

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

132nd Legislative Day

November 17, 1988

Speaker Breslin: "Ladies and Gentlemen, the hour of twelve having arrived, Members should be in their seats. The Chaplain for today will be the Reverend Norman Myer from the First United Presbyterian Church in Galesburg. He is the guest of Representative Hultgren. I would invite any of our guests in the gallery or on the floor to join us for the invocation."

Reverend Myer: "Let us pray. Creator of all things, in this season of Thanksgiving we are grateful for the abundant life which springs from the fertile prairie and arises from urban energy. We give thanks for the highways and byways, the waterways, roadways and airways which bring us together. For all Your Blessings and Your gracious care, hear our prayers of thanks. We thank You, too, oh God, for every citizen of this sovereign state, for their abilities and accomplishments, for their contributions to the common good of the nation and the world. We lift before You the citizens who serve in this House. You know their hurts as well their hopes. You know their pains as well as their pleasures. You know their wants as well as their wisdom. Shape the divisions and guide the decisions that are made in this place. That Your Will may be done and the greater good of all may be served. Amen."

Speaker Breslin: "Representative Ropp. Please lead us in the Pledge."

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

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

Piel: "Yes, Madam Speaker, will the record show that

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

132nd Legislative Day

November 17, 1988

Representative Countryman and Representative Barnes are excused today."

Speaker Breslin: "Thank you. Representative Johnson, for what reason do you seek recognition?"

Johnson: "I'd like to verify the present Roll Call."

Speaker Breslin: "Okay. Representative Matijevich...for what reason do you seek recognition?"

Matijevich: "Madam Speaker, I know we...on this side of the aisle Nelson Rice is excused due to illness, but I haven't...I don't have a further report from Coach Lucco. When I do, I'll let you know."

Speaker Breslin: "Okay."

Matijevich: "Alright."

Speaker Breslin: "We'll hold it open until you have that verification from Mr. Lucco and we'll hold the Attendance Roll Call open for Members to be added at the proper time. Representative Johnson, for what reason do you seek recognition?"

Johnson: "I withdraw my request."

Speaker Breslin: "Okay. He withdraws his request. We'll still wait for...notification from the Democratic side. Yes, Representative Matijevich, now."

Matijevich: "I stand corrected. Nelson Rice is here. No excused absences on this side of the aisle."

Speaker Breslin: "Very good. Have all recorded themselves as 'present' who are here? Mr. Clerk, take the record. On this question there are 115 answering the Quorum Roll Call, a quorum is present. Messages from the Senate."

Clerk O'Brien: "A Message from the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I am directed to inform the House of the Representatives that the Senate has concurred with the House of Representatives passage of Bill, the following title, to wit: House Bill 2533, together with

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

132nd Legislative Day

November 17, 1988

theirs... Senate Amendment #1 passed the Senate as amended November 16, 1988.' Linda Hawker, Secretary."

Speaker Breslin: "Committee Reports."

Clerk O'Brien: "The Committee on Rules has met and pursuant to Rule 20(c)3 the following Bills have been ruled exempt on November 17, 1988: Senate Bill 711. Signed, John Matijevich, Chairman."

Speaker Breslin: "Agreed Resolutions."

Clerk O'Brien: "House Resolution 1894, offered by Representative Grace Mary Stern. House Resolution 1895, Hultgren. 1896, Countryman. 1897, Daley. 1898, Wyvetter Younge. 1899, Regan. In addition to Senate Joint Resolution 165, Wennlund. House Joint Resolution 218, Madigan. 220, Harris. And 221, Mautino, et al. In addition to...House Resolution 1900, offered by Representative Pullen."

Speaker Breslin: "Matijevich. Representative Matijevich is recognized on the Agreed Resolutions."

Matijevich: "Madam Speaker, we have examined the Resolutions. They're all agreed to and I move for the adoption of the Resolutions."

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

Clerk O'Brien: "House Resolution 1890, offered by Representative Hartke. 1893, Panayotovich and Giglio. And House Joint Resolution 219, Currie, Jones and Hasara."

Speaker Breslin: "Committee on Assignments. Death Resolutions."

Clerk O'Brien: "House Resolution 1889, offered by Representative LeFlore with respect to the memory of Anna Marie Myles-Kinnard and House Resolution 1891, offered by Representative Anthony Young with respect to the memory of

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

132nd Legislative Day

November 17, 1988

Robert Taylor."

Speaker Breslin: "Representative Matijevich moves the adoption of the Death Resolutions. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Death Resolutions are adopted. Ladies and Gentlemen, the summit on school reform is still going on. As a consequence we thought this might be a...a good time...well, maybe you're back. You're back? Oh, good. Okay. Ladies and Gentlemen, on page 2 of your Calendar appears House Bills, Third Reading. House Bill 3519, Representative Richmond's Bill. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3519, a Bill for an Act to amend the Illinois Farm Development Act. Third Reading of the Bill."

Speaker Breslin: "Representative Richmond."

Richmond: "Thank you, Madam Speaker. Question of the Chair. There was an Amendment that's very important to this effort. Is it? I don't find it on my desk."

Speaker Breslin: "Mr. Clerk, can you tell us if the Amendment has been printed and distributed? Representative Richmond, it has not been printed and distributed. So, would you like to move the Bill back to Second Reading and then...and then wait for it? Representative Richmond requests that the Bill be returned to the Order of Second Reading for the purposes of an Amendment and then let the...um, when we come back to it, it'll be on Second Reading and the Amendment should be prepared by then. Page 7 of your Calendar under the Order of Motions appears House Bill 3008, Representative Martinez. I understand that both sides are in agreement on that Motion at this time. Representative Martinez, are you ready on House Bill 3008? Representative Martinez."

Martinez: "Thank you, Madam Chairman and Members of the House. I move to take from the Table, suspending the appropriate

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

132nd Legislative Day

November 17, 1988

Rules, House Bill 3008 and return it to the Judicial I Committee."

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

McCracken: "Thank you, Madam Speaker. I rise in support of the Motion. This matter will be scheduled if the Motion passes for Monday, the 28th Hearing before the Judiciary I Committee at 2:00 p.m. Sponsorship has been added pursuant to agreement of the parties."

Speaker Breslin: "Very good. The question is, 'Shall the House take House Bill 3008 from the Table and return it to the Committee on Judiciary I?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Motion carries. On page 3 of the Calendar appears Total Veto Motions. House Bill 3695, out of the record. House Bill 3896, Representative Cullerton."

Cullerton: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This Bill is House Bill 3896. My Motion is to override the Total Veto of the Governor. We've debated this Bill in the past. I'll just refresh your memory concerning it, because it did receive a lot of attention. This Bill was...a similar Bill was passed last year and the Governor vetoed it and we voted to override the Governor's Veto. And it received 70 votes to override, 1 vote short. We then passed the Bill again overwhelmingly in both Houses. And the Governor once again has vetoed the Bill. The Bill would amend the Statute on Statutes and provide for the enactment and adoption of official chapter and paragraph numbers for Illinois Statutes, declares such numbers to be in the public domain and authorize them to be used in citing Statutes. It would direct the Legislative Reference Bureau to establish and charge fees in connection

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

132nd Legislative Day

November 17, 1988

with the dissemination of certain Bills and material. Madam Speaker, I cannot hear myself. If...there's a lot of..."

Speaker Breslin: "Ladies and Gentlemen, this is a very important Bill. Please give Representative Cullerton your attention."

Cullerton: "Okay, thank you, Madam Speaker. Let me explain the...more of the history. This Bill was originally put forward and supported by a publishing company called the Mead Publishing Company. And they did so because they have a computer system called Lexis, and they were unable to put the Illinois Statutes on their computer system. The reason why was because West Publishing Company felt that they had a copyright of the method by which the Statutes were organized. And as a result they would not let Mead use that. Now over the summer after we passed this...actually before the Senate passed this Bill and after we passed it, Mead and West came to some type of an agreement between those two companies. I tell you that, but also tell you that there were other publishing companies, other than Mead that were still interested in the passage of this Bill. And I suggest to you that we also should be interested in the passage of this Bill. The current system works in this fashion. If you go to the Reference Bureau and have a Bill drafted, they will give you a Bill and they will put on the Bill a chapter and a section. That's done by the Reference Bureau. And when we pass legislation, it's given a public act number. Now, there is a publication of all those public acts, but they don't mean anything if you wanted to go look them up, because they have to be organized in the chapter and title fashion that we've done for so many years. So what happens is, the Statutes that we pass with the titles and the numbers are sent to the West Publishing

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

132nd Legislative Day

November 17, 1988

Company. And the West Publishing Company prints them. If the West Publishing Company keeps the same numbers that the Reference Bureau keeps, then they themselves admit that there's no infringement of their copyright, that they indeed say there is no copyright because the Reference Bureau made those...made those decisions. But if they decide that they want to change where they put the legislation and change the numbers then they claim they have a copyright. I would suggest to you that that's kind of a...almost a ludicrous way to conduct the business of this state. We, in fact, have to pay West Publishing Company for that product, most of which is done by the Reference Bureau. What this Bill says is that the Reference Bureau gets paid by the publishers. They give the state money so that they can publish what they, in effect, have organized. And I would just add parenthetically that I think there's a very strong argument that since these titles of these chapters were originally drafted by a state employee back in the 1800's and they haven't substantially changed since then, that the state, indeed, is the one that, if anyone should own a copyright, it's the state. But that really is...as an aside. Now the Governor has said in his Amenda... In his Veto that he thinks that this passage of this Bill will bring on some type of litigation and the state could lose money by having to defend itself. I totally disagree with that. I think that the issue of whether or not there is a copyright is something that would be litigated in federal court. I think that the worst that could happen to the state is that they would...someone who feels they have a copyright would go to the court of claims and argue that there was a taking. And I quite frankly don't think that the evidence would show that that ever took place. So I'd be happy to

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

132nd Legislative Day

November 17, 1988

answer any questions. I would suggest to you that this is obviously a Bill that's been heavily lobbied, but it's not, you know, the biggest Bill that we ever voted on, but at the same time there is a public policy here that transcends the interest of any publishing companies. Obviously they're interested because it affects them financially. But I would think that what we ought to do is stop this crazy practice of taking the product of the Legislative Reference Bureau, sending it up to Minnesota so some guy can sit in a cubicle and decide whether or not he's going to make a copyright or not. I just think that's ridiculous. And that's what the practice is now, and I think it ought to be ended. I think the state ought to start making money rather than paying money to the...for the work it does in putting together the Statutes. Be happy to answer any questions and I'd appreciate your support."

Speaker Breslin: "Representative Cullerton, were you finished? Did you get cut off?"

Cullerton: "Not only was I finished, but I offered to answer any questions."

Speaker Breslin: "Oh, very good."

Cullerton: "If anyone was listening."

Speaker Breslin: "Okay. Sorry. The Gentleman has moved to override the Governor's Veto of House Bill 3896. On the question, the Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you. Thank you, Madam Speaker. I'd like to take the opportunity to ask a couple of questions of the...Representative Cullerton, please."

Speaker Breslin: "Proceed."

Ryder: "Thank you. Representative, it's my understanding that this Bill passed out with a pretty good majority. Can you tell me what the vote was coming out of the House?"

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

132nd Legislative Day

November 17, 1988

Cullerton: "It was in the 80's and it was certainly more than 71."

Ryder: "Would it surprise you to know that it was 111 to 1?"

Cullerton: "Yes. It would surprise me."

Ryder: "And was the Senate by a similar, large margin?"

Cullerton: "The Senate was in the 40's, I think. Maybe you have that record, I'm..."

Ryder: "I've got 48 to 3 to 5."

Cullerton: "48 to..."

Ryder: "3 to 5."

Cullerton: "Well, things are looking pretty good for us then."

Ryder: "I'm concerned, Representative, that in the Governor's Veto Message, he indicated that there might be some cost of litigation in this matter. Some cost in the event that we override his Veto, that there might...the state might be in...getting in some large legal bills. Do you have any knowledge that...that may or may not be the case?"

Cullerton: "Well, that's a very good point. One of the publishing companies that's interested, of course, in the...it's in favor of this Bill has indicated that if the state is sued and if the state was to possibly incur any financial obligations, that they would indemnify the state for any cost. Now the point is that there's no way the state could lose a dime. As a matter of fact, the state's going make money when this Bill passes because we're going to start getting reimbursed for the work we do for these publishing companies."

Ryder: "Representative, I think that you covered this, but I want to make for sure. Originally this was a contest between West Publishing Company and Mead. Is that right?"

Cullerton: "That's correct."

Ryder: "And apparently they made some kind of arrangement, shall we say?"

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

132nd Legislative Day

November 17, 1988

Cullerton: "Yes, Mead has to pay West some money in order for them to use...to have access to the Statutes. I don't think that solves our problem, that's why I want to proceed with the Bill."

Ryder: "So what happens if we fail to override this Bill, instead of having a monopoly we have a monopoly that's shared by two people. Is that right?"

Cullerton: "Actually it's still the...West would still have the monopoly. And anybody that wanted to have access to the Statutes still has to go to West and make a deal."

Ryder: "Madam Speaker, to the Bill."

Speaker Breslin: "Proceed."

Ryder: "Or to the Motion."

Speaker Breslin: "Proceed."

Ryder: "It just doesn't make sense to me that the people of the State of Illinois don't own their laws. It just doesn't make sense to me that I run the risk of copyright infringement when I photocopy a Statute out of the Bill or out of the books for my use. If I want to publish something on conservation or if I want to publish something on traffic laws, that I have to pay a publishing company in Minnesota for the right to publish the laws of the State of Illinois. The laws of this state belong to the people. And as such, this Bill gives us back to the people those laws. Everybody has talked about it. It's certainly been lobbied very heavily. Once and for all we should pass this Bill, override the Governor's Veto and be done with the silliness of not having the people of the State of Illinois owning their own laws. I'm...I support the Motion to override the Total Veto."

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

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

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

132nd Legislative Day

November 17, 1988

House. I want to commend the Gentleman from the other side of the aisle who just spoke on this Bill. This Bill is a significant Bill and transcends the conflict between the two companies that were in combat over the rights to our laws. Ladies and Gentlemen of the House, it is outrageous that a private corporation has sovereignty and authority over the Bills and laws of the State of Illinois. And it doesn't matter if the two companies who were in contest with each other have settled their differences. It seems to me that the Governor's Veto missed the point entirely. The question is not whether we are an observer to two parties in conflict, the question is, do we sustain our own sovereignty over our own laws? Are we willing to be the ones in authority with respect to Statutes that we have passed? The question of West and Company and whether or not it's from Minnesota, it seems to me, is extraneous. What is significantly important is that West and Company claims a copyright which doesn't exist. I concur with the Sponsor of this Bill that if there is any authority, if there is any domain or dominion over this...over our Statutes it's with the State of Illinois and it's with this House and it's with the Executive Branch of our government. To continue this charade with regard to the private companies determining what interest we have in our own laws has to be at this time exposed and has to be denied. I would urge, Ladies and Gentlemen, that we...we vote as we did earlier on this matter. It has been before Committees; it's been before the House. The Governor's Veto completely misses the point. He made a point which said that because we give things free to West and Company, we should not involve ourselves in taking anything away from West and Company. That point should be denied; that point has no validity. And I would urge that this Veto be...that we

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

132nd Legislative Day

November 17, 1988

override the Total Veto of the Governor at this time and do it by the same pluralities as we have in the past."

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

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the Motion to override. Surely there is a copyright in the printing and publishing of an anthology of poetry. And I believe it's recognized that a copyright exists in the printing and publishing of case law. To take the position of the proponents of the override and that of lawyers co-op here, in attempting to override the Governor's Veto places us in the untenable position of saying that case law can be copyrighted but the statutory law cannot. That is that laws made by judges have copyright laws, but that the laws made by the Legislature do not. Furthermore, to take the position of the proponents of the override is to put this Legislature in the position that we are taking what one company claims as a property right away from that company and giving it to another. That is not the function of this Body. That is the function of the court system where this belongs. This action should not be taken here. Lastly, in the previous debates the issue was between West Publishing and Mead Corporation. Since the Bill was originally passed, the Mead Corporation negotiated with West and signed an agreement with West to obtain West data. By my way of thinking, one does not sign an agreement over a property right if one does not recognize that property right in the first place. So Mead recognized the copyright, signed an agreement, and now has no further position in the matter. Presently, the current contestant, lawyers co-op, is negotiating with West Corporation. These negotiations should continue without the interference of our actions

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

132nd Legislative Day

November 17, 1988

here. Let lawyers co-op do what Mead did. Let us not vote to override the Governor's Veto today. Let us leave the Veto as it is. Let the parties complete their negotiations. And hopefully this issue which is so near and dear to all of our friends in the third House will go away forever."

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

Klemm: "Well, thank you, Madam Speaker, I wonder if the Sponsor will yield for a question?"

Speaker Breslin: "He indicates he will."

Klemm: "Representative Cullerton, you indicated that you didn't believe that there was a copyright that existed, I believe one of the speakers before me had indicated that there was no copyright in existence at all. Is that your position, that there's no copyright at all by the West?"

Cullerton: "That's just my opinion. I don't think whether there is or not has anything to do with whether or not we should pass this Bill."

Klemm: "Alright, so there may be, indeed, a copyright, a valid copyright, by West. Is that correct?"

Cullerton: "You want my opinion? My opinion is just the opposite. I feel that..."

Klemm: "I understand that, but you could be wrong, there could be a valid copyright."

Cullerton: "Yes, but...if I..."

Klemm: "Let me follow that, because you don't know specifically, so it could be one way or the other, because you're not sure of it. So I'm assuming then, if we say and on my analysis..."

Cullerton: "No, no, now wait a minute..."

Klemm: "My analysis says this will put it in the public domain. Will that, then, allow anybody to use something that's in

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

132nd Legislative Day

November 17, 1988

the public domain?"

Cullerton: "According to the terms of the Bill, they have to reimburse the state for the cost of compiling those Bills."

Klemm: "Why would another publishing company have to pay anything if it's in the public domain? They could then use that system without any reimbursement to anyone. Would that be correct?"

Cullerton: "No, if you go ask for a list of...of things from the Secretary of State's Office, you've got to reimburse...you have to pay a fee to get 50¢ a page or whatever just to get that...that document that the state produces. That's all we're saying here. They have to be reimbursed for their cost, probably a couple \$100,000 a year."

Klemm: "Why would they have to go to West for that? Couldn't... they could go to the state and get anything they want. Wouldn't they?"

Cullerton: "I'm sorry."

Klemm: "Would they have to go to West Publishing to get this or could they go to the state if it's in the public domain?"

Cullerton: "The publishers before they could publish the laws would have to come pay a fee to the state. Then after they did that, they would publish them and you could purchase the Statutes from whatever publisher you wish."

Klemm: "Alright, so...so what you're doing then, is saying that West does not have a valid copyright and even if they did, we shouldn't honor a copyright or even a trademark or even a patent, we should not allow the talents, the expertise, the persistence, the abilities or anything else that a individual or a corporation who does something, the state should have the right to take it away for its own use. Because it may not be this, it may be something else that would be of importance to the State of Illinois, that is covered by a patent or a trademark or a copyright under

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

132nd Legislative Day

November 17, 1988

those laws and we say well it's so good for us, that we're going to void that particular enforcement of the laws or what we do under patents, copyrights and trademark law. Would that be right?"

Cullerton: "No, I disagree with your characterization of the statutes of the law."

Klemm: "To the Bill then, Madam Speaker. It seems to me that if there is, in fact, a valid copyright then it's quite simple that we can either find out by our Attorney General or if a another publishing company wishes to do it, to find out that it is not a valid copyright, they have a course of action in the courts that is allowed to anyone. No one as I have been able to determine has actually taken West to court to say you don't have a valid copyright. Each one, it seems, to go to West and say please, can we use your system because they know they have a valid copyright. And since they couldn't work it out, they seem to now come to the General Assembly to say let us take it away from them. That doesn't seem fair, only not because I care for West or Mead or anyone else. It just doesn't seem to be fair for me who holds some patents, who holds some copyrights and holds some trademarks to have a General Assembly some place in the United States take this away. It just doesn't seem right when I have every challenge in court to be allowed for somebody to have a claim that I do or don't have one. So it seems to me that we should allow this as the Governor has said, but let the courts determine it out. Let the parties involved do it. I don't think that if we were to pass this override that what Representative Cullerton has indicated that in the public domain that it would not open it up for anybody to use. I certainly don't think Illinois should be paying for this, but I don't think this is the vehicle to use and I oppose the override. Thank you."

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

132nd Legislative Day

November 17, 1988

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

Homer: "Thank you, Madam Speaker. A year ago this Bill was before us and at that time, it was decried as the full employment lobbyist Bill. And I would submit that none of us have heard from any of our constituents for the two years this Bill has been here as to voting one way or the other. And the only way that your constituents can lose is if you vote to override this Veto and thereby put in the public domain what West Publishing claims to be a valid copyright, that will automatically mean that it will be the State of Illinois that defends the lawsuit and has to pay for the taking of that right that was taken from West instead of its competitors. Its competitor a year ago was Mead, Mead Publishing. And all of these, Ladies and Gentlemen, are foreign corporations. We don't even have an Illinois based corporation here. What we have is a private matter where they're trying to drag us in to do their dirty work and to fight their fight for them. A year ago it was Mead. The same arguments were made at that time. The flag was raised and we were told that we should put the Statutes in the public domain. And after being assured by me and its lobbyist that there would be no liability to the State of Illinois and that West had no copyright after being assured of that time and again, Mead settled with West. And in that agreement, I wish you could read the agreement that they signed when they settled this lawsuit. Mead acknowledged that West had a valid copyright after telling us all that time they didn't. They acknowledged it in the agreement. They further agreed to pay West substantial license fees for the right to use the classification scheme established by West. This was the very party of interest that assured us there was no copyright. And now after Mead

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

132nd Legislative Day

November 17, 1988

settled with West, the Bill went on to the Governor. Mead writes a letter to the Governor saying we no longer are interested in the Bill, Governor, and a couple of days later lawyers co-op who has never showed any interest in this State of Illinois as a foreign corporation says oh ho, we can jump in and ride the efforts of Mead and jump in and try to get the state to do our dirty work for us. And that's exactly what the issue is. It went before the Governor. The Governor did the right thing when he vetoed the Bill and he had pressure from lobbyists on both sides of the issue. Many of whom are supposedly influential with the Governor, but he did the right thing. He vetoed the Bill and we should sustain that Veto today, protect the taxpayers and our constituents from having to foot the Bill for a private dispute that exists between lawyers co-op and Mead...and West Publishing. The outcome of which our constituents could care less. So long as we don't expose them to massive litigation expense and massive payment of damages which you will be doing if you vote to override the Governor's Veto. I hope you'll stand united, vote 'no', as you did last year. Send this Bill to its graveyard. Let these private litigants decide the outcome of this litigation and leave the State of Illinois out of their fight."

Speaker Breslin: "There being no further discussion, Representative Cullerton is recognized to close."

Cullerton: "Well, let me just clarify a few points with regard to this issue of the copyright. Whether Mead Publishing Company signed an agreement with West Publishing Company acknowledging they had a copyright, makes no difference I don't think, to me. We have an Attorney General's opinion, the Attorney General, Neil Hartigan, who said that there is no valid copyright. And let me explain why there...why

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

132nd Legislative Day

November 17, 1988

there isn't if you're interested in copyright law and the history of how these statutes are organized. A state employee back in the 1800's established the chapters that we now have in Illinois. And up until, I think, the 1920's it was done by the state between 1920 and I think, 1968 various successors to publishing companies took Bills that we passed and stuck them into the statutes. And then since 1968 where virtually 80% or 90% of the statutes now in the books have been passed, the Reference Bureau has been organizing these statutes. And the West Publishing Company says oh, we don't have a copyright on that, we only have a copyright when we decide we're going to change what chapter and verse that the Legislative Reference Bureau picked. So that's the absurd situation we now have. We have to...after we pass our Bills, after the Reference Bureau does all the work of putting them and organizing them, we send them up to...speaking of foreign corporations...up to Minnesota where some guy in a cubicle, probably wearing a green, little hat decides well, I think I'll put this in a different chapter and therefore we'll make a copyright. So, I mean that's...that's what we're talking about. That's what they claim is their copyright and that's ridiculous. Now as far as cost to the state, the state has to pay for their own statutes. And we're not reimbursed for all the work that the Reference Bureau does in organizing them. Under this Bill we'll make money, not lose money. And I also indicated that there's an indemnification agreement...not an agreement but an offer of indemnification just as Mead was willing to do by another publisher, because they don't want to have to continue to pay West for the right to publish these statutes. So, Madam Speaker and Ladies and Gentlemen of the House, I do think that when all the dust settles and

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

132nd Legislative Day

November 17, 1988

you're finished listening to all of the lobbyists, and it's true that this Bill is heavily lobbied, but I would focus on once again the public policy of...of the state not really having control over their own statutes. It should end; this Bill does it. I'd appreciate an 'aye' vote."

Speaker Breslin: "The question is, 'Shall the House override the Governor's Total Veto of House Bill 3896?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Seventy-one votes are required to override. Representative Levin, one minute to explain your vote."

Levin: "Madam Speaker, Ladies and Gentlemen of the House, because of a potential conflict of interest on this Bill, I'm going to be voting 'present'."

Speaker Breslin: "Have all voted who wish? Seventy-one votes are required to override. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 53 voting 'aye', 52 voting 'no' and 8 voting 'present'. The Motion to override fails. The Order of...on page 5, Ladies and Gentlemen, appears Amendatory Veto Motions Gubernatorial Noncompliance. The first Bill is Representative Brunsvold's Bill, House Bill 917. Out of the record. House Bill 3125. Representative Ewing. Out of the record? Representative Ewing? Out of the record...out of the record. House Bill 3273. Representative Hannig. Representative Hannig is recognized. Punch your switch so that the electrician can find your name. Okay. Representative Hannig."

Hannig: "Thank you, Madam Speaker and Members of the House, I would make the Motion to override the Governor's Veto on this proposal which we passed in the House of Representatives last fall by a vote of 115 to 0. Basically the underlying Bill provides that the...that a citizen in a rural area where there is no fire protection can ask that

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

132nd Legislative Day

November 17, 1988

the fire marshall assign a fire protection district to provide them with fire protection. They would in turn would agree to provide a payment to the district in lieu of the property taxes just as if they were in that district. That's the underlying Bill. There were some Amendments that were added which has to do with raising some per diems for firemen when they meet. It has to deal with definitions of what shall be considered contiguous for areas in Southern Illinois where there are intervening state and federal parks. And 1) it clarifies who can sit on a board when there's township officials involved. There was a provision which the Governor changed which provided that in future constructions that at least 6 inch in diameter pipes would be used. This provision is... was put on in the Senate and it's an effort to provide if there would be enough water pressure at fire hydrants. And the Governor amendatorily changed this and said that it should begin in January of 1990. I'm not certain why we should wait to that date and for my part I would simply ask that we override the Veto and send this Bill on to the Senate."

Speaker Breslin: "The Gentleman has moved to override the Governor's specific recommendations for change in House Bill 3273. On the question, the Gentleman from Warren, Representative Hultgren."

Hultgren: "Will the Sponsor yield?"

Speaker Breslin: "He will."

Hultgren: "I..."

Speaker Breslin: "Representative Hultgren is asking the question, Representative Hannig."

Hultgren: "Just recently I met with some firefighters in my area and they were concerned about this issue. Does this change the...the limitation on assigning territory by the fire marshall if that territory is not contiguous to existing

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

132nd Legislative Day

November 17, 1988

districts or is that limitation still in effect?"

Hannig: "The underlying Bill is to address an area where there is no fire protection district. For example, an individual farm or a homestead and they ask to...they want to get in a district, and this would give the fire marshall that authority to assign him to a nearby district. And all the fire protection districts are in agreement that the fire marshall is the appropriate person to do that."

Hultgren: "You said it would give him authority to assign to a nearby district, does it have to be contiguous?"

Hannig: "No, in fact, most of these...in some cases many of these would not be contiguous, but they could be in an area where they're outside of a district by a small margin and they would like to get into a fire protection district. This has been in effect actually for a couple of years and has worked very well. When we initially put it into the law, we did it on a basis where it would sunset in two years. And now we're simply trying to provide that it would continue."

Hultgren: "I see, so the authority of the state fire marshall would sunset without this legislation, is that correct?"

Hannig: "That is correct. Actually it sunsetted July 1st and we're trying to get this passed so that he can get back in the business of helping people."

Hultgren: "Thank you."

Speaker Breslin: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Madam Speaker. Will the Gentleman yield?"

Speaker Breslin: "He will."

Mautino: "Representative, by overriding the Amendatory Veto, are you then saying that any water main installed or replaced must be at least six inches in diameter...effective with the...in 88-89 right now?"

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

132nd Legislative Day

November 17, 1988

Hannig: "It would...as the Bill is written it would be effective with the...or would be with the appropriate...with the effective date of this Bill, this provision would become law."

Mautino: "Let me then say to you, if a city has been installing a water main that began in 1988, not to be completed, EPA signed off on a four inch line, this means they have to tear up that line and put a six inch waterline in some of the rural areas and rural cities such as Tampico, Illinois. Is that what this Bill would do?"

Hannig: "The exact language, Dick, says any water main installed or replaced after the effective date of this Veto. So my understanding would be if they had already started the installation, that they would not be required to do that."

Mautino: "With all due respect, Madam Speaker, to the Bill. As I read this Bill any city that's currently installing water mains that are four inch, and in many small cities this is what the EPA flow mandates and the bond issues were authorized for, would have to comply with this legislation. I therefore recommend to you that we do not override this legislation, but do adopt the extension to 1990 for those cities that have already spent money in establishing a water system which they had to do under compliance by state mandate. It seems to me rather ridiculous, to tell these people either we've got to stop now and redo what they've just done or tear up and replace those lines that they put in that are four inch. I respectfully ask everyone from downstate Illinois that has small villages in their district to evaluate any of those...this Bill in terms of what's going on in their area, cause if there's a waterline going in, they're going to have to take it out or change it with the implementation date of this legislation."

Speaker Breslin: "The Gentleman from DuPage, Representative

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

132nd Legislative Day

November 17, 1988

McCracken."

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

Speaker Breslin: "He...Representative Hannig. Representative Hannig, Representative McCracken would like to ask questions of you. Proceed, Sir."

McCracken: "Thank you. Did you originally file a Motion to accept the Amendatory Veto?"

Hannig: "Yes, and if this fails I'll try that next."

McCracken: "What do you think your colleagues are going to do when you move to accept the Amendatory Veto? Are they going to vote 'present' for you?"

Hannig: "Representative, I really have no idea and I thought that this might be the appropriate way to try to override. You know, the underlying provisions of the Bill are actually what I'm trying to address."

McCracken: "Is it...is it correct that you filed your acceptance Motion prior to the override?"

Hannig: "Representative, I'm not certain what it shows on the Calendar here, and I'm not sure that that's really an appropriate question, but I certainly will make a Motion to accept if the override fails. And I would hope that you could join me in both Motions."

McCracken: "What...what changed your mind from your originally filed acceptance Motion to your now filed override Motion?"

Hannig: "I was informed that even the Motion to accept required 71 votes under the new court ruling and so I figured it may as well take a crack at..."

McCracken: "You know, that's good, I'm glad you brought that up. Parliamentary inquiry, Madam Speaker."

Speaker Breslin: "State your inquiry."

McCracken: "As this Amendatory Veto changed the effective date of the Act, did it change...well, strike that, what is the Chair's ruling on the number of votes to accept and what is

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

132nd Legislative Day

November 17, 1988

the basis of that ruling?"

Speaker Breslin: "Representative McCracken, this is a Motion to override. All Motions to override requires 71 votes."

McCracken: "Will you not answer me, then?"

Speaker Breslin: "I'm sorry, I thought that was your question."

McCracken: "No, no, yeah, no it's the acceptance. What..."

Speaker Breslin: "If there is a Motion to accept..."

McCracken: "Right."

Speaker Breslin: "...that Motion would also require 71 votes."

McCracken: "And why is that? Shall I speed it up? Part of it is some of the effective dates are immediate in the Act, and that...this constitutes final passage after June 30th. Is that the..."

Speaker Breslin: "Well, yes, we know that for all of them, but..."

McCracken: "The Amendatory Veto dealt only with one effective date and that is for the six inch pipe moving it out beyond January 1, '89. Is it the Chair's position that because of the originally passed legislation which is unaffected by the Amendatory Veto, that an acceptance Motion would still require 71 votes?"

Speaker Breslin: "Yes."

McCracken: "Okay. Thank you. Alright, I...I think what happened is this. I think Representative Hannig is trying to save his Bill and will do so at any price and I don't blame him. I think some is better than none. However, I would ask the other side of the aisle to stand up for its own legislation. If you wanted to accept this which obviously was your preference, at least at one time, you ought to just move to accept it. You know, since you are controlling the Motions, you could have had your acceptance Motion first, rather than the override Motion. I think what's happened, is that you've been bullied into going for

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

132nd Legislative Day

November 17, 1988

this override, because you know an acceptance Motion will not have the support of your side of the aisle. We should vote 'no' on this override Motion. I think it is most appropriate to consider the Governor's action on the merits and not as a result of this political intimidation. So let's vote 'no' on this and we'll see if he moves for an acceptance and we'll see what the other side does."

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

Hannig: "Well, yes, just to clarify when the staff on this side informed me, unofficially I suppose, since the Chair had not made that ruling, that it would require 71 votes also to accept under the new court rulings, I felt that as many of us do that...that I would rather have the Bill as it was originally drafted. And so I filed the Motion to override and simply are asking that we override the Governor's Veto at this point. I would point out again that this...that this received 115 'yes' votes in the House, passed the Senate by an overwhelming margin, 57 to 0. And I believe that the provisions of the Bill are well drafted and well written and do serve a very legitimate purpose especially in the rural areas. And I'd ask for your 'yes' vote."

Speaker Breslin: "The question is, 'Shall the House override the Governor's specific recommendations for change on House Bill 3273?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Seventy-one votes are required. The Clerk will take the record. On this question there are 55 voting 'aye'...record Representative Leverenz as voting 'no'. Record Representative Leverenz as voting 'no'. There are 50...55 voting 'aye', 57 voting 'no', 1 voting 'present' and the Motion to override fails. We need a written Motion, Representative Hannig. Representative Hannig."

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

132nd Legislative Day

November 17, 1988

Hannig: "Madam Speaker, I had a Motion on the Calendar yesterday.

In fact, if you'll recall the other side on several occasions asked me to call that Motion and I simply did not, because I wanted to get the Motion to Override."

Speaker Breslin: "I do remember that. I don't see it on the Calendar today, however. Mr. Clerk, can you tell us..."

Hannig: "Well, we didn't call it yesterday."

Speaker Breslin: "Representative Hannig is asking what happened to his Motion #1 to accept the Amendatory Veto on House Bill 3273. The Clerk informs me, Representative Hannig, that we do have that Motion in writing and that that...if the other side agrees, will be sufficient to call the Motion. Is there any dispute as to the calling of such a Motion? Representative McCracken."

McCracken: "No, we're all for it and I think we're probably going to be supporting you on the acceptance, but I'm curious to see how it'll turn out. So good luck, Gary."

Speaker Breslin: "Representative Hannig on the Motion to accept."

Hannig: "Yes, thank you, Madam Speaker and fellow Members of the House. This is the same Bill we just discussed with one change that the Governor has made. And he has provided in his Amendatory Veto that the provisions on the six inch water mains not become effective til January 1st, 1990. I must say that through the debate that we had in the Legislature and in committees that no one ever brought it to my attention that there was any problem with this. In fact, as I stated earlier we passed this provision 115 to 0 in the House and 57 to nothing in the Senate. I went to the Governor's desk and quite frankly I never made any requests to the Governor that it be changed. But apparently he felt that it was appropriate to do so and consequently has changed this provision in the Bill to change that one effective date. But as I said the

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

132nd Legislative Day

November 17, 1988

underlying part of the Bill that I'm most interested in addresses a provision where the fire marshall at the request of people in rural areas can provide them with fire protection. I find it very difficult to see how we in rural Illinois can go back to our constituents who perhaps are looking for fire protection and tell them that because of some failure on the part of the Legislature to act on a Amendatory Veto that for another year or six months, they will be without fire protection districts...fire protection. And I really hate to think what we'll be able to say to people if there is indeed a tragedy which would occur in that period of time in which loss of property or perhaps even loss of life should occur. What are we to say to these individuals? That, well gee, we had some problems in the Legislature with some technicalities and we just didn't pass that Bill and we're sorry your house burned down and perhaps you lost some of your family members. So, this is an important Bill to downstate Illinois. It's a important Bill who live outside a fire protection district. They need to have the fire marshalls giving them or having the authority to give them a fire protection district. I would ask for your 'yes' vote."

Speaker Breslin: "The Gentleman...The Gentleman has moved to accept the Governor's specific recommendations for change on House Bill 3273. On the question, the Gentleman from Lake, Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlem...Madam Speaker, Ladies and Gentlemen of the House, I rise to oppose the Gentleman's Motion. The greater issue, as I have said on the floor of the House before and say again, is the matter of the Amendatory Veto process and how we, as Legislators, through the years have contributed to the Governor's abuse. It has to take some discipline on our parts, every one of

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

132nd Legislative Day

November 17, 1988

ours. It is easy for any one of us to say well, I want to help my colleague and especially when that colleague is on your side of the aisle. But I believe strongly that we Legislators have to take a stand. I see from discussion on that side of the aisle and I realize that Representative Hannig has an issue here, that there's probably some agreement on the merits of that part of the Bill. If that is true, there is no difficulty for we, as Legislators, in two weeks or even in January to act on that measure. We are really a continuous General Assembly. There's no reason why we can't do our job, but we as Members of this House have to stand firm. And I really think, Representative Hannig, if you look inwardly on that issue that you also, you too, ought to stand firmly, because you really can't say well, if another Member has an issue that I can vote 'present' for that Member, but no, I want my Bill, even though I think the abuse of the Amendatory Veto process is an important issue. Believe me, Representative Hannig, you know we've been here awhile, you and I. And I think you believe as I do that the Amendatory Veto process has been abused. So I would urge the Members on this side of the aisle to vote 'present' on that issue."

Speaker Breslin: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you very much, Madam Speaker. And to my esteemed colleague who just spoke, I understand the rationale for the process by which this House took a vote and established the compliance provision. The problem that occurs specifically with this legislation is that Members of this House, including myself, which my original communication to the Governor's Office was to resolve this problem that is occurring in three cities in my district was to move the implementation date so it would not be costly to those

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

132nd Legislative Day

November 17, 1988

cities. By virtue of the individual Member making that recommendation to the Governor and specifically addressing only the implementation date, I don't see where that comes into noncompliance. I think it's a rational, reasonable provision. I think every Member on this House floor at sometime in the past and sometime in the future will find out that we made a mistake on a piece of legislation and the only way to correct it is to ask the final decision-maker, the Governor, to make that recommended change, because it's going to cause a problem we didn't catch. I recommend most highly that we support this Amendatory Veto and not compound a problem that was instituted with the original proposal that we sent out of here that affects small villages who are under a mandate to upgrade their water systems. It's a good vote and a right vote. I support a 'yes' Motion on the override."

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

Hallock: "Well thank you, Madam Speaker, Members of the House. I guess this Bill itself really points out the lunacy of the Speaker's agenda on this issue this fall. We have here before us a good Bill. It affects many communities downstate that really have need of this legislation. But the Sponsor of the Bill has been forced to ask for an override of this Bill and has failed there. Now he's asking for our support here and he has a good reason to do that. By asking for our support, he in essence is saying that the Governor, in fact, made some good changes in this Bill, changes which, in fact, are needed. That happens. We all acknowledge that. We all, in fact, in this General Assembly have asked from time to time the Governor to do the same thing for all of our legislation. It's a very good idea. It's a very good Bill. Let's forget the

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

132nd Legislative Day

November 17, 1988

nonsense that's been going on here for the last few days about the gubernatorial noncompliance issue, put that aside. It's a non-issue, it's only a campaign issue for some people in this House. Let's get to the real issue and that is is this a good Bill or not? Did Thompson make a good change or not? He, in fact, has enhanced this Bill. Let's vote for it. I vote 'aye'."

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

Black: "Thank you very much, Madam Speaker. I rise in support of the Gentleman's Motion to accept the Amendatory Veto and in all due respect to one of my colleagues on the other side of the aisle who urged that we vote 'present' and that Gentleman is a very good friend of the people in my district and they regard his support of certain issues that affected my district years ago as near and dear to their hearts, but I cannot support him on this. You know, one of the people in the media asked me this morning if he thought this philosophical argument on the Governor's Amendatory Veto vis-a-vis the Speaker's position on this would really affect someone back home. Now, Ladies and Gentlemen of the chamber, you're seeing right on this issue, that yes, it can affect the people back home. It's not just a philosophical argument that will rage in this chamber. If you leave rural areas unprotected or fire protection districts unable to carry out their duties, you are placing some people in this state in dire danger, in fact, you may be placing their very life, health and safety on the line. That no longer then becomes a philosophical issue or argument, it becomes an issue that does affect the people that we are sent here to represent. I stand in support of the Gentleman's Motion. I urge you not to vote 'present' on this, but to give the Gentleman your 'aye' vote to

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

132nd Legislative Day

November 17, 1988

accept the Amendatory Veto."

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

Currie: "Thank you, Madam Speaker and Members of the House. Some of the discussion suggests that we have only one option if we want to protect the health and the safety of people in rural Illinois and that is to accept this Gubernatorial Amendatory Veto. I think that misstates what our basic function is. We are Legislators. We draft Bills. We introduce them. We discuss debate. We pass them. If this is a critical need that this Bill must be passed now. We have time to do it. The Sponsor of this legislation can ask for a newly drafted Bill incorporating, if he wishes, the Governor's amendatory language. We can act and we can act expeditiously on that legislative proposal. Our...our refusal to accept an Amendatory Veto that exceeds what the Constitution grants the Governor when it gives him that initial authority, that decision is one that we must make ourselves if we care about the integrity of this legislative chamber. I don't think there's any inconsistency in our decision to stand up for the integrity of the legislative function and at the same time consider new legislation that would accomplish the end of protecting the people of rural Illinois. If you agree as the Rules Committee did, that this Amendatory Veto violates the constitutional authority of the Governor, then the right vote on this Motion is a 'present' vote and in no way does that 'present' vote indicate an unwillingness to vote 'yes' on that Amendment incorporated on a new Bill which I trust the Sponsor will present to this chamber when we return from the Thanksgiving break."

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

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

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

132nd Legislative Day

November 17, 1988

House. I would like to commend the Gentleman from Bureau on his courage in supporting the Constitution. It's finally dawned on me, I'm a little slow on the pickup, but I think I understand now. In fact, the Majority wants to be a super Majority; they want to have a Veto-proof House. The voters have denied them a Veto-proof House, so this will do as a substitute for that. What they're saying to you is, is that you no longer need a majority vote to pass legislation. If your Governor plays with the Bill, it's going to take 71 votes regardless or it's going to take a...a compromise on the Constitution. In fact, what they're telling you is we're not satisfied having 67 seats, we want them all. And that is what this issue is all about, precisely that. We have no recourse to the Constitution under this rule. We have no recourse to the Amendatory Veto power under this rule. And the smoke screen about the Constitution being at stake is only that. In fact, what they have is greed for more political power. They want to tell us and the people we represent that we don't matter. The only ones that count are Democrats and that's how it's going to work."

Speaker Breslin: "Representative Hannig is recognized to close.

Representative Hannig, do you want to close on this Bill?"

Hannig: "Madam Speaker, could I take this out of the record?"

Speaker Breslin: "Out of the record. On page 4 under the Order of Reduction and Item Veto Motions appears House Bill 3543. Representative Younge."

Younge: "Thank you, Madam Speaker and Members of the House. I move to override the Veto...in House Bill 3543, line items 28 to 31 to the sum of \$180,000 for the East St. Louis Area Development Authority. This Veto should be overridden because this authority has been in existence for two years and it has done an effective job in economic development in

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

132nd Legislative Day

November 17, 1988

the East St. Louis area. The \$180,000 comes out of the Tourism Fund. The authorization under the Statute of the St. Louis Area Development Authority is to serve and act as a public developer, to help build motels and housing and aquariums and museums and many tourism items. The tourism statute was changed in order to promote tourism...tourism through the development of new tourist attractions. And there certainly isn't any area in the State of Illinois that could be developed into a greater tourist attraction than could be East St. Louis area riverfront, which encompasses some 4,500 acres of vacant land that is in the process of developing into a tourism area. The question is over the two years of the existence of this authority, what has it accomplished? It has built some five houses, it has established an incubator that has brought into being some nine businesses and created some forty jobs and has been on the case of economic development for the East St. Louis area. The question is whether or not there are any economic indicators that show that there is beginning to be a economic upswing in that area. For the first time in more than twenty years there are increased numbers of houses that are valued at \$50,000 or more and there is an increase percentage of persons who earn \$50,000 or more. I believe that over the short life of this authority, it is beginning to show the economic indicators in the area that it represents that the economic development battle that it struggles with can be won. And therefore I ask you to approve the \$180,000 for the East St. Louis Area Development Authority so that it can continue its work in helping tourism promotion."

Speaker Breslin: "The Lady has moved to restore the Reduction Item Veto on page 24, line 28 through 31 of House Bill 3543. And on that question, the Gentleman from Adams,

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

132nd Legislative Day

November 17, 1988

Representative Mays."

Mays: "Thank you very much, Madam Speaker. I simply rise in opposition to the Lady's Motion. There are a number of causes that were put in for funding under the Tourism and Promotion Fund which we at the time raised questions about their ability to be funded anyway under the Tourism Statute that set up the fund in the first place. It seems to be even more clearly now that these functions, and there's a number of them, she's the only one that has chosen to try to override, are not allowable under this existing Statute and we should not go about diluting the effectness of the Tourism Promotion Fund for every other socially acceptable type of thing that we should be doing in the state. So I would simply rise in opposition to the Lady's Motion. It's my understanding that this will take 71 votes?"

Speaker Breslin: "Yes."

Mays: "Okay, and then so I would simply rise in opposition to the Lady's Motion and ask that Members vote 'no'."

Speaker Breslin: "The Gentleman from St. Clair, Representative Flinn."

Flinn: "Thank you, Madam Speaker. I rise in support of the Lady's Motion. We have a quite a problem in East St. Louis and some of the other cities, but especially St. Louis. And more attention being paid to East St. Louis these days in the sense that the Governor saw fit to appoint a task force, so is there in the working of a Congressional Task Force to see what we can do about East St. Louis and other cities in the same plight. To not fund the East St. Louis Economic Authority, or this Authority rather, would be sending the wrong signal out. It would indicate that we have no intention of doing anything about a very acute problem in some of our cities and especially this one here. There's nothing but a skeleton force on the

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

132nd Legislative Day

November 17, 1988

staff right now and most certainly to fund this small amount of \$180,000 would be sending the proper signal. Yes, we will come in and help and the best way to help is to encourage economic development and that's exactly what we ought to be doing here. I would urge all the Members to vote 'aye' on the Lady's Motion."

Speaker Breslin: "Excuse me, Ladies and Gentlemen. And Representative Mays, in reference to your question, we are looking at the Motion to determine whether I was correct in specifying that seventy-one votes were required to restore. While we are looking at that, I'll recognize Representative Younge to close."

Younge: "It would be fair and equitable for there to be approved \$180,000 to the East St. Louis Area Development Authority for the plain and simple reason, if nothing else, that there has never been any expenditure from the Tourism Promotion Fund in the City of East St. Louis. There has never been any printing done. There has never been any publicist or a publicity agent or any other type of promotions in reference to tourism. It is the East St. Louis area riverfront which is one of the potential most dynamic tourist attractions in the whole state. The statute is written in such a way as to approve the use of these funds by this agency in its hotel/motel new town development. It would only be fair and equitable to approve this item contrary to the others. And that's why I have chosen to pursue this Motion to override and I ask for your support in that regard."

Speaker Breslin: "Representative Younge, can you tell us whether or not this was a Total Veto of the item, or whether or not it was just a reduction of the item? Representative Younge. Please turn on Representative Younge."

Younge: "It was a Total Veto of the item."

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

132nd Legislative Day

November 17, 1988

Speaker Breslin: "Okay. We just have to check that now with the records."

Younge: "I would like to say while that is being checked, this agency has recently helped to bring about the investment of private finances through the establishment of a National Food Store. This is an example of the tax base in the East St. Louis area being enhanced and that is what the agency is about, the economic growth through private investment. Without this appropriation the agency will go out of business. It has struggled to stay alive. It was given an appropriation. It's an issue year, but not the second year. But the people have continued to work and I ask your support of this matter."

Speaker Breslin: "Okay, it is an Item Veto, Representative Mays and so it does require seventy-one votes. The question is, 'Shall the item listed that had been vetoed on House Bill 3543, on page 24, line 28 to 31 pass, the Veto of the Governor notwithstanding?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Seventy-one votes are required. Have all voted who wish? Representative Younge, one minute to explain your vote. Representative Younge."

Younge: "Yes. I really need your help on this one. This agency, which I think is doing a very good job, it has had two audits. There were no audit exceptions. It has done a outstanding job in handling the funds that...that have been giving to it. The people have been working around-the-clock without pay. And I think that there is beginning to be a turnaround and I need, I need two more votes."

Speaker Breslin: "The Gentleman..."

Younge: "Just one more vote. I need just one more vote. It has

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

132nd Legislative Day

November 17, 1988

expanded the enterprise zone area and it has built an incubator. And I think that the issue, basically, is whether or not private enterprise is going to flourish and is going to be healthy in an economically depressed area."

Speaker Breslin: "Representative Mays, for what reason do you seek recognition? You already spoke in debate."

Mays: "So did the previous speaker, but I would seek a verification should this get the number of votes required."

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

McCracken: "Thank you. I suppose we could all come up with reasons to have an appropriation entered in our favor. However, we've been on an austerity program for some time now. And you know this is motor fuel tax money, is that correct? Tourism money and it's going to be used for local development. Oh, for tourism, that's right. A lot of tourists go to East St. Louis. The... I'm kidding. I just think that we ought to sustain the Line Item Veto. There is no reason to vote for this when in fact all of us suffered cuts in the last go-around with the Governor's budget process and there's just no reason to make an exception here."

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

Leverenz: "Thank you, Madam Speaker. To explain my vote and perhaps encourage a couple of others; we did a million dollars additional in new tourism promotion that went for international tourism. We did an additional two mil..."

Speaker Breslin: "Excuse me, Representative Leverenz."

Leverenz: "Thank you. ...Additional two million dollars for additional projects that were not in the original budget. A hundred and eighty thousand dollars seems to be something that we can do for the area rather than to be recorded in

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

132nd Legislative Day

November 17, 1988

your district or in close to your district as a 'no' vote. There are some Republicans that are coming from that area and it would be nice if they would be recorded as 'aye', rather than 'no'. The Governor's own statement in your analysis says, although these appropriations might be affordable in fiscal year '89. So therefore we can afford it in fiscal '89, by the words of the Governor himself. I would encourage you to vote 'aye'."

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

McNamara: "Thank you, Madam Speaker. Thank you. On this item, this is precisely the type of item that we should be voting for. East St. Louis is in dire straights right now. We are looking for a paltry sum in order to help East St. Louis get out of the mire that they are presently in. This is a way of developing new sources of revenue, which may in effect down the line save the state a lot of dollars if they can continue to put it in. It's the only organization down in East St. Louis that works affectively. And it also has an audit each and every time and it comes out correctly. It is a very wise investment, it is the way we should be spending our money. Instead of just saying we're going to help if you need it, this is a way we can actually help. So I would urge everyone to give it an 'aye' vote in order to help. It's only \$180,000. Let's do what's right."

Speaker Breslin: "The Gentleman from Lake, Representative Matijevich, one minute to explain your vote."

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House, this is the same fund that we saved the White Sox. The issue is, do we save the White Sox and not help in economically deprived communities like East St. Louis? I don't know how you can not vote for this piddly little

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

132nd Legislative Day

November 17, 1988

amount to help develop East St. Louis when we took great credit for helping the White Sox out of the Tourism Fund. When we had the debate on the White Sox, the Governor was on the floor of the House. We all saw that. We all heard the debate that there was more in the Tourism Fund than we had anticipated. We can use this fund and use it wisely to help East St. Louis. I would urge a couple more votes."

Speaker Breslin: "The Lady from Cook, Representative Braun, one minute to explain your vote."

Braun: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. We are two short... two votes short of overriding at this point, which means it's pretty clear that we're going to need some bipartisan support, at least from two people in this House who have a sense of concern for the kind of yeoman's effort that Representative Younge has undertaken for probably one of the most distressed areas in our entire state. You know, I've been here now... This is almost my swan song in the General Assembly, and I've watched this Lady work for a community, to try to help support a community that is less able than almost any other in the entire state to support itself. And I've watched the deaf ears being turned by this General Assembly time and time again. I know there've been people who've tried to help her on occasion, but by and large we see little amounts of money like this cut out of the budget or cut out of the appropriations and East St. Louis winds up coming back with its hat in hand to the General Assembly. I would urge you to open your hearts to what it is she is trying to do and to the dire situation in that community, because quite..."

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

Braun: "Because quite frankly, the responsibility for East St. Louis is not just Wyvetter Younge's. The responsibility

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

132nd Legislative Day

November 17, 1988

for East St. Louis is that of each and every one of us in this General Assembly and if and when that community gets tired of trying to hang on and cling to life and decides...dissolves its corporate borders and turn its problems over to the State of Illinois, you're going to wind up paying in any event. This is an effort. This is a noble effort. It's one that I think at least two people in this House can find their way clear to come on board to support at this late hour. I encourage your 'yes' vote."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 70 voting 'aye', 45 voting 'no', none voting 'present'. The Lady requests a Poll of the Absentees. Poll the absentees, Mr. Clerk."

Clerk Leone: "There are no Members who are not voting who are not absent."

Speaker Breslin: "Thank you. There are 70 voting 'aye', 45 voting 'no' and none voting 'present' and the Mo... excuse me, the others are excused. So there are 70 voting 'aye', 45 voting 'no', none voting 'present' and the Motion fails. Mr. Clerk, has Supplemental #1 been distributed yet?"

Clerk Leone: "Supplemental #1 to the House Calendar is now being distributed."

Speaker Breslin: "Supplemental Calendar #1. Under Amendatory Veto Motions, Gubernatorial Compliance appears House Bill 3335, Representative Granberg."

Granberg: "Thank you, Madam Speaker. An inquiry of the Chair. Is there one Motion or two?"

Speaker Breslin: "This is a Motion #2. To accept."

Granberg: "Motion #2 is to accept the Governor's Amendatory Veto. House Bill 3335 made several changes in the Criminal Code regarding juvenile prostitution. The Governor's Veto amended that to change the age difference to conform to

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

132nd Legislative Day

November 17, 1988

other existing statutes. Although I disagree with the Governor, I think we can work on that next Session, so I would ask for an affirmative vote to accept the Governor's amendatory changes."

Speaker Breslin: "The Gentleman has moved to accept the Governor's specific recommendations for change on House Bill 3335. On the question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Representative, I'm looking for the file on this. This Motion is to accept the... this is to accept everything that the Governor did in the Bill, even though there... you're not attempting to change the Governor's Amendatory Veto? Doesn't that still pose some problems if we vote for it?"

Granberg: "Not that I'm aware of, Representative Cullerton. That was Motion #1 that the language was a problem. Motion #2 is specific in the recommendation to accept."

Cullerton: "Okay. So I thought that the Governor's Amendatory Veto had some problems, inadvertently, problems. Okay, I'm not talking about Gubernatorial Noncompliance here. I'm talking about the Governor made some changes, inadvertently, in his Amendatory Veto that may have the effect of actually lowering some penalties."

Granberg: "Representative, I think one group, which was discussed by Representative Ryder yesterday wanted to make a move to accept the Governor's Veto and to make other additional changes cause they felt it was a problem. We declined to do that and we don't feel there is. One thing we can look at is next Session on the age difference for this. But we've looked at it and we feel it comes in compliance the way the Governor has amendatorily vetoed the Bill. We don't anticipate any problem with it."

Cullerton: "Okay."

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

132nd Legislative Day

November 17, 1988

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

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

Speaker Breslin: "He will."

McCracken: "Was it your intent to protect children who are as young as under sixteen as originally drawn?"

Granberg: "Yes, Representative McCracken."

McCracken: "And pursuant to the Governor's Amendatory Veto now, that central thrust of your legislation has been deleted and you offer... the Bill offers no protection for children under sixteen, only under seventeen, is that right? Wouldn't you say that's a very substantial change that goes to the heart of your Bill?"

Granberg: "No, I wouldn't, Representative McCracken. I would..."

McCracken: "Don't you think to be consistent with the... your side of the aisle's other rulings, that you should be offering a 'present' vote on this Amendment because it... the Amendatory Veto is outside the scope of the Governor's constitutional authority?"

Granberg: "Representative McCracken, I think... I'm not sure what you're looking at on this, but the Governor made the specific recommendation to change the age to conform with other existing statutes. I don't feel that's outside the scope of the Amendatory Veto by the Governor's Office."

McCracken: "Okay. Thank you."

Speaker Breslin: "Representative Granberg to close."

Granberg: "Thank you, Madam Speaker, Members of the House. It's very simple. The Governor made one specific recommendation to change the crime of patronizing a juvenile prostitute. This Bill and others in our ten Bill package passed this House and the Senate unanimously. We would concur with the Governor in his Amendatory Veto Message and ask for an affirmative vote."

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

132nd Legislative Day

November 17, 1988

Speaker Breslin: "The question is, 'Shall the House accept the Governor's specific recommendations for change in House Bill 3335?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. We are acting here on Motion #2. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On Motion #2 the Roll Call is 106 voting 'aye', none voting 'no' and 5 voting 'present'. The House does accept the Governor's specific recommendations for change on House Bill 3335 and this Bill having received the necessary majority is hereby declared passed. Mr. Clerk, can you tell us whether the Amendments on House... the Amendment for House Bill 3519 has been distributed now? Very good. Ladies and Gentlemen, we'll go to page 2 on your Calendar under House Bills, Third Reading. House Bill 3519. The Bill is on Second Reading at the moment. An Amendment has been distributed. Representative Richmond is recognized on Amendment #1."

Richmond: "Three, I think?"

Speaker Breslin: "Excuse me, Floor Amendment #3."

Richmond: "Thank you, Madam Speaker... Yes. Amendment #3. Thank you, Madam Speaker, Ladies and Gentlemen of the House. This.. The Bill of course, 3519 was brought back from the table and it was tabled in the Spring Session because we had a duplicate Bill in the Senate which is now a part of our statutes. But this gave us a vehicle for this Amendment. And the Amendment would delete the present terminology in the Bill and the Amendment would become the Bill. And this Amendment would enable the IFDA, the Illinois Farm Development Authority to assist farmers that are hard hit by the 1988 drought. It would expand the loan guarantee limit by an additional 30 million dollars at a cost to the state of 9 million for the lost reserve

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

132nd Legislative Day

November 17, 1988

funding. This 9 million being necessary... being a problem to GRF only if necessary. In other words, in the event of defaults. And their rate of defaults has been very minimal. A very successful program that they're...we're now watching...going on throughout the state and been helping the farmers tremendously. Now this would expand that program to allow some 2 to 3 hundred farmers some more relief that have been extremely hard hit by the drought. And we all know the importance of this. Those of you who have agricultural land in your districts and those who have agri-related businesses know what has happened in this regard and certainly it is the number one industry in our state and I think it behooves us to make this type of effort to give some assistance to those who are so in dire need of it. The program has been very successful. The restructuring... debt restructuring program under its present setup, but this would expand it to allow some more leeway for the IFDA to handle those distress cases as a result of the drought and I ask for your approval of this Amendment to House Bill 3519, Amendment #3."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to House Bill 3519, on that question, the Gentleman from Livingston, Representative Ewing."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, I'm glad to join with Representative Richmond in this Bill. I think that it's certainly needed. Agriculture is one of the biggest industries in all of Illinois and we can't assume that the crisis in agriculture is over. And this will help many of those in that industry who are in dire need of assistance. And this is just the authorization. There will have to be an appropriation Bill at a later time, probably next Session. And I would certainly encourage an 'aye' vote for this legislation."

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

132nd Legislative Day

November 17, 1988

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

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

Speaker Breslin: "He will."

Ropp: "Representative Richmond, I totally support this program. I think it's a good one and we've made a lot of progress. My question is, can you give us a number of farmers that we have actually helped so far since the Bill has been enacted into law?"

Richmond: "To date, 625 farm families across the state have been assisted by more than 127 million dollars of total loan restructuring guarantees. And this would allow another 2 to 3 hundred to be added to those rolls."

Ropp: "And isn't it true that under this program, because of the restructuring, the repayment of that debt has been a rather successful effort?"

Richmond: "Yes, it is. The loss factor has been minimal and the... in fact, the 30 million dollars that we want to expand this program to, 21 million of that is already available as a result of the success of the current program."

Ropp: "Good. Thank you, very much."

Speaker Breslin: "The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Madam Speaker. I, too, rise in support of this Amendment. I think it's only right that we do what we can to help those farmers out. This will add about 2 to 300 additional farm families to remain down on the farm and to help the economy in Illinois. I think it's only fitting that we pass this Amendment and support this Bill."

Speaker Breslin: "The Gentleman from Kankakee, Representative

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

132nd Legislative Day

November 17, 1988

Novak."

Novak: "Thank you, Madam Speaker, Members of the House. As a Legislator that represents one of the third largest counties in the state that produces some of the best soybeans, I rise in very vigorous support of this measure. I think it's going to help those farmers that were severely impacted by the drought. We hope we never see this drought again in another millenium, but we've got to deal with it and I think the Federal Government is trying to attempt that and we need at the state level to assist those farm families as much as we can, so I commend the chief Sponsor and all the Sponsors involved and I ask for your 'aye' vote."

Speaker Breslin: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Madam Speaker. I rise in support also of this fine Amendment. I just want to commend our Chairman, Representative Richmond, for his foresight and sensitivity to such a area of need. Some of our farmers throughout the state, especially in the southern part are just getting ready to recover, get back on their feet. With the drought situation it has just caused a setback and this is the extra shot that we needed for assistance."

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

Parke: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. For somebody who represents three farmers in my whole district, I too rise in support of this wonderful Amendment, because even though it's only three in my area, it is... we are all aware of the plight of the farmer because of the drought and that when we have a strong farm community throughout the state, the state benefits and this is an Amendment that should be passed."

Speaker Breslin: "Representative Richmond to close."

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

132nd Legislative Day

November 17, 1988

Richmond: "Thank you, Madam Speaker. I think enough has been said on it. We realize the importance of it and the importance to those... even those people who represent districts who only have three farms, because it is vital to the entire state and it is...it has a terrific impact on the economy of the state and I ask for your 'aye' vote."

Speaker Breslin: "The question is, 'Shall Amendment #3 to House Bill 3519 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it, the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Now Representative Richmond asks for immediate consideration of House Bill 3519, as amended, on Third Reading. Does he have leave? Hearing no objection, he has leave. Read the Bill on Third, Mr. Clerk."

Clerk O'Brien: "House Bill 3519, a Bill for an Act to amend Sections of the Illinois Farm Development Act. Third Reading of the Bill."

Speaker Breslin: "Representative Richmond."

Richmond: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Enough has been said, I presume, on this Bill. We know the necessity for it. I simply ask that we give it a resounding approval and send it to the Senate. Thank you."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 3519. Is there any discussion? Hearing none, the question is, 'Shall House Bill 3519 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Bill requires 71 votes for passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 114 voting 'aye', 1 voting 'no' and none voting 'present'. And

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

132nd Legislative Day

November 17, 1988

this... This Bill, having received the necessary Three-Fifths Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, going to Supplemental Calendar #1, under the Order of Motions appears Senate Bill 1915, Representative Homer. Representative Homer."

Homer: "Thank you. Madam Speaker, I have a Motion to take the Bill from the table and to discharge the House Energy, Environment and Natural Resource Committee from further consideration and to advance the Bill to the Order of Second Reading, Second Legislative Day. The Bill... It would be our intention to strip the Bill of all existing provisions and to adopt an Amendment that has been agreed upon by the State Chamber of Commerce, the Environmental Protection Agency and the environmentalist groups to amend a major... some major legislation we had last year on waste disposal. The changes would be minor. It's my understanding that the measure has been cleared with both sides of the aisle. Both Representative Hallock and Representative McPike. And I would ask for your favorable rul... vote on this Motion."

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

Hallock: "Thank you, Madam Speaker, Members of the House. The previous Sponsor is correct, this is an Agreed Resolution. It does resolve some problems that occurred from some Bills we passed last spring. It's really imperative that we address this right now, so I would support his Motion."

Speaker Breslin: "The question is, 'Shall the House take this Bill from the Table, discharge the Energy, Environment and Natural Resources Committee and suspend Rule 77(b) to advance the Bill to the Order of Second Reading, Second Legislative Day?' Is there any objection? Hearing no

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

132nd Legislative Day

November 17, 1988

objection, by use of the Attendance Roll Call, the Gentleman has leave for his Motion. The next Motion is Senate Bill 1978, Representative Hallock."

Hallock: "Yes. Thank you, Madam Speaker. Senate Bill 1978 was a Bill which passed the Senate last spring and languished here in the House. It was at that point in time intended to be a vehicle for certain DOT right-of-way and easement procedures. At this point in time it's going to be amended greatly. Actually, most things will be taken from the Bill. It'll be used for a vehicle to allow some transfers of property in the Elgin area. It's supported by DOT and most others concerned. I would ask for its support."

Speaker Breslin: "You have heard the Gentleman's Motion. Is there any discussion? Hearing none, the question is, 'Shall the House suspend the Rules to take Senate Bill 1978 from the Table?' Is there any objection? Hearing no objection, by use of the Attendance Roll Call the Gentleman has leave on his Motion. Representative Turner, we're ready for your announcement. Representative Turner is recognized."

Turner: "Thank you, Madam Speaker and Ladies and Gentlemen of the Assembly. I'd like to make, if I could have everyone's attention for a minute because next week, I'm certain you're going to hear from a number of people regarding this issue. I'd like to alert the Assembly that, for those who don't know, the Governor has declared Thanksgiving week, the week of November through the 27th, affordable...Illinois Affordable Housing Week and to that end there are a number of statewide housing organizations that have planned all kinds of programs illustrating the need for affordable housing here in the state. They're going to be in 14 counties... 14 counties throughout the State of Illinois with various programs and you probably

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

132nd Legislative Day

November 17, 1988

have received mail from the statewide housing action coalition regarding the programs. And for those who may need any additional information, they can feel free to contact my office on it. But they will be in Peoria County, they will be in Carbondale, they're going to be in.... There will be demonstrations in Harrisburg, St. Clair County, Effingham, Alton, Joliet, Rockford, DuPage County and Lake County. And the emphasis again is talking about the need for affordable housing here in this state and we just hope that you all will participate and talk about affordable housing next week. Thank you."

Speaker Breslin: "Agreed Resolutions."

Clerk Leone: "House Resolution 1901, offered by Representative Martinez. House Resolution 1902, offered by Daniels, et al. House Resolution 1905, offered by Daniels, et al. House Resolution 1906, offered by Kubik, Madigan and Daniels and House Resolution 1907, offered by Lang and Senate Joint Resolution 171, offered by Speaker Madigan."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, I move the adoption of the Agreed Resolutions."

Speaker Breslin: "You've heard the Gentleman's Motion. Is there leave to accept the Agreed Resolutions? All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it, the Agreed Resolutions are adopted. General Resolutions."

Clerk Leone: "House Resolution 1903, offered by Representative Ronan."

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

Clerk Leone: "Senate Joint Resolution 166, offered by Representative Petka."

Speaker Breslin: "Representative Matijevich moves the adoption of the Death Resolution. All those in favor say 'aye',

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

132nd Legislative Day

November 17, 1988

opposed 'nay'. In the opinion of the Chair the 'ayes' have it, the Death Resolution is adopted. Ladies and Gentlemen, now we will have a Death Resolution for a Member."

Clerk Leone: "House Resolution 1904."

'WHEREAS, The members of this body have learned with great sadness of the recent death of Douglas Huff, Jr., of Chicago, former State Representative from the 19th District; and

WHEREAS, A flamboyant Democrat, Douglas Huff was elected to the Illinois House of Representatives in 1975; and

WHEREAS, While a member of the House of Representatives, Douglas Huff served on committees on Election Law, Public Utilities, Personnel and Pension, Appropriations II, Housing, and Local School District Reorganization; and

WHEREAS, Born January 8, 1931, Douglas Huff attended Malcolm X College and Roosevelt University; and

WHEREAS, Douglas Huff served as a quartermaster in the United States Army for three years; and

WHEREAS, Douglas Huff leaves to cherish his memories, a wife, Valencia and a host of other close relatives and friends; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we express our profound sorrow upon the death of a former member, Douglas Huff, Jr.; that we join with those individuals who mourn the loss of a close friend and colleague; and that we extend our heartfelt sympathy to his family; and be it further

RESOLVED, That a suitable copy of this preamble and resolution be presented to the family of Douglas Huff, Jr.'

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

132nd Legislative Day

November 17, 1988

Clerk Leone: "And of further showing of our loss, the House will stand adjourned."

Speaker Breslin: "Representative Braun."

Braun: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Everyone here, I believe, served with Doug Huff and everyone here knows that Doug Huff was one of a kind. He was called a visionary, he was a warrior, he was a fighter for the issues that he believed in. He had a unique and funny way, sometimes, of speaking to his concerns and would often quote obscure biblical passages in support of a position and send us racing to our bibles to find the passage in Zachariah that he was quoting, or whatever, because we hadn't read it for years. But Doug Huff did. And he sat at his desk and he read and he sat at his desk and he thought great thoughts. And when we were lucky, he shared them with us. He, as happens to us in this life sometimes, saw a turn of his fortunes toward the end of his life. He ran into problems. He lost an election. He died. In that order. But I like to think that Doug Huff saw the benefit of what it was that he did here and that he was able to go to his grave satisfied that he had fulfilled his mandate. That he had done what he was sent here to do. That he had kept faith with the... with the things that he believed in. In my experience, I know that I've not met another one like him. He was truly, to use the term *suigeneris*, one of a kind. And as Doug Huff would say, nothing ever dies in the Legislature until it adjourns sine die. That was one of his favorite expressions. And I want to say to him that Doug Huff will not die until the Legislature adjourns sine die as well, because his spirit will be here with us in the issues that we do and the fights that we engage in and the camaraderie that we experience and the love that we have for each other. And

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

132nd Legislative Day

November 17, 1988

so on behalf of the Members of this House, Madam Speaker, I urge the adoption of the Death Resolution on behalf of Doug Huff and ask that all Members of the House be added as Cosponsors."

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

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House, Doug's was a recent passing, we know that. All of us are enriched by each other's experiences. We're enriched, I believe, by what we say on the floor of the House. Doug, you enriched my life by letting me know that no matter how important the occasion is, the important... no matter how important or serious the subject matter that we debate on the floor of this House, that sometimes we ought to, in that occasion of importance, add some spice to it. Doug, you chose certain words on the floor of the House that I sat back on those important occasions and said, 'John, life isn't all that serious.' You've got to, at those times, remember that we are all persons. That we're all here for a little while. That we not only have to do what's important to our districts and the State of Illinois, but we ought to also enjoy each other in this process. I never met Doug Huff any time at all that he didn't have a smile and was happy. And you gave me that, too, Doug. That you've got to go through life loving people. You gave me that, Doug. So all of us were enriched by Doug Huff. And we all, all give God's blessings to Doug Huff. God bless you, Doug."

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

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, I had the privilege of serving 14 years with Doug Huff and during those years I found him to be a very interesting person.

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

132nd Legislative Day

November 17, 1988

And yes, I loved to hear some of his speeches on this House floor. But probably more important, to me at least, as a Republican from a downstate district, we had very different districts, but Doug was always helpful, always willing to talk and always a very friendly person. I appreciated that. I'm sorry for his misfortune and I'm certainly grieved by his death. We will miss him."

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

Jones: "On behalf of the people of the 19th district and myself, Representative Doug Huff will always be remembered for his fine leadership and great commitment to our community. When I won the election... the primary election, Doug gave me a call and he told me, he say, 'Shirley, you would have to fill my shoes. And believe me, it will be hard work.' And the most important thing that he told me was to try and work with the Education Committee. Thank you."

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

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. It was a sheer delight to serve with Doug Huff. It was a real pleasure to listen to him, to hear what he had to say, cause it really was an awful lot of fun. I think Representative Jones has put her finger on the concern, the issue that Doug Huff championed the most. And championed over his entire career in this Legislature and that was his feeling that the Chicago public schools needed to be reformed. And I think it is most ironic that he left us just as the first step towards that dream was beginning to occur. The last speech that he gave to this Body was on that issue. Was on what he has done over the years, the Bills he had championed, and every two years he'd come back with school reform. And every two years he'd be told it was too radical. And I think the lasting tribute that we can leave this former Member is when we finally act on his

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

132nd Legislative Day

November 17, 1988

dream."

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

Davis: "Thank you, Madam Speaker. As a new Legislator, I'd like to say that Douglas Huff was one of those to welcome me and attempt to, as he stated, show me the ropes. As human beings, from the Good Book, we're all told to love our fellow man. Well, I think I went beyond loving Doug. I learned to like him. Like him very much for his wit, his intelligence, his ability to see humor in things that could be, or were, very hurtful to him. I think any Legislator who can attempt to match the knowledge of Douglas Huff in reference to utility law and some other issues, they would do and serve their community very well. Doug, I'm glad to have known you. I'm happy that Earlene Collins and I rode home with Doug on his last trip back to Chicago and I want you to know he was in good spirit. We enjoyed Mexican food together and Doug, I'm glad I knew you."

Speaker Breslin: "The Lady from St. Clair, Representative Younge."

Younge: "I want to pay tribute to Doug Huff for his persistent diligence in Chicago school reform. Doug Huff loved the children of Chicago and because of his persistence in that area we will have school reform. He was an honest intellect and I'll miss him."

Speaker Breslin: "The question is, 'Shall the Death Resolution be adopted?' All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it. The Death Resolution is adopted and this House will stand adjourned after the adoption of the House Joint Resolution. Adjournment Resolution. Mr. Clerk."

Clerk Leone: "Resolved by the House of Representatives of the 85th General Assembly of the State of Illinois, the Senate concurring herein, that when both Houses adjourn on

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

132nd Legislative Day

November 17, 1988

Thursday, November 17th, 1988, they stand adjourned until Tuesday, November 29th, 1988, at 12 o'clock noon."

Speaker Breslin: "Representative McPike moves the adoption of the Adjournment Resolution. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Adjournment Resolution is adopted. Now Representative McPike moves the adoption... moves that we adjourn until Tuesday at noon on November 29th. Tuesday, noon, November 29th. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and this House stands adjourned until Tuesday at noon on November 29th."

STATE OF ILLINOIS
85TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

NOVEMBER 17, 1988

HB-3008 MOTION	PAGE	4
HB-3273 VETO ACTION	PAGE	19
HB-3273 VETO ACTION	PAGE	26
HB-3273 OUT OF RECORD	PAGE	32
HB-3335 VETO ACTION	PAGE	40
HB-3519 RECALLED	PAGE	43
HB-3519 THIRD READING	PAGE	47
HB-3543 VETO ACTION	PAGE	32
HB-3896 VETO ACTION	PAGE	5
SB-1915 MOTION	PAGE	48
SB-1978 MOTION	PAGE	49

SUBJECT MATTER

HOUSE TO ORDER - SPEAKER BRESLIN	PAGE	1
PRAYER - REVEREND NORMAN MYER	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
MESSAGES FROM SENATE	PAGE	2
COMMITTEE REPORTS	PAGE	3
AGREED RESOLUTIONS	PAGE	3
GENERAL RESOLUTIONS	PAGE	3
DEATH RESOLUTIONS	PAGE	3
AGREED RESOLUTIONS	PAGE	50
GENERAL RESOLUTIONS	PAGE	50
DEATH RESOLUTIONS	PAGE	50
ADJOURNMENT RESOLUTION	PAGE	55
ADJOURNMENT	PAGE	56