not attempt to micromanage all possible circumstances in the future, but it is very specific as to who will handle the decision. It will be the Department of Labor and who will initiate a request for the handling of that decision. That is, an employee who finds himself permanently replaced, in his opinion, or his bargaining representative."

Black: "Is it your understanding that employees upon returning to work after a strike, do they or do they not have the ability to submit their dispute to final and binding

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

arbitration?"

Curran: "Not always."

Black: "All right. I appreciate your candor, as always, Representative. Mr. Speaker, Ladies and Gentlemen of the House, with what has recently transpired in the Caterpillar United Auto Workers situation, I expect that the Gentleman probably has a Bill that is going to pass the chamber. Many people may, indeed, want to vote for it, but if you listened carefully to his explanation (and he gave a very honest and very detailed explanation to some things I have genuine concerns about), is it truly in the best interest of the people of Illinois, who we all represent, be they United Auto Workers, IBEW, AFL-CIO or non-union workers or families, is it truly in their best interest in a labor dispute to perhaps invoke a Bill that says if you are involved in this dispute and you do this at some point a complaint could be filed, and we will not purchase your products in the State of Illinois, henceforth. I'm not sure that's good public policy. What does that mean? Every unit of local government has to go out and buy Komatsu? Do you know what the motto hangs in every Komatsu plant? The motto that hangs in every one of their plants 'Bury Caterpillar'. That's the motto that hangs on the wall at Komatsu. Well, why in the hell do we want to help them bury Caterpillar? Nobody is happy with what happened at Caterpillar. I think it's a disgrace the way that thing was handled. We would hope for better collective bargaining agreements and processes that happen. The families that were literally destroyed by stress and a company whose proud reputation has been tarnished, but I would submit to you that at today that company's still exists in Illinois. It still provides some pretty darned

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

good jobs. My fear, and I know you can use it against me in the campaign, but I'm telling you the truth: My fear is if we are not careful in the State of Illinois we have already run out hundreds of thousands of manufacturing jobs by some unenlightened and narrowly construed public policy. We can't afford to lose any more of those jobs. What's at stake here is a federal loophole. If you want to close it at the federal level, I might even join with you to try and do that, but I beseech you, because of the emotion of what has happened in Peoria and Decatur and Aurora, be very, very careful that you don't send a message to what's left of our manufacturing community that if you get caught up in a very bitter labor dispute we may not...you may not sell your product in the State of Illinois, and if that were to happen, then why would they stay in the State of Illinois? I don't see this as a partisan issue; I don't see it as a labor management issue. Representative Curran and I have worked on legislation and will continue to work on legislation, and I dare say we agree more than we disagree, but I'm telling you, folks, in this instance and on this issue, I don't know what the answer is, but I'm telling you as Democrats, Republicans, labor or management, we better come together and figure out how to build a climate in this state that not only will keep Caterpillar here, but will bring back some of the manufacturing jobs we've lost. Folks, we can't afford to lose \$17 an hour jobs and replace them by \$6 an hour jobs in the service sector. This Bill, while it's emotionally popular, and I'm not really comfortable getting up here and talking against it, look at the long-term ramifications of what you're going to do. An earlier speaker said, 'You are flying in the face of accepted federal law.' The bottom line is rather than

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

constantly argue on things that divide us, I beseech you, I beg you, I come from a district that has lost more than its share of manufacturing jobs, some of those to our neighboring State of Indiana who aggressively courts those jobs and who, I guarantee you don't have things like this on their agenda. We cannot afford the hemorrhage of these lost jobs. These are the backbone. Manufacturing jobs are the backbone of our economy and no matter how tragic the situation was with the UAW and Cat over the last few months, this doesn't do anything to alleviate that, in fact, I dare say, it drives the stake further, further between where we need to be. I don't think we've got another decade to fight and argue and carry on the way we do. Yes, it may be good politics; yes, it may even be the right thing to do. I don't have a crystal ball nor the wisdom of Solomon, but I know one thing that concerns me and I know it concerns Representative Curran: We've got to find areas on which we can come to the table and agree, create a climate that will keep jobs in Illinois and attract jobs in Illinois, and that should be all of our agenda. It should be number one agenda we have. It's with a heavy heart that I stand and urge a 'no' or a 'present' vote on this because once you make government the divisive factor in labor management relations, you're simply going to make management vote with their feet and out they will go. This Bill has some very serious implications, and it's not to denigrate the importance of the underlying Bill, which also has some very important implications. Be careful how you vote. Don't be swayed by partisan activities or who supports it or who doesn't support it and what kind of direct mail may go into your district. My friends, the issue in the '90s is jobs, jobs, jobs, and

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

we're not going to keep them here with any artificial impediments to a competitive society. I wish we could. I wish we could. If we could, I would joint with the Sponsor, whether we like it or not and I don't like it, we are in a global economy. I don't think we have fair trade, and we need to work on fair trade, but I tell you, I implore you, I beseech you, don't do any more to damage the job climate in this state, and I submit to you this Bill will do that. Mr. Speaker, in all due respect, I must ask for a 'no' vote on this Bill, and I would seek a verification should the Bill get the requisite number of votes."

Speaker Giglio: "Further discussion? The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is unusual because it addresses the following situation: We have a law currently that says you can't fire a worker for exercising his or her right to strike and why do we have that law? We have that law to protect the balance between labor and management, to make sure that as people assert their rights, they don't lose their jobs. So, what has occurred in Illinois? What has occurred in Illinois is people are hiring replacement workers, permanent replacement workers, and what does that mean? That means that, in essence, people are losing their jobs because they've been permanently replaced. It makes absolutely no sense logically, ethically, morally or any other way you want to think, to say that we can't fire a worker for exercising his or her right to strike, but we can permanently replace them. And what does that do? What do replacement workers do? First, they prolong work stoppages, which is bad for labor, but it's also bad for

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

business. It cripples business; it slows down their business; it slows down their ability to make a buck, and it deteriorates the economy of the State of Illinois. It deteriorates the tax base which we're down here arguing about year after year after year. It also assures that workers are going to lose their livelihoods because we're going to...to make disincentives for business to settle for fair terms in business contracts, in labor disputes. Unless we give these people the right to walk out of their...go out on strike and give it full meaning, then we have not given it full meaning. It hurts business; it hurts labor; it's not good for the economy, and it's unfair because where we tell them they have the right to strike, it's not right to tell them that we can replace them if they do. I might also add that the top business competitors globally of the United States, Japan and West Germany already prohibit the hiring of permanent replacements. These are the countries that the United States is trying to, some people say, catch up to in the global economy. We're way behind them. We talk all the time about how Japan is ahead of us and what a great job Japan is doing. Well, Japan discourages what this Bill intends to discourage, hiring permanent replacements. It's unfair. It's wrong. Help business, help labor and make our economy strong by supporting this Bill."

Speaker Giglio: "Representative Curran, to close."

Curran: "Thank you, Mr. Speaker. One of the opposing speakers mentioned what you would see at ever Komatsu plant in the world, that you would see the sign, 'Bury Caterpillar'. Without this legislation, I'll tell you what we do. Without this legislation, we bury workers, we bury families, we bury manufacturing plants, and we bury the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

communities that are depending upon them. Time and time again I have heard, as we have debated this legislation over the last two years, that what we really need to be doing is to bringing labor and management together in a cooperative venture. What could be more of the nature of bringing people together than to disallow as soon as somebody walks out or to strongly prohibit as soon as somebody walks out to disallow essentially firing them because if you can't fire them or permanently replace them, which is the same thing, you've forced both sides to stay in bargaining. That is what this legislation does. It forces both sides to stay bargaining without the corruption of taking advantage of this loophole and permanently replacing, people rather than firing them. One Member, the first Member who spoke against this legislation, said that this legislation attempts to do indirectly what it cannot do directly under the law, and I would tell you that is exactly true, what a very unwise business person would be doing, he would be doing indirectly what he cannot do directly. He would be permanently replacing rather than firing because he is forbidden under the law to fire, and what this legislation does is keeps people at the bargaining table and disallows somebody to do indirectly what he cannot do directly. He cannot fire, he should not be able to permanently replace. This Bill, because of federal law, cannot outlaw that, but what it can do, what it does do, it says that the citizens of this state shall not underwrite, with their tax dollars, the very unpleasant, very unprofessional, very counterproductive activity of permanently replacing people who are engaged in a legitimate labor dispute. I ask for an 'aye' vote."

Speaker Giglio: "The question is, 'Shall House Bill 3227 pass?'

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

All those in favor signify by voting 'aye', opposed, 'no'.
The voting is open. This is final action. Representative
Matijevich, one minute to explain your vote."

Matijevich: "Mr. Speaker, before the air controllers strike,
there was never a permanent replacement worker, never a
permanent replacement worker, because the law is you can't
fire somebody. All this does is say that they ought to
follow the law, and I think that's good public policy.
It's good public policy in Illinois; it's good public
policy everywhere. Anybody who is permanently replaced,
you tell me the difference. You're out of a job; you're
fired. Are you for that? I don't think anybody is for
that. Let's keep people, allow people to have the one
thing, the one thing the withholding of service that allows
a legitimate, legitimate strike. The quality of life in
America is because of what laboring people, men and women,
and believe me, as I said in committee, women, even more
than men, were the heroes of the labor movement. They
stood by alongside of men and that's what brought us a
quality life, and we ought to stand by it again."

Speaker Giglio: "Have all voted who wish? Have all voted who
wish? Have all voted who wish? Mr. Clerk, take the
record. On this question, there's 66 voting 'yes', 49
voting 'no', 2 voting 'present'. The Gentleman requests a
verification. Representative Black? Mr. Clerk, poll the
absentees."

Clerk McLennand: "There are no absentees."

Speaker Giglio: "Poll the affirmative vote, Mr. Clerk. Does
Representative Kulas have leave to be verified,
Representative Black? Representative Shaw and
Representative McAfee. Shirley Jones? Martinez.
Representative Martinez. Representative Stange.

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Representative Black? Does he have leave? Representative Stange? Representative Stange have leave to be verified? By all means. Proceed with the affirmative, Mr. Clerk."

Clerk McLennand: "Representative Balanoff. Brunsvold. Bugielski. Burke. Curran. Currie. Davis. Deering. DeLeo. Dunn. Edley. Farley. Flinn. Flowers. Giglio. Giorgi. Granberg. Hannig. Hartke. Hicks. J. Hoffman. Homer. Lou Jones. Shirley Jones. Keane. Kulas. Lang. Laurino. LeFlore. Levin. Marinaro. Martinez. Matijevich. Mautino. McAfee. McDonough. McGann. McGuire. McNamara. McPike. Mulcahey. Novak. Obrzut. Phelan. Phelps. Preston. Rice. Richmond. Ronan. Rotello. Saltsman. Santiago. Satterthwaite. Schakowsky. Schoenberg. Shaw. Stange. Steczo. Stern. Trotter. Walsh. White. Wolf. Woolard and Mr. Speaker."

Speaker Giglio: "Representative Black, does Representative Preston and Representative Currie have leave to be verified and Representative Lou Jones? Leave is granted. Questions of the affirmative, Representative Black?"

Black: "Thank you very much, Mr. Speaker. Representative Mulcahey?"

Speaker Giglio: "Is Representative Mulcahey in the chamber? How's the Gentleman recorded, Mr. Clerk? Oh, he's in the back. He's okay. Representative Hartke, does he have leave, Representative? Fine. Leave is granted. Representative Dunn, does he have leave?"

Black: "We might excuse everybody, but Representative Dunn. Only in a case of an emergency. Representative Mautino?"

Speaker Giglio: "Mautino? Representative Mautino in the chamber? He's on your side of the aisle Representative Black."

Black: "I might add, he's always welcome over here, too. Representative Hicks?"

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Speaker Giglio: "Representative Larry Hicks? Representative Hicks in the chamber? Representative Hicks? How's the Gentleman recorded, Mr. Clerk?"

Clerk McLennand: "Recorded as an 'aye' vote."

Speaker Giglio: "Remove Representative Hicks from the roll call."

Black: "Representative Granberg?"

Speaker Giglio: "Representative Granberg in the chamber? Representative Granberg? How's the Gentleman recorded? Recorded as an 'aye' vote. Remove Representative Granberg from the roll call."

Black: "Thank you, Mr. Speaker. Representative McGann?"

Speaker Giglio: "Representative Andrew McGann? Is Representative McGann in the chamber? How's the Gentleman recorded?"

Clerk McLennand: "Recorded as an 'aye' vote."

Speaker Giglio: "Remove Representative McGann from the roll call. Representative Younge? Wyvetter Younge for what purpose do you rise? Change the Lady's vote from 'no' to 'aye'. Representative Wyvetter Younge. Further questions, Representative Black?"

Black: "Thank you, Mr. Speaker. Representative LeFlore?"

Speaker Giglio: "Representative LeFlore. Bob LeFlore? Representative LeFlore in the chamber? How's the Gentleman recorded, Mr. Clerk?"

Clerk McLennand: "Recorded as an 'aye' vote."

Speaker Giglio: "Remove Representative LeFlore from the roll call. Mr. Clerk, restore Representative Hicks and McGann to the roll call. They are here at the well."

Black: "Thank you, Mr. Speaker. Representative Burke?"

Speaker Giglio: "Mr. Clerk, or Representative Black, does Representative Hannig have leave?"

Black: "By all means."

Speaker Giglio: "And grant...excuse me, Representative Black,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

restore Representative Granberg to the roll call...and LeFlore. Representative LeFlore is over here. Representative DeLeo and Representative Laurino ask for leave. Okay. Representative Granberg has returned, and Representative LeFlore has returned. Representative Williams, for what purpose do you rise? Change Representative Williams from 'no' to 'aye'."

Black: "Thank you, Mr. Speaker. If we can grant leave to about five more, we might try a quorum call, but we'll continue. Representative Burke?"

Speaker Giglio: "Representative Burke is in his seat."

Black: "Representative Santiago?"

Speaker Giglio: "Representative Santiago is in his chair."

Black: "Representative Phelps?"

Speaker Giglio: "Representative Phelps is in the back of the chamber."

Black: "Representative Levin."

Speaker Giglio: "Representative Ellis Levin? He's in the back talking to Representative Leitch."

Black: "Representative Steczo?"

Speaker Giglio: "Steczko is in his chair."

Black: "The best try that I can give it, Mr. Speaker. I have no further. Nothing further."

Speaker Giglio: "On this question, there are now 68 voting 'yes', 47 voting 'no' and 2 voting 'present', and House Bill 3227, having received the required Constitutional Majority, is hereby declared passed. House Bill 3243, Representative Lang. Read the Bill."

Clerk McLennand: "House Bill 3243, a Bill for an Act to amend the Criminal Code of 1961 and the Illinois Domestic Violence Act of 1986. Third Reading of the Bill."

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

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

(sic - Representative Lang)"

Lang: "I'm not sure the Clerk read the right Bill, Mr. Speaker."

Speaker Giglio: "House Bill 3243."

Clerk McLennand: "House Bill 3243, a Bill for an Act concerning the validation of appropriation and tax levy ordinances. Third Reading of the Bill."

Lang: "Mr. Speaker I would ask leave to return the Bill to Second Reading for purposes of an Amendment."

Speaker Giglio: "Does the Gentleman have leave by the Attendance Roll Call? Hearing none, leave is granted. The Bill's on the Order of Second Reading. Are there any Amendments, Mr. Clerk?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Steczo."

Speaker Giglio: "Representative Steczo, on Amendment #1 to House Bill 3243."

Steczko: "Thank you, Mr. Speaker and Members of the House. House Bill 3243 deals with the appropriation and levy ordinance in the County of Cook. Amendment #1 is an Amendment that is like some things that we have done over the years, and it adds language that deals with downstate forest preserve districts...to the language for Cook County. I would move for the adoption of Amendment #1."

Speaker Giglio: "Any discussion on the Amendment? Representative Wennlund?"

Wennlund: "Thank you, Mr. Speaker. Ladies and Gentleman of the House, I just want to make sure. This sounds like a harmless little Amendment. It's merely validating the levy ordinances of downstate forest reserve (sic - preserve) districts, but maybe you will recall this issue because if you vote in favor of this what you're doing is you are cutting off every property owner, every home owner, from

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

contesting the levy that's filed by the downstate forest reserve (sic - preserve) districts when they protest the taxes on their homes. What this Bill does is, it says that regardless of whatever errors were made by the forest reserve (sic - preserve) districts in downstate Illinois, whatever errors they might have made in their levy procedure, in the levy process, home owners can't complain about the levy of the downstate forest reserve (sic - preserve) districts because this Bill says that regardless of whatever they did, it's okay and property owners could not contest the levy, which currently they could do. This Bill, in affect, cuts off the rights of property owners to contest the amount of their property taxes because of an insufficient levy or because the downstate forest reserve (sic - preserve) districts did not follow the law. The real estate interests of the citizens of downstate forest reserve (sic - preserve) districts have just as much right to contest that levy as they do their cities, villages, park districts and school districts levies when there has been an error that has caused an increase in the real estate taxes they pay. This is a bad procedure for the General Assembly to follow by acting and enacting a law that just automatically validates all of their levies. It's a bad procedure for the House to follow. It's a bad procedure for the General Assembly to follow, cutting off the rights of property owners. It should not be done, and this Amendment should fail, and I ask for a record Roll Call Vote."

Speaker Giglio: "Representative Steczo, to close."

Steczko: "Thank you, Mr. Speaker. The Gentleman is incorrect. The Gentleman could not be further off base. What this Amendment seeks to do is to do something that we in the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Legislature have been doing since 1966 when Richard Oglivie was the President of the Cook County Board. Former Governor Oglivie was President of the Cook County Board. It has nothing to do with legitimate protests of taxes that the home owner or other individuals would pay. Not one thing. This issue seeks to address nonsubstantive types of issues. For instance, in DuPage County, a few years ago, the president of the forest preserve district failed to put his middle initial on the ordinance when he signed it. A tax protest was filed, not because there was a problem with the levy, not because there was a problem with the appropriation, not because there was a problem, specifically because, in a nonsubstantive case, the middle initial was missing. Somebody who can afford to hire an expensive attorney (maybe from Mr. Wennlund's law office), filed suit and said, 'I'm going to protest because of this nonsubstantive procedure.' Anybody who has legitimate complaint and a legitimate problem with their property taxes, or with the levy or anything else will still be able to continue those, that process will not be validated because of this Bill. It's only those little technical changes and errors that occur that are being validated at this point, Mr. Speaker, and I would ask for 'yes' votes on this Bill, something we in the General Assembly have done every year since 1966, when there were...when there was, started in 1966 when a Republican was president of the Cook County Board. I would move for the adoption of Amendment #1, Mr. Speaker."

Speaker Giglio: "All those in favor of the Amendment vote 'aye', opposed vote 'no'. Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. Just to explain my 'no' vote. In a letter that the Governor wrote last

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

year, I think he made it very clear that he was opposed to any further tax levy validation on the grounds that he feels it deprives the taxpayer of some basic protection. If you validate the levy, you are in effect establishing the tax rates because it's the levy that drives the rate and so perhaps a 'no' vote is the appropriate vote at this time."

Speaker Giglio: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Amendment #1 and the Bill itself, something we've done since 1965, in this General Assembly, 1965, Ladies and Gentlemen. It's never failed to pass and what this does is deal with nonsubstantive, in essence, paper types of objections. Somebody forgot to put a date on a form, somebody forgot to sign a form, somebody left a comma off a form. That's all we're talking about here. We're not talking about diminution of anybody's rights. We're not talking about keeping people from attacking an invalid tax levy ordinance. We're talking about nonsubstantive procedural objections. This has been passed every year since 1965. There's no reason we shouldn't pass it now."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 52 voting 'yes' and 60 voting 'no', and the Amendment fails. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Does the Gentleman have leave for immediate consideration? Hearing none, leave is granted. The Bill's on Third Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3243, a Bill for an Act concerning

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

validation of appropriation and tax levy ordinances. Third Reading of the Bill."

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

Lang: "Thank you, Mr. Speaker. Nothing has changed. The main Bill does for Cook County what the rest of the Bill did for downstate. I move its adoption."

Speaker Giglio: "Any discussion? Hearing none, all those in favor signify by voting 'aye', opposed, 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Hoffman, for what purpose do you rise, Sir?"

Hoffman: "Bulls' game, 14 minutes."

Speaker Giglio: "Well, the Chair was informed that they are going to postpone the game until we're finished. Mr. Clerk, is the machine functioning? These lights are blinking up here, and there's something wrong here. Mr. Clerk, you better call the electrician. Things are still blinking up here. They're going on; they're going red; they're going black. Well, let's see what happens. Have all voted who wish? Are there some more out there? Have all voted who wish? I think it's starting to work now, Representative Black. On this question, there are 47 votes 'yes', 63 'no', and the Gentleman asks for Postponed Consideration. House Bill 3663, Representative Turner. Out of the record. All right. On Municipal, County and Conservation, appears House Bill 705, Representative Saltsman. Do you wish to have this Bill called, Sir? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 705, a Bill for an Act to amend the Fire Protection District Act. Third Reading of the Bill."

Speaker Giglio: "Is there anybody in opposition to this Bill? It's on Short Debate. Representative Saltsman."

Saltsman: "Yes, I'd like to return this Bill to Second Reading

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

for an Amendment."

Speaker Giglio: "You heard the Gentleman's Motion. Does the Gentleman have leave by the Attendance Roll Call? Hearing none, leave is granted. The Bill's on the Order of Second Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Floor Amendment #2, offered by Representative Saltsman."

Speaker Giglio: "Representative Saltsman."

Saltsman: "Yes, thank you, Mr. Speaker. The Amendment is the Bill and what this allows is pleasure driveway and park districts in the State of Illinois by referendum to increase their bonding authority from a half a percent to a full percent and that is with a referendum. There are only three of these districts in the state which is Aurora, Springfield and Peoria, and they will be the only districts that will be involved within this Amendment and this legislation. I ask for its passage."

Speaker Giglio: "Any discussion on the Amendment? Representative Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair. We have this Amendment as #1. Could we, could the Clerk give us the LRB number on the Amendment at hand?"

Clerk O'Brien: "LRB8700909RSmcam."

Black: "All right. We've got it misnumbered then. It is Amendment #2. Mr. Speaker, would the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Black: "Thank you. Representative, I think I heard you say that it would only affect the Peoria Park District? Is that correct?"

Saltsman: "No, it'll also affect...I've talked to the Representatives from both Aurora and Springfield and it will affect...They are three that I know of. There might

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

be a fourth one which is a pleasure driveway and park district..."

Black: "Yes, Fox Lake."

Saltsman: "There might be another one in the state. Was it Fox..."

Black: "Yes, I think it's Fox Lake."

Saltsman: "I didn't know if that was or not. I know there's three and that's the only park districts that will be affected by this and this came from their meeting down here last week."

Black: "It's...Staff also tells me that this Amendment rewrites the referenda question...How does it rewrite it?"

Saltsman: "Yes. The LRB has been doing this and they did this at their discretion. It wasn't requested by us. It's something that they've been doing on most referendums."

Black: "Okay. I guess what I'm unclear about on this Amendment, and, as you said, now the Bill, is that...does this require that they go over this aggregate total? It's a front door referendum?"

Saltsman: "Yes."

Black: "All right. But are you increasing the current level? Is it...If I understand it correctly, currently they can levy 0.575 of the district's aggregate unpaid principal? This Bill then takes that up to a full 1%, so it can jump about a half a cent without referendum? That basically is what we're doing here, correct?"

Saltsman: "Yes, Representative, at this time I'm going to pull this Bill out of the record."

Black: "All right, thank you."

Saltsman: "And, we'll have...Do you want...the Amendment just came out today, was just printed, and I want you to have more time to look at it."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Black: "Yes, we have some questions. We'd like to get together with you and then we..."

Saltsman: "Our staff and your staff can work together and..."

Black: "All right, fine. Thank you very much."

Saltsman: "Take a look at it and then bring it back tomorrow or the next day."

Speaker Giglio: "All right, you want to move this Bill, you want to leave it on Second, Representative Saltsman? All right, the Bill remains on the Order of Second Reading, Mr. Clerk. Take the Bill out of the record. House Bill 854, Representative Steczo. Do you wish to have this Bill called? Mr. Clerk, read House Bill 854."

Clerk O'Brien: "House Bill 854, a Bill for an Act to amend the Counties Code. Third Reading of the Bill."

Speaker Giglio: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. First, I would like the Members of the House to know that House Bill 1854...House Bill 854 has nothing to do with stipends. The Bill was amended in committee and anything related to stipends was taken out of this Bill. So, the board is wrong. What House Bill 854, as amended, does do, it tries to deal with the current efforts on behalf of recorders to go to documents that are 8 1/2 x 11 in size and what the clerks have asked for is that people be given until January 1, 1995, to comply with the filing of 8 1/2 x 11 documents. If after January 1, 1995, documents are filed larger than 8 1/2 x 11, the recorders at that point for the trouble that they would have to go through to deal with that documentation, would be able to charge an additional fee. That's what the Bill does, Mr. Speaker. I'd answer any questions from Members and would now ask for an 'aye' vote."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Speaker Giglio: "Any discussion? Representative Homer."

Homer: "Will the Gentleman yield?"

Speaker Giglio: "He indicates he will."

Homer: "Representative Steczo, this Bill came from the County
Recorders Association?"

Steczko: "That's correct."

Homer: "And, I note that the language is mandatory. This would
require the recorder to assess the higher fee?"

Steczko: "But, If you look at Line 29 of the Amendment, the
paragraph applies only to documents dated after January 1,
1995, so the effort would be to have everybody to conform
to the usage of 8 1/2 x 11 paper to file documents. Up
until January 1, 1995 if that conformity isn't there, then
the clerks would be permitted to charge an additional fee
for handling those larger documents."

Homer: "Yes, but the Bill seems to go beyond the 8 1/2 x 11. It
has other, four other requirements. The requirement that
the documents be in 10 point type, leave margins of 1/2"
and the requirement that the first page of the document
contain a blank space 3 x 5 in the upper corner and that
the document not have any attachment fixed to any page.
Those seem to go beyond the 8 1/2 x 11 requirement.
What's the rationale for all of those requirements?"

Steczko: "The thing is standardization, Representative Homer and
not having filed these documents, I'm not sure if those are
beyond the scope of what's even being done today. I mean,
10 point type is a standard type, if you had anything less,
you'd need a magnifying glass to read it, so, you know,
white paper...This is standard...standarize everything."

Homer: "I guess I have no problem with permissive authority of a
recorder to charge additional fees. You know, in my county
a standard deed is...has that box down in the lower left

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

hand corner for the revenue stamps, as opposed to the upper right hand corner. I think, you know, it depends upon what form company printed the form, and I don't know why you would...why you would charge a penalty because the box is in one corner opposed to another and make that a mandatory fee increase. I mean, what's the justification for that?"

Steczo: "Well, I think, Representative Homer, the whole question is standardization. Number one, on behalf of the clerks and recorders and that's why the Bill specifies January 1, 1995, which is three years down the road, so everybody becomes adapted to the standardization of the forms and everything else."

Homer: "Okay, well, the Bulls' game is in a minute, so I think we've...and I can't...I'm not going to vote for the Bill, but we probably ought to move along."

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

Levin: "Will the Gentleman yield?"

Speaker Giglio: "He indicates he will."

Levin: "Did I hear you say this applies not only to filings with clerks, but to recorders of deeds?"

Steczo: "This is recorders."

Levin: "Pardon?"

Steczo: "Recorders."

Levin: "Recorders?"

Steczo: "The recorder shall, yes...this is the recorders."

Levin: "So, if in Cook County, one filed a condominium declaration, for example, or a deed with the Cook County Recorder of Deeds, this would apply to the size of the paper and the type face and the margins and so on that you'd have to file with the recorder of deeds. It's not just the clerk's office?"

Steczo: "It's only the recorder of deeds, and it's after January

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day
1, 1995."

May 19, 1992

Levin: "But, Representative Homer indicated that this Bill not only deals with the size of the paper, but it deals with margins and blank spaces and so on. Aren't you making it even more difficult for people to file documents? Aren't you making it more likely that people are going to have to go to attorneys and maybe that's a good idea. I could use the business."

Steczo: "Mr. Levin, for the most part, I would imagine that most of these forms you can probably buy in a store someplace and so it's just a matter of having those forms adapted to 8 1/2 x 11 size. So, the legal form people will have three years to be able to standardize everything and that's the way it should work. There should be conformity; there should be standardization and, as I said, the effective date for this is January 1, 1995, which is over three years from now."

Levin: "What is the problem? Usually, we, you know, when we have a Bill...there's a problem, and we want to solve the problem, and, you know, if it's not broken, we don't try to fix it. What's broken here that even with that long date, you know, we need to so regulate the margins and everything else in terms of documents that people are going to be filing, because they are not all standard forms. A lot of these documents attorneys have on word processors, so it may be fine if you go to an attorney but who regularly generates that kind of document but if you go to an attorney who doesn't do that kind of document, he may have a problem or the average person may have a problem, though. But what's the problem that we're trying to solve here?"

Steczo: "Well, Mr. Levin, there has been a...There has been an effort for years to go to 8 1/2 x 11 paper. You're aware

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

of that?"

Levin: "Yeah."

Steczo: "And so, in addition to conforming to 8 1/2 x 11 paper, the other things that are mentioned in the Bill would just provide no undue hardship for anybody to conform to a certain standard so across the State of Illinois these documentations are the same. As you said, there may be a situation now where they are not the same, and that can create a lot of havoc when reviewing those documents and doing a lot of other things. So, that's the purpose of trying to standardize and giving people enough time to do it, giving three years to do that."

Levin: "To the Bill, Mr. Speaker. As an attorney, I think maybe this is a great idea. Maybe it will bring me more business, but for the average person I think this is going to make life more difficult. It's going to make things more complicated and unless you're an attorney and would want the additional business that would be generated by having to know the margins and the size and where to put blank spaces, this, you know, doesn't seem to make a whole lot of sense, and I would encourage a 'no' vote."

Speaker Giglio: "Further discussion. The Gentleman from Will, Representative Wennlund?"

Wennlund: "Thank you, Mr. Speaker. To remind the Members of the House, that the real tip off on this came four minutes ago. The real tip off took place four minutes ago, and we all missed it, so I move the previous question and ask that we can see the rest of the game."

Speaker Giglio: "The previous question's been moved. All in favor signify by saying 'aye', opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it, and the previous question has been moved. Representative Steczo, to close."

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Steczo: "I just hope the Bulls win, Mr. Speaker. I ask for a 'yes' vote."

Speaker Giglio: "The question is, 'Shall House Bill 854 pass?' All those in favor signify by voting 'aye', opposed, 'no'. The voting is open. This is final action. Representative McNamara, one minute to explain your vote."

McNamara: "The vote's going the right way. I think it's a very simple Bill. Let's just put the 'aye' votes up."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Johnson 'aye'. Have all voted who wish? Representative Barnes, are you seeking recognition? Take the record, Mr. Clerk. On this question, there are 91...92 voting 'aye', 21 voting 'no', and House Bill 854, having received the required Constitutional Majority, is hereby declared passed. House Bill 2664, Representative Satterthwaite. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2664, a Bill for an Act to amend the Counties Code. Third Reading of the Bill."

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

Satterthwaite: "Mr. Speaker and Members of the House. This Bill deals with counties under the township form of government and gives people in those counties the right to petition and by referendum put the question on the ballot as to the number of districts and the number of county board members to be elected. You may know that after each new census, the county board already can do this sort of thing under their own initiative, but there is not presently a situation where it can be done by a voter's initiative. If we pass this Bill, counties will then be in the same position as municipalities now are where either, by the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

action of the municipality or by action of the people, the numbers of their members can be changed. I would be happy to answer questions and urge an 'aye' vote."

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

Black: "Yes, thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, can you tell me what the genesis of this Bill is?"

Satterthwaite: "The genesis of the Bill is the interest in some people in having a similar situation with municipalities where they can, in fact, determine, by a referendum, what the size of the county board would be and whether or not that contains multi-member districts or single-member districts."

Black: "Did this Bill originate in Champaign County?"

Satterthwaite: "There is certainly interest in Champaign County, but other counties as well."

Black: "Would the current auditor in Champaign County be in favor of this Bill?"

Satterthwaite: "I think she is."

Black: "All right. Thank you very much, Representative. Mr. Speaker and Ladies and Gentlemen of the House, I would like you to pay particular attention to this Bill, and I would like to read to you a note that I took when my county board chairman came over last week. My county board chairman in Vermilion County is a Democrat. He runs obviously a Democratic Party controlled county board. My Democrat County Board Chairman is a pretty nice guy, but I'm here to tell you, he's hot about this Bill. He is extremely opposed to this Bill. Chairman Max Call said he'd talked to Representative Satterthwaite about this Bill to express his concerns. He feels that this is but another attempt,

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

by the State of Illinois, to inject, for whatever purpose, their views, their feelings, their interference in the operation of county government. So, if anybody portrays this as being a Bill that is widely sought by county boards or county officials (and the Sponsor did not do that to her credit), they're absolutely wrong. I'm simply giving you a message from my county board chairman, who is a Democrat, who's absolutely opposed to this Bill, and if I might sum it up, he just simply says, 'Why don't you people run the state? Let us run the county.' And he wants you to vote 'no'."

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

Novak: "Yes, Mr. Speaker. I rise in support of this legislation as a Co-Sponsor but what the previous speaker indicated, irrespective of where you're from, Vermilion County or Iriquois County or Kankakee County, one thing we have to keep in mind: This just simply gives the people of the respective counties the simple right to determine whether they want to have two people per district in five districts or three people per district. It is the essence of the fundamental principles of Democratic and Republican representative governments. It certainly should be allowed. In 1980, we had a huge petition drive, as many Members who have much seniority here recall, and the people spoke at the ballot box in 1980, and they reduced the size of this chambers from 177 to 118. Those people went to the ballot and made the decision within their wisdom, and the Legislators respected their decision, and we subsequently reduced the size of this Body. State statutes that govern municipalities, villages and cities, also in fire protection districts and many other smaller units of local

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

government, also allow the electors in those respective jurisdictions to make the determination how many representatives they shall have to represent their interest with their respective units of local government. This simply asks that the people be allowed to make the determination on how many people...how many electors or how many representatives shall make up each district for a county board size. That's all it asks for. You couldn't ask for anything more simple, more fundamental, more in tune with the democratic principles and values upon which this country was founded and I ask you for your support."

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

Hoffman, J.: "Thank you, Mr. Speaker. I move for the previous question."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', opposed, 'no'. In the opinion of the Chair, the 'ayes' have it. The previous question has been moved. The Lady from Champaign, Representative Satterthwaite, to close."

Satterthwaite: "Mr. Speaker and Members of the House, this has nothing to do with what your county chairman may or may not want. This has something to do with what the people of your county may want. Unless there is a substantial amount of agreement on a form of government that would change the size or the number of districts, the effort is never even going to get on the ballot. However, if there is a substantial disagreement with the current county board size, then it should be left to the people. I would urge your support for House Bill 2664 to give the people the right to make the decision."

Speaker Giglio: "Question is, 'Shall House Bill 2664 pass?' All

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

those in favor signify by voting 'aye', opposed, 'no'. The voting is open, and this is final action. Representative Stern, one minute to explain your vote."

Stern: "Mr. Speaker, I just wanted to say, although I have nothing to do with this Bill and I don't know why it didn't go to the Elections Committee, it is the kind of inquiry I have had from other counties all over the state. Why aren't people allowed to have input to this kind of decision and put it on the ballot? I know that Lake and DuPage are interested. I can't answer for Representative Black's county. It's a small 'r' Republican county rather than a small 'd' Democratic, I guess."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 66 voting 'yes', 43 voting 'no', and House Bill 2664, having the required Constitutional Majority, is hereby declared passed. All right, we're going to go back and take two Bills that were taken out of the record and move them, and we'll make a telephone call. Government Administration, Second Reading, Representative Lang, House Bill 2759. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2759, a Bill for an Act to amend the Counties Code. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment..."

Speaker Giglio: "Are there any Floor Amendments, Mr. Clerk? Representative Lang."

Lang: "Thank you, Mr. Speaker. Our file reflects no Amendments."

Clerk O'Brien: "No Committee or Floor Amendments."

Speaker Giglio: "Third Reading. House Bill 2762, Representative

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Lang. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2762, a Bill for an Act to amend the Counties Code. Second Reading of the Bill. No Committee or Floor Amendments."

Speaker Giglio: "Third Reading. Agreed Resolutions."

Clerk O'Brien: "House Resolution 1971, offered by Representative Manny Hoffman; House Resolution 1974, offered by Representative Johnson; House Resolution 1975, offered by Representative Johnson; House Resolution 1976, offered by Representative Schoenberg; House Resolution 1977, offered by Representative Johnson; House Resolution 1979, offered by Representative Manny Hoffman; House Resolution 1980, offered by Representative Black; House Resolution 1981, offered by Representative Black; House Resolution 1982, offered by Representative Weaver; House Resolution 1983, offered by Representative McGuire; House Resolution 1984, offered by Representative McGuire; House Resolution 1985, offered by Representative McPike; House Resolution 1986, offered by Representative Johnson; House Resolution 1987, offered by Representative Johnson; House Resolution 1988, offered by Representative Matijevich; House Resolution 1990, offered by Representative Lang; House Resolution 1991, offered by Representative Novak; House Resolution 1992, offered by Representative Novak; House Resolution 1993, offered by Representative Novak; House Resolution 1994, offered by Representative Novak; House Resolution 1995, offered by Representative Bugielski; House Resolution 1996, offered by Representative Kubik; House Resolution 1997, offered by Representative Dunn."

Speaker Giglio: "You heard the Agreed Resolutions, Representative Matijevich moves the adoption of Agreed Resolutions. All in favor signify by saying 'aye', opposed, 'no'. In the

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

opinion of the Chair, the 'ayes' have it. The Agreed Resolutions have been adopted. Further Resolutions. Death Resolutions."

Clerk O'Brien: "House Resolution 1972, offered by Representative Barnes, with respect to the memory of Mayor Frederick T. Owens. House Resolution 1973, offered by Representative Johnson, with respect to the memory of Pauline Atteberry. House Resolution 1978, offered by Representative Johnson, with respect to the memory of Paul Breeze. House Resolution 1989, offered by Representative Noland, with respect to the memory of Russell Edmonds."

Speaker Giglio: "Representative Matijevich moves for the adoption of the Death Resolutions. All those in favor signify by saying 'aye', opposed, 'no'. In the opinion of the Chair, the 'ayes' have it. Death Resolutions are adopted. Representative Deuchler, for what purpose do you rise?"

Deuchler: "For the purpose of an announcement. The Women's Legislative Network and the Conference of Women Legislators are still holding their reception tonight, at Carol Frederick's, 4044 West Jackson Parkway."

Speaker Giglio: "Allowing the Clerk for Perfunct for the purposes of Messages from the Senate, First Reading of Senate Bills and the introduction of Constitutional Amendments, Matijevich now moves that the House stands adjourned until 9:00 a.m. tomorrow morning. All those in favor signify by saying 'aye', opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it. The House now stands adjourned."

Clerk O'Brien: "Introduction and First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #37, offered by Representative Parcel's, 'WHEREAS, The Congress of the United States of America, by a Constitutional Majority of two-thirds of each house, has

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

adopted a proposition to amend the Constitution of the United States of America to provide for a balanced federal budget; and WHEREAS, Article V of the Constitution of the United States allows the ratification of the proposed Amendment to the United States Constitution by the General Assembly of the State of Illinois; and WHEREAS, The General Assembly of the State of Illinois finds that the adoption of the proposed Amendment is in the best interests of the people of the State of Illinois and all the people of this Nation; therefore, be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the proposed balanced budget Amendment to the Constitution of the United States is ratified by the General Assembly of the State of Illinois; and be it further RESOLVED, That the Secretary of State of Illinois shall transmit certified copies of this preamble and resolution to the Archivist of the United States, to the Vice President of the United States and to the Speaker of the United States House of Representatives with a request that it be printed in full in the Constitutional Record. First Reading of the Constitutional Amendment. Introduction - First Reading of (Senate) Bills. Senate Bill 1521, offered by Representative Shaw, a Bill for an Act to amend the Chicago Park District Act. First Reading of the Bill. Senate Bill 1591, offered by Representative McPike, a Bill for an Act to amend the Alton Lake Heritage Parkway Law. First Reading of the Bill. Senate Bill 1754, offered by Representative Brunsvold, a Bill for an Act to amend the Boat Registration and Safety Act. First Reading of the Bill. Senate Bill 1821, offered by Representative Parke, a Bill for an Act to amend an Act in relation to support obligations. First

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

Reading of these Senate Bills. A Message from the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has passed Bills with the following title and passage which I am asked the concurrence of the House of Representatives, to wit: Senate Bills 1532, 1554, 1678, 1683, 1720, 1889, 1923, 1934, 1988, 2051, 2110, 2120, 2131, 2135, 2164, 2165, 2217 and 2239. Passed the Senate May 19, 1992. Linda Hawker, Secretary of the Senate'. Introduction - First Reading of Bills. Senate Bill 1532, offered by Representative Jay Hoffman, a Bill for an Act in relation to compensation for certain veterans who have been held prisoner by hostile forces. First Reading of the Bill. Senate Bill 1554, offered by Representative Lang, a Bill for an Act in relation to educational finance. First Reading of the Bill. Senate Bill 1683, offered by Representative Kubik, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. First Reading of the Bill. Senate Bill 1720, offered by Representative McAfee, a Bill for an Act to amend the Code of Civil Procedure First Reading of the Bill. Senate Bill 1889, offered by Representative Turner, a Bill for an Act to amend the Illinois Public Aid Code. First Reading of the Bill. Senate Bill 1923, offered by Representative Wolf, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. Senate Bill 1934, offered by Representative Keane, a Bill for an Act to amend the Deposit of State Moneys Act. First Reading of the Bill. Senate Bill 1988, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 2051, offered by Representative Currie, a Bill for an Act in relation to payment of taxes

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

143rd Legislative Day

May 19, 1992

by electronic funds transfer. First Reading of the Bill. Senate Bill 2110, offered by Representative Granberg, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 2120, offered by Representative Barnes, a Bill for an Act in relation to taxpayers' rights amending named Acts. First Reading of the Bill. Senate Bill 2135, offered by Representative Weaver, a Bill for an Act to amend the Revenue Anticipation Act. First Reading of the Bill. Senate Bill 2164, offered by Representative Hicks, a Bill for an Act to amend the Illinois Securities Law of 1953. First Reading of the Bill. Senate Bill 2165, offered by Representative Parke, a Bill for an Act in relation to the Secretary of State evidence fund. First Reading of the Bill. Senate Bill 2217, offered by Representative Cowlshaw, a Bill for an Act concerning educational service region funds. First Reading of the Bill. Senate Bill 2239, offered by Representative Granberg, a Bill for an Act in relation to public water and infrastructure projects. First Reading of these Senate Bills. There being no further business, the House now stands adjourned."

STATE OF ILLINOIS
87TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 19, 1992

HB-0451	SECOND READING	PAGE	87
HB-0487	THIRD READING	PAGE	10
HB-0705	RECALLED	PAGE	163
HB-0849	RECALLED	PAGE	57
HB-0854	THIRD READING	PAGE	166
HB-1103	SECOND READING	PAGE	95
HB-1181	THIRD READING	PAGE	12
HB-1182	THIRD READING	PAGE	13
HB-1182	OUT OF RECORD	PAGE	15
HB-2567	SECOND READING	PAGE	80
HB-2664	THIRD READING	PAGE	171
HB-2677	RECALLED	PAGE	108
HB-2677	OUT OF RECORD	PAGE	110
HB-2716	THIRD READING	PAGE	110
HB-2751	THIRD READING	PAGE	16
HB-2751	POSTPONED CONSIDERATION	PAGE	22
HB-2759	SECOND READING	PAGE	175
HB-2762	SECOND READING	PAGE	176
HB-2763	THIRD READING	PAGE	120
HB-2927	THIRD READING	PAGE	122
HB-3029	SECOND READING	PAGE	79
HB-3050	THIRD READING	PAGE	132
HB-3065	THIRD READING	PAGE	2
HB-3110	SECOND READING	PAGE	82
HB-3150	THIRD READING	PAGE	133
HB-3164	SECOND READING	PAGE	65
HB-3221	THIRD READING	PAGE	142
HB-3227	THIRD READING	PAGE	142
HB-3243	RECALLED	PAGE	159
HB-3243	POSTPONED CONSIDERATION	PAGE	163
HB-3243	OUT OF RECORD	PAGE	162
HB-3245	THIRD READING	PAGE	47
HB-3373	THIRD READING	PAGE	24
HB-3380	THIRD READING	PAGE	4
HB-3380	THIRD READING	PAGE	6
HB-3380	OUT OF RECORD	PAGE	5
HB-3395	THIRD READING	PAGE	26
HB-3409	THIRD READING	PAGE	28
HB-3609	THIRD READING	PAGE	35
HB-3609	POSTPONED CONSIDERATION	PAGE	44
HB-3638	SECOND READING	PAGE	62
HB-3638	SECOND READING	PAGE	70
HB-3638	HELD ON SECOND	PAGE	71
HB-3638	OUT OF RECORD	PAGE	63
HB-3666	THIRD READING	PAGE	5
HB-3884	SECOND READING	PAGE	63
HB-3884	RECALLED	PAGE	70
HB-3884	OUT OF RECORD	PAGE	64
HB-3892	THIRD READING	PAGE	9
HB-3965	SECOND READING	PAGE	64
HB-4025	THIRD READING	PAGE	7
HB-4037	SECOND READING	PAGE	85
HB-4056	THIRD READING	PAGE	44
HB-4078	THIRD READING	PAGE	50
HB-4166	THIRD READING	PAGE	52
HB-4170	THIRD READING	PAGE	56
HB-4188	SECOND READING	PAGE	71
SB-1485	THIRD READING	PAGE	23
SB-1509	FIRST READING	PAGE	2
SB-1521	FIRST READING	PAGE	178
SB-1532	FIRST READING	PAGE	179
SB-1554	FIRST READING	PAGE	179
SB-1581	FIRST READING	PAGE	2
SB-1589	FIRST READING	PAGE	2

STATE OF ILLINOIS
87TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 19, 1992

SB-1591 FIRST READING	PAGE	179
SB-1683 FIRST READING	PAGE	179
SB-1720 FIRST READING	PAGE	179
SB-1754 FIRST READING	PAGE	179
SB-1821 FIRST READING	PAGE	179
SB-1889 FIRST READING	PAGE	179
SB-1923 FIRST READING	PAGE	179
SB-1934 FIRST READING	PAGE	179
SB-1988 FIRST READING	PAGE	179
SB-2051 FIRST READING	PAGE	179
SB-2110 FIRST READING	PAGE	180
SB-2120 FIRST READING	PAGE	180
SB-2135 FIRST READING	PAGE	180
SB-2164 FIRST READING	PAGE	180
SB-2165 FIRST READING	PAGE	180
SB-2217 FIRST READING	PAGE	180
SB-2239 FIRST READING	PAGE	180
HJR-0037 FIRST READING	PAGE	177

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER GIGLIO	PAGE	1
PRAYER - REVEREND REU	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
SPEAKER MADIGAN IN THE CHAIR	PAGE	30
GENERAL CONSUL GARY ANSBROW FROM IRELAND	PAGE	30
REPRESENTATIVE GIGLIO IN THE CHAIR	PAGE	35
REPRESENTATIVE MCPIKE IN THE CHAIR	PAGE	44
REPRESENTATIVE LAURINO IN THE CHAIR	PAGE	113
REPRESENTATIVE GIGLIO IN THE CHAIR	PAGE	142
AGREED RESOLUTIONS	PAGE	176
DEATH RESOLUTIONS	PAGE	177
ADJOURNMENT	PAGE	177
PERFUNCTORY SESSION	PAGE	177
MESSAGE FROM THE SENATE	PAGE	179
PERFUNCTORY SESSION - ADJOURNED	PAGE	180