

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

136th Legislative Day

January 9, 1989

Speaker McPike: "The House will come to order. The House will come to order. The Chaplain for today is Father Anthony Tzortzis from Saint Anthony's Hellenic Orthodox Church in Springfield. Father Tzortzis is a guest of Representative Hasara. Guests in the balcony may wish to rise and join us in the invocation."

Father Tzortzis: "In the name of the Father, and of the Son and of the Holy Spirit, Amen. Glory to Thee, oh our God, glory to Thee. Oh heavenly king and comforter, the Spirit of truth who are everywhere present and feeleth all things. The treasury of the blessings and giver of life. Come and dwell in the hearts, minds and souls of our State Representatives and of all loyal officers of our country. Purify them from every stain and provide goodness to save their souls. Amen. Have a Happy New Year, all of you. God bless you. Thank you."

Speaker McPike: "We'll be led in the Pledge of Allegiance by Representative Ropp."

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

Speaker McPike: "Roll Call for Attendance. Representative Piel."

Piel: "Thank you, Mr. Speaker. Would the record show that Representative Hensel is excused today?"

Speaker McPike: "Representative Currie."

Currie: "Thank you, Mr. Speaker. Representative Martinez is excused today because of official business."

Speaker McPike: "Representative Martinez, Mr. Clerk. The Clerk will take the record. One hundred and fourteen Members answering the Roll Call, a quorum is present. Speaker Madigan in the Chair."

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Speaker Madigan: "Ladies and Gentlemen, if we could have your attention. We're very privileged today to have with us the starting quarterback for the University of Notre Dame. Standing over here on the Democratic side, Mr. Tony Rice. Tony Rice. At this time we have with us a new State Representative and we will now proceed to the induction of Representative Woolard. Could I have your attention? Representative Woolard will be sworn into office by Judge Scott of the Circuit Court of Sangamon County. Judge Scott."

Judge Scott: "Thank you, Mr. Speaker. Step over and raise your right hand. I, state your name."

Woolard: "I, Larry D. Woolard..."

Judge Scott: "...do solemnly swear..."

Woolard: "...do solemnly swear..."

Judge Scott: "...that I will support the Constitution of the United States..."

Woolard: "...that I will support the Constitution of the United States..."

Judge Scott: "...and the Constitution of the State of Illinois..."

Woolard: "...and the Constitution of the State of Illinois..."

Judge Scott: "...and that I will faithfully discharge..."

Woolard: "...and that I will faithfully discharge..."

Judge Scott: "...the duties of the Office..."

Woolard: "...the duties of the Office..."

Judge Scott: "...of Representative in the General Assembly..."

Woolard: "...of Representative in the General Assembly..."

Judge Scott: "...for the Eighty-Fifth General Assembly..."

Woolard: "...for the Eighty-Fifth General Assembly..."

Judge Scott: "...from the Eighty-Fifth Representative District..."

Woolard: "...from the Eighty-Fifth Representative District..."

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Judge Scott: "...to the best of my ability."

Woolard: "...to the best of my ability."

Judge Scott: "Congratulations."

Woolard: "Thank you. It is indeed an honor for me... It is indeed an honor for me to be with you today. Speaker, fellow Legislators—I say that with pride—my family, my wife, my mother, my children. I would like to tell you that, as most new Legislators, I know very little about the task that I'm about. But I do have one strong desire and that desire is to please my family and especially my Lord as I seek to do the will of those that I love so dearly. I hope that in a very short period of time I will earn your respect. Thank you very much. We're also inviting all of you, those in the gallery as well, to a reception at the Econo Lodge at five o'clock this evening. Thank you."

Speaker McPike: "Mr. Doorkeeper, would you observe that there are signs in the balcony. The individuals that have signs in the balcony...those are against the rules of the House. We would ask that you not display them. Anyone displaying signs in the balcony will be removed from the balcony. Mr. Doorkeeper, can you see to this? Representative Ryder in the Chair."

Ryder: "Thank you, Representative McPike. Today it's my pleasure to bring with you some students from my district that represent all of you. We have a Resolution that we're going to ask Tony to read. Tony, please."

Clerk Leone: "Senate Joint Resolution, sponsored by Representative Ryder."

'WHEREAS, The Illinois School for the Deaf in Jacksonville was founded in 1839 through an Act of the Illinois General Assembly and is strongly supported with continuing annual support from this body; and

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WHEREAS, On February 23, 1989, the Illinois School for the Deaf will celebrate its Sesquicentennial; and

WHEREAS, Since the school's establishment during the pioneer days of the State, the Illinois School for the Deaf has pursued the goal of meeting the educational, communication, vocational and related developmental needs of eligible school age residents of the State of Illinois who are handicapped by deafness; and

WHEREAS, The Illinois School for the Deaf, located in Jacksonville, has a 150 year long history as the State of Illinois' public statewide Elementary, Junior High, and High School residential resource for deaf children and youth; and

WHEREAS, Since 1846, when the doors of Illinois School for the Deaf were first opened, more than 12,000 students have attended the school and later gone on to higher education and ventured forth directly in to American society as self-sufficient, productive workers and contributing citizens, in part due to an education staff of high quality and integrity; and

WHEREAS, The school offers information and referral, educational and related support services to parents of deaf infants and preschool children; and

WHEREAS, The school provides informational outreach services to assist the public and other professionals who work with deaf children throughout the State of Illinois; and

WHEREAS, The focus of the program at the Illinois School for the Deaf is the development of a well-rounded, capable, independent, and educated individual taught and counseled through a high quality, multi-talented professional and para-professional dedicated staff; and

WHEREAS, The State of Illinois is proud of its state

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residential school for deaf children, one of the oldest and finest in the world; therefore be it

RESOLVED, BY THE SENATE OF THE EIGHTY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE CONCURRING HEREIN, that we congratulate the Illinois School for the Deaf on the 150th Anniversary of its founding; and that we commend the school for its service in the development of excellence in a comprehensive, quality residential and day school for the deaf; and be it further

RESOLVED, That a suitable copy of this preamble and resolution be presented to the Illinois School for the Deaf.'

Ryder: "Thank you, very much. The Illinois School for the Deaf is our school. It is the only school in this state supported by the state and educates students from all over the state. Over 12,000 students. Students from your district and my district have gone to school at Illinois School for the Deaf. Next month it will celebrate 150 years of existence. It's one of the oldest and we think one of the finest institutions of it's kind in the nation. With us today are some folks representing that school. We have a nine year old student, Beth, and a sixteen year old student, Beth. Robert is fourteen. Howard Wall, a teacher. Betty Wiley, a dorm supervisor. Judy Pierce, the assistant superintendent at Illinois School for the Deaf. We have an interpreter, Becky Dobson. Additionally, we have representatives from the Department of Rehabilitation Services, Charlie Martin and the Director, Phil Bradley. We also have Mayor Foreman, who is the Mayor of Jacksonville. Throughout the years, the Illinois General Assembly has generously supported the Illinois School for the Deaf. And the Illinois School for the Deaf has supported the State of Illinois by producing graduates that have gone on to be self-supporting, well educated members

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of our community. One hundred and fifty years of service is a long time for any kind of institution. Today I'm proud to present this Resolution and to present these people in honor of their 150 year celebration. That celebration will continue for several months. It's one of the reasons that I am sporting the whiskers that I show today. I have asked each of you to write a letter of support for the School for the Deaf and we would ask for those to be sent as part of their celebration. And now without further explanation I would ask that this Resolution be unanimously passed. Being so, we thank you again for the opportunity to honor your school, the Illinois School for the Deaf. Thank you."

Speaker McPike: "Representative Homer on the floor? Mr. Clerk."

Clerk O'Brien: "Supplemental Calendar #1 is being distributed."

Speaker McPike: "Supplemental Calendar #1 appears a Motion on Senate Bill 1915 by Representative Homer. Representative Homer."

Homer: "Thank you, Mr. Speaker. I would at this time move to take the Bill from the table and would also ask to suspend the appropriate rule so that the Bill can be heard immediately."

Speaker McPike: "The Gentleman moves to take Senate Bill 1915 from the table, suspend Rule 37(g) and place on the Order of Third Reading. Gentleman asks leave to use the Attendance Roll Call. Is there any objections? Hearing none, leave is granted, Attendance Roll Call is used. The Motion carries. Mr. Clerk, what's the status of the Bill?"

Clerk O'Brien: "The Bill appears on the Calendar on the Order of Third Reading."

Speaker McPike: "The Gentleman asks leave to return the Bill to Second Reading for purposes of an Amendment. Leave is granted. The Bill is on Second Reading. Are there any

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Amendments?"

Clerk O'Brien: "Floor Amendment #9, offered by Representative Homer and McPike."

Speaker McPike: "Representative Homer, Amendment #9."

Homer: "Thank you, Mr. Speaker, Ladies and Gentlemen. Amendment #9 simply would do exactly what Senate Bill 1626 did when we passed it last spring. It went to the Governor. He amendatorily vetoed the Bill. We would add Amendment #9 which would simply do what Senate Bill 1626 did with the Governor's Amendatory Veto. It concerns the 'IRAP' Bill. It's a very important Bill for energy assistance for low income households and I would urge your favorable support for this measure."

Speaker McPike: "The Gentleman moves the adoption of Amendment #9. Is there any discussion? Being none, the question is, 'Shall Amendment #9 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it, the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Gentleman asks leave to suspend the appropriate rules so that the Bill can be heard on Third Reading at this time. Are there any objections? Hearing none, the Attendance Roll Call will be used. The Bill's on Third Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1915, a Bill for an Act to amend the Energy Assistance Act. Third Reading of the Bill."

Speaker McPike: "Representative Homer."

Homer: "Thank you, Mr. Speaker. The Amendment became the Bill and it would... it's involving 'IRAP' 12% affordable energy program. I would ask for your support for the Bill."

Speaker McPike: "The Gentleman moves for the passage of Senate Bill 1915. Is there any discussion? There being none, the question is, 'Shall Senate Bill 1915 pass?' All in favor

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vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. The guests in the balcony will note once again that demonstrations are not allowed on this House floor. Senate Bill 1915 having received...On this Bill there are 114 'ayes', no 'nays', none voting 'present'. Senate Bill 1915, having received the Constitutional Majority is hereby declared passed. Representative John Dunn. A Motion on Senate Bill 1214. Representative Dunn."

Dunn, J: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Out of a sense of extreme modesty, I move that we take Senate Bill 1214 from the table."

Speaker McPike: "The Gentleman moves to suspend Rule 79(d) and (e) and place on the Calendar on the Order of Nonconcurrency. Are there any objections to the Gentleman's Motion? Hearing none, the Attendance Roll Call is used and the Motion carries. Representative Dunn. The Bill is on the Order of Nonconcurrency."

Dunn, J: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I now move that the House nonconcur with the Senate Amendments on Senate Bill 1214. Or... recede from the House Amendments, I guess, and ask that a Conference Committee be appointed."

Speaker McPike: "The Gentleman refuses to recede from the Amendments adopted and has requested a Conference Committee Report...I'm sorry. The Chair stands corrected. The Gentleman has asked for a Conference Committee. All in favor of the Gentleman's Motion say 'aye', opposed 'no'. The 'ayes' have it. The House refuses to recede and a Conference Committee will be appointed. On the Order of Concurrence, Supplemental #1, appears House Bill 3355. Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. I would

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move to concur with Senate Amendment #1 to House Bill 3355. Senate Amendment #1 deleted everything after the enacting clause of the Bill and it changed the law as it relates to discontinuation of townships within certain counties. Current law provides for a 5% petition minimum. Senate Amendment #1 provides for 10% and also provides a requirement that those petition signatures are gotten within 90 days of the last day...of the last day for filing for petitions and also includes such a provision in the circulator's statement. I would move for the adoption, Mr. Speaker...the concurrence in Senate Amendment #1 to House Bill 3355."

Speaker McPike: "The Gentleman has moved to concur in Senate Amendment #1 and on that the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Mr. Speaker. I rise in support of the concurrence. As it's final action, I thought it would be wise for someone from this side of the aisle to get up. This is the township petition requirement that is being changed from 5% to 10%. I rise in support of the Bill."

Speaker McPike: "Further discussion? The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3355?' All in favor of the Motion vote 'aye', all opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 112 'ayes', no 'nays', none voting 'present'. The House does occur... concur with Senate Amendment #1 to House Bill 3355 and this Bill having received the Constitutional Majority is hereby declared passed. On page four of the Regular Calendar under Motions appears House Bill 3083. Representative Brunsvold is recognized for a Motion."

Brunsvold: "Thank you, Mr. Speaker. I would like to withdraw that Motion."

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Speaker McPike: "The Gentleman withdraws the Motion. Agreed Resolutions."

Clerk O'Brien: "House Joint Resolution 227, offered by Representative Ryder. 228, Representative Novak. House Resolutions 1969... 1970, Granberg. 1971, Panayotovich. 1972, McGann. 1973, McGann. 1975, Terzich. 1976, Black. 1978, Johnson. 1981, Johnson. 1983, Rice. 1984, Anthony Young. 1985, Anthony Young. 1986, Panayotovich. 1987, Ryder. 1989, Rice. 1990, Daley. 1991, Black. 1992, Hartke. 1994, Daniels. 1995, Daniels. 1997, Churchill. 1998, Matijevich. 1999, Novak. 2000, Novak. 2001, Novak. 2002, Black. 2003, Harris. 2004, Speaker Madigan, Keane and McGann. 2005, Panayotovich."

Speaker McPike: "Representative Matijevich."

Matijevich: "Speaker, Ladies and Gentlemen of the House, these are all Agreed and I would move the adoption. By the way, amongst the Agreed Resolutions are farewell and good luck to our Members: Ray Christensen, Sam Panayotovich and Fred Tuerk. I didn't see John O'Connell's here.... O'Connell's here, but we want to wish them good luck and we've really enjoyed being with them. But I move the adoption of the Agreed Resolutions."

Speaker McPike: "The Gentleman moves the adoption of the Agreed Resolutions. All in favor say 'aye', opposed 'no'. The 'ayes' have it, the Agreed Resolutions are adopted. Death Resolutions."

Clerk O'Brien: "House Resolution 1974, offered by Representative Morrow with respect to the memory of Doctor Ellsworth E. Hasbrouck, Senior. House Resolution 1977, offered by Representative LeFlore with respect to the memory of Stonewall Jackson. House Resolution 1979, offered by Representative Johnson with respect to the memory of John Lewis Heller. House Resolution 1980, offered by

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Representative Johnson with respect to the memory of Vernon E. Strough. House Resolution 1982, offered by Representative Morrow with respect to the memory of Mrs. Opal Hines Johnson. House Resolution 1988, offered by Representative Matijevich with respect to the memory of Marion Graves. House Resolution 1996, offered by Representative Daley with respect to the memory of Susan Rogers Keenan. House Resolution 2006, offered by Representative Morrow with respect to the memory of Betty Thompson Watkins. House Resolution 2007, offered by Representative Daley with respect to the memory of Martha DiCaro of Chicago."

Speaker McPike: "Representative Matijevich moves for the adoption of the Death Resolutions. All in favor say 'aye', all opposed 'no'. The 'ayes' have it, the Death Resolutions are adopted. Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, I would ask that the... we have unanimous consent and use of the Attendance Roll Call for that purpose so that the Rules Committee can meet at two p.m. while the House is in Session to hear the two Bills that are posted on the Calendar. We will meet in the Speaker's Conference room at two p.m."

Speaker McPike: "Are there any objections to the Motion? Hearing no objections, Attendance Roll Call will be used. Appropriate rules are waived and the Rules Committee will meet at two p.m. immediately behind the House chamber. The House will stand at ease."

Speaker Giglio: "Ladies and Gentlemen, I have the distinct honor to have with us the former Dean of the House, former Representative Larry DiPrima, who's also the chief liaison for the Veterans Affairs of the State of Illinois, would like to wish everybody a most healthy and Happy New Year

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for 1989. Larry, thanks to you for coming. Committee Reports."

Clerk O'Brien: "The Committee on Rules has met and pursuant to Rule 29(c)3, the following Bills have been ruled exempt on January 9, 1989. Senate Bills 1, 2, 3 and Senate Bill 208. Signed, John Matijevich, Chairman."

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

Parke: "Thank you, Mr. Speaker. I inadvertently was off the floor when House Bill 3355 was called and unfortunately missed the Roll Call. I would like the record to reflect that had I been here I would have voted 'yes' for this legislation. Thank you, Mr. Chairman."

Speaker Giglio: "Mr. Clerk, let the record so indicate. Ladies and Gentlemen, may I have your attention? The Clerk has an announcement."

Clerk O'Brien: "The group pictures, like the picture in front of me here of the House Members are available. Those people that have ordered them, they can pick them up in my office, Room 115. Those that have ordered them framed, the framing is finished and they're in my office, so you can stop by Room 115 and pay for them and pick them up there. I have extra pictures they sent to me if anybody didn't order one. There are a few extras available."

Speaker Giglio: "Representative Johnson."

Johnson: "I'm just wondering if...if I get a free picture or a free discount for... for what is without any question the worst picture that's ever been taken of me, which is probably a benefit to humanity. But anybody go down and look at the picture, they ought to give me two or three for Christmas. Have you asked them about that?"

Speaker Giglio: "Representative Leverenz."

Leverenz: "I have an inquiry of the Chair."

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Speaker Giglio: "Proceed."

Leverenz: "Now?"

Speaker Giglio: "Not now. Representative Leverenz."

Leverenz: "I have an inquiry of the Chair."

Speaker Giglio: "Proceed."

Leverenz: "Now?"

Speaker Giglio: "Now. Now is the time to make the announcement that the..."

Leverenz: "Now?"

Speaker Giglio: "...Supplemental Calendar is being put together and we expect things to reach the House floor and proceed with the business of the House and probably adjourn before five o'clock. So everybody could have dinner and return tomorrow at a reasonable hour to conduct the business of the House tomorrow and prepare for the inauguration for the Members of the Eighty-Sixth General Assembly on Wednesday. Representative Parke."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, since we're standing at ease and everything's sort of on hold, I might want to remind everybody that tonight from five to seven at Play It Again Sam's the Illinois commercial fishermen are going to be having a reception, so if you have a chance, you might want to stop in and see what they have to say."

Speaker Giglio: "One more time... Is Representative Daley in the chamber? Representative Daley in the chamber? Representative Daley? Oh, he is. Would you come to the podium, please? Mr. Clerk for an announcement."

Clerk O'Brien: "Supplemental Calendar #2 has been distributed."

Speaker Giglio: "Is Representative Steczo in the chamber? Representative Steczo? Would you kindly come to the podium, please? Representative Matijevich."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House, I

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would like to ask leave and use of the Attendance Roll Call to suspend the rule whereby a committee cannot meet while the House is in Session and the rule posting notice so that Senate Bill 998 and Senate Bill 1377 can be heard in the Rules Committee meeting... meeting at this time in the Speaker's Conference Room. I understand this has been cleared with the other side of the aisle."

Speaker Giglio: "You've heard the Gentleman's Motion. All those in favor say 'aye'...'nay'. In the opinion of the chair the 'ayes' have it and the Gentleman's Motion carries. Representative Steczo. Representative Steczo in the chamber? Will you kindly come to the podium, Sir? Ladies and Gentlemen, will you welcome a former Member of the Illinois General Assembly and now a member of the Board of Trustees for the University of Illinois, Mr. Boyle. Kenny Boyle. House will come to order. Supplemental Calendar #2 appears House Bill 3024 on Motions. Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. I would move to suspend Rule 79(d) and (e) and place on the Calendar on the Order of Conference Committee Reports House Bill 3024. House Bill 34...3024...the Conference Report to House Bill 3024 will be a measure dealing with the Private Detective Act and it tries to update something we tried to do in House Bill 1279, but unfortunately ran out of time. I would ask for a favorable vote. This is an opportunity, Mr. Speaker, to at least allow a vote on the substance of the issue."

Speaker Giglio: "You've heard the Gentleman's Motion. On that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Would the Sponsor yield?"

Speaker Giglio: "He indicates he will."

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McCracken: "Can you tell us what the substance of the Bill will be if this Motion's successful? I mean, if you're not successful, this Bill will die and so it will go to a...be a standard Bill next Session, which will go through the process. Can you tell us what the underlying Bill is about?"

Steczo: "What it does, Representative McCracken, it provides that an individual who is licensed both as a private detective and a private security contractor would have up until 30 days from the effective date of the Act to apply for a li...a license as a private alarm contractor and would be required to pay all the fees, et cetera, et cetera, in line with that."

McCracken: "Alright. Well, I know the Gentleman was over talking about this matter and we didn't have a position for him at that time. Our position is at this time that there is no reason to take such an extraordinary step in support of this particular measure and I object to the Motion to take from the table. Ask for a Roll Call vote."

Speaker Giglio: "Gentleman asks leave to take it out of the record. Representative Steczo on House Bill 3024."

Steczo: "Thank you, Mr. Speaker. I'd make the same Motion."

Speaker Giglio: "Gentleman moves to take Bill... House Bill 3024 from the table and suspend Rule 79 and place on the Calendar for the Order of Conference Committee Report. Does the Gentleman have leave by the Attendance Roll Call? Hearing none, leave is granted. Senate Bill 123, Representative Giorgi."

Giorgi: "Mr. Speaker, so that we could get Senate Bill 123 Conference Report moving, I'd like to move to suspend Rule 79(d) and (e) and place on the Calendar on the Order of Conference Committee Reports."

Speaker Giglio: "You've heard the Gentleman's Motion. The

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Gentleman moves to suspend Rule 79(e) and place on the order of Senate Bill 123 the Calendar for the Order of Conference Committee Report. Representative... Representative Giorgi, just take this out of the record for a moment. On the order of Concurrence on Supplemental Calendar #2 appears House Bill 1279, Representative Steczo."

Steczko: "Thank you, Mr. Speaker. I would move to concur with Senate Amendment #1 to House Bill 1279. Senate Amendment #1 deletes everything after the enacting clause and does three specific things. First of all, it places into the Bill answers to the Governor's objections to the Fire Equipment Distributor and Employee Regulation Act. That is one that was heard a couple of weeks ago. In addition to that, we discussed in early December, questions related to fire protection districts and there were certain objections that the Governor had and there were certain objections that were discussed regarding pipe and various other matters. The language contained in this Amendment answer all those objections. The questions about pipes that were relevant a few weeks ago are no longer in the Bill so that becomes a moot issue as well. It does provide, however, that all unprotected areas of unincorporated portions of counties less than 500,000 be eligible for assignment of fire protection coverage from fire protection districts. It's a very, very important provision for downstate individuals. And lastly, Mr. Speaker, the provision that we just dealt with in House Bill 3024 is also contained in this Amendment but provides for a window of January 15th, 1979. By the nature of our action on this legislation so late in the Session, that question is moot. I would answer any questions, Mr. Speaker, or if not, ask for concurrence in Senate Amendment #1 to House Bill 1279."

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Speaker Giglio: "You've heard the Gentleman's Motion. Any discussion? The Gentleman from DuPage, Representative McCracken."

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

Speaker Giglio: "He indicates he will."

McCracken: "Part of this Bill at one time allowed a tax increase without a referendum to offset a district's revenue loss. Is that still in the Bill?"

Steczo: "In the fire protection district section?"

McCracken: "Right."

Steczo: "Representative...Representative Hannig, who is the original Sponsor of the Bill informs me that there never was a tax increase without a referendum in there. If you can point out the provision to me, I would..."

McCracken: "Okay. Isn't there a disconnection and a...I'll ask Representative Hannig, is he there? Isn't there a disconnection provision here that is made operative under certain facts when a municipality is involved? And if that's the case, is there...is there in the Bill the right of the fire protection district to increase a levy without a referendum to offset that loss? Am I on the wrong Bill or something?"

Speaker Giglio: "Representative Hannig, do you want to respond?"

Hannig: "Representative, could you ask that question again, I'm not sure I'm following your inquiry?"

McCracken: "Our analysis indicates that as it passed the House, this Bill would allow a fire protection district to increase its taxes...tax rate without a referendum in order to offset a revenue loss as a result of disconnection. And that disconnection is in only a certain instance, apparently when land is annexed by a municipality that surrounds the fire protection district. Is that..."

Hannig: "Representative, as I look at the analysis in the digest,

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apparently that was House Amendment #4, and quite frankly I can't speak to whether or not that part of the Bill was retained in this Conference Committee Report or not. I do know that the part that I was trying to address with the fire protection did not have a tax increase without referendum. Perhaps our Democratic staff over here could help us as to the final position of this House Amendment #4."

McCracken: "Okay."

Speaker Giglio: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker. In reviewing Amendment #1, I can see no mention anywhere of that type of an arrangement."

McCracken: "Alright, as far as the security firms, the substance of this Amendment relative to that subject is different than that found in 3024. One has a window of opportunity till January fifteenth and the other one 30 days after enactment of the Bill into law, is that right?"

Steczko: "Representative McCracken, yes. By the nature of the fact that the window in this Amendment is January fifteenth, 1989 and it is highly unlikely that this Bill will pass, be enrolled and engrossed, sent to the Governor and acted upon by January the fifteenth. Highly unlikely. That question, in essence, is moot. So if the Governor signs the Bill, the window probably would be closed by the time he got it."

McCracken: "What's the effective date of the Bill as amended, is it immediate?"

Steczko: "There are certain sections, Representative, which take effect July first of 1989 and other sections that take effect upon becoming law."

McCracken: "Is this particular section in which the language found one of those immediate effective date sections?"

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Steczo: "On the Private Detective Act?"

McCracken: "Yes."

Steczo: "It would be immediate."

McCracken: "Alright. And this would be final action. The Bill would go to the Governor from this vote, right? Cause we're concurring in a Senate Amendment."

Steczo: "We're concurring in a Senate Amendment, so it would be final action, but just to reiterate the fact that...that it's highly unlikely that the Governor would receive the Bill and act upon it by the window date, so...so in essence, that one provision means nothing."

McCracken: "Okay. Thank you."

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

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

Speaker Giglio: "Indicates he will."

Black: "Thank you. Representative, you mentioned, I think, early on that this Bill picked up some of the Governor's objections to what I believe appeared in House Bill 917, which was the Fire Equipment Distributor's Bill. Is that correct?"

Steczo: "That's correct. It is...the Governor...the Governor's objections have been complied with, with the language included in this Amendment."

Black: "Could you...could you just refresh our memory as to the objections that the Governor had on that Bill?"

Steczo: "What I will do is, if...with leave of the Chair is... is ask Representative Brunsvold to answer that question since he was the original Sponsor."

Black: "Be fine. Thank you."

Speaker Giglio: "Representative Steczo to close. Brunsvold. Representative Brunsvold, do you want to answer?"

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Brunsvold: "Thank you, Mr. Speaker. Representative Black, the Bill, when it went to the Governor's desk was changed and there were 29 changes made in the Bill. Now that resulted in a meeting between the original Sponsors of the Bill and the objectors to the Bill. After those 29 objections were written in by the Governor, I contacted both sides and from that point on, as it sits now, it's an agreed Bill between both sides. Now I don't recall all the 29 changes, but they did go through, make those changes and the Bill was agreed to by both sides."

Black: "Thank you. I...just to refresh my memory, because we had had this argument and discussion out in the hall, Representative Brunsvold, we did...we did, I think, even before it got to the Governor's desk take out reference to anyone who sells fire extinguishers at retail, did we not?"

Brunsvold: "Right. Right. Exactly. The objections you had were addressed in the Bill."

Black: "Fine. Fine. Appreciate your answer. Thank you."

Speaker Giglio: "Further discussion? Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. Just to reiterate, the sections which relate to fire protection districts, the sections which relate to the Fire Equipment Distributor and Employee Regulation Act are noncontroversial. They answer all the objections that the Governor made. They answer any objections that Members had when...when those issues were discussed in November and early December. The last part which we'll probably be dealing with tomorrow on House Bill 2034...3024, rather, is actually moot at this time. I think that we've managed to accomplish something in the fire protection district section and the fire equipment distributor section that will ultimately be to the benefit of all the citizens of the State of Illinois. And for those citizens downstate in

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Illinois, especially those sections relating to fire protection district and coverage for their particular areas, I think, are critically important and I would move for concurrence in Senate Amendment #1 to House Bill 1279."

Speaker Giglio: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1279?' This is final action. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Speaker, take the record. Mr. Clerk. On this question there are 111 voting 'yes', 3 voting 'no', 1 voting 'present' and the House does concur with Senate Amendment #1 to House Bill 1279 and this Bill having received the Constitutional Majority is hereby declared passed. Representative Giorgi. Representative Giorgi on a Conference Committee Report. Senate Bill 43. Representative Giorgi."

Giorgi: "Mr. Chairman...Mr. Speaker, would you please call Mr. Gene Hoffman? He's available on the floor on this Bill."

Speaker Giglio: "Representative Hoffman, the Gentleman from DuPage, on Senate Bill 43."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 43, as amended, really only makes four changes to the current legislation. Number one, it provides that local school districts will be able to access the Response Action Contractors Indemnification Act which currently covers only state contracts. What this does is, it allows school districts to access the Response Action Contractors Indemnification Act which is going to save the school money because of the cost of liability insurance for asbestos purposes. What this does is provide that, as we do for state projects, they will be allowed to contribute 5% of the cost of the job and that will cover the asbestos

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liability part of the ... of the program, as opposed to between ten and twelve percent if you go out to get asbestos liability insurance, assuming that you can get it. Secondly, it codifies the opinion of the State Board of Education's legal department that the life safety code tax can be used for asbestos related projects. The legal department of the State Board of Education has already ruled that asbestos...the cost for asbestos abatement inspection and of development of management plans is, in fact, a life safety issue and that tax can be used for it. It also provides that the Department of Public health will promulgate rules to comply with the Federal Asbestos Hazard Emergency Response Act, AHERA, which was passed in 1986, and will provide that the federal rules and regulations will be adopted by the Department of Public Health pursuant to this Act so that we're not going to end up with two different sets of regulations. Fourthly, it provides that if a school district is bonded up to its level of indebtedness, up to six percent of its assessed valuation, for asbestos purposes and asbestos purposes only, they can exceed those indebtedness limitations. That only affects a small number of districts. Less than sixty out of the 980 districts we have in the state. There is no increase in taxing authority for any school district in this state. The Bill as originally introduced included a number of things and we backed off of...of the inclusion of a tax rate increase for Chicago that is not in the Bill for asbestos purposes. There's no...there's no tax increases for any school district in this state. What it does, it clarifies the issues for the school districts as they move forward in an attempt to adjust this problem. The language in the Bill already provides that there will be state assistance for public and private schools subject to the

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appropriation of the General Assembly. We did not change that at all. The only changes we made were those that I have reiterated to you and I'd be glad to respond to any questions. However, I think I've covered it adequately."

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

Didrickson: "Thank you, Mr. Speaker. Would the Gentleman allow a question or two on this legislation?"

Speaker Giglio: "Of course."

Didrickson: "Representative Hoffman, I happen to have a school in my district, Rich Central, that's been written about quite extensively and I have talked to you about it. They've got an asbestos Bill that's going to run them about 11.5 million dollars to clean up the asbestos in one single school. Now, there's a 6 percent cap, as I understand it from your explanation with regards to life safety limits. Total indebtedness of the EAV, right? Now, if this school exceeds that with their 11.5 million dollars cost, they can exceed that to the extent that they need to in order to clean up the asbestos?"

Hoffman: "It...This only provides for a life safety bond money, which is a nickel, and depending on the degree to which, you know, anybody will buy bonds against that levy, they could use it if it took them above the bonded indebtedness limit. But they'd have to go from where they are up to that point before they would access any additional...you know, bonded indebtedness above that level for whatever the purpose."

Didrickson: "Right. I understand that. You just said something, whether or not they could be able to go out, if anybody would buy the bonds for such a situation, so what you're saying to me is that that may not help this particular school in my district?"

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Hoffman: "Well, in...when you have that kind of a number, and I...I have looked at that. That's why I mentioned the fact that subject to appropriation by the General Assembly there is a provision in the current legislation for a...a formula to be put in place to help school districts like that."

Didrickson: "Could you tell me what that's going to do, then? I mean, how are we going to be able to help a Rich Central with that kind of a cost?"

Hoffman: "Well, you know, this Bill will not answer the Rich Central problem, I will tell you that right now."

Didrickson: "You also mentioned with regards to liability insurance a 5% cost that they pick up at the local level for such insurance?"

Hoffman: "Five percent of the contract is re...goes back to the Capital Development Board for that purpose."

Didrickson: "Which now makes it affordable for these school districts with this particular problem."

Hoffman: "Pardon me?"

Didrickson: "Liability insurance is now affordable for those school districts with this kind of a problem?"

Hoffman: "It is much more affordable under that circumstance."

Didrickson: "Okay. Let me ask you this then, couldn't a Rich Central, or any other school who has a huge problem out there who now can get such liability insurance, they maybe will run the risk of not cleaning up their problem?"

Hoffman: "That insurance only applies to...to an abatement contract. They have to abate and be involved in the abatement. The problem, and the reason this was set up this way is cause there was a hole in the whole liability issue because insurance companies typically will not include asbestos in their coverage and this does that."

Didrickson: "Exactly. Thank you."

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

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Piel: "Thank you, Mr. Speaker, will the Gentleman yield for a couple of quick questions?"

Speaker Giglio: "He indicates he will."

Piel: "Representative Hoffman, I've got questions in reference to two areas that were deleted from the Bill in the Conference Committee. On page 18, lines 15 through 20, can you explain why that was deleted?"

Hoffman: "Because we have to look at...now we not only have to look at friable, but we have to look at nonfriable and that's why that is cancelled out. They have to deal with the presence of asbestos material. There's two types, friable and nonfriable and under the new AHERA regulations, they have to look at both of them and that's been part of the confusion."

Piel: "Basically, it says... the area that's being deleted says, 'schools that have undertaken the corrective action prior to the effective date of this Act shall be exempt from undertaking additional corrective action unless the Department deems necessary.' I don't understand why we would cross that off. Because basically...basically what that's saying right there is they should not have to take any further action unless the department deems it necessary, but they've crossed that out of the Bill."

Hoffman: "Alright. The reason that was taken out because that was in conflict with the federal legislation that was passed and the department has no authority to do that."

Piel: "Okay. On page 21, lines 9 and 10. It says, 'funds'...the area that's crossed off... it says 'funds shall be provided only to those schools that have been inspected pursuant to this Act'. Why would that be crossed off?"

Hoffman: "Well, the reason for that is that you notice those...the date up there, January the first, 1986, is that all schools are going to have to be inspected pursuant to

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this Act and it clears up the date issue. By leaving that date in there, everything that's done after that."

Piel: "Well, yeah, but you're leaving...I hear you say that you're leaving the date in there, but it says 'funds shall not be...or, shall be provided only to schools that have been inspected pursuant to this Act'. In other words, are you saying that schools that..."

Hoffman: "Well, okay. Let me clarify that. The inspection...the inspection and the management plans and the abatement must conform to the AHERA rules and regulations. And we are putting those in place and that is clarified in the latter part of it, so it's in there."

Piel: "But it's in the...alright, it's in the Act, that's why I'm saying, why would that be crossed off if it's in the Act? Why would we be crossing off that area and saying that funds would only be...the way...with crossing that off, to me, funds could be given out to schools that did not comply with the Act."

Hoffman: "No. If you look at the sentence above, 'conducted in accordance with this Act and the rules promulgated thereunder'. It goes on, blah, blah blah... 'Schools which desire abatement grants shall'...so on and so forth...that is...it just refers back..."

Piel: "Alright. It just seems like it's an area that should not have been crossed off, but okay. Thank you. No further questions, Mr. Speaker."

Speaker Giglio: "Further discussion? The Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Hannig: "Gene, I'm not certain I follow the part about the taxes. I understand that this allows them to sell bonds and consequently use that money to clean up the asbestos. Will

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this in any way allow them to raise the taxes? Property taxes then, to pay for those bonds?"

Hoffman: "The bonds which you referred to are already included in the current law on life safety code work. What this does is, it clarifies that life safety code and the bonds related to it which can be used for all life safety work, will now also cover asbestos pursuant to the ruling made by the legal department of the State Board of Education. There is no change in taxing authority. The change comes in the codification of the definition of what's included in life safety code by the State Board of Education and schools are already functioning under that definition."

Hannig: "So...So any statutory limitations that apply would still apply?"

Hoffman: "Absolutely. The five cent levy and the bonds against it...Yeah."

Hannig: "I see. Thank you."

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

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

Speaker Giglio: "He indicates he will."

Black: "Thank you. Representative, just a couple of quick questions. Just...I can't find anything in this Act that gives indemnification to that local school district official who must act as the compliance officer. Was any thought given to that? I know many of our school districts have asked if they'd be so indemnified."

Hoffman: "The answer is, to the best of my knowledge, no, except that I think whoever is responsible for that has to qualify under the rules and regulations of the Department of Public Health and I assume that maybe in the rules and regs, I don't know."

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Black: "Alright. Thank you very much. One last question on that same line then. Some other complaints have come in from school districts saying that Illinois rules and regulations on asbestos removal contractors have been more stringent than federal rules and regulations. Does this Act clarify that and make our rules now the same as the federal regulations?"

Hoffman: "Let...let me make clear that this legislation applies to school districts only. It does not apply to state buildings or anything else that which is under the Attorney General's Office. But what we're doing here is conforming the state rules and regulations with the federal rules and regulations so we'll have one set."

Black: "Thank you."

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

Granberg: "Will the Gentleman yield?"

Speaker Giglio: "He indicates he will."

Granberg: "Representative Hoffman, if I remember correctly there was some concern last year on this legislation that it would impact the number of certified inspectors, or deter the number of possible certified inspectors under the Act. Would that be the case, in your opinion?"

Hoffman: "I don't believe so, because if they're using now, and I believe they'll continue to use the rules and regulations promulgated by AHERA. There's no intention here to reduce the number of people available. In fact, we want to have some consistent standards so we can get more."

Granberg: "Alright, thank you. I agree with what your intent is, but I remember some regional superintendents talking with me at that time indicating that if this was passed that it would freeze the number of certified inspectors and we couldn't allow for any more."

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Hoffman: "As it is currently drafted, I don't believe it will do that at all."

Granberg: "Thank you."

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

Klemm: "Will the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Klemm: "Just for, I guess a clarification, Representative Hoffman. You had indicated that there would possibly be no tax increase, that's what...no tax increase on this proposal, and yet if I read page 15, it would indicate that the bond indebtedness can increase, and it seemed to me, having...like many of you who've served on a school board, the bond indebtedness has to be paid by the taxpayers. So it seemed to me that invariably school districts that have this problem and must solve it, and I know we have to provide the funds, and I'm not arguing the Bill, but wouldn't it be more accurate to say, yes, there could be tax increases for them to redeem these additional resources they need by these bonds to correct the asbestos problem and that, indeed, the taxpayers would have to pay those off on higher taxes?"

Hoffman: "You notice that I...if the material that I passed out on this side, and the way I explained it said there's no increase in taxing authority. And any school district...any school district which levies, which has met their maximum tax indebtedness statutorily, only those few districts, which would be about 60, could exceed the authority. Currently, school districts can do exactly what you said, with the exception of those that are up against their indebtedness limit."

Klemm: "Alright, so actually...so in effect, we have allowed that debt limitation, or that level that they could not exceed,

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that's listed in paragraph a or b or whatever it is...6.9 or whatever it is, that they could exceed it under certain conditions, which would apply almost to any school district, if in fact it met the criteria of this asbestos removal."

Hoffman: "Only if they're at their maximum indebtedness limit and that would be about...less than 60 percent."

Klemm: "I understand that. I understand that, but it does allow them to go beyond the limitation that was specified in the statutes. Prior to this."

Hoffman: "In the...no, in the current law."

Klemm: "Fine. I just...I just wanted a more clear...Fine. Thank you very much."

Hoffman: "In the current law...But that...Alright. But that does not increase their tax authority. It merely moves the limit in that context of it."

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

Mautino: "Thank you, Mr. Speaker. Gene, if I may. If a school district has not used their life safety bond authorization... if they have not used it, they can use the life safety bond authorization with this legislation on the same 5%, five year provision, correct? If a school has used their life safety bond authorization, and they are on the maximum, the 5%, five years currently in the third year of it, can they also use this authorization for asbestos?"

Hoffman: "They...they cannot...they can use the authorization for the levying of the life safety code tax and the bonding for this purpose up to the limit that's currently in the law, and if that were to take them above the 6 percent assessed valuation total indebtedness, for asbestos purposes only, they could exceed that."

Mautino: "And that would be for that five year period, then?"

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Hoffman: "Correct."

Mautino: "Thank you."

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

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the questions and the opportunity to respond to them. As the Bill was initially drafted I had hoped that we would be able to more significantly address this asbestos problem, but even the discussion that we've had on the floor of the House tonight illustrates the difficulty of coming to grips with this particular task. This is a very modest step forward. I think it clarifies where we are. I know the school districts are interested in seeing this come about. We've had to back off of any consideration of tax increases for the purpose of asbestos abatement and I would ask for your support of this Second Conference Committee Report on Senate Bill 43."

Speaker Giglio: "Question is, 'Shall the House concur on Senate Bill 43?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there's 71 voting 'yes', 26 voting 'no', 13 voting 'present' and the House does accept the Conference Committee Report on Senate Bill 43. And this Bill having received the Constitutional Majority is hereby declared passed. The Lady from Cook, Representative Jones."

Jones, S: "Mr. Speaker, will you put me as an 'aye' vote, please?"

Speaker Giglio: "Let the record indicate that Representative Jones, Shirley Jones, is voting 'aye'. Would like to've voted 'aye'. Representative White, let the record show...reflect Representative White indicates that he wants

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to vote 'no'. Committee Reports."

Clerk O'Brien: "Committee on Rules has met and pursuant to Rule 29(c)3 the following Bills have been ruled exempt on January 9, 1989: Senate Bills 998 and Senate Bill 1377. John Matijevec, Chairman."

Speaker Giglio: "Agreed Resolutions."

Clerk O'Brien: "Senate Joint Resolution 184, Representative Ryder and House Resolution 2008, offered by Representative Ropp."

Speaker Giglio: "Representative Giorgi."

Giorgi: "Mr. Speaker, I move for the adoption of the Agreed House Resolution 2008 and Senate Joint #184."

Speaker Giglio: "You've heard the Gentleman's Motion. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Resolution is adopted. Death Resolution."

Clerk O'Brien: "House Resolution 2009, offered by Representative Giglio with respect to the memory of Edward A. Quigley."

Speaker Giglio: "Representative Giorgi moves the adoption of the Resolution. All those in favor say 'aye'...'nay'. In the opinion of the Chair the 'ayes' have it and the Resolution is adopted. Representative Giorgi now moves that the House now stand adjourned until 10 a.m. tomorrow morning. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, the House now stands adjourned until Tuesday, January 10...tenth at 10 a.m."

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