

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

59th Legislative Day

June 20, 1989

Speaker Breslin: "Ladies and Gentlemen, the hour of 12:00 o'clock having arrived, this House will come to order. We ask Members to be in their seats. The Chaplain for today will be the Reverend Dale Luther from the Franklin Grove United Methodist Church, in Franklin Grove. He is the guest of Representative Weller. We invite our guests in the gallery to rise and join us for the invocation."

Reverend Luther: "Let us pray. Oh Power from beyond whom we call God and who we as Christians call Father, come be with us today. We give Thee glory and praise unto You for all of the mercies You have extended to us. Unworthy as we have been at times, we are truly grateful that You have placed us in this promised land free from the daily fears of life, faced by many in the world around us where innocent people are caught up in the cross fire of turmoil around them, as well as having to live under the most adverse conditions of poverty and sanitation of which has not been of their own doing. We thank You for the trust and the confidence of our constituency, which has given us this honor and privilege we possess to represent them in this governing Body. Father, we have not always been honest with You, with our companions in this Body, as well as our constituency at times. Sometimes we have been greedy and yes, maybe perverse. We have listened to those who have made life look colorful with their offers. In Your grace please forgive us. Like Zacharias, help us to find that self-respect that enables us to be the real person that we are intended to be. On this day as we face the burning issues before us, open our eyes that we may see; our ears that we may hear; and our voices that we may speak, so that the greater good is served. Not that it is not difficult at times, but we know that issues are not always black and

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white, but several shades of gray. You have given us a great responsibility to having been chosen to represent others. Give us then the strength and the courage to righteously live up to that responsibility and may this be a momental day in our lives as we come to vote according to the dictates of our conscious as we have been given the sight to perceive the greater good, rather than to the power of the lobbyists or even to some well intentional shortsighted constituents. And when this day is over, may we feel the peace of Your favor from having done the right thing. So we come to ask, O Father, in the name of Thy Son, Jesus Christ our Lord. Amen."

Speaker Breslin: "Representative Sieben, would you lead us in the Pledge, please."

Sieben - 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 on the Republican side of the aisle?"

Piel: "No excused absences today, Madam Speaker."

Speaker Breslin: "Thank you. Representative Wolf, are there any excused absences on the Democratic side of the aisle?"

Wolf: "Madam Speaker, would you have the record show that Representative Capparelli is excused because of illness."

Speaker Breslin: "Representative Capparelli, is still excused because of illness. Have all answered the Roll Call? Mr. Clerk, take the record. 117 people answering the Roll Call, a quorum is present. Representative Hartke, is recognized for a special introduction. Please give the Gentleman your attention."

Hartke: "Thank you, very much, Madam Speaker, Members of the

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House. It's been an honor today, to represent...or to present to you the President...the...immediate past President of the National Pork Producers Association. As you're aware, Springfield has hosted this year the World Pork Congress and has brought to Illinois some seventy thousand visitors from throughout the world to view the Pork Expo here in town. And we have with us the immediate past President Mr. Ray Hankis, for a few words. Ray."

Ray Hankis: "Ladies and Gentlemen, it's certainly a pleasure to represent the National Pork Producers Council and to bring to Springfield, they tell us, the largest convention and trade show that has ever been in this city. The Pork Producers from Illinois, the Pork Producers from across America and indeed the Pork Producers from the world, since we have almost two thousand foreign visitors out at the Illinois State Fairgrounds, certainly wish to thank the State of Illinois for rolling out the red carpet. The Department of Agriculture has just been fantastic in their support of this event, and without the tremendous cooperation that we haven't had...that we have had from the state, World Pork Expo would not be the tremendous success that it has been. Thank you, very much."

Hartke: "Ray, it's an honor to present to you House Resolution 708, offered and adopted by the Illinois House. Congratulations and come back to Illinois again. Thank you, very much, Members of the House."

Speaker Breslin: "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 Representatives that the Senate has concurred with the House of Representatives in the passage of the following Bills together with Amendments, to wit; House Bills #32, 33, 37, 39, 42, 58, 69, 74, 77, 100, 108, 112,

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114, 124, 126, 156, 164, 207, 240, 247, 251, 252, 268, 295,
305, 308, 312, 317, 353, 366, 397, 412, 413, 421, 440, 446,
447, 459, 484, 507, 510, 514, 515, 519, 522, 541, 558, 568,
572, 573, 577, 590, 629, 634, 642, 648, 649, 718, 790, 803,
805, 815, 879, 882, 905, 906, 938, 946, 963, 995, 1051,
1136, 1146, 1148, 1155, 1237, 1244, 1250, 1261, 1262, 1287,
1312, 1328, 1356, 1396, 1406, 1409, 1416, 1425, 1476, 1496,
1524, 1545, 1616, 1660, 1661, 1718, 1726, 1732, 1777, 1778,
1863, 1864, 1865, 1885, 1888, 1896, 1899, 1926, 1988, 2003,
2029, 2052, 2061, 2077, 2091, 2108, 2171, 2293, 2329, 2362,
2435, 2482, 2485, 2486, 2487, 2584, 2604, 2689, 2704, 2785
and 2798, passed the Senate as amended June 19, 1989.
Linda Hawker, Secretary.'"

Speaker Breslin: "Representative Giglio, is recognized for a Motion."

Giglio: "Madam Speaker, Ladies and Gentlemen, I move to suspend the reading of the Journal and to approve the following Journals: Journal #42 of May 17th, 1989, Journal #43 of May 18th, 1989, Journal #44 of May 19th, 1989, Journal #45 of May 22nd, 1989, Journal #46 of May 23, 1989, Journal #47 of May 24th, 1989."

Speaker Breslin: "The Gen...You have heard the Gentleman's Motion. On the question, the Gentleman from Cook, Representative Piel."

Piel: "Yes, Madam Speaker, a question of the Sponsor of the Motion. Has this been cleared with our side of the aisle and agreed?"

Speaker Breslin: "Representative Giglio, has your Motion been cleared with the Republican side of the aisle?"

Giglio: "Yes. It's...there's a letter here to Jack O'Brien from Tony Leone, approval of the House Journals, dated June 20th."

Piel: "Fine. Thank you, very much."

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Speaker Breslin: "The question is, 'Shall Representative Giglio's Motion be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair the Motion is adopted by use of the Attendance Roll Call. Ladies and Gentlemen, you notice on your desk that there is a Supplemental House Calendar, noted Supplemental Agreed #1. It is the intention of the Chair to go to this order of business, to move those Bills that are on Second Reading to Third Reading, so that these Bills will be available for action tomorrow. Representative Klemm, for what reason do you seek recognition?"

Klemm: "Just an inquiry on your Supplemental Agreed Calendars. Last...I think last week we had a Supplemental Agreed Calendar and there were..."

Speaker Breslin: "No, we had no Supplemental Agreed Calendars last week. We only had a Consent Calendar."

Klemm: "Well, okay, we had a Consent Agreed Calendar. That was it.Okay."

Speaker Breslin: "They are different."

Klemm: "...And I had asked if we had a listing where we could vote 'present' or 'no' on some of them and they said no we don't do that on Consent Agreed..."

Speaker Breslin: "Correct."

Klemm: "...Bills. And I'm curious, will we have it on this list that you presented to us today?"

Speaker Breslin: "Yes. We have them on agreed lists. Don't confuse Consent Calendars with agreed Bill lists. They are...they are different."

Klemm: "But wouldn't a Member, regardless of what list you propose to the Membership, wouldn't the Membership have a right to vote on any Bill the way they wish, whether you agree with it or our side agrees with it or not?"

Speaker Breslin: "The procedure in that circumstance on a Consent

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Calendar, is that if you wish to vote 'no' or 'present' or amend a Bill on a Consent Calendar, you have as your right the opportunity to take the Bill off of the Consent Calendar."

Klemm: "And what if the Bill is not wished to be taken off, but you still wish to be voted other than...'yes'?"

Speaker Breslin: "There is no procedure currently in the rules to do that for Consent Calendar Bills, only for agreed list Bills."

Klemm: "Alright, thank you."

Speaker Breslin: "The Bills on this order have the following Sponsors. This is the Order of Senate Bills, Second Reading, Supplemental #1. The Sponsors are: Ewing. Keane. Cullerton. Churchill. Kubik. Giorgi. Brunsvold. Mautino. Balanoff. White. Kirkland. Granberg. Olson and Giorgi. So, I would ask those people to be on the floor for the movement of the Bills on this order of call. Again, we are doing the Bills on Second Reading that appear on the agreed Bill list. That's Supplemental #1 of your Calendar. We are only planning to move these Bills from Second to Third. If you have a Bill on the Order of Third Reading and wish to have it brought back, please let the Chair know, because we will do that at this time also. Representative Giglio, in the Chair."

Speaker Giglio: "Senate Bills Second Reading on page 2 of Supplemental Calendar #1, Sen...appears Senate Bill 133. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 133, a Bill for An Act in relationship to state monies. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Giglio: "Third Reading. Representative Ewing. Out of the record. Representative Keane, 237. Mr. Clerk, read the Bill."

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Clerk Leone: "Senate Bill 237, a Bill for An Act to amend the Business Corporation Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "There are no Motions filed and no further Amendments."

Speaker Giglio: "Alright. There's been a request for a fiscal note, Representative Keane, so the Bill will remain on Second Reading. On Senate Bill 237, Mr. Clerk, let the record indicate that Representative McCracken has withdrawn the fiscal note request. Are there any other Amendments?"

Clerk Leone: "No further Motions or Amendments."

Speaker Giglio: "Third Reading. Representative Churchill, 265. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 265, a Bill for An Act to amend the Illinois Highway Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Giglio: "Are there any Motions filed?"

Clerk Leone: "No Motions filed and no further Amendments."

Speaker Giglio: "Third Reading. Representative Kubik, 467. Representative Kubik? Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 467, a Bill for An Act to amend an Act to protect and preserve the taking of aboriginal records. Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #1, offered by Representative Wennlund."

Speaker Giglio: "Representative Wennlund. Mr. Clerk...Representative Wennlund. Amendment #1 to Senate Bill 467."

Wennlund: "Mr. Speaker, has it been printed and distributed?"

Speaker Giglio: "Clerk informs the Chair that it has not...Take

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the Bill out of the record till the Amendment's been distributed. Representative Giorgi. Out of the record. Representative Brunsvold. Out of the record. Representative Breslin, 638. Mr. Clerk, read Senate Bill 638."

Clerk Leone: "Senate Bill 638, a Bill for An Act to amend the Solid Waste Planning and Recycling Act. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Giglio: "Third Reading. Representative Mautino. Mr. Clerk, Senate Bill 775. Read the Bill."

Clerk Leone: "Senate Bill 775, a Bill for An Act to amend an Act in relationship to the concentration and storage of radioactive waste. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Giglio: "Third Reading. Representative Balanoff. Representative Balanoff in the chamber? Out of the record. Representative Breslin, 1043. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1043, a Bill for An Act to amend the Environmental Protection Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representative Breslin."

Speaker Giglio: "The Lady from LaSalle, Representative Breslin on Amendment #2."

Breslin: "Thank you, Mr. Speaker, Ladies and Gentlemen. Amendment #2 is offered in an effort to severely cut back the required report and study that would be required of ENR on the recovery and recycling of CFC's. It was the opinion of ENR that the language as originally drafted, would have required a far more expensive and extensive study. As a

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consequence, we have all agreed that all that is necessary is what is provided in Floor Amendment #1, and that I therefor ask that it be adopted. We think it will be much less expensive and much easier for ENR to provide for us."

Speaker Giglio: "Any discussion on the Amendment? Hearing none, all those in favor of Amendment #2 to Senate Bill 1043 say 'aye', those opposed 'no'. In the opinion of the Chair the 'ayes' have it. The Amendment's adopted. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "There's been a fiscal note filed and that has been withdrawn by Representative McCracken. Therefor the Bill is now moved to Third Reading. Third Reading, Mr. Clerk. Representative White, Jesse White. Out of the record. Representative Kirkland. Representative Kirkland in the chamber? Out of the record. Representative Granberg. Out of the record. Representative Ol...Olson. Excuse me. Granberg, 1311. Out of the record. Myron Olson, 1324. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1324, a Bill for An Act to amend the Boiler and Pressure Vessel Safety Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments? Representative Olson, are you seeking recognition, Sir?"

Olson, M.: "Thank you, Mr. Speaker. I wish to advise the Chair that I just filed an Amendment which I believe is Amendment #1 to 1324. I filed it within the last five minutes, so it has not been printed and distributed."

Speaker Giglio: "So, you want to take the Bill out of the record."

Olson, M.: "Take it out of the record, if we can get back to it at the convenience of the Chair."

Speaker Giglio: "Perhaps."

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Olson, M.: "I'd rather move with it and the Amendment is important to the Bill, so I don't want to table it and take it out. I'd like to get to...This is a Bill in behalf of the State Fire Marshal's Office."

Speaker Giglio: "Alright. We'll...Mr. Clerk, why don't we just read the Bill for a second time and we'll hold it on Second Reading. How's that?"

Olson, M.: "Thank you."

Clerk Leone: "Senate Bill 1324, a Bill for An Act to amend the Boiler and Pressure Vessel Safety Act. Second Reading of the Bill."

Speaker Giglio: "Alright, the Bill will be held on the Order of Second Reading. Mr. Clerk, why don't you read all the Bills that were taken out of the record and we'll leave these Bills on Second Reading so we can pass them tomorrow, hopefully. House Bill 223...Senate Bill."

Clerk Leone: "Senate Bill 223, a Bill for An Act to amend an Act in relationship to the Secretary of State. Second Reading of the Bill. Senate Bill 238, a Bill for An Act to...regarding certain aspects of corporations. Second Reading of the Bill. Senate Bill 467, a Bill for An Act to amend an Act to protect and preserve the taking of aboriginal records. Second Reading of the Bill. Senate Bill 494, a Bill for An Act to amend the Illinois Municipal Code. Second Reading of the Bill. Senate Bill 611, a Bill for An Act to amend the Recreational Use of Land and Water Areas Act. Second Reading of the Bill. Senate Bill 938, a Bill for An Act to amend the Illinois Vehicle Code. Second Reading of the Bill. Senate Bill 1050, a Bill for An Act to amend an Act concerning the expansion of child care facilities. Second Reading of the Bill. Senate Bill 1296, a Bill for An Act to amend the Retailers' Occupation Tax Act. Second Reading of the Bill. Senate Bill 1311, a Bill

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for An Act to amend the Liquor Control Act. Second Reading of the Bill. And Senate Bill 1443, a Bill for An Act to amend the Intergovernmental Cooperation Act. Second Reading of the Bill."

Speaker Giglio: "Alright, now these Bills having been read a second time, will remain on the Order of Second Reading. On the Supplemental Calendar #1, page 2, there's Senate Bills Third Reading. I'll read the names off and the numbers and if anybody wants to bring these Bills back for the purposes of an Amendment, please so indicate. Senate Bill 253, Representative Hoffman. Senate Bill 307, Representative Steczo. Senate Bill 513, Representative Ewing. Senate Bill 677, Representative Zickus. Senate Bill 707, Representative Flowers. 794, Giorgi. 1072, Steczo. 1197, Balanoff. 1346, Hoffman. Alright, the Chair will now proceed to the special order of business, Education, Second Reading. Alright, the Chair has been informed by the Clerk's Office that they're changing the discs, so in lieu of that, we'll return to the Order of Senate Bills, Second Reading. Some of the Members have now returned to the chamber. In that order, Mr. Clerk, appears Senate Bill 223, Representative Ewing."

Clerk Leone: "Senate Bill 223 has been read a second time previously."

Speaker Giglio: "Any Amendments?"

Clerk Leone: "There are no Committee or Floor Amendments on Senate Bill 223."

Speaker Giglio: "Third Reading. Representative Balanoff, 938. Senate Bill 938 is on the Order of Second Reading, Short Debate. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 938 has been read a second time previously. There are no Committee or Floor Amendments."

Speaker Giglio: "Third Reading. 1050, Representative Balanoff."

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Any Floor Amendments? Excuse me, Mr. Clerk, that's Representative White."

Clerk Leone: "Senate Bill 1050 has been read a second time previously. There are no Committee or Floor Amendments."

Speaker Giglio: "Third Reading. Representative Kirkland. Out of the record. On the special order of business, on the first page of the order appears Education, Second Reading. Representative Matijevich. Out of the record. Representative Flinn, Senate Bill 629. Education, Second Reading. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 629, a Bill for An Act to amend the Public Community College Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #1, is being offered by Representative Flinn."

Speaker Giglio: "Representative Flinn indicates he wants to withdraw Amendment #1. Are there further Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representative Wyvetter Younge."

Speaker Giglio: "Representative Flinn."

Flinn: "Well, I think the Lady's going to withdraw, but I have no choice to move to table the Amendment. We have an agreed Amendment #3."

Speaker Giglio: "The Gentleman moves to table Amendment #2. Further Amendments. All those in favor of tabling the Amendment signify by saying 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it. The Amendment's been tabled. Further Amendments?"

Clerk Leone: "Floor Amendment #3, offered by Representative Monroe Flinn."

Speaker Giglio: "Representative Flinn, on Amendment #3."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and

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Gentlemen of the House, Amendment #3 as far as I know is agreed by...is agreed by all the participants. What it basically does, is give the State Community College another five years in which they will...must decide which direction they are going to go, whether they are going to create a college of their own or join the Belleville Area Community College, and they will do that by a vote of the public and everything else remains the same except the board has changed and the curriculum will be changed. I'll be glad to answer any questions if there are any. I don't know of any opposition to the Amendment."

Speaker Giglio: "Any discussion on the Amendment? The Gentleman from Vermilion, Representative Black."

Black: "Thank you, very much, Mr. Speaker. I'm...I share the Gentleman's optimism. I'm not aware of any opposition to it, but only because we don't have it. Has it been printed and distributed?"

Speaker Giglio: "The Amendment has not been distributed. Mr. Clerk, take the Bill out of the record."

Speaker Breslin: "Representative Breslin in the Chair. On Education, Second Reading appears Senate Bill 148, Representative Giglio. Clerk, read the Bill."

Clerk Leone: "Senate Bill 148, a Bill for An Act to amend certain Acts in relationship to the licensing of certain minors as drivers. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1, is being offered by Representative Giglio."

Speaker Breslin: "Representative Giglio."

Giglio: "Madam Speaker, Ladies and Gentlemen of the House, Floor Amendment #1 just says that in order to start a drivers' license course in school, that you have to have two

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semesters of schoolwork previously passed in order to apply. Similar to Representative Weller's House Bill 462."

Speaker Breslin: "The Gentlemen has moved the adoption of Amendment 1 to Senate Bill 148. On the question the Gentleman from Vermilion, Representative Black."

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

Speaker Breslin: "He will."

Black: "Representative, does...it's not clear in our file and I apologize, but does Amendment #1 become the Bill?"

Giglio: "No. No, it's just...it just adds...it just adds this provision to it. In other words, if somebody was not in school or just had one semester, then he wouldn't qualify to start taking his drivers' lessons. He has to have completed two semesters before even applying."

Black: "Okay. So the underlying Bill as far as high school enrollment or GED enrollment, is still a prerequisite to be able to have a license. Correct?"

Giglio: "Right."

Black: "Alright, thank you, very much."

Speaker Breslin: "Is there any further discussion? There being none, the question is, 'Shall Amendment 1 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it. The Amendment's adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. The next order is the Order of Education, Third Reading. The Sponsors are Williams, Curran, Hoffman and Dunn. Senate Bill 335, Representative Williams. Out of the record. Senate Bill 449, Representative Curran. Out of the record. Senate Bill 960, Representative Hoffman. Mr. Hoffman? Out of the record. Senate Bill 1070, Representative Curran. Out of

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the record. Senate Bill 1165, Representative Dunn. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1165, a Bill for An Act to amend an Act creating the Board of Higher Education. Third Reading of the Bill."

Speaker Breslin: "Are there any Motions or Amendments? Oh, you're on Third Reading. Representative Dunn, to present the Bill on Third."

Dunn: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 1165 is legislation which would establish a program of matching grants to colleges to provide an inventor in residence program. The expense to the colleges and universities is capped at 50% of the stipend paid, and the stipend shall not exceed \$30,000 per year per college or university. The purpose of this is largely symbolic. It is to encourage those people with that special aptitude for practical inventions who are probably for the most part, retired but still creative, to encourage them to take up residence in an academic atmosphere and pursue their genius. This Bill depends upon of course, an appropriation, so the program if enacted, will be capped. I believe the appropriation may be at \$200,000 now. I have introduced the Appropriation Bill at 100,000. So, it will not be a large expense and it is something which can reap benefits many many times and I would ask for your favorable support on this legislation."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1165. On the question, the Lady from DuPage, Representative Cowlshaw."

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

Speaker Breslin: "He will. Proceed."

Cowlshaw: "Representative, could you please tell me whether this

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inventor who is going to be somehow affiliated with a state university and 50% of whose salary or stipend or whatever it may be called, is to be paid by the state, is expected to do anything other than pursue his genius?"

Dunn: "The exact language of the Bill is to establish a program for the purpose of assisting these colleges and universities to retain an inventor in residence during an academic year. To an...and the Board of Higher Education shall adopt such rules and regulations as may be necessary to accomplish the purpose of this provision. The intention of this legislation is not to fund academic positions and the intention of the legislation also is not to make this a lucrative position that will be in a competitive position with regard to full time academic professors and to also to avoid irritating them. They are just for these people out there who have a peculiar and special talent for invention and they should be encouraged to pursue their ideas and to make them available to the State of Illinois to promote and encourage our economic growth."

Cowlshaw: "Thank you, Representative. It's my under...I understand what the purpose of this Bill is and it is I believe praiseworthy. We all need to encourage inventiveness and creativity among our citizens. But I would point out that this Bill has a cost, that is if it is ever actually put into effect, and our state universities right now are crying out for more money with which to improve their laboratories, with which to improve the salaries of their professors, with which to improve their facilities. We have not been good to higher education in this state and much as I am in accord with the underlying concept of this Bill, it is my view that until we can honestly say that we adequately support higher education, I do not think we ought to be diverting funds to encourage

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inventors, when professors are underpaid."

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

On the question. Representative Ropp. Representative Ropp, do you wish to speak to this question?"

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

Speaker Breslin: "He...he does."

Ropp: "Representative, according to our analysis this is about a five million dollar project. Is this something you think we can handle in our state budget?"

Dunn: "Well, first of all you may be about five million dollars off. If there's no appropriation it won't cost anything and the appropriation figure which has been discussed for this program, which is in the nature of a pilot program, is to cap the appropriation and then if every state and college and university in the...in the state applies, they just won't be able to take advantage of it. So, I anticipate if this Bill becomes law, that the appropriation will be at the level by \$200,000."

Ropp: "Well, is it not true that currently in our institutions of higher learning we have people that are inventing or coming up with new ideas as they either develop their doctoral thesis or currently continue their pursuance for further education, that now in fact are coming up with new kinds of pieces of equipment or ways to make our life easier and more comfortable. Isn't that going on now without any money...additional money?"

Dunn: "Well, sure. Those people are...to whom you refer are on the staff at our colleges and universities and are in full time positions. This legislation is not aimed at them, it is aimed at what I would call an outsider to that process. Someone who has been in private industry, someone who has earned a living, his or her living inventing, and those

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people as I say are few and far between and have a special talent and to capture them for a period of time in a university setting, should generate some creativity and be a benefit to the university which would have shop rights and probably royalty rights. Each governing board would set its own policy and does set its own policy with its own faculty and would establish its own policy under this program, and of course if a practical invention comes forward it'd be a benefit to all of us."

Ropp: "Well, to the Bill, Madam Speaker. Before we initiate even new pilot programs, it seems like we have grants to students who may become teachers, which we have not funded, we just passed out of the Higher Ed Committee just a couple of weeks ago, proposal for grants to those people who want to go into the nurses profession, and it seems to me we have sufficient legislation on the books now that need funding more fully than we have been doing before we initiate something of this case, when in fact we do have private industry that allow for in-house inventors to move forward and develop new areas, and we do have in-house people in higher education already doing this. And I'm sure if someone has a better way to develop a mousetrap, most if not all colleges would be...welcome them to come on campus and continue that development. So, I urge opposition of this Bill."

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

Keane: "Thank you, Madam Speaker. I just want to rise in opposition to this Bill. It was heard in Higher Education and I think at least once and maybe twice. It was not reported out. It's the kind of a Bill that we can't afford especially with the increases in tuition that we're asking students to pay. To take money from other higher education pots and put it into this would be counterproductive, and I

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ask for a 'no' vote."

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

McNamara: "Thank you, Madam Speaker. Yield for a question?"

Speaker Breslin: "He will yield for a question."

McNamara: "Representative, I understand that this is a program of
matching grants to colleges for inventors in residence. Is
that correct? In other words the inventor has to be at the
college in residence in order to..."

Dunn: "Yes. The purpose for that is to place them in the
academic setting which would hopefully encourage their
inventive genius to flourish and secondly, reap benefits
from practical inventions for the university and the State
of Illinois at large."

McNamara: "Okay. Thank you. To the Bill."

Speaker Breslin: "Proceed."

McNamara: "I'm very much concerned about this concept. It is
taking an inventor out of the workplace. Under this Bill,
Edison would have to be on a college campus in order to
make any dollars, any additional dollars. Then he would
get a grant. It almost is like establishing an elitist
society that only professors, only those that are lucky
enough to be on a college campus would be the inventors.
Of all the inventors that are around that have worked
through the programs, there are plenty of programs, and
through DCCA in order to establish new companies for new
ideas that are profitable, etc. I think this is a foolish
measure. I urge its defeat."

Speaker Breslin: "Representative Dunn, to close."

Dunn: "This legislation has passed both chambers of this General
Assembly in this identical form at least twice. It has
been to the Governor's desk, and the reason it has gone
that far, is that the program has substantive merit. The

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people who have been expressing opposition are missing the point. We don't, with this Bill, intend to affect university professors one way or another. We don't intend to take people out of the workplace as the last speaker has indicated might happen. This is purely, wholly and solely a voluntary program between the university and a person with that peculiar talent that labels himself or herself as an inventor. If they choose to take up residence in the academic setting, they can do so and they would receive a stipend which could not exceed \$30,000 per year. This does not ask them to leave private industry. It does not ask them to leave any other setting, but it does make this possibility open and available to those people who might wish to use this setting to invent. Some of you may know and some of you may not, I am a licensed patent attorney. I have been a full time patent attorney. I have seen inventors up close. They are probably somewhat like concert violinists or concert pianists. There just aren't that many of them around, especially with great talent. You can't plant them on a forty acre lot and harvest them the way you do corn and soybeans. They just don't grow everywhere. They pop up sporadically. They are a special people, they have peculiar individual talents which direct them somehow, somehow that the rest of us cannot understand, to solve problems that are out there, to come up with solutions that when they show up seem obvious to us, we say 'why wasn't that done before.' There's a group of people out there who need to be captured to foster our economy. We have programs in DCCA which do some encouraging, but their shortcoming is that they make the application process essentially available to everybody. Not everybody is an inventor, not everybody is going to have a practical invention. There are people in this state

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who do this, who have made a living inventing and who would be more than happy to try a year or so in an academic atmosphere to generate inventions and to help the university which provides that atmosphere for them, the State of Illinois, probably their own pocketbook, too, with some royalties, and that's good for everybody. So, this is a good program. It really has no shortcomings. And yes it is a pilot program and the reason it is a pilot program, is that if it had a large price tag, we couldn't afford it. But, we can afford a hundred or two hundred thousand dollars to try out a program like this. This Bill has passed the Senate this Session and it's passed both chambers before in identical form. I ask for your favorable vote."

Speaker Breslin: "The question is, 'Shall Senate Bill 1165 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 58 voting 'aye', 53 voting 'no' and 1 voting 'present'. Representative Dunn, requests a Poll of the Absentees, Mr. Clerk."

Clerk Leone: "Poll of those not voting. Krska. McGann. Stange. Stephens and Terzich."

Speaker Breslin: "On this question there are 58 voting 'aye', 53 voting 'no' and 1 voting 'present'. This Bill having failed to receive the necessary majority, is hereby declared lost. Representative Hultgren and Representative Homer, are recognized now for a special introduction."

Hultgren: "Ladies and Gentlemen of the House may I have your attention please? I'd like to introduce the Farmington High School girls softball team that finished first in the State Class A Softball Tournament this year. Mr. Clerk, if you'd please read House Resolution 703."

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Clerk Leone: "House Resolution 703, offered by Representatives Hultgren, Homer, Leitch and Saltsman.

'WHEREAS, The members of this body take great pride in recognizing the outstanding efforts of the athletes throughout this State; and

WHEREAS, It has come to our attention that the Farmington High School girls softball team captured the championship title in the State Class A Softball Tournament; and

WHEREAS, The Farmington High School softball team finished the season 28-3, and defeated Casey High School in the finals 2-1; and

WHEREAS, Led and inspired by coaches Tom Wierzba and Rhonda Rock, the 1989 team included: Jenny Buckman, Nici Hanlin, Lisa Melz, Rhonda Runyon, Kari Watts, Amy Culver, Denise Danley, Pattie Kamradt, Chris Oldfield, Jody Patterson, Marni Johnson, Dawn Stanley, Becki Warner, and Ben Wierzba, manager; and

WHEREAS, The numerous achievements of the Farmington High School softball team confirm our belief that hard work and dedication are effective when you set goals and strive to achieve them; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Farmington High School girls softball team on a successful season; that we commend the players and coaches for their hard work and dedication; and that we extend our very best wishes to them for continued success in all of their future endeavors; and be it further

RESOLVED, That a suitable copy of this preamble and resolution be presented to each member of the Farmington High School girls softball team and their coaches Tom Wierzba and Rhonda Rock."

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Hultgren: "I'd now like to call on the coach of the Farmington High School State Girls Champions, Coach Tom Wierzba."

Coach Wierzba: "I would first of all like to introduce my Assistant Coach Rhonda Rock; our Principal, Mr. Gary Schultz; our five senior members; Jenny Buckman, Kari Watts, Lisa Melz, Nici Hanlin, Rhonda Runyon; our junior members; Amy Culver, Pattie Kamradt, Denise Danley; our sophomore members; Chris Oldfield, Jody Patterson, Marni Johnson; our two freshmen; Dawn Stanley and our pitcher, Becki Warner and our manager, my son, Ben Wierzba. Thank you, very much."

Homer: "Thank you, coach. And I just want to tell you that Farmington women occupy a special place in my heart and always have, because my mother is a Farmington girl and graduated from Farmington High School. They also have very athletic sons. And so, I'm pleased to have you here today and just thrilled to death that you brought this honor and award to the people of our district. It's a credit to you and to the kids and hopefully will set an excellent example for all who follow. So again, congratulations and we have a Resolution for each of you. I would at this time move that...that the Resolution...House Resolution 703 be adopted. All those in favor of the Resolution say 'aye', opposed 'no'. The 'ayes' have it and the Resolution is adopted. Thank you."

Speaker Breslin: "Representative Ropp, is recognized for an announcement."

Ropp: "Thank you, Madam Speaker. For the Members of the Body, today happens to be Vocation Education Lobby Day, and on the first floor at the north wing of the State Capitol, there are a number of booths and exhibits that have demonstrated what young people are doing in the state. All

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of these exhibits and schools are from the Chicago area, so I would like to invite all of us and those of you from Chicago, to go down and take a look at the fine work that's going on in our state."

Speaker Breslin: "The next special order of business appears under the Order of Insurance, Third Reading. Senate Bill 97. Clerk, read the Bill."

Clerk Leone: "Senate Bill 97, a Bill for An Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Speaker Breslin: "Representative Lang. Out of the record. Senate Bill 577, Representative Shaw. Out of the record. Senate Bill 10...1301. Out of the record. On the special...on the Supplemental #1, on Senate Bills Second Reading there appears Senate Bill 1324, Representative Myron Olson. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1324 has been read a second time previously. Amendment #1, is being offered by Representative Myron Olson."

Speaker Breslin: "Representative Olson."

Olson, M.: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate...House Amendment #1 to Senate Bill 1324, simply restates obsolete language which was deleted by this Bill, and I move for adoption of the Amendment."

Speaker Breslin: "Representative Olson, has offered...has moved for the adoption of Amendment #1. On this question is there any discussion? There being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it. The Amendment's adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Representative Olson, for what reason do you seek recognition?"

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Olson, M.: "Madam Speaker, if it's possible would this be able to be put back on the Consent Calendar?"

Speaker Breslin: "The Gentleman asks leave now...Well, we're doing the Bills on the Agreed Calendar. This isn't a Consent Calendar. The Bill remains on the order of the agreed Bill list. The next Bill is on Third Reading, Senate Bill 1197. Representative Balanoff, has requested that this Bill be returned to the Order of Second for the purposes of an Amendment. Does he have leave? Hearing no objection, leave is granted. Are there any Amendments filed?"

Clerk Leone: "Amendment #1, is being offered by Representatives Didrickson, Flowers, McCracken, Breslin and Balanoff."

Speaker Breslin: "Representative Balanoff. Representative Didrickson, on the Amendment."

Didrickson: "Thank you, Madam Speaker, Members of the House. Senate Amendment...Amendment...House Floor Amendment #1 sets up a division in the Department of Labor for minority and female employment opportunity. It has a five year sunset and the reason for doing this is to monitor the progress in the work force both public and private sectors to calibrate the findings which the courts are lacking in order to uphold or not uphold the validity of the math fee or minority and female business equal opportunity laws that we have in our state. I move for its adoption."

Speaker Breslin: "The Lady moves for the adoption of Amendment 1 to Senate Bill 1197. On the question is there any discussion? There being none, the question is, 'Shall Amendment 1 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it. The Amendment's adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

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Speaker Breslin: "Third Reading. Back on the same Calendar, Supplemental #1 under Senate Bills Second Reading, appears Senate Bill 1296, Representative Kirkland. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1296, a Bill for An Act to amend the Retailers' Occupation Tax Act. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Breslin: "Third Reading. The next order, Ladies and Gentlemen, will be the Special Order of Professional Regulation, Third Reading. The Sponsors are Matijevich and Keane. Are any of...are either of those Gentlemen in the chamber? Matijevich or Keane? Neither Gentlemen are in the chamber, so we cannot call those Bills. Yes, there is also a Resolution by Representative Curran. Is Mr. Curran in the chamber? He is not. Ladies and Gentlemen, we are not going to be able to move these Bills unless people stay in the chamber and present their Bills when their Bills are called. The next order will be the Order of Pensions. Representative Homer, for what reason do you seek recognition?"

Homer: "Madam Speaker, an inquiry. With respect to Senate Bill 1197 which was just previously called..."

Speaker Breslin: "Yes."

Homer: "...There...Did I understand that there was an Amendment adopted to that Bill?"

Speaker Breslin: "There was. Representative Didrickson was the Sponsor of the Amendment and the Amendment was adopted."

Homer: "I...Well, I guess it's a little late then, but we don't even have the Amendment in our file. It apparently wasn't...the question's been raised as to whether the Sponsor of the Bill is here. I guess..."

Speaker Breslin: "Representative Balanoff was here and present when the Bill was called and he is still here. Perhaps you

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should discuss it with him. The Bill is still on Third Reading..."

Homer: "Okay, thank you."

Speaker Breslin: "...So that you can still have time to discuss the Bill. The next order is the Order of Pensions. Representative Wolf, is in the chamber. Senate Bill 95 is on Third Reading. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill #95, a Bill for An Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "Representative Wolf."

Wolf: "Thank you, Madam Speaker. Senate Bill 95 is a Bill...a Pension Bill that has been stripped of all of the provisions that came over to the House from the Senate. This Bill is now a vehicle Bill and is intended to go to Conference Committee. I would move for its passage."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill 95. On that question is there any discussion? There being none, the question is, 'Shall Senate Bill 95 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 102 voting 'aye', 3 voting 'no' and 7 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. The next order is the Special Order of Labor, Second Reading. The first Bill is Senate...These Bills are on the Order of Second Reading. The first Bill is Senate Bill 32, Representative Balanoff. Clerk, read the Bill."

Clerk Leone: "Senate Bill 32, a Bill for An Act to amend the Minimum Wage Law. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "No Motions filed. Floor Amendment #2, is being

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offered by Representatives Balanoff and Farley."

Speaker Breslin: "Representative Balanoff."

Balanoff: "What...Thank you, Madam Speaker and Members of the Legislature. Amendment #2 would change the dates of the increase. It would push the first increase...It's a three step increase in the minimum wage. The first step would be pushed back till April 1st of 1990 and that would be at three eighty-five an hour. The second step would push it back to January 1st of 1991 and that would be to four and a quarter an hour and the final one would be on January 1st of 1992 and that would go to four fifty-five an hour. Also, it would allow the United States Congress, if the United States Congress was to increase the minimum wage before April 1st of 1990, then whatever rates they were to set, they would automatically kick in. This is an easier version of 494, which we passed a couple of weeks ago."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment #2 to Senate Bill 32. On the question, the Gentleman from Vermilion, Representative Black."

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

Balanoff: "Yes."

Speaker Breslin: "He will."

Black: "Thank you. Representative, if I understand Amendment #2 and you did a good job of explaining that, but what happens in Amendment #2 if the current question at the federal level is not resolved. If the veto isn't overridden, am I to understand then that the minimum wage would stay the same as it is now?"

Balanoff: "No. If there is no increase before April 1st of 1990, then the rate increases would automatically take effect in Illinois."

Black: "Okay. So, what you Amendment does, then, is to delay

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implementation. Assuming that nothing is done at the federal level, it delays implementation of the state increase until April 1, 1990. Correct?"

Balanoff: "You got it."

Black: "Thank you."

Speaker Breslin: "Any further discussion? There being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 85, Representative Farley. Out of the record. Senate Bill 86, Representative Farley. Out of the record. Senate Bill 141. Out of the record. Senate Bill 181, Representative Saltsman. Clerk, read the Bill. Out of the record. Senate Bill 571, Representative McPike. Representative McPike. Out of the record. Senate Bills Third Reading. On the Order of Labor appears Senate Bill 541, Representative McPike. Out of the record. The next order is the Order of Transportation, Second Reading. The Sponsors are Novak and Phelps. The first Bill is Senate Bill 1174, Representative Novak. Out of the record. Senate Bill 1426, Representative Phelps. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1426, a Bill for An Act concerning forestation of lands in state highways' rights of ways. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Breslin: "Third Reading. The Bills on...the Senate Bills on Transportation, Third Reading, is Senate Bill 830. Clerk, read the Bill."

Clerk Leone: "Senate Bill 830, a Bill for An Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

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Speaker Breslin: "Representative Hartke."

Hartke: "Thank you, very much, Madam Speaker, Members of the House. Senate Bill 830 is the Bill that amends the Illinois Vehicle Code. It permits emergency firefighting vehicles and ambulances to use studded tires between November the 15th and April 1st. I would appreciate your support."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill 830 and on that question, is there any discussion? There being none, the question is, 'Shall Senate Bill 830 pass?' All those in favor vote 'aye', all those opposed voted 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 103 voting 'aye', 7 voting 'no' and 3 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. House Resolution 336, Representative Hicks. Clerk, read the Resolution. Out of the record. House Joint Resolution 55, Representative Ronan. Out of the record. The next order of business is the Order of Revenue, Second Reading. Senate Bill 38. Clerk...Oh, Representative Ronan is here. Excuse me. Ladies and Gentlemen, let's go back to Senate Bills under...House Joint Resolution 55. Mr. Clerk, read the Resolution."

Clerk Leone: "House Joint Resolution 55, directs the Illinois Secretary of State and the Illinois Secretary of Transportation to establish a joint committee to improve highway works zones."

Speaker Breslin: "Representative Ronan."

Ronan: "Thank you, Madam Speaker. I move for the passage of House Joint Resolution 55. It's a continuing effort on behalf of the Illinois Department of Transportation. We're trying to include the Secretary of State's Office to make

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safer conditions for highway workers out there on the roads of Illinois."

Speaker Breslin: "The Gentleman has moved the adoption of House Joint Resolution 55, and on the question, is there any discussion? There being none, the question is, 'Shall House Joint Resolution 55 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it. The Resolution is adopted. The next order is the Order of Revenue, Second Reading. The Sponsors are Steczo, Hartke, Dunn, McGann, Granberg and Trotter. Please be prepared to present your Bills on Second Reading. First Bill; Senate Bill 38, Representative Steczo. Out of the record. Senate Bill 344, Representative Hartke. Out of the record. Senate Bill 634, Representative Steczo. Out of the record. Senate Bill 744, Representative John Dunn. Clerk, read the Bill."

Clerk Leone: "Senate Bill 744, a Bill for An Act creating the Illinois Estate and Generation-Skipping Transfer Tax Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "Floor Amendment #1, is being offered by Representative Dunn."

Speaker Breslin: "Representative John Dunn."

Dunn: "Madam Speaker and Ladies and Gentlemen of the House, House Amendment 1 is a very technical Amendment, but what it boils down to is an agreed Amendment by the interested parties. The purpose of this Amendment is to make sure that this Bill is revenue-positive, not revenue-negative and that it does not impose a new tax. What this Bill does, is enable the State of Illinois to capture money which is now going to the Federal Government. I would like this Amendment to be adopted to the Bill and I'm going to

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move it to Third Reading if it's adopted and hold the Bill, because there's yet another technical Amendment coming. So, I would ask for your favorable support of this Amendment."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 1 to Senate Bill 744. On the question is there any discussion? There being none, the question is, 'Shall Amendment 1 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it. The Amendment's adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 945, Representative McGann. Andy McGann. Out of the record. Senate Bill 1094, Representative Granberg. Out of the record. Senate Bill 1305, Representative Trotter. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1305, a Bill for An Act in relation to indigent health care. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Weller? Representative Weller."

Weller: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. My Amendment is an Amendment I've discussed with both the Senate Sponsor and the House Sponsor of Senate Bill 1305. They've agreed to put this Amendment on the legislation. In essence, the legislation establishes a special checkoff for community based substance abuse programs and the necessary mechanism. I'd be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 1 to Senate Bill 1305. On the question, the

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Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, I think because of the volume of the conversation on the floor I could not hear exactly what the Gentleman said. I think I heard him say that the Sponsor was in favor of this...the Sponsor of the Bill was in favor of the Amendment."

Speaker Breslin: "He said that, yes."

Cullerton: "And what...and it has to do with the checkoffs on our state income tax form. The...as I understand the Bill itself, it creates a new income tax refund checkoff which deals with community health center care funds. What is the Amendment do, Representative Weller?"

Weller: "Representative, my Amendment establishes a tax refund checkoff to fund community based substance abuse programs."

Cullerton: "Community based substance abuse programs. Does it affect any of the other...does it affect any of the other checkoffs?"

Weller: "No, it does not."

Cullerton: "Does it...maybe it's because the Bill rewrites... does the Amendment rewrite the Bill? In other words it...in looking at the Amendment, it appears..."

Weller: "It would...Representative...Representative, it does change one asset of the checkoff formerly, where it would provide that taxpayers violating..."

Cullerton: "...Madam Speaker, I can't...Madam Speaker, I cannot hear a wo...I'm trying to listen...and I can't hear a word the guy's saying..."

Speaker Breslin: "...Yes, Sir...Yes. Ladies and Gentlemen. Ladies and Gentlemen, we're going to have to clear the floor, ask Pages to stay in their seats and ask staff, that is not necessary for this Order of Business, to remove themselves from the floor. The noise level on the floor is too high to carry on debate."

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Weller: "Representative, can you hear me now?"

Speaker Breslin: "Now, proceed..."

Cullerton: "...Right. My...my question..."

Weller: "I have an answer, Representative. I was able to hear your question."

Cullerton: "Right, okay."

Weller: "The way it would affect any of the other programs, it does not injure any of the other programs, would allow a taxpayer, if he or she does not have a refund coming to write an additional amount on their...their tax payment and designate that to go to any of these funds, including the substance abuse checkoff, which I'm adding on."

Cullerton: "It changes the form?"

Weller: "It...Representative, the way...it basically provides that taxpayers can write an additional amount, given an additional amount above and beyond the refund, even if they do not have a refund coming."

Cullerton: "I see."

Weller: "It will not complicate the form."

Cullerton: "Does it have any limitation? In other words, is there a requirement that if this new fund that you want to add, if it does not have at least 100,000 dollars per year donated, does it...does it then go off?"

Weller: "Correct. It'll be...it'll be under the same rules all the other checkoffs operate under, that if it does not achieve 100,000 dollars, it would of course cease to exist."

Cullerton: "And the new one is a youth drug abuse prevention fund checkoff?"

Weller: "That is correct."

Cullerton: "And what will this money be used for?"

Weller: "This money would then be...would be allocated through that fund for community based substance abuse programs in

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the form of grants."

Cullerton: "Okay, thank you."

Weller: "Thank you."

Speaker Breslin: "The Gentleman from Cook, Representative Young on the Amendment. Your light is flashing, Sir."

Young: "Yes. Thank you, Madam Speaker, Ladies and Gentlemen of the House. I have to reluctantly rise in opposition to the Amendment. Not because the Amendment certainly doesn't have merit on its own, but again, we try to have a concept in this chamber that a Sponsor should have some control over his Bill. And a Sponsor ought to be able to receive a vote on Third Reading from the Bill he introduced in the form that he wants it. I would support this Gentleman's Amendment if it were his own Bill, but in terms of putting this on a Sponsor's Bill, who may or may not want it, I think we should have this Sponsor...allow him to have his Bill as he wants it on Third Reading."

Speaker Breslin: "The Gentleman from Cook, Representative Trotter. The Lady from Lake, Representative Frederick on the Amendment."

Frederick: "Yes, thank you, Madam Speaker. It's my understanding that the Sponsor does not oppose this Amendment and it really is a concept that it's been approved by almost everyone. The Department of Revenue says it's possible to do this and I rise in support of the Amendment."

Speaker Breslin: "Is there any further discussion? There being none, Representative Weller is recognized to close."

Weller: "Thank you, Madam Speaker. And to address Representative Young's concerns. I have of course, as I mentioned earlier, addressed this Amendment with both the House Sponsor and the Senate Sponsor of this Bill. Both Senator Severns and Representative Trotter agree and do support addition of this Amendment to Senate Bill 1305. This

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Amendment has the support of both the Department of Alcohol and Substance Abuse and the Interest Association... Illinois Association of Drug and Drug Dependency Association. I add...I would appreciate your support and move adoption of the Amendment."

Speaker Breslin: "The question is, 'Shall Floor Amendment #1 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. We are voting on the Amendment. Have all voted who wish? The Clerk will take the record. On this question...vote Representative Edley, 'aye'. On this question there are 104 voting 'aye', 1 voting 'no' and 1 voting 'present'. The Amendment is adopted. Are there any further Amendments?"

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

Speaker Breslin: "Representative Trotter on Amendment 2. Representative Trotter, you're recognized to present Amendment 2."

Trotter: "Thank you very much, Madam Speaker, Members of the House. Amendment #2 just de...I would like to withdraw Amendment #2."

Speaker Breslin: "Withdraw #2. Are there any further Amendments?"

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

Speaker Breslin: "Representative Trotter."

Trotter: "Thank you very much, Madam Speaker. As it was just brought to my attention, Amendment #3 does some technical changes with the Bill. It just basically defines what a community health center is. If I may, I can read that to you. Okay, it says, 'it shall provide financial assistance to migrant health centers and community health centers established pursuant to Sections 329 or 330 of the federal

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Public Health Service Act, or which meets the standards contained in either of those Sections; and (b) for the purpose of establishing new migrant health centers or community health centers in areas of need and funds appropriated annually. And what that..."

Speaker Breslin: "The Gentleman...proceed."

Trotter: "...What that does is it includes the areas of Rockford and Decatur in our rural assignments."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 3 to Senate Bill 1305. On the question, is there any discussion? There being none, the question is, 'Shall Amendment'...the Gentleman from DuPage, Representative McCracken on the question."

McCracken: "Thank you. Is it...is it your intention, Representative Trotter, to adopt this Amendment?"

Speaker Breslin: "Yes, he is presenting #3 for adoption."

McCracken: "As I understand it though, doesn't this...in order to be in order require the adoption of Amendment #2? It corrects the problem with Amendment #2, doesn't it?"

Trotter: "No, Amendment #2 is essentially the same thing. It was just again, worded incorrectly. It was, again, a technical change here..."

McCracken: "...Oh, I see. So...so..."

Trotter: "...It doesn't change...it doesn't change the Bill, just the language a little bit."

McCracken: "So this is complete in and of itself?"

Trotter: "Yes."

McCracken: "Okay. Alright, thank you."

Speaker Breslin: "The question is, 'Shall Amendment 3 be adopted?' All those in favor say 'aye', opposed '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."

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Speaker Breslin: "Third Reading. The next Order is Revenue, Third Reading. The Sponsors are Richmond, Hultgren, Parcels, Giorgi and Currie. Senate Bill 50, Representative Richmond. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 50, a Bill for an Act in relation to occupation and use taxes on farm machinery. Third Reading of the Bill."

Speaker Breslin: "Representative Richmond."

Richmond: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Senate Bill 50 amends the States Sales Tax Acts and expands the farm machinery and equipment exemption, which is currently part of our statutes, to include machinery and equipment used in state and federal agricultural programs. The current law provides that farm machinery and equipment, both new and used, which is used primarily for production agriculture, shall be exempt from State Sales Tax. This Bill expands the exemption to include machinery and equipment, used not only primarily for production agriculture, but for state and federal agricultural programs. This Bill passed in the Senate 55 to 1. The Department of Revenue says the fiscal impact would be minimal, if any. And I ask for your favorable vote."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill 50. This Bill is on the Order of Short Debate. Does anyone rise in opposition? There being none, the question is, 'Shall Senate Bill 50 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 115 voting 'aye', none voting 'no' and none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate

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Bill 500, Representative Hultgren. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 500, a Bill for an Act to amend the Illinois Public Library District Act. Third Reading of the Bill."

Speaker Breslin: "Representative Hultgren."

Hultgren: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 500 has two parts to it. The first part, and this is as it came over from the Senate, provides that if a library converts from a city library, municipal library to a district library, that the maximum tax rate shall be the rate at which they were taxing at the time of the conversion. Second part of this Bill, which was amended here in the House, provides that a county library converting to a district library may have a board that is as large as the board, which was in existence at the time of the conversion. Both of these provisions are intended to facilitate conversions from existing county and municipal libraries to district libraries. Would be glad to answer any questions and would ask for a favorable Roll Call."

Speaker Breslin: "The Gentleman has moved the passage of Senate Bill 500. On the question, is there any discussion? There being none, the question is...the Gentleman from DuPage, Representative McCracken on the question."

McCracken: "In its final form, does the Bill provide for a front door referendum for the raising of the tax levy or is that no longer a part of the Bill?"

Hultgren: "There really isn't a raising of the levy, Representative McCracken, because it provides that the levy will be... the maximum levy will be the same as the library was taxing before the conversion. So, they cannot tax greater than that amount without a referendum, but they can tax up to the prior rate, without a referendum. So

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they..."

McCracken: "...Is it...is it...is it correct that before the consolidation, the two different rates would have differed and that after the consolidation the current rate will be greater than the lower of the two previous rates?"

Hultgren: "The current rate...the current...the...the new rate, after the conversion, would be the...the maximum rate after the conversion would be the rate that was being assessed before the conversion."

McCracken: "Okay. And that does not require a referendum to levy at that new rate?"

Hultgren: "No, Sir. But to go above that rate, would require a front door referendum."

McCracken: "Right. Okay. Well, I...I rise reluctantly. I...I feel the Body should be told that the practical effect of the Bill is...is to allow for the higher tax rate than would have been available without referendum prior to the consolidation. I think people should be aware of that. Thank you."

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

Pullen: "I'd like to ask a question or two."

Speaker Breslin: "Proceed."

Pullen: "Your Bill says that the new library district's tax rate cannot exceed without a referendum, the tax rate that the municipality was using for library purposes before that. But would it not permit the municipality to continue at the same tax rate or levy that it had before it lost its library so it would in effect be a tax increase by that amount?"

Hultgren: "Representative, I'm not sure I follow your question. If the municipality was taxing at that rate for library purposes, and then there was a conversion to a district library and the maximum rate for the district was the rate

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that the municipality was previously taxing for library purposes, then there is no increase in the rate, but the rate remains the same. Or did I misunderstand your question..."

Pullen: "Would not the municipality...would not the municipality be able to continue to tax at its previous rate, but not spend that money on library purposes anymore?"

Hultgren: "I don't have an answer to that question."

Pullen: "Is the municipal tax rate for library purposes a separate levy or is it just part of the municipal budget?"

Hultgren: "It would be a separate levee for library purposes, but once there's a conversion to a district library then there's no further need for the municipal levy because then the district library takes over and provides the services...library services in the area."

Pullen: "I'm informed by the former mayor sitting to my right, that it is not a separate levy, that it is simply a part of the municipal government's budget and a part of their gross levee. And consequently, there would not under your legislation, be any abatement of that municipal levy in recognition that there is an additional tax being imposed now by the library district and I think that is the source of the opposition to your Bill."

Speaker Breslin: "Any further discussion? There being none, Representative Hultgren to close."

Hultgren: "Well, thank you, Madam Speaker. The...as I said, the Bill has two parts. One as it came over from the Senate and as amended here in the House. I don't believe, contrary to the suggestions that were made by the prior speakers, that this would result in a tax increase without referendum, but only a continuing tax at the existing rate. Would ask for a favorable Roll Call."

Speaker Breslin: "The question is, 'Shall Senate Bill 500 pass?'"

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All those in favor vote 'aye', all those opposed vote 'no'.
Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 29 voting 'aye', 70 voting 'no' and 15 voting 'present'. Representative Ronan votes...changes his vote from 'aye' to 'no'. There are therefore 28 voting 'aye', 71 voting 'no'. Representative Williams changes his vote from 'aye' to 'no'. Representative Dunn changes his vote from 'aye' to 'no'. Representative Morrow changes his vote from 'aye' to 'no'. Representative Balanoff changes his vote from 'aye' to 'no'. Representative Lou Jones changes his vote from 'aye' to 'no'. Representative Jones changes her vote from 'aye' to 'no'. Representative...Okay. Jones...Shirley Jones is 'aye'. Fine. Shirley Jones wants to vote 'aye', Mr. Clerk. 'Present'? 'Present'. Vote Shirley Jones 'present'. Is there any objection to starting this Roll Call open...over again? Is there any objection? There...Dump the Roll Call, Mr. Clerk. We haven't announced it passed yet, so dump the Roll Call. Representative Hultgren, for what reason do you seek recognition? Representative Hultgren is recognized."

Hultgren: "Yes, as long as we've dumped that Roll Call, let's take this out of the record."

Speaker Breslin: "Out of the record. The next Bill is Senate Bill 686, Representative Parcells. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 686, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Parcells."

Parcells: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is the Bill that would add to the uses that life safety bonds could be used, the use of the... as another safety measure, the use of installing and buying

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security systems. My district is the district that had the unfortunate 'Lori Dann' case last spring and many of the schools there, as well as the schools throughout the state would like to put...build in security systems. And this Bill would allow that they could do that with life safety bonds, if they had no other funds. Now I want you to understand that the passage of the Bill would not, I repeat, would not give school districts any new taxing authority. It would just allow them to have this one additional thing they could do besides fire and safety. They could also do security systems to keep their students safe and keep intruders out of the building. I would ask for your 'aye' vote and I'll be happy to answer any questions."

Speaker Breslin: "The Lady has moved for the passage of Senate Bill 686. On the question, is there any discussion? The Gentleman from Fulton, Representative Homer."

Homer: "Would the Lady yield?"

Speaker Breslin: "Before...before you begin, Representative Homer, would the doorman...would the doorman clear the aisles please. The noise level is too high in this chamber. Please clear the aisles of all unauthorized persons, Mr. Doorkeeper. Now, Representative Homer is recognized to ask questions of Representative Parcels."

Homer: "Thank you...Representative Parcels, I haven't had a chance to really familiarize myself with your Bill. A lot of times these Bills that expand taxing powers raise some eyebrows. I wanted to just ask you a couple of questions. Your Bill applies statewide?"

Parcels: "Not to the City of Chicago."

Homer: "Except to Chicago..."

Parcels: "...Downstate..."

Homer: "Alright. And the current law provides a cap for debt

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limit for each district?"

Parcells: "This does not change that."

Homer: "So..."

Parcells: "This is just saying, this is one other thing they can do in addition to fire and safety, they can put in security systems to keep dangerous or intruders out..."

Homer: "Alright...it doesn't...it doesn't raise the cap?"

Parcells: "No, it does not."

Homer: "And the various parties of interest, has anyone expressed opposition? The Farm Bureau talked to you about your Bill?"

Parcells: "No. Farm Bureau, I've never heard from. And I believe it passed through the Senate without any problem. I have not heard of any objections."

Homer: "Alright. No one appeared in committee to register opposition?"

Parcells: "Not to my knowledge."

Homer: "Alright. That's all, thank you."

Speaker Breslin: "The question is, 'Shall Senate Bill 686 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 82 voting 'aye', 28 voting 'no' and 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 697, Representative Giorgi. Clerk...out of the record. Senate Bill 1424, Representative Currie. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1424, a Bill for an Act pertaining to taxpayer's rights. Third Reading of the Bill."

Speaker Breslin: "Representative Currie."

Currie: "Thank you, Madam Speaker, Members of the House. Senate Bill 1424 is a Bill that would require the appointment by

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the Governor of an ombudsman to help taxpayers make sure that they are treated procedurally with respect, and in all ways make sure that their concerns are taken seriously by the Illinois Department of Revenue. We worked with the Department of Revenue on Amendments that were added to the Bill, taking out the advisory council, establishing how the ombudsman would be appointed and how the Department of Revenue would make sure that every taxpayer is advised of the Taxpayer's Bill of Rights. I would be happy to answer your questions and would urge your support for Senate Bill 20...1424."

Speaker Breslin: "The Lady has moved the passage of Senate Bill 1424. On that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "I...I don't oppose the Amendment...or the Bill, I should say. I think that taxpayers do need some rights. I would have preferred a Republican solution to this rather than the creation of a new bureaucracy. We should have just set forth some procedural rights for taxpayers and let them protect their own interest as we used to do before we became a state to serve all whims. So, I'm all for their having rights and if this is affective, more power to you."

Speaker Breslin: "Is there any further discussion? There being none, the question is, 'Shall Senate Bill 1424 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open. Have all voted who wish? This is final passage.

Have all voted who wish? The Clerk will take the record. On this question there are 113 voting 'aye', none voting 'no' and none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. The next Special Order is the Order on Environment, Second Reading. Environment, Second Reading. The Sponsors are Hannig, Kubik, Novak, Kulas, Currie, Brunsvold, Balanoff

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and that's about it. The first Bill is Senate Bill 64, Representative Hannig. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 64, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Third Reading. Senate Bill 83, Representative Kubik. Is the Gentleman in the chamber? Out of the record. Senate Bill 231, Representative Novak. Is the Gentleman in the chamber? Mr. Novak. Out of the record. Senate Bill 633, Representative Kulas. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 633, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Motions filed. Floor Amendment #2, offered by Representative Kulas."

Speaker Breslin: "Representative Kulas."

Kulas: "Thank you, Madam Speaker. Amendment #2 modifies the definition of a hazardous waste or a PCB incinerator and it apply...only to regional pollution control facility rather than simply a facility. This is an Amendment requested by the IMA and we are acceding to their wishes."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 2 to Senate Bill 633. On the question, is there any discussion? There being none, the question is, 'Shall Amendment 2 be adopted?' All those in favor say 'aye', opposed '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."

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Speaker Breslin: "Third Reading. Ladies and Gentlemen, we cannot hear. The next Bill is 635, out of the record. Senate Bill 787, Representative Currie. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 787, a Bill for an Act concerning bike paths. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Currie."

Currie: "Thank you, Madam Speaker, Members of the House. The Bill merely establishes a method...a mechanism for the Department of Conservation to provide grants for bike paths, and adds an effective date of January 1st, 1990. I'd be happy to answer your questions. I move adoption of Amendment 1 to Senate Bill 787."

Speaker Breslin: "The Lady has moved the adoption of Amendment 1 to Senate Bill 787. On the question, is there any discussion? There being none, the question is, 'Shall Amendment 1 be adopted?' All those in favor say 'aye', opposed '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. Senate Bill 850, Representative Brunsvold. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 850, a Bill for an Act to amend an Act in relation to furbearing animals. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1039, Representative Balanoff. Clerk, read the Bill."

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Clerk O'Brien: "Senate Bill 1039, a Bill for an Act to amend an Act in relation to natural resources. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 says that in Lake, Kane and Will Counties before a forest preserve district can incur indebtedness, that they must have a front door referendum."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 1 to Senate Bill 1039. On the question, the Gentleman from Cook, Representative Balanoff."

Balanoff: "Yes. Thank you, Madam Speaker, Ladies and Gentlemen of the House. This whole series of Amendments was voted... were voted down in committee. And I just...instead of...instead of being redundant, I would just like to say that this and the next four Amendments should all be considered unfriendly Amendments."

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

Stern: "I only wanted to say, I couldn't understand a word that the Representative said about what his Amendment did. Would he be good enough to articulate it. I have some concerns about it."

Speaker Breslin: "Representative Churchill."

Churchill: "Again, I will say that in the Counties of Lake, Kane and Will, in the event that a forest preserve district wishes to obtain additional indebtedness for land acquisition, that it needs to have a front door referendum on that increase."

Speaker Breslin: "Representative Stern."

Stern: "This Bill...this Amendment is a recycled Bill from the

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Senate that did not pass the Senate. Is a very personally aimed Bill at the Lake County forest preserve and a very dangerous precedent. And I urge Members of the House on both sides of the aisle, to vote down this Amendment."

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

Matijeovich: "Mrs. Speaker, Ladies and Gentlemen of the House, this Amendment and further Amendments that Representative Churchill is offering to this Bill, have been already defeated in the...both the House Executive Committee and the House Counties and Townships Committee. They're aimed at Lake, Kane and Will County. Very artfully, the Senate Sponsor and the House Sponsor of this Bill, and I don't even want to ask him the question why, because it's very obvious, they very artfully crafted Amendments and Bills to exclude DuPage County forest preserve, to exclude the Cook County forest preserve, because they know if they did the Bills would not even see the light of day, nor would the Amendment. The fact is that both Representative Countryman and I feel that there should be some changes in condemnation laws, although this Bill...Amendment doesn't refer to it. Maybe I should have my remarks on that for the later Amendments. But I will suffice to say on this Amendment, it would cripple the County...Lake County forest preserve district. That's its aim. It's all...it's all bound up in local politics. I would urge all the Members on this side of the aisle to protect Grace Mary Stern and myself and Will County, and Kane County, by voting 'no' on this Amendment and further Amendments."

Speaker Breslin: "The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Don't bother to protect Will by voting 'no'. If

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you want to protect Will County, a 'yes' vote is in order. Let me tell you what happened in Will County just one month ago. The residents of Will County had their tax levy from the Will County forest preserve district increased by one hundred percent without a referendum. We require our school districts to go to the taxpayers before they can increase their levies. The forest preserve district should be no different before they run out with a fifty million dollar bond issue that doubled the tax rate without a referendum. This Bill is a good consumer protection Bill. It's good for the consumer. It's good for the taxpayer and I urge a 'yes' vote on this Amendment."

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

Kulas: "Thank you, Madam Speaker. Inquiry of the Chair."

Speaker Breslin: "State your inquiry."

Kulas: "Is this Amendment germane?"

Speaker Breslin: "We'll look at it, Representative Kulas. Thank you. Representative Kulas, the Amendment is not germane. Representative Churchill, your Amendment is not germane to this Bill. Are there any further Amendments, Mr. Clerk?"

Churchill: "Alright. Madam Speaker?"

Speaker Breslin: "Yes, Representative Churchill."

Churchill: "Yes, I was just wondering if I could ask the Parliamentarian for the logic behind that ruling? I know that is an unusual request around here, but if I could just understand the logic..."

Speaker Breslin: "...You could certainly come up and talk to him, but it is very clear that your Amendment deals with forest preserve districts and requiring referendums before acquisition of certain property, whereas the Bill deals with requiring the Department of Energy and Natural Resources to do a study on wood composting. They are not related. Are there any further Amendments, Mr. Clerk?"

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

Speaker Breslin: "Representative Churchill. Before you proceed, Representative Matijevich, for what reason do you seek recognition?"

Matijevich: "Speaker, I should have and relied on the real Parliamentarian my...my...my part-time Parliamentarian, Mark O'Brien thought they were germane and I thought they weren't. So, I'm going to question the germaneness on this one too."

Speaker Breslin: "Could we see the..."

Matijevich: "...I'm not going to rely on Mark anymore."

Speaker Breslin: "Representative Matijevich, Amendment #... Amendment #2 is not germane for the same reasons that Amendment #1 was not germane. Representative Churchill."

Churchill: "Madam Speaker, both Amendments clearly deal with a Section of a statute, in which there are numerous references; the forest preserve districts, the bonding of forest preserve districts. I don't see how you could come in any clearer fit than to take the language of the Amendments and apply it to the language of this particular part of the statute. And there's a clear...there's a clearly defined relationship between the Amendments and what's in the...in the original statute that I seek to amend. I...I dispute the ruling and I wonder if you could just shed some light on how you can have an Amendment that is so clear to what's in a statute, defined as nongermane?"

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

Matijevich: "Well, I think he's out of order now..."

Speaker Breslin: "...He is out of order."

Matijevich: "...We've already ruled the germaneness and that's it."

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Speaker Breslin: "Representative Churchill, the same reasoning applies. This provision dealing with forest preserve districts and land acquisition and the requirement for... and the requirement dealing with how they operate, has nothing to do with the department being required to do a wood composting study. Now you have to have some relationship between the two. There is wood in a forest preserve district, but that's as clear of germaneness as I can get and we're not going to count that. Are there any further Amendments, Mr. Clerk?"

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

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

Matijevich: "Same thing. I question the germaneness on Amendment #3."

Speaker Breslin: "Representative Churchill and Representative Matijevich, Amendment #3 is not germane. Are there any further Amendments, Mr. Clerk?"

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

Speaker Breslin: "Representative Churchill. Representative Balanoff."

Balanoff: "Yes, Madam Speaker, I would question the germaneness of this Amendment also."

Speaker Breslin: "Representative Balanoff questions the germaneness of Amendment 4. Aren't we on Amendment 4, Mr. Clerk? Amendment 4. Amendment #4 is ruled not germane. Are there any further Amendments, Mr. Clerk?"

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

Speaker Breslin: "Representative Churchill. Representative Matijevich questions the germaneness of Amendment #5."

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While we are looking at Amendment 5, Representative Parke, for what reason do you seek recognition?"

Parke: "Yes, Madam Speaker, Ladies and Gentlemen of the House, we're beginning to wonder, since all of these Amendments really are dealing with the correct code, we're wondering maybe the Bill is not germane. Maybe the Bill has got a problem with it and we can't seem to find anyway of addressing it with proper Amendments."

Speaker Breslin: "I think you need to find a Bill that amends the forest preserve district's statute. I think that might be the appropriate mechanism."

Parke: "Well, it seems from the code and the Amendments, they seem to be accomplishing that very purpose. We would... we're disappointed that the Parliamentarian can't find that these in fact are applying to the same code that the Bill is. Thank you."

Speaker Breslin: "Representative Churchill and Representative Matijevich, before we even get to the germaneness issue, it is...it's the Chair's ruling that Amendment #5 is out of order. Because Amendment #4 would have to have been adopted for it to be in order. So we can't even...we can't even get to the germaneness issue yet. Amendment #5 is ruled out of order. Are there any further Amendments?"

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

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

Matijevich: "I think it's both out of order and not germane. Take your pick."

Speaker Breslin: "It is...Amendment #6 is ruled out of order. Are there any further Amendments, Mr. Clerk?"

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

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

Matijevich: "Out of order and not germane."

Speaker Breslin: "Amendment #7 is out of order. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1044, Representative Currie. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1044, a Bill for an Act to promote reduced use of toxic substances. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Currie."

Currie: "Leave to withdraw."

Speaker Breslin: "Withdraw #1. Are there any further Amendments?"

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

Speaker Breslin: "Representative Currie."

Currie: "Thank you, Madam Speaker and Members of the House. The...part of this Amendment was requested by the Environmental Protection Agency. They were concerned, first of all, that one provision in the Bill might jeopardize federal approval of state environmental regulations. So we offered to change that part of the Bill in order to meet that concern. Second, they were looking for a source of funding so that they could help industries, which is part of the underlying purpose of the Bill. And the Amendment would allow the agency to use money from its Permit and Inspection Fund in order to do that. And secondly, the Amendment...there is...in part of the

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Amendment, we have made some of the provisions that were required of the Hazardous Waste Research and Information Center under the Department of Energy and Natural Resources. Those were mandatory under the original Bill in order to make the Bill less costly. This Amendment would make them permissive. I move adoption of Amendment 2 to Senate Bill 1044."

Speaker Breslin: "The Lady has moved the adoption of Amendment 2 to Senate Bill 1044. On the question, is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Breslin: "She will."

Black: "Thank you. Representative, was this Amendment...did the genesis of this Amendment come from the department?"

Currie: "There are really two separate parts of the Amendment, Representative. Part of the Amendment was a recommendation from the Environmental Protection Agency...they came to us with two concerns, as I mentioned. One was that the language of the underlying Bill might jeopardize our federal approvals for state regulations. And secondly, they didn't see a way that they could help industries meet the lower toxicity aims without having access to some revenue stream to help in that endeavor. So those two parts of the Amendment were a recommendation of the Environmental Protection Agency. The third part of the Amendment, I made up myself. And I made it up in order to decrease the cost of this program and that part of the Amendment deals with the Department of Energy and Natural Resources."

Black: "Well, if I...if I understand what Amendment #2 does, it really kind of puts this language in this Bill, the

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underlying Bill in a permissive mode, does it not?"

Currie: "It does two separate things. The part of the Bill requiring various technical assistance from the Hazardous Waste Research and Information Center, that becomes permissive. And as I say, I did that. I did it because I know that people in this Assembly are concerned about state expenditures, about GRF expenditures. And I know, Representative, that you are one of the most concerned people about the total expenditures this Assembly might make. So, it was with an eye to your fiscally prudent self, that I offered that part of Amendment 2 to this Bill."

Black: "Well, I appreciate that...that response. My creditors may not agree with you, but I'll accept that...I'll accept that tag. Thank you very much, Representative."

Speaker Breslin: "Is there any further discussion? There being none, the question is, 'Shall Amendment 2 be adopted?' All those in favor say 'aye', opposed '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. Senate Bill 1086, Representative Currie. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1086, a Bill for an Act to amend the Illinois Low-Level Radioactive Waste Management Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1278, Representative Kulas. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1278, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. No Committee Amendments."

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Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1379,
Representative Balanoff. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1379, a Bill for an Act to amend the
Solid Waste Planning and Recycling Act. Second Reading of
the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Balanoff."

Balanoff: "Yes, the Amendment basically becomes the Bill. And
what it would call for is by July 1st of 1992, every
municipality with a population of over 10,000, located in a
county with a population of over 300,000, would be required
to setup...provide recycling services for all...at a
minimum for all dwellings from one to five units. And they
would be required to provide for the recycling of three
materials out of a list of five: glass, aluminum,
newsprint, steel and bimetallic cans or plastics. They
could do this in a number of ways or a combination of curb
side programs by ordinance requiring the separate
collection be undertaken by all waste haulers, by publicly
or privately operated drop off points or by recycling
centers that purchase recycleable materials."

Speaker Breslin: "The Gentleman has moved the adoption of
Amendment 1 to Senate Bill 1379. On the question, the
Gentleman from Lake, Representative Peterson."

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

Speaker Breslin: "Yes."

Peterson: "Representative, have you received any correspondence
from the municipalities regarding this legislation that
they could or could not meet the time line you're

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proposing?"

Balanoff: "No, I have not, but many cities across this country are operating on a much quicker time line than we would... than is provided for in this Bill."

Peterson: "Well, I think that, you know, we're not some other area in this country, we're in Illinois. And I think before people vote on this Bill they should consider what kind of time line their local municipalities may have to abide by, and if in fact they can meet that time line. Thank you..."

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

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

Speaker Breslin: "He will."

Black: "Thank you. Representative, can you tell me whether or not the Illinois Municipal League has taken a position on this Bill?"

Balanoff: "To the best of my knowledge, they have not taken a position."

Black: "Alright. Let me follow up here on just an item or two. This preempts home rule, correct?"

Balanoff: "Yep."

Black: "Alright. Does it...does it affect the City of Chicago?"

Balanoff: "Yes, it does."

Black: "Alright. And let me just make sure that a point we have in the file is correct. We have a note that says that the Sponsor indicated that you will amend the Bill on Second Reading, which is what you're doing, to provide that Solid Waste Management plans must include only materials that can be recycled. Was that your agreement?"

Balanoff: "Yes, but what we're doing...what I did, is just completely gutted the Bill, because...in talking with some

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people from LRB, they thought this would be the method that we should go with."

Black: "Okay. Then...then following up on that, if indeed your intention were to...was to include only materials that could be recycled, has the plastics industry since that recycling portion is in its infancy, have you heard or worked with anybody from the plastics industry?"

Balanoff: "Well, I haven't directly worked with anybody from plastics industry. But part of the problem is that we have to start understanding that we have to create the market and the... like they're doing out East right now with plastics, there's a pilot program. Certainly, we should encourage that in Illinois. But there's a list of five and they could pick out any three of those five. They're not locked into plastics."

Black: "Alright. For example, then that would allow, since the market and newsprint has been, as I understand it, cut off, that would allow them then to take one of the others that you provide for in this Amendment, correct?"

Balanoff: "Correct. And I think that, you know, like when we talk about the market for newsprint being cut off, I think it's very important to understand that we have to start encouraging in government, the use of recycled paper...I think about it very seriously."

Black: "Well, I...I simply...I don't quarrel with where you're headed. I...I wish it were possible for us to create markets over here. We'd be a lot better off if we could do that, but I'm not sure we could do it. I...I appreciate your patience, Representative."

Balanoff: "No...Representative, also we're talking about..."

Speaker Breslin: "...Excuse me, Representative Balanoff, you are now recognized to close."

Balanoff: "Oh, okay. Well, we're also talking about two and a

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half years from now. And I could go into a long thing about why recycling is important, but I would just encourage an 'aye' vote on this Amendment. And then when...if it gets adopted we can discuss recycling further."

Speaker Breslin: "The question is, 'Shall Amendment #1 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 71 voting 'aye', 42 voting 'no' and 3 voting 'present'. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1388, Representative Kulas. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1388, a Bill for an Act in relation to emergency planning and notification. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Kulas."

Kulas: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #1 is a technical Amendment. It just brings the legal definition according to the federal Act. This Amendment is proposed by the department, I would move for its adoption."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 1 to Senate Bill 1388. On the question, is there any discussion? There being none, the question is, 'Shall Amendment 1 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further

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Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Senate Bill 231, Representative Novak. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 231, a Bill for an Act regarding propagation and conservation of pheasants in Illinois. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Tate. Did you say Representative Tate, Mr. Clerk?"

Clerk O'Brien: "Representative Tate."

Speaker Breslin: "Is the Gentleman in the chamber? He is not in the chamber, Representative Novak. What is your pleasure? You have to either...you have to move to table the Amendment, if you want to move it to Third."

Novak: "I move to table the Amendment, Madam Speaker."

Speaker Breslin: "The Gentleman moves to table Amendment #1 to Senate Bill 231. On the question, is there any discussion? There being none, the question is, 'Shall Amendment #1 be tabled?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is tabled. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. The next Order is Environment, Third Reading. House Resolution 194, Representative Ronan. Mr. Ronan. Out of the record. The next Special Order is the Order of State and Local Government, Second Reading. Representative Johnson, for what reason do you seek recognition? For what reason do you seek recognition?"

Johnson: "Could I do a brief announcement that's out of order?"

Speaker Breslin: "No, you cannot do anything out of order..."

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Johnson: "...Well, it doesn't deal with introducing anybody, it deals with Members of the General Assembly. Just to mention to the other Members of the chamber and anybody else who's interested, at half time of the Illinois Express game tonight at the Capitol Convention Center, they're... organized and promoted very well, a game between Republican Senators and Representatives and Democrat Senators and Representatives a fifteen minute half time basketball game. I certainly encourage everybody to come and join...join in this. It should be an enjoyable evening and hopefully, we can get some more fans coming to a Springfield Express basketball, which is very good basketball. You know, they play the...Italy tonight, the international team."

Speaker Breslin: "Before we go to State and Local Government, we'll go to the Order of Labor, Second Reading, Senate Bill 85. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 85, a Bill for an Act to amend the Unemployment Insurance Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

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

Speaker Breslin: "Representative Mautino, are you seeking recognition on this Bill? No. Third Reading, Mr. Clerk, on Senate Bill 85. Representative Farley, for what reason do you seek recognition?"

Farley: "I'm sorry, Madam Speaker. Could you hold that Bill on Second Reading, please?"

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second Reading and to be held on Second Reading. Hearing no objection, leave is granted. Representative Mautino, for what reason do you seek recognition?"

Mautino: "Personal privilege if I may, Madam Speaker."

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Speaker Breslin: "State your purpose."

Mautino: "Once a year everybody has this particular problem. I would like to make everyone aware that there is a Birthday cake back here in the back row. The Appropriation's Committee Chairman has reached the ripe old age of 48 and we'd like to wish a Happy Birthday to Representative Ted Leverenz, who has some cake back here for the Membership and friends. Thank you very much."

Speaker Breslin: "Thank you. The next Order is State and Local Government, Second Reading. Believe it or not the first Sponsor is Representative Leverenz. And then Novak, Hannig, Hartke, Williams, Laurino and Ewing. Senate Bill 248, Representative Leverenz. Do you want this Bill read? Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 248, a Bill for an Act to amend an Act in relation to storm water management. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "The Bill is held on Second, Mr. Leverenz, do you want to move it to Third? Third Reading. Senate Bill 249, Representative Novak. Out of the record. Senate Bill 370, Representative Hannig. Out of the record. Senate Bill 373, Representative Hartke. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 373, a Bill for an Act to create the Private Enterprise Review and Advisory Board. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill 890, Representative Williams. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 890..."

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Speaker Breslin: "Out of the record. Senate Bill 922, Representative Laurino. Representative Laurino. Representative Laurino, do you wish this Bill called? Mr. Laurino. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 922, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor...any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1..."

Speaker Breslin: "Representative Laurino, do you want this Bill heard? Representative Laurino..."

Laurino: "...Yeah, withdraw Amendment #1."

Speaker Breslin: "Withdraw #1. Are there any further Amendments?"

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

Speaker Breslin: "Representative Laurino."

Laurino: "Actually, Amendment #2 and...there's another Amendment #3, that I filed and their, basically, to...bring into...sink the lease in rental car situations for the insurance aspects of leasing and renting a car. That's basically what the Amendments do."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 2 to Senate Bill 922. On the question, is there any discussion? There being none, the question is, 'Shall Amendment 2 be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No...Amendment #3, offered by Representative Laurino."

Speaker Breslin: "Representative Laurino."

Laurino: "In response to Amendment #3, it does the same thing as

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#2. It would just...they had to be put in order and 3 dealt with the rental cars, opposed to the leased car. I move for the adoption..."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 3 to Senate Bill 922. On that question, is there any discussion? There being none, the question is, 'Shall Amendment 3 be adopted?' All those in favor say 'aye', opposed '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. Senate Bill 1096, Representative Ewing. Out of the record. The next Order is the Order of Civil Law, Second Reading. The Sponsors are Cullerton, Shirley Jones and Granberg. The first Bill is Senate Bill 68, Representative Cullerton. Out of the record. Senate Bill 927, Representative Shirley Jones. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 927, a Bill for an Act to amend the Probate Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. Senate Bill 1320, Representative Kurt Granberg. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1320, a Bill for an Act to amend the Beer Industry Fair Dealing Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. The next Special Order is the Order of Human Services, Second Reading. The Sponsors are Currie, Bugielski and White. Senate Bill 375,

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Representative Currie. Out of the...Representative Currie. Out of the record. Senate Bill 472, Representative Bugielski. Out of the record. Senate Bill 999, out of the record. Senate Bill 1413, Representative White. Jesse White. Out of the record. The next Special Order is the Special Order of Criminal Law, Second Reading. The Sponsors are Petka, Steczo, Homer. The first one is Senate Bill 559, Representative Petka. Mr. Petka. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 559, a Bill for an Act to amend the Code of Criminal Procedure. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Motions or Amendments?"

Clerk O'Brien: "No Motions, no Floor Amendments."

Speaker Breslin: "Representative Petka, has the fiscal note been filed? A fiscal note as filed, so the Bill moves to Third Reading. Senate Bill 694, Representative Steczo. Out of the record. Senate Bill 743, Representative Homer. Mr. Homer. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill..."

Speaker Breslin: "...Out of the record. Senate Bill 1315, Representative Petka. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1315, a Bill for an Act in relation to criminal law and sentencing. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Motions filed. Floor Amendment #2, offered by Representative Petka."

Speaker Breslin: "Representative Petka."

Petka: "Thank you very much, Madam Speaker, Members of the House. Amendment #2 simply brings the Bill into logical consistency. It basically, takes off the penalty for aggravated battery. Reduces it from four to forty years to

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four to thirty years and also brings into conformity the penalty for aggravated battery with a child. I would welcome any questions and move for its adoption."

Speaker Breslin: "...The Gentleman has moved the adoption of Amendment 2 to Senate Bill 1315. On the question, is there any discussion? There being none, the question is, 'Shall Amendment 2 be adopted?' All those in favor say 'aye', opposed '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. On the Order of Education, Third Reading, appears Senate Bill 629, Representative Flinn. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 629, a Bill for an Act to amend the Public Community College Act. Second Reading of the Bill. This Bill has been read a second time previously. Amendment #1 was withdrawn. Amendment #2 was tabled previously. Floor Amendment #3, offered by Representative Flinn."

Speaker Breslin: "Representative Flinn."

Flinn: "Madam Speaker, I spoke on the Amendment earlier today. And what the Amendment does is a general agreement for revising the State Community College in East St. Louis. It gives them five more years as an experimental college. It changes the board, the Governor will appoint a new board, effective January 1, 1990. He has to make that appointment thirty days after the effective date of this Bill. It likewise, directs this new board to change the curriculum of the school to vocational ed. and to adult education and remedial education. And then in five years by 1994, there must be an election to decide whether to make this a State Community College of its own, supported by the local

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taxpayers or go into the Belleville Area College. I would move for the adoption of the Amendment and answer any questions."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 3 to Senate Bill 629. And on the question, the Lady from St. Clair, Representative Youngue."

Youngue: "Thank you. Would the...would...would Representative Flinn yield for a question?"

Speaker Breslin: "Yes, he will."

Youngue: "Fine. On page eight, line two to line five, does that contemplate with the new...a new board will go into effect sixty days after the passage of this Bill?"

Flinn: "The noise level is a bit high. Would you repeat the page number and lines."

Youngue: "Yeah. Page eight, lines two through five."

Flinn: "What was your question about it?"

Youngue: "My question is, does that mean that a new board will be...will be in place sixty days after the passage of this Bill?"

Flinn: "Yes. Within sixty days after the Governor signs the Bill, he will be required to appoint the new board and they will become effective January 1, 1990."

Youngue: "Right. Also, the second question, the last question. This Amendment would leave the present district in place and then in November, 1994, the people of the present district would vote whether or not they want their own district or whether or not...and if they vote no, then there'll be an annexation into district 522, is that correct?"

Flinn: "That's correct."

Youngue: "Alright. No further questions. This Amendment does follow the agreement of all the parties and therefore, I support it."

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

Stephens: "Well, thank you, Madam Speaker. I thought maybe there was some problem with this Bill. We support this Amendment on this side."

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

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

Speaker Breslin: "Representative Ryder. The Gentleman is not in the chamber. Representative Flinn, what is your pleasure?"

Flinn: "Madam Speaker, I move that Amendment #4 be tabled."

Speaker Breslin: "The Gentleman moves to table Amendment 4. On the question, is there any discussion? There being none, the question is, 'Shall Amendment 4 be tabled?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is tabled. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading."

Flinn: "Madam Speaker...Madam Speaker..."

Speaker Breslin: "...Yes, Representative Flinn..."

Flinn: "...Does this Bill qualify to be heard on Third Reading, right now?"

Speaker Breslin: "It is not. It cannot be heard until tomorrow."

Flinn: "Okay, thank you."

Speaker Breslin: "The next Order...Special Order is the Order of Criminal Law, Second Reading. Criminal Law, Second Reading. The Sponsors...excuse me, we already did that Order. The next Order is the Order of Government

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Administration, Second Reading. The Sponsors are Richmond, McPike, Keane, Hoffman, DeJaegher, Bowman, Hicks, Cullerton, Woolard, McGann, Currie and Bugielski. The first Bill is Senate Bill 63, Representative Richmond. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 63, a Bill for an Act concerning use of state funds. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Representative Richmond, your Bill must remain on the Order of Second Reading for want of a fiscal note. Fiscal note was requested. Excuse me, the Clerk indicates they have...the fiscal note has been filed. So the Bill moves to Third Reading. Representative Piel, for what reason do you seek recognition?"

Piel: "Yes, Madam Speaker, I'm looking at Government Administration on Special Order. Could you tell me exactly where Senate Bill 63 is located on there?"

Speaker Breslin: "It's the first Order under Government Administration, Second Reading. The first Bill."

Piel: "It's not on the Special Order we've been given."

Speaker Breslin: "On Government Administration?"

Piel: "Okay, I got it. Thank you. I'm sorry."

Speaker Breslin: "Okay. Senate Bill 63 is on Third Reading. Representative Richmond, the Clerk advises that the fiscal note that was filed was the fiscal note on the Senate Bill. And the fiscal note that is requested is a fiscal note for the Bill in this chamber. Have you supplied a fiscal note yourself? If you have, the Clerk does not have it."

Richmond: "Thank you. I...I discussed it with the person requesting the fiscal note and he informed me he was going to withdraw that request. I assumed he had. That was

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Representative McCracken. If not, well then we'll get a copy of the one that the Senate furnished and go with it."

Speaker Breslin: "If not what, Sir? I can't hear you. Mr. Electrician, would you turn up Representative Richmond. We can't hear him."

Richmond: "Yes, the Bill hasn't been amended in the House, so I would assume that the Senate fiscal note would be applicable. I did discuss it, not necessarily along those lines, with the...with Representative McCracken, when he requested it. And he said he would withdraw that request. I assumed he had. Perhaps he hasn't."

Speaker Breslin: "I thought...Representative McCracken."

McCracken: "Thank you. Yes, when we first spoke I did withdraw the request, but then it was brought to my attention later that there was reason to believe the Senate note was not correct. And I...I refiled it and I thought someone had told you that. I apologize."

Richmond: "I see. Well, I know I did get a note from you stating that you had taken it off the Consent Calendar, which certainly I understand. The amount of six million dollars is not necessarily the cost of this Bill, as far as the Department of Agriculture is concerned. And they had said that there was no cost to them, but it depends on how you look at it. If you have a request for it, I will certainly put one in."

McCracken: "Thank you. And I'm sorry, I thought that you had been told previously about this. Apologize."

Speaker Breslin: "Hold the Bill on Second, Mr. Clerk. Senate Bill 255, Representative McPike. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 255, a Bill for an Act to amend an Act in relation to public transportation. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Weller. Representative Weller, you have an Amendment on this Bill."

Weller: "Thank you, Madam Speaker. Amendment #1 is a simple Amendment that addresses a problem up in the RTA district. There are currently 27 townships that pay taxes into the RTA district, however, they do not receive any service. You may recall earlier this Session, the General Assembly allowed a township in a forest preserve district, paying taxes that did not want to be part of a taxing district to withdraw. This legislation does the same thing. I urge adoption of this Amendment."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 1 to Senate Bill 255. On the question, the Gentleman from Madison, Representative McPike."

McPike: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Amendment. The... most of the problems that the RTA region, were solved by the 1983 agreed Bill that passed here, and part of that Bill provides funding to the RTA from the entire region. If you adopt an Amendment like this obviously you take away funding to the RTA, and once you take away funding to the RTA then you have problems with Pace and Metra, and the CTA and everything else, and we're right back to where we were in 1982. This Amendment would effectively cause nothing but nightmares to the General Assembly for the next two weeks. So, I oppose the Amendment."

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

Weller: "Thank you Madam Speaker. Basically, this Amendment addresses a fairness issue. Not only affects my district, but other districts up in northeastern Illinois. This is a situation where people are paying taxes, not receiving

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any service. And I feel, I know as many as you do, that they should have that opportunity to get some sort of service in return. If they're not going to be given any service, they should be allowed to disconnect. I ask for a Roll Call vote and urge your 'aye' vote. Thank you, Madam Speaker and Members of the House."

Speaker Breslin: "The question is, 'Shall Amendment #1 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Will, Representative Van Dyne on the Amendment."

Van Dyne: "Thank you, Madam Speaker, I rise in support of Representative Weller's Amendment. This happens to come into focus because of Wilmington Township, where I was raised as a youth. Mayor Weidling down there has been fighting this for years. Wilmington and the lower part of Will County get absolutely nothing for their tax dollars in terms of the RTA subsi...subsi...subsidization. I found on this Amendment there's got to be something done. You know, this goes back as far as our founding fathers, as far as taxes, without taxation without representation. And as far as we're concerned in this present day, we always figure that every tax dollar that you spend you should get a little bit of something back for it. These people in Wilmington and Florence, in Braidwood, Reed, Essex Town...Custer Township are in the lower southwest reaches of Will County, a very rural area of Will County and they get absolutely nothing for their tax dollar. Now, I don't know what..."

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

Van Dyne: "I don't know what method we're going to use to give these people some relief, but the very premise and the philosophical outlook of this, is that you should get something for your money and the fact is that they get

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absolutely nothing."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 38 voting 'aye', 70 voting 'no' and 8 voting 'present'. This Bill having receive...this Amendment fails. Are there any further Amendments?"

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

Speaker Breslin: "Representative Weller."

Weller: "Thank you, Madam Speaker. Since the will of the House was not to allow unserved townships to disconnect, Amendment #2 offers an additional solution. In a circumstance where a township is paying taxes but is not receiving service, this legislation sets up a special township transportation fund and...to be set aside, sets those funds collected from those unserved townships in this township transportation fund, where they can be provided these townships for local needs in the form of grants. This Amendment is a result of a referendum that was placed on the general election ballot last fall, received 86 percent of the vote of the voters approved...referendum on last fall's ballot calling for refund of those tax dollars to townships not being served. Ladies and Gentlemen, I urge adoption of this Amendment and ask for a Roll Call vote."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 2 to Senate Bill 255. On the question the Gentlemen from Madison, Representative McPike."

McPike: "Madam Speaker, I think the Amendment is out of order."

Speaker Breslin: "We'll check it. Mr. Clerk, would you give me the Bill and the Amendment, please. Representative Weller, Representative McPike is correct. Your Amendment is out of order."

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Weller: "Madam Speaker, I withdraw Amendment #2."

Speaker Breslin: "Withdraw #2. Are there any further Amendments, Mr. Clerk?"

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

Speaker Breslin: "Representative Weller. And Representative Giglio in the Chair."

Weller: "Thank you, Madam Speaker and Mr. Speaker, Ladies and Gentlemen of the House. Amendment #3 really addresses what is a fairness issue that affects nine townships in my district and a total of 27 townships in four counties in the suburban metropolitan area around Chicago. The nine townships in the 85th Legislative District in Southwestern Will County, as Representative Van Dwyne pointed out, have paid one and a half million dollars in RTA taxes in the last ten years without receiving one thin dime in service. That's not fair. We have an opportunity today with Amendment #3 to right that wrong. Basically what Amendment #3 does is it expands the RTA Board of Directors and adds one additional director to the Board of Directors to represent the unserved townships in the RTA district. We have minority advocates at DCCA. We have minority ombudsmen at our university looking out for the rights of those that have mental pressed and have been disadvantaged in the past. We have an opportunity today to put an additional board member on the RTA Board to give an advocate to speak out for those unserved townships so they also get a fair return on their RTA tax dollars. Frankly, if we can get a board member on there for those unserved townships, they have an opportunity for taxation with representation. Right now they have taxation without representation, and it just isn't fair. Ladies and Gentlemen, I ask for an 'aye' vote, and I ask also for a

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Roll Call vote."

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

McPike: "Well, thank you, Mr. Speaker and Ladies and Gentlemen of
the House. Will the Sponsor yield?"

Speaker Giglio: "He indicates he will."

McPike: "You increased the full membership from 13 to 14, is that
correct?"

Weller: "That is correct."

McPike: "The new member would have full authority on the Board?"

Weller: "Correct, yes."

McPike: "What is the required number of votes rights now to pass
a budget?"

Weller: "Seven."

McPike: "No, no, no, no, that's not correct."

Weller: "I believe it is ten, Sir."

McPike: "I believe it's nine, isn't it? I believe it is nine."

Weller: "Nine."

McPike: "Right and the reason for putting the extraordinary
majority in the...83 Act was what?"

Weller: "To ensure fairness in making decisions, I'm sure,
Representative."

McPike: "Yea, I think you're correct, it was...the position taken
by the General Assembly at that time was no one gets a
budget until everyone gets a budget. So that anyone has a
veto over the other...of the other systems and that way we
force them to bargain and come out with a budget that was
jointly agreed to. By increasing it to 14, you would then
take away the power of the agreed process in effect,
because the collar counties could pass their own budget
under this Amendment. Is that right?"

Weller: "Representative, if it still required nine out of 14
members to approve the budget..."

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McPike: "Yea, nine out of 14."

Weller: "And it gives those unserved townships an opportunity to have an advocate, someone to look out after their needs."

McPike: "Alright. Well, to the Amendment and I rise in opposition to the Amendment. The system that we set up in '83 has worked very well. I don't see why we would want to change it at this point, we have had agreed Bills on this for six straight years and...anyway, I'm against the Amendment."

Speaker Giglio: "Further discussion? The Lady from Cook, Representative Didrickson."

Didrickson: "Thank you, Mr. Speaker. Would the Sponsor yield for a question, please?"

Giglio: "The Sponsor of the Amendment?"

Didrickson: "Right."

Speaker Giglio: "Representative Weller."

Didrickson: "Representative Weller, you're trying to add...Your proposal would add an additional member with regards to those areas that are unrepresented on the RTA Board, correct?"

Weller: "That is correct."

Didrickson: "Okay. The CTA is represented...a voting member on the board, is it not?"

Weller: "Correct."

Didrickson: "Is the Pace Board represented on the RTA board as a voting member?"

Weller: "Yes, correct."

Didrickson: "It is my understanding that they are not."

Weller: "I'm sorry, I made an error. They are not."

Didrickson: "Okay and I would like to make certain that everybody understands this. If we're talking about fairness in representation, then Representative Weller, I think the first order of business would to...make certain that we'd

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have parity for those Pace Board...the Pace Board to be represented as a voting block. Also, have you considered that with your Amendment?"

Weller: "Thank you, Representative. Do you have a question you want me to answer?"

Didrickson: "Yes, my question is why are you excluding representation on the Board with regards to the RTA, the voting member for Pace. They are not, there is no fairness with those of us in the suburban areas and the collar areas with regards to Pace. I think, I guess my point is why have you not considered that? If you're looking for fairness in parity."

Weller: "Representative, you're addressing a different issue. I think one of the clearest points in our efforts to obtain some sort of service in return for those tax dollars in Southwestern Will County and the other townships that are unserved. We have spoken with Pace because it is the bus service that would be most likely to provide some sort of service in return. Those advocate...that additional advocate that would be put on the Board, I'm sure would take a very strong interest in speaking out for Pace and the bus service within the RTA region. I'd be very happy to work with you later in the General Assembly to make sure that we do have additional representation for Pace on the RTA Board."

Didrickson: "I think when you start opening up the RTA Act that we passed back in 1983, you're opening up a whole new can of worms here. And I think one of the concerns that many of us have if we're going to talk about fairness and parity is that, you know, the CTA gets a quarter of our cent, a penny cent...a tax in suburban Cook, and yet our Pace...representation is with regards to a voting board member isn't equal to the CTA's voting rights. And I think

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when you start opening this up, it's not only your area that needs to be addressed then, it's a whole host of other issues and areas that need to be addressed. And I think we need to take a very reasoned, measured look when we start opening up the original agreement. I understand where your...come from and I can appreciate that. I want you to understand that there are those of us who are in suburban Cook who have the same concerns and aren't being addressed."

Weller: "Okay, thank you."

Speaker Giglio: "Representative Weller."

Weller: "Want me to close?"

Speaker Giglio: "Yes."

Weller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It was pointed out by a previous speaker that, you know, 1983 when the original...some of the earlier changes in the RTA Act were made that they were all agreed and we should let them work for a while. Well, it's obvious we have a situation now that does not work. It's obvious we have a situation where there's people that are paying taxes. Twenty thousand of them live in my district that are not receiving one thin dime in return for the service that they should be getting for the taxes that they pay. This Amendment puts an advocate on the RTA Board which will speak out for those unserved taxpayers. If you believe people should have some form of representation when they pay taxes, I urge you to vote 'aye'. Mr. Speaker, I ask for a Roll Call vote."

Speaker Giglio: "Question is, 'Shall Amendment #3 pass?' All those in favor vote 'aye', opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 39 voting 'yes', 69 voting 'no', 3

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voting 'present' and the Amendment fails. Further Amendments?"

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

Speaker Giglio: "Representative McPike."

McPike: "Thank you, Mr. Speaker. I believe Floor Amendment #4 changes it from a percent of sixteen million...of fifteen percent to a flat sixteen million dollars. I move for the adoption of the Amendment."

Speaker Giglio: "Any discussion on the Amendment? Hearing none, all those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Representative Keane, Senate Bill 257. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 257, a Bill for an Act in relation to financing of local correctional facilities. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Giglio: "Any Floor Amendments?"

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

Speaker Giglio: "Representative Keane on Amendment #2."

Keane: "Thank you, Mr. Speaker. Amendment #2 deletes the requirement that the circuit...the clerk...court clerk must submit to the comptroller report of the amount of fines under this Act remitted to him to the State Treasurer...remitted by him to the State Treasurer during the previous year. It lowers the GO and bond authorization by twenty-five million, being specifically bonds for capital facilities. It makes technical changes regarding

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death service coming from corrected facilities assistance fund. I'd ask for adoption of the Amendment."

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

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

Speaker Giglio: "Indicates he will."

Black: "Representative, did you...Is Committee Amendment #1 still on the Bill?"

Keane: "Yes."

Black: "Our indication is that that was supposed to be tabled because they refer to the same numbers and that would make Floor Amendment...the Floor Amendment that you have before us now out of order. Can you enlighten us on that?"

Keane: "Mr. Speaker, would it be possible to take this Bill out of the record for just a moment?"

Speaker Giglio: "Take the Bill out of the record, Mr. Clerk. Would you like to try 692, Representative Keane? Mr. Clerk, read 692."

Clerk O'Brien: "Senate Bill 692, a Bill for an Act to amend the Illinois Income Tax Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Giglio: "Any Floor Amendments?"

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

Speaker Giglio: "Representative Ryder. The Gentleman is here. Representative Keane."

Keane: "I can handle the Amendment. I'm also a hyphenated..."

Speaker Giglio: "He's here."

Keane: "Oh. I didn't know Representative Ryder was here."

Speaker Giglio: "He says he may have better luck."

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Ryder: "I think I'd probably be better if Jim handle the Bill, but this is language that I think the staffs have agreed to which is technical language for the high impact business Bill. It was part of a Bill that was sponsored in Revenue, did not get out of Revenue, but an agreement was made that this language could be added. And I would ask for a favorable consideration."

Speaker Giglio: "Representative Keane. All those in favor of the Amendment signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Representative Keane now moves that..."

Keane: "Mr. Speaker, could we go to 257. We've corrected...We found out what the problem was."

Speaker Giglio: "There's another problem, there's a fiscal note filed on it. Alright, Mr. Clerk, read 257."

Clerk O'Brien: "Senate Bill 257, this Bill's been read a second time previously. We were on Floor Amendment #2, offered by Representative Keane."

Speaker Giglio: "Proceed."

Keane: "Thank you, Mr. Speaker. What I'd like to do...the...Representative Black was correct earlier. What I'd ask is leave to table Amendment #1."

Speaker Giglio: "The Gentleman asks leave to table Amendment #1. You heard the Gentleman's Motion, hearing none, leave is granted. Amendment #1 is tabled. Representative Keane."

Keane: "Now, Mr. Speaker, I would move the adoption of Amendment #2, which I explained previously."

Speaker Giglio: "Any discussion on Amendment #2? Hearing none, all those in favor of Amendment #2 signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes'

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have it. The Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "The Bill will remain on the Order of Second Reading, Representative Keane. There's a fiscal note requested. Representative Homer. Representative Hoffman, excuse me, 555. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 555, a Bill for an Act to amend the Motor Fuel Tax Laws. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Any Floor Amendments?"

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

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

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment just sets up an effective date of October 1st, 1989, and I move for the adoption of Amendment #1."

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

Cullerton: "Yes, I support this Amendment and I think it's a very bold step that the Gentleman is taking for even standing up and letting this Bill be called, and I congratulate him on it."

Speaker Giglio: "Any discussion on the Amendment? All those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. House Bill (sic - Senate Bill) 573, Representative DeJaegher. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 573, a Bill for an Act to amend the

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Quad Cities Regional Economic Development Authority Act.
It's been read a second time previously. Floor Amendment
#1 is being offered by Representatives Sieben and
DeJaegher."

Speaker Giglio: "Representative Sieben on Amendment #1."

Sieben: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House. Amendment #1 to Senate Bill 573 amends the Quad
Cities Regional Economic Development Authority to increase
the members of that Board from seven to nine, and it also
adds language to increase the requirement for a quorum from
four to five. I'd urge adoption of the Amendment."

Speaker Giglio: "Representative DeJaegher."

DeJaegher: "Thank you, Mr. Speaker and Members of the Assembly.
I rise in support of Senate Amendment...Floor Amendment 1
to Senate Bill 573."

Speaker Giglio: "Further discussion? All those in favor of the
Amendment say 'aye', opposed 'nay'. In the opinion of the
Chair, the 'ayes' have it. The Amendment is adopted. Are
there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. The Gentleman now asks leave for
immediate consideration of Senate Bill 573 by the
Attendance Roll Call. Hearing none, leave is granted. The
Bill's on the Order of Third Reading. Mr. Clerk, read the
Bill."

Clerk Leone: "Senate Bill 7...Senate Bill 573, a Bill for an Act
to amend the Quad Cities Regional Economic Development
Authority Act. Third Reading of the Bill."

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

DeJaegher: "Thank you, Mr. Speaker and Members of the General
Assembly. In 1987, Governor Jim Thompson adopted two
Regional Development Authorities, one in St. Louis area and

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one in the Quad City area. Basically all this does now is conform to this language that we have in SWEDA which is Southwest Economic Development Authority, and basically this is all it is and for that, I move for passage of this Bill."

Speaker Giglio: "Any discussion? The Gentleman from Henry, Representative Sieben."

Sieben: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of Senate Bill 573. This does make the Quad City Economic Regional Development Authority conform to the same type of language that exists for the Southwest Regional Authority. And I would urge a 'yes' vote on this Bill."

Speaker Giglio: "Further discussion? The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. Representative, we don't call it the St. Louis area. We call it Southwestern Illinois. I rise in support of your legislation."

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

McCracken: "Yes, will the Sponsor yield?"

Speaker Giglio: "Indicates he will."

McCracken: "Representative, the original Bill is retained after adoption of this Amendment, is that right?"

DeJaegher: "Tom, I didn't hear you."

McCracken: "I just learned that we're in support of this Bill, so I will withdraw my question. The less I know about this, the easier the vote will come."

DeJaegher: "Thank you, Tom."

Speaker Giglio: "Question is, 'Shall Senate Bill 573 pass?' All those in favor vote 'aye', opposed 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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Gentleman from DeKalb, Representative Countryman, are you seeking recognition? Have all voted who wish? Mr. Clerk, take the record. On this question there are 104 voting 'yes', 12 voting 'no', 1 voting 'present'. Senate Bill 573, having received the required Constitutional Majority, is hereby declared passed. Representative Bowman, 685. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 685, a Bill for an Act to amend the Open Meetings Act. Second Reading of the Bill."

Speaker Giglio: "Gentleman from Cook, Representative Bowman."

Clerk Leone: "There are no Committee Amendments."

Speaker Giglio: "Floor Amendments?"

Clerk Leone: "There's correction. Amendment #1 was adopted in committee. There are no Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #2 is being offered by Representative Ryder, Parcels and Deuchler."

Speaker Giglio: "Representative Ryder, Parcels, Amendment #2 to Senate Bill 685, Representative Bowman's Bill."

Ryder: "Thank you, this was a Bill that was opposed in committee. I was...It was opposed by the Press Association. It allows...It allows hospitals that are required to have public meetings to have an exemption for the Open Meetings Act to discuss things such as their marketing program or contracts with doctors or agreements for new services, which are entirely business kinds of enterprises. The reason that I am submitting it now is that I was not informed prior to the committee that it was opposed by the Press Association and I haven't...they haven't talked to me since then, so it was suggested by some Members of the committee that perhaps we should give an opportunity for the Members of the General Assembly as a whole to vote on this, and this is at the suggestion of the Illinois

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Hospital Association."

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

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I strongly oppose the Gentleman's Motion. The problem simply is this: That ever since the Open Meetings Act was adopted, it has been the subject of constant efforts to erode it and to modify it, and the Illinois Press Association has fought every one of those changes. I was able to craft an Amendment that actually brings the Illinois Press Association to support of the Bill, as it now stands without Representative Ryder's Amendment. If Representative Ryder's Amendment is adopted, the Bill will, as then amended, will be opposed by the Press Association. And I will want no part of it. It is my intention to pass a consensus Bill. The Bill is unamended, is a consensus Bill. This Amendment destroys that consensus and consequently, I rise in opposition and ask to be joined by every one of you. Thank you."

Speaker Giglio: "Gentleman from Cook, Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. My understanding is that the Floor Amendment #2, and the Sponsor will shake his head perhaps if I'm correct, provides an exemption to the Open Meetings Act. And I reluctantly rise in opposition only due to the fact that I've been informed by the Illinois Press Association that during the course of this Session of the General Assembly, there's been approximately 20 to 25 different attempts to adjust or provide exemptions to the Open Meetings Act. And what the Press Association has requested, and what I've agreed to do on a Bill that I had that deals with Open Meetings Act exemptions, is to allow that idea to be heard in a subcommittee or by some group, either formal or informal, during the course of the summer, so perhaps some

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agreed language on Open Meetings Act exemptions can take place. I don't think that this Amendment is the place... or this Bill is the place where this should be done. And I think you would harbor a lot of opposition and do damage to the Bill itself if this Amendment were adopted, so I would encourage Members of the House to stand in opposition to Floor Amendment #2."

Speaker Giglio: "Gentleman from Madison, Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. I think there's much too much protest about this Amendment. This is simply an Amendment that's supported by the Illinois Hospital Association that gives a reasonable exemption to the Open Meetings Act. When they're talking about marketing techniques and the other items that were mentioned by Representative Ryder, these are very reasonable exemptions. There's no reason to get philosophical about this. It's not that complicated. It's not...It shouldn't be controversial at all. The Illinois Hospital Association is asking for some reasonable exemptions. And I think that we should vote 'yes' on this Amendment."

Speaker Giglio: "Further discussion? The Gentleman from Sangamon, Representative Curran. Representative Keane in the Chair."

Curran: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In spite of the Members from my side of the aisle, who I have a great deal of respect for, in spite of their protest against this Amendment, I rise in support of this Amendment for two reasons. One, because I think the subject matter of the Amendment makes sense and it's the kind of thing we ought to be doing for hospitals so they can plan their future. But two, more importantly, and I told Representative Ryder when this Bill came through

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committee that nobody from the Press Association had bothered to come and talk to him about it. I consider that very rude. I think they cannot...They should not be able to lobby in this chamber without even talking to anybody. And if they didn't have the courtesy to come to Representative Ryder by now, they should have. And so I rise in support of this Amendment, I think, on those two reasons."

Speaker Keane: "Any further discussion? There being none, the question is, 'Shall Amendment 2 be adopted?' All in favor say 'aye', all opposed 'no'. The 'nos' have it and the Amendment fails. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Keane: "Third Reading. House Bill 819, (Sic-Senate Bill 819) Representative Hicks. House Bill, (Sic-Senate Bill 819). Out of the record. House Bill 925...I'm sorry, 965, Repre...or Senate Bill 965, Representative Cullerton. Out of the record. Senate Bill 1078, Representative Woolard. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1078, a Bill for an Act to amend the Illinois Municipal Code. Second Read...Second Reading of the Bill. There are no Committee Amendments."

Speaker Keane: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Representative Novak."

Speaker Keane: "Representative Novak on Floor Amendment #1. Representative Woolard, what is your pleasure?"

Woolard: "Let's hold it on Second."

Speaker Keane: "Mr. Clerk, take the Bill out of the record. Senate Bill 1200, Representative McGann. Out of the record. Senate Bill 1210, Representative Currie. Out of the record. Senate Bill 1333 (sic - 1339), Representative Bugielski. Representative Bugielski. Mr. Clerk, read the

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Bill."

Clerk Leone: "Senate Bill 1339, a Bill for an Act in relationship to fees and salaries. Second Reading of the Bill. There are no Committee Amendments."

Speaker Keane: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Representative Bugielski."

Speaker Keane: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. Amendment #1 simply puts in that the effective date that takes effect January the 1st, 1990."

Speaker Keane: "Is there any discussion on Amendment #1? There being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed 'no'. The 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Keane: "Third Reading. Senate Bill 1380, Representative Bugielski. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1380, a Bill for an Act in relationship to fees and salaries. Second Reading of the Bill. There are no Committee Amendments."

Speaker Keane: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Representative Bugielski."

Speaker Keane: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. Amendment #1, again all we're adding in this is that the Act will take effect January the 1st, 1990. I ask for your favorable Roll Call. Thank you."

Speaker Keane: "Representative Homer on Amendment #2."

Homer: "On Amendment 1, Sir?"

Speaker Keane: "Amendment #1 has been adopted."

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Homer: "Alright, is this... Are there other..."

Speaker Keane: "I'm sorry, pardon me, my mistake. On...
Representative Homer on Amendment #1."

Homer: "Will the Sponsor yield? Representative Bugielski,
apparently we don't have this Amendment. Would you explain
again what it does?"

Bugielski: "Pardon?"

Homer: "We don't have the Amendment. Would you explain again
what your Amendment does?"

Bugielski: "The Amendment...all it adds is that this Act takes
effect January the 1st, 1990."

Homer: "What was..."

Bugielski: "It was printed last week."

Homer: "What was the effective date before? I think it was
probably silent on an effective date, is that...Is that the
case? I don't think it had an effective date."

Bugielski: "It didn't have and it's adding the effective date."

Homer: "You're putting...That's all you're doing with your
Amendment?"

Bugielski: "Right."

Speaker Keane: "Any further discussion? There being none, the
question is, 'Shall Amendment #1 be adopted?' All those in
favor say 'aye', all opposed 'no'. The 'ayes' have it.
Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Keane: "Third Reading. We'll now go back to pick up a
Bill we passed over earlier on Environment. House
Bill...or Senate Bill 635, Representative Breslin. It's on
the Order of Environment. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 635, a Bill for an Act to amend the
Solid Waste Planning and Recycling Act. Second Reading of
the Bill. Amendment #1 was adopted in committee."

Speaker Keane: "Any Motions filed?"

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Clerk Leone: "No Motions filed."

Speaker Keane: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #2, being offered by Representative Breslin."

Speaker Keane: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, Amendment #2 deletes the cap on the recycling fee on the credit that can be placed on used batteries by the retailer. And the second thing it does is it clarifies that a secondary lead smelter that recycles used batteries must be permitted either by a state or federal environmental agency. This Amendment is requested by both the Illinois Retail Merchants Association and the battery industry. It is an agreed Amendment between those two entities and the environmentalists. And I ask that the Amendment be adopted."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all opposed 'no'. The 'ayes' have it and Amendment #2 is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Keane: "Mr. Clerk, keep the Bill on Second Reading. We'll go back and pick up one Bill on Government Administration, Senate Bill 1078. Representative Woolard, we're ready now. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1078, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of the Bill. Amendment...Floor Amendment #1 is being offered by Representative Novak."

Speaker Keane: "Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 to Senate Bill 1078 was filed on behalf of all the consumers of Illinois. This deals with

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the utility tax, the municipal utility tax, that so many of our municipalities and villages impose upon our citizens. It's bad enough that we have to pay taxes, especially municipal utility taxes on our energy bills, on our electric bills, on our gas bills and on our telephone bills. But what happens when the people, you and I, small business people, major corporations, when they get their bills, the state utility tax is on it and that's part of the...and that's used to compute the tax. Then also the municipal tax is on it. And what happens is that the municipal tax is termed as part of a corporation where the power companies or utility companies for that matter, part of their gross receipts. So essentially the bottom line effect is that we are taxing a tax. This is an egregious error that I think has been going on in the State of Illinois too long. And I think the timing is right for us to change this legislation and make this public policy right. We want to speak out for the senior citizens and all the consumers in Illinois and all the business people. I realize...I realize by adopting this Amendment and if it would become law, municipalities would lose money, about ten million dollars statewide. The City of Chicago would lose about six million dollars. My own community in Kankakee would lose a hundred thousand dollars. I have a list in my file here from the Department of Revenue indicating over two hundred municipalities that impose a municipal utility tax. We want to change it. We want to take this tax on tax off. If we're...If a majority of us in the House and presumably in the Senate are going to be sending a major revenue Bill on to the Governor's Office. And half of those new revenues, three hundred and twenty-three million dollars to be exact, will be going back to local government. Now doesn't this sound like a

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fair trade-off? Doesn't this sound like we need to tell our municipalities: 'Look, you have the authority to impose a municipal utility tax, but don't tax the tax that you're imposing on people. Don't tax the tax on senior citizens. Don't tax the tax on a small business person. Don't tax the tax on Joe Blow who works down the street and works hard all day long. He's got to pay a tax on a tax.' Now that's ridiculous. It's an egregious error that we have to correct. And if we're going to be pumping three hundred and some odd million dollars into the treasuries of our communities in county governments, assuming this tax package passes, I think this is a fair trade-off that we have our municipalities correct this by this legislation. I would ask your 'aye' support."

Speaker Keane: "Is there any discussion? Representative Black."

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

Speaker Keane: "He indicates he will."

Black: "Thank you. Representative, I was going to get up to oppose this, but after that eloquence I think I'm for you. But I, especially that tax on a tax, I think you've converted me, but let me ask you a question. Didn't we see this in another form in Revenue Committee?"

Novak: "This is...This Amendment, Representative Black, is Senate Bill 59 that died by a lack of one vote because a few Members inadvertently were not in the committee."

Black: "Well, I think this is such a good idea that as I recall I think even Ralph Barger had a Bill very similar to this. And if Ralph Barger had a Bill similar to this, this must be a good idea, Representative, so I stand in support of your Amendment."

Novak: "I agree, Representative Black."

Speaker Keane: "Any further discussion? Representative McPike."

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Is there any further discussion? Representative McPike."

McPike: "Will the Sponsor yield?"

Speaker Keane: "He indicates he will."

McPike: "What's the revenue loss to units of local government under this?"

Novak: "Representative McPike, the total revenue loss including the City of Chicago is ten million dollars."

McPike: "Including Chicago?"

Novak: "Yes, Sir."

McPike: "Well, thank you..."

Novak: "Six point four million, I believe, for the city and the balance of the ten million downstate."

McPike: "Mr. Speaker, I stand in opposition to the Amendment. We are constantly taking money away from local units of government in Springfield. Local units of government want to take this money away from themselves. They can do so. There's no reason why the General Assembly, and late in June, should come along and take away ten million dollars from financing of local units of government. So I oppose the Amendment."

Speaker Keane: "Any further discussion? There being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed 'no'. The 'nos' have it and the Amendment is lost. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Keane: "Third Reading. We will now go... Representative Woolard, what's your... Could you, Representative LeFlore, Representative LeFlore, could you sit down and the Gentleman next to you. Yes, Representative Woolard."

Woolard: "Yes, I'd like to go back to the Bill. I'd like to move it to Third."

Speaker Keane: "It's been moved to Third, Representative."

Woolard: "Thank you."

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Speaker Keane: "We will now go to the Order of...We will now go...What we're going to do is start at the top of the Calendar and try to clean up the Second Readings that have been passed over before. So we'll start off with State and Local Governments. It's the top sheet, the first sheet on your Calendar. The first Bill...Now these are Second Readings that have been bypassed before. Senate Bill 249, Representative Novak. Out of the record. Representative...370, Representative Hannig. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 370, a Bill for an Act to amend the Illinois Farm Development Act. Second Reading of the Bill. Floor Amendment #1 is being offered by Representative Hannig."

Speaker Keane: "Representative Hannig. Representative Hannig on Amendment #1."

Hannig: "Yes, thank you, Mr. Speaker, Members of the House. There was some concerns about this Bill in committee as to the cost that it might have and so this Amendment basically brings it back into line where it doesn't have any additional cost to the state and in effect becomes a vehicle Bill, you might say. And so I would move for the adoption of Amendment #1."

Speaker Keane: "Is there any discussion on Amendment #1? There being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all opposed 'no'. The 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, being offered by Representative Hannig."

Hannig: "Withdraw."

Speaker Keane: "Representative Hannig asks to withdraw Amendment #2. Is there leave? It's withdrawn. Any further

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Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Keane: "Third Reading. House...Senate Bill 1096, Representative Ewing. Is Representative Ewing in the chamber? Out of the record. On Second Reading - the Order of Education - Senate Bill 112, Representative Matijevich. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 112, a Bill for an Act relating to requirements for admission to certain public institutions. Second Reading of the Bill. There are no Committee Amendments."

Speaker Keane: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Representative Matijevich."

Speaker Keane: "Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #1 to Senate Bill 112 was introduced because of concerns of some...that the inclusion of language in 112 would provide a mandate on the State of Illinois and require extra funds. We eliminate the language in the Bill so that there is no additional cost to the State of Illinois. And I therefore move the adoption of Amendment #1. I've discussed this with the Senate Sponsor and he agrees with this Amendment."

Speaker Keane: "Is there any discussion on Amendment #1? There being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed say 'no'. The 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Keane: "Third Reading. On Senate Bills Third Reading - Education appears Senate Bill 1070. Representative Curran. Is Representative Curran in the chambers? Take it out of

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the record. On the next series on Second Reading is Civil Law. Senate Bill 68, Representative Cullerton. Is Representative Cullerton in the chambers? Take the Bill out of the record. Represent...We'll go back to Senate Bills on Third Reading on Education. Senate Bill 1070. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1070, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Keane: "Representative Curran."

Curran: "Mr. Speaker, I ask leave to take 1070 back to Second Reading for purposes of an Amendment."

Speaker Keane: "The Gentleman asks leave to bring the Bill back to Second Reading. Is there leave? Leave. Leave is granted. The Bill is on Second Reading. Mr. Clerk, are there any further Amendments?"

Clerk Leone: "Floor Amendment #1, being offered by Representative Curran."

Speaker Keane: "Representative Curran."

Curran: "Mr. Speaker, Floor Amendment #1 simply puts the Bill in technical order. It changes language so that the first part of the Bill would reflect the second part of the Bill. Simply a technical Amendment. I ask for adoption of the Amendment."

Speaker Keane: "Any discussion on Amendment #1? There being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all opposed 'no'. The 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Curran: "Mr. Speaker, withdraw Amendment #2. It's duplicative, it's identical and it was put in by mistake."

Speaker Keane: "The Gentleman withdraws Amendment #2. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

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Speaker Keane: "Third Reading. We will go back on that same Order to Senate Bill 335, Representative Williams. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 335, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Keane: "Representative Williams."

Williams: "Thank you, Mr. Speaker. I'd like to return this Bill to the Order of Second Reading for the purpose of an Amendment."

Speaker Keane: "The Gentleman asks for leave to return the Bill to Second Reading. Is there leave? Leave. Leave has been granted. The Bill is on Second Reading. Representative... Mr. Clerk, are there any Floor...any further Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representative Williams."

Williams: "I'd like to table Amendment #2."

Speaker Keane: "Gentleman asks leave to withdraw Amendment #2. Is there leave? Leave and the Amendment is withdrawn. Any further Amendments?"

Clerk Leone: "Floor Amendment #3, offered by Representative Williams."

Speaker Keane: "Representative Williams."

Williams: "Yes, Senate (sic - House) Amendment #3, what it does is that it provides that the State Board of Education will certify in writing to the different governing bodies of higher education that all school districts in Illinois are offering all the required course work beginning with the freshman class of 1899 (sic - 1989) prior to the...for the purpose of implementing the Illinois Board of Higher Education increased college admission standards, and it also says that the Board shall provide the state with the course requirements and content that are necessary to certify such. It's agreed...It's my understanding this is

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the Amendment of the Illinois Board of Higher Education and at their request in order to be able to comply with the aspects of Senate...another Bill that has passed that will actually establish these requirements."

Speaker Keane: "Is there any discussion on Amendment #3? There being none, the question is 'Shall Amendment #3 be adopted?' All those in favor say 'aye', all opposed 'no'. The 'ayes' have it and Amendment #3 is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Keane: "Third Reading. We'll now go to Human Services - Second Reading. First Bill on that Order is House...Senate Bill 376, Representative Currie. Representative Currie. Human Services - Second Reading. Out of the record. House Bill 999, Repre ... or Senate Bill 999. Out of the record. Senate Bill 1413, Representative White. Do you wish...It's Human Services - Second Reading - Senate Bill 1413. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1413, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. Amendment #1 was adopted in committee. There's a Motion to table Amendment #1, filed by Representative Jesse White."

Speaker Keane: "Representative White on his Motion."

White: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #2 is a simple one. All that it does is that it provides...I'd like to table Amendment #1 first."

Speaker Keane: "The Gentleman asks leave to table Amendment #1. Is there leave? Leave. Leave is granted and Amendment #1 is tabled. Mr. Clerk, are there any further Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representative White."

Speaker Keane: "Representative White."

White: "Amendment #2 would provide that any medical health care

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provider shall immediately recommend to any pregnant woman who is being provided with parental...prenatal services is suspended...who is suspected of drug abuse or is addicted to any alcoholic beverage that the person who is providing the health care would refer her to DASA. And I...or to a local agency and that is the Amendment."

Speaker Keane: "The Gentleman...move for the adoption of Amendment #2. Is there any discussion? There being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all opposed 'no'. The 'ayes' have it. Amendment #2 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Keane: "Third Reading. Representative White."

White: "Mr. Speaker, previously the Bill I thought was on the agreed Bill list, on the Consent Calendar and..."

Speaker Keane: "We have not changed that."

White: "Pardon me?"

Speaker Keane: "We have not changed the status."

White: "Okay, thank you."

Speaker Keane: "We will now go to Second Reading - Criminal Law. Senate Bill 694, Representative Steczo. Take it out of the record. Senate Bill 743, Representative Homer. Criminal Law - Second Reading. Mr. Clerk, out of the record. Government Administration. On the Order of Government Administration - Second Reading appears House (sic - Senate) Bill 819, Representative Hicks. Out of the record. House (sic - Senate) Bill 965, Representative Cullerton. Out of the record. House (sic - Senate) Bill 1200, Representative McGann. Out of the record. On the Order of Second Reading - Labor appears Senate Bill 85, Representative Farley. Out of the record. Representative Van Duyen, for what purpose do you rise?"

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Van Duyne: "Would the person who lost his or her glasses back here on my desk come and get them, please."

Speaker Keane: "Thank you. Senate Bill 141, Representative Breslin. Out of the record. Senate Bill 181, Representative Saltsman. Out of the record. Represen... Senate Bill 571, Representative McPike. Out of the record. We'll go to the Order of Senate Bill - Second Reading on Transportation. Senate Bill 1174, Representative Novak. Representative Novak. Out of the record. We'll start over at State and Local Government - Third Reading. First Bill on State and Local Government - Third Reading is Senate Bill 8, Representative Cullerton. Out of the record. House Bill 24...or Senate Bill 240, Representative Granberg. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 240, a Bill for an Act to amend the Illinois Enterprise Zone Act. Third Reading of the Bill."

Speaker Keane: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. May I have leave to bring back Senate Bill 240 for purposes of an Amendment?"

Speaker Keane: "The Gentleman asks leave to return the Bill to Second Reading. Leave? And there's...leave granted. Leave's been granted. The Bill is now on Second Reading."

Clerk Leone: "Floor Amendment #2, offered by Representative Granberg."

Speaker Keane: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2 corrects a numerical mistake in the Bill as drafted. It would increase the window for the assessment of new enterprise zones from 1990 to 1991. This would allow the communities to make applications until December of next year. Nineteen ninety was a minor mistake that was made that dismissed...that did not answer the intention of the Department of Commerce and Community Affairs and would

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allow those communities to make applications in the future."

Speaker Keane: "Any discussion on the Amendment? Representative Granberg, would you restate your Motion? Did you move adoption?"

Granberg: "I move that Floor Amendment #2 be adopted."

Speaker Keane: "The Gentleman has moved for the adoption of Floor Amendment 2. Is there any discussion? There being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all opposed 'no'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Keane: "Third Reading. On the Order of State and Local Government - Third Reading appears Senate Bill 243, Representative Terzich. Out of the record. Senate Bill 852, Representative Leverenz. Out of the record. Senate Bill 1182, Representative Parke. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1182, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Keane: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Eleven eighty-two, well, I'd like this Bill brought back for the purpose of an Amendment for clarification that was asked when I presented it last week."

Speaker Keane: "The Gentleman asks leave to return the Bill to the Order of Second Reading. Is there leave? Leave. Leave has been granted and the Bill is now on Second Reading. Representative Parke..."

Parke: "Thank you. Amendment..."

Speaker Keane: "Hold on. Mr. Clerk, are there any Amendments?"

Clerk Leone: "Floor Amendment #1, offered by Representative

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Parke."

Speaker Keane: "Representative Parke."

Parke: "Thank you. Floor Amendment #1 is a technical correction to...inquiry by Representative Breslin on clarification of language. We, in fact, have complied. She has seen the Amendment...is in concurrence with it. I ask for the adoption."

Speaker Keane: "The Gentleman has moved the adoption of Amendment #1. On that question, all those in favor of the Motion say 'aye', all opposed 'no'. The 'ayes' have it. Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Keane: "Third Reading. The Gentleman asks leave to hear the Bill on the Order of Third Reading. Representative...Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1182, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Keane: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1182 amends the Ill...the Vehicle Code to add to the authority of the Secretary of State's for the discretionary suspension of a sex or drug offender's driver's license. That the offense occurred while the person was operating a motor vehicle. In fact, this...this part of the Bill codifies an Illinois Supreme Court which invalidated a law that the Secretary of State was using for...said that they has to actually be in the process of using an automobile in the course of a sex or drug related crime. The second part of the Bill states that what we're finding is that when a law enforcement officer pulls over an individual and asks...for probable cause and sees that that person has a problem and asks for a blood test, I mean a urine test, for...excuse me. Asks for a test for a

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breathalyzer because he suspects that that person is under the influence of alcohol, that the law enforcement officer upon taking that test finds out that, in fact, there is no alcohol but still suspects because of probable cause, that individual is still acting in an abnormal manner, can ask for a drug test which would be a urinalysis or a blood test for the process of finding out if that person, in fact, is operating a motor vehicle with using illegal drugs. And I ask for passage of this important piece of legislation."

Speaker Keane: "Representative Young."

Young, A.: "Thank you, Mr. Speaker, would the Gentleman yield for a question?"

Speaker Keane: "He indicates he will."

Young, A.: "Where will the blood and urine test take place, Representative?"

Parke: "It will be a preliminary test result and would be done in...in another location, because normally they do not have the facilities on hand. They would have to go to a clinic or a hospital for those tests."

Young, A.: "Well, Representative, that's what I'm getting to. I would doubt if they have facilities for urine tests in their...with all the state police cars. So, what you're saying, any time a state policeman wanted to if he is suspicious he could require a driver to go to the nearest facility that conducts these types of test which might be around the corner or maybe five miles away or maybe a half an hour or hour. Is that correct, Representative?"

Parke: "Yes, but let me ask you, why do you see that as a problem if an individual is tested positive for the uses of drugs which are illegal why shouldn't that person..."

Young, A.: "Well, wait a minute, Representative. They haven't tested positive yet. We're still at the testing stage."

Parke: "Well, they have to have probable cause to pull that

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individual over in the first place. Obviously, they found out..."

Young, A.: "But what is the probable cause? The same probable cause that maybe the officer suspects that the vehicle isn't being driven the way it should, that's correct."

Parke: "That is correct."

Young, A.: "And then they take a DUI test and they pass it, so there's not alcohol content in the blood."

Parke: "Right."

Young, A.: "And so after being stopped and required to take the DUI test, which they passed, what you're saying is that the law enforcement officer would have the ability basically to take this person to the closest drug testing place and if it's night time, it might be the nearest hospital. To administer a test that they very may well pass and they will have been delayed an hour and a half or two or three hours. Based on an officer thinking their vehicle wasn't being driven properly. That is the effect of this Bill, isn't it?"

Parke: "Representative, that is correct and I see no problem with that. I think that's only fair that a law enforcement officer...."

Young, A.: "Let me ask you another question, Representative. How long does the effects...how long will cannabis show up in an urine analysis, do you have any idea?"

Parke: "It can be for a period of time. It could be a long period of time."

Young, A.: "As a matter of fact it could be...it can show up two weeks later, can't it?"

Parke: "I don't know if that's correct, but it could be a longer period of time than twenty-four hours."

Young, A.: "And it's even three weeks later. So I guess the point I'm trying to make...To the Bill, Mr. Speaker, Ladies

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and Gentlemen of the House. Regardless of the well intentions of this Bill, this is not a good Bill. This gives the authority to require you to have to take a urine analysis based on an officer thinking perhaps you're not driving properly. That analysis may take you an hour or two hours out of your way based solely on one officer's opinion. And most important, if we're trying to correct driving while under the influence, some of the drugs that we'll be testing might stay in someone's systems for two or three weeks. So therefore a drug will show up that certainly is not impairing their driving at the moment, but it still might show positive in a test. So we're going so far now with this driving under the influence that after someone has passed the DUI test that blowing in the bottle so to speak and passed, an officer can further require that they submit to urine and blood tests which cannot be administered in any way convenient to someone who has not committed a crime yet. This is just the furthest infringement I've seen on our own individual liberty. We certainly wouldn't stand for it on the highway. I think we're going to open up law enforcement. Anybody who is forced to take this test loses quite a bit time, then pass it and find there was nothing in the system, they're going to be suing the state, Representative. They're going to sue the state, sue the county, sue the police officer and I think they would be in their rights. So I don't think we need to open up this can of worms. It's well intention but it just cannot work."

Parke: "The very reason that Representative Young has pointed out is the very reason why this Bill should be passed. It is still illegal to take drugs."

Speaker Keane: "Representative Parke...Representative Parke. Representative McCracken."

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McCracken: "Thank you, Mr. Speaker, I rise in support of this Bill. The first part of the Bill conforms the law relative to suspension or revocation of driver's licenses for the commission of sex offenses to a recent Supreme Court case, which held that in the absence of a nexus between the operation of the motor vehicle and the offense in question, there was no constitutional authority to suspend or revoke a driver's license. This Bill in the first instance requires that nexus before a driver's license may be suspended. Secondly, it allows the use of a blood or urine test for the detection of drugs. What the Bill does not do is: one, create the offense of driving under the influence of drugs and two, it does not address the probable cause issue. Now that is a good thing because of this reason. It is already against the law to operate the motor vehicle while under the influence of drugs. The police are having a difficult time determining whether a person is under the influence in the absence of a urinalysis or blood test. There is still the requirement for probable cause for asking for the blood test or requiring the blood test or urinalysis. That is unaffected by this Bill. There is also unaffected by this Bill, the entire concept of driving under the influence and whether it is a crime. All this Bill does is allow for its use only in areas specified under current law. And that must be done by a doctor or a certified health professional in the case of a blood analysis and a urinalysis in the normal course of affairs. So I don't see any problem with this Bill. I think it's a good Bill and one that we need."

Speaker Keane: "Representative Parke to close."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, again I want to reiterate that if someone is taking drugs, they should not be operating a motor vehicle. The

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effects of drugs, even though it may show up in a number of days later, still could have an adverse effect on his ability to...his or her ability to drive an automobile. What we're doing is giving law enforcement officers the opportunity to apply both tests to make sure with probable cause that we're able to keep those people off the roads that are killing and maiming thousand of people, relatives, loved ones when, whether it's alcohol or drugs, they should not be allowed to be on the road. You're going to be able to cast a vote to help us rid the roads of those people that are killing and maiming our citizens. I think this is a good Bill and we should be passing it out to the Governor."

Speaker Keane: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 87 voting 'aye', 11 voting 'no', 11 voting 'present' and this Bill, having received the...and Senate Bill 1182, having received the required Constitutional Majority, is hereby declared passed. Senate Bill 852. Mr. Clerk, read the Bill. Representative Leverenz."

Clerk Leone: "Senate Bill 852, a Bill for an Act to amend an Act in relationship to fire protection districts. Third Reading of the Bill."

Speaker Keane: "Representative Leverenz. Representative Parke, for what reason do you rise?"

Parke: "Thank you, Mr. Speaker, a point of clarification of the Chair. It's been asked did the Amendment... Was the Amendment approved? Now I thought it was approved. Can we double check and make sure the Amendment to 1182, in fact, was approved?"

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Speaker Keane: "We'll check and get back to you."

Parke: "Thank you."

Speaker Keane: "Represen...The Clerk tells me Amendment #2 was adopted. I'm sorry, Amendment #1 was adopted...and the Bill was moved to Third Reading and there was leave granted to hear the bill on Third Reading and the Bill has been passed. Representative Leverenz on Senate Bill 852. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 852, a Bill for an Act to amend an Act in relationship to fire protection districts. Third Reading of the Bill."

Speaker Keane: "Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker. You can talk through this. Senate Bill 852 would expand the territory in which a fire protection district can access. It would change it from 60 acres to 80 acres. Answer any questions you might have on the Bill, ask for your support."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' Representative McCracken."

McCracken: "Representative Leverenz asked me to stand up and speak against this Bill, thereby ensuring its passage."

Leverenz: "I concur."

McCracken: "This allows for the annexation of what could be a very large parcel of property, up to 80 acres, without a referendum for the affected area. That's a bad precedent. It sets the clock back on the use of municipal fire departments where they exist. I don't think we should be allowing the annexation where there is so much land at issue. I stand in opposition to the Bill."

Speaker Keane: "The question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative McCracken, for what purpose do you rise?"

McCracken: "Verification."

Speaker Keane: "Alright, there are 60 voting 'aye', 50...Mr. Clerk, take the record. There are 61 voting 'ayes', 54 voting 'no', 2 voting 'present' and a verification has been requested. The...Representative Leverenz asks for a Poll of the Absentees. Mr. Clerk, poll the absentees. Representative Lang votes 'aye'...or no. Is there leave to verify Representative Lang? Mr. Clerk, poll the absentees."

Clerk Leone: "Representative Capparelli is the only Member not voting."

Speaker Keane: "Read the...Mr. Clerk, read the affirmative."

Clerk Leone: "Poll of the Affirmative. Balanoff. Bowman. Breslin. Brunsvold."

Speaker Keane: "Hold on, Mr. Clerk. There's leave to be verified, Representative McCracken. Representative Levin, Representative Currie, Representative Williams. Continue, Mr. Clerk."

Clerk Leone: "Continuing with the Poll of the Affirmative. Bugielski. Cullerton. Curran. Currie. Davis. DeJaegher. Dunn. Edley. Farley. Flinn. Flowers. Giglio. Giorgi. Granberg. Hannig. Hartke. Hicks. Homer. Lou Jones. Keane. Krska. Kulas. Lang. Laurino. LeFlore. Leverenz. Levin. Matijevich. Mautino. McGann. McPike. Morrow. Mulcahey. Munizzi. Novak. Preston. Rice. Richmond. Ronan. Saltsman. Santiago. Satterthwaite. Shaw. Steczo. Stern. Sutker. Terzich. Trotter. Turner. Van Duyne. White. Williams. Wolf. Woolard. Anthony Young. Wyvetter Young and Mr. Speaker."

Speaker Keane: "Is there leave to verify Representative Stern?"

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Okay, she's verified. Any questions of the affirmative?

Questions of the affirmative, Representative McCracken?"

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

Speaker Keane: "I'm sorry, I didn't hear you."

McCracken: "Lee Preston?"

Speaker Keane: "Representative Preston. Is Representative Preston in the chambers? Remove him from the Roll Call."

McCracken: "Representative Dunn?"

Speaker Keane: "Is Representative Dunn in the chamber? Representative Dunn. Remove the Gentleman from the Roll Call."

McCracken: "Representative Terzich?"

Speaker Keane: "Is Representative Terzich in the chamber? Representative Terzich. Remove him from the Roll Call."

McCracken: "Representative Lou Jones?"

Speaker Keane: "Is Representative Jones in the chamber? Remove her from the Roll Call. Representative Ronan, for what purpose do you rise?"

Ronan: "Yea, Mr. Speaker, myself, Representative Farley and Representative Munizzi would like to be verified so we can go finish lunch."

Speaker Keane: "Is there leave? Verification has been granted. Leave's been granted. Leave for Representative McGann?"

McCracken: "Yes."

Speaker Keane: "Leave."

McCracken: "Representative Sutker?"

Speaker Keane: "Representative Sutker in the chambers? Remove the Gentleman from the Roll Call. Is there leave to verify Representative Mulcahey?"

McCracken: "Who?"

Speaker Keane: "Mulcahey."

McCracken: "Yes."

Speaker Keane: "Any further questions?"

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McCracken: "Representative Bowman?"

Speaker Keane: "Representative Bowman. Is Representative Bowman in the chamber? Remove him. Representative LeFlore, is there leave to verify Representative LeFlore?"

McCracken: "Yes. Representative Homer?"

Speaker Keane: "Representative Homer."

McCracken: "No, no, I see him, I see him. Representative Morrow?"

Speaker Keane: "Is Representative Morrow in the chamber? Remove the Gentleman."

McCracken: "Representative Giglio?"

Speaker Keane: "Return Representative Bowman to the Roll Call. Is Representative Giglio in the chamber? Remove him from the Roll Call."

McCracken: "Representative Kulas?"

Speaker Keane: "Is Represent...Representative Kulas is in his chair. Representative Wyvetter Younge asks for leave to be verified?"

McCracken: "Yes. Representative Hicks?"

Speaker Keane: "Representative Hicks. Is the Gentleman in the chambers? Remove him. Representative Phelps, for what purpose do you rise? Vote Representative Phelps as an 'aye'."

McCracken: "Representative Shaw?"

Speaker Keane: "Representative Shaw in the chambers? Representative Shaw. Remove the Gentleman."

McCracken: "Representative Wolf?"

Speaker Keane: "Representative Sam Wolf is in his chair. Representative Giorgi and Matijevich have asked to be verified?"

McCracken: "Yes. Representative Laurino?"

Speaker Keane: "Representative Laurino. Representative Shaw has returned. Representative Morrow has returned. And is

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Representative Laurino in the chambers? Representative Laurino. Remove the Gentleman."

McCracken: "Representative Steczo?"

Speaker Keane: "Representative Steczo is in his chair. Return Representative Hicks."

McCracken: "Nothing further."

Speaker Keane: "No further requests. On this Bill there are 55 voting 'aye', 53 voting 'no', 2 voting 'present' and this Bill fails to receive the required Constitutional Majority, is hereby declared...Postponed Consideration? The Gentleman asks leave for Postponed Consideration. Is there leave? The Bill is on Postponed Consideration. Senate Bill 1185, Representative White. We're on State and Local Government - Third Reading. 1185. Mr. Clerk, read the Bill. No. Representative White."

Clerk Leone: "Senate Bill 1185, a Bill for an Act to amend the Illinois Act on Aging. Third Reading of the Bill."

White: "Mr. Speaker and Ladies and Gentlemen of the House, I think I asked for that Bill to be placed on Interim Study Calendar."

Speaker Keane: "Is there leave to place the Bill on the Interim Study Calendar? Is there leave to place the Bill on the Order of Interim Study? Leave and the Bill will be so reported. The Gentleman has filed a Motion to have the Bill tabled. Is there leave? Leave and the Bill will be so reported. Senate Bill 1254, Representative Stange. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1254, a Bill for an Act in relationship to Commercial Driver's Licenses. Third Reading of the Bill."

Speaker Keane: "Representative Stange."

Stange: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 1254, this is probably the most

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comprehensive Commercial Driver's Licensing Act in the country. It strengthens the state licensing and drunk driving penalties for commercial motor carriers, especially truckers, in order to comply with the federal regulations, who are required by Federal Government to implement these Bills. It's...We've had a task force for the last two years looking at truck driver's legislation. We've talked to the many truckers in the Illinois communities; they're all for this Bill. I ask for your favorable vote."

Speaker Keane: "Is there any discussion? Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 111 voting 'aye', none voting 'no', none voting 'present' and Senate Bill 1254, having received the required Constitutional Majority, is hereby declared passed. House Bill 13...or Senate Bill 1374, Representative Munizzi. Out of the record. House (sic - Senate) Bill 1375, Representative Munizzi. Out of the record. House (sic - Senate) Bill 1415, Representative Ronan. Out of the record. House (sic - Senate) Bill 1450, Representative Currie. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1450, a Bill for an Act to amend an Act in relationship to scientific and technological developments. Third Reading of the Bill."

Speaker Keane: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1450, as amended, would create an advisory task force to look at ways in which the advanced photon source energy program at Argonne might be useful to small and middle sized Illinois companies. This is a great new advance in

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energy - technology. It will be developed at Argonne and the Bill proposes that the Governor and the Department of Energy and Natural Resources appoint a task force made up of scientists in the field as well as scientists from academic institutions to find out if there are ways that those new beams can be helpful in making breakthroughs for Illinois companies. I'd be happy to answer your questions and would appreciate your support for Senate Bill 1450."

Speaker Keane: "Any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 109 voting 'aye', none voting 'no', none voting 'present' and Senate Bill 1450, having received the required Constitutional Majority, is hereby declared passed. House Bill...or Senate Bill 1451, Representative Bugielski. Out of the record. We will now go to the Order of Education - Third Reading. First Bill on that Order is Senate Bill 335, Representative Williams. Senate Bill 335, Education. The Bills on this Order are on Third Reading, the Sponsors are Representative Williams, Curran, Hoffman, Curran and Dunn. Representative Williams on Senate Bill 335. Clerk, read the Bill."

Clerk Leone: "Senate Bill 335, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Keane: "Representative Williams."

Williams: "Yes, Senate Bill 335 is a Bill that's been worked out between myself, Illinois Board of Higher Education. It amends the School Code. First, it authorizes grants to school district that provide day care facility or otherwise encourage students who are parents to stay in school. But then...and there was an Amendment added that said that the

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State Board of Education is not required to implement the programs provided unless the funds are appropriated for that purpose by the General Assembly. In addition the Bill adds requirements: The Board of Higher Education shall provide the State Superintendent information on the certification of fact that all districts are offering courses which meet the requirements set by the Illinois Board of Higher Education, and they certify that these schools are now or will be having those programs, at least tell you which programs will be available by the time that the programs will be implemented. I urge for a favorable Roll Call."

Speaker Keane: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Would the...would the Sponsor yield for just a quick question?"

Speaker Keane: "He indicates he will."

Cowlshaw: "Representative, is there any item in any appropriation's Bill this time around for this day care program?"

Williams: "No."

Cowlshaw: "There isn't?"

Williams: "Not to my knowledge, no."

Cowlshaw: "Alright. And you have provided in this Bill that if there is no funding? The State Board of Education is not obliged to go forward with the program, is that correct?"

Williams: "That's what was done by Amendment #1."

Cowlshaw: "Very good. Thank you. To the Bill, Mad...Mr. Speaker. Before the third Amendment of this Bill was adopted today, what this Bill does is to establish that as kind of a goal for us, that school districts would provide day care for children of their students who are parents. And while I think that is a fine idea, the fact is that we

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don't, as the Sponsor has just acknowledged, we don't have the money for that now. It is unlikely we will have the money for that anywhere in the near future. And I think it is really just not very advisable for us to be constantly putting things into the School Code or any other part of the statutes that raise people's expectations, that inadvertently make promises for which we know that we do not have the money. The other portion of this Bill that was just adopted today as Amendment #3, requires the State Board of Education to develop procedures for determining and certifying that all school districts in the state maintaining grades 9 through 12, offer the courses required for admission to higher education. I do not know whether a fiscal note was ever requested on this Bill, but I would certainly be interested in knowing, although it's too late to do that now, what the third Amendment that we just adopted here today would cost the State Board of Education. In addition to which I am not at all certain, but what we are asking the State Board of Education to do something, which it is impossible for it to do. The State Board of Education cannot require a school district to offer a course that may be required for admission to a higher education but is not required in the School Code. The state law does not require that course to be offered by public high schools, and if that is the case, we have asked the State Board to do something for which it does not have the authority and something which I believe would be very costly. Therefore, there being two sections of this Bill. The first one of which makes a promise which we cannot keep now, nor in the foreseeable future, however good the motive, we don't have the money. And the second part of this Bill has a very questionable aspect, in that it asks the State Board to do something that number one, may very

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well be impossible legally or otherwise, and number two, would be costly. And therefore, I believe this Bill should be defeated."

Speaker Keane: "Is there any further discussion? Representative...Representative McCracken."

McCracken: "You won't believe this, but this Bill is so bad that there are some Democrats who are not going to vote with the Sponsor of this Bill. It is that bad. I've heard it. I've heard it and it's been confirmed repeatedly. It's so bad there are Democrats who are not for the Bill. And I think if there are some Democrats that wise, we should support them and oppose this Bill."

Speaker Keane: "Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Representative Williams, would you explain to us one more time, this Amendment that you just put on this Bill today?"

Williams: "Yes. What the Amendment does, my understanding, it does not...it requires the State Board to simply certify that a school board is either offering or not offering certain courses that are going to be required by the Illinois Board of Higher Education in order to then meet the entrance requirements for higher education. It does not require them to actually offer the courses. It does not require them to expend any money towards offering the courses. This is the Illinois Board of Higher Education's Amendment. It does state that they will be given information necessary to make the certification, but other than that it really does nothing. It does not cost anything. It does not...I mean, to the extent it just ask them to certify. It does not in any way or another tell them that it mandates that they actually offer the courses. It says, this school district either offers them or it don't and that's what it says."

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Breslin: "I don't wish to differ with you, Representative. But, you should know that we have an analysis that indicates that the Board of Higher Education cannot implement their higher standards unless it is certified that these course offerings are available in every school district in the state. And that gives me grave concern. The Amendment, I think, is a massive one. It is one that I think, requires further study and I would suggest that maybe you would want to...to clarify these issues before you run with this Bill on Third Reading. Especially since the Amendment just went on a few moments ago."

Williams: "We'll take it out of the record."

Speaker Keane: "The Gentleman asks the Bill to be taken out of the record and it will be taken out of the record. The next Bill is Senate Bill 449, Representative Curran. Out of the record. Senate Bill 960, Representative Hoffman. Out of the record. Senate Bill 1070, Representative Curran. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1070, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Keane: "Representative Curran."

Curran: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1070 provides that if a teacher's certificate has been issued to the same teacher for twenty years, the registration and renewal fees for regular and life certificates shall be waived. I don't think there's any controversy in this legislation. Ask for a favorable Roll Call."

Speaker Keane: "Is there any discussion? If not, the question... Representative Black."

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

Speaker Keane: "He indicates he will."

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Black: "Thank you. Representative, I would agree with you. I don't think there's any major problem about this Bill, but we were asked to bring up one thing by some...some people who are very near and dear to your heart. Those are super...educational region superintendents. They...they have some concerns that by doing this we may deplete the Teacher Institute Fund. Have you given that any consideration?"

Curran: "Well, the Bill was brought to me by teachers and because of that I would...I would presume that there is no real problem there. But there might be some people who would feel that we would lessen it. Certainly, if we give to teachers who have served this state for twenty years a little break, maybe we'd be deleting that fund by just a touch. But since this was brought to us by teachers, I think there's no real problem."

Black: "Alright, thank you very much."

Speaker Keane: "Is there any further discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 108 voting 'aye', 3 voting 'no', 2 voting 'present'. And Senate Bill 1070 having received the required Constitutional Majority is hereby declared passed. Senate Bill 1165, Representative Dunn...Senator Dunn. That Bill has been passed. For purposes...Representative McNamara, for what purpose do you rise?"

McNamara: "Thank you, Mr. Speaker. I'd like to move to waive the posting requirements for House Resolution 532...542 to be heard in Executive Committee on Thursday morning at 10:00. I have both the minority spokesperson and the chairman's agreement to this motion."

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Speaker Keane: "Is there leave? Is there leave to use the Attendance Roll Call? Leave's been granted and the posting has been waived. The next item...the next item we go to is Insurance Bills on Third Reading. The Sponsors are Lang, Shaw and Phelps. On House Bill 577, Representative Shaw. Out of the record. House Bill 1301, Representative Phelps. Out of the record. Senate Bills. The next Order will be Civil Law, Third Readings. First Bill on that Order is Senate Bill 93, Representative Martinez. Out of... out of the record. Senate Bill 129, Representative Satterthwaite. Representative Satterthwaite. Representative Satterthwaite, do you want your Bill heard? Representative Satterthwaite. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 129, a Bill for an Act to amend Acts in relationship to debts incurred by married persons. Third Reading of the Bill."

Speaker Keane: "Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, this is the Bill that designates the responsibility to repay debts. Indicating that the creditor does not have recourse to action against the spouse or the former spouse in a case where there is a debt that has been incurred totally by that one individual that has nothing to do with their family responsibilities. I believe that this is the way most of the courts are already interpreting the law, but this makes it much clearer for the creditors to realize that they have no recourse against the spouse that has not assumed this responsibility. It's a Bill that is supported by the State Bar Association and the Chicago Bar Association. And I move for passage of Senate Bill 129."

Speaker Keane: "Is there...is there any discussion? There being none, the question is, 'Shall...shall...shall Senate Bill 129 pass?' Those in favor vote 'aye', those opposed vote

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'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 114...115 voting 'aye', none voting 'no', 1 voting 'present'. And Senate Bill 129 having received the required Constitutional Majority is hereby declared passed. Senate Bill 603, Representative Countryman. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 603, a Bill for an Act to amend the Business Corporation Act. Third Reading of the Bill."

Speaker Keane: "Representative Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 603 amends the Business Corporation Act. It authorizes the committee of the Board of Directors to set dividends on preferred or special classes of stock, instead of the full board. Authorizes the rate of dividend on preferred shares to be determined on the basis of facts ascertainable outside of the articles of incorporation, but only if in the manner in which such facts are...are to operate upon dividend rate on such preferred or special class shall be clearly and expressly set forth in the articles of incorporation. And I move its passage."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this...Mr. Clerk, take the record. On this Bill there are 117 voting 'aye', none voting 'no', none voting 'present'. And Senate Bill 603 having received the required Constitutional Majority is hereby declared passed. Senate Bill 742, Representative Sutker. Out of the record. Senate Bill 763, Representative Barnes. Senate Bill 763 on the Order of Civil Law. Out of the record. Representative 912...or Senate Bill 912,

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Representative Steczko. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 912, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Keane: "Representative Steczko."

Steczko: "Thank you, Mr. Speaker. I'd ask leave to bring Senate Bill 912 back to the Order of Second Reading for the purposes of an Amendment, please?"

Speaker Keane: "The Gentleman request leave? Is there leave? Leave and the Bill is on Second Reading. Mr. Clerk, are there any Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representative Steczko."

Speaker Keane: "Representative Steczko."

Steczko: "Thank you, Mr. Speaker. Amendment #2 simply makes a further clarification as per the debate that we had on Second Reading last week. And it simply says that the driver of the limousine has to be a driver that has the appropriate qualifications as is determined by the Secretary of State's Office or by that appropriate Section of the Vehicle Code. And I would move for its adoption."

Speaker Keane: "Is there any discussion? The Gentleman has moved the adoption of Amendment #2. All those in favor say 'aye', all those opposed 'no'. The 'ayes' have it. Amendment #2 is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Keane: "Third Reading. The Gentleman asks leave to hear the Bill on Third Reading. Is there leave? Leave. And, Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 912, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Keane: "Representative Steczko."

Steczko: "Thank you, Mr. Speaker, Members of the House. Senate Bill 912 is a Bill that amends the Vehicle Code and it

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exempts a passenger in a limousine from the prohibition regarding the transportation of liquor in a motor vehicle. There was some concerns in the House Judiciary I Committee that limousine was not defined, so we've taken pains to do that. And we have defined limousine to make certain that certain kind of vehicles that have delivery plates now can't utilize the provisions of this Act. I would answer any questions that you would have, if not would appreciate your support for Senate Bill 912."

Speaker Keane: "Any discussion? Representative Mulcahey. Your light's on. Any discussion?"

Mulcahey: "Speaker..."

Speaker Keane: "Representative Mulcahey."

Mulcahey: "I...You said what, Sir? My light was flashing?"

Speaker Keane: "Yes, your...you had your speak light on."

Mulcahey: "Oh, I'm sorry. Well, it's ten 'til five, I'm about a half a quart low, so maybe that's why it was flashing. I didn't know it was on, I'm sorry."

Speaker Keane: "Sorry about...to hear about your problem. Is there any further discussion? If not, the question is, 'Shall this Bill pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Representative Williamson to explain her vote."

Williamson: "Thank you, Mr. Speaker. Because of a conflict of interest, I will be voting 'present'."

Speaker Keane: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill there are 109 voting 'aye', 3 voting 'no', 5 voting 'present'. And Senate Bill 91...912, having received the required Constitutional Majority is hereby declared passed. Senate Bill 929, Representative Cullerton. Out of the record. Senate Bill 1466, Representative Peterson. Out of the record. We will now go to Senate Bills on Third Reading,

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Human Services. The Sponsors on this Call are Bowman, Keane, White, Parke, Flowers, White, Trotter, Woolard, Phelps and Giorgi. On Senate Bill 499, Representative Bowman. Out of the record. Senate Bill 733, Representative McGann. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 733, a Bill for an Act to amend the Illinois Health Finance Reform Act. Third Reading of the Bill."

Speaker Keane: "Representative McGann."

McGann: "Thank...thank you, Mr. Speaker and Members of the Assembly. Senate Bill 733 is an audit commission Bill that audits of the ICARE Competitive Hospital Bidding Program under the Medicaid, are currently conducted under the auspices of the Department of Public Aid. But these efforts are primarily focused on state budget savings. What we are doing here with this is...the...we will be...on the...there's sufficient evidence that the ICARE program has contributed to the financial jeopardy of several hospitals throughout the state. Especially those providing specially(Sic - specialty) services such as pediatric and rehabilitation hospital and trauma care. The Illinois Hospital Association claimed that the hospitals throughout the state are in financial cardiac arrest because of the ICARE and other government assistance programs that are only paying sixty-seven percent of the hospital care. So, what we're doing is requiring the Auditor General to conduct an annual audit program. We're also effective...in a patient access to care. If the standard contract terms are fair and equitable to both parties, it contracts the law to be adhered to by all parties. And I'd ask for a favorable vote. Passed out of the Senate 56 to nothing."

Speaker Keane: "On that...on this issue, Representative Wojcik. Representative Wojcik."

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Wojcik: "Yes, Mr. Speaker, would the Sponsor yield for a question?"

Speaker Keane: "He...he indicates he will."

Wojcik: "Representative, is this already audited?"

McGann: "This...it had been under audit. That's correct. The state portion of the Medicaid."

Wojcik: "I can't hear him."

McGann: "Pardon me, I'm sorry, Representative."

Speaker Keane: "Could we have some order, please? Could we have some order?"

McGann: "The...presently, the...I don't believe that the Auditor General has been conducting this audit, but now this requires the Auditor General to conduct an annual program audit."

Wojcik: "Representative, who does it now?"

McGann: "I believe we're just getting reports, probably from the Medicaid and possibly...it's currently conducted under the Department of Public Aid."

Wojcik: "Representative, the original Sponsor presented the Bill in committee and we asked him a question. And I was just wondering if..."

Speaker Keane: "Would the Sponsor take the Bill out of the record?"

McGann: "I'll take it out of the record."

Speaker Keane: "Thank you."

Wojcik: "Thank you."

Speaker Keane: "Senate Bill 735, Representative White. 735, out of the record. Senate Bill 855, Representative Parke. Out of the record. Senate Bill 1047, Representative Flowers. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1047, a Bill for an Act to amend an Act concerning services provided by local health departments. Third Reading of the Bill."

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Speaker Keane: "Representative Flowers."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 1047 requires local health departments to comply with regulations of the Department of Public Health that would require the provisions of home visitation and other services for pregnant women. And I would urge for the passage of Senate Bill 1047. I'll be more than happy to answer any questions."

Speaker Keane: "Is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor... I'm sorry, Representative Black."

Black: "Thank you very much, Mr. Speaker. Just some questions of the Sponsor."

Speaker Keane: "She indicates she'll yield."

Black: "Thank you. Representative, is this...is this an identical provision that we...that was introduced in the House?"

Flowers: "Yes. It was Representative Currie's Bill, House Bill 2356."

Black: "And what happened to that Bill?"

Flowers: "I think the Bill went into Interim Study. I can't say for sure."

Black: "So you think that Bill was on Interim Study, right?"

Flowers: "Yes, yes."

Black: "Okay. Do you have the fiscal note in your...in your file as to what the Department of Public Health indicated this might cost?"

Flowers: "No, I don't have that fiscal note in my file, but I do know the fiscal note has been filed."

Black: "Alright. Our information estimates that this would cost about 2,860,000 dollars, I, you know, you may disagree with that, but, I just...you know, maybe you could cast some light on why the department opposes this Bill?"

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Flowers: "I have no idea as to the reason why the department may oppose the Bill, but the fact of the matter is that we're talking about people lives here. And you can talk about the fiscal impact of the Bill, but either way, Representative Black, we're going to pay one way or the other. Either we're going to...I don't see the point in us playing with people lives at the cost. This is 1989 and there are twenty-two counties in the State of Illinois that are not being served by the Department of Public Health. Some people have to travel in 1989, hundreds of miles in order to get to a doctor for medical reasons for themselves or while they're pregnant or either for their children. So how much does it cost if they do not get the necessary health treatment that this state should be providing in the first place."

Black: "Well, you know, I understand all that. I have a couple of kids and...daughter's going to be twenty-one here in a few months. So I have some concerns as you do. But let me ask you this, if I understand that what this Bill does...is it...it mandates a service, not...not from the Illinois Department of Public Health, but actually in the various counties public health departments. Isn't that what you're really doing here? Or...or in some cases it might be a local health department?"

Flowers: "Representative Black, I'm glad you brought that up, because technically these are existing services and I'm wondering now if the local health facilities are doing the job in which they are mandated to do."

Black: "Well, you know, I...I...I guess the problem is, I think what we're doing here is we're...we're...we're banging on the local delivery agent and telling the Department of Public Health to make sure that they do that, but at some point, no matter how mercenary or cruel it sounds,

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somebody's got to come up with the money. And my local health department is a little bit concerned that what you're going to do... and they... they run an outstanding women, infants and children's program and they do a super job and they stretch a dollar about as far as anybody can stretch it. But...but they're interpreting this as to be a mandate on a local agency with no, perhaps, no realistic expectation that they're going to get grant dollars to carry this service out. And I guess that's...that's the root of my concern. If you can...if you can enlighten me on that, I'll certainly appreciate it?"

Flowers: "Representative Black, some of this is done through the W.I.C. program and other maternal programs that is a part of this. Also this Bill is consistent with current standards for certified...or to certify local health facilities. The local health departments prescribed by the Department of Public Health, in terms of a basic maternal and child care health program. Also the department indicates that, although some home visits should be a part of a comprehensive prenatal care plan, they are generally not being conducted. Now this is what the department says."

Black: "Okay. I...you know, I understand all that. And as I said, my local health department stretches a dollar further than any agency I've ever seen. And I have no quarrel with what they do, and they do a tremendous job. But I...I would take issue with you in one area. I don't think this program area is required under any current law. I think what you're asking the Department of Public Health to do, is to require this service or to mandate this service, which is not now required under any law that I'm aware of. Is that in affect what you're doing?"

Flowers: "Representative Black, no, it's not required by law, but

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it is required by those local health departments that are certified and the ultimate goal is that all become certified in order to do this."

Black: "Alright, so what...that you what them to do this by administrative rule? I mean, for certification?"

Flowers: "Yes."

Black: "Alright. Now, let me just focus, and again, I...you know, we stand up here and I know sometimes we're made out to be cruel and unfeeling people and that's not the case here at all. But, I can...I can tell you that the administrator of my county health department is going to ask me, and rightfully so, he's going to wave this at me this weekend, and he's going to say, 'Bill, I don't'...you know, we probably should do this. And my county has some pretty high negatives in teenage birth rate and the whole package that we're trying...trying to correct. But he's going to say, 'Bill, where...where do I...how do I pay for it? Are you going to give me the grant money, because I don't see any companion appropriation Bill here?'"

Flowers: "Representative Black, I understand your concern, but also I think there's a bigger concern out there and that's the mothers and the babies. And I would hate for the day to come that a mother would wave a death certificate up and say, 'Why didn't you do this? And why didn't you do that?' Either way it goes, Representative Black, we will eventually pay for it. Either by these kids staying in the hospital for a long term on public aid, by the mother staying in the hospital for a long term on public aid. We cannot continue to exist like this. There are twenty-two counties that are not being served and I wonder what makes those twenty-two counties so different from the rest of this state that they cannot service the children and the women of the State of Illinois."

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Black: "Well, thank you very much, Representative. I appreciate your patience. Mr. Speaker, to the Bill. I think the Representative brings up some points that I...certainly I can't quarrel with. But let me just focus on what I think the issue has to be. No matter how cruel it may sound or uncaring it may sound, and that's not what I'm attempting to do here. Let me just quote to you one thing. This Bill imposes a service mandate on local health departments that you all have back home and it does not appropriate the money for them to carry out the task. Now, that's the dilemma we face here all the time. If we're not going to appropriate the dollars, I don't know how those local health departments can carry out the service. And God knows they carry out the service as effectively as any agency I'm familiar with, and they go the extra mile. But the payroll has to be met, the gasoline has to be put in the cars, the materials have to be there and they have to have an office out of which to work. When it all comes down to it, if we don't give these local health departments the money, they can't carry out the service and that's the only reason that I rise in reluctant opposition to the Lady's Bill."

Speaker Young: "Representative Anthony Young in the Chair. The Lady from Kane, Representative Deuchler."

Deuchler: "Will the Sponsor yield for a question, please?"

Speaker Young: "Indicates she will yield for a question."

Deuchler: "Representative Flowers, I'm wondering, is there any indication on the part of the local health departments as to who they would be serving. I mean, is there a poverty figure or how are they going to determine who will get the home visits?"

Flowers: "Representative Deuchler, we're not changing their way of services right now and to whatever extent people come to

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them needing services, those are the people that would be provided the services. So whatever they're doing now, it would continue to happen."

Deuchler: "But this would provide additional monies that they would be able to access for extended services?"

Flowers: "We would extend the services to those people in terms of a home visit."

Deuchler: "In our analysis, we also are speaking to home visitation and other services to enhance the help of pregnant women, new mothers and infants. What would some of these other services be?"

Flowers: "Those that are currently now being prescribed by the Department of Public Health. Whatever they are."

Deuchler: "Would they be...like, well, baby clinics and immunization and those kinds of services..."

Flowers: "Right...W.I.C. programs, such as that."

Deuchler: "Well, to the Bill. I really do stand very strongly in support. I think it's time that this Legislature starts looking to the needs of children. I think that an agenda needs to be established and we do have some very serious problems. I know in my county we do on the costs for every neonatal case are over twenty thousand dollars. These statistics are simply not acceptable and I know that my health department would be...really thrilled to see this program in place."

Speaker Young: "Representative Flowers to close."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill here implements a recommendation of the National Commission to prevent infant mortality, in which Governor Thompson is a prominent member. Also as far as the Gentleman's concern, as far as the cost is concerned, there are grant monies that will be given to the Department of Public Health and those that do not qualify for the grant,

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it is up to presently now the Department of Public Health to give them that particular funding. And I would truly urge for the passage of Senate Bill 1047, whose time has now come. Thank you."

Speaker Young: "The Lady has moved for passage of Senate Bill 1047. On that question, all those in favor vote 'aye', those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 71 voting 'yes'...Representative Turner votes 'aye'. Representative Shirley Jones votes 'aye'. Have all voted who wish? On this question there are 72 voting 'yes', 44 voting 'no', 1 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. This time we'll go back and pick up Senate Bill 733. Out of the record. Senate Bill 1198, Representative White. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1198, a Bill for an Act to amend the Hospital Licensing Act. Third Reading of the Bill."

Speaker Young: "Representative White."

White: "Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 1198 would require the Department of Public Health to adopt rules and regulations requiring hospitals to offer testing for AIDS...for the AIDS virus to patients upon request. That's basically the Bill. It is noncontroversial. And I move for its passage."

Speaker Young: "The Gentleman has moved for the passage of Senate Bill 1198. On that question, is there any discussion? There being none, the question is, 'Shall Senate Bill 1198 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open. This is final passage. The Gentleman from Lee, Representative Myron Olson. Have all voted who wish? On this question there are 117 voting

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'yes', none voting 'no' and none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill 1302, Representative Trotter. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1302, a Bill for an Act to amend the Family Practice Residency Act. Third Reading of the Bill."

Speaker Young: "Representative Trotter."

Trotter: "Thank you very much, Mr. Speaker, Members of the House. House Bill (sic - Senate Bill) 1302 is another one of those good Bills that came out of the Senate and their prescription for Illinois. This Bill amends the Family Practice Residency Act, which is under auspices of the Department of Public Health. This Act was initially created in 1979, abolished in 1981. Again, came before this Body in 1985. Now today, we're trying to amend this Act to include, along with the physicians, that are practicing in the rural America...in rural or newer Illinois, but to include those nurses and other health care professionals also. In doing that, we asked the Department of Public Health to set up guidelines in which there would be a new repayment schedule which will address those folks, who in the past have reneged on their responsibility once contracted, by upping their repayment fee from three times to five times the amount. We also ask that these dollars that we get from these repayments, that twenty percent of those monies go into the General Revenue Fund, forty percent of those dollars would be deposited in a fund for the Allied Health Care Professional Scholarships, and forty percent of those funds to be used to support those programs specifically created by the Division of Primary Health Care in rural America. I ask you to vote favorably for this Bill, for the people in our rural areas."

Speaker Young: "The Gentleman has moved for passage of Senate

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Bill 1302. And on that question, the Lady from Cook, Representative Wojcik."

Wojcik: "Yes, Mr. Speaker, would the Sponsor yield?"

Speaker Young: "Yes."

Wojcik: "Earlier, we had spoken regarding the Bill, and we had talked about the incentive for these scholarships. What will the price be?"

Trotter: "That has not been ascertained at this point. There is not a fiscal note."

Wojcik: "There is no fiscal impact to this Bill?"

Trotter: "No. It's actually self-sustaining. And with the reimbursement...the dollars have already been mandated in the previous programs. What we're asking is just to expand this program to include these other physicians...these other health care professionals."

Wojcik: "Representative, is this Bill contingent upon the passage of Senate Bill 1301?"

Trotter: "That was part of that package, correct."

Wojcik: "Well, from what I see, Senate Bill 1301 would cost...there's approximately 3.5 million or it could be a...let me see here. It's approximately sixty million in which five percent at 3.5 million will be used to fund the Department of Medical...of Health medical scholarships."

Trotter: "Medical scholarship...on the whole package. Okay, I didn't have that note."

Wojcik: "But there is a fiscal impact to this proposal then?"

Trotter: "Okay, on the whole seven Bill package. Is that 3.5 million inclusive of the whole...the other six or just the one?"

Wojcik: "On 1301 the total impact is sixty-five million, this is only a portion of it."

Trotter: "Right. So, it's for the three. I didn't carry 1301, so I'm not..."

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Wojcik: "Do you know where 1301 is right now? The status of it?"

Trotter: "It came up last...it wasn't called. I believe it's on Third Reading."

Wojcik: "Actually, I think you have it on Consideration Postponed."

Trotter: "Postponement. Is that where it is?"

Wojcik: "Right. So when it comes up, we will be looking at that type of a fiscal impact. Mr. Speaker, I would have to say to the Bill, while the Sponsor is very well-intended, I think that the fiscal impact would be exorbitant and is something that we should probably be looking at to, maybe have a task force or find out how better to help the situation. But I would say that I would have to stand in opposition to this proposal now."

Speaker Young: "Further discussion? The Gentleman from Cook, Representative Trotter to close."

Trotter: "We've, as always here in this...on this floor, have discussed monies. Sometimes things cannot be just put a price upon. We know that this is a multifaceted problem here in the State of Illinois and there has to be multifaceted solutions, are needed to rectify this problem in southern Illinois and in our rural areas in northern areas. We know that the lack of quality health care manifests itself in infant mortality, longer hospital stays, needless deaths and unnecessary pain and suffering. We can rectify that by passing this Bill along with the other six in this program. I ask all for a favorable vote."

Speaker Young: "The Gentleman has moved for the passage of Senate Bill 1302. All those in favor vote 'aye', those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 96 voting

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'yes', 20 voting 'no', 1 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. We will now go to the Order of Banking. We are now going to the Order of Banking. The Sponsors on this Order are LeFlore, Capparelli, Mautino and DeLeo. The first Bill...Banking, Second Reading, Senate Bill 33, Representative LeFlore. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 33, a Bill for...a Bill for an Act to amend Sections of the Foreign Banking Office Act. Second Reading of the Bill..."

Speaker Young: "...Are there any Motions filed..."

Clerk O'Brien: "No Committee Amendments...No Floor Amendments."

Speaker Young: "Third Reading. Senate Bill 100, Representative DeLeo. Representative Churchill on Senate Bill 100. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 100, a Bill for an Act in relation to banks and sales of insurance. Second Reading of the Bill. No Committee Amendments."

Speaker Young: "Are there any Floor Amendments?"

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

Speaker Young: "Representative Parke on Floor Amendment #1."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is an important Bill for both sides on the issue. And in committee this Bill was presented and it left room for misunderstanding. My Amendment in fact, tightens up the Bill. And the Sponsor of the Bill, though he's not here today, said that he was agreeable to having language that in fact, would tighten up this Bill. So in essence, the Bill in its currant form allows any registered firm, which is at a subsidiary of a bank to sell all lines of insurance. The proponents of Senate Bill 100 maintain

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that Senate Bill 100 includes sufficient consumer protections, by including a provision that's separates the banks role as a lender on the one hand and its proposed new role as an insurance provider on the other. So, it simply says in fact, there's two subsidiaries. One, that is the bank itself. The second subsidiary will be the insurance...would have the insurance powers and being able to sell insurance. That is unclear in the Bill. We are going to clarify it. Tighten it up. And it simply says, we prohibit any employee, whether producer or employee to have access to personal files. Personal files, which are so important in the maintaining of an individual's confidentiality, that that person who has the ability to take a loan from a bank, does not have the same authority to sell that person insurance. We just want those Bill... those records that are personal records that the financial institution, the bank has themselves, will not be accessible to any individual in the subsidiary that is selling the insurance. So, I ask for adoption of this important clarification Amendment."

Speaker Young: "The Gentleman has moved for adoption of Floor Amendment #1 to Senate Bill 100. And on that question, the Gentleman from Cook, Representative Keane."

Keane: "Thank you, Mr. Speaker. I stand in opposition to Amendment #1. The Bill as it states says that, no one from a subsidiary, which would be an insurance subsidiary, could have access to bank records. So, this is an unnecessary Amendment. There is protection for the consumer and I would ask my colleagues to vote 'no' on Amendment #1."

Speaker Young: "Further discussion? The Gentleman from Lake, Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I too, rise in opposition to this Amendment. One

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of the things that we have tried to do with Senate Bill 100 is to keep the Bill in its present status and not put any Amendments on it. We put an Amendment on it here, then it's going to have to go back to the Senate and we'll get caught in a ping-pong battle at the end of Session and we don't want to do that. It is my understanding that a question was asked of Representative Capparelli as to whether or not he would be amenable to an Amendment, if there was a problem with the Bill. And I don't believe that there is a problem with the Bill. I think that the Bill in its present form, is very explicit and does provide consumer protection, to which this Amendment adds nothing. In fact, this Amendment detracts from the Bill. The way I read the Amendment, what this does is to say, that other than for credit life, a registered firm could not enter into the practices allowed in this...in the original Bill, which limits this to a degree that would not permit the original Bill to have its full scope. And so therefore, I rise in opposition. To all of those of you who have committed your support to keeping Senate Bill 100 in a clean form, that we can try and pass it out in the next couple of days, I would ask you all to rise in opposition and I would ask for a Roll Call vote."

Speaker Young: "Further discussion? The Gentleman from Will, Representative Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. In all due respect to the previous speaker, there's nothing wrong with Bills being ping-ponged around if the Amendment is a good Amendment. The Amendment addresses the one area of concern for the consumer and that is a little extra pressure, when he applies for a loan that he has to take out the insurance at the bank as well. Banks want to sell insurance, that's okay, but using that little...little separation between

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loaning money and selling insurance is very important. I think this is a very good Amendment. Cleans it up. I think we'd all agree after the Amendment was approved that the Bill could go through."

Speaker Young: "Further discussion? Representative Parke to close."

Parke: "Thank you, Mr. Speaker. I'm kind of disappointed. They...since when can't we clean up a Bill. What is so important to have a Bill in its pristine form? I mean, every day we amend Bills. For somebody to say we just don't want an Amendment, is not good enough. The consumers and citizens of Illinois deserve better. This Amendment is the clarification that the Sponsor agreed to in committee. Though the sponsor is not here to stand and defend that position, he in fact committed to it. And I'm asking this House to help me make sure, that in fact, commitments are fulfilled and that in fact, this is the clarification, the separation between the subsidiary that is going to sale the insurance and the bank that is going to give the loans, that there is a wall of separation. I think this is entirely needed and I ask that this House approve this important Amendment for the consumers of Illinois."

Speaker Young: "The Gentleman has moved for the adoption of Floor Amendment #1 to Senate Bill 100. All those in favor vote 'aye', those opposed vote 'no'. Voting is open. Have all voted who wish? Mr. Clerk, take the record. On this question there are 39 voting 'yes', 61 voting 'no', 7 voting 'present' and the Amendment fails. Further Amendments?"

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

Speaker Young: "Representative Williams on Floor Amendment #2."

Williams: "Yes, Representative...I mean, Amendment #2 deletes the

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authority for an insurance salesman to obtain the information about the customer's loan file from the bank from which he may be housing. The reason is, we believe that the...by obtaining these lists you create an unfair advantage. What in fact occurs, is that the individuals really would be signing a form, in which they won't know that in fact that they're giving this information out. And that it seems, that if in fact they're going to be allowed the advantage of being able to use the banks' customer's list, that that creates an unfair advantage for the other independent agents. And I would urge for an 'aye' vote on Amendment #2."

Speaker Young: "The Gentleman has moved for the adoption of Floor Amendment #2 to Senate Bill 100. And on that question, the Gentleman from Cook, Representative Keane."

Keane: "Thank you, Mr. Speaker. I rise in opposition to Amendment #2. The...There is a prohibition for the insurance branch of a bank to obtain...the broker in the bank to obtain the lists. They are presently...those lists are presently being used by savings and loans, retail merchants, credit unions and so on, but they will not be used and they cannot be accessed by the...if this Bill passes in regard to banks. One of the things that we do want to have though is that when a customer might ask the bank to please let him know when a premium bill is due, that then they can access the banks and send out notifications such as that. But if the consumer does not wish any of his banking records to be made available to the insurance section, they will not, and unless he gives specific authority, they will not. And therefore, I ask for a 'no' vote on Amendment #2."

Speaker Young: "Further discussion? The Gentleman from Lake, Representative Churchill."

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Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I also rise in opposition to this Amendment. If you look at the total Bill and you try and sit down and figure out what are the best parts of this for the consumer, you'll note that you put the power into the hands of the consumer to determine when the records are to be passed out. And what this Amendment does is to take the power away from the consumer, so this is not in the benefit of the consumer. This is in opposition to what the consumer's best benefit is. I rise in opposition. A proper vote, if you...if you have followed this issue and you wish to keep this Bill in its present form, is a 'no' vote. And I would ask all those who support Senate Bill 100 to vote 'no' on this Amendment and I'd ask for a Roll Call vote."

Speaker Young: "Further discussion? The Gentleman from Cook, Representative Parke. Representative Williams to close."

Williams: "Yes, all I want to say is that by supplying these lists, that you give an unfair advantage to the insurance... to the bank that's selling the insurance because what happens is that the independent agents do not have access to these same lists and therefore, it seems that you're giving an unfair business advantage to the banks. I urge an 'aye' vote."

Speaker Young: "The Gentleman moves for the adoption of Floor Amendment #2 to Senate Bill 100. And on that question, all those in favor vote 'aye', those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 39 voting 'yes', 66 voting 'no', 5 voting 'present'. And the Amendment fails. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Young: "Third Reading. Senate Bill 901, Representative

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Mautino. Out of the record. Senate Bill 952, Representative DeLeo. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 952, a Bill for an Act to amend the Illinois Banking Act. Second Reading of the Bill. Amendments #1 and 2 were adopted in committee."

Speaker Young: "Are there any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Young: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative DeLeo and Piel."

Speaker Young: "Representative DeLeo on Floor Amendment #3."

DeLeo: "Mr. Speaker, at this time I would like to table Amendment #1. Amendment #3 is a cleanup Amendment for Amendment #1."

Speaker Young: "The Gentleman has moved to table Floor Amendment #1 to Senate Bill 952. All those in favor say 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is tabled."

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

DeLeo: "Thank you, Mr. Speaker, Members of the House. Amendment #3 would require the commission of banks and trust companies, at the time a bank is chartered to make a determination as to whether or not the name chosen by the new bank would be similar to the existing bank. Amendment #1 would allow assumed names, this will not. However, after the bank is doing business, the bank, upon written notice to the commissioners, authorized to change its name. I'd ask for the adoption of Floor Amendment #3."

Speaker Young: "The Gentleman moves for the adoption of Floor Amendment #3 to Senate Bill 952. On that question, is there any discussion? Hearing none, all those in favor of the adoption of Floor Amendment #3 vote 'aye', those opposed vote 'no'. Have all voted who wish? Mr. Clerk,

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take the record. On this question there are 111 voting 'yes', 1 voting 'no', 2 voting 'present'. And the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Young: "Third Reading. We'll go back now and pick up Senate Bill 901, Representative Mautino. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 901, a Bill for an Act to confirm the validity of the procedures and policies of the commissioner of banks and trust companies. Second Reading of the Bill."

Speaker Young: "Are there any Motions filed?"

Clerk O'Brien: "No Committee Amendments. Floor Amendment #1, offered by Representative Cullerton."

Speaker Young: "Representative Cullerton on Floor Amendment #1."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. In explaining Amendment #1, I have to first explain a little bit about what the Bill does. The Bill deals with shelf charters, which is kind of a new concept in the banking industry. What happened was a number of owners of banks went out and purchased banks that could be found in downstate, primarily. They stripped the bank down to the minimum requirements necessary to own a bank, thus basically just owning a charter. These, by the way were then...and the bank facility that was there was basically sold to some other bank so that they could make it into a...you know, branch. And as a result, the owner had a charter. So, the commissioner of banking issued some ruling that said basically that these charters then could be moved and placed somewhere else. Someone in Chicago, I believe, brought a lawsuit, trying to prohibit this practice. In fact, there were a couple of lawsuits brought and as a result, there were two conflicting decisions in the Circuit Court. The effect of which though, was to say

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that these shell banks cannot be placed anywhere, they are not operable. And so in an effort to bail out, the thirty-two or so shelves, that were purchased by these bankers, this Bill was advanced and amended in the Senate, so as to bail out these people that bought the shelves, but not in effect, let anybody else buy any more. Now, the Amendment deals with the issue as to where they can put these new banks, these new shelf chartered banks. Now, back when we passed the Bills dealing with branch banking, we put into the law a provision that was designed to protect the integrity, if you will, of the home office; by saying that you couldn't put a branch within a mile of the home office bank. And that's in the law right now and that deals with the issue of branches. Now what this Amendment purports to do, is to say that when these owners of these shelf charters want to go and plop their bank down anywhere in Illinois, they have to adhere to the same one mile restrictions that any branch would have. So, that's what the purpose of the Amendment is. I'd be happy to answer any questions. I think it's eminently fair. I'm not saying that I'm opposed to the bail out of the people that bought the shelves. This Amendment doesn't kill the Bill in any way, it just limits where they can locate them. I would point out that once they put these shelves down, if this Amendment wasn't put on the Bill, once they put these shelves down, then they also get to have five more branches. So, we're really talking about six banks being able to be established. One bank plus its branches, wherever they put them. I would also point out that when this Bill was passed in the Senate, Senator Weaver indicated that...in debate that he anticipated that this Amendment was to be added in the House. So it should come as no surprise to the proponents of the Bill. And I would again indicate a

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willingness to answer any questions and ask for your favorable support."

Speaker Young: "The Gentleman moves for the adoption of Floor Amendment #1 to Senate Bill 901. On that question, the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. The Amendment that the Gentleman presented in the back on information, addressed two different situations. Number one, he explained completely the shelf charter provisions that were the discussion and the determination of two different opinions that were provided by the commissioner of banks and trusts as it pertains to those shelf charters. What this Amendment would do though, I think is to...to cause a problem with the thirty-three shelf charter provisions that this legislation addresses. What we're...what the Amendment does, if I remember correctly, is to change that home office provision, John, and I...you can correct me if I'm wrong. Are you expanding that to two and a half from one, are you... you're making it one mile instead of the two and a half provision that's in here. Well, the Amendment as...as presented, takes it back to the one mile provision. We've been working with the commissioner of banks and trusts and the interested banking associations. And I'd like to submit to you the statement of Bill Harris on this question. 'The agency still has some concerns with the Bill in its present form, but they're making progress at resolving the matter. The commissioner has agreed to keep Senate Bill 901 moving and add adjustments to another Bill, which is coming along later.' And I don't know what the number of that is. With that thought in mind and with the discussion of the Senate Sponsor and the community bankers, as well as the IBA...and the...and the Illinois Bankers Association, the community

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bankers, I stand in opposition to this legislation. Would like to see it move along in its current form as amended in the Senate with no other Amendments here in the House. And I thank you."

Speaker Young: "Further discussion? The Gentleman from Cook, Representative Piel."

Piel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Somewhat to reiterate what the previous speaker said. There...Unfortunately, the Sponsor decided to amend his thoughts or his Bill onto somebody else's Bill. I would have asked him to introduce a Bill that takes care of the problem, that his one bank has and let that Bill rise or fall on its own merit. But he sought that to try to amend it onto this Bill, and I would just notify the Members of the House, in case they didn't hear the previous speaker, that the Department...the commissioner of savi...the commissioner of financial institutions is against this Bill...or is against the Amendment and all the banking associations in the state are against this Amendment. And I would ask for a 'no' vote on this Amendment. And I would ask for a Roll Call, Mr. Speaker."

Speaker Young: "Representative Cullerton to close."

Cullerton: "Yes, first of all, let me clear up the confusion that obviously exists among the two previous speakers. This is not a separate Bill designed to help any one banker. This is in reaction to the Bill that's passed the Senate that came over here. The Bill bails out thirty-three people who went out and bought shelves. That's what the Bill does. There's no limit in the Bill as to where they can put these charters. And so the purpose of the Amendment is in reaction to the Bill, which allows them to put these charters wherever they want, even though there's currently restrictions on branches that can't go within a mile of a

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home office of a bank. Now, as far as the commissioner's concerned, I don't know what the commissioner's position is on the Amendment. The commissioner went to the committee and said he was against the Bill. The commissioner went to the committee and said he was against the Bill. So, I suggest that while the commissioner is working on this problem and he's going to come up with a solution, is not accurate at all. With respect to the question raised by Representative Mautino, there's no two and a half mile limit, this is a...the Bill as it passed the Senate, has no limit. They can put...somebody can go down to Rantoul, Illinois, buy a bank, strip it, make it into a shell, bring it up to Chicago and put it right next door to a smaller bank. And then put five branches around it, without any... without regard to the existing law, which is a mile of home office protection. That's what the Amendment's all about. It's basic fairness. It doesn't gut the Bill. You can still add this Amendment and still put...pass the Bill and it'll still bail out thirty-three people who were able to go out and buy shelf charters. And I think it's a fair Amendment and ought to be passed."

Speaker Young: "The question is, 'Shall Floor Amendment #1 to Senate Bill 901 be adopted?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open. Have all voted who wish? Representative DeLeo. Have all voted who wish? Mr. Clerk, take the record. On this question there are 15 voting 'yes', 87 voting 'no', 3 voting 'present'. The Amendment fails. Representative Rice votes 'present' on the Amendment. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Young: "Third Reading. There...there is a request for a fiscal note, which has not been filed. The Bill will remain on Second Reading until the note is filed. We will

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now go back to the Order of Human Services. The last Bill on that Order or the next Bill on that Order would be Senate Bill 1303, Representative Woolard. Representative Woolard, Senate Bill 1303. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1303, a Bill for an Act concerning grants by the Department of Public Health to medically underserved counties. Third Reading of the Bill."

Speaker Young: "The Gentleman from Williamson, Representative Woolard."

Woolard: "Mr. Speaker, Ladies and Gentlemen of the House, what Senate Bill 1303 does, is amends the Civil Code. Authorizes the Department of Public Health to award grants to medically underserved countities...counties for reimbursement of family practice and obste...yeah, whatever...O.B. doctors, medical malpractice insurance premiums. I would move for the adoption."

Speaker Young: "The Gentleman has moved the for the passage of Senate Bill 1303. And on that question, is there any discussion? Hearing none, the question is, 'Shall Senate Bill 1303 pass?' All those in favor vote 'aye', those opposed vote 'no'. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 113 voting 'yes', none voting 'no', 2 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill 1306, Representative Phelps. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1306, a Bill for an Act to improve the delivery of health care services. Third Reading of the Bill."

Speaker Young: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1306 tries to address the medically

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underserved areas in a way of shortages of ambulances for rural areas. One of the realistic ways we know in the rural areas is...to address this is to form regional boards and therefore, try to access grants, perhaps through the Public Health Department, which this Bill would try to provide. Appreciate your favorable support."

Speaker Young: "The Gentleman has moved for the adoption of Senate Bill 1306. On that question, is there any discussion? Hearing none, all those in favor vote 'aye', those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 113 voting 'yes', none voting 'no', 1 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill...Senate Bill 1354, Representative Giorgi. Out of the record. We'll now go to the Order of Criminal Law, Third Reading. Criminal Law, Third Reading. The Sponsors on this Order are Black, Homer, Barnes, Cullerton, Davis, Jones. The first Bill is Senate Bill 125, Representative Black. Out of the record. Senate Bill 126, Representative Homer. Out of the record. Senate Bill 234, Representative Barnes. Out of the record. Senate Bill 302, Representative Cullerton. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 302, a Bill for an Act to amend an Act in relation to criminal identification. Third Read... Third Reading of the Bill."

Speaker Young: "Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. There was a little confusion with regard to these Amendments. We finally, after Representative Black straightened us out, we got the Amendment #4 on the Bill, which was the correct Bill. What this did...what this did

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was to amend the Bill as it passed the Senate to require the Illinois Criminal Justice Information Authority to make available compilations published by the authority of crime statistics, required to be reported by each policing body of the state: the clerks of the Circuit Court of each county, and the Illinois Department of Corrections, sheriff of each county and the State's Attorney of each county including, but not limited to criminal arrest, charge, disposition information. And we also changed the effective date at the request of the Criminal Information Justice...Illinois Criminal Justice Information Authority to July 1st, 1991, to give them enough time to prepare for this new obligation. In committee, we also adopted Amendment #1, which was similar to a House Bill, providing that the Department of State Police shall collect and disseminate information. They already have this obligation now with regard to criminal offenses. This adds sexual orientation and physical handicap amongst those which are currently...they have to compile. The Department of State Police has indicated to me that they believe they do have the necessary federal funds...necessary...I think it's about 450,000 dollars to implement this provision and so they had no opposition to the Amendment. I'd be happy to answer any questions and appreciate an 'aye' vote."

Speaker Young: "The Gentleman has moved for the passage of Senate Bill 302. And on that question, the Gentleman from Will, Representative Petka."

Petka: "Thank you very much, Mr. Speaker. Would the Sponsor yield?"

Cullerton: "Yes."

Petka: "Representative, what is the purpose for placing within this crime reporting section, the sexual orientation of the... of the victim?"

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Cullerton: "The purpose of that Amendment is to add to the list of crimes that we've asked the State Police to compile statistics on, which are based on the motivation of the offender. We've already got in the law, their obligation to, I believe, compile statistics based on race...based...statistics of crime that are based on race or religion. Apparently a lot of crimes are motivated by the offenders...I'm sorry, by the victim's condition, like their national origin or their race or their religion. This just adds sexual orientation and physical handicap. We have found throughout the United States that there are people who are victims of crimes, because of their sexual orientation. A similar Bill is pending in Congress, which has... bipartisan support and it's very similar to this provision. But in answering your question, that's because many people are victims just because of their status."

Petka: "When the police officers are investigating offenses against homosexuals, what criterion will the police officers use in determining what the motivation of the defendant was? Perhaps a sub-part to that question is, will it simply be the statement of the victim that in the victim's opinion that he was a victim...he was victimized because of his sexual orientation?"

Cullerton: "Well, it would depend upon the conditions under which the offense occurred and it ultimately is up to the police officer who writes up the report and he's...the police officer's the one that writes up the report. And the same thing is true now of religion. If you look at the nature of the offense, if someone writes a swastika on a...in a Jewish cemetery, obviously it's the motivation of the offender is based on religion, and so that's in the facts of the report and a similar...type of case by case basis would be applied with regard to sexual orientation."

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Petka: "Well, let's just assume that a person was coming out of a homosexual...a known homosexual bar in the early hours of the morning and was a victim of an armed robbery. Would the offense be listed as primary motivation, armed robbery?"

Cullerton: "No, I don't think so, not based on the facts that you've given. I don't think that would be...that would trigger it. Again, as I indicated, a police officer writes up the report. If the guy just says, 'Look, I was the victim of an armed robbery,' the sexual orientation isn't even going to be known. It's only when there's special circumstances where some epitaph is yelled by the offender, the location could be a factor, but there has to be some evidence...that would trigger it. The same thing is true with regard to physical handicap. Obviously if a person has a physical handicap, that in and of itself isn't going to trigger it, but there might be, unless it's noted in the report that a person has a physical handicap, it wouldn't be...a big factor."

Petka: "Okay, thank you."

Speaker Young: "Further discussion? The Gentleman from Madison, Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. If the Gentleman will yield?"

Speaker Young: "He indicates he will yield for a question."

Stephens: "Representative, I'm interested in how we...how a police officer will determine the...whether this Act will have been violated. How do you determine someone's sexual orientation?"

Cullerton: "Well, as I indicated when I answered the question raised by Representative Petka, it's only when the specific facts of the offense relate to someone's sexual orientation. The same thing is true, the best example I

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can give you is...the current law, which requires the State Police to compile and disseminate information relating to criminal offenses motivated..."

Stephens: "Well, if you don't mind, Representative, could you give me an example under the..."

Cullerton: "I'm sorry, I was right in the middle of a sentence. I'd appreciate it if you would let me finish."

Stephens: "Okay, I thought you...I thought you had reached the period."

Cullerton: "OK, I'm giving you an example. No, I'm giving you an example of how to...in best answering your question, giving an example based on current law. The State Police are to collect and disseminate information relating to criminal offenses motivated by religion. Okay, so a criminal offense..."

Stephens: "Well, I understand how we would determine someone's religion. We would ask them their religion. What I am wondering is if this..."

Cullerton: "No, no...wait a minute. But you don't ask someone..."

Stephens: "Excuse me..."

Cullerton: "...you don't ask someone their religion. If they're the victim of an armed robbery, you don't ask them their religion. It's only when the facts of the case, the particular facts of the case give rise to the inference that the motivation was because of their religion."

Stephens: "Okay, we reached that point where we want to ask them...when we want to ask them...we determine that religion might have something about it, and then we...I understand how we determine someone's religion. I understand how we determine someone's race. What I do not understand is how we determine someone's sexual orientation. Would you please tell me how you do that?"

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Cullerton: "The victim. The victim indicates the sexual orientation."

Stephens: "The victim would tell the State Police, 'I am a homosexual and that's why he beat me up?'"

Cullerton: "They tell the police officer..."

Stephens: "That I am a homosexual...if that's what they thought. Okay."

Cullerton: "That could be the circumstances. Right."

Stephens: "Okay, so if the circumstances are that...that a criminal...not a criminal, but a person gets into an altercation, two guys get into a fight, one guy wins, and a police officer comes along and breaks it up, and the guy says, 'Well listen, I'm a homosexual. If you're going to press charges, this guy accosted me, and by the way, I'm a homosexual'. Would he fall under the realm of this Act?"

Cullerton: "No."

Stephens: "Why not?"

Cullerton: "First of all, you haven't even indicated who the victim is..."

Stephens: "Let's assume that..."

Cullerton: "Maybe the police officer's going to..."

Stephens: "Let's assume that there was an altercation and the police officer determines that one guy got a little too aggressive in this fight, and the guy who's... the one who's getting the heck pummeled out of him, is determined by the police officer to be the victim. So he breaks up the fight, protects the guy that he thinks is the victim in this fight, because he lost it, and then the...he says, 'You want to press charges?' He says, 'Yeah I do. As a matter of fact, I read about this Bill that passed the...almost passed the General Assembly last year, and it...had it passed, I'd...like to at this point, let everybody know that I'm a homosexual'. And would that

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person then fall under your Act?"

Cullerton: "No. If you let me finish a complete sentence, I'll give you a good answer, okay?"

Stephens: "Three quarters."

Cullerton: "What happens is, the police officer determines in writing up a report, whether or not that particular offense was motivated because of the person's sexual orientation. If they determine that, they put that in their report, okay? And that would be a statistic that would be reported by the...compiled by the Department of State Police."

Stephens: "Okay. No, that's not okay, because if when the police officer's writing his report... I mean, he can't just look at a guy..."

Cullerton: "If he doesn't write it down Ron, it's not in it. There's no police report and it doesn't get compiled."

Stephens: "Okay, and what I'm saying is, that what's going to happen in a lot of cases, people are just going to invoke the fact that they...because they are involved in some incident, they're going to say that, 'I'm a homosexual and so I think that this guy should be prosecuted under this part of the Act', and I think that that's a mistake when what we're doing and we've beaten this idea before, as I recall a very similar Bill, House Bill, I don't recall the number, but a House Bill that we dealt with. We beat it before, and I think for good reason, because this is setting a terrible precedent. What we're saying is because of someone's sexual orientation, that they are a chosen minority, and what this is going to lead to...this just opens the door a little bit. And I understand you have good intentions here, but what you're doing is opening the door and where that hallway leads is that someday we're going to have...homosexuals are going to be a chosen minority. Now, I just don't understand the sense in that,

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because someday I can see the Appropriations Committee now...they're going to be coming before us, as I said before, every department's going to have to answer up to this Committee..."

Speaker Young: "Bring your remarks to a close."

Stephens: "For what purpose?"

Speaker Young: "Your five minutes debate time is over."

Stephens: "Oh, okay, that's fair. Thank you, Mr. Speaker. Anyway, it's a terrible precedent to set. We beat the idea before, Ladies and Gentlemen, and I hope that we'll beat this bad idea again today."

Speaker Young: "Further discussion? The Gentleman from Cook, Representative Kulas."

Kulas: "Thank you, Mr. Speaker. I move the previous question."

Speaker Young: "The Gentleman has moved the previous question and the question is, 'Shall the main question be put?' All those in favor say 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the main question is put. Representative Cullerton to close."

Cullerton: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. As I indicated, the Bill has two provisions. The first one as it passed the Senate, dealt with the issue of the compilation of...and publication of annual statistics to be done by the Illinois Criminal Justice Information Authority, with the Amendment that they have agreed to. The second one deals with the Amendment that we have been discussing. All I can do is tell you what the Bill does again since...seems like it hasn't been properly explained. Right now, under current law, the Department of State Police is to collect and disseminate information relating to criminal offenses. That would be for people who have been convicted, when the crime was motivated because of race, color, religion or national origin. All

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this Amendment does is to add to that list sexual orientation and physical handicap. It's not opposed by the State Police, because they've indicated they are going to receive monies to start implementing this Bill from federal funds. A similar Bill is proposed in Congress, is working its way through Congress, requiring the Attorney General to compile these statistics on a national basis. That's offered in the House by...among others, Henry Hyde and in the Senate among others, Oren Hatch. So I don't know why the previous speakers have such a problem with this Bill. It passed 14 to 1 out of Committee. I think they think it's some other kind of Bill, which I'm not sponsoring. So, I think if you just look at the facts of what this Amendment's all about in the Bill, you'll have no problem voting for it. I'd appreciate an 'aye' vote."

Speaker Young: "The Gentleman's moved for passage of Senate Bill 302. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Representative Tate, one minute to explain your vote."

Tate: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In the event this gets the requisite number of votes, I'd ask for a verification. And if you'll look over there, there's a whole lot of empty seats in this gallery right now, so I would ask the Chair to admonish the Members and make sure that they're still voting their own switches."

Speaker Young: "Representative Regan, one minute to explain your vote."

Regan: "Thank you, Madam...Mr. Speaker, Members of the House. Interesting that I'm addressing this issue at this time and make that freudian slip. This is a Bill to protect those that like to cruise. If you heard the term 'cruising', they cruise into a tavern, they cruise into a washroom, and they ask somebody if they're interested, and that

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somebody's not interested, he turns around and he busts them one, and that goes down on a special report. It's ridiculous."

Speaker Young: "The Gentleman from Cook, Representative McNamara, one minute to explain your..."

McNamara: "Thank you, Mr. Speaker. I have filled out this slip and ask that my name be withdrawn as a hyphenated Co-Sponsor of this measure, due to the fact that the Amendment #1 has been just described here as one that I am opposed to. Just thought I'd make that message known, and I will vote 'no'."

Speaker Young: "The Lady from Lake, Representative Stern, one minute to explain her vote."

Stern: "I find it hard to believe the debate that I have listened to on a Bill that deals purely with statistics. That's all it deals with. It doesn't defend cruising. It doesn't protect homosexuals. It doesn't do anything except keep statistics on crime. I think you fellows better analyze what you're talking about, before you vote."

Speaker Young: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 51 voting 'yes', 56 voting 'no', and Representative Cullerton moves for postponed consideration. Representative Cullerton."

Cullerton: "Yes, Mr. Speaker, I'd like to bring that Bill back to Second Reading, for the purposes of removing the Amendment that forced Representative McNamara to remove his name from the sponsorship of the Bill."

Speaker Young: "The Gentleman asks leave to return this Bill to Second Reading for purposes of a Motion. Does he have leave? By use of the Attendance Roll Call, leave is granted. Second Reading. It was on postponed consideration. Yes, he certainly can. Second Reading."

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Read the Bill, Mr. Clerk. I'm told it does not have to be read. What's your Motion, Representative Cullerton?"

Cullerton: "Right, I would move to table Amendment #1 on Senate Bill 302."

Speaker Young: "The Gentleman has moved to table Amendment #1 to Senate Bill 302...and on that Motion is there any discussion? The Gentleman from Madison, Representative Stephens."

Stephens: "What does Amendment 1 do?"

Cullerton: "Well, that was the Amendment that you didn't understand when we debated it on Third Reading. So, I don't think I'm gonna answer your question."

Stephens: "Now, why do you want to remove it?"

Cullerton: "Because Representative McNamara is opposed to it and he was a Co-Sponsor with me on the Bill. So I want to take it off, because he's opposed to it."

Stephens: "Sounds good to me."

Cullerton: "I'll send you a copy."

Speaker Young: "Further discussion? The Gentleman from Cook, Representative McNamara."

McNamara: "Thank you. An explanation of Amendment #1. Amendment #1 is the portion of this Bill that was put on in Committee as far as an Amendment, that described the sexual orientation and that portion that I found difficult. I appreciate Representative Cullerton's acceding to that...to my wishes. I'm happy to support the Bill with the Amendment off."

Speaker Young: "Representative Cullerton moves to table Amendment #1 to Senate Bill 302. On that Motion, all those in favor say 'aye', those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and the Amendment is tabled. Representative Cullerton now moves to return this Bill for immediate hearing on Third Reading. Does he have leave?"

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By use of the Attendance Roll Call, he has leave to return the Bill to Third Reading. The Bill has been read a Third time previously. Senate Bill 302, Representative Cullerton."

Cullerton: "Okay, thank you, Mr. Speaker. This Bill then is...similar to the way the Bill passed as it passed the Senate, dealing with the Department of Criminal...the Illinois Criminal Justice Information Authority shall make available compilations published by the authority of crime statistics required to be reported by each policing body of the state and the effective date would be July 1st, 1991 at their request. That's the change that we've put in Amendment #4 and I would move for passage of the Bill."

Speaker Young: "The Gentleman has moved for passage of Senate Bill 302, and on that question, the Lady from Cook, Representative Pullen."

Pullen: "I'd like to ask...I don't know whether it should be the Sponsor or the Chair, a question relating to Amendment #4, which amends the Bill as amended. And I'm wondering whether that is in order, or whether you should take that off and correct that Amendment."

Speaker Young: "Representative Cullerton."

Cullerton: "I appreciate that comment. I'll check that out. Take the Bill out of the record right now. I'll make sure the Bill's in order."

Speaker Young: "Out of the record. The next Bill is Senate Bill 394, Representative Davis. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 394. a Bill for an Act to amend the Drug Paraphernalia Control Act. Third Reading of the Bill."

Speaker Young: "Representative Davis."

Davis: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Bill 394 removes the language from the State of Illinois

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Drug Paraphernalia Control Act that the Supreme Court ruled to be vague and unconstitutional in the 1987 Supreme Court decision in the Lewis J. Monroe case. This Bill with the Amendment makes it a Class IV felony to sell drug paraphernalia and upon conviction it subjects the seller of such paraphernalia to the same laws that drug dealers are faced with and that's the loss of property or any other assets that are gained from such sales."

Speaker Young: "The Lady has moved for passage of Senate Bill 394. On that question is there any discussion? Hearing none the question is, 'Shall Senate Bill 394 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open and this is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 113 voting 'yes', none voting 'no' and none voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill 613, Representative Jones. Out of the record. Senate Bill 956, Representative Cullerton. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 956, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Young: "Representative Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I feel like my co-sponsor of this Bill is Dolly Holstrom. She's been...former Representative has been working very hard on this issue. This Bill defines mentally retarded and excludes the mentally retarded from those eligible for the death penalty for first degree murder. We made a decision in Committee to place an Amendment on the Bill that will require...that will require the Bill to go back to the Senate, placing the burden of proof on the defendant to prove by a preponderance of the

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evidence that he or she is mentally retarded. The way the Bill passed the Senate, the state had to...had that burden, once the issue is raised by the defendant. As indicated in testimony at the Committee, the definition that is found in this Bill is the same that was found in the federal death penalty statute that was passed dealing with drug dealers only a few years ago and of course, passed unanimously by the Congress and signed by President Bush. The definition has also been adopted in Georgia and, I believe in the State of Maryland. It's a... it is a definition that comes from the American Association of Mental Retardation. I would be happy to answer any questions. I think it's a pretty straightforward issue. It states that there should be a public policy of the state that we not impose a death penalty upon people who are...have mental retardation. Be happy to answer any questions, appreciate your support."

Speaker Young: "The Gentleman has moved for passage of Senate Bill 956. On that question, the Gentleman from Will, Representative Petka."

Petka: "Thank you very much Mr. Speaker, Members of the House. I rise in opposition to this piece of legislation. First of all, I believe that it is an unnecessary piece of legislation. The State of Illinois has had on its criminal statutes for 12 years the Illinois Death Penalty statute. Twelve years after enactment of that legislation, we're still no closer to executing anyone than we were in 1977. I think that if we ever had a situation, which this legislation seeks to encompass, and that is a person who is defined as mentally retarded under the Bill, we would have more than sufficient time, should we find it necessary, to address that issue here in the General Assembly. Second of all, and probably more importantly, the...this type of legislation in my opinion and in the opinion of some others

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who have looked at this, is designed to create mischief with the Illinois death penalty statute. I can simply envision a series of cases which will be filed, with retroactive effect on individuals who are now serving lawfully constituted sentences of death for terribly...for terrible and heinous crimes and we simply do not need any more impediments for the death penalty, which in my opinion is definitely needed in this State. Additionally, this form of legislation will have perspective application and will create unnecessary mischief with individuals who seek to scuttle the application of the death penalty in cases where very heinous crimes will be committed in the future. And for these reasons, I believe that this piece of legislation is a very, very subtle, but yet direct attack upon the death penalty statutes of the State of Illinois and I would urge in the strongest terms the defeat of this legislation."

Speaker Young: "Further discussion? The Gentleman from Champaign, Representative Johnson."

Johnson: "Don't let anybody convince you that this is going to be a Bill that prevents the State from taking the life of poor people who really just don't have the mental capacity to deal with society. That isn't what this Bill does. To begin with, the definition is so vague, notwithstanding that some other states have adopted it, that if you think we've had delays in our death sentence application now, since we've had it since 1976, John Wayne Gacy and all the other notorious killers are still on death row and they'll probably still be there at the turn of the century. This Bill, in its definition and the vagueness contained in this legislation, would allow an innumerable amount of legislation challenging this, trying to fit various people under the application of the Bill and delaying the

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application of the Illinois death penalty statute for another 20 years. In addition to that, don't let anybody tell you that this is going to be simply applied to a first degree murder. Keep in mind that our death penalty Bill is one of the most limited Bills anywhere in the country. We're talking about somebody with sub-marginal intelligence who commits multiple murders. We're talking about somebody with sub-marginal intelligence who kills a policeman in the line of duty or in the course of a rape or armed robbery or another forcible felony commits a heinous murder. So don't let anybody tell you that this is going to have application in some sort of a humane way. It doesn't do that at all. It doesn't do that in any way. And on top of that, if you don't have sufficient intent, if you don't have sufficient mental capacity to form the intent to commit a crime, you're never going to be convicted to begin with. So, I think this Bill takes what I guess is some sort of a worthy idea and turns it topsy turvy and it'll be interpreted and the application of it is going to be a deterrent to an effective criminal justice system in Illinois and I think it's a bad Bill and it's one that ought to be defeated by everybody who believes in a strong effective criminal justice system and a system where law and order prevail, the rates...the rights of the victim prevail or at least are co-equal with the rights of multiple murderers or cop killers."

Speaker Young: "The Gentleman from DeKalb, Representative Countryman."

Countryman: "Well, thank you Mr. Speaker and Ladies and Gentlemen of the House. I stand in support of this Bill and to join my colleague across the aisle in supporting for what are those people who are much less fortunate than us, either by birth or sometime immediately after birth or in the period

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of development these people have become what we commonly refer to as retarded. Now, to listen to my colleague next to me tell you that there isn't an adequate definition of that is just inadequate. There is an adequate definition in this Bill and it's specific, it deals with substantial tests and adaptive behavior manifested during the developmentally period, that's a period prior to the age of 18 years. We've also changed this Bill so the burden is on the defendant to prove it, as opposed to the State to disprove it and that's because of objections that were met with the Committee. Now if you believe that there are those people out there that are less fortunate than us, there are those people out there who don't understand the consequences of their acts because...for whatever reason, God or otherwise, they don't have the intelligence level and the understanding level that we do, then those people should be barred from the fate of the death penalty, then you'll support this Bill. It's a good Bill and I urge your support."

Speaker Young: "Further discussion? Representative Cullerton to close."

Cullerton: "Yes. It's very difficult this evening debating issues when people are apparently talking about other Bills...other than the one that we're debating. The definition that some of the previous speakers have objected to was found in the federal 1988 Drug Abuse Act and it was signed, this identical definition was signed by President Reagan when he passed...or signed the Bill that imposed the death penalty for certain people with regard to drug offenses. So the definition is well accepted. What we're talking about is not the...John Wayne Gacy. He's not mentally retarded. We're talking about people who, from birth, were mentally retarded. Who have to... according to

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the definition...manifest during the developmental period, this mental retardation. And developmental period means the period of growth and maturation prior to the age of 18 years old. We're talking about people who are not getting off from being found guilty. These are people who have been found guilty, but they happen to be mentally retarded. And all we're saying with the Bill is they shouldn't be eligible for the death penalty. Well now, people who are under 18 are not eligible for the death penalty and they might commit a heinous, murderous offense. But we have said it's the public policy of the State of Illinois that we're not going to kill children. People under 18. All we're saying with this is we're going to add to that list, to that classification, someone who is mentally retarded. And they have to have been mentally retarded from birth or evidenced this prior to their 18th birthday and it's the defendant's burden to show that he or she is mentally retarded. And a jury decides whether or not they think someone is mentally retarded and if they've proven that, then the jury says, we can't impose the death penalty. That's what the Bill does. I...I can't understand why we can't just stand up and debate the Bills as they present themselves rather than evoking some names like John Wayne Gacy and suggesting that this is anything other than what it is. It's a very humane, sensible Bill. We should join that progressive state of Georgia who has also passed this Bill and we should join the federal Congress and President Reagan, who has signed a very similar Bill. Appreciate an 'aye' vote."

Speaker Young: "The Gentleman has moved for passage of Senate Bill 956. All those in favor vote 'aye', those opposed vote 'no'. Voting is open, this is final passage. Have all voted who wish? Have all voted who wish? Mr. Clerk

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take the record. On this question there are 92 voting 'yes', 19 voting 'no' and 2 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill 1097, Representative Novak. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1097, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Young: "Representative Novak."

Novak: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1097 developed out of a situation that occurred in the City of Decatur. We've also had problems with the situation with drug houses, crack houses, for those of you...you've heard those terms before. The Criminal Code does not allow for a penalty such as that. And as the Bill progressed through the Judiciary II Committee, we refined the definition of a fortified drug house with the advice and consent of the Illinois State Bar Association and that Amendment tightened up the definition and I'd ask for your support on this Bill. I think it's a good piece of legislation. It's a phenomenon that has developed in the urban areas all over the state and also all over the country. You've read stories in Time magazine about busting the crack houses in Los Angeles and the crack houses in New York City and the City of Chicago and other fortified drug houses where those nefarious individuals manufacture drugs and sell...sell marijuana and other invidious drugs that are hurting our kids and destroying our society. So I think it's a necessary tool that we give to our police agencies around the state to fight these people that are doing...that are perpetrating these crimes. I ask you for the support."

Speaker Young: "The Gentleman moves for the passage of Senate Bill 1097. On that question is there any discussion?"

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Hearing none the question is, 'Shall Senate Bill 1097 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open, this is final passage. Representative Regan, one minute to explain your vote. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 105 voting 'yes', 5 voting 'no' and 5 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill 1179, Representative Countryman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1179, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Young: "Representative Countryman."

Countryman: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1179, as amended, makes it a Class A misdemeanor rather than a Class...makes it a Class A misdemeanor rather than a Class B misdemeanor to be convicted of the offense of reckless driving. We put Amendment in there to solve a problem that Representative Wennlund had pointed out to us and that is a person who drives by and fails to obey the instructions of an official traffic control device or law enforcement officer at a railroad grade crossing controlled by such device or officer is prima facie evidence of willful and wanton disregard for the safety of persons or property and therefor would be prima facie evidence of reckless driving. I move for its adoption."

Speaker Young: "The Gentleman moves for the passage of Senate Bill 1179. On that question is there any discussion? Hearing none the...the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I wasn't going to ask a question, but it sounds like Representative Countryman's

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voice has returned, so I thought I might ask one question, if he'd yield."

Speaker Young: "He indicates he will yield for a question."

Black: "Thank you. Representative, if I understand your Bill... you know, keep in mind I come from a downstate area and we have a lot of rural railroad crossings that are protected by a flasher, and yet they seem to break with some degree of frequency. And a question has arisen if, at a rural crossing, the light is flashing and you can see a mile in either direction and there isn't anything there and so you decide to cross the railroad crossing even though the light is flashing and it just so happens a sheriff's car is coming from the other direction, does that mean you're automatically guilty of reckless driving?"

Countryman: "Well, you aren't automatically guilty of anything. First of all, this came up in Representative Wennlund's district when a truck driver drove a eighteen wheeler around a railroad gate and caused a collision with a metra train and injury to about 78 people, and he came into Committee and what he wanted to do was make it a Class III felony. I personally thought that was a little stiff and suggested some other form of compromise, so when we got to this, I suggested this. And one of the reasons I felt it was stiff is, my office sits right next to the railroad tracks and that problem does occur where the gates go down. I discussed the matter with the local state's attorney in my area as to whether or not that sort of thing would occur, because that's very similar in my district as to what may occur in your district. However, the state's attorney felt that if the individual stopped and determined that there was no train approaching, that that wouldn't be a willful and wanton violation. However, if the individual was going down the road and they saw the train approaching

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or knew that a train may be approaching and decided they were going to step on the accelerator to beat that train, which is what happened in the instance with the truck and the metra train and caused a great deal of damage and injury to a lot of people, certainly there ought to be an offense, and a serious offense for which that person can be charged and that would be this charge of reckless driving."

Black: "Alright. Thank you very much."

Speaker Young: "Further discussion? Representative Countryman to close."

Countryman: "I believe we've adequately explained it. I ask for a favorable vote."

Speaker Young: "The Gentleman moves for passage of Senate Bill 1179. All those in favor vote 'aye', those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 104 voting 'yes', 9 voting 'no' and one voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill 1180, Representative Pullen. Out of the record. Senate Bill 1181, Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1181. A Bill for an Act to amend an Act in relation to electronic criminal surveillance. Third Reading of the Bill."

Speaker Young: "Representative Hoffman."

Hoffman: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1181 implements two JCAR recommendations to the Illinois State Police and the Police Training Board in terms of their responsibility to certify and provide training of electronic criminal surveillance officers. It also puts the State in conformity with federal guidelines as far as electronic

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surveillance is concerned in situations where you're dealing with individuals who are barricaded or you have a hostage or kidnap situation. That's all that the Bill does. With the Amendment that we adopted in the House, the Illinois Bar Association is in support of the legislation, as well as others. I ask for an affirmative vote."

Speaker Young: "The Gentleman has moved for passage of Senate Bill 1181. On that question is there any discussion? Hearing none, the question is, 'Shall Senate Bill 1181 pass?' All those in favor vote 'aye', those opposed vote 'no'. Voting is open, this is final passage. Have all voted who wish? The Gentleman from Cook, Representative Williams to explain his vote."

Williams: "Yes, just briefly to explain my vote. This Bill basically cleans up the eavesdropping statute that we passed last year and makes it a little better than what in fact we had passed in the past."

Speaker Young: "Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 voting 'yes', one voting 'no' and 2 voting 'present'. This Bill having received the required Constitutional Majority is hereby declared passed. Senate Bill 1221, Representative Cullerton. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1221, a Bill for an Act in relation to criminal law. Third Reading of the Bill."

Speaker Young: "Representative Cullerton."

Cullerton: "I'd like to have leave to take this Bill back to Second Reading for the purposes of an Amendment."

Speaker Young: "The Gentleman asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Leave is granted by use of the Attendance Roll Call. Second Reading."

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

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Cullerton."

Speaker Young: "Representative Cullerton on Floor Amendment #1."

Cullerton: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. Amendment #1 was suggested by the state's attorney's office of Cook County. It's an Agreed Amendment. It deals with taking out the words...refers to speech. Speech alone should not be sufficient to support an action under this Section except on a showing that the speech itself, and we remove 'threatens violence' and replace it with language that says, 'is likely to incite imminent lawless action'. I would appreciate a 'aye' vote on the Amendment."

Speaker Young: "The Gentleman has moved for the adoption of Floor Amendment #1 to Senate Bill 1221. On that question, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. And it sounds like an interesting Amendment and...whoops, here it is. I was just going to ask if it had been printed and distributed, and look what just showed up, so thank you very much."

Speaker Young: "Further discussion? Hearing none, the question is, 'Shall Floor Amendment #1 to Senate Bill 1221 be adopted?' All those in favor say 'aye', those opposed say 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Young: "Third Reading. Representative Cullerton now asks leave of the Body for immediate consideration of Senate Bill 1221 on Third Reading. Does he have leave? By use of the Attendance Roll Call, leave is granted. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1221, a Bill for an Act in relation to criminal law. Third Reading of the Bill."

Speaker Young: "Representative Cullerton."

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Cullerton: "Yes. Thank you Mr. Speaker and Ladies and Gentlemen of the House. This Bill is supported by the Cook County States Attorney's office. Amends the Criminal Code and the Code of Corrections and it adds the freedom from violence and enjoyment of legal rights Article to the Criminal Code. And it amends the offense of ethnic intimidation. It changes the factors of aggravation and sentencing and establishes a civil cause of action if a person is subject to harassments due to the factors listed in the ethnic intimidation statute. Increases certain criminal penalties for ethnic intimidation from a Class A misdemeanor to a Class IV felony and if it results in injury it makes it a Class II felony. I would be happy to answer any questions and appreciate an 'aye' vote."

Speaker Young: "The Gentleman has moved for passage of Senate Bill 1221. On that question is there any discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I'm sure the Gentleman wants to move his Bill and he certainly has that right. We'd like to ask him to take it out of the record for a second, as we've had the Amendment for about 45 seconds."

Cullerton: "Okay. Well, I'll tell you what. Instead of doing that, why don't I just explain in answering your question, just look to page 6 of the Bill. The Amendment is really not that difficult to follow. It only takes out...if you read the paragraph on the top of page 6. It says, 'speech alone shall not be sufficient to support an action under Subsection (a) or (b) except upon a showing that the speech itself threatens violence against a specific person or group of persons'. Now, what the states attorney's office did was to take the word 'threatens violence' out, because it might be too vague, and their concern is that this Section might violate some Constitutional provisions

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of freedom of speech and instead we put in 'is likely to incite imminent lawless action', instead of 'threatens violence'. So that's all the Amendment does, and that's the purpose of the Amendment. And when I say it's agreed, there were some concerns raised in Committee about the fact that this Bill might be on, possibly arguably unconstitutional without some Amendment, and it was in response to that Amendment that...in response to that request that the Amendment was prepared. So we just changed 'threatens violence'...it speaks of 'threatens violence', to 'speech which is likely to incite imminent lawless action'."

Black: "Well, I appreciate that and I certainly defer to your legal expertise, but to a layman like me, 'threatens violence' and 'imminent lawless action'...you know, seem equally confusing to me, as far as the definition."

Cullerton: "Well, tell you what. Why don't I take it out of the record and you can read this tonight at home and think about it and maybe tomorrow then maybe you'll feel like it won't be so confusing. And you can talk to the Cook County states attorney's office, they drafted it. Ask them. I don't care. Out of the record."

Black: "Thank you."

Speaker Young: "Out of the record. The Chair recognizes Representative Black for purposes of a Motion."

Black: "Yes. Thank you very much, Mr. Chairman. Pursuant to...or, Mr. speaker, pursuant to rule 74(a), I move to take House Bill 970 from the table and commit to Interim Study and that has been cleared with the...your side of the aisle, Chairman Hannig and it was also cleared, I believe, with Representative Cullerton, earlier in the afternoon."

Speaker Young: "Representative Flinn, for what purpose do you seek recognition?"

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Flinn: "Well, I...as soon as you act on that, I have another one to put on Interim Study."

Speaker Young: "Okay. Representative Black, what was the Bill number?"

Black: "It was House Bill 970. It deals with community antenna television. I believe Chairman Hannig's intent was to put those in a subcommittee and have hearings over the summer and they were tabled according to what he told me this morning, in error, by Democrat staff."

Speaker Young: "Representative Hannig."

Hannig: "Yes, Mr. Speaker. Just to clarify if there's any question, that is indeed the case. We had a...just really a technical problem, I guess. We just had a problem in the Committee and these Bills should not have been tabled. They should have been put on Interim Study."

Speaker Young: "Alright. The Gentleman moves to take House Bill...Senate Bill 970..."

Black: "No, no."

Speaker Young: "No. House Bill 970 from the table and place in Interim Study. Is leave granted? By use of the Attendance Roll Call, leave is granted. Representative Flinn."

Flinn: "Mr. Speaker, I'd like to move to place Senate Bill 1074 on Interim Study. It's on the active Calendar now and I would move to place it on Interim Study. I'm the sole Sponsor of the Bill."

Speaker Young: "The Gentleman moves to place Senate Bill 1074 on Interim Study. Leave is granted by use of the Attendance Roll Call. Representative Piel."

Piel: "Since we're on that order of business, Mr. Speaker, I'm the sole Sponsor of Senate Bill 1125 and I'd like leave of the House to commit that to Interim Study, the House Financial Institutions Committee."

Speaker Young: "The Gentleman moves to put Senate Bill 1125 in

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Interim Study. Is leave granted? By use of the Attendance Roll Call, leave will be granted. We will...If anyone wishes to put a Bill in Interim Study that's on the Calendar, all that's necessary is a slip be filed with the Clerk. That's if it's on the Calendar. We are now going to move all the Bills that are on the Supplemental Agreed #1 list that are on Second Reading to Third Reading. So all the Bills will be read a second time and placed on Third Reading. If any of those Bills require an Amendment, they can be brought back from Third tomorrow. Right now we will read all the Bills a second time. Senate Bill 238, Representative Cullerton. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 238, a Bill for an Act regarding certain aspects of corporations. This Bill's been read a second time previously."

Speaker Young: "Third Reading. Senate Bill 467, Representative Kubik."

Clerk O'Brien: "Senate Bill 467, a Bill for an Act to protect and preserve the taking of aboriginal records. This Bill's been read a second time previously."

Speaker Young: "Third Reading. Senate Bill 494, Representative Giorgi. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 494, a Bill for an Act to amend the Illinois Municipal Code. This Bill's been read a second time previously."

Speaker Young: "Third Reading. Senate Bill 611, Representative Brunsvold."

Clerk O'Brien: "Senate Bill 611, a Bill for an Act to amend the Recreational Use of Land and Water Area Act. This Bill's been read a second time previously."

Speaker Young: "Third Reading. Senate Bill 1311, Representative Granberg."

Clerk O'Brien: "Senate Bill 1311, a Bill for an Act to amend the

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Liquor Control Act. This Bill's been read a second time previously."

Speaker Young: "Third Reading. Senate Bill 14...Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I believe there's an Amendment filed. House...Floor Amendment?"

Speaker Young: "Representative Granberg, you can move the Bill to second tomorrow. Move it back to second. We're placing all the Bills on the Consent Calendar on Third Reading right now."

Granberg: "Okay."

Speaker Young: "Senate Bill 1443, Representative Giorgi. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1443, a Bill for an Act to amend the Intergovernmental Cooperation Act. This Bill's been read a second time previously."

Speaker Young: "Third Reading. By agreement of both sides, we will read all of the Appropriation Bills a second time in Perfunctory Session and hold them on Second Reading. Representative Matijevich now moves that the House stands adjourned until 9:30 in the morning, allowing perfunctory time for reading of Appropriation Bills and for reading of Constitutional Amendments."

Clerk Leone: "Second Reading of Appropriation Bills. Senate Bill 12, a Bill for an Act making appropriations to the Illinois Comprehensive Health Insurance Board, Second Reading of the Bill. Senate Bill 37, a Bill for an Act making appropriations to the Auditor General, Second Reading of the Bill. Continuing with Second Reading of Appropriation Bills. Senate Bill 163, a Bill for an Act to provide for the ordinary expenses of the State Comptroller, Second Reading of the Bill. Senate Bill 184, a Bill for an Act making appropriations for the Department of Commerce and

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Community Affairs, Second Reading of the Bill. Senate Bill 229, a Bill for an Act making appropriations to various State agencies, Second Reading of the Bill. Senate Bill 230, a Bill for an Act making appropriations to various State agencies, Second Reading of the Bill. Senate Bill 278, a Bill for an Act making certain appropriations for education, Second Reading of the Bill. Senate Bill 280, a Bill for an Act making appropriations to certain retirement systems, Second Reading of the Bill. Senate Bill 279, a Bill for an Act making appropriations for state universities civil service systems, Second Reading of the Bill. Senate Bill 281, a Bill for an Act making appropriations to the Board of Governors, Second Reading of the Bill. Senate Bill 282, a Bill for an Act making appropriations to the Illinois State Scholarship Commission, Second Reading of the Bill. Senate Bill 284. Senate Bill 284, a Bill for an Act making appropriations to the Board of Regents, Second Reading of the Bill. Senate Bill 285, a Bill for an Act to provide for the ordinary and contingent expenses of Southern Illinois University, Second Reading of the Bill. Senate Bill 286, a Bill for an Act making appropriations to the Illinois Community College Board. Second Reading of the Bill, Senate Bill 288, a Bill for an Act making certain appropriations to the Board of Trustees, Second Reading of the Bill. Senate Bill 328, a Bill for an Act making appropriations to various state agencies, Second Reading of the Bill. Senate Bill 329, a Bill for an Act making appropriations to various state agencies. Second Reading of the Bill, Senate Bill 401, a Bill for an Act making appropriations to the Illinois Arts Council, Second Reading of the Bill. Senate Bill 404, a Bill for an Act making appropriations to the Capitol Development Board, Second Reading of the Bill. Senate Bill

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405, a Bill for an Act making appropriations to the Capitol Development Board, Second Reading of the Bill. Senate Bill 406, a Bill for an Act making appropriations for the permanent improvements, Second Reading of the Bill. Senate Bill 408, a Bill for an Act making appropriations to the Civil Service Commission, Second Reading of the Bill. Senate Bill 409, a Bill for an Act making appropriations to the Illinois Commerce Commission, Second Reading of the Bill. Senate Bill 410, a Bill for an Act making appropriations to the Court of Claims, Second Reading of the Bill. Senate Bill 411, a Bill for an Act making appropriations to the State Emergency Services and Disaster Agency, Second Reading of the Bill. Senate Bill 412, a Bill for an Act making appropriations to the Department of Energy and Natural Resources, Second Reading of the Bill. Senate Bill 413, a Bill for an Act making appropriations to the Department of Financial Institutions, Second Reading of the Bill. Senate Bill 414, a Bill for an Act making appropriations to the Office of the Governor, Second Reading of the Bill. Senate Bill 415, a Bill for an Act making appropriations to the Governor's Health and Physical Fitness Council, Second Reading of the Bill. Senate Bill 416, a Bill for an Act making appropriations to the Historic Preservation Agency, Second Reading of the Bill. Senate Bill 417, a Bill for an Act making appropriations to the Department of Human Rights, Second Reading of the Bill. Senate Bill 418, a Bill for an Act making appropriations to the Human Rights Commission, Second Reading of the Bill. Senate Bill 420, a Bill for an Act making appropriations to the Industrial Commission, Second Reading of the Bill. Senate Bill 421, a Bill for an Act making appropriations to the Department of Insurance, Second Reading of the Bill. Senate Bill 422, a Bill for an Act making appropriations to

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the Judicial Inquiry Board, Second Reading of the Bill. Senate Bill 423, a Bill for an act making appropriations to the Liquor Control Commission, Second Reading of the Bill. Senate Bill 424, a Bill for an Act making appropriations to the Local Labor Relations Board, Second Reading of the Bill. Senate Bill 425, a Bill for an Act making appropriations to the Local Governmental Law Enforcement Officers Training Board, Second Reading of the Bill. Senate Bill 426, a Bill for an Act making appropriations to the Department of Mines and Minerals, Second Reading of the Bill. Senate Bill 427, a Bill for an Act making appropriations to the Pollution Control Board, Second Reading of the Bill. Senate Bill 428, a Bill for an Act making appropriations to the Department of Professional Regulation, Second Reading of the Bill. Senate Bill 429, a Bill for an Act making appropriations to the Property Tax Appeal Board, Second Reading of the Bill. Senate Bill 430, a Bill for an Act making appropriations to the Office of Public Counsel, Second Reading of the Bill. Senate Bill 431, a Bill for an Act making appropriations to the Illinois Racing Board, Second Reading of the Bill. Senate Bill 432, a Bill for an Act making appropriations to the Department of Revenue, Second Reading of the Bill. Senate Bill 433, a Bill for an Act making appropriations to the Office of State Fire Marshal, Second Reading of the Bill. Senate Bill 434, a Bill for an Act making appropriations to the State Labor Relations Board, Second Reading of the Bill. Senate Bill 435, a Bill for an Act making appropriations to the Department of Transportation, Second Reading of the Bill. Senate Bill 436, a Bill for an Act making appropriations to the Department of Transportation, Second Reading of the Bill. Senate Bill 437, a Bill for an Act making appropriations to the Department of Aging,

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Second Reading of the Bill. Senate Bill 438, a Bill for an Act making appropriations to the Department of Children and Family Services, Second Reading of the Bill. Senate Bill 439, a Bill for an Act making appropriations to the Department of Corrections, Second Reading of the Bill. Senate Bill 440, a Bill for an Act making appropriations to the Health Care Cost Containment Council, Second Reading of the Bill. Senate Bill 441, a Bill for an Act making appropriations to the Department of Mental Health and Developmental Disabilities, Second Reading of the Bill. Senate Bill 442, a Bill for an Act making appropriations to the Department of Public Health, Second Reading of the Bill. Senate Bill 443, a Bill for an Act making appropriations to the Department of Rehabilitation Services, Second Reading of the Bill. Senate Bill 461, a Bill for an Act making appropriations to the Comptroller, Second Reading of the Bill. Senate Bill 462, a Bill for an Act making appropriations to the Capitol Development Board, Second Reading of the Bill. Senate Bill 463, a Bill for an Act making appropriations to the Department of Alcoholism and substance Abuse, Second Reading of the Bill. Senate Bill 728, a Bill for an Act making appropriations to the Office of State Treasurer, Second Reading of the Bill. Senate Bill 1164, a Bill for an Act making appropriation funds in relationship to Build Illinois programs, Second Reading of the Bill. Senate Bill 1166, a Bill for an Act making appropriations to the Attorney General, Second Reading of the Bill. Senate Bill 1190, a Bill for an Act making appropriations to the Department of Transportation, Second Reading of the Bill."

Clerk O'Brien: "Introductions, First Reading of Constitutional Amendments. Constitution...House Joint Resolution Constitutional Amendment #12 offered by Representative

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RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least six months after the adoption of this resolution, a proposition to repeal Sections 8 and 12 of and to amend Sections 7, 10, 11, 13, 14, 15 and 16 of and to add Sections 11.1, 11.2 and 12.1 to Article VI of the Constitution, the amended and added Sections to read as follows: The State shall be divided into Judicial Circuits consisting of one or more counties. The First Judicial District shall constitute a Judicial Circuit. The Judicial Circuits within the other Judicial Districts shall be as provided by law. Circuits composed of more than one county shall be compact and of contiguous counties. The General Assembly by law may provide for the division of a circuit for the purpose of selection of Circuit Judges and for the selection of Circuit Judges from the circuit at large. Each Judicial Circuit shall have one Circuit Court with such number of Circuit Judges as provided by law. Unless otherwise provided by law, there shall be at least one Circuit Judge from each county. Circuit Judges in each circuit shall select by secret ballot a Chief Judge from their members to serve at their pleasure. Subject to the authority of the Supreme Court, the Chief Judge shall have general administrative authority over his court, including authority to provide for divisions, general or specialized, and for appropriate times and places of holding court.

SECTION 10. TERMS OF OFFICE

The initial term of each Judge appointed to office under Section 11.1 shall be until the first Monday in December following the third general election after his or her appointment. Thereafter, if retention in office pursuant to the provisions of Section 12.1 the term of office for all Judges shall be 10 years.

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The terms of office of Supreme and Appellate Court Judges shall be ten years; of Circuit Judges, six years; and of Associate Judges, four years.

SECTION 11. ELIGIBILITY FOR OFFICE

No person shall be eligible to be a Judge unless he or she is a United States citizen, a licensed attorney-at-law of this State, and a resident of the unit which selects him or her. No change in the boundaries of a unit shall affect the tenure in office of a Judge incumbent at the time of such change.

SECTION 11.1. SELECTION OF JUDGES

Supreme, Appellate and Circuit Judges shall be appointed by the Governor from nominees submitted by Judicial Nominating Commissions, except when appointed by the Supreme Court in accordance with subsection (e) of this Section.

The office of a Judge shall be vacant upon his or her death, resignation, retirement, removal or upon conclusion of a term without retention in office, or whenever an increase in the number of Judges is authorized.

As soon as a vacancy occurs in the office of the Judge or will occur within 6 months by a day certain, the Administrative Director of the Illinois Courts shall promptly notify the Chairman of the appropriate Judicial Nominating Commission, who shall immediately convene the Commission.

Within 42 days after the receipt of such notice of a vacancy, the Commission shall submit to the Governor a list of 3 nominees in alphabetical order, who are recommended for appointment by the Governor. For the purposes of this Section, "recommended for appointment" means persons who by their character, background, temperament, professional aptitude, experience and commitment to justice are deemed by the Commission to be best qualified to fill the vacancy. The selection of Judges for appointment by the Governor of this State shall be from among those persons best qualified to hold judicial office in this State. All such

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qualified persons shall have the right to be considered for selection by a Judicial Nominating Commission free from discrimination on the basis of race, color, creed, national ancestry or sex. The Commission may not include on a list a nominee who is on another list then pending before the Governor or the Supreme Court pursuant to subsection (e) of this Section to fill a vacancy in the same judicial office. The function of a list shall terminate upon the making of the required appointment therefrom.

Immediately upon receipt of a list, the Governor shall make it public. Not fewer than 28 nor more than 56 days after the receipt of a list, the Governor shall appoint therefrom a person to fill the vacancy. If no appointment is made by the Governor within 56 days, the Commission shall immediately submit the list to the Supreme Court, which shall make the appointment from the list within 28 days from its receipt.

A person appointed to fill a vacancy pursuant to this Section shall serve an initial term equal to the term specified in Section 10.

The office of Associate Judge is abolished and all Associate Judges in office as of the effective date of this Amendment shall assume the office of Circuit Court Judge. Retention procedures for such Judges shall be pursuant to the provisions of Section 12.1. The term of all such Judges, except for those in the Cook County Circuit, shall conclude on the first Monday in December following the next general election. The term of such Judges in the Cook County Circuit shall conclude pursuant to the following provisions:

The Administrative Director of the Illinois Courts shall forthwith divide such Judges into 3 groups, by lot, equal in number as near as may be, with terms to expire as follows:

Group 1 on the first Monday in December after the next general election following adoption of this Amendment.

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Group 2 on the first Monday in December after the second general election following adoption of this Amendment.

Group 3 on the first Monday in December after the third general election following adoption of this Amendment.

SECTION 11.2. JUDICIAL NOMINATING COMMISSIONS

There shall be a Judicial Nominating Commission in each Judicial District for the nomination of Judges for the Supreme and Appellate Courts for that District and a separate Judicial Nominating Commission for the nominating of Circuit Judges for each Circuit.

Each Judicial Nominating Commission shall consist of 11 members, 6 non-lawyers and 5 lawyers, all of whom are residents of the appropriate District or Circuit.

Three of the non-lawyer members of each Judicial Nominating Commission shall be appointed by the Attorney General and 3 by the State official or officer first in the order indicated who was elected to office and not affiliated with the same political party as the Attorney General: the Secretary of State, the Comptroller, the Treasurer, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives.

The lawyer members of each Judicial Nominating Commission shall be selected by secret ballot, without political party or other designation, by those lawyers who are admitted to practice and reside in Illinois and whose principal office is in the appropriate District or Circuit, in such manner as provided by Supreme Court Rule.

Upon appointment of the initial non-lawyer members of each Judicial Nominating Commission, the Attorney General shall divide the appointees by lot into 3 groups equal in number as near as may be with one of his appointees in each group, and shall by lot designate the groups to serve initial terms of 2, 4 and 6 years respectively. The initial lawyer members of each Judicial

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Nominating Commission shall also be divided by lot into 3 groups equal in number as near as may be, and the groups shall by lot be designated to serve initial terms of 2, 4 and 6 years respectively, all in such manner as provided by Supreme Court Rule. Thereafter the terms of all Commission members shall be 6 years.

A vacancy in the non-lawyer membership of a Judicial Nominating Commission shall be filled for the unexpired term or for a full term, as the case may be, by the Attorney General if qualified by being affiliated with the same political party as the official who had appointed the person whose vacancy is to be filled, otherwise by the elected State official who is so qualified and first in the order indicated in subsection (c) of this Section. A vacancy at the end of a term in the lawyer membership of a Judicial Nominating Commission shall be filled by election as set forth in subsection (d) of this Section. A vacancy for an unexpired term in the lawyer membership of a Judicial Nominating Commission shall be filled by the first eligible lawyer who received the next highest vote total in the election preceding the time that the vacancy occurs. That lawyer shall serve for the remainder of the unexpired term. In the event that no lawyer is eligible to fill a vacancy, the Supreme Court shall appoint the lawyer member for that vacancy.

The Chairman of each Judicial Nominating Commission shall be selected by vote of all the members of the Commission. The term of a Chairman shall be 3 years unless his or her remaining term as a member of the Commission expires sooner.

Any person who holds any office under the United States or this State or any political subdivision or municipal corporation or municipality or unit of local government of this State and receives compensation for services rendered in such office, or who holds any office or official position in a political party, shall be ineligible to serve on a Judicial Nominating Commission.

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Compensation for service in the State militia or the armed services of the United States for such period of time as may be determined by Supreme Court Rule shall not be considered a disqualification. No member of a Judicial Nominating Commission may be appointed to judicial office while serving on the Commission or for a period of 3 years thereafter.

A member having served a full term of 6 years on a Judicial Nominating Commission may not serve on a Commission during the next 3 years. No person may serve on more than one judicial Nominating Commission at the same time.

The Commissions may conduct such investigations, meetings and hearings, all of which may be secret, and employ such staff members as may be necessary to perform their duties. Members of the Commissions shall not receive any compensation for their services but shall be entitled to reimbursement for necessary expenses. The General Assembly shall appropriate funds to the Supreme Court for such reimbursement and for all other administrative expenses of the Commissions.

Nominations shall be submitted to the Governor only upon concurrence of not less than 3/5 of all members of the Commission. All lawyer and non-lawyer members of each Judicial Nominating Commission shall be subject to ethics and economic disclosure requirements as provided by law, and lawyer members shall be subject to campaign financing disclosure requirements as provided by law.

SECTION 12.1. JUDICIAL RETENTION PROCEDURES

In each Judicial District a Judicial Review Commission shall be created and empowered to determine qualifications for retention of Supreme and Appellate Judges and in each Judicial Circuit at least one Judicial Review Commission shall be created and empowered to determine qualifications for retention of Circuit Judges. A separate Judicial Review Commission shall be empanelled for every 40 Judges who have filed a declaration of candidacy for retention

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under subsection (g). The Administrative Director of the Illinois Courts shall divide the candidates by lot into equal groups and shall by lot designate the groups for assignment to each Judicial Review Commission.

The members of a Judicial Review Commission shall be appointed or elected as provided by subsections (c) and (d) of Section 11.2 with respect to members of a Judicial Nominating Commission.

The terms of all members of a Judicial Review Commission shall begin 6 months before the general election in each year in which a general election is held, and shall expire on the first Monday in November of the same year. Appointments and elections to a Judicial Review Commission may not take place earlier than 45 days before the term is to commence.

A vacancy in the membership of a Judicial Review Commission shall be promptly filled as provided in subsection (f) of Section 11.2 with respect to vacancies on a Judicial Nominating Commission.

Judicial Review Commissions shall be governed by the provisions of subsections (b), (g), (h) and (j) of Section 11.2 with respect to Judicial Nominating Commissions, as well as by this Section.

A person having served on a Judicial Review Commission may not serve on a Judicial Review Commission during the next 8 years. A person who has served on a Judicial Nominating Commission may not serve on a Judicial Review Commission for a period of 8 years thereafter. No person may serve on a Judicial Nominating Commission while serving on a Judicial Review Commission.

Not less than 10 months before the general election next preceding the expiration of the term of office of a Supreme, Appellate or Circuit Judge, he or she may file in the office of the Secretary of State a declaration of candidacy for retention in that office. Any Judge who holds office pursuant to appointment by the Supreme Court to fill a vacancy prior to the effective date of this Amendment shall not be eligible for retention in the office to which he or she was appointed. Such Judge shall be eligible for

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selection pursuant to Section 11.1. The Secretary of State shall, within 14 days of receipt of such declaration of candidacy, submit the Judge's name to the Administrative Director of the Illinois Courts who shall certify the number of Judicial Review Commissions which are necessary. Not more than 6 months before the general election next preceding the expiration of the term of office of such Judge, the Administrative Director of the Illinois Courts shall notify the Chairman of the the appropriate Judicial Review Commission of the Judge's candidacy. The Chairman shall then promptly convene the Commission.

If by concurrence of not less than 3/5 of its members the Commission finds the candidate to be qualified to serve another term, the candidate shall be retained in office for a full term commencing on the first Monday in December following the election. The standard for determining qualifications to serve another term shall be the same used to determine whether a person shall be recommended to fill a vacancy pursuant to subsection (d) of Section 11.1. Not less than 84 days before the election the Commission shall prepare and submit to each candidate its finding as to whether the Commission finds or fails to find that candidate qualified to serve another term. Not less than 77 days before the election the Commission shall submit to the Secretary of State a list stating by name:

which candidates it has found qualified to serve another term;
which candidates it has failed to find so qualified; and
which candidates have withdrawn their candidacy by written notification to the Commission.

A Judge who has failed to be found qualified for retention by a Judicial Review Commission shall have the right to stand for retention by the electorate at the general election. Such Judge shall file in the office of the Secretary of State, not less than 65 days before the election, a declaration of candidacy for retention by the electorate. Not less than 63 days before the

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election, the Secretary of State shall certify the Judge's candidacy to the proper election officials. At the election the name of each such Judge who has timely filed a declaration of candidacy for retention by the electorate shall be submitted to the electors, separately and without party designation, on the sole question of retention in office for another term. Retention elections shall be conducted at general elections in the appropriate Judicial Districts and Circuits. The affirmative vote of 3/5 of the electors on the question of retention shall elect a Judge to that office for a full term commencing on the first Monday in December following the election.

A Judge eligible to file a declaration of candidacy for retention who fails to do so within the time herein specified, or having filed, fails of retention, shall vacate the office on the first Monday in December following the election, whether or not a successor shall yet have qualified. If an incumbent Judge, eligible to do so, does not timely file a declaration of candidacy for retention, the selection of a successor, if any, shall proceed immediately in the manner provided in Section 11.1 so that the successor may take office as soon as a vacancy occurs.

An authorized reduction in the number of Judges shall be without prejudice to the right of Judges in office at the time to seek retention in accordance with the provisions of this Section. The reduction shall become effective when a vacancy occurs in the affected unit.

SECTION 13. PROHIBITED ACTIVITIES

The Supreme Court shall adopt rules of conduct for Judges.

Judges and Associate Judges shall devote full time to judicial duties. They shall not practice law, hold a position of profit, hold office under the United States or this State or unit of local government or school district or in a political party. Service in the State militia or armed forces of the United States for periods of time permitted by rule of the Supreme Court shall not

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disqualify a person from serving as a Judge.&tf SECTION 14.

JUDICIAL SALARIES AND EXPENSES - FEE OFFICERS ELIMINATED

Judges shall receive salaries provided by law which shall not be diminished to take effect during their terms of office. All salaries and such expenses as may be provided by law shall be paid by the State, except that Appellate and, Circuit Judges shall receive such additional compensation from counties within their district or circuit as may be provided by law. There shall be no fee officers in the judicial system.

SECTION 15. RETIREMENT - DISCIPLINE

The General Assembly may provide by law for the retirement of Judges at a prescribed age. Any retired Judge, with his consent, may be assigned by the Supreme Court to judicial service for which he shall receive the applicable compensation in lieu of retirement benefits.

A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge is physically or mentally unable to perform his duties.

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All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.

The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.

A Courts Commission is created consisting of one Supreme Court Judge selected by that Court, who shall be its chairman, two Appellate Court Judges selected by that Court, and two Circuit Judges selected by the Supreme Court. The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or for willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge who is physically or mentally unable to perform his duties.

The concurrence of three members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

The Commission shall adopt rules governing its procedures and shall have power to issue subpoenas. The General Assembly shall provide by law for the expenses of the Commission.

SECTION 16. ADMINISTRATION

General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at

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its pleasure, to assist the Chief Justice in his duties. The Supreme Court may assign a Judge temporarily to any court. The Supreme Court shall provide by rule for expeditious and inexpensive appeals.

SCHEDULE

If approved by the electors, this Amendment shall take effect the next day following proclamation of the result of the vote, except that, to provide time for thoughtful compliance, Judicial Nominating Commissions shall be empanelled by the following April 1st and the Administrative Director of the Illinois Courts shall not certify any judicial vacancies until the following July 1st. A vacancy occurring in any judicial office may be filled, until the following July 1st, as provided in Section 12(c), Article VI, of the Constitution adopted in 1970 effective July 1, 1971, but only for a term ending upon the selection of a Judge to fill the vacancy pursuant to Section 11.1. There being no further business the House will now stand adjourned."

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