

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

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Speaker Greiman: "The hour of 2:00 having arrived, the House will be in Session and Members will be at their desks. The Chaplain for today will be the Reverend Constant Johnson, Pastor, Trinity Lutheran Church of Galesburg. Reverend Johnson is the guest of Representative David Hultgren. The guests in the gallery may wish to rise and join us for the invocation. Reverend Johnson."

Reverend Johnson: "We come, Oh God, on another day of incredible beauty, grateful for the simple, but large gifts of health, food in abundance, freedom, good friends, worthwhile things to do. When we think clearly, we know we are debtors. A heritage was waiting for us when we came on the scene. We think of all, who by their assistance, advice, example or writings have shaped us. We do not march at the head of a procession, but walk far back in the ranks. Most of all, Your love and grace sustains us. Give us the strength to live as Your children. Forgive us when we err and save us from self-righteousness when others err. Bless all people everywhere and especially those with deepest needs, the ill, the hungry, the oppressed, the over burdened and those who have no work. Bless all who lead and especially those gathered here. Give courage and insight, protect, prosper all just government, all good laws. You have promised Your power day by day. We commend this day and its business to You. Amen."

Speaker Greiman: "The Gentleman from McLean, Mr. Ropp, to lead us in the Pledge to the Flag."

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 Greiman: "Roll Call for Attendance. Mr. Matijevich, are

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there any excused absences on the Democratic side?"

Matijevich: "None on this side, Mr. Speaker."

Speaker Greiman: "And, Mr. McCracken, are there any on the Republican side?"

McCracken: "Fred Tuerk, who is doing better now, but had a rough weekend, but he's doing better now."

Speaker Greiman: "Good. And Ms. Cowlshaw... oh, she's back. I see. Fine. Mr. Clerk, take the record. 116 Members having answered to the Call of the Quorum, a quorum is present. On page 14 of the Calendar, on the Order of Senior Citizens and Disabled, House Bills Second Reading, appears House Bill 664. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 664, a Bill for an Act to amend the Illinois Act on the Aging. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Greiman: "You want this... Out of the record. Out of the record, Mr. Clerk. On the next Order of Business... On this Order of Business appears House Bill 1848. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1848, a Bill for an Act that repeals an Act concerning compulsory retirement. Second Reading of the Bill."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk Leone: "No Committee Amendments and no Floor Amendments."

Speaker Greiman: "Third Reading. On this Order appears House Bill 1902. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1902, a Bill for an Act to amend the Illinois Living Will Act. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

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Speaker Greiman: "Third Reading. On this Order appears House Bill 1995. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1995, a Bill for an Act to amend the Criminal Code. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Greiman: "Third Reading. On this Order appears House Bill 1996. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1996, a Bill for an Act to amend the Criminal Code. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there Floor Amendments?"

Clerk Leone: "There are none."

Speaker Greiman: "Third Reading. On this Order appears House Bill 2299."

Clerk Leone: "House Bill 2299, a Bill for an Act to amend the Criminal Code. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there Floor Amendments?"

Clerk Leone: "There are none."

Speaker Greiman: "Third Reading. On this Order appears House Bill 2301. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2301, a Bill for an Act to amend the Unified Code of Corrections. Second Reading of the Bill."

Speaker Greiman: "Are there Floor Amendments?"

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

Speaker Greiman: "Gentleman from DuPage, Mr. McCracken, on Amendment #1."

McCracken: "Thank you, Mr. Speaker. This Amendment would incorporate into House Bill 2301; House Bills 1995, 1996, 2299, 2302 and 2479, which are various Bills providing for

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increased penalties when the victims of certain offenses are physically handicapped are over 60. The Amendment also defines 'physically handicapped' as a person who suffers from a permanent and disabling physical characteristic resulting from disease, injury, functional disorder or congenital condition. The crimes which are enhanced as a result of the age are aggravated assault and sexual abuse and sexual assault and robbery."

Speaker Greiman: "Gentleman from DuPage moves for the adoption of Amendment 31 to House Bill 2301. And on that, the Gentleman from Cook, Mr. Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Greiman: "He indicates he'll yield for questions."

Cullerton: "Okay, Representative McCracken, just briefly. You indicated that this Amendment incorporates a number of other Bills, this Bill being 2301. I think you indicated that the Amendment includes House Bill 1995-96 and 2299. Yeah, at least those three."

McCracken: "Yes."

Cullerton: "And those three, of course, are already on the Calendar."

McCracken: "The reason I did this was because this... these were suggested as a single package."

Cullerton: "Right. I'm not questioning that part of the Amendment, but you indicated also that there is a couple of other Bills that this also encompasses. This Amendment also encompasses."

McCracken: "That's correct."

Cullerton: "One of them being 2479."

McCracken: "That's correct."

Cullerton: "That Bill was tabled pursuant to Rule 27(d) in the Judiciary Committee. Was there a vote in the Judiciary Committee?"

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McCracken: "No. It was never called, and neither was 2302..."

Cullerton: "What was the other? 2302."

McCracken: "...Was not called and 2479 was not called."

Cullerton: "Well, okay. And they were introduced as a package, I'm not on the Judiciary II Committee and the Chairman is not here, but if they were introduced as package, were those two not called because they were more controversial or... What was the other one, 23..."

McCracken: "02."

Cullerton: "These..."

McCracken: "1995, 1996, 2299 and 2301 came out agreed. They were a part of a number of Bills that went out on an agreed Bill list. I was asked to present the other two in Committee and never had the opportunity."

Cullerton: "Because someone didn't want them on an agreed Bill list."

McCracken: "Apparently."

Cullerton: "Okay. The 2302, I can just look at it then in the synopsis, relating to the offense of aggravated criminal sexual assault."

McCracken: "Yes."

Cullerton: "So, this would be if it's... if it's criminal... this would be an aggravating factor. It would be one of the factors taken into account to elevate a sexual assault to an aggravated criminal sexual assault, would be the fact that the person was physically handicapped."

McCracken: "Yes."

Cullerton: "And, does your Bill or the Amendment define 'physical handicap'?"

McCracken: "2299 does, yes."

Cullerton: "And how does it deal with that? Does it...if there's a speech impediment... would that be a physical handicap?"

McCracken: "No. Well, good point. '... Suffers from a permanent

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and disabling physical characteristic resulting from disease, injury, functional disorder or congenital condition."

Cullerton: "So, a speech defect could be one. And does the defendant have to know that the physical handicap exists for... is that one of the elements of the offense that the state has to prove that the defendant should have known or is it just assumed... or is that not a factor?"

McCracken: "No, knowing the mental state is required. The knowing mental state is required."

Cullerton: "So, knowing that a person is physically handicapped would have to be... the state would have to prove that the defendant knew that the person was physically handicapped."

McCracken: "No. The specific mental state of knowledge as used in the Code is required under this offense. I don't conclude that that means that the person necessarily knew the victim was physically handicapped."

Cullerton: "Okay. So, if someone committed, God forbid, a sexual assault against a person with a speech defect as opposed to a person without a speech defect, in the case of the speech defect, it could be aggravated criminal sexual assault. In the case of the one who does not have a speech defect, then it would only be a sexual assault."

McCracken: "Well, you know..."

Cullerton: "Assuming that a speech defect comes under 'physically handicapped person' as is defined in your Bill, which you admitted it was before."

McCracken: "This definition is already found in the Code of Corrections."

Cullerton: "Can I ask you a question about House Bill 2479?"

McCracken: "Yes."

Cullerton: "This makes robbery of a victim sixty years or older..."

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McCracken: "A Class I felony."

Cullerton: "Okay, so, they have to be sixty and be physically handicapped?"

McCracken: "No. Either/or."

Cullerton: "Oh, I see. So far, in the Code right now, the only area where we make a distinction in the Criminal Code in age, would that be with the battery, an aggravated battery? In other words, right now, a battery against a person sixty years or older becomes an aggravated battery. I know that's the law now."

McCracken: "Is that already the law?"

Cullerton: "That's already the law, but I think that's probably the only area where we have this. Is it your intention that when we apply it to robbery, once again, the defendant does not have to know whether or not that person is sixty years of age or older?"

McCracken: "Yes. I believe that's correct, and I believe that any aggravating factor under robbery, if the current general intent were retained in the definition of robbery, any aggravating factor of that type would not be the same as knowing but the characteristic of the victim as it is in knowing or acting intentionally. Robbery is a general intent crime."

Cullerton: "Well, could... would there... could it be a defense to this class... this is not just an aggravating factor to be taken into account during sentencing, is it?"

McCracken: "Correct."

Cullerton: "It's not."

McCracken: "No, it's not."

Cullerton: "It's... it's... they're going to be charged with a Class I felony."

McCracken: "Correct."

Cullerton: "Now, what if you have a person who is sixty years

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old, who is in great shape and he or she just looks like they're forty, the state charges them with this robbery of a senior citizen? Would it be a defense to the defendant to raise that the person obviously doesn't look like they're sixty, and as a result, they should have only been charged with a Class II felony?"

McCracken: "No."

Cullerton: "Okay, well... Thank you. Representative McCracken, I just wanted to go into this only because the Bill didn't have a hearing in Criminal Law Committee and I noticed... I found that a lot of these things are kind of tricky and there should be some record of some legislative intent and I just wanted to find out what your... what your primary motivation was. Thank you for answering questions."

Speaker Greiman: "Further discussion? The Gentleman from DuPage, Mr. McCracken. Nothing further. Question is, 'Shall this Amendment be adopted?' All in favor say 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendment?"

Clerk Leone: "There are no further Amendments."

Speaker Greiman: "Third Reading. On page 9 of the Calendar, under State and Local Government, House Bills Second Reading, appears House Bill 259. Mr. Stange. Out of the record. On that Order appears House Bill 638. Out of the record. On that Order appears House Bill 1264. Out of the record. On that Order appears House Bill 1278. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1278, a Bill for an Act to amend the Illinois Parentage Act. Second Reading of the Bill. Amendment 1 was adopted in Committee."

Speaker Greiman: "Are there any Motions with respect to Amendment #1?"

Clerk Leone: "No Motions filed."



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Speaker Greiman: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #2 is offered by Representative Robert Olson."

Speaker Greiman: "The Gentleman from Logan, Mr. Olson."

Olson: "Withdraw the Amendment."

Speaker Greiman: "Amendment #2 is withdrawn. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Greiman: "Third Reading. On this Order appears House Bill 1295. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1295, a Bill for an Act to amend an Act in relationship to public libraries. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there Floor Amendments?"

Clerk Leone: "There are none."

Speaker Greiman: "Third Reading. On this Order appears House Bill 1607, Ms. Doederlein. Out of the record. And on this Order appears House Bill 1780. Mr. Curran, do you wish to proceed? 1780. Clerk, read the Bill."

Clerk Leone: "House Bill 1780, a Bill for an Act to amend the Personnel Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Greiman: "Are there any Motions with respect to Amendment #1?"

Clerk Leone: "There are no Motions filed."

Speaker Greiman: "Are there Floor Amendments?"

Clerk Leone: "Floor Amendment #2 is being offered by Representative Curran."

Speaker Greiman: "The Gentleman from Sangamon, Mr. Curran, on Amendment #2."

Curran: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. Amendment #2 simply adds that a state employee will not have their promotions reduced by their being involved

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in telling on some wrongdoing in State Government. I move for the adoption of the Amendment."

Speaker Greiman: "Gentleman from Sangamon moves for the adoption of Amendment #2 to House Bill 1780. And on that, is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor 'aye', opposed 'no'. 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 Greiman: "Third Reading. On this Order appears House Bill 259. Mr. Clerk, would you read the Bill?"

Clerk Leone: "House Bill 259, a Bill for an Act to amend the Compensation Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Greiman: "Are there Floor Amendments?"

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

Speaker Greiman: "The Gentleman from DuPage, Mr. Stange, on Amendment #1."

Stange: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Agreed language on this Bill was introduced by the Democratic side to basically implement just police officers, correctional officers, people in the law enforcement field. They felt this was better cleanup wording and so forth. I respect your vote on this Amendment."

Speaker Greiman: "The Gentlemen from DuPage moves for the passage of House Bill 259. On that, is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Mr. Stange, there is a fiscal note... been requested for this Bill. So, the Bill will remain on the

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Order of Second Reading. Yes, Mr. Stange."

Stange: "Mr. Speaker, that was taken out."

Speaker Greiman: "Mr. Clerk, could you advise the Chair as to who offered it? Alright, I'm advised that it's been withdrawn. Therefore, the Bill will be removed to the Order of Third Reading. On this Order appears House Bill 1877. Out of the record. And 18... And I'm sorry, 2083. Out of the record. And on this Order appears House Bill 2224, Mr. Hallock. Out of the record. On this appears House Bill 2225, Mr. Ewing. On this Order appears House Bill 2368, Mr. Stange. Mr. Hallock, yes. Mr. Hallock, for what purpose do you seek recognition?"

Hallock: "I would ask leave of the House as a Joint Sponsor to move 2225, of which I'm a Cosponsor, to Third Reading, please. That's Representative Ewing and myself."

Speaker Greiman: "I'm sorry. It was 2225. You wish to proceed on that? Alright. Yes. Ms. Braun, for what purpose do you seek recognition? Ms. Braun."

Braun: "Mr. Speaker, I understood that I had filed an Amendment or an Amendment had been filed under my name to this Bill."

Speaker Greiman: "To 2225? Well, the Amendment may be here. The Bill has not been read."

Braun: "Just checking."

Speaker Greiman: "Oh, yes. Sure. I'm sure if it's not there, the Gentleman certainly will give you every courtesy. Alright. Mr. Clerk, on 2225, read the Bill."

Clerk Leone: "House Bill 2225, a Bill for an Act to amend the Civil Administrative Code of Illinois. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Greiman: "Any Motions with respect to Amendment #1?"

Clerk Leone: "There are no Motions filed."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk Leone: "There are no Floor Amendments."

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Speaker Greiman: "Ms. Braun, were you in error?"

Braun: "Apparently."

Speaker Greiman: "Alright. Third Reading. On this Order appears House Bill 2368. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2368, a Bill for an Act to amend an Act relating to state finance. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Greiman: "Third Reading. On this Order appears House Bill 2514. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 2514, a Bill for an Act to amend an Act to revise the law in relation to coroners. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there Floor Amendments?"

Clerk Leone: "There are none."

Speaker Greiman: "Third Reading. On page 12 of the Calendar appears House Bill... under State Regulation, House Bills Second Reading appears House Bill 868, Mr. Parke. Out of the record. On this Order of Business appears House Bill 883. Mr. Clerk, read the Bill."

Clerk Leone: "On page 12, House Bill 883, a Bill for an Act to amend the Child Care Act. Second Reading of the Bill. No Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

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

Speaker Greiman: "Gentleman from Cook, Mr. Bowman, on Amendment #1."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. When the Bill was presented to the Committee, Representative Hultgren had some questions and concerns regarding the legislation. I asked the Representative if

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his staff could prepare an Amendment that would address his concerns. Amendment #1 is the result of the staff's work. I am pleased to accept it. And basically, what Amendment #1 does, is to direct the Department of Children and Family Services to promulgate rules in the areas that the original Bill addressed. So, I move for adoption of Amendment #1."

Speaker Greiman: "The Gentleman from Cook, Mr. Bowman, has moved for the adoption of Amendment #1 to House Bill 803. And on that, the Gentleman from Macon, Mr. Tate."

Tate: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Greiman: "Indicates he will."

Tate: "Representative Bowman, let me see... is my analysis correct? The effect of this Amendment allows handguns in day care homes, but only if they are kept in a disassembled state, without ammunition, locked up in storage containers or inaccessible to children. Is that correct?"

Bowman: "That's correct."

Tate: "How does... how does that differ from the Bill?"

Bowman: "In the Bill, there was absolute prohibition."

Tate: "What was your rationale by allowing disassembled handguns in day care centers?"

Bowman: "I'm sorry. I didn't... I don't think I heard all of your questions. What is my reaction?"

Tate: "No. I said, 'What's the rationale for having disassembled handguns in day care centers?'"

Bowman: "Well, rather than absolute prohibition, which would require people to make a choice between operating a day care home or having... selling their handguns, this provides an option which would permit them to maintain possession of their weapons and still have their license for a home."

Tate: "Thank you."

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Speaker Greiman: "The Gentleman from Cook, Mr. Parke."

Parke: "Mr. Speaker, inquiry of the Chair. I was in my chair when you called 868, and moved on it so quickly, as I was getting up, so perhaps when you're finished with the debate on this, you might allow me to call that Bill. Thank you."

Speaker Greiman: "Yes, we're in the middle of something else, but we will get back to you, Sir. Further discussion? There being none, the question is, 'Shall this Amendment be adopted? Those in favor 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment's adopted. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Greiman: "Third Reading. On this Order... on this Order appears House Bill 868. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 868, a Bill for an Act in relationship to park and forest preserve. Second Reading of the Bill. There are no Committee Amendments."

Speaker Greiman: "Are there any Floor Amendments?"

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

Speaker Greiman: "The Gentleman from Cook, Mr. Parke, on Amendment #1."

Parke: "Amendment #1 simply clarifies a number of words and corrects spelling. So, it's technical in nature. I move that it's adopted."

Speaker Greiman: "Gentleman from Cook, Mr. Parke, moves for the adoption of Amendment 1 to House Bill 868. And on that, is there any discussion? Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, will the Sponsor yield?"

Parke: "Yes."

Cullerton: "Representative Parke, Amendment #1, as I understand it, on page 5 deletes the word 'with' and inserts the word 'without'. Is that correct?"

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Parke: "That is correct."

Cullerton: "And what line is that inserted on?"

Parke: "It says, line 18."

Cullerton: "And that would be, if you look on line 18 of the Bill..."

Parke: "I don't see it either."

Cullerton: "If you look on line 18 of the Bill itself, there is no word 'with'."

Parke: "I agree with you."

Cullerton: "So, it sounds like your technical Amendment needs a technical Amendment."

Parke: "Well, I tell you what, it's not so technical that I need a technical Amendment. I withdraw Amendment #1."

Cullerton: "Well, then..."

Speaker Greiman: "Amendment #1 is withdrawn. Further Amendments? Mr. Cullerton, yes, proceed, Sir."

Cullerton: "I just wondered if he could just... I know he wishes to withdraw it, but normally, I haven't read this yet, but normally if you change 'with' to 'without', it's a substantive change. Was that just a mistake in the drafting or was there intent to change the effect of the Bill?"

Parke: "That was a mistake in drafting. Both of these were mistakes, simply to clarify those when the Bill was originally drafted."

Cullerton: "What you really want to do is, on line 19, you want it to read, 'without limitation' and right now, it says, 'with limitation'."

Parke: "That is correct."

Cullerton: "But you don't think that's a big enough of a deal to worry about it on Third Reading? We'll amend it in the Senate."

Parke: "Yeah, that's our intent to do that and whoever picks it

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up in the Senate. I'm not going to complicate the Bill, so I prefer to withdraw the Amendment so that we can do it in the Senate."

Cullerton: "Okay. Thank you."

Parke: "Thank you."

Speaker Greiman: "Further Amendments?"

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

Speaker Greiman: "Hallock, you say? Gentleman from Winnebago, Mr. Hallock."

Hallock: "Move to withdraw."

Speaker Greiman: "Amendment #2 is withdrawn. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Greiman: "Third Reading. On this Order appears House Bill 975. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 975, a Bill for an Act to require health warnings on outdoor advertising of smokeless tobacco products. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Greiman: "Are there Floor... Are there Motions with respect to Amendment #1?"

Clerk Leone: "No Motions filed."

Speaker Greiman: "Are there any Floor Amendments?"

Clerk Leone: "Floor Amendment #2 is being offered by Representative McCracken."

Speaker Greiman: "Gentleman from DuPage, Mr. McCracken, on Amendment #2."

McCracken: "Please withdraw."

Speaker Greiman: "Amendment #2 is withdrawn. Are there further Amendments?"

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



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McCracken: "Thank you, Hr. Speaker. Floor Amendment #3 would increase the application fee for a billboard permit from the current level of five dollars to a level of 750 dollars and would establish an annual billboard permit renewal fee of 500 dollars. Under current law, the only state fee for the erection of what could be a 1200 square foot billboard is five dollars, and it is a one time only fee. This would change that to a 750 dollar fee, still very modest relative to the amount of revenue these signs generate, and the renewal fee of 500 dollars, also very modest relative to the funds that these signs generate. I move its adoption."

Speaker Greiman: "Gentleman from DuPage, Hr. McCracken, moves for the adoption of Amendment #3 to House Bill 975. And on that, the Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

McCracken: "Yes."

Cullerton: "Representative McCracken, it's my understanding that Amendment #1 to the Bill was adopted, and Amendment #1 deleted all of page 2, and your Amendment, Amendment #3, adds a Section 6. It comes immediately after Section 5, but Section 5 was eliminated when the first Amendment was adopted. So as a result, I believe the Amendment would be out of order for that reason."

McCracken: "I'd like to respond briefly to that. Section 5 is the end of the Bill, Mr. Speaker."

Speaker Greiman: "Excuse me. I think the Sponsor, Mr. Matijevich, wanted to take this out of the record for awhile. Is that correct, Hr. Matijevich?"

Matijevich: "Not really. I was going to oppose him because..."

Speaker Greiman: "Well... but, you could work it out..."

Matijevich: "...If it's out of the record..."

Speaker Greiman: "Thank you, Mr. Matijevich. So we'll get back to Bill and the Amendment, Mr. McCracken. Speaker Madigan

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in the Chair."

Speaker Madigan: "Ladies and Gentlemen, if I could have your attention, please. Would the Members please take their chairs? Would the Members please take their chairs? Would the staff retire to the rear of the chamber, please? This afternoon, we shall induct a new Member to the House of Representatives. Just on Friday, we said farewell to Chuck Pangle and today we have with us his replacement, Phil Novak, from the City of Kankakee. The Oath of Office shall be administered by Justice Daniel Ward of the Illinois Supreme Court. Mr. Justice Ward."

Justice Ward: "Mr. Speaker, I thank you for the opportunity of appearing here to administer the Oath of Office to a Member of the House of Representatives. Will you raise your right hand, please, and repeat after me. I..."

Novak: "I..."

Justice Ward: "John Philip Novak..."

Novak: "John Philip Novak..."

Justice Ward: "Do solemnly swear..."

Novak: "Do solemnly swear..."

Justice Ward: "That I will support..."

Novak: "That I will support..."

Justice Ward: "The Constitution of the United States..."

Novak: "The Constitution of the United States..."

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

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

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

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

Justice Ward: "The duties..."

Novak: "The duties..."

Justice Ward: "Of the Office..."

Novak: "Of the Office..."

Justice Ward: "Of Representative in the General Assembly..."

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Novak: "Of Representative in the General Assembly..."

Justice Ward: "For the 85th General Assembly..."

Novak: "For the 86th (sic - 85th) General Assembly..."

Justice Ward: "From the 86th General District..."

Novak: "From the 86th General District..."

Justice Ward: "Congratulations."

Novak: "Thank you very much."

Speaker Madigan: "The Chair is very happy to recognize Representative Phil Novak. Representative Novak."

Novak: "Thank you very much, Ladies and Gentlemen. Speaker Madigan, Members of the House of Representatives; Senator Jerry Joyce, my good close friend and his family; Iroquois Democratic County Chairman, Fran Callahan; Mom and Dad; Aunt Clara; my close friends from Kankakee and Bradley and other parts of the 86th District; and especially my son Todd, who I have over here today. He's going to graduate from 8th grade next month and he sure likes politics. So, I hope to get him embarked on a good career, but I'm glad they're all here today, and I just want to say thank you for this most auspicious opportunity to fill out the unexpired term of Chuck Pangle, who recently resigned from the 86th House District. Although this is a new experience for me, I am no stranger to government service. For the past twelve years, I have involved myself in every level of local government from the Bradley Village Board, which I served for eight years, and the Kankakee County Treasurer's Office, which I served for just four and a half years. I've applied my knowledge and experience of solving people's problems. Today, I'm humbled by this great opportunity to represent nearly one hundred thousand people with the State of Illinois. As I've said in the Kankakee Journal, 'I'm the new kid on the block.' You'll notice me by the largest number on my license plate. And also, I'd

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like to say, it's an indication because they got me sitting right up front here, right in front of Representative Terzich, where my parents are from his district. So, Representative, please be nice to me, my parents got a couple of votes they control back in that district. But, thanks anyway. I intend to be an active Legislator and listen to the most important constituency, the people back home in the 86th District. There are many serious issues facing the State of Illinois, and I want to be a part of this great Body that has the best opportunity to help solve them. So, I'm ready to roll up my sleeves and get the job done. Time is of the essence. I hope to meet all of you shortly and become your friend, seriously. When you see me on the floor or in the Committee, just call me Phil. This is an exciting challenge to me and I can't wait to get started. I want to wish Chuck Pangle, my dear friend, and his family for the best for the future. I know he will be missed by me and everyone in this Body. Thanks again to all my friends and supporters for the confidence you have expressed in me. Best of luck to everyone and thank you very much."

Speaker Madigan: "Representative Breslin in the Chair."

Speaker Breslin: "Ladies and Gentlemen, we are going back to page 12, under the Order of State Regulation, House Bills Second Reading. We were on House Bill 975, considering Amendment #3. Who is the Sponsor of that Amendment?"

Clerk O'Brien: "Representative McCracken."

Speaker Breslin: "Representative Cullerton, for what reason do you rise?"

Cullerton: "Yes, I had made a friendly point of order. I believe that the Amendment is out of order because Amendment #1 struck page 1 and 2, more importantly, struck Section 5. The Gentleman's Amendment inserts language immediately

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after Section 5 and Section 5 does not exist in the Bill."

Speaker Breslin: "Representative McCracken, on that point."

McCracken: "Thank you, Madam Speaker. The end of the Bill as originally drafted was Section 5 on page 2. Whether or not page 2 or Section 5 was deleted by putting it after... by the Amendment #3, in essence indicating that it was to follow the end of House Bill 975. Enrolling and Engrossing is able to determine how that Amendment should relate to the Bill even as amended. And for that reason, the Amendment is not out of order. Page 2 Section 5 is the end of House Bill 975. And as amended, it makes no difference, because the Amendment #3 follows what was the end of the Bill and what still is at the end of the Bill."

Cullerton: "Well, it doesn't say at the end of the Bill. It says following Section 5."

Speaker Breslin: "We'll look at it, Gentlemen. Representative McCracken, it's the ruling of the Chair that your Amendment is out of order. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #4 is being offered by Representative McCracken."

Speaker Breslin: "Representative McCracken."

McCracken: "Madam Speaker, Amendment #4 would allow local units of government, specifically municipalities, and in unincorporated areas, counties, to regulate by zoning law the location in size of billboards. Currently, State and Federal Law, both, preempt local regulation of the size and structure and location of these signs. This is a matter of utmost importance to the localities. And I ask the Amendment be adopted."

Speaker Breslin: "Excuse me. Excuse me, Representative McCracken. Representative McCracken, a point of order has been made. Representative Cullerton, on a point of order."

Cullerton: "Yes, thank you, Madam Speaker. I believe that the

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Amendment is also defective for the same reasons that I indicated Amendment #3 was out of order. It was, however, prepared by the House Republican Staff. We do know that from the face of the document."

Speaker Breslin: "Representative McCracken, your Amendment is out of order for the same reason as the last one. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 1030, Representative Giglio. Representative Giglio. Clerk, read the Bill."

Clerk Leone: "House Bill 1030, a Bill for an Act to revise the law in relationship to recorders. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there 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. What Amendment #1 does, it takes the notification off the county recorders and puts it onto the people that filed the Amendment... I mean, filed the lien. What this is, it's a notification that a lien is going to be placed on a piece of property and the recorders don't have to do the notifying but the people that actually put the lien on have to notify the people. This way there is no cost to the recorder's office."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 1030. And on that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Madam Speaker, has this Amendment been printed and distributed?"

Speaker Breslin: "Mr. Clerk. Yes, Mr. McCracken, the Amendment has been printed and distributed."

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McCracken: "Okay. Thank you."

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

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 1045, Representative DeLeo. Clerk, read the Bill."

Clerk Leone: "House Bill 1045, a Bill for an Act in relationship to pharmacies. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Breslin: "Are there any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Breslin: "Are there any Amendments?"

Clerk Leone: "Floor Amendment #3 is being offered by Representative DeLeo."

Speaker Breslin: "Representative DeLeo."

DeLeo: "Thank you, Madam Speaker. Amendment #3 is a technical change. I don't think it's been printed and distributed. Could I check on this?"

Speaker Breslin: "It was just filed and has not been printed and distributed. This is your Bill, Representative DeLeo? Do you wish to take it out of the record?"

DeLeo: "I'd like to take it out of the record."

Speaker Breslin: "Out of the record. House Bill 1320, Representative Ryder. Clerk, read the Bill."

Clerk Leone: "House Bill 1320, a Bill for an Act to amend the Illinois Vehicle Code."

Speaker Breslin: "Are there any Amendments filed?"

Clerk Leone: "Second Reading of the Bill. There are no Committee Amendments. Floor Amendment #1 is being offered by Representative Klemm."

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Speaker Breslin: "Representative Flinn, on Amendment #1."

Clerk Leone: "Klemm. Klemm."

Speaker Breslin: "Klemm. Excuse me. Representative Klemm, on Amendment #1."

Klemm: "Thank you, Madam Speaker. Amendment #1 includes some of the provisions that we had in Senate Bill 1200 last year about some indemnities for county boards that by...when they receive a written request by private streets and roads that they would at least be able to put in some traffic control devices. I don't know of any opposition to the Amendment and do ask for its passage."

Speaker Breslin: "Representative Klemm has moved for the adoption of Amendment #1 to House Bill 1320. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #2 is being offered by Representative Hasara."

Speaker Breslin: "Representative Hasara."

Hasara: "Thank you, Madam Speaker. This is a technical Amendment to the Vehicle Code which relates to one of the surcharges that the circuit clerk collects and this would simply clean up the language to let the clerks know that they're talking about cash forfeited bail rather than the 100 percent bond. And it amends it rather than collecting one-eighth of forfeited bail to a set amount, four dollars of every fifty. It simply makes it easier for the clerk to figure, especially in automated counties."

Speaker Breslin: "The Lady has moved for the adoption of Amendment #2 to House Bill 1320. And on that question, the Gentleman from Cook, Representative Cullerton."



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Cullerton: "Yes, would the Lady yield for a question?"

Speaker Breslin: "She will."

Cullerton: "Representative Hasara, your Amendments that were prepared by the House Republican Staff, they... you filed Amendment #2 and Amendment #4 that appear to be identical, is one to be called if... in case Amendment #1 had not gotten on and another one to be called if it did get on? Is that the reason why you filed two identical Amendments?"

Hasara: "I did not intend to, Representative. I did not intend to file the same Amendment twice."

Cullerton: "I see. Now, then to the substance of the... the Bill itself deals with exempting certain vehicles from hauling grains during harvest season from obtaining a permit to carry overweight loads. Now, what does your provision deal with?"

Hasara: "I'm not sure what you're referring to, Representative."

Cullerton: "Well, the original Bill. I was referring to the original Bill."

Hasara: "Oh, I'm sorry. Okay."

Cullerton: "The Bill that your Amendment appears to try to amend, I'm just wondering how the two mesh. One deals with exempting vehicles hauling certain grains during harvest season from obtaining a permit to carry overweight loads."

Hasara: "Well, they both deal with the Vehicle Code and this Bill deals with the surcharge."

Cullerton: "What surcharge? It's a cash deposit given to secure what?"

Hasara: "It goes into the Drivers' Ed Fund."

Cullerton: "Well, maybe you can tell me a little bit more about this. Apparently, the Bill deals with... require that four dollars of every fifty dollars given to secure appearances be remitted within one month to the State Treasurer."

Hasara: "Right."

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Cullerton: "Now, what is the fifty dollars?"

Hasara: "Okay. The fifty dollars would be the fine."

Cullerton: "In what cases, criminal cases?"

Hasara: "Traffic violations."

Cullerton: "All traffic violations?"

Hasara: "Yes."

Cullerton: "Is there a fifty dollar fine in... and what traffic violations, specifically, does it refer to?"

Hasara: "Anything under Section 2 of Section 6204 of the Vehicle Code. It's almost all moving traffic violations."

Cullerton: "Well, is this... does this only apply when bail is forfeited?"

Hasara: "Yes, And this Amendment simply cleans up the language. The problem is that the way the law was written, the clerks could not tell if we were talking about a 100 percent bail or the cash that was actually deposited. In other words, they didn't know if you were to take four dollars of every fifty off of, let's say, a thousand dollar bail that the Judge had set, or whether you were to take it off the cash, which was the 10 percent that they actually received. That was unclear. In addition, there was a problem figuring the one-eighth of the forfeited bail, particularly, in automated counties where they could key in a set amount."

Cullerton: "What was... Now, I'll ask you this question, was it the old law or the current law, was it meant to be one-eighth of the total forfeited bail?"

Hasara: "One-eighth of the total cash forfeited."

Cullerton: "That's been posted."

Hasara: "Right."

Cullerton: "Okay."

Hasara: "And this just simply clarifies that, somewhat."

Cullerton: "Well, it... but this specifies an amount of four dollars of every fifty. So if there is a hundred, does it

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become eight dollars?"

Hasara: "Right. And that's the way most of the other fees are also, I might add. You know, there are four or five fees that the clerks collect."

Cullerton: "Okay. Thank you."

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

Clerk Leone: "Floor Amendment #3 is being offered by Representative Stephens."

Speaker Breslin: "You'll have to repeat that name again, Mr. Clerk."

Clerk Leone: "Stephens."

Speaker Breslin: "Representative Stephens."

Stephens: "Thank you, Madam Speaker. Amendment 3 to House Bill 1320 provides that an operator of a truck may not be arrested for truck weight violations if his vehicle is found to be overweight by the use of a portable truck scale. Instead, it provides that that information being overweight at a portable scale be reason to direct that truck to a nearest permanent scale for an accurate weighing and that the fine or arrest be determined by the weight determined at a more accurate scale, that being the permanent scale. I'd be glad to answer any questions. I move for the adoption of Amendment #3 to House Bill 1320."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to House Bill 1320. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Cullerton: "Representative Stephens, is the Illinois Commerce

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Commission the agency that's in charge of checking whether or not vehicles are overweight?"

Stephens: "It's Department of Transportation assisted by the State Police."

Cullerton: "And the Commerce Commission, they don't have..."

Stephens: "Commerce Commission deals with interstate trucks and rates."

Cullerton: "I see. So, who is it that would be likely to pull a vehicle over to see if it's overweight? That would be a State Police?"

Stephens: "Representative, that's a good question. The... actually what they do now, the procedure is that the portable scales are set in an arbitrary location along the highway where the Department of Transportation, in conjunction with the State Police, determine that there might be sufficient truck traffic to justify having the crew out there. The crew normally consists of two State Troopers... excuse me, two Department of Transportation personnel with four or five State Police personnel. The procedure as the day develops is that the trucks are normally just siphoned off of the highway. If it's obvious by the personnel that the truck is empty, they usually wave it on, but if it has a load, they take all the trucks that come in the direction of that portable scale, they ask them to pull in. They pull them up on the portable scales. They weigh them. They weigh the cab, the front axles, the rear axles and the combined weights and make a determination based on the length of the axle distance on that truck as to the allowable maximum weight capacity and issue fines based on the determination of that weight whether or not the truck is overweight."

Cullerton: "Well, now, how do these portable scales work? Do they... are they carried around in the State Police..."

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Stephens: "That's another good question, Representative. And that's the reason that I brought this Amendment to this Bill. The fact is that the Department of Transportation keeps these portable scales on a trailer that follows a van. They're kept at the Department of Transportation local facilities and when they are brought out to the site, they're unloaded, sometimes handled rather roughly. They're eased to the ground, but they're kind of kicked around a little bit and then they're placed in position, and usually, on a flat surface, they have some problems with getting..."

Cullerton: "So, what you're saying is that the reliability of the portable scales is that issue."

Stephens: "Well, it's my determination that the permanent scales, which are sanctioned and tested by the Department of Agriculture, being permanent scales and having a more... naturally, a more accurate tendency should be the determinate factor rather than the portable scales which... which are only brought to Springfield for resetting and testing every six months and sometimes only one..."

Cullerton: "Here's the problem. If they use portable scales..."

Stephens: "I can't see you."

Cullerton: "If they use portable scales now..."

Stephens: "Yes."

Cullerton: "And they determine that there is a potential violation, your Amendment would say that that can only be used for probable cause. So, as a result then, they would have to bring the vehicle, or as you say, downstate vehicle..."

Stephens: "Vehicle..."

Cullerton: "...To a permanent scale. They have to transport the vehicle to a permanent scale in order to build a case, since all they would have... They have probable cause to

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do that because you allow them that, but then, how would they go into court and show that there is an overweight if they hadn't gone and weighed it on a permanent scale?"

Stephens: "Well, the fact is that we want... if they're going to have to pay a fine, we want that fine to be a proper fine. If they are not..."

Cullerton: "Right. And how are they going to prove that the fine is due and owing if... unless they bring it to a permanent scale somewhere and develop that evidence that is admissible in court."

Stephens: "Exactly."

Cullerton: "So, what you're saying is that they'd have to bring them over, weigh them on this permanent... on this temporary scale, establish probable cause and then say, 'Boy, that really is an overweight vehicle'."

Stephens: "Might be an overweight."

Cullerton: "Now... now... Well, right. This inaccurate scale evidence is the fact that it might be. So now, we've got to bring it to a permanent scale and develop the true evidence."

Stephens: "The true evidence, right."

Cullerton: "Whereas the way they work it right now, they don't have to bring it to a permanent scale. They just weigh it. That develops the evidence and they go into court. And what you're concerned about is some poor owner of an overweight... or of a vehicle that's not really overweight, but that was inaccurately detected as being overweight. Is that correct?"

Stephens: "It sounds like you support my Amendment."

Cullerton: "Well, now... no, because the next question is, if they have to bring these vehicles to the permanent scale, wouldn't there be some additional cost to the Department of... the State Police. Wouldn't they involve additional

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time and..."

Stephens: "Actually, what would happen is it would probably cause on the long term less cost for the farmers and the people who have these loads because they would know that they were going... if they load it accurately, that they would be judged accurately. It would probably cost less cost in state tax dollars in that these farmers who know that we're serious about this that we're going to fine those people who are overweight. We're not going to fine those who are not overweight. We're not going to use inaccurate scales. We're going to use permanent scales. So, they're going to load more properly. They're going to be more cognizant of rules of the road and transportation costs and they're probably going to be...mean economic development for the State of Illinois, because we're going to know, the business people in Illinois are going to know, 'Hey, we treat you fairly. We want to... if we're going to fine you, we're going to fine you based on the most modern technology. We're going to use the best scales we have. We're not going to use the portable scale that was kept overnight in some garage. We're going to use a scale that's tested by the Department of Agriculture about three or four times a year.' The fact is, in... near my district and Representative Younge's district, Department of Transportation along with State Police were determining that vehicles were 400 pounds overweight, and they went 300 yards down the road to the Continental Grain Company where they were weighed consistently all day and found that there was a 400 pound error consistent on every vehicle that was given a fine. Department of Transportation thought, 'Aha, we've caught a grain company that is in violation', sent the Department of Agriculture in there to test their scales. And guess what? The Department of Agriculture

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confirmed that these scales, the permanent scales, were right and these trucks were fined for being 400 pounds in excess weight when it really wasn't there. So, Representative, what we're trying to do here is make sure that those people who are overweight are fined appropriately and accordingly and we have a tough standard by which to judge them, but those vehicles that are inappropriately judged to be overweight, in fact, are not overweight, we shouldn't fine them. That's all this Amendment says. So if you support small business in Illinois, if you support good government, if you support fairness, you should support Amendment #3 to House Bill 1320."

Cullerton: "Thank you. I think that answers my question."

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

Leverenz: "Will the Sponsor yield for a couple of quick questions?"

Speaker Breslin: "He indicates he will."

Leverenz: "Would you explain how the Amendment would work?"

Stephens: "Would you repeat the question?"

Leverenz: "How the Amendment would work?"

Stephens: "Well, you see, you put the Amendment on the Bill."

Leverenz: "I know. I want to know more about this bad Amendment."

Stephens: "Okay... this good Amendment simply states that when the portable scales are set up in your neighborhood and a trucker from your neighborhood goes wheeling by and he's pulled off and he's determined to have a weight that appears to be in excess of the allowable weight for the size vehicle that he has under his control, that instead of fining him based on that weight at the portable scale, the portable, and we believe possibly less accurate scale, that



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this truck driver be directed to the nearest permanent scale to get an accurate determination of his weight, and if it's found that he is, at that permanent scale, to be in excess of the allowable weight for the size truck that he has, that the fine be issued according to that properly determined weight and not by the less accurate weight at the portable scales."

Leverenz: "The trucks that go across permanent or portable scales, do you know of any leeway that is allowed?"

Stephens: "I believe that there is a leeway of 2,000 pounds, wherein, if you are 2,100 pounds over, you pay a fine on the entire 2,100 pounds that you're over. So, in the case that I cited earlier where some of these trucks were 1,600 pounds over, they're allowed 2,000. They were 1,800 over... DOT determined that they were 2,200 pounds over and had to pay a fine because of the 400 pound error, they had to pay a 2,200 pound fine, which they never should have had to be forced to pay in the first place. So there is some leverage there and all we're saying is that..."

Leverenz: "You're close."

Stephens: "Well... well..."

Leverenz: "Well, I don't know about leverage. The fact of the matter is, that I helped in the appropriations process, purchase the portable scales to go after these dastardly little guys that run just a little bit over on roads. And in the Sun-Times week before last, was a great big scathing editorial about the General Assembly that allowed even the fat stone trucks down south to run overweight. Overweight is overweight. And the same people, I think, that you represent came in complaining that the permanent scales were doing the same thing to them. And what you're going to allow by this Amendment is to legalize small holdups. To the Amendment."

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Speaker Breslin: "Excuse me, Representative. Excuse me, Representative. The Sponsor has indicated he wishes to take the Bill out of the record. I don't like to interrupt you, but..."

Leverenz: "Well, that's okay."

Speaker Breslin: "That's okay. Representative Ryder asks that the Bill be taken out of the record. So, the Bill is out of the record. Ladies and Gentlemen, we are getting prepared to take the Roll Call on the Consent Calendar. We will take it in approximately ten minutes. After that time, another sheet will be passed out to allow Members to vote 'no' on Bills on the Consent Calendar that you wish to be recorded 'no' as. That sheet must be returned to the well by 6:00 p.m. So in about ten minutes, we will... I am reminded that when the sheet is passed around, you will also be allowed to vote 'present' or 'absent', if you so choose. At any rate, that vote will be taken later. At 6:00, then, the Clerk's Office will start tabulating the results on all of the Bills and that will be announced to the extent that some Bills fail on the Order of Third Reading because of an excessive number of negative votes. Those Bills will be placed on a Special Order of Call and heard at one time, I believe, tomorrow. So look over your Consent Calendar, be prepared to vote in ten minutes and then be prepared to record negative votes or 'present' votes at a later time. The next Bill on this Order of Call is House Bill 1461. Representative Hicks. Clerk, read the Bill."

Clerk Leone: "House Bill 1461, a Bill for an Act to amend the Liquor Control Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

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Speaker Breslin: "Third Reading. House Bill 1699, Representative Ronan. Out of the record. House Bill 1818, Representative Goforth. Clerk, read the Bill."

Clerk Leone: "House Bill 1818, a Bill for an Act to amend an Act to prohibit the purchase and transmission of electricity products of the United States. 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 Rea - Goforth and Hannig."

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

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 2152 at the top of the page on page 13. Representative Homer. Clerk, read the Bill."

Clerk Leone: "House Bill 2152, a Bill for an Act to amend the Public Utilities Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker. Leave to withdraw."

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

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

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker. Amendment #2 basically does a two... couple of things; number one, it changes the word 'may' to 'shall' in circumstances under which the Illinois Commerce Commission would be required to lower a public

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utility rate upon the reduction or removal of a tax heretofore imposed, and secondly, would establish a due process procedure whereby affected utilities would have a right to motion the Commerce Commission for a stay of these proceedings, and it provides for what will be done with the funds in question during that stay. I would ask the Body to adopt Amendment #2."

Speaker Breslin: "Representative Homer has moved for the adoption of Amendment #2 to House Bill 2152. And on that question, the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Madam Speaker. Will the Gentleman yield to a question?"

Speaker Breslin: "He indicates he will."

Hoffman: "As I understand this, you are, in this Amendment, making this retroactive to the point in time that they qualify under the Federal Tax Act?"

Homer: "Yes, it's difficult to hear you, Representative Hoffman, but as I understood, your question is whether the Amendment makes the provisions of the Bill retroactive, the question is, yes."

Hoffman: "It makes it retroactive and requires the Commerce Commission or does the Commerce Commission need to be involved at all? Is it just automatic?"

Homer: "No, it's... the Commerce Commission is involved and the Amendment would require the Commerce Commission to reduce rates by the amount that the tax was reduced or eliminated through income tax law changes."

Hoffman: "And it covers all tax reductions that is affected?"

Homer: "Yes."

Hoffman: "In other words, it will take it all the way back. Alright. Thank you very much."

Speaker Breslin: "Any further discussion? The Gentleman from DuPage, Representative McCracken."

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

Speaker Breslin: "He indicates he will."

McCracken: "This is... is this similar, Representative Homer, to your Resolution which sought to... what would the term be, direct the ICC to reduce the taxes or reduce the rates consistent with any tax savings realized as a result of the federal reform?"

Homer: "Correct. The same subject matter, that is correct."

McCracken: "But this is... is this more expansive because it requires the reduction in the realization of any type of tax change or is it the same scope?"

Homer: "Well, the Resolution directed the Commerce Commission to conduct a study to see what if any taxes would be saved by the utilities and if there were to be savings to engage in proceedings to implement those changes. The Commerce Commission has indicated to me that under current law, they feel limited and that they do not feel they have the authority to reduce rates on that one factor alone, and that they indicated there are other factors that go into a rate, labor costs and the like, and so, this Bill would make it explicit that in the case of a quantifiably measurable change in the tax rate, that the Commerce Commission would be directed to reduce consumers' utility bills by that amount of savings that will be realized by the utility company."

McCracken: "And, I'm just trying to think what taxes the utility would be subject to. I supposed it pays property taxes."

Homer: "What... No. No. What this involves and will be limited to is the income tax and it... The purpose of this Bill is to address the Federal Tax Reform Act Legislation of 1986 which reduced the corporate income tax from 46 percent to 34 percent. And that is what the Bill is directed toward."

McCracken: "Did the Commerce Commission tell you what other

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factors, or is it written somewhere in the law or regulations, what factors determine whether to grant or to deny a rate increase?"

Homer: "Well, the Commerce Commission, by my understanding, was of the opinion that they were not empowered to implement a reduction in one factor. They felt that if they looked at a rate, they should look at the whole scope of factors that go into establishing the rate, including the labor cost, the cost of borrowing money and all of the other various and sundry factors that go into establishing a rate."

McCracken: "Now, does that typically occur in the context of a request for rate increase?"

Homer: "Yes."

McCracken: "Okay. And that is something which must be done prospectively, that is, they must have the approval before they can increase the rate."

Homer: "Who would have the approval?"

McCracken: "The utility."

Homer: "Yes. The utility company would have to get approval from the Commerce Commission before there could be any increase in rate."

McCracken: "And that would be an administrative hearing subject to the Administrative Review Act."

Homer: "Correct."

McCracken: "In light of the fact that you require a reduction commensurate to the tax savings, what are the issues that are to be considered at your hearing, only how much has been realized as a result of the change in the tax law?"

Homer: "Correct. Now... Yes, correct. That's correct."

McCracken: "And, is there, say, a preliminary hearing where a tentative amount is established and set aside?"

Homer: "The way it would work under the adoption of Amendment #2 would be that once the Commerce Commission identified the

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amount of savings, a notice would be issued to the utility that they're to reduce... they would be ordered as of a date not less than 30 days to lower their rates by that amount. Then, the utility would have that 30 days to come in on a Motion for stay, and there would be a due process hearing before the Commerce Commission during which time the utility would continue to charge the existing rate. And the Amendment provides that within six months, the Commerce Commission then would be required to enter a final order, and if that order affirmed its earlier decision, then it would also order a refund of the overage paid during that six months to the customers."

McCracken: "In its notice, which is subject to the 30 day stay, is it left to the utility to determine how to implement that reduction? I mean, do you envision a gross amount being stated and then the utility having to figure out how to reduce that rate and whether or not to classify between or among different customers, different kinds of customers?"

Homer: "The language of the Amendment talks about an order to reduce the rates, and so, I would think that contemplates specifics from the Commerce Commission indicating what the rates in the various categories should be."

McCracken: "Alright. So, there are different categories of rate payers?"

Homer: "Yes."

McCracken: "And I suppose you would intend that they all be affected pro rata."

Homer: "Correct."

McCracken: "Okay. To the Amendment, Madam Speaker. I think this is something that this Body should consider very long and hard. I understand the Gentleman's purpose in doing this. I understand that there could be some realization of tax

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savings as a result of the Federal Reform Act. The fact of the matter is, that the ICC has been studying this issue and feels that it is not empowered to act solely on that fact alone, that is, to order a decrease in the amount by which they find the company to be saving money as a result of the reform. I think there are good reasons why the ICC is not so empowered, because rate setting, no matter how much we may dislike it, is a very complex process in a very complex field of endeavor. All that goes into the provision of utilities in Illinois is a very substantial matter. That is the reason that we have the ICC. They are the experts in the area and after setting general guidelines, this Body defers to that body of experts in order to effect what is the general policy stated by this Body. I think we should continue in that vein. I think we need to defer to our experts in this area, at least to the extent that their decisions are supported by the law and the evidence as is currently required. Therefore, I respectfully stand in opposition to this Amendment."

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

Klemm: "Thank you, Madam Speaker. You know, I have a problem with this Amendment and the reason why is because in my county, as in many counties, we have different tax rates for property taxes, and sometimes we have tax rates that may go down slightly and sometimes we have them that will go up slightly. If they go down slightly, the utilities that own property end up having a tax savings. And as I read this Amendment that Representative Homer is introducing, is that it would mandate, then the ICC do have to review all these small little insignificant few dollar savings, which they are, excluding those that are increased, perhaps because of reassessment, but these small



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little tax savings throughout the various counties in Illinois and cities in Illinois become so ridiculous it would seem to me to demand and to mandate the ICC from taking care of that. I don't think really that's the Sponsor's intent, but as I read it, that's what it seems to do if you were to read tax savings. So, for those reasons, I have some difficulty in supporting this Amendment."

Speaker Breslin: "There being no further discussion, Representative Homer, to close."

Homer: "Thank you, Madam Speaker. Let me address the last speaker's concern first. The intent of this Bill is not to address fluctuations in assessments for the property taxes. The purpose of this Bill, and I certainly... if the interpretation by the attorneys would be that it's more expansive than that, I can assure the last questioner that I will hold the Bill for a technical Amendment to clarify that we're talking about an income tax, not a property tax. The purpose of this Amendment is very simple. The Congress last year passed the Federal Tax Reform Act of 1986 and in so doing, reduced the corporate income tax rate from 46 percent to 34 percent. Now, all of the utilities in the State of Illinois are charging utility rates to consumers on the basis of a 46 percent federal income tax liability which no longer exists. Now, those who would oppose this Amendment would be voting to allow those utilities to continue to enjoy the benefit of collecting from consumers a tax that isn't obligated by them to be paid to the Federal Government. The Amendment is very simple and straightforward. It says, whenever there is a change in the income tax laws so that there is a reduction in the tax obligation of the utility, that the Commerce Commission shall determine how much the reduction is and order a reduction in the rates that those utilities charge to

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consumers, so that the benefit of the tax reduction goes in the pocket of the consumer and not in the pocket of the utility. It's very simple. And although a previous speaker said that we ought to be able to entrust these matters to the Commerce Commission, I think it can't go without note that, in this very Body a week ago, a Majority of the Members here voted somewhat a lack of confidence in that Commission by voting to have an elected Commerce Commission. And so, why should we entrust a question about this very basic and fundamental issue when we can make it the law? It's fair. It's right, and I would urge your adoption of this Amendment."

Speaker Breslin: "The question is, 'Shall Amendment #2 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Stephens, one minute to explain your vote. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 66 voting 'aye', 47 voting 'no' and 2 voting 'present'. And the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. With leave of the Body, I'd like to go back to a Bill that was taken out of the record, House Bill 1699. On this Order of Business, Representative Ronan. Clerk, read the Bill."

Clerk Leone: "House Bill 1699, a Bill for an Act to amend the Funeral Directors and Embalmers Licensing Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

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

Clerk Leone: "There are no Motions or Amendments filed."

Speaker Breslin: "Third Reading. And then, I would like to go back to House Bill 1320, if there are no objections,

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Clerk Leone: "Floor Amendment #1 is being offered by Representatives Churchill and Ronan."

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker. Leave to withdraw Floor Amendment #1."

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

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 2363. Excuse me. Mr. Clerk, was there another Amendment on House Bill 2219?"

Clerk Leone: "Floor Amendment #2 is being offered by Representative Churchill."

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker and Assistant Clerk. Floor Amendment #2 is being offered to the Body as an agreement with the Chairman of the Registration and Regulation Committee, who requested that we take another Bill and roll it into an Amendment and place it on House Bill 2219. What this does is to register all water craft in the State of Illinois. And the Amendment provides a fee structure for water craft which is graduated by the length of the vessel. I would ask for the adoption of Floor Amendment #2."

Speaker Breslin: "The Gentleman has moved for the adoption of the Amendment #2 to House Bill 2219. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 2363, Representative Stange. Clerk, read the Bill."

Clerk Leone: "House Bill 2363, a Bill for an Act to amend the

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Representative Ryder's Bill. House Bill 1320, Mr. Clerk."

Clerk Leone: "House Bill 1320..."

Speaker Breslin: "When this Bill was taken out of the record, we were considering Amendment #4. Amendment #3."

Clerk Leone: "It's been read a second time previously. Amendment #3 is being offered by Representative Stephens."

Speaker Breslin: "Representative Stephens."

Stephens: "Withdraw Amendment 3."

Speaker Breslin: "Withdraw Amendment #3. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #4 is being offered by Representative Hasara."

Speaker Breslin: "Representative Hasara withdraws Amendment #4. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Representative Ryder, a fiscal note was requested on this Bill as it relates to Amendment #2. Representative Ryder."

Ryder: "Madam Speaker, it's my understanding that the person that filed that is now willing to withdraw it if he is able to take his ear off of his telephone."

Speaker Breslin: "Representative Cullerton, will you withdraw your fiscal note on this Bill? Yes, he indicates he does."

Ryder: "Thank you."

Speaker Breslin: "The fiscal note is withdrawn and House Bill 1320 can move to the Order of Third Reading. In going back to the Regular Order of Call, on page 13, appears House Bill 2219, Representative Churchill. Clerk, read the Bill."

Clerk Leone: "House Bill 2219, a Bill for an Act to amend the Boat Registration and Safety Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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Mobile Home and Mobile Home Park Act. Second Reading of  
the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 2421, Representative  
Levin. Clerk, read the Bill."

Clerk Leone: "House Bill..."

Speaker Breslin: "Representative Levin."

Levin: "Madam Speaker, before we have Second Reading on this  
Bill, I would request that a letter that I filed with the  
Clerk, disclosing that I am of counsel to a law firm that  
represents condominium associations, be journalized as part  
of the debate on Second Reading on this Bill."

Speaker Breslin: "Mr. Clerk, please journalize Representative  
Levin's letter pertinent to House Bill 2421, and now, read  
House Bill 2421 on Second Reading."

Clerk Leone: "House Bill 2421, a Bill for an Act in relationship  
to Condominiums. Second Reading of the Bill. No Committee  
Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 2433, Representative  
Mautino. Clerk, read the Bill."

Clerk Leone: "House Bill 2433, a Bill for an Act to amend an Act  
to repeal the Real Estate License Act. Second Reading of  
the Bill. There are no Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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

Speaker Breslin: "Representative Pullen on Amendment #1."

Pullen: "Thank you, Madam Speaker. This Amendment relates to  
protecting the people around O'Hare Airport, from having  
their homes condemned..."

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Speaker Breslin: "Excuse me, Representative Pullen. Excuse me, Representative Pullen. Representative Pullen, a point of order has been raised. Representative Cullerton, state your point."

Cullerton: "Yes, I would ask that the Parliamentarian please check and see if this particular Amendment is germane to this particular Bill. I don't want any premature speeches."

Speaker Breslin: "Representative McCracken, for what reason do you rise?"

McCracken: "Could we have a ruling on Amendment #2, while you are at it? We will save Representative Cullerton a speech."

Speaker Breslin: "Mr. Clerk, could you give us Amendment #2 also? Representative Pullen and Representative McCracken, both of your Amendments are out of order. The second, Amendment #2 is Representative Cullerton's. Okay. Representative Cullerton and Representative Pullen, both of your Amendments are out of order. They seek to amend an Act dealing with Real Estate Brokers. Neither of your Amendments deal with the Brokers' Licensure. Are there any further Amendments, Mr. Clerk?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 2737, Representative Dunn. Clerk, read the Bill."

Clerk Leone: "House Bill 2737, a Bill for an Act to amend an Act in relationship to the verification of statements. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 2803, Representative Myron Olson. Clerk, read the Bill."

Clerk Leone: "House Bill 2803, a Bill for an Act to amend the Capital Development Board Act. Second Reading of the Bill."

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There are no Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. Ladies and Gentleman, the next Order of Business will be State Regulation, Second Reading. It appears at the top of page 12 on your Calendar. Excuse me, that's the one we just completed. The next Order is Consumer Protection, Second Reading, page 15. House Bill 2 is the first Bill on that Order of Call, Representative Cullerton. Clerk, read the... out of the record. House Bill 1229, Representative Flowers. Clerk, read the bill."

Clerk Leone: "House Bill 1229, a Bill for an Act to amend an Act in relationship to Mortgage Foreclosures. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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

Speaker Breslin: "Representative McCracken on Amendment #1."

McCracken: "Thank you, Madam Speaker. Amendment #1 would create the Illinois Agricultural Emergency Assistance Act, which would be a farm mortgage assistance program administered by the Illinois Farm Development Authority, and allow farmers to receive financial counseling free of charge, receive mortgage assistance payments for up to three years at nine percent interest. No loans will be made or are to be made after January 1, 1990. I move its adoption."

Speaker Breslin: "Representative McCracken has moved the adoption of Amendment #1 to House Bill 1229. And on that question, is there any discussion? Representative... The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Cullerton: "Do you retain the original Bill by...with your

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Amendment? I'm sorry."

McCracken: "No, Sir. No, Sir."

Cullerton: "I didn't think so. The original Bill deals with the Illinois... creates the Illinois Home Owners Mortgage Counseling Law. And your Amendment creates the Illinois Agricultural Emergency Assistance Act."

McCracken: "That's right."

Cullerton: "And you would want Representative Flowers, then, to be the Sponsor of the Illinois Agricultural Emergency Assistance Act, and no longer be the Sponsor of the Bill she filed, the Illinois Home Owners' Mortgage Counseling Law?"

McCracken: "You know, actually, I can't think of a finer Sponsor. However, if it is your wish, we could...we could have both Bills and send them over to the Senate and let them decide."

Cullerton: "Well, that's why I was curious why your Amendment gutted the Bill."

McCracken: "I didn't do it intentionally."

Cullerton: "Okay, I am going to give you one more chance to say that without smiling. This was a House Republican Staff Amendment, again. Mr. Speaker... Madam Speaker... I can't see you in here."

Speaker Breslin: "Yes, Sir."

Cullerton: "As worthy a goal as this Amendment might be, I wonder if it is germane to this particular Bill? Or this here particular Bill?"

McCracken: "How could it not be germane? They both deal with mortgage assistance."

Speaker Breslin: "Representative McCracken, your Amendment is not germane. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Excuse me, Mr. Clerk, are there any further



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Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. I note that the Fiscal Note has been supplied on this Bill. Ladies and Gentlemen, we would like to break for a moment and take the Roll Call on the Consent Calendar. Mr. Clerk, do you need to read these Bills again?"

Clerk Leone: "On the Order of Consent Calendar, all the Bills have been read a third time on Friday, May 15, 1987, except for House Bill 976. House Bill 976 is a Bill for an Act to amend the State Occupation and Use Tax Act. Third Reading of this Bill."

Speaker Breslin: "The question is 'Shall the Consent Calendar... Representative Cullerton. Representative Cullerton.'"

Cullerton: "Yes, Madam Speaker, I believe that there were five Bills that were passed last Friday that were on the Calendar, the Consent Calendar, Third Reading, on the white Calendar, those numbers being House Bills 1031, 1317, 2258, 2808 and 2834. And although it would be nice to pass them a second time, it might be confusing, and I just wanted to make sure that you are aware of that, since the Clerk O'Brien wasn't in there and rather Clerk Leone who is in the ink column this morning for those of you who didn't see it. I didn't want him to make any more mistakes so as to draw more attention to his... himself."

Speaker Breslin: "Mr. Clerk, can you delete those numbers? Very good. The question is, 'Shall the Consent Calendar be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Ropp, for what reason do you rise? Representative Ropp, for what reason do you rise?"

Ropp: "Yeah, Madam Speaker, I have a parliamentary inquiry. On our yellow sheet here we have a Bill 62 that's on this

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sheet. It's not on this one, nor is it on that one."

Speaker Breslin: "Several of the Bills, 26 of the Bills, have been taken off, and House Bill 26 (sic - 62) is one of those Bills. But, 26 of them have been taken off of that second sheet, so you don't have to worry about that. Representative McCracken, for what reason do you rise?"

McCracken: "Just a parliamentary inquiry, Madam Chairman. Do the Clerk's records reflect the five Bills that Representative Cullerton tells us passed Friday? Do we..."

Speaker Breslin: "They have not had an opportunity to check it yet, but they will verify it and get back to us, if there is any problem. Have all voted who wish? The Clerk will take the record. On this question there are 117 voting 'aye', none voting 'no' and none voting 'present'. And the Bills on the Consent Calendar are passed. Since they have all reached... We'll take the vote later, then. Very good. Remember, Ladies and Gentlemen, you have an opportunity to vote 'no' on Bills on the Consent Calendar. We will expect to have your Roll Call votes returned to the Clerk's well by 6:00 p.m. You can vote 'no'... 'yes', 'no', 'present' or 'absent' if you so desire. Return it to us by 6:00 p.m. Representative Sutker."

Sutker: "Madam Speaker, a question of information. Is House Bill 1110 on the Consent Calendar that was placed on the board? I had moved that that Bill be placed on a Calendar other than this, earlier, and it was to be off the Consent Calendar, but I noticed that it's on my list of Bills, which are indicated as Consent Bills. I had tabled that Bill, I think, two or three days ago."

Speaker Breslin: "Representative Sutker, the Bill was objected to and was taken off the Consent Calendar, according to the Clerk's record."

Sutker: "No, no, I had moved, Madam Speaker, I had moved to table

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House Bill 1110 on Thursday or Friday of last week. I note that it is on my Consent Calendar, today."

Speaker Breslin: "What is the date on your Consent Calendar, Representative Sutker?"

Sutker: "May 18th."

Speaker Breslin: "I see. As I announced before, there are 23... or 26 items that have been removed from that Order. And it has been tabled. It has been tabled, yes."

Sutker: "I had moved to table that House Bill... it has been tabled? I had made a commitment to table that particular Bill."

Speaker Breslin: "Yes, the Clerk's Office was putting together this Consent Calendar Roll Call at 1:30 this morning, so some Bills were left on it that are not... that had been objected to and were taken off at the final hour. Representative McCracken, for what reason do you rise? Representative McCracken."

McCracken: "Parliamentary inquiry, Madam Speaker. Does the Chair know what Bills were taken off?"

Speaker Breslin: "Yes."

McCracken: "Can you tell us..."

Speaker Breslin: "Do you wish to have a list? Mr. Clerk, would you give me the list of those Bills, please."

McCracken: "Maybe the Clerk could punch them up on the board?"

Speaker Breslin: "The Bills that are on the list, but are not on the Consent Calendar, are House Bills 62... Representative McCracken."

McCracken: "You're saying that the check-off list is larger than the Calendar list."

Speaker Breslin: "That is correct."

McCracken: "But the Calendar list is accurate."

Speaker Breslin: "The Calendar list is accurate."

McCracken: "Okay, thank you."

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Speaker Breslin: "Ladies and Gentlemen, the Clerk's Office has advised us that because of the confusion, they are going to go back and print a new list, so that you can vote 'no', 'present' or 'not voting'. It will come out so that it coincides with your Consent Calendar exactly, and it will be of a different color, so you can expect that to be on your desks shortly. Do not bother marking up this list, since it has created so much confusion. Ladies and Gentlemen, we will now go back to the Order of House Bills Second Reading, Special Order of Business - Consumer Protection. It appears on page 15 on your Calendar. The next Bill is House Bill 1414, Representative Dunn. Clerk...Out of the record. House Bill 1785, Representative O'Connell. Is Representative O'Connell in the Chamber? Or Representative McNamara? Okay, Represent...Representative McNamara, do you want this Bill heard? Clerk, read the Bill."

Clerk Leone: "House Bill 1785, a Bill for an Act to amend an Act in relationship to the issuance and use of credit cards. Second Reading of the Bill. Amendment #1 was adopted in Committee."

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

Clerk Leone: "There are no Motions filed nor Amendments."

Speaker Breslin: "Third Reading. House Bill 2361, Representative Kubik. Clerk, read the Bill."

Clerk Leone: "House Bill 2361, a Bill for an Act to amend the Hearing Aid Consumer Protection Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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

Speaker Breslin: "Representative Kubik."

Kubik: "Thank you, Madam Speaker. Floor Amendment #1 has been

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suggested by the Department of Public Health as a result of a suggestion by JCAR. And what this Amendment simply does is to clarify the definition of a clinical audiologist. And I move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 2361. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 2609, Representative Kirkland. Clerk, read the Bill."

Clerk Leone: "House Bill 2609, a Bill for an Act to amend an Act in relationship to unsolicited merchandise. Amendment #1 was adopted previously."

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

Clerk Leone: "No Motions filed. Floor Amendment #2 is being offered by Representative Kirkland."

Speaker Breslin: "Representative Kirkland. Representative Kirkland."

Kirkland: "Thank you. Alright, thank you, Madam Speaker. Our notes showed, and we put in Amendment... Floor Amendment #2, because our record showed that a mistake had been made in Committee Amendment, #1 had not gone on. So if your records show differently, we should decide one way or the other. If Committee Amendment #1 went on, then I don't need to offer Amendment 2."

Speaker Breslin: "He'll check it on the computer, Representative Kirkland."

Clerk Leone: "There are no Amendments on this Bill. Amendment #1 was not adopted."

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Speaker Breslin: "Representative Kirkland therefore is going to present Amendment #2. Representative Kirkland. Representative Kirkland."

Kirkland: "Thank you, Madam Speaker. Amendment #2 provides... becomes the Bill and provides that a consumer is not required to pay for a second and subsequent applications in unsolicited lawn care services, if the lawn care vendor does not obtain a signed purchase order for those applications."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 2689. And on that question, the Gentleman from Cook, Representative Cullerton. Excuse me, that was House Bill 2609."

Cullerton: "Would the Sponsor yield?"

Kirkland: "Yes."

Cullerton: "How does the Amendment differ from the original Bill?"

Kirkland: "Frankly, the original Bill was simply misdrafted, and I drafted the Amendment to do what I originally intended, and it wipes out the original Bill."

Cullerton: "So the Amendment becomes the Bill, then."

Kirkland: "Correct."

Cullerton: "And it basically says, that if someone comes along and makes an unsolicited initial contact with a new customer or that new customer's lawn, they...what, do they come by and spray your lawn?"

Kirkland: "Yeah, they'll call you and offer you a... say, we'd like to do a series of so many applications on your lawn, and typically, send you a card after the first application indicating among other things that you should send the card back and tell them that you don't want further applications. I've had the experience and I've run into several others who've had the experience that... although

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they only ordered one application, they got that card and not paying much attention to it, except for the bill part of it, they didn't sent the card back and got more applications."

Cullerton: "Does this apply to the City of Chicago?"

Kirkland: "What?"

Cullerton: "Does this apply in the City of Chicago?"

Kirkland: "Well, I think so."

Cullerton: "Do they do this in Chicago, even on the small lawns?"

Kirkland: "Can't say that I've run into anybody in Chicago who's mentioned it to me."

Cullerton: "Okay. Thank you."

Speaker Breslin: "The question is, 'Shall Amendment #2 be adopted?' All those in favor vote 'aye'... all those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 2612, Representative Giorgi. Clerk, read the Bill."

Clerk Leone: "House Bill 2612, a Bill for an Act relating to Video Movie Sales and Rental Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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

Speaker Breslin: "Representative Hallock. Representative Hallock has been recognized."

Unknown: "He's on the telephone. He's probably talking to his mother. It's an important call."

Hallock: "I would move to withdraw Amendment #1, please."

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

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Clerk Leone: "Floor Amendment #2 is being offered by Representative McCracken."

Speaker Breslin: "Representative McCracken withdraws Amendment #2. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #3 is being offered by Representative Hallock."

Speaker Breslin: "Representative Hallock. Representative Hallock."

Hallock: "Thank you. I would move the adoption of Amendment #3. What this tries to do is actually to prohibit the sale of home movies of this type. The Bill seeks to set aside a certain part of stores for the sale of these movies. This Bill would try to amend that... this Amendment would amend that by actually deleting the sale of these movies, and I would seek its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to House Bill 2612. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Cullerton: "Yes, Representative Hallock, did you clear your Amendment with the Sponsor of the Bill?"

Hallock: "Yes, I did, and he is for this for the Amendment. He is a rational person. He's for it, and he thinks it's a great idea."

Cullerton: "And the difference between your Amendment and his Bill is what?"

Hallock: "Well, the difference is, what he sought to do was require that a certain part of the video store be set aside for these productions. Mine seeks to go further and actually ban this type of production."

Cullerton: "I see, thank you."

Speaker Breslin: "Is there any further discussion? The Lady from



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Kane, Representative Deuchler."

Deuchler: "Would the Sponsor yield for a question?"

Speaker Breslin: "He indicates he will."

Deuchler: "Representative Hallock, are you saying that you would prohibit the sale and rental, also, of this type of material, or only the sale?"

Hallock: "Sale and rental."

Deuchler: "Thank you."

Speaker Breslin: "Is there any further discussion? Hearing none, the question is, 'Shall Amendment #3 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments? Any further..."

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. House Bill 2836, Representative Myron Olson. Clerk, read the Bill."

Clerk Leone: "House Bill 2836, a Bill for an Act to amend the Illinois Insurance Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Representative Myron Olson, on the Amendment."

Olson, M.: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #2 is a technical Amendment which was suggested by Democratic Staff and worked on with the Department of Insurance Agency, strictly technical in the sense of the description. I would move for the adoption of Amendment 2 to House Bill 2836."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House 2836. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Are

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there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. The next Order of Business, Ladies and Gentleman, is Administration of Justice Second Reading and Third Reading, page 16 on your Calendar. The top of the page, the first Bill is House Bill 270, Representative Levin. Representative Levin. Out of the record. House Bill 440. Representative John Dunn. Clerk, read the Bill."

Clerk Leone: "House Bill 440, a Bill for an Act to amend the Code of Civil Procedure. Second Reading of the Bill."

Speaker Breslin: "Out of the record. House Bill 1060, Representative Curran. Clerk, read the Bill."

Clerk Leone: "House Bill 1060, a Bill for an Act to amend the Firemen's Disciplinary Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

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

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

Speaker Breslin: "Third Reading. House Bill 1333, Representative Stange. Representative Stange. Out of the record. House Bill 1420, Representative Countryman. Clerk, read the Bill."

Clerk Leone: "House Bill 1420, a Bill for an Act to amend the Illinois Notary Public Act. Second Reading of the Bill. No Committee Amendments."

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

Clerk Leone: "No Motions nor Floor Amendments filed."

Speaker Breslin: "Third Reading. House Bill 1502, Representative Churchill. Clerk, read the Bill."

Clerk Leone: "House Bill 1502, a Bill for an Act to amend an Act in relationship to the Office of Public Defender. Second Reading of the Bill. No Committee Amendments."

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Speaker Breslin: "Any Floor Amendments? Excuse me, Mr. Clerk, are there Amendments filed? Representative Churchill, for what reason do you rise?"

Churchill: "Thank you, Madam Speaker. I believe that we are in middle of debating the Amendment #1 on this Bill, and I took the Bill out of the record because of a question on the other side of the aisle, so perhaps the Assistant Clerk has some confusion because of that."

Speaker Breslin: "Does that assist you in finding the Amendment? Representative Churchill, we weren't on this Bill today, were we? Was some other day? Last week, it was last week. Representative Churchill, we are going to have to ask you to take the Bill out of the record for the time being. We cannot find the Amendment. It might be helpful if you would give us a copy of what you have. The next Bill is House Bill 1853, Representative McCracken. Out of the record. With leave of the Body, I'll go back to Representative Stange's Bill, House Bill 1333. Clerk, read the Bill."

Clerk Leone: "House Bill 1333, a Bill for an Act to amend the Probate Act. Second Reading of the Bill."

Speaker Breslin: "Representative Stange, help us out a little bit. Do you know if there are Amendments filed on this Bill? The Gentleman indicates that there should not be any Amendments filed on this Bill, to his knowledge. Take House Bill 1333 out of the record, please. The next Order of Business is Third Reading, under Administration of Justice. House Bill 245, Representative Ewing. Clerk, read the Bill. Representative Ewing, this is Third Reading on your Bill, House Bill 245."

Clerk Leone: "House Bill 245, a Bill for an Act in relationship to public and community service for offenders. Third Reading of the Bill."

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Speaker Breslin: "Representative Ewing."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, this Bill deals with community service and with expanding the ability for juveniles and the probation officers to promote community service among different private organizations. It also deals with some liability issues in regards to that. The Bill was heard in Committee, overwhelmingly approved, and I would ask for a favorable adoption of this Bill. I would be glad to answer any questions."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 245. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Cullerton: "Representative Ewing, I believe I understand the theory behind this Bill. It deals with the issue of people who are assigned to public or community service by a Judge, either by a Juvenile Court or an Adult Court, but it limits the liability exposure of the state and local government and the not-for-profit organizations that this Bill expands, to be able to accept such people. I wonder if you can tell me the theory behind the issue of the liability limitations?"

Ewing: "Representative, the theory behind the liability for these not-for-profits was that they weren't able to take these assignments for community service if they had to have the complete liability risk. The cost of carrying insurance was prohibitive. To go without insurance was also not an option that they felt they could avail themselves of. So, it really limited the availability of places where these people could be placed for community service."

Cullerton: "Well, specifically then, it does not exempt them from willful, wanton or gross negligence. Is that correct?"

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Ewing: "That's correct."

Cullerton: "However, if someone is negligent, that just means that there will be no one that they can recover from. Is that correct?"

Ewing: "It would limit their ability to recover. That is correct."

Cullerton: "Now, it also seems to expand the locations for work sites. What was the theory behind that? As I recall, Representative Hallock had a Bill dealing with this last year, where we specifically limited the location, for example, if the Judge in a certain county sentenced someone to this, they had to have been required to be located somewhere in that same county, and you seem to be lifting that limitation. I'm wondering what the reason for that was?"

Ewing: "Well, the reason again is to make more jobs available for community service. Sometimes, they're not always available in that county and that was the reason for limiting. I don't think there's any program here to... or any interest in sending young people from Northern Illinois to Southern Illinois, but sometimes they need to cross county lines, particularly in the urban area."

Cullerton: "What not-for-profits are you planning on extending it to, the Elks, the VFW, would they be included?"

Ewing: "I think we are talking more of service club types, Lions, that type of organizations."

Cullerton: "So someone could be sentenced by a Juvenile Court Judge to go out and work on 'Candy Day'?"

Ewing: "I would think more or likely to work in the Lions park. In building some improvement or..."

Cullerton: "If that person is out there on 'Candy Day' and they weren't given a... let's say they are out in the streets soliciting and they get run over by a car. There would be

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no one that they could... they could possibly sue the person driving the car, but they couldn't do anything towards... they couldn't, in any way, sue the people that put them out there, or the Judge that put them out there. Is that the intent of the..."

Ewing: "Well, I'm not sure they would be out there selling candy. I'm not sure that's public service work. They do have to have proper supervision, and I think if you sent somebody out into the street without proper identification or safety clothes, that would be beyond, probably, willful and wanton."

Cullerton: "Okay, Thank you very much."

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

Matijevich: "Madam Speaker, I only rise to give my wholehearted support to this program. The program has worked so well, and as everybody here knows, we have expanded the juvenile program throughout the state, and they have to meet these statewide standards and the people in the juvenile... the people in the probation program, rather, have come to us and said that we need to expand this so that community service type organizations can be included. And the reason for the multicounty is because some of the Judicial Circuits are in more than one county and sometimes where the offender is at, there are no more programs, so that's the reason for the multicounty. This is a good program and we need to expand it. And I urge your 'aye' vote."

Speaker Breslin: "The question is, 'Shall House Bill 245 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 111 voting 'aye', 1 voting 'no' and 1 voting 'present'. And this Bill, having received the

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Constitutional Majority, is hereby declared passed. House Bill 310, Representative Kirkland. Clerk, read the Bill."

Clerk Leone: "House Bill 310, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Breslin: "Representative Kirkland."

Kirkland: "Thank you, Madam Speaker. This Bill addresses two sections of the Attorney Fee Sections of the Illinois Marriage and Dissolution of Marriage Act, and then an Amendment addresses the Section on representation of a child. The Bill first addresses the Section on permissive fees that are allowed in domestic relation cases when, after due notice and hearing and after consideration of financial resources of the parties, and allows the court to order a prospective attorney's fees, clarifies the language because as the language is currently written, some of the five Appellate Courts in Illinois have interpreted it as allowing the ordering of prospective attorneys' fees and others, particularly the second district... the Second Appellate District Court, have not allowed attorneys' fees in interpreting the language. This is to clarify the language to allow that. The second part of Section 508 amended is... has to do with enforcement of an order or judgement when an order hasn't been filed without cause or justification, and allows an attorney's fees or actually directs that attorneys' fees be assessed in those cases in all kinds of domestic relations situations, as listed in the first part of that Section, rather than just as it is now written for the enforcement or modification, excuse me, for the enforcement of a provision for child support. The third Section of the Bill simply allows a court to appoint a separate attorney to act as guardian ad litem for a child, as opposed... when there is also an attorney

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appointed to represent the child as an attorney. The current language doesn't give the court that option, but seems to restrict the court to appointing the same attorney in both cases. Move for the adoption."

Speaker Breslin: "Representative Kirkland has moved for passage of House Bill 310. And on that question, the Gentleman from Macon, Representative Dunn."

Dunn: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. With all due respect for the Sponsor who is... might be a very good legislator, I think this Legislation actually will encourage litigation rather than discourage it. As I said in Committee, at the present time, litigants who... in matrimonial cases who for the most part don't have enough money to go around to begin with, can't or have difficulty paying the lawyer they hire and they resist vigorously paying the other side's lawyer, and the ultimate result of that is that a lot of cases are settled out of court. And the parties are driven into negotiating between themselves, to achieve a result which they work out themselves, which for the most part is every bit as good and quite often better than something imposed upon them by a court. If, on the other hand, one side to litigation can... one party of the litigation can petition the court for award of attorneys fees prospectively, then the other side will have to be on its guard. And I think we will find that both parties will... more money may come to lawyers, but, we will find that people will wind up in court more and I don't think that's good for anybody. It clogs the court system and drives people into Court instead of out. People should stay out of court as much as possible. And with all due respect, I think that we should not pass this legislation."

Speaker Breslin: "The Gentleman from Coles, Representative



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Weaver."

Weaver: Thank you, Madam Speaker, Ladies and Gentlemen of the Assembly. I rise in support of this Bill simply because of the issue of visitation rights and the violation of those rights by the custodial parent. This Bill, as amended will allow a little bit more leverage on the part of the non-custodial parent to enforce visitation rights of the children that he cannot see. Too many cases have been brought to our attention where you have a custodial parent who uses the children and the visitation rights to the children as leverage or to get even with the non-custodial spouse. I think this is a good step in the right direction and we need a little bit more, but this is the bare minimum to help enforce the rights of the non-custodial parent, and I ask you to support this Bill."

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

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

Speaker Breslin: "He will."

Young: "I guess I'm having problems with the provision in the Bill, allowing the attorneys' fees prospectively. When would you envision this to take place?"

Kirkland: "Well, in a situation, for instance, and I think we've all had it, in representing people in divorce cases where the wife most typically simply doesn't have the amount of funds to take depositions, to obtain expert witnesses, for instance, if you are having a dispute about the pension and so forth."

Young: "But currently those fees are normally recoverable after the work as been performed, isn't that correct?"

Kirkland: "Are normally recoverable?"

Young: "Yes."

Kirkland: "Well, certainly, but I guess in response to you, I could partly reply to Representative Dunn, too, that you

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may encourage more settlement by waiting until after the case is completed before awarding attorneys' fees, but you may do that by in fact, forcing the person without funds to not be able to fully litigate their case."

Young: "Alright, thank you."

Speaker Breslin: "Is there any further discussion? Hearing none, Representative Kirkland, to close."

Kirkland: "Thank you, Madam Speaker. Having the opportunity to say just what I said, I have nothing too much further to add, except the Bill is supported by the Chicago Bar Association and the Illinois State Bar Association. Further, some of the five Appellate Courts are, in fact, interpreting the statute now to allow prospective attorneys' fees, and I think that the Second Appellate Court felt caught, really, by the way the language is worded without this change rather than a particular desire to not allow prospective attorneys' fees in the right kind of situation after notice and hearing and so forth."

Speaker Breslin: "The question is, 'Shall House Bill 310 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 95 voting 'aye', 18 voting 'no' and none voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, we have now located the missing Amendments for Representative Churchill's Bill. So with leave of the Body, I would like to go back to Administration of Justice, House Bills Second Reading, House Bill 1502. Mr. Clerk, read the Bill."

Clerk Leone: "On page 16, House Bill 1502, a Bill for an Act to amend an Act in relationship to the Office of Public Defender. Second Reading of the Bill. No Committee

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Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. The Amendment basically takes the language of Senate Bill 114 and places it into this Bill. When I was in front of the Judiciary Committee, and we were talking about the Bill. Several Members of the Committee had asked if I would incorporate the language of this Senate Bill in House Bill 1502. And basically, we take the language out of the original copy of the Bill, and we put in the new language, and that's it, so I would ask for the adoption of the Amendment."

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

Clerk Leone: "Floor Amendment #2 is being offered by Representative Giorgi."

Speaker Breslin: "Representative Giorgi."

Giorgi: "Madam Speaker, Amendment #2 upgrades the salaries of public defenders. For years, we heard that the counties were desperate and they didn't have any money, but two years ago we passed House Bill 1575, which allowed all counties in Illinois to levy a quarter cent sales tax and the people that worked on this 1527 Bill also worked on the Public Defenders' Bill. Now that we have the money, we'd like to bring the public defenders up to where we think it's parity. And I urge the adoption of Amendment #2."

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Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 1502. And on that question, the Gentleman from Lee, Representative Olson."

Olson, M.: "Would the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Olson, M.: "Representative Giorgi, will this be based on population, the index?"

Giorgi: "Yes."

Olson, M.: "Do you have an example for Winnebago County, for example?"

Giorgi: "I don't have a schedule here, but it's eighty percent of whatever the state's attorney makes in any given county, and the State's Attorneys' salaries are based on population."

Olson, M.: "To the Amendment, Madam Speaker. He has a good recommendation because public defenders are traditionally given a heavy workload without adequate resourcing."

Speaker Breslin: "The question is, 'Shall Amendment #2 be adopted?' All those in... excuse me, the Gentleman from Macon, Representative Dunn on the Amendment."

Dunn: "Will the Sponsor yield for a question?"

Speaker Breslin: "Yes, he indicates he will."

Dunn: "Does this prohibit the public defender from engaging in the private practice of law in all situations or just..."

Giorgi: "Just when... When a public defender in a county of 30,000 or more population is receiving not less than 90%, then he shall not engage in the private practice of law."

Dunn: "If this Amendment is adopted in a county over 30,000..."

Giorgi: "They start paying their public defender at 80% of what the state's attorney makes."

Dunn: "Eighty percent or ninety percent?"

Giorgi: "Eighty percent."

Dunn: "And they shall be prohibited from private practice of

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law?"

Giorgi: "Right."

Dunn: "What do the public defenders have to say about this Amendment?"

Giorgi: "Well, for years we heard that there wasn't enough money in the county coffers, but since a few of us have worked on House Bill 1575, which gave the counties a quarter cent sales tax, and every one of them are realizing more than anticipated. We thought it would be a good time to do what we wanted to do for the public defenders for a very long length of time. And while we are talking about public defenders, the Bill we just passed was not for public defenders, but it was for the courts setting fees for attorneys that litigate in the court house..."

Dunn: "I didn't vote for that Bill."

Greiman: "I know you didn't, I noticed the omission. I think you should have voted for that, like you should vote for this."

Dunn: "I don't know of any public defenders who had come forward and said that they want this Amendment. Do you know of any?"

Giorgi: "They have been after this for the last 10 years. Churchill... McCracken wants to say something. John, would you let your colleague... give him a couple minutes of your time?"

Dunn: "I'll just listen, thank you."

Speaker Breslin: "The Gentleman from Livingston, Representative Ewing, wanted to say something first. Representative Ewing."

Ewing: "Yes, Madam Speaker, will the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Ewing: "I'm sure, I hope I'm not being redundant, but will this require these public defenders to be full time, in a county where you have a full time state's attorney?"

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Giorgi: "Yes, except for the... yes, the answer is yes."

Ewing: "Is that what you mean when you shake your head?"

Giorgi: "Yes."

Ewing: "Okay, thank you."

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

McCracken: "This relates only to the office holder or the person  
appointed, the actual public defender. Doesn't relate to  
the assistant or anything like that?"

Giorgi: "That is correct."

McCracken: "Okay, I think this is a fine Amendment, and I think  
it should get on the Bill, and I think the Bill should  
pass."

Giorgi: "Thank you."

Speaker Breslin: "The question is, 'Shall Amendment #2 be  
adopted?' All those in favor say 'aye', all those opposed  
say 'no'. In the opinion of the Chair, the 'ayes' have it.  
The Amendment is adopted. Are there any further  
Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, we are  
preparing... preparing to go to a Special Call on the  
State Budget. The State Budget. Representative McCracken,  
for what reason do you rise?"

McCracken: "After that, are we going to pick up the Calendar back  
at Administration of Justice, Third Reading, where we left  
off?"

Speaker Breslin: "I don't know that. I don't know that. But we  
will certainly go back to the next Bill, when we get back  
to that Order."

McCracken: "Which may be sooner or later. Okay, thank you."

Speaker Breslin: "Special Call, Special Budget, State Budget  
Special Call Order. First Bill is House Bill 451,

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Representative McPike. Clerk, read the Bill."

Clerk Leone: "On page 25 of the Calendar, House Bill 451, a Bill for an Act appropriating funds in relationship to the Build Illinois Program. Second Reading of the Bill. Amendment #1 was adopted in Committee."

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

Clerk Leone: "There are no Motions filed in respect to Amendment #1. Floor Amendment #2 is being offered by Representative Jeff Mays."

Speaker Breslin: "Repeat the name, Sir?"

Clerk Leone: "Representative Mays."

Speaker Breslin: "Representative Mays."

Mays: "Withdraw."

Speaker Breslin: "Withdraw Amendment #2. Are there any further Amendments? Amendment #3, Representative Black. What is your intention on this Bill?"

Black: "Yes. Thank you, Madam Speaker. I have Amendment 3, 4, 5, 6 and 7. I sense that we might have a temporary funding problem with Build Illinois. I would ask that you withdraw those Amendments, and well see if we can't work something out between now and the end of the Session."

Speaker Breslin: "Very good. Withdraw Amendments 3, 4, 5, 6 and 7. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #8, offered by Representative Leverenz."

Speaker Breslin: "Representative Leverenz."

Leverenz: "Thank you, Madam Speaker. Amendment #8 would strike everything from the enacting clause, and essentially rewrites correctly Amendment #1, that we did put on in Committee with a few technical corrections. I would move for the adoption of Amendment #8."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #8 to House Bill 451. And on that question, is

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there any discussion? Hearing none, the question is, 'Shall Amendment #8 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it. And the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #9 is being offered by Representative Mays."

Speaker Breslin: "Representative Mays. Withdraws Amendment #9. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 484, Representative Didrickson. Clerk, read the Bill."

Clerk Leone: "House Bill 484, a Bill for an Act making appropriations to the State Board of Education. Second Reading of the Bill. Amendment #1 was adopted in Committee."

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

Clerk Leone: "There are no Motions nor Amendments."

Speaker Breslin: "Third Reading. House Bill 699, Representative Currie. Clerk, read the Bill."

Clerk Leone: "House Bill 699, a Bill for an Act making certain appropriations. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 710, Representative Bowman. Clerk, read the Bill."

Clerk Leone: "House Bill 710, a Bill for an Act making certain appropriations. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 756, Representative



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Mays. Clerk, read the Bill."

Clerk Leone: "House Bill 756, a bill for an Act making appropriations for the ordinary and contingent expenses of the Prairie State 2000 Authority. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions filed?"

Clerk Leone: "There are no Motions filed."

Speaker Breslin: "Third Reading. House Bill... Any Floor Amendments?"

Clerk Leone: "Floor Amendment #2 is being offered by Representative Mays."

Speaker Breslin: "Representative Mays."

Mays: "Thank you, Madam Speaker. I would like to withdraw 2 and then go with 3."

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

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

Speaker Breslin: "Representative Mays."

Mays: "Thank you very much, Madam Speaker. Amendment #3 simply brings out the training assistance program within the Prairie State 2000 Program. It's an agreed Amendment. I moves its adoption."

Speaker Breslin: "The question is...the Gentleman has asked for the adoption of Amendment #3 to House Bill 756. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #3 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 776, Representative Tate. Clerk, read the Bill."

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Clerk Leone: "House Bill 776, a Bill for an Act making appropriations for ordinary and contingent expenses of the Department of Veterans' Affairs. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Are there any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #2 is being offered by Representative Tate."

Speaker Breslin: "Representative Tate."

Tate: "Thank you, Madam Speaker and Members of the House. Amendment #2 simply reappropriates \$50,000 to the Department of Veterans' Affairs for the Atomic Radiation and Dioxide Poisoning Victims Advisory Council. Last year, the Governor signed the legislation creating the council. However, members were not appointed in time to utilize any of the funding. It simply reappropriates from last year, and we inadvertently forgot to add that in Committee. I move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 776. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. I skipped over House Bill 774, Ladies and Gentlemen, so we will go back to that Bill. House Bill 774, Representative Mays. Clerk, read the Bill."

Clerk Leone: "House Bill 774, a Bill for an Act making appropriations for the ordinary and contingent expenses of

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the Department of Lottery. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "There are no Motions filed, nor Amendments."

Speaker Breslin: "Third Reading. House Bill 779, Representative Mays. Clerk, read the Bill."

Clerk Leone: "House Bill 779, a Bill for an Act making appropriations for the ordinary and contingent expenses to the Department of Employment Security. Second Reading of the Bill. Amendments #1, 2 and 3... Amendments #1, 2 and 3 were adopted in Committee."

Speaker Breslin: "Are there any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker Breslin: "Third Reading. House Bill 782, Representative Tate. Clerk, read the Bill."

Clerk Leone: "House Bill 782, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Department of Aging. Second Reading of the Bill. Amendments #1, 2, 3, 4, 5 and 6 were adopted in Committee."

Speaker Breslin: "Representative Bowman is recognized for the purposes of putting a Motion. Representative Bowman."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #4 is in error, and I move to table it. We have a subsequent Amendment that will clean up the technical difficulty. So, I now move to table Amendment #4."

Speaker Breslin: "The Gentleman moves to table Amendment #4 to House Bill 782. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #4 be tabled?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the

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'ayes' have it. And Amendment #4 is tabled. Are there any further Motions or Amendments?"

Clerk Leone: "Amendment #6... correction, Floor Amendment #7 is being offered by Representative Bowman."

Speaker Breslin: "Representative Bowman."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #7 corrects the technical flaws in Amendment #4. It changes the deletion on page 6 line 9 from 66,951,000 to 66,951,500 dollars. I move its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #7 to House Bill 782. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #7 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #8 is being offered by Representatives Bowman and Wojcik."

Speaker Breslin: "Representative Bowman."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I am offering this in conjunction with Representative Wojcik. There was a \$44,000 grant which was intended for the Northwestern Services Center for a coordination program for the Health Impaired Elderly that the Department on Aging alleged had been eliminated in Amendment #1. Now, in point of fact, this particular grant did not appear as a separate line item. I think, the allegation of the Department Aging, was inaccurate. However, it is the intent of the Committee to support this program, and so we are offering this Amendment to take the money out of the various operational lines in the central office and put together a little pot of \$44,000 that can be

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used for this purpose, so I am pleased to offer this Amendment to make sure that this worthy program goes forward at all costs."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #8 to House Bill 782. And on that question, the Lady from Cook, Representative Wojcik."

Wojcik: "Yes, Madam Speaker and Members of the House. I'd like to point out that this is basically a transfer of funds, and that the group is truly a deserving group, and they have done a world of great effort for the Aging. I think you've heard me speak last week as to some of the programs that they have, and they are working with many more to come. It's a worthwhile Amendment, and I do ask for its favorable adoption."

Speaker Breslin: "The question is, 'Shall Amendment #8 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 785, Representative Mays. Clerk, read the Bill."

Clerk Leone: "House Bill 785, a Bill for an Act making appropriations for the Capital Development Board. Second Reading of the Bill. Amendment #1 was adopted in Committee."

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

Clerk Leone: "There are no Motions filed, nor Amendments."

Speaker Breslin: "Third Reading. House Bill 960, Representative Tate. Clerk, read the Bill."

Clerk Leone: "House Bill 960, a Bill for an Act making certain appropriations. Second Reading of the Bill. No Committee Amendments."

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Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 1234, Representative Mays. Clerk, read the Bill."

Clerk Leone: "On page 31 of your Calendar. House Bill 1234, a Bill for an Act making reappropriations to the Capital Development Board. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 1285, Representative McPike. Clerk, read the Bill."

Clerk Leone: "House Bill 1285, a Bill for an Act making certain appropriations. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "There are no Motions filed, nor Amendments."

Speaker Breslin: "Third Reading. House Bill 1685, Representative Leverenz. Clerk, read the Bill."

Clerk Leone: "On page 35 of your Calendar. House Bill 1685, a Bill for an Act making appropriations to various agencies. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 1897, Representative Madigan. Clerk, read the Bill."

Clerk Leone: "House Bill 1897, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Office of State Treasurer. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions or Amendments? Out of the record. House Bill 2048, Representative Madigan. Clerk, read the Bill. Representative Leverenz, we are on House Bill 2048."

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For what reason do you rise?"

Leverenz: "1897 is just out of the record. Correct? Thank you."

Speaker Breslin: "Correct. Clerk, read the Bill."

Clerk Leone: "House Bill 2048, on page 36 of your Calendar, a Bill for an Act making appropriations to various legislative support agencies. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 2049, Representative Madigan. Clerk, read the Bill."

Clerk Leone: "House Bill 2049, a Bill for an Act to provide for the ordinary and contingent expenses of the General Assembly. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 2050, Representative Madigan. Clerk, read the Bill."

Clerk Leone: "House Bill 2050, a Bill for an Act making appropriations to the General Assembly. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 2756, Representative Leverenz. Clerk, read the Bill."

Clerk Leone: "House Bill 2756, on page 41 of your Calendar, a Bill for an Act making appropriations to various state agencies. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "No further Amendments? Third Reading. Ladies

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and Gentleman, we have two Bills. State Budget Bills on the Order of Third Reading that need to be returned to the Order of Second Reading for the purposes of an Amendment. Is there any objection to going to that order? Hearing no objection, the first Bill is House Bill 606. It appears on page 46 on your Calendar. House Bill 606 on page 46 on your Calendar. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 606, a Bill for an Act making appropriations to the Secretary of State. Third Reading of the Bill."

Speaker Breslin: "Representative McCracken asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Does he have leave? Hearing no objections, the Gentleman has leave. Mr. McCracken is recognized for the Amendment."

McCracken: "Thank you, Madam Speaker. Amendment #5 would add \$356,000 from the Road Fund for the implementation of the Federal..."

Speaker Breslin: "Excuse me, there is an Amendment #4, and I understand that yours is #5. Is that right, Representative McCracken? Okay. Then Representative Leverenz will be recognized first for Amendment #4."

Leverenz: "I thank you, Madam Speaker. Amendment #4 is a corrective hat for Amendment #2. It would appropriate \$150,000 for the purpose of a grant to study the drunk driving and the influence rehabilitation assessments in the Cook County Court System. I would move for the adoption of Amendment #4."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #4 to House Bill 606. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #4 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the



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Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment 5 is being offered by Representative McCracken."

Speaker Breslin: "Representative McCracken."

McCracken: "Amendment 5 would add \$356,000 from the Road Fund for the implementation of the Federal Commercial Motor Vehicle Safety Act of 1986. The money... and I move its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #5 to House Bill 606. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #5 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 773, on page 48 on your Calendar, is also on the Order of Third Reading and needs to be brought back for an Amendment. House Bill 773. Read the Bill, Mr. Clerk."

Clerk Leone: "On page 48. House Bill 773, a Bill for an Act making an appropriation for the ordinary and contingent expenses of the Illinois Commerce Commission. Third Reading of the Bill."

Speaker Breslin: "Representative Leverenz."

Leverenz: "I now move to table Amendment #2 so that we can replace it with 3. I made a mistake."

Speaker Breslin: "Who is the Sponsor of the Bill, Mr. Clerk?"

Clerk Leone: "Mays."

Speaker Breslin: "Representative Mays is the Sponsor of the Bill. The Gentleman moves to return this Bill to the Order of Second Reading for the purposes of an Amendment. Hearing

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no objection, the Gentleman has leave. On the Order of Second Reading, Representative Leverenz moves to table Amendment #2 to House Bill 773. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #2 be tabled?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is tabled. Are there any further Motions or Amendments?"

Clerk Leone: "Floor Amendment #3 is being offered by Representative Leverenz and Mays."

Speaker Breslin: "Representative Leverenz."

Leverenz: "I move for the adoption of Amendment #3."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #3 to House Bill 773. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #3 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, we will now go back to the Order of House Bills Third Reading. On the Order of Administration of Justice, under House Bills Third Reading, page 16 of your Calendar, the next Bill is House Bill 327, Representative Weaver. Clerk, read the Bill."

Clerk Leone: "House Bill 327, a Bill for an Act to amend the County Jail Good Behavior Allowance Act. Third Reading of the Bill."

Speaker Breslin: "Representative Weaver."

Weaver: "Thank you, Madam Speaker, Ladies and Gentlemen of the Assembly. House Bill 327 deals with good time at the county jail level and basically establishes that in cases

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where there is a minimum mandatory sentence, that good time will not be allowed. As amended, the Bill is in a better form and an even stronger form due to Representative Homer's Amendment, and I ask for passage of this Bill."

Speaker Breslin: "The Gentleman has moved for passage of House Bill 372. And on that question, the Gentleman from Cook, Representative Young."

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

Speaker Breslin: "He indicates he will."

Young: "Representative, in what situations are we taking away good time, under this Bill?"

Weaver: "I think essentially, it only applies to two offenses. One is a DUI and I believe the other is reckless driving. But in a case such as... The genesis of the Bill came about with a mandatory seven day sentence. And the Judge awarded the mandatory minimum sentence and we found that later because of the statute... existing statutes, that the individual was able to get out in three and half days, or roughly three days."

Young: "Do you what know a... the different a... the Department of Corrections and county jail authorities, have they taken a position on this Bill?"

Weaver: "Not, that I am aware of, no."

Young: "But, to the Bill, Madam Speaker and Ladies and Gentlemen of the House. I rise in opposition to the Bill, simply because the granting of good time is one of the...is a means of leverage for the operators of both county jails and state prisons and all correctional authorities. It's a means to reward inmates for good behavior, and at the same time, punish them for not so good behavior. I think it's very important that correctional authorities have this leeway, and if we put inmates in prison or in a county jail, in a situation where they cannot receive good time,

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then you remove some of their incentive to, in fact, follow the rules, and I just don't think we should get in the habit of tying the correctional authorities' hands by eliminating or reducing the amount of leeway they have in granting good time."

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

Stephens: "Thank you, Madam Speaker. I rise in support of the Bill with the Amendment. It still ensures that the inmate serves at least the mandatory minimum term. At the same time, a person sentenced to twice the minimum, will actually serve the minimum after deducting day for day, in good time. This is just a Bill that says that if you commit a crime, you ought to serve your time. I rise in support."

Speaker Breslin: "The Gentleman from DeKalb, Representative Countryman."

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

Speaker Breslin: "He will."

Countryman: "Representative, would this apply if somebody is... what is the effective date, first of all, of this Bill?"

Weaver: "Excuse me. I couldn't hear you."

Countryman: "What is the effective date of this Bill?"

Weaver: "I believe the effective date is immediately, as soon as it is signed into law."

Countryman: "So if somebody has been sentenced to a minimum mandatory sentence at the time this Bill becomes law, will they be allowed to use the good time?"

Weaver: "I would assume - and again, I am not an attorney - we would have to ask someone who has been a state's attorney. I would assume it is prospective."

Countryman: "So, it would only apply in the future. And, is that

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your intention?"

Weaver: "Correct."

Countryman: "Alright. Now, we have a couple of other offenses. Representative Cullerton has a Bill which would amend residential burglary and require in some instances that there is a mandatory 90 days in the county jail. It would apply to that sentence, too, would it not?"

Weaver: "Yes, it would."

Countryman: "So, I believe you said, in answer to a few other questions, that you thought reckless driving and DUI were the only two offenses, but I think if you examine the statute, you would find DUI is one, and driving on a revoked or suspended license is the other, and not reckless driving."

Weaver: "Thank you."

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

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill. I was serving in the General Assembly when we enacted determinate sentencing. Determinate sentencing was a sweeping revision to the way in which we structure our... the penalties for offenses. And we took into account... we took into account the issue of good time, when we established the mandatory minimums. Everybody understood that even under the mandatory minimums, people could get out in half the mandatory time if they behaved themselves while they were incarcerated. The idea behind the good time provision is to encourage good behavior within the county jails and prisons of our state, so that if the Gentleman really feels that there are people that are not serving an adequate amount of time, then he ought to increase the mandatory minimums, not to do away with good time. That completely

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subverts the whole notion behind determinate sentencing and the good time provision. I rise in opposition."

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

Terzich: "Yes, I would like to ask the Sponsor a question. On the good time, does that basically take the good time away from all offenses, or just specific offenses?"

Weaver: "All offenses that have a minimum mandatory sentence."

Terzich: "Well... would the person who is handing out this minimum mandatory, or the mandatory minimum, whatever the case may be, wouldn't the Judge have a prerogative of sentencing that person to something more than the minimum? For example, you mentioned something about a seven day minimum, and the guy got out in three and a half days. What happens if the Judge sentenced him to fourteen days, and he got out in seven?"

Weaver: "I would suppose he would have that option."

Terzich: "Well, then why wouldn't we just leave it up to the judicial system? Why would you have to eliminate good time and bad time? I assume that the Judge knew exactly what he was doing when he gave him the sentence."

Weaver: "Well, you know, in that respect, why would we even bother to establish a minimum sentence, then?"

Terzich: "You tell me."

Weaver: "I think our constituents and the people who are victims and potential victims of crimes demand some kind of minimum sentence that the offender serve."

Terzich: "I don't think the constituents do. I think maybe the General Assembly may have did it without, but that's why we also have a judicial system to administer justice and to give these sentences. I'm sure that whoever was administering this law certainly could have given a sentence of fourteen days if he wanted to give him a

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minimum of seven days, or, I guess he could have given him a month, so he could serve fourteen... you know fifteen days. I don't see why we should go in and tell... another change and have it effective to all of the different crimes. Then we should simply abolish the good time and bad time. Just have all... let everybody serve time, period, without any good time behavior, so therefore, I would oppose this type of legislation."

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

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

Speaker Breslin: "He indicates he will."

McPike: "You only take good time away from those individuals who have been sentenced to less than twice the minimum sentence?"

Weaver: "According to Representative Homer's Amendment, that is correct."

McPike: "So, if the minimum sentence was thirty days and they were sentenced to fifty-nine days, then they would not qualify less than twice. Let me repeat it. If the minimum sentence is thirty days and the individual is sentenced to fifty-nine days, would you exclude that individual from good time?"

Weaver: "I am unaware that there are any minimum sentences of sixty days, but under those circumstances, yes."

McPike: "You pick whatever minimum sentence you want. Let's take a hundred and eighty days, whatever one you want to use. Let's just go with thirty, for purposes of an example, is that alright? If a minimum sentence is thirty, and you are sentenced to fifty-nine days, you would not qualify."

Weaver: "Correct."

McPike: "But if you are sentenced to twice thirty, which is sixty. So, if you were sentenced to sixty-one days, you

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would qualify."

Weaver: "Correct."

McPike: "So one individual is sentenced to fifty-nine days and he has to serve fifty-nine days. The other individual is sentenced to sixty-one days, but he gets thirty days off, good time. Is that correct?"

Weaver: "Not necessarily."

McPike: "Well, if he qualifies. If he qualifies."

Weaver: "You don't automatically get good time off."

McPike: "I understand, but I'm saying if this individual qualifies, if he served thirty good days and whoever is in charge of this particular jail says he qualifies, then that individual would only serve thirty days. To the Bill. It's amazing how these Bills are amended and people say, 'Well sure, I'll accept that Amendment. It's from Representative Homer, must be a good Amendment. It's got to be a good Amendment if Mr. Law and Order on the Democratic side offered it.' And now, we are stuck with a Bill here on Third Reading that is completely unconstitutional, that says for two similar offenses, one takes a sentence for sixty-one days and one is sentenced to fifty-nine, but one individual serves thirty days and the other serves fifty-nine days. And, really, we really now have an nonconstitutional Amendment, and on top of that, it's senseless. Perhaps you ought to take this out of the record. Forever."

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

Flinn: "Madam Speaker, I move the previous question?"

Speaker Breslin: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the main



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question is put. Representative Weaver, to close."

Weaver: "Thank you, Madam Speaker. I'm really kind of flattered that the Bill has gotten this amount of attention. I really think it deserves this kind of attention because we find ourselves in this state in a position of desiring more and more law and order. And yet, when the opportunity comes for Members of this Assembly to vote for more law and order, sometimes we weaken out and we back down a little bit and as Representative Stephens mentioned, the people back home are demanding that if a sentence is applied, by gosh, they ought to serve the time. If a crime is committed, the people ought to serve the time and pay the penalty for committing that crime. And I hope that the Sponsor of the Amendment to this Bill and his Leadership finally work their problems out so that they can understand each other a little bit better. But I agreed with him, I think that this is an Amendment that makes the Bill even stronger and a vote for this Bill is a vote for law and order in the state. And I ask for your passage."

Speaker Breslin: "The question is, 'Shall House Bill 327 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Preston, one minute to explain your vote."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I rise in opposition to this Bill. The whole purpose of good time is to get behavior in the jail, in the prison system, that is productive behavior. If you have ever had opportunity to visit some of the prisons throughout the State of Illinois, you'll see that certainly, at maximum security prisons, the only hold that the administration of those prisons have over inmates is the good time/bad time concept. If they lose that concept, if somebody has nothing to lose through bad behavior, then

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the prison system breaks down. I think this is a bad Bill and I hope it will be defeated."

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

Leverenz: "Take me out of the record, too."

Speaker Breslin: "The Gentleman from DuPage, Representative McCracken. One minute to explain your vote."

McCracken: "Thank you, Madam Speaker. Prior to Representative Homer's Amendment, this Bill would have prohibited good time in cases even where the maximum sentence was granted, as long as there was an automatic minimum by statute. I think Representative Homer tried to correct the Bill so that when a person served a minimum, in corresponding roughly to the minimum mandated by statute, that when taking into account this half time good time, in fact, would serve the minimum sentence, as should do, by statute. That's all the Amendment sought to do, and as a matter of fact, the reason for this Bill in the first place was because we recently changed the manner in which we calculated good time for misdemeanants, and we modeled it after the felony rule, and that caused many problems in the administration of our county jails. And this is merely an attempt see that the statute is fulfilled, so vote 'yes' and get it over with."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 56 voting 'aye', and 35 voting 'no' and 22 voting 'present'. This Bill... Representative Weaver? Do you wish to poll the absentees, Sir?"

Weaver: "May I ask for Postponed Consideration?"

Speaker Breslin: "Okay, the Gentleman asks to put the Bill on the Order of Postponed Consideration. Put the Bill on the

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Order of Postponed, Mr. Clerk. Ladies and Gentleman, the new blue revised Consent Calendar that allows you to vote 'no', 'present', or 'not voting' on Consent Calendar Bills has been passed out. We had originally said we would collect this at 6:00. Since it was passed out later than the time allotted, we will allow an additional half hour. And then, we would ask you ... actually I said a half hour, we will allow until 6:30. So, that's more like 20 minutes. So, get your revised voting records in to us at least by 6:30, please, so we can start tabulating those bills. The sooner that you get them in, the sooner they can start tabulating them, and we cannot adjourn here tonight until we have taken the Roll Call on all of those bills. Ladies and Gentlemen, we are going to go to page 19 on the Calendar, on the Order of Second Reading, Small Business. Second Reading, Small Business, appears House Bill 1164, Representative Tate. Mr. Clerk, proceed."

Clerk Leone: "House Bill 1164, a Bill for an Act to amend the Illinois Insurance Code. Has been read a second time previously. Amendment 01 was withdrawn."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "Floor Amendment #2 is being offered by Representative Tate."

Speaker Breslin: "Representative Tate, on Amendment 02."

Tate: "Thank you, Madam Speaker. Amendment #2 puts this Bill in the form ... this Amendment was suggested by the Department of Insurance. This Amendment also has been agreed upon by the National Federation of Independent Business, as well as some of the insurance companies. This Amendment will permit risk retention groups to operate in Illinois without obtaining a certificate of authority. Such groups will be required to file certain informational data with the Director of the Department of Insurance and provide a

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mechanism for him to prohibit certain companies from operating in the state if they fail to meet the minimum standards. You're correct. It's ... it's very comparable to an Amendment and a Bill that was passed out by Representative Shaw, and I move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 1164. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, Representative Tate, I am somewhat confused now, at this point, with regard to what this Amendment does. The reason for that is the Department of Insurance has been meeting with some representatives from a law firm in Chicago, and some Democratic staff people with regard to this issue of risk retention and captive insurance companies. And I have a Bill which is... as I indicated in the Insurance Committee, is stripped down to a shell, in order for the Department of Insurance, or Insurance, if you prefer, to discuss all of the ramifications of the Bill, and that those meetings are still ongoing, and that, in fact, they indicated to me that they would need more time, and that I should pass the shell Bill over to the Senate in order for them to prepare the Amendment. So, I am wondering, you made some representations about support... this Bill having support. I wanted to know specifically, does the Department of Insurance support this language?"

Tate: "Yes, they suggested this language, as a matter of fact, and as you are aware, the original stimulus of the Bill came from the National Federation of Independent Business. Apparently, that business group has agreed with the Department of Insurance on this... on this Amendment and on this language, and if it... as I talked to you earlier about that, I'm sure this will probably inevitably be some portion of the package that you finally pass out. But the

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Bill in the original language... there was a... there was some opposition to it, and rather than pursuing that original language, I would rather adopt this Amendment and move this along in the process."

Cullerton: "Well, at this point in time, why don't we just adopt the Amendment, and then I can talk to you about it at some greater length. At this point in time, I have no objection to the Amendment."

Speaker Breslin: "There being no further discussion, the question is, 'Shall Amendment #2 to House Bill 1164 be adopted?' All those in favor, say 'aye', all those opposed say 'no', and in the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. House Bill 1592, Representative Shaw. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1592, a Bill for an Act to amend the Illinois Insurance Code, Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Shaw on Floor Amendment #1. Out of the record. House Bill 2260, Representative Mautino. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2260, a Bill for an Act to amend the Private Business and Vocational Schools Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Mautino."

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Mautino: "Thank you, Hadam Chairman. Amendment #1 to House Bill 2260 provides for two additional members of the general public to the Private Business and Vocational School State Advisory Council, and that's basically what it does. I move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 2268. (sic - House Bill 2260) And on that question, is there any discussion? Hearing none, the question is 'Shall Amendment #1 be adopted?' All those in favor say 'aye', those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. The next Order of Business, Ladies and Gentlemen, is Environment and Economic Development on Page 7 on your Calendar, Second Reading. That's Page 7 on your Calendar, the first Bill under Environment and Economic Development, is House Bill 942. Representative Steczo. Clerk, read the Bill."

Clerk O'Brien: "House Bill 942, a Bill for an Act to amend certain Acts in relation to Energy Generation from Solid Waste. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. House Bill 1217, Representative Phelps. Is Representative Phelps in the Chamber? Out of the record. House Bill 1263, Representative Hicks. Is Representative Hicks in the Chamber? Out of the record. House Bill 1359, Representative Levin. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1359, a Bill for an Act to amend an Act in relation to Chemical Safety Contingency Plan."

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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 Levin."

Speaker Breslin: "Representative Levin."

Levin: "Madam Speaker, Ladies and Gentlemen of the House, Amendment #2 was recommended by our Technical Review Staff, and makes no substantive changes in the Bill."

Speaker Breslin: "The Gentleman has asked for the adoption of Amendment #2 to House Bill 1359. And on that question, is there any discussion? Hearing none, the question is 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. House Bill 1672, Representative Stern. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1672, a Bill for an Act to amend the Illinois Highway Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. House Bill 1867, Representative Kulas. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1867, 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 Motions. Floor Amendment #2, offered by Representative Kulas."

Speaker Breslin: "Representative Kulas."

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Kulas: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #2 is a technical Amendment. This becomes the omnibus Bill for the Environmental Protection Agency, and I would move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 1867. And on that question, is there any discussion? Hearing none, the question is 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. House Bill 1867, Representative Sutker. Out of the record. House Bill 1968, Representative Tuerk, Hultgren. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1968, a Bill for an Act reorganizing the Des Plaines and Illinois rivers as navigable streams, Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Hultgren - Saltsman - and Homer."

Speaker Breslin: "Representative Hultgren."

Hultgren: "Yes, Madam Speaker, Members of the House. Floor Amendment #1 is a product of a bipartisan legislative coalition studying the problems of siltation in the Peoria Lake. It authorizes the Department of Transportation to undertake certain development projects in the Peoria Lake, and I am joined in offering that Amendment by other area legislators of both parties."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 1968. And on that question, is there any discussion? Hearing none, the question is 'Shall Amendment #1 be adopted?' All those in favor say 'aye',



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all those opposed say "no". In the opinion of the Chair, the "ayes" have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. House Bill 1971, Representative Younge. Representative Younge. Wyvetter Younge. Out of the record. House Bill 2091, Representative Younge. Wyvetter Younge. Out of the record. House Bill 2095, Representative Younge. Wyvetter Younge. Out of the record. House Bill 2247, Representative Currie. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2247, a Bill for an Act to amend the Illinois Low Level Radioactive Waste. Second Reading of the Bill. No Committee Amendments."

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

Clerk O'Brien: "No Motions. Floor Amendment #1, offered by Representative Hallock."

Speaker Breslin: "Representative Hallock."

Hallock: "I move to withdraw."

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

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, we are now going to the Order of the Special Order of Business on Page 4, the Bills on Second Reading, dealing with Government Administration. House Bill 80, Representative Cullerton. Out of the record. House Bill 308, Representative McPike, Hallock. Out of the record. House Bill 320, Representative Satterthwaite, O'Connell. Out of the record. Excuse me, Representative Satterthwaite. Clerk, read the Bill."

Clerk O'Brien: "House Bill 320, a Bill for an Act to create the Illinois State Insured College and University Responsive

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Education Trust. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

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

Clerk O'Brien: "No Motions filed. Floor Amendment #3, offered by Representative McCracken."

Speaker Breslin: "Representative McCracken, on Amendment #3. Representative Satterthwaite, for what reason do you rise?"

Satterthwaite: "Simply to indicate to Representative McCracken, that the concept in this Amendment has been incorporated in Amendment #5, and if he would like to withdraw this, we would get on to Amendment #5."

Speaker Breslin: "Representative McCracken. Representative McCracken."

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

Speaker Breslin: "Representative Satterthwaite. We can take it out and get right back to it. Out of the record. House Bill 815, Representative Greiman. Greiman-Currie. Out of the record. House Bill 342, Representative Sutker. Clerk, read the Bill."

Clerk O'Brien: "House Bill 342, a Bill for an Act in relation to the powers of attorney, governing personnel and health care matters. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative Sutker. Representative Sutker."

Sutker: "Madam Speaker, Amendment #1 merely cleans up the Bill to provide for Christian Science practitioners, and also provides for some technical changes which has been agreed to by the Hospital Association. Apart from that and a change with respect to some civil and criminal liability, but it's essentially the same Bill that was presented to

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Committee. I move for its adoption"

Speaker Breslin: "The Gentleman has moved for adoption of Amendment #1 to House Bill 842. And on that question, the Gentleman from DuPage, Representative McCracken."

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

Speaker Breslin: "He indicates he will."

McCracken: "Representative, we have discussed this. This is part of a package of yours suggested by the Bar Association, is that right?"

Speaker Breslin: "Representative Sutker, in response to Representative McCracken's question."

Sutker: "Representative McCracken, this is part of a four part package. This Bill is a comprehensive Bill, eventually that will deal with durable powers of attorney. The... House Bill 842 deals with health care and personal care. House Bill 1109, which combine 1108 and 1110, which you are aware of, deals with economic and financial matters. But you are quite correct, it's a part of a comprehensive package submitted by the Chicago Bar Association."

McCracken: "And this is, this is the health side of that package. Is this agreed to, or has it been passed upon, by... who did you say, the hospitals?"

Sutker: "Yes, this has been agreed to by all of the players who were involved in the initial Durable Power of Attorney Act."

McCracken: "Who does that include?"

Sutker: "That includes the medical people, the Hospital Association, the lawyers. It also includes, and this Amendment directs itself to Christian Science practitioners, who wanted merely one word added with respect to health providers, and we accommodated them."

McCracken: "Okay, so the Medical Society, Bar Association, Hospital Association..."

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Sutker: "And the Christian Science Practitioners."

McCracken: "Okay, thank you."

Speaker Breslin: "Any further discussion? Hearing none, the question is, 'Shall Amendment 21 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, the hour of 6:30 has arrived. Excuse me, Representative McCracken, for what reason do you rise?"

McCracken: "I assured Representative Satterthwaite we would get back to it. We are ready, if you wish to take it."

Speaker Breslin: "Fine, we just have this one other Order of Business to do at the moment. I had asked that all of your change of votes on the Consent Calendar be to the Clerk by 6:30. It is 6:33. Please come to the well and submit your change of vote forms. Yes, be sure you have signed your change of vote form. Get them in to the Clerk immediately. Representative Countryman, for what reason do you rise?"

Countryman: "Thank you, Madam Speaker. Could we have another half hour or so to complete these?"

Speaker Breslin: "I'm sorry, Representative Countryman, we already extended it one half hour for this purpose. You see, we want to record these, and it will take approximately an hour to do that. So, since it is 6:30 now, we would like to have a final determination of these Bills on Third Reading. So, if we wish to adjourn by 8:00, the Bills have to be in now."

Countryman: "Alright, that sounds good."

Speaker Breslin: "Get your change of votes in now to the Clerk's well. Are all change of votes in to the Clerk by now? Be sure to sign your change of vote form, get it in to the

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well. Calling all change of vote forms. Okay, are all the change of vote forms in? Sign them and get them in, please. Any others outstanding? Raise your hand now, or forever hold your peace. Okay, Mr. Clerk, take the... take the... Representative Black, are you bringing that to us? Okay, Mr. Clerk, take the record. Now we will go back to the Order of the Special Order of Business. House Bills Second Reading, Government Administration. On page 4, a Bill recently taken out of the record that we agreed to come back to was House Bill 320. Mr. Clerk, read House Bill 320."

Clerk O'Brien: "House Bill 320, a Bill for an Act to create the Illinois State Ensured College University Response Education Trust. Second Reading of the Bill. Amendments #1 and 2 were adopted in Committee."

Speaker Breslin: "Any Amendments filed?"

Clerk O'Brien: "No Motions filed. Floor Amendment #3, offered by Representative McCracken."

Speaker Breslin: "Representative McCracken."

McCracken: "Thank you, Madam Speaker. We will go with Amendment 5, please withdraw 3."

Speaker Breslin: "Withdraw Amendment #3. Are there any further Amendment?"

Clerk O'Brien: "Floor Amendment #4, offered by Ms. Satterthwaite."

Speaker Breslin: "Representative Satterthwaite."

Satterthwaite: "Withdraw Amendment #4, please."

Speaker Breslin: "Withdraw #4. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, offered by Ms. Satterthwaite - Ropp - and Flowers."

Speaker Breslin: "Representative Satterthwaite."

Satterthwaite: "Madam Speaker, and Members of the House,

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Amendment #5 really rewrites the entire Bill on the Secure Program, the Advance Tuition Payment Program. As was originally proposed in 320, it incorporates the Amendments that were adopted in Committee and it also incorporates the substance of the Amendment of Mr. McCracken's that was just withdrawn. That substance was also presented in Committee as a separate House Bill by Representative Ropp, and we have incorporated it here. And so the result is, that we form the secure trust to provide for advance tuition payments for students who will be entering college, and we provide as another alternative, an investment form in state bonds. And with the combination of these two programs, I believe that we will have a program that can satisfy the needs of the future students of the State of Illinois, whether or not we are able to get favorable rulings as far as tax status from the IRS. The program essentially adopts the program that Michigan has in place, and we would hope that a favorable ruling from Michigan would also provide a favorable ruling for our program in the State of Illinois, but whether or not there would be favorable tax provisions, because of the trust system, the other option of issuing bonds that would have a set maturity value, would be provided under this Bill, and I urge the adoption of Amendment #5."

Speaker Breslin: "The Lady has moved for the adoption of Amendment #5 to House Bill 320. And on that question, is there any discussion? Hearing none, the question is 'Shall Amendment #5 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. House Bill 989, Representative

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McPike. Out of the record. House Bill 1081,  
Representative McGann. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1081, a Bill for an Act to amend the  
Public Community College Act. Second Reading of the Bill.  
No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Representative McCracken withdraws Amendment  
#1. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. House Bill 1302, Representative  
Williams. Representative Williams. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1302, a Bill for an Act to amend the  
Illinois Controlled Substance Act. Second Reading of the  
Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. House Bill 1684, Representative  
McPike. Out of the record. Excuse me, Mr. Clerk, were  
there any further Amendments on 1302? Excuse me. No,  
there were no further Amendments on Amendment... on House  
Bill 1302, so House Bill 1684 we'll take out of the record,  
in the absence of the Sponsor. House Bill 2006,  
Representative McGann. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2006, a Bill for an Act to establish a  
Bill of Rights of Persons with Developmental Disabilities.  
Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative  
Ryder and McGann."

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Speaker Breslin: "Representative Ryder."

Ryder: "Thank you, Madam Speaker. The purpose of this Amendment is simply to clarify according to the intent of the Sponsor, indicating that the purpose of the Bill is strictly a study and it is not to mandate a Bill of Rights, or to make an entitlement out of the Bill of Rights. The Sponsor was very careful about that during Committee, but there was some concern, and that's the reason for this Amendment."

Speaker Breslin: "Representative Ryder has moved for the adoption of Amendment #1 to House Bill 2006. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

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

Speaker Breslin: "Excuse me, Mr. Clerk. Are there any further Amendments?"

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

Speaker Breslin: "Representative Ryder."

Ryder: "Thank you, Madam Speaker. This Amendment makes it clear that the Department of Mental Health and Developmental Disabilities will be taking part in the study. Wherever the word 'Governor' was indicated, the Department of Mental Health and Developmental Disabilities is then mentioned, at the request of the Department."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 2006, and on that question is there any discussion? Hearing none, the question is 'Shall Amendment #2 be adopted?' All those in favor say 'aye',



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all those opposed say 'no', in the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, we have received one blue form, change of vote form, on the Consent Calendar with no name on it. There are several negative votes on it. If you think you might not have signed the form, please come to the well and we'll try to determine whose vote this is. Okay? The next Bill is House Bill 2630, appearing on page 4 on your Calendar, Representative Levin. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2630, a Bill for an Act to amend the Illinois Human Rights Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Breslin: "Third Reading. House Bill 2768, Representative Shaw. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2768, a Bill for an Act to amend the Health Maintenance Organization Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Out of the record. Ladies and Gentlemen, on the Special Order of Farm Assistance and Development, on House Bills Second Reading, on page 6 on your Calendar appears House Bill 2494, Representative Hartke. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2494, a Bill for an Act to amend the Civil Administrative Code of Illinois. Second Reading of the Bill. Amendment 31 was adopted in Committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk O'Brien: "No Motions or Amendments."

Speaker Breslin: "Third Reading. Ladies and Gentlemen, on page

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11 of your Calendar, under a Special Order of Revenue, is House Bills Second Reading. First Bill, House Bill 144, Representative Davis. Clerk, read the Bill. Out of the record. House Bill 859, Representative Ronan. Clerk, read... Representative Ronan, is the Gentleman in the Chamber? Out of the record. House Bill 1167. Representative McCracken, for what reason do you... turn Representative McCracken off. House Bill 1167, Representative McGann. Clerk, read the Bill.

Clerk Leone: "House Bill 1167, a Bill for an Act in relationship to State Occupation and Use Taxes. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Breslin: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #2 is being offered by Representatives Ryder and McCracken."

Speaker Breslin: "Representative Ryder."

Ryder: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Amendment would eliminate the diversion of certain cigarette tax receipts to the Metropolitan Fair and Exposition Authority Reconstruction Fund. All the funds would go into the General Revenue Fund and I urge the adoption."

Speaker Breslin: "Representative Ryder has moved for the adoption of Amendment #2 to House Bill 1167. And on that question, the Gentleman from Cook, Representative McGann. Representative McGann."

McGann: "Yes, Madam Speaker, Members of the Assembly, I resist Amendment #2 to House Bill 1167. I don't believe that it is in the intent of what we have in the Bill itself, and I would ask Representative Ryder to explain the Amendment once again."

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Speaker Breslin: "Representative Ryder, can you respond to Representative McGann's question?"

Ryder: "Thank you, Madam Speaker. Again the Bill, or excuse me, the Amendment #2, the effect of the Amendment is to eliminate the diversion of certain cigarette tax receipts to the Metropolitan Fair and Exposition Authority Reconstruction Fund, and provides for the deposit of those receipts in the General Revenue Fund."

McGann: "Thank you, Madam Speaker, there are some of us in this House, this General Assembly, that believe in keeping our word in commitments we have made. This General Assembly in the past years made a commitment to the McCormick Place Authority, that we would subsidize to the point of \$4.8 million a year. That's a commitment that was made, and a commitment that's made is a commitment that should be kept, and I do believe we should vote down this Amendment, and I'm sorry that I have to address it in such a way, because of the respect I have for Representative Ryder."

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

Young: "Thank you, Madam Speaker, will the Gentleman yield?"

Speaker Breslin: "He indicates he will."

Ryder: "Sure, I will."

Young: "Representative, do you know how the McCormick Place expansion is being funded or paid for?"

Ryder: "Representative, it is my understanding that the McCormick Place Annex is being funded in a couple of different ways, but primarily, excuse me, primarily through our allowance of them to issue bonds for that purpose. Additionally, if you recall, they came back to us for 65 million dollars last fall to cover certain contract problems, cost overruns, and that sort of thing. It is financed by the people of the State of Illinois."

Young: "How is the debt service on those bonds being paid?"

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Ryder: "Debt service comes from the... a portion of the sales tax, Sir."

Young: "Well, isn't a portion of this cigarette tax also used to pay the debt service on those bonds?"

Ryder: "My understanding is that the cigarette tax specifically are not used for debt service, but rather the cigarette tax is simply part of the funds that go to McCormick Place that allow them to operate."

Young: "And where do those funds come from?"

Ryder: "Which funds, Sir?"

Young: "From the cigarette tax."

Ryder: "It comes from the cigarette tax."

Young: "Yes, but are we talking about the funds generated from the cigarette tax throughout the whole state, or just from Cook County?"

Ryder: "My understanding is that it's the whole state. No? I have, however, been corrected by certain experts who indicate that it is only Cook County. But, my understanding was not that. I will, however, defer to the collective wisdom of the back bench."

Young: "Well, Representative, if we were to pass this Amendment, do you have any suggestion for how these funds would be replaced that you want to take away from with this Amendment?"

Ryder: "Well, Representative, I don't mean by the effect of this Amendment to necessarily take away the funds from McCormick Place. As you know, I led the investigation, Co-Chaired on a bipartisan manner, that eventually led to the funds being made to have the Annex come into existence. I believe the McCormick Place is a very valuable part of the State of Illinois' economic interest, and the economic interest of Chicago and Cook County. However, I would like for this organization to be accountable to their funds, and certain

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problems that have been brought to the attention of the Legislature, in the last few days and weeks, have indicated to me that that may not be the case. As a consequence, I'm asking that these funds be placed into the General Fund, General Revenue Fund, and then I would anticipate the potential of an appropriation from the General Assembly, allowing these funds to be spent by McCormick Place, but therefore, making McCormick Place responsible to us for the funds that they receive."

Young: "Well, Representative, I guess in a way I am happy to hear that you have had difficulty getting information from McCormick Place. It lets me know that Mr. Ogilvie isn't treating your side of the aisle much better than this side of the aisle when it comes to information from that body. Thank you."

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

Leverenz: "Thank you, would the Gentleman respond to a few questions?"

Speaker Breslin: "He indicates he will."

Leverenz: "Could you give a brief explanation of your Amendment #2 again?"

Ryder: "As I have indicated on at least a couple of previous occasions, and I am more than happy to indicate on this occasion, it eliminates the cigarette tax going directly into McCormick Place and places the cigarette tax in the General Revenue Fund."

Leverenz: "Where does it go now?"

Ryder: "I believe it goes directly to the... what we call McCormick Place, but what is specifically called the Metropolitan Fair and Exposition Authority Reconstruction Fund."

Leverenz: "And for right now, we appropriate that money from the

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Reconstruction Fund for debt service on McCormick Place,  
right?"

Ryder: "Yes, Sir."

Leverenz: "And isn't that money going back into a Cook County  
location that actually comes from Cook County?"

Ryder: "As I indicated earlier when you and several of your back  
bench Members corrected me, it apparently is a Cook County  
tax that goes to the McCormick Place Fund, shorthand, but I  
don't, however, consider McCormick Place strictly the  
province of either Cook County or the City of Chicago. I  
consider it a benefit to the entire state."

Leverenz: "Well, we do too. Just like the museums and the zoo  
you come up to visit. But, why would you want to do this  
and put it in the General Revenue Fund? I just don't  
understand why we want to tamper with the program."

Ryder: "It is my hope, Representative, that by doing this that we  
will make the Authority even more responsive to the General  
Assembly, which was responsible for the creation of this  
Authority and has been called upon on several occasions to  
attempt to bail out the Authority when they have overspent  
their commitments. Since we are the people that they come  
to in order to help them out of their troubles, I felt that  
perhaps by using this small mind, matter, would be one way  
in which we could more effectively hold them accountable."

Leverenz: "Are there any bonds that this money is locked into  
paying for?"

Ryder: "I am sorry, I didn't understand the question?"

Leverenz: "Are there any bonds that this is locked into paying  
for?"

Ryder: "I don't know, but I do not think so."

Leverenz: "And do you have any opinion from the Bond Council,  
that you would disturb the funding mechanism by which the  
bonds were put together?"

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Ryder: "Representative, I do not have such an opinion in my hand, I did not seek one, one has not been offered to me. It has been my experience with the Bond Council that if the sun is behind a cloud, that they feel that that will affect the legitimacy and credibility of their bonds. They become very protective of all issuances within the bond, and as an end result, therefore, they may very well say that it may or may not affect the bonds."

Leverenz: "What you're trying to do then, is to provide something here that would make us default on the bonds, isn't that correct?"

Ryder: "Absolutely not. Absolutely not."

Leverenz: "Then why didn't you check out what the Bond Council might say? Don't you want to know?"

Ryder: "Because I felt, that the General Assembly would certainly not want, at any time, to default on any bonds or obligations. In fact, I felt that the General Assembly has a commitment, full faith and credit, if you will, to the obligations that they have allowed to be made, and not only in their name, but in the name of the Metropolitan Authority, to make sure that those are paid. Quite frankly, I am certain in the manner in which bonds are usually issued, that we are responsible 100% for those bonds, under any circumstances, whether these funds come from cigarette tax, sales tax, or any other source of funds."

Leverenz: "Well, the Amendment that you offer here is simply shaking the foundation for which we build things on, and I would encourage you to vote 'no' on your own Amendment."

Ryder: "Not at all. Not at all. I am certain that this Amendment will not shake the foundations, but rather given a stronger foundation of our support to the Authority, and hopefully make it a more reasonable and accountable

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proposition."

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

Flinn: "Madam Speaker, I move the previous question."

Speaker Breslin: "Representative Flinn."

Flinn: "I move the previous question, Madam Speaker."

Speaker Breslin: "We can't hear you. His microphone is not working."

Flinn: "Madam Speaker, now I move the previous question."

Speaker Breslin: "Representative Flinn moves the previous question. The question is, 'Shall the main question be put?' All those in favor, say 'aye', all those opposed say 'no', in the opinion of the Chair, the 'ayes' have it and the main question is put. Representative Ryder to close."

Ryder: "Close?"

Speaker Breslin: "Ryder to close."

Ryder: "Oh, thank you. I apologize. On this matter, I would request a Roll Call Vote, and additionally I would indicate because of the respect that I have for the Sponsor of the underlying Bill, I wanted to respond to one point that he made indicating that we have a commitment to keep. In no way, shape, or fashion, is the intent of this Amendment meant to cause us to default on any bonds, to fail to keep the word that we have made to support the McCormick Place Authority. I think that you will find that at least the Sponsor of this Amendment has kept his word on that, and will continue to do so. It is the obligation of the State of Illinois to preserve that which is a benefit to us, which I believe McCormick Place to be. And as a result, for the accountability, and in order to best use those funds that are at issue at this point, I would urge a favorable vote. Thank you, Madam Chairman."

Speaker Breslin: "The question is 'Shall Amendment #2 to House



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Bill 1167 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from St. Clair, Representative Stephens, one minute to explain your vote. Representative Stephens, one minute."

Stephens: "Well, thank you, Madam Speaker. I wanted to speak in debate, but I will just say this in explaining my vote. Because I support downstate schools, mental health, better education and responsibility, I would urge an 'aye' vote."

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

Keane: "Thank you, Madam Speaker. I... just to explain my vote. I oppose this Amendment for two reasons. One, it just deals with the operating expense of McCormick Place, and we'll be appropriating the money anyway. The second reason is that we have attempted to pass out of Revenue Committee some non-controversial agreed Bills. This is one of them. The adoption of this Amendment makes those other Bills in the whole agreed Bill process, within the Revenue Committee questioned, and it will hurt the underlying Bills, and for that reason I would ask you to oppose it."

Speaker Breslin: "The Gentleman from Madison, Representative Wolf. Turn off Representative Wolf's light, please. The Gentleman from Cook, Representative Cullerton, one minute to explain your vote."

Cullerton: "Yes, Madam Speaker, I have been trying to get the Chair's attention to see whether or not this Amendment is even germane to the Bill. So, I would ask if you could ask the Parliamentarian to look at that while... before you announce the Roll."

Speaker Breslin: "Could I see the Bill, please? Representative McCracken, for what reason do you rise?"

McCracken: "Point of order, Madam Speaker. The Motion is not timely, we have already had a vote on the issue. He had an

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opportunity to raise that issue during the course of the debate, which was fairly lengthy, and didn't object to my knowledge, when the vote was taken, and only now, seeing the result, does he seek to question the germaneness. It's not timely."

Speaker Breslin: "Representative McGann, for what reason do you rise?"

McGann: "Madam Speaker, when I asked to resist the Amendment, I stated that I didn't feel as though it was the intent of this Bill. Further..."

Speaker Breslin: "Representative McGann, I have to ask you, for what reason you rise? You have already spoken in debate and you do not have a right to explain your vote. Do you raise a point?"

McGann: "I am the Sponsor of House Bill 1167."

Speaker Breslin: "Only the Sponsor of the Amendment has the right to both speak in debate, and explain his or her vote."

McGann: "Well, I believe that this... I asked at the time, and I think at that time it should have been timely for the Parliamentarian to decide whether it was germane or not."

Speaker Breslin: "I am sorry, Representative McGann, I did not hear that you raised a point of order on the Bill. If I am mistaken... okay, thank you. The Gentleman from DuPage, Representative Hoffman, for what reason do you rise?"

Hoffman: "Madam Speaker."

Speaker Breslin: "Representative Hoffman, for what reason do you rise?"

Hoffman: "Thank you. I rise for the same purpose that Representative McCracken did. I think it's a timely matter, and it was not put properly, and I think that the Parliamentarian has an obligation with his extraordinary talent, to rule in that direction."

Speaker Breslin: "We're... we're reading the rules now, to see if

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there is a question of timeliness as to putting points of order, so we'll get back to you as soon as we can. Representative Cullerton, I am sorry, but we've... the Chair has decided that your Motion was not timely put. We do not go to the merits of your Motion, however. Representative Cullerton, for what reason do you rise?"

Cullerton: "I would just like to explain my vote then."

Speaker Breslin: "Proceed. One minute."

Cullerton: "I have not yet heard back, I called former Governor Ogilvie, and he hasn't returned my call yet. My guess would be, that he would be opposed to this Amendment, and I certainly wouldn't want to jeopardize his position with... as Trustee of McCormick Place, and the fine salary that comes with it. I think that this loss of over \$4 million dollars to the McCormick Place Board might just force them to come back down here for another tax increase, and if that's what you want to vote for, with Governor Ogilvie twisting your arm, then go ahead and vote, have some fun, and vote 'yes'. But, I think it's pretty silly to be doing this type of Amendment at this time. So that's why I am voting 'no', for Governor Ogilvie."

Speaker Breslin: "The Gentleman from Morgan, Rep... Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 66 voting 'aye', 44 voting 'no', and 3 voting 'present', and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Representative McGann."

McGann: "Have the... House Bill 1167 taken out of the record, please."

Speaker Breslin: "It will be taken out of the record and left on the Order of Second Reading, in that event. House Bill 1170, Representative McGann. Clerk, read the Bill."

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Clerk Leone: "House Bill 1170, a Bill for an Act to amend the Retailers' Occupation Tax Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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

Speaker Breslin: "Representative Black."

Black: "Thank you, Madam Speaker. Out of respect for the Sponsor of this Bill, he and I have conversed about this, and Amendment #1 guts his Bill, and that certainly was not my intent, so at this time I would ask to table Amendment #1."

Speaker Breslin: "The Gentleman moves to table Amendment #1 to House Bill 1170. No, excuse me. Withdraw? It has never been on the Bill, is that correct, Representative Black? Okay, withdraw Amendment #1. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #2 is being offered by Representative Black."

Speaker Breslin: "Representative Black."

Black: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. Amendment #2 to House Bill 1170 simply says that coal and coal purchased for use and used in any foundry located in Illinois, shall be exempt from sales tax from January 1, 1988, to December 31, 1992. It would certainly be my intent at that sunset provision, that if Illinois coal wasn't being exclusively used, I would not suggest that that ever come back. This is a simple attempt to try and save some 10,000 jobs currently at risk in approximately 100 foundries in this state. I would further add that those 10,000 jobs are primarily union members, primarily United Auto Workers, I think it's a good Amendment, I think it's an outstanding idea, I know it's a bad time to talk tax relief, but this only costs about

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3,000,000 dollars. The wages paid to those 10,000 workers will generate more taxes than the 3,000,000 dollars saved in the sales tax. I would move passage of Amendment #2."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 1170. And on that question, the Gentleman from Cook, Representative McGann."

McGann: "Thank you, Madam Speaker. First I would ask the germaneness of the Amendment. And then secondly, I want to resist the Amendment. We just don't have these kind of dollars. Amendment #1 and actually Amendment #2 is really... It was discussed in Committee. It was turned down."

Speaker Breslin: "Representative McGann, we have examined the Bill and it is our opinion, the Chair's opinion, that the Amendment is germane. If you wish now to speak to the Amendment, you may proceed."

McGann: "Yes, Madam Speaker, Members of the Assembly, thank you for that ruling. Madam Speaker, Members, this Amendment to House Bill 1170, Amendment #2 will cost approximately \$2.6 million dollars. We do not have that kind of money in the State of Illinois, as much as we would like to, therefore, I resist the Amendment, and I would ask all of those that are interested in the problems of this state, the financial problems, to vote 'no' on this Amendment."

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

Keane: "Thank you, Madam Speaker. This bill was one of many. We had over 3 billion dollars worth of tax exemption bills introduced and... that came before the Revenue Committee. This represents 2.6 million. We had many Bills that I thought were much more worthy of tax exemption, but in order to hold the line on tax increases, we were able to take a stance on tax exemptions and defeat Bills such as

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this. This Bill was defeated. The Bill for those of you who are from Illinois coal areas, this Amendment does not limit purchase to Illinois coal. We would actually be subsidizing out of state coal, which is a program that we have resisted so far, and I would also... for those reasons, I would ask you to vote 'no'."

Speaker Breslin: "Is there any further discussion? Hearing none, Representative Black to close."

Black: "Thank you, very much, Madam Speaker, Ladies and Gentlemen of the House. It is certainly not my intent to force an unwanted Amendment on this Bill sponsored by two such outstanding Gentlemen. I have talked with them. I told them I would not pursue it if they chose to resist it. Let me just say for the record that I share Representative Keane and Representative McGann's concern for fiscal integrity. I like to think I am a fiscal conservative. I do feel, however, this is a good Amendment, and I will withdraw it, and I trust that Representative Keane and Representative McGann will work with me, to perhaps see what we can do with this. It's a good Amendment that will save jobs in Illinois, but I told them I would not force an unfriendly Amendment to their Bill. I'll withdraw the Amendment."

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

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. House Bill 1174, Representative Keane. Representative Keane, 1174. Read the bill, Mr. Clerk."

Clerk Leone: "House Bill 1174, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

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

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Clerk Leone: "No Motions filed. Floor Amendment #2 is being offered by Representative Breslin and Phelps."

Speaker Breslin: "Representative Keane, for Representative Breslin."

Keane: "Thank you, Madam Speaker. With leave, I will handle this Amendment. Amendment #2 adds the Revenue Act Revision regarding permissive authority for downstate counties to establish for assessing districts. I have no opposition to this Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 1174. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #2 be adopted?' All those in favor, say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Are there any further Amendments?"

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

Speaker Breslin: "Representative Wait."

Wait: "Thank you, Madam Chairman. With leave to withdraw #3."

Speaker Breslin: "Withdraw #3. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #4, offered by Representative Wait."

Speaker Breslin: "Representative Wait."

Wait: "Thank you, Madam Speaker. Amendment #4 simply would say that oasis on the tollway would pay the property tax as they have for the last fifteen years, regardless of what you would call the type of arrangements that they have with the stations and McDonald's that are located on the tollway."

Speaker Breslin: "Mr. Clerk, please note that the Sponsorship of this Bill on the Board does not reflect the Sponsorship on

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the Calendar. Correct it when you can. You heard the Gentleman's Amendment presented, Amendment #4, and on Amendment #4 is there any discussion? Representative Keane, on Amendment #4."

Keane: "I have no opposition to Amendment #4."

Speaker Breslin: "The question is, 'Shall Amendment #4 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #5 is being offered by Representative Farley and Daley."

Speaker Breslin: "Representative Farley and Representative Daley, Representative Keane, can you... Representative Keane asks leave to present this Bill on behalf of... Excuse me, Representative Keane."

Keane: "If there is no one here to present the Bill, I would ask that the Amendment be tabled."

Speaker Breslin: "Representative Keane asks that Amendment #5 be tabled. And on that question, the Gentleman from St. Clair... No, there being no discussion, the question is, 'Shall Amendment #5 be tabled?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is tabled. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Representative Stephens, for what reason do you rise?"

Stephens: "Inquiry of the Chair, Madam. Who is the Sponsor of the Bill?"

Speaker Breslin: "The Sponsor of the Bill is Representative Keane, according to our Calendar."

Stephens: "Thank you."



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Speaker Breslin: "Representative Keane asks that the Bill be moved to the Order of Third Reading, and if that will occur, the Bill goes to Third Reading. With leave of the Body, I would like to go back to House Bill 1167, Representative McGann. Clerk, read the Bill."

Clerk Leone: "House Bill 1167, a Bill for an Act in relationship to State Occupation and Use Tax has been read a second time previously, and held. Amendment #1 was adopted previously and Amendment #2 was adopted previously."

Speaker Breslin: "Excuse me, Rep... Mr. Clerk. Representative McGann, Representative McCracken objects to going back to your Bill. As a consequence, the Chair will go to the Order of Revenue, House Bills Second Reading on page 11 on your Calendar. The first Bill is House Bill 144, Representative Davis. Out of the record. House Bill 859, Representative Ronan. Out of the record. House bill 1167, Representative McGann. Mr. Clerk, read the Bill again. Or does it need to be read a second time, since we have already read it twice now?"

Clerk Leone: "House Bill 1167 has been read a second time previously. Amendments #1 and 2 are on the Bill."

Speaker Breslin: "Any further Motions or Amendments?"

Clerk Leone: "There are no further Motions or Amendments."

Speaker Breslin: "Representative, this Bill will move to the Order of Third Reading. On page 17 on your Calendar, on the Special Order of Children. House Bills, Second Reading. The first Bill is House Bill 819, Representative Flowers. Mr. Clerk, read the Bill."

Clerk Leone: "On page 17 of the Calendar, House Bill 819, a Bill for an Act to amend the School Code. Second Reading of the Bill."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "There are no Motions nor Amendments."

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Speaker Breslin: "Third Reading. House Bill 946, Representative McNamara. Clerk, read the Bill."

Clerk Leone: "House Bill 946, a Bill for an Act to amend the Alcoholism and Substance Abuse Act. Second Reading of the Bill."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "Amendment #1 was adopted in Committee. There are no Motions filed in respect to Amendment #1. The next Amendment is Floor Amendment #2, being offered by Representative McNamara."

Speaker Breslin: "Representative McNamara."

McNamara: "Thank you, Madam Speaker. Amendment #2 is a technical Amendment which provides an immediate effective date for the Bill."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 946. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 1001, Representative Bowman. Clerk, read the Bill."

Clerk Leone: "House Bill 1001, a Bill for an Act to provide special support services for handicapped youth. 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 Bowman."

Speaker Breslin: "Representative Bowman on Amendment #1."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #1 makes some technical changes in the

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Bill which were suggested by the State Board of Education.

I am pleased to move its adoption."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #1 to House Bill 1001. And on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #1 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #2 is being offered by Representative Bowman."

Speaker Breslin: "Representative Bowman."

Bowman: "Madam Speaker, I ask leave to withdraw Amendment #2."

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

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 1484, Representative Doederlein. Clerk, read the Bill."

Clerk Leone: "House Bill 1484, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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

Speaker Breslin: "Representative Doederlein, on Amendment #1."

Doederlein: "Madam Chairman, Ladies and Gentlemen of the House, Amendment #1 to House Bill 1464 expresses the intent of the Bill in language that the parties concerned with the Bill could agree to. Amendment #1 states that when there is a report of suspected abuse or neglect of a child by a school employee, at a school, or on school grounds, the following procedures shall be followed: One, investigations involving teachers shall not be conducted when the teacher

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is scheduled to conduct classes. Investigations involving other school employees shall be conducted so as to minimize disruption of a school day. The school employee accused of child abuse or neglect shall have the right to have his superior, his association or union representative and his attorney present, at any interview or meeting at which the teacher or administrator is present. The accused school employee shall be informed by a representative of the Department of any such interview or meeting of the accused school employee due process rights, and of the steps in the investigation process. If a report of neglect or abuse of a child by a teacher or administrator does not involve allegations of sexual abuse, or extreme physical abuse, the Child's Protective Service Unit shall conduct the initial investigation in coordination with the employee's supervisor. This is the intent of the Bill, and it's in language that all the parties could understand. I recommend adoption of the Amendment."

Speaker Breslin: "The Lady moves for the adoption of Amendment #1 to House Bill 1484. And on that question, the Gentleman from Cook, Representative Preston. Representative Preston."

Preston: "Thank you, Madam Speaker. Would the Lady yield for a question?"

Speaker Breslin: "She indicates she will."

Preston: "Representative, I am sorry. There is a lot of noise in the chamber and I was unable to understand what you were saying this Amendment did to the Bill. This... your Amendment has to do with investigations of teachers who were accused, or there was a complaint filed about child abuse?"

Doederlein: "If there is a complaint filed, yes."

Preston: "And then what, if there is a complaint filed, what then

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happens?"

Doederlein: "If there is a complaint filed, and it's abuse or sexual abuse or gross abuse they..."

Preston: "Excuse me, Madam Speaker, I can't... it's very noisy in the chamber."

Speaker Breslin: "Ladies and Gentleman, the speakers are having a difficult time hearing. Proceed, Representative Preston."

Doederlein: "If there is sexual abuse, or gross abuse, gross..."

Preston: "Well, first there is ... the accusation. Somebody complains that a teacher has been guilty of abuse or sexual abuse and then there is an investigation?"

Doederlein: "Right. Then DCFS has to investigate, yes."

Preston: "And within how long of a period of time?"

Doederlein: "Normal period of time. We are not changing anything."

Preston: "Alright, and then the Department of Children and Family Services comes back with ..."

Doederlein: "We are just asking that they not pull them out of class, that the teachers should carry on their regular class work."

Preston: "This Amendment says that if there has been the accusation that a teacher has been involved in sexually abusing a child, that between the time of that accusation and the return of an investigation by DCFS, this requires the school to permit that teacher to remain in the classroom?"

Doederlein: "No, it doesn't have anything to do with that. If there is gross neglect or physical abuse, they can come right in and take charge. What we are after is that they do not disrupt the classroom with an allegation that there is a red mark on a wrist, or something like that. We are just asking that they don't have... conduct the investigation out of the class time."

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Preston: "That DCFS does not conduct the investigation during class time?"

Doederlein: "Yes, so they do not disrupt the class time."

Preston: "I see. Thank you."

Speaker Breslin: "The Gentleman from Sangamon, Representative Curran."

Curran: "Thank you, Madam Speaker. I rise in support of the Lady's Amendment. This matter was brought before the Elementary and Secondary Education Committee. She has made a very good faith attempt to deal with a very difficult problem, and her Amendment speaks importantly to this attempt and to this problem, and I move for a favorable vote on her Amendment."

Speaker Breslin: "Was that a question Representative Curran, or a statement?"

Curran: "Statement."

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

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 1569, Representative Petka. Clerk, read the Bill."

Clerk Leone: "House Bill 1569, a Bill for an Act to amend the Juvenile Court Act. 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 Ryder."

Speaker Breslin: "Representative Ryder?"

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

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House. This Amendment was suggested by the Christian Science Publication Association of the State of Illinois. However, it is the position of those people in that organization not to force an Amendment on a Bill. Representative Petka has indicated to me, that he will resist this Amendment. As a result, we will therefore ask for this Amendment to be withdrawn."

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

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 1723, Representative Currie. Clerk, read the Bill."

Clerk Leone: "House Bill 1723, a Bill for an Act to amend the School Code. 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 Didrickson."

Speaker Breslin: "Representative Didrickson."

Didrickson: "I would like to withdraw Amendment #1, please."

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

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 1970, Representative Ryder. Clerk, read the Bill."

Clerk Leone: "House Bill 1970, a Bill for an Act to amend the Child Care Act. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Breslin: "Third Reading. House Bill 2805, Representative Regan. Clerk, read the Bill."

Clerk Leone: "House Bill 2805, a Bill for an Act to amend the

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Illinois Insurance Act. 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 Regan."

Speaker Breslin: "Representative Regan. Representative Regan."

Regan: "Thank you, Madam Speaker. Withdraw Amendment #1, please."

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

Clerk Leone: "Floor Amendment #2 is being offered by Representative Regan."

Speaker Breslin: "Representative Regan."

Regan: "Withdraw #2, please."

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

Clerk Leone: "Floor Amendment #3 is being offered by Representative Regan."

Speaker Breslin: "Representative Regan."

Regan: "Amendment #3 was between the Department of the Insurance, and the Insurance Industry, a wording that had to be clarified in the Bill. Basically says that the immediate coverage for first born infants shall be provided, if applicant, within 31 days, pays the additional premium and applies. I urge its acceptance."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to House Bill 2805, and on that question, is there any discussion? Hearing none, the question is 'Shall Amendment #3 be adopted?' All those in favor say 'aye', all those opposed, say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."



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Speaker Breslin: "Third Reading. Ladies and Gentlemen, we will now turn to page 20 on your Calendar, Special Order of Business, House Bills. Second Reading, Public Health. House Bill 979, Representative Saltsman. Clerk, read the Bill."

Clerk Leone: "House Bill 979, a Bill for an Act to amend an Act in relationship to Fire Protection Districts. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Are there any Floor Amendments?"

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

Speaker Breslin: "Representative Cullerton, Amendment #1."

Cullerton: "Yes, this is on page 20, Madam Speaker?"

Speaker Breslin: "Correct. Under the order of public health."

Cullerton: "Yes. See, we have to do a little skipping around here to get to the proper file, because of the skipping around in the... Madam Speaker, I think the problem, this was called before, that it's a technical Amendment, but I don't have the Amendment in the file. Has it been distributed?"

Speaker Breslin: "Mr. Clerk, is the Bill, Amendment... The Amendment is printed and distributed, Representative Cullerton."

Cullerton: "Well, if I could ask the Assistant Clerk to read the... correctly read the Amendment, I would appreciate it, that way I could... I believe it's just changing some..."

Speaker Breslin: "Mr. Clerk, proceed."

Clerk Leone: "Thank you. Amendment #1 amends House Bill... Amendment #1 amends House Bill 979, on page 2 line 2, by changing 'of' to 'of fire'; and on page 5, line 7, by changing 'of' to 'of at least'; and on page 5, line 26, by changing 'of the' to 'off the'."

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Cullerton: "So, Mr. Leone moves for the adoption of Amendment #1."

Speaker Breslin: "Mr. Cullerton moves for the adoption of Amendment #1 to House Bill 979, and on that question, the Gentleman from Winnebago, Representative Hallock."

Hallock: "Will the Sponsor yield for a question?"

Speaker Breslin: "Representative Cullerton?"

Cullerton: "Absolutely."

Hallock: "Well, this Amendment sounds like it's a... presents a class in prepositions. What are the 'of the's' and 'a's' to 'the' and 'of the' mean?"

Cullerton: "Well, it really... I have written on my file exactly what the Amendment was supposed to say, but I didn't have the Amendment in front of me, so let me just say this. If you were to take the Bill and look on page 2 of the Bill, line 2, right now it reads 'but which does not have a Board of Commissioners'. Well, we put the word in 'Fire Commissioners', because that's what we are talking about here, okay? Then on page 5, line 7, right now the way it reads is, 'or naval service of the United States at any time for a period of 1 year', and what we want to do there is say 'at least one year', and then if you look on page 5, line 26, it says 'the Board shall strike off the names of candidates'. Well, of course what we meant to say there was 'the Board shall strike off the names of the candidates'. So, those are the three technical corrections that have been made."

Hallock: "Well, I appreciate your effort to make the statutes grammatically correct so when we go back to read them in the future, they make some sense."

Speaker Breslin: "The question is, 'Shall Amendment #1 to House Bill 979 be adopted?' All those in favor, say 'aye', those opposed, say 'no'. In the opinion of the Chair, the 'ayes'

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have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #2 is being offered by Representative Saltsman."

Speaker Breslin: "Representative Saltsman."

Saltsman: "Yes, Madam Speaker, Members of the House, when we were in Cities and Villages Committee, I said I wouldn't call this Bill until the different agencies in the state got together, and came back with some agreed legislation, and they both agreed, I got the signatures of the fire protection districts, I got the signatures of the unions, of everyone that was concerned about this, they have all signed off that this is the package that they could all live with, and I ask for this Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #2 to House Bill 979. And on that question, the Gentleman from DuPage, Representative McCracken. Representative McCracken."

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

Speaker Breslin: "He indicates he will."

McCracken: "Representative, Amendment #2 has the effect of including fire protection districts, twelve members or larger, rather than ten, and in counting the twelve, you include the chief? Is that correct?"

Saltsman: "Just a second, I'm looking for... I just got this Amendment the other day, Representative McCracken, where they had signed off on it, and... yes, it does include any full time member of the fire department, and it would include the chief."

McCracken: "And, as you know, that makes it subject to many provisions of the law that would not otherwise apply, and you know there are different sizes of fire protection districts. Was there any distinction made in the support

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given you by the Fire Protection District Association?  
Smaller districts only... larger ones?"

Saltsman: "I believe that's why they increased the number of full time employees to twelve full time, to get it off of ten, to allow the extra personnel for to be eligible, and that's why they jumped it up to twelve, because they would be included."

McCracken: "Okay, thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all those say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. House Bill 2044, Representative Pullen. Clerk, read the Bill."

Clerk Leone: "House Bill 2044, a Bill for an Act to amend the Criminal Code. 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 Wojcik and Ryder."

Speaker Breslin: "Representative Wojcik."

Wojcik: "Yes, Madam Speaker and Members of the House, what the effect of this Amendment is, is to provide standards to be implemented by the Department of Public Health relating to data or other information which is to be processed by a computer or other type of artificial intelligence, and is related to acquired immunodeficiency syndrome testing, or test results. It limits the access to such information."

Speaker Breslin: "The Lady has moved for the adoption of Amendment #1 to House Bill 2044. And on that question, is there any discussion? The Gentleman from St. Clair,

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Representative Stephens."

Stephens: "Thank you, Madam Speaker. I rise in support of Amendment #1 to House Bill 2044. It is important that we provide standards to the Department of Public Health relating to data and other information which is processed by the computer, because of the fact that the AIDS virus, and related symptoms and related disorders, have been bantered about in the press, and in medical circles, with very inaccurate numbers. For instance, there are... there are numbers out there that reflect an AIDS virus count, that may or may not be correct, and this Amendment would help clear up some of those, the distortions of those numbers, as they are recorded by the Department of Public Health. Thank you."

Speaker Breslin: "The Gentleman has... is there any further discussion? The Gentleman from Cook, Representative White."

White: "Madam Speaker, and Ladies and Gentlemen of the House, House Bill 100 deals with confidentiality. This Bill does not deal with confidentiality. It does, and it doesn't. It is allowing as many as five people to have access to the results of a test, and I think the best way to go would be for the Department and the individuals doctor, so we are limiting it to two persons. This expands it to five, and I don't know if that's the way we want to go. So I stand in opposition to this Amendment."

Speaker Breslin: "The question is, 'Shall Amendment #1 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Wojcik, I have just learned that there are 16 Amendments on this Bill. Would you mind if the Sponsor took the Bill out of the record, and we could do it first thing in the morning, Representative Wojcik?"

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Wojcik: "I think not. I think we should continue on... an awful lot, so I think we should get going on it."

Speaker Breslin: "Representative McPike, for what reason do you rise?"

McPike: "Would you ask, I wonder if the Sponsor would, in explanation of her vote, if she would explain the Amendment again, because we had a hard time finding the Amendment, we just now found it, so maybe she could explain her vote, and... oh, you won't even explain your vote?"

Speaker Breslin: "Have all voted who wish? Representative Cullerton, for what reason do you rise?"

Cullerton: "I would like to explain my vote. Obviously, we treat this issue with sensitivity, and we simply made a simple request for the Sponsor of the Bill to explain what the Amendment did. Now my understanding is, initially was that this dealt with the issue of confidentiality, and it would have limited confidentiality. I find out, that it probably does just the opposite. It allows more people to be able to have access to results of these blood tests. So, I think it's a... borders on rudeness, not to honor the request that the Majority Leader made, to simply get up, and explain, if I'm wrong, what is wrong with the Amendment. But, I would suggest that, for those of you who are going to try to take an important vote on this issue, that they know what indeed they are voting on. It appears to me that this expands, actually breaks down the confidentiality of AIDS results, and that's something that you definitely don't want to vote for."

Speaker Breslin: "Representative Pullen, you are the Sponsor of the Bill."

Pullen: "Madam Speaker, it has been requested that this Amendment be explained. My understanding of this Amendment, is that it is to put into law, a strict limitation about who gets

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access to the data, in the Department of Public Health. I don't think that... I am explaining my vote. I don't think that it is appropriate for us to leave the Department of Public Health to their own devices in this matter. I think that it is important that we provide for strict confidentiality, and I believe that this Amendment does that, and I support it."

Speaker Breslin: "Representative Levin, one minute to explain your vote."

Levin: "Madam Speaker, Ladies and Gentlemen of the House, in explaining my 'no' vote, I think we all want to encourage people to voluntarily take the AIDS test if they think they may possibly have been exposed to AIDS. The best way of insuring that people will in fact, voluntarily take the test, is by guaranteeing confidentiality, and limiting access to the test results. This will encourage people to voluntarily act. This Amendment unfortunately, goes in the opposite direction. It expands the number of people that have access to the test results. And the consequence of that, is that it is going to discourage people from voluntarily taking the test."

Speaker Breslin: "Have all voted who wish? Change Representative Keane from 'no', to 'aye'. Have all voted who wish? The Clerk will take the record. On this question, there are 62 voting 'aye', 48 voting 'no', and 2 voting 'present', and the Amendment is adopted. The record should reflect that Representative Keane is voting 'aye', there are therefore 63 voting 'aye', 47 voting 'no', and 2 voting 'present', and the Amendment is adopted. Representative Pullen?"

Pullen: "Madam Speaker, I have recognized that there is a great deal of restlessness in the chamber this evening, and there is also a lack of participation on the part of some of our Members who wanted to participate in this debate, and in

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the interest of moving things along, as long as I can be assured that we can get back to this Bill at a reasonable time, I will take it out of the record."

Speaker Breslin: "You have that assurance. Ladies and Gentlemen, we have one Bill and a Death Resolution, and then we will be ready to leave. The Bill is on page 50, on the Order of Concurrence, House Bill 307, Representative Leverenz. Clerk, read the Bill. Representative Leverenz, we don't have to read anything. Representative Leverenz."

Leverenz: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. We are concurring with Senate Amendments 1 through 9. 1 through 8 are all technical corrections to the Build Illinois Appropriation, and Amendment #9 provides for a capital improvement to the Secretary of State for the General Assembly. I would move for a concurrence in Senate Amendments 1, 2, 3, 4, 5, 6, 7, 8 and 9."

Speaker Breslin: "The Gentleman moves for concurrence in Senate Amendments 1 through 9 on House Bill 307. And on that question, is there any discussion? Hearing none, the question is, 'Shall the House concur in Senate Amendments #1, 2, 3, 4, 5, 6, 7, 8 and 9 to House Bill 307?' 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 113 voting 'aye', none voting 'no', and none voting 'present', and the House does concur in Senate Amendments #1 through 9 to House Bill 307. Death Resolution. Ladies and Gentlemen, this is a Death Resolution of a former Member. Please rise."

Clerk Leone: "House Resolution 418, offered by Representative Madigan - et al. Whereas, the Members of this Body have learned with great sadness of the recent passing of Robert McPartlin, a former Member of the House of Representatives.



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And whereas, a native of Chicago, Robert McPartlin, was born November 2, 1926, and educated at St. Thomas Aquinas Grade School, St. Ignatius High School, and Campion High School. And whereas, in 1943, Robert McPartlin volunteered for the U.S. Marine Corps, and he faithfully served his country for four years and six months in the Pacific Theatre. And whereas, in 1961, Robert McPartlin was elected to the Illinois House of Representatives, and he had lived all his life in the area he represented. And whereas, Robert McPartlin served eight terms in the General Assembly, and throughout his distinguished service, he was known for his partial and fair ideas. And whereas, on February 5, 1949, Robert F. McPartlin married Geraldine Cronin, and she survives. And whereas, Robert McPartlin was the loving father and grandfather of twelve children. Resolved by the House of Representatives of the 85th General Assembly of the State of Illinois, that we express our sincere sorrow at the loss of Robert McPartlin, and that we join with those individuals who mourn the loss of a close friend and colleague, and that to his bereaved family, we extend our heartfelt sympathy, and be it further resolved, that a suitable copy of this Preamble and Resolution be presented to his family, and that as a further token of our sorrow, the House will now stand adjourned."

Speaker Breslin: "Representative Matijevich, on the Resolution."

Matijevich: "Yes, Madam Speaker and Ladies and Gentlemen of the House, I would first ask leave that all Members be added as Cosponsors..."

Speaker Breslin: "Hearing no objection, the Gentleman has leave."

Matijevich: "Move the adoption... Bob McPartlin was in this Body for sixteen years, and we who served with him surely remember his warmth and his friendliness, his compassion,

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his willingness to work with all of us on our Bills. During a period of travail during his lifetime, he persevered, because of strong family ties built on love, his loyal and loving wife, Gerrie, and his faith in God. To his wife Gerrie, and his very fine family, we offer our deepest sympathies and our sincere condolences, and may God's blessings be eternally with Bob."

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

Hoffman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. It was indeed a privilege for me to serve with Bob McPartlin for ten years. He was a gentle man, he was a kind man, and he was a considerate man, and I know that I will miss him, and I agree with Representative Matijevich, that we offer our sincere condolences to his wife, Gerrie, and to his loving family. They will miss him, of course much more than we do, but I know they will appreciate this consideration on our part, and I second the Motion to adopt this Resolution."

Speaker Breslin: "The question is, 'Shall the Resolution be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Resolution is adopted. And in respect for Representative McPartlin, Representative McPike moves that this House stand adjourned until 9:00 a.m. tomorrow morning. All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and this House stands adjourned until 9:00 a.m. tomorrow morning."

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