

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

92nd Legislative Day

July 15, 1991

Speaker McPike: "The House will come to Order. Guests in the balcony may wish to rise and join us for the invocation. We'll be led in the invocation this morning by Representative Pam Munizzi."

Munizzi: "I guess it's best to recite the Lord's Prayer. Our Father who art in heaven. Hallowed will be Thy name. Thy Kingdom come. Thy will be done on earth, as it is in heaven. Give us this day our daily bread. And forgive us our trespasses as we forgive those who trespass against us and lead us not into temptation, but deliver us from evil. Amen."

Speaker McPike: "Would you lead us in the Pledge of Allegiance?"

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

Speaker McPike: "Roll Call for Attendance. Mr. Olson."

Olson, M.: "Thank you, Mr. Speaker. In the absence of Jack Kubik, I wish to report that we have one absentee on our side of the aisle this morning, it's Dave Leitch, otherwise, everyone is here."

Speaker McPike: "Is Mr. Leitch...Mr. Olson, is Mr. Leitch an excused absence? Thank you. Representative Matijevich."

Matijevich: "Yes, on this side of the aisle, Mary Flowers is excused."

Speaker McPike: "Thank you. Mr. Clerk, take the record. 115 Members answering a Roll Call. A quorum is present. House Bill 56, Representative Santiago. House Bill 121, Representative Currie. House Bill 927, Representative Steczo. House Bill 1415, Representative Homer. House Bill 1499, Representative Curran. House Bill 2010, Representative Granberg. House Bill 2148, Representative

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Keane. Children and Family Law. Senate Bill 10, Representative Ellis Levin. Senate Bill 11, Representative Ellis Levin. Senate Bill 446, Representative Burke. Senate Bill 872, Representative Keane. Senate Bill 908, Representative Capparelli. Senate Bill 972, Representative Steczo. Senate Bill 999, Representative Munizzi. Mr. Brunsvold, Representative Munizzi here? Senate Bill 999. The House will stand at ease for a few minutes until Representative Munizzi returns. Representative Munizzi has returned. Senate Bill 999."

Munizzi: "If I'm guaranteed 118 votes, I'll put this Bill right now. Let's take this Bill out of the record."

Speaker McPike: "This may be your last chance. This may be your last change to call this Bill, Representative."

Munizzi: "I don't think so. From what I read in the papers, tomorrow's another day."

Speaker McPike: "Mr. Ryder."

Ryder: "Mr. Speaker. On behalf of the Republicans, we'd be glad to put as many votes as possible on the board for Representative Munizzi, if she'd like to call the Bill. We stand ready to support it and...it may be her last chance. I think that we're getting down to the final few hours, here. So, we'd encourage her to call her Bill, along with the Speaker."

Speaker McPike: "Representative Laurino."

Laurino: "Mr. Speaker, would the Lady yield for a question or two?"

Speaker McPike: "Yes. Yes."

Munizzi: "I'm sorry, I did not..."

Laurino: "Would you yield to a question?"

Munizzi: "Oh, certainly. About what?"

Laurino: "What seems to be your problem? Why won't you call this Bill?"

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Munizzi: "I'd love to call the Bill. You want to call the Bill, let's call the Bill out. I think we need..."

Speaker McPike: "...Woodyard. Senator Woodyard. Representative Woolard."

Woolard: "I was wondering if the Speaker would consider the possibility of ordering breakfast for those of us who were kind enough to get here at a reasonable hour this morning?"

Speaker McPike: "Representative Hartke. The Gentleman has requested if you'd like to buy breakfast for everyone. Senate Bill 999, Representative Munizzi. This may be your last day to call this Bill, Representative."

Munizzi: "Praise the Lord! That has nothing to do with the invocation. Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 999, a Conference Committee, says a lot of things. Guess what they are? Thank you, vote for it. What they did was, in the Conference Committee, they receded from House Amendment #2 and concurred in House Amendment #1. But, they, also, added provisions with regards to the health care providers and patients in the HIV testing. It requires that the Department of Public Health investigate a report of a subject with HIV or AIDS that may be present or has presented a possible risk of transmission, and to investigate that person's contacts, to access the potential risk of transmission. It, also, states that it shall be conducted in a timely fashion. If the Department of Public Health determines the potential risk of the HIV transmission, that it may have existed, the subject can have the opportunity to submit any information and comment on proposed actions that the department intends to take with respect to the subject's contacts. It provides that the subject of the report the opportunity to notify the subject's contacts at risk of transmission prior to the Department of Public Health's actions to notify

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them. Contacts investigated in the case shall include individuals who have undergone invasive procedures performed by an HIV infected health care provider and health care providers who have performed invasive procedures for persons with HIV, provided the department has determined potential risk exists or may have existed, from the health care providers to those individuals or from infected persons to health care providers. If I can say anything about this Bill, everybody needs to be complimented in working together to make this agreed upon by everybody involved. The Medical Society, the Dental Society, the Nurses Association, the Trial Lawyers, the other Representatives involved, not only those that are on the board, but others: Representative Petka, Representative Curran, as well as the various staffs from the various offices. Everybody got together on this and came up with an Agreed Bill to answer the problems that are plaguing all of our communities throughout the State of Illinois, and, I ask for a favorable vote on this beautiful Conference Committee Report."

Speaker Giglio: "Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in reluctant opposition to this Conference Committee Report. We certainly need some sort of protection. Ooh booing, I like that, we certainly need some sort of protection. Patients should know when their health care providers have AIDS, there's no question about that. And, recently, when we voted on this, there was a column in the Chicago Sun-Times and the writer of that column listed various Members that voted against this, previously. And, I think his position was, that well we don't care about people; we don't care about AIDS. Well, he's wrong. Let me tell you why I was opposed to the Bill. Let me tell you why I'm opposed to it, now. There's an

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issue of patient confidentiality. When you go to a doctor, you go to a medical practitioner, you have files and those files are supposed to be sacred. Those files are supposed to be confidential. Your medical records should not be open to anyone without your permission. And, that's why I voted against the Bill before, and it's no different now. I did suggest to proponents of this Bill a way around this. All they needed to have to do was have patients sign a form saying that the Department of Public Health can come in and get their personal records in cases of an emergency, in case of an AIDS problem. But, they didn't do that. So, what we have now is the Department of Public Health being able to come in and get my medical records without my permission. Now, the fact is that the Conference Committee Report says that the Department of Public Health will keep the records confidential. That may be fine. But, I don't want my personal medical records turned over to anybody without my permission. And, I dare say, none of you would want your personal medical records turned over to anybody else, without your permission. Accordingly, I think there's a privacy problem here, a confidentiality problem. I certainly have no problem with the goal of this Bill, the goal is excellent and the goal is one we should pursue. But, I would have hoped that the Sponsor and the proponents would've taken into account this problem of patient confidentiality and patient privacy. And, until this privacy aspect of this Bill is covered, I must vote 'no'."

Speaker McPike: "Representative Homer."

Homer: "Thank you, Mr. Speaker. I rise in strong support of the Bill, and as one who sat in on a number of the meetings between Representative Munizzi and Senator Daley and all the parties of interests, Representative Pullen was there, the Medical Society was represented, the Dental Society,

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the hospitals, the Trial Lawyers, all parties sat through several meetings working out a compromise to this delicate issue. Senate Bill 999 is the fruit of that compromise. I don't believe there's any party left in opposition to the Bill. Speaks well for the process, this is clearly a good compromise. The confidentiality that we're talking about here is maintained by the Bill. What the Bill provides is that the Illinois Department of Public Health when there's a determination that a physician has contracted HIV virus, shall be authorized to investigate the contacts of that physician including the substance of the medical reports and patient records, but only for the purpose of notifying the patient. The Bill specifically provides a prohibition against revealing those reports for any other purpose and even goes so far as, to say a court can't even order that they be revealed for any purpose of litigation, or otherwise. This Bill attempts to strike the compromise and deal with the balance between the competing interests of confidentiality of the physician and the right of the patients to know whether they've been treated by a physician who has HIV virus. I think it's a good compromise, it's the right vote, it's the right Bill, let's vote 'yes'."

Speaker McPike: "Representative Klemm."

Klemm: "Well, thank you, Mr. Speaker. I'd like to ask the Sponsor a question or two. I guess, having just been released from the hospital, or several hospitals in the last few weeks, I was just curious about one of the provisions you have in here. And that's when it says, in our report, it says when the Department of Public Health receives a report that a health care provider or a patient presents a possible risk of HIV transmission, the department shall investigate. I was curious. I saw, as I

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was walking through the hospital a lot of ill people. Now, does the department get a report from whom, to investigate? How does the patient or somebody become investigated?"

Munizzi: "It's a report that comes from a doctor or a laboratory."

Klemm: "So, a doctor is the one who sends to the Department of Health that I want you to investigate an individual?"

Munizzi: "Under the, we're checking, so bear with me, here under the existing law."

Klemm: "Okay. I just want to know the procedure. Because, I think Representative Lang had a question about we don't want indiscriminant type of people marching in and looking at people's health records unless there's some reason for this. And, I'd like for the record that you indicate for legislative intent, what is the reason and where will the Department of Health come in and start investigating our citizen for whatever reason it may be."

Munizzi: "Section 4 of the existing law gives the requirements for reporting."

Klemm: "Would you say that again? I didn't hear you."

Munizzi: "Section 4 of the current existing law gives the provisions for reporting this."

Klemm: "What are they?"

Munizzi: "Let's see, a physician who makes a diagnosis or a laboratory who performs the test which includes a positive result, shall report such facts as may be required by the department by rule."

Klemm: "What kind of test are they performing? An HIV test that would indicate there may be a problem. Or, what kind of a test are we talking about?"

Munizzi: "I believe it's sexually transmitted disease testing which, also, includes the HIV."

Klemm: "So, if you went in the hospital and had your blood tested

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would necessary and if it came out okay but your doctor were to say, 'gee, I'll send it to the Department of Public Health', would you be investigated? Could you be investigated?"

Munizzi: "Only if was positive. I really can't see them doing it if there's no positive results to the the tests."

Klemm: "So, it's only when you have already had an HIV test made, it shows that it's positive, then you're investigated?"

Munizzi: "It states that only when there's a confirmed test that it be reported."

Klemm: "Alright. So, we're not just talking about any indiscriminate test of somebody that would be of concern they were violating some problems there. Okay. Well, that was my main concern. I appreciate your clarifying that."

Munizzi: "Thank you."

Speaker McPike: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker. Would the Sponsor yield? Representative, I think this is a very worthy effort. My question is, relative to the portion that deals with the notice of patients and health care providers. Let's use the scenario that someone may be exposed and that all of these people have been advised to take the test. What is the next procedure? Is the intent here just to be informative so that we can create some caution? Where do we move after someone who is in a helath care facility may have been exposed? What is this Bill attempting to do, then."

Munizzi: "The initial intent of the Bill is to disseminate the information that someone may or may not be affected, to allow them to receive advice and counsel on the actual disease and to, also, control it, to stop it from spreading."

Ropp: "Well, how will this actually prevent it from spreading if

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you've already been exposed? After the fact, is this, from this point on, other people would not be exposed. Obviously, if there is some exposure already, you cannot evade that potential, let's say acceptance of the disease."

Munizzi: "The actual purpose of this Bill is to get the information to the individual that may or may not have been affected. And, consequently, we know there's no solution, yet, to those infected by HIV but that we can put an end to any spreading of the disease, however it may be, to allow those that have been infected to receive counsel to be able to deal with what's happened to them."

Ropp: "Alright. As I understand, and I'm not a medical doctor and I don't know whether, frankly, I don't know whether there is anyone in this chamber that is. I'm somewhat concerned as to whether or not sufficient research has brought forth how this particular disease spreads. And as I understand it, you may have the disease and it not show up for weeks, months, or a long period of time. What I'm a little bit concerned about if, for example, someone has been exposed, takes the test and has, in fact, been determined to be negative at that time. Six weeks later, two weeks later comes down with the disease. Have we overacted on the side of being, assuring that person that you're clean, when, in fact, that person may not be, or, on the other hand, are we attempting to maybe cause some immediate alarm when, in fact, it is not a major alarm. Is there any response to that?"

Munizzi: "The intent of this Bill has to deal with the invasive procedures involved and that's how the disease would be transmitted...and we're trying to address that issue through this Bill. We're trying to provide information to patients and health care providers and were trying to stop the spread when we can."

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Ropp: "Well, I think, this obviously it's a very serious disease and I think we need to take all kinds of precautions. I hope, at some part in time, we don't get to the degree that we even have those people who are providing the care, for not wanting even to get involved with a person who may knowingly have the disease in an attempt to provide some cure for them, because they themselves do not want to become exposed. It seems like we have kind of a dual situation. That person who, obviously, already has the disease, and that person who may want to, by his medical profession, provide care, but because we have created such a concern here, we may find people who do not even want to provide that kind of care that those people so richly deserve."

Speaker McPike: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I rise in strong support and I congratulate the Representative and those who worked so hard on the legislation that she is presenting. Several weeks ago, we defeated legislation that would accomplish approximately the same purpose. However, as is often the case in this General Assembly, when it is necessary to do something, those people who are responsible and I believe Representative Munizzi is that kind of a person, gathers together all of those individuals, groups, that have an interest in legislation of this kind, as she did, and they work together toward a common goal. Conference Committee Report #1 on this Senate Bill 999 is the result of that labor. Representative Munizzi, all of the interest groups that lobby and work together to come up with this legislation should be congratulated. It is a strong, strong, piece of legislation. In my opinion, it answers many of the questions that were raised on this floor several weeks ago about this very important issue. And, I

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can without hesitation encourage all of my Members to support this piece of legislation because of the work that's gone into it, because of the thought, the process and the reflection that is produced, in my opinion, a good piece of legislation. I strongly support its passage."

Speaker McPike: "Representative Pullen."

Pullen: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. First, I would like to thank the Sponsor for so graciously becoming involved in this aspect of the HIV epidemic prevention effort. She has brought to the House an excellent Bill to protect the rights of rape victims and the House warmly endorsed that Bill initially and she has now graciously grafted onto that Bill a very important measure dealing with potential transmission of HIV in the health care setting. It is a balanced Bill. It is a needed Bill. It's a measure that comes to us because of situations developing in Illinois but is rooted in scientific soundness because of the documented transmission from a health care worker, namely a dentist, in Florida, to a young woman named Kimberly Bergalis. She is not the first to be infected by a health care worker. The CDC estimates that up to 126 patients have been infected by health care workers during the course of the epidemic. But, in the case of Kimberly Bergalis who is now tragically near death at any time, at any hour, at the age of 23, she was able to provide a genetic matching of the virus in her blood with the virus in the blood of the dentist that transmitted the disease unwittingly to her. And, because this genetic matching is so precise as to be well within the margin of error, it was 99.94% match, which is considered a perfect match, it is now documented that indeed there was no other way in which she might have received this virus and four others of that dentist's

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patients have now been determined to have been infected by that dentist. It is certainly regrettable. It is a reality that none of us are pleased to face but it is reality that with the exposure of blood when the HIV virus is present, it can be transmitted. Certainly it will not be in every case. But, the group principle of this Bill is that people have the right to know. They have the right to know if they have been exposed. They have the right to know so that they can determine whether they have become infected. No longer is there nothing that can be done for someone who is infected. There are now treatment protocols which do prolong life, which do certainly improve the quality of life of an infected person and they work best when the infection is found early, long before symptoms actually develop. This Bill will give the possibility for some people in our society who tragically have received this virus from a health care worker, to be notified so that they can be tested, counselled and treated. Also, the opposite is true. It gives an added level of protection for our health care workers who certainly are at greater risk than the patients, because they see so many people and they perform invasive procedures on so many people and the transmission can go both ways. It is important, not only in terms of getting people treated who have become infected and do not, yet, know it, so that their diagnosis is early. But also, so that those persons can avoid transmitting the virus to other people who are unwitting receivers of it in the more classic means of transmission. And, so, I rise in strong support of the Lady's Conference Committee Report and I ask the House to send a message to Kimberly Bergalis that we have heard her cry for reform, that we have heard her appeal to policy makers to prevent this from happening to other people to the extent that we can. This Bill

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represents the best effort and, I believe, will take a strong step toward controlling the spreading of this disease within the health care setting and I do urge its adoption. Thank you."

Speaker McPike: "Representative Hasara."

Hasara: "Thank you, Mr. Speaker. I'd like for everyone in the Body to realize that the whole country is watching Illinois this morning and watching this vote. I have had calls from people all over the country. I'm thinking of a man from Nashua, New Hampshire, who called me a few days ago who was infected in 1985 from a blood transfusion. His concern is making sure that his wife does not contract the disease. He is looking at this Bill, as our Legislators, health care workers and people who have been infected from all over the country that I have heard from in the last few weeks. So, we are being watched. I would like to add that, with all due respect to the interest groups who worked on this Bill, and I do have respect for all of them, this was an issue that came from the people, not from the interest groups and I think it's been a lesson to all of us to get out and listen to what people are saying about controversial issues. I had no idea how strongly people felt about this issue until, unfortunately, it hit very close to home for me. This is, to me, just the beginning and a lot of Representatives have raised a lot of the issues that remain to be discussed and heard on this issue. I hope this will be a good beginning and that the doors will remain open for the people and all of the interest groups that have worked hard on this legislation. In closing, I'd like to thank everyone who has been so supportive. If you have not read the Newsweek article about AIDS with the letter from Kim Bergalis, I encourage you to do so; it is very touching. But, I would like to conclude with the conclusion in her

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letter which was, in some ways a very bitter letter, and that is the P.S. in her letter which I think applies to all of us this morning. She says, P.S. 'If laws are not formed to provide protection, then my suffering and death was in vain. I'm dying, guys, goodbye.' I feel proud today that we in the Illinois General Assembly are, I believe, about to do what Kim asked us to do, to pass laws that are formed to provide protection so that her suffering and death is not going to be in vain. Let's please vote 'yes' on this Conference Committee Report."

Speaker McPike: "Representative Stern."

Stern: "Mr. Speaker and Members of the House. I don't need to emphasize what a serious and important step we may or may not be about to take. And, as I've indicated at this microphone before, I'm not as sure as I used to be about what I think are the appropriate things for us to be doing about it. But, let me emphasize that we must be careful about giving away our individual protections in an effort to fight this tragic disease. It is hard for us to know in 1991 what 'at risk' behavior is. Probably everyone of us attends a dentist on a regular basis. It begins to appear that the dentist in Florida, who unquestionably is the contact for these five people who acquired HIV, there, apparently the item of contagion was the hand piece. Now, you go to the dentist, you know what that gadget is, that goes in your mouth and drills out the cavity, the handpiece apparently was the contagious item. I want you to think about this. Everyone of us who goes to the dentist pursues 'at risk' behavior for acquiring the HIV syndrome. How are we going to protect ourselves? By compounding the tragedy for those who have it by removing whatever vestige of privacy they have left? I don't know that I'm right about this, but I am going to vote 'no' and ask that we be a

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little more cautious about taking away these rights that we have protected so carefully, ever since this nation was born. Let me point out that one of the things that all experts on AIDS have said, which is that we must encourage voluntary testing. If you are going to penalize those who test positive, to the extent that I think this Bill will do, we are not encouraging voluntary testing. I ask you to think very carefully about how you vote on this Bill."

Speaker McPike: "Representative Hicks moves the previous question. The question is, 'Shall the previous question be put?' All in favor say 'aye', opposed 'no'. The 'ayes' have it, the previous question is put. Representative Munizzi to close."

Munizzi: "Thank you, Mr. Speaker, Ladies and Gentlemen. The Bill has been pretty much debated ever since the original Bill went down. But, there's a difference from the original Bill, as this Bill is. This Bill was agreed upon by all parties involved so that we had something working and viable to help stop the problems that we're having throughout our state. The statistics are overwhelming. And, in the research done by the staff, as we were working on this Bill, we saw that there needs to be an issue here we can address, that we can come out with a positive response for. The laws pertaining to confidentiality are truly protected and they've even reinforce some of the penalties for violation of the Confidentiality Act. Again, I want to compliment everybody involved, all the interest groups, all the Representatives: Representative Pullen, Representative Petka, Representative Homer, everybody got together so that we had something that's workable for all of us that we can use to help address this problem. You've heard it debated, I ask for your favorable vote on this Conference Committee Report. Thank you."

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Speaker McPike: "The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 999?' All in favor vote 'aye', opposed vote 'no'. Representative Peterson to explain his vote."

Peterson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a public health issue. We have been dealing with other venereal diseases the same way this Bill does for years and the public, your constituents, overwhelmingly support doing something about patient and doctor notification. I urge an 'aye' vote."

Speaker McPike: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Survey after survey in this state has shown that the citizens of this state demand, not ask, not expect, demand the right to know when a health care provider has AIDS and is treating them. And it's a basic right to know this. I would ask this Body join and overwhelmingly supporting this worthwhile legislation."

Speaker McPike: "Representative Balthis."

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Having been one of those people that changed my vote before and voted 'present' because I was told that this would happen. I'm very pleased to cast a 'yes' vote and I thank Representative Munizzi and those that worked on this because I was told when I changed my vote this would happen and it did and I thank you."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 104 'ayes', 5 'nos', and the House does adopt the First Conference Committee Report to Senate Bill 999. This Bill having received a Three-Fifths Constitutional, Majority is hereby declared passed. House Bill 2010, Representative Granberg. The Democrats will have a caucus, immediately,

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in Room 114 and the Republicans will have a caucus, immediately, in Room 118. The House will stand in recess until the hour of 4:00 p.m."

Justice Knecht: "I'm Justice James A. Knecht of the Fourth District, Appellate Court, it's my privilege and pleasure this morning to swear in the newest Member of this House. We will administer the Oath of Office. If you'd raise your right hand please. I, state your name..."

Conkling: "I Les Conkling..."

Justice Knecht: "Do solemnly swear..."

Conkling: "Do solemnly swear..."

Justice Knecht: "That I will support the Constitution of the United States..."

Conkling: "That I will support the Constitution of the United States..."

Justice Knecht: "And the Constitution of the State of Illinois..."

Conkling: "And the Constitution of the State of Illinois..."

Justice Knecht: "And that I will faithfully discharge..."

Conkling: "And that I will faithfully discharge..."

Justice Knecht: "The duties of the office..."

Conkling: "The duties of the office..."

Justice Knecht: "Of Representative in the General Assembly of the State of Illinois..."

Conkling: "Of Representative in the General Assembly of the State of Illinois..."

Justice Knecht: "For the 87th Representative District..."

Conkling: "For the 87th Representative District..."

Justice Knecht: "To the best of my ability..."

Conkling: "To the best of my ability..."

Justice Knecht: "Congratulations."

Conkling: "Thank you much. I would like to introduce my wife, Sandra; my daughter-in-law and son, Valerie and Ted; and my

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sister, Hazel and brother-in-law Ron and nephew Mike. I'm very proud and very pleased to be a Member of this House. I will try to perform to the best of my ability and produce and do a good job for you and let's get it done. I think you want to go home. Let's go. Thank you."

Speaker McPike: "The House will come to Order. The Chair would like to welcome the newest Member of the Illinois House from Livingston County. Representative Les, well, the Board up here is incorrect, then, so, Mr. Electrician, you'll have to change this. From Ford County, Representative Les Conkling."

Conkling: "Thank you very much, and as I said this morning, I will try to, I am honored to be here and I will certainly try to make a contribution to the House. Thank you."

Speaker McPike: "Representative Hensel."

Hensel: "Thank you, Mr. Speaker, Members of the House. For the purpose of an announcement, I have a first on the House floor. In all the years that my seat mate Kay Wojcik and I have been here, I've never had the pleasure to be with her on her birthday. So, to celebrate her birthday we have a cake over here and let's hope it will be the last time I have to celebrate with her. Thank you."

Speaker McPike: "Ms. Wojcik."

Wojcik: "Well, Mr. Speaker, I have to say that, I've always been told by my mother that I'm never too old to learn something, and I guess we always have to have 'firsts' in our lives. So, this is the first that I'm together with a large assembly of people and so, come on and help celebrate. Thank you."

Speaker McPike: "On the Order of Conference Committee Report, appears Senate Bill 446. Representative Burke."

Burke: "Thank you, Mr. Speaker. Senate Bill 446, the Second Conference Report, would provide the ability for a

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presiding trial judge to hear Motions to expunge criminal records. I move for the concurrence of the Second Conference Report."

Speaker McPike: "The Gentleman's Motion. Representative Wennlund."

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

Speaker McPike: "Yes."

Wennlund: "My understanding is, is that the only changes that this Conference Committee Report makes is, to when a Motion is made by the Senate to expunge a record, it currently has to be made to the Chief Circuit Court Judge. This Conference Committee Report changes that to provide that, the judge who presided at the trial can hear that Motion to expunge and grant it, or deny it, or whatever. That's the only change the Conference Committee makes?"

Burke: "That is correct, Representative."

Wennlund: "It's always impossible to get before a Chief Circuit Court Judge, anyway, because of his administrative duties so, allowing the trial court judge who heard the trial, who's in a better position, in fact to grant the Motion to expunge a record, for a first time offender, for instance, is better well suited and we support it."

Burke: "Thank you."

Speaker McPike: "Representative Johnson."

Johnson: "I'm just prepared to close at the appropriate time."

Speaker McPike: "Yes. Go on and close."

Johnson: "It's a good Bill and I urge your support."

Speaker McPike: "Question is, 'Shall the House adopt the Second Conference Committee Report to Senate Bill 446?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? On this Motion there are 110 'ayes' and 1 'no' and the House does adopt Second Conference Committee Report to Senate Bill 446 and this Bill having

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received the Three-Fifths Constitutional Majority, is hereby declared passed. House Bill 56, Representative Santiago. House Bill 121, Representative Currie. House Bill 927, Representative Steczko. Mr. Steczko."

Steczko: "Thank you, Mr. Speaker. I would move to adopt the First Conference Committee Report on House Bill 927. In addition to the regular Bill, which dealt with Metropolitan or Water Reclamation District Bonds which passed the General Assembly unanimously, once already, being included. This Bill contains three other provisions one of which is Senator Rigney's, Senate Bill 922 which deals with the standardization of backdoor referenda. That provision is on this legislation. In addition to that, House Bill 516, which already passed the House unanimously, which deals with local tax redistribution but which failed to include an immediate effective date, is reincluded in House Bill 927. Lastly, legislation that we had to correct the way that city and village clerks must make minutes of meetings available to the public, is included in this legislation. That was Senate Bill 616, of which there's no opposition. Mr. Speaker, I would answer any questions and if not, would ask for the adoption of the First Conference Committee Report."

Speaker McPike: "Representative Myron Olson."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to join Representative Steczko in urging support of this Conference Committee. It embodies a lot of things a lot of people have sought and it deserves your support. Please vote for House Bill 927."

Speaker McPike: "Representative Pullen."

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Conference Report has in it...the Gentleman said, a Bill by Senator Rigney that many of us were

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concerned about when that Bill was voted on in the House because it would have the effect of raising the number of signatures needed for calling backdoor referenda in a number of jurisdictions where the signatures now are 5%. By standardizing it, according to the provisions of this Bill, it would be raised to 10%. Some others would be lowered to 10%. Ten per cent would be the standard and uniform figure but for many jurisdictions it would actually be an increase from 5% to 10%, making it twice as difficult for the voters in those jurisdictions, under those circumstances, to call a backdoor referendum and I thought people should understand the implication of that in this Bill. Thank you."

Speaker McPike: "Representative Stern."

Stern: "Mr. Speaker and Members of the House. Just a word to counter those comments. Senate Bill 922, which makes uniform the requirements for backdoor referendum petition filing, is a very good standardization of the election law. And, since we got no other election law out of the General Assembly this year, I speak in support of this legislation. I urge your 'aye' vote."

Speaker McPike: "Representative Black."

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

Speaker McPike: "Yes."

Black: "Representative, the provision for a property tax relief measure in this Bill, the reimbursement method, does that apply to taxing bodies statewide, or only in a particular area?"

Steczo: "It's the same, Representative Black, as House Bill 516 which, I believe, applies statewide, if one would meet the tests in the circumstances that are provided in the legislation."

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Black: "Does the legislation define surplus funds in that original Bill? I would assume it would have to."

Steczo: "I believe it does. It's a situation, Representative Black, where one municipality in particular, in suburban Cook County, has too much money, and they can only rebate back a certain portion, and this Bill allows them to do more than that, if they so choose, which they wish to do."

Black: "A unit of government has too much money, did you say?"

Steczo: "Believe it, or not, Representative Black, they have too much money."

Black: "Well, it's a refreshing change from what I usually hear. Thank you."

Speaker McPike: "Representative McCracken."

McCracken: "Thank you. Does this retain that 7.5% petition requirement we enacted last year?"

Steczo: "I believe, Representative McCracken, because that was a newly enacted provision that, that remains at 7.5%."

McCracken: "Okay. Thank you."

Speaker McPike: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker. Would the Sponsor yield? Representative, in the area that creates a reimbursement method for property tax relief, does the current Conference Committee Report determine what is a surplus?"

Steczo: "I believe that Representative Black just ask that question, Representative Ropp. I believe it does."

Ropp: "Alright. Then, does it take into account for any carry over into the next fiscal year, or does this have to be done at the end of every year to determine whether or not..."

Steczo: "It's done at the end of every fiscal year, depending on the circumstances of the village. As far as, I know there's one village in the state that this would apply to, as I mentioned to Representative Black, which had a far, a

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large amount of excess funds. They want to give it back to the homeowners and property taxpayers but they're limited as to how much they can give back under the current statute. This allows them to go beyond that, if they choose."

Ropp: "Good. Thank you. It's a good Bill."

Speaker McPike: "Representative Parcels."

Parcels: "Thank you, Mr. Speaker. Will the Sponsor yield? Terry, in here it says, and see if I'm correct, it standardizing the number of signatures in the filing deadlines for petitions requesting backdoor referenda provides that all backdoor referenda petitions must be filed within 30 days after the publication and must contain 10% of the registered voters. It seems to me that some of those right now are 10% of the voters who voted in the last election. Isn't that correct?"

Steczo: "Representative Parcels, if you look at the provisions for backdoor referenda in our statutes, they're all over the place. There's 10%, there's 50%, there's 5%, there's 7.5%, there's 12%. Senator Rigney, over the last year and a half and Representative (sic-Senator) Rigney, just because he thought it was a good idea, went through the statutes and caught about 98% of all the varying backdoor referendum provisions. And, attempts in that provision, which was, also, in Senate 922, which passed this House overwhelmingly, to standardize all those. So, hopefully, in the statutes and in any future Bills that we consider that deal with backdoor referenda, those provisions will be standard and no longer will we have the hodgepodge of provisions that we in the Legislature have had to deal with over the decades."

Parcels: "Well, that doesn't quite answer my question. The 10% I understand, which is a little on the high side, compared

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to some, but it's of all of the registered voters, not those just voting at the last election, this makes an enormous number more signatures required."

Steczo: "Representative Parcels, the statutes now devise a number of different methods. It could be voting in the last election, it could be registered voters, there's no general standard way of doing a backdoor referendum. This attempts, for the first time, to do that. And I think it's a laudable effort on Senator Rigney's part."

Parcels: "Well, Ladies and Gentlemen, to the Bill. I think if we do this, and you have only 30 days to do it, we've practically eliminated backdoor referendum. To get 10% of the registered voters in less than 30 days, which is what they need, would be almost impossible and I think you should think carefully if you want to do away with backdoor referendum because it almost would do that with this restriction."

Speaker McPike: "Representative Steczo to close. Terry Steczo, to close."

Steczo: "Well, thank you, Mr. Speaker. I would like to just reiterate the fact that the provisions that are contained in this legislation have already passed the House either unanimously, or overwhelmingly and would ask for your support in the adoption of Conference Committee Report #1."

Speaker McPike: "The question is 'Shall the House adopt the First Conference Committee Report to Senate Bill 927?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? Clerk will take the record. On this Motion there are 83 'ayes', 21 'nos'. The House does adopt the First Conference Committee Report to House (sic-Senate) 927 and this Bill having received the Three-Fifths Constitutional Majority, is hereby declared passed. House Bill 1415, Representative

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Homer. House Bill 1499, Representative Curran. House Bill 2148, Representative Keane. Senate Bill 10, Representative Levin and Senate Bill 11. Senate Bill 872, Representative Keane. Senate Bill 908, Representative Capparelli. Senate Bill 972, Representative Steczko. Terry Steczko? This may be the last day for these Bills. On concurrence, House Bill 942, Representative Keane. 2148, Representative Keane. Jim Keane. 2148. Senate Bill 872, Representative Keane. Senate Bill 872, would you like to try that one? Mr. Keane, he's on. Senate Bill 872, Representative Keane."

Keane: "Thank you, Mr. Speaker. I move to concur with Conference Committee Report #2 to Senate Bill 872. The Conference Committee has a number of items. The first, it allows unexpended bond monies to be used for other projects. About 30 years ago, bonds were sold in Cook County for a super highway and there's approximately \$11 million surplus. This language allows for the funds to be used by the county. Second, it clarifies the current policy of nonproration of property tax penalties due to a recent court interpretation of existing language. Number three, this section is an initiative of the Chicago Bar Association. It essentially repeals existing law with regard to the right of redemption and places new text into law and outlines form as well as other revisions. It expands the category of property owners eligible for the two and on-half year redemption period. It creates a fifth and sixth penalty period to correspond with the period of time between 24 and 36 months of the date of sale which is, or may be part of, the redemption period. This is to create uniformity of treatment throughout the original and extended redemption periods. It create a financial incentive to tax buyers to pay subsequent occurring

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delinquent taxes which have been forfeited and, it eliminates the right to redeem partial interest in tax delinquent properties in order to stop current abuses. I'd be happy to answer any questions and ask for a favorable vote. Mr. Speaker, I move the adoption of the Conference Committee."

Speaker McPike: "The Bill will be taken from the record. Could the Chair have your attention? We intend to adjourn on the Death Resolution of a former Member. We will adjourn until 10:00 a.m. tomorrow. Mr. Clerk."

Clerk O'Brien: "House Resolution 905, offered by Representative Capparelli.

WHEREAS, This House is deeply saddened by the death of a former member who served with distinction in both the Senate and the House of Representatives; and

WHEREAS, The memory of Steven G. Nash will forever be embraced by the General Assembly, for though his goodness, dedication and friendship the Senate and the House of Representatives are much nobler bodies in the conduct of affairs for the welfare of the people of the State of Illinois; and

WHEREAS, Steven G. Nash served with distinction in the Senate for the 81st and 82nd General Assembly and in the House of Representatives in the 83rd and 84th General Assembly; and

WHEREAS, Steven G. Nash was a lifelong resident of Chicago and attended Wright Junior College and Columbia College; and

WHEREAS, Steven G. Nash was an Administrative Assistant to Commissioner Chester Majewski of the Metropolitan Sanitary District which was valuable to his work as a member of the General Assembly; and

WHEREAS, Of all the good works of Steven G. Nash, he will be

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remembered most for his charitable efforts on behalf of numerous organizations, including the New Horizon Center for Retarded Children, the Chicago Area Council of the Boy Scouts of America and his service as Chairman of the Advisory Committee of the Illinois Central Community Hospital; and

WHEREAS, Steven G. Nash was a member of many civic organizations, including A.H.E.P.A, the United Hellenic-American Council of America, the Portage Park Moose Club, the Lions Club International, the Old Timers Baseball Association; and

WHEREAS, Steven G. Nash was active in the affairs of the Democratic Party through his service as the member of Executive Board of the 30th Ward Regular Democratic Organization and was elected as a delegate to the 1976 Democratic National Convention; and

WHEREAS, Steven G. Nash was most proud of his Greek heritage and, in tribute to his ancestry, he annually hosted the Greek Dinner for the members of the General Assembly and officers of the Executive Branch, an occasion which celebrated Greek food and traditions and was tremendously enjoyed by all those in attendance; and

WHEREAS, Steven G. Nash truly had a zeal for life and will be fondly remembered by his family, members of the Illinois General Assembly, his numerous friends and business associates; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we offer our most sincere condolences to the family of Steven G. Nash, for their loss is shared by his many friends and associates, especially the members of the General Assembly; and be it further

RESOLVED, that a suitable copy of this preamble and resolution

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be presented to Kathy Tavlites, the sister of Steven G. Nash, as measure of our respect for our former colleague who will be sadly missed by all who had the distinct pleasure of this friendship. and as a further token of our respect, the House now Stands Adjourned."

Speaker McPike: "Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. I've known Steve Nash about 25 years and what can you say about Steve. Steve was one of the nicest, most decent men I've known in a long time especially in the game of politics. He was always willing to help you and he was very charitable, he formed the New Horizon with me, for the mentally retarded. And, everywhere I went in the city, somehow Steve would pop up somewhere. I'm going to miss Steve, like a lot of his colleagues will, but, wherever you are, Steve, may you have God speed to Heaven."

Speaker McPike: "Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, too, will miss Steve. I knew Steve for 25 years. He used to come around the corner where I grew up right at Belmont and Central. He'd be in the restaurants drinking coffee, late at night, and he was a very good friend of Chester Majewki. I remember one summer, he and Chester Majewki went up to cut grass on Chester's farm up in Michigan, and, it was hard to picture Steve cutting grass, but he would do anything to help a friend. I knew him very well. I, too, will miss him very much."

Speaker McPike: "Representative DeLeo."

DeLeo: "Thank you, Mr. Speaker. I, too, was a very personal friend of Steve Nash. As a matter of fact, for some of my colleagues that don't like me, you can blame Steve for being here. Steve Nash planted the seed. After the redistricting in 1980 he thought it would be a good idea

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for me to run for the House in my district that I currently represent. Steve was a very conscientious and caring individual as you heard in the Death Resolution and as Representative McAuliffe just mentioned, he always was helpful to everybody. On one of his closings, the last few days here in the General Assembly, Representative McPike mentioned from the podium that Steve Nash held a record. Steve Nash didn't play golf, Steve Nash didn't play gin, Steve Nash didn't swim, Steve Nash served on more committees than any Member of the General Assembly. His idea of hobby was serving on every committee, as many committees as he could possibly could. You know, contrary to stories, when he had a falling out with the Regular Democratic Party in Chicago he wasn't reslated, matter of fact, Bob Bugielski who sits right here in front of me and Steve are very close and were good friends and they still were up about until his death, he never blamed Bob, he knew that it was the leadership that made the decision and he always cared and looked hopeful that Bob Bugielski would have a great career down here. A mentioning New Horizon, he was for the mentally disabled kids on the northwest side and Steve was one of the founders of the facility that has now just expanded and it's a fabulous facility. So, Mr. Speaker, I ask to be joined on that Resolution. Thank you very much."

Speaker McPike: "Representative Levin."

Levin: "Thank you, Mr. Speaker. I was shocked to hear of the passing of Steve Nash last week. Politically, we were very different, yet Steve was somebody you could work with. On a variety of issues he was, you know, very personable. I'll remember him most about is his commitment to the Greek community and to the Greek Orthodox Church. We would jointly sponsor legislation in terms of religious

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accommodation because both the Jewish community and the Greek Orthodox community had holidays that fell on days that nobody else's fell on. So, we would jointly sponsor Bills where he would bring down his Greek priest from Springfield and I would bring down the Representative of the American/Jewish Congress. We did this on a number of Bills, and we really miss Steve a great deal."

Speaker McPike: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, and Members of the House. I, too, will miss Steve. Steve lived just a few blocks from my house. We go back many years. We served in the same organization together. We worked together for many years. And, it's the way the ball bounces, I was picked to run in that area, we really never had a big falling out, we still were friends we talked. I used to stop at his hot dog stand every now and then, just look at me, you can tell he took care of me with his hot dogs. So, you know, it was a big shock to me and it's gonna be a big loss to the people of my neighborhood and my district and we will really miss Steve, he did a super job when he was down here."

Speaker McPike: "Representative Capparelli asks that all Members be added as cosponsors to the Resolution and upon the adoption of the Resolution, the House will stand adjourned until tomorrow at 10:00 a.m. All in favor say 'aye', opposed 'no', the 'ayes' have it, the Resolution is adopted. The House stands adjourned. First Special Session will come to order. Attendance Roll Call for the Regular Session will be used as the Attendance Roll Call for the First Special Session. Representative Matijevec now moves that the First Special Session stand adjourned until tomorrow at the hour of 10:05 a.m. All in favor say 'aye', opposed 'no', the 'ayes' have it and the House stands adjourned."

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