

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

51st Legislative Day

May 21, 1987

Speaker McPike: "... Come to order. Members will be in their seats. The Chaplain for today will be the Reverend Farris H. Morrison, Sr., who is Pastor of Prayer Wheel Church of God in Christ of Springfield. Reverend Morrison is a guest of Representative Mike Curran. The guests in the balcony, please rise and join us in the invocation."

Reverend Morrison: "Blessed is the people whose God is the Lord, so we read in the scripture. Oh, God and so we believe, we pray therefore, that Thou may'eth always be the God of this Thy people. That Thy blessing rest upon Thy people, our Governor and his Cabinet, the Legislature, the Supreme Court, and every city and hamlet of this great State of Illinois. Give to all the leaders and the led, wisdom, knowledge, understanding, good judgment, sympathy and courage to do what is right in Thy sight and best for all people. Grant to the chosen men and women of this legislative Body, faith to believe and hearts to trust in Thy divine guidance. We pray that we may only desire what seems desirable, if it be Thy desire first. In Christ Jesus name. Amen."

Speaker McPike: "Be led in the Pledge of Allegiance by the Gentleman from Vermilion, Representative Black."

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

Speaker McPike: "Roll Call for Attendance. Take the record. Representative Piel."

Piel: "Yes, Mr. Speaker, would the record show that Representative Tuerk is excused today for medical reasons?"

Speaker McPike: "Yes. And how is Mr. Tuerk doing?"

Piel: "Very good, very good. He's hoping to be home by the

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

51st Legislative Day

May 21, 1987

weekend, if not the first part of next week."

Speaker McPike: "Great. Representative Matijevich, do you have any?"

Matijevich: "None. None, Mr. Speaker."

Speaker McPike: "Thank you. 117 Members answering a Roll Call, a quorum is present. Ladies and Gentlemen of the House, you can take the Consent Calendar that has been distributed and throw it away. All the Bills on there were inadvertently shown as being on Third Reading. They are not. We are in the process of printing a new Consent Calendar, which will have the Second Reading Bills and the Third Reading Bills. We will then try to amend the Second Reading Bills, put out a Supplemental showing everything on Third Reading, and then pass the Consent today. Senate bills, First Reading."

Clerk O'Brien: "Senate Bill 264, a Bill for an Act to amend an Act in relation to State Monies. First Reading of the Bill. Senate Bill 412, Homer, a Bill for an Act to amend the Retailer's Occupation Tax Act. First Reading of the Bill. Sponsor of 264 was Capparelli. Senate Bill 491, Myron Olson and Flinn, a Bill for an Act to amend The Illinois Development Finance Authority Act. First Reading of the Bill. Senate Bill 553, Phelps, a Bill for an Act to amend the School Code. First Reading of the Bill. Senate Bill 635, Stange, a Bill for an Act to amend the Election Code. First Reading of the Bill. Senate Bill 783, Leverenz, a Bill for an Act making appropriations for the Department of Commerce and Community Affairs. First Reading of the Bill. Senate Bill 1261, Countryman, a Bill for an Act to amend the Revised Uniform Limited Partnership Act. First Reading of the Bill. Senate Bill 1467, Phelps, Rea and Hannig, a Bill for an Act to amend the Illinois Public Aid Code. First Reading of the Bill."

Speaker McPike: "Agreed Resolutions."

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

51st Legislative Day

May 21, 1987

Clerk O'Brien: "House Joint Resolution 79, offered by Representative Granberg; House Resolution 429, Terzich; and House Resolution 430, offered by Representative McAuliffe."

Speaker McPike: "Representative Matijevich."

Matijevich: "Speaker, these are congratulatory. I move the adoption of the Agreed Resolutions."

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

Clerk O'Brien: "House Joint Resolution 80, offered by Representative Currie; House Joint Resolution 81, offered by Representative Black and Hicks."

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

Clerk O'Brien: "House Resolution 428, offered by Representative Shaw, with respect to the memory of Eleanor Adams."

Speaker McPike: "Representative Matijevich moves for the adoption of the Death Resolutions. All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The Death Resolutions are adopted. On page 21 of the Calendar, under conveyances appears House Bill 932. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 932, a Bill for an Act authorizing the conveyance of certain state property. This Bill has been read a Second Time previously. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Richmond."

Richmond: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 to House Bill 932 is a simple quick claim deed for some property at the Anna Mental Health Center at Anna, Illinois down in Union County. That eleven

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

51st Legislative Day

May 21, 1987

point some odd acres. We've had it appraised and the value of it has been established and it's to go to a private concern that is going to expand the business, that will hire some 35 or 40 new employees. The Department of Mental Health is very much in favor of this. And I ask for your support."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. And on that, the Gentleman from DuPage, Representative McCracken."

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

Speaker McPike: "He will."

McCracken: "The Amendment makes reference to a market appraisal dated April 30, 1987. Was that done pursuant to House Rule, requiring such an appraisal?"

Richmond: "Yes, it was."

McCracken: "Okay. And the result of that appraisal was \$3300 and that's the amount of the cost for this conveyance?"

Richmond: "That's... that's correct."

McCracken: "Okay, thank you."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

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

Speaker McPike: "Representative Matijevich."

Matijevich: "Yes, Mr. Speaker and Ladies and Gentlemen of the House, Amendment #2 authorizes the Department of Mental Health and Developmental Disabilities to convey to the City of Alton for one dollar, two tracts in Union County. Such parcels are exempt from the requirement that they be used for a public purpose. I move the adoption of Amendment #2."

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

51st Legislative Day

May 21, 1987

Speaker McPike: "The Gentleman moves the adoption of Amendment #2. Is there any discussion? Representative McCracken. Representative Matijevich in the Chair. Representative Matijevich would you take the Chair?"

Speaker Matijevich: "The Majority Leader, Jim McPike."

McPike: "I'd be glad to answer any questions on the Amendment."

Speaker Matijevich: "Representative McCracken."

McCracken: "Representative, this is regarding two parcels in Alton. Is that correct?"

Speaker Matijevich: "Representative McPike."

McPike: "Yes, about ten years ago, Mental Health conveyed about 600 acres to the City of Alton to develop a park. And we have developed a multi-million dollar park on that. Discovered two acres that or... two parcels that represent about an acre of ground that is separated from the park by about a mile that cannot be developed for park. And so we'd like to waive the requirements that this be used for park purposes so that the city can lease this one small parcel."

McCracken: "And there's no cost involved?"

McPike: "That's correct."

McCracken: "Was there a cost involved in the original conveyance, ten years ago?"

McPike: "No, there was not."

McCracken: "Okay, I have nothing further."

McPike: "I move for the adoption."

Speaker Matijevich: "The Gentleman has moved for the adoption of Amendment #2. All in favor signify by voting 'aye', opposed by voting 'no'. The 'ayes' have it. The Amendment #2 is adopted. Further Amendments?"

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

Speaker Matijevich: "The Gentleman from Madison, the Majority

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

51st Legislative Day

May 21, 1987

Leader, Jim McPike."

McPike: "Thank you, Mr. Speaker. I'm sorry that I didn't realize that Amendment #3 was all encompassing and it incorporates the previous Amendments. It also speaks to a number of other conveyances that were on the Floor. Both Democrat and Republican conveyances. I asked staff to simply draft a comprehensive conveyance Amendment, and I believe it's in proper order. It's been shown to the... Representative McCracken. If there's any questions, I'd be glad to answer them."

Speaker Matijevich: "Jim, do we have to withdraw, two..."

McPike: "No, this would be adopted then."

Matijevich: "The Gentleman has moved for the adoption of Amendment #3. Are there any questions? Representative McCracken."

McCracken: "Thank you, Mr. Speaker. Representative, this has what were formally, four Bills, in this single Amendment. Is that right?"

McPike: "Yes."

McCracken: "Now, are some of the conveyances to private property or private owners?"

McPike: "Yes."

McCracken: "Here appraisals with respect to those parcels sought? Do we have those appraisals?"

McPike: "According to my analysis, yes. One was for Bureau County for a thousand. One was in Clark County for sixteen hundred. I have them here and could read them to you, but our notes indicate yes."

McCracken: "But you do have the appraisals for all the personal conveyances?"

McPike: "My notes indicate yes. My staff came to meet with your staff last night and I presume that was the answer to your staff also."

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

51st Legislative Day

May 21, 1987

McCracken: "There was a question as to Ottawa, the Ottawa conveyance."

McPike: "What is the question?"

McCracken: "Okay, on 2332 which is encompassed in this Amendment, that currently is on Third Reading with an Amendment, which, I believe, is not in your Bill. I'd like to move to that order next and pass that out as well."

McPike: "Fine."

McCracken: "Because I think that that's in the proper form for 2332."

McPike: "Fine."

McCracken: "Okay, thank you. I have nothing further."

McPike: "I move for the adoption of the Amendment."

Speaker Matijevich: "The Gentleman moves for the adoption of Amendment #3. All in favor say 'aye', opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Matijevich: "Third Reading. Representative McPike in the Chair."

Speaker McPike: "Representative... Representative Richmond asks leave to waive the appropriate Rules, so that the Bill can be heard on Third Reading at this time. Is leave granted? Leave is granted. Attendance Roll Call will be used. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 932, a Bill for an Act authorizing the conveyance of certain state property. Third Reading of the Bill."

Speaker McPike: "Representative Richmond."

Richmond: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Bill, originally, before the Amendments that were put on this morning, merely conveyed from the Department of Mental Health to the City of Anna, some 11.5

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

51st Legislative Day

May 21, 1987

acres for it to be used for improvements to city sewage systems. And you've heard the Amendments that were put on since then, this morning. And I would move for the passage of this Bill."

Speaker McPike: "The Gentleman moves for passage of House Bill 932. Is there any discussion? Being none, the question is, 'Shall House Bill 932 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 116 'ayes', no 'nays', none voting 'present'. House Bill 932, having received the Constitutional Majority, is hereby declared passed. On page 21 of the Calendar under Conveyances, House Bill 2322. Representative McAuliffe. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2322, a Bill for an Act to release easements and restore access rights to certain described lands in the State of Illinois. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Mr. Speaker and Ladies and Gentlemen of the House, I believe this is agreed by both sides. It's certain conveyances."

Speaker McPike: "The Gentleman moves for the passage of House Bill 2322. Is there any discussion? Being none, the question is, 'Shall House Bill 2322 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 116 'ayes', no 'nays', none voting 'present'. House Bill 2322, having received the Constitutional Majority, is hereby declared passed. Representative Flinn, I believe you have a Bill that you'd like to put into Interim Study. Representative Flinn?"

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

51st Legislative Day

May 21, 1987

Flinn: "Yes, Mr. Speaker."

Speaker McPike: "What's the Bill number, Sir?"

Flinn: "589. First, I'd like to take it back from Third to Second Reading and put an Amendment on it and then put it in...."

Speaker McPike: "The Gentleman asks leave to return House Bill 589 to the Order of Second Reading for the purposes of adoption an Amendment. His intent then, is to put the Bill in Interim Study. Mr. Clerk."

Clerk Leone: "On page 4 of the Calendar. House Bill 589, on the Order of Second Reading. Floor Amendment #3 is being offered by Representative Flinn."

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

Flinn: "Well, Mr. Speaker, this Amendment is going to be used as a talking point for some problems we have down in the Metro-east area concerning handling of the St. Louis trash. I have no intention of trying to pass the Bill like it is. We're really going to have the Environmental Committee have some... We hope to have some hearings and use this as a focal point or a talking point. And I move the adoption of the Amendment."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #3. Is there any discussion? There being none, the question is, 'Shall Amendment #3 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Representative Flinn now moves that House Bill 589 be returned to Interim Study in the Committee on Energy, Environment and Natural Resources. Gentleman have leave? Leave is granted. The Bill is on Interim Study. In that particular case, Representative Flinn needed to amend that Bill before it went to Interim Study. For information, there is a form in

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

51st Legislative Day

May 21, 1987

the front that any individual can sign to place their Bill in Interim Study. You do not need a Roll Call vote. You don't need leave of the House. Just come to the Well and fill out the form. Representative Klemm."

Klemm: "An inquiry to the Chair. How late can we fill out the Interim Studies? Perhaps, after tomorrow, we'll know more about what we should do."

Speaker McPike: "You should fill it out and hold it on your desk. Page 22 of the Calendar. Representative McCracken."

McCracken: "I was under the impression we were going to Vehicle Code next."

Speaker McPike: "Well, that is the Vehicle Code, unless I'm mistaken. Page 22 of the Calendar, Vehicle Code, House Bills Second Reading."

McCracken: "32, I think you mean?"

Speaker McPike: "Representative McCracken, I left my glasses out on my desk on the House Floor. But, I still think it's page 22. Yes, Mr. McCracken."

McCracken: "That's Criminal Law on page 22. Oh, I'm sorry. I have the wrong Calendar."

Speaker McPike: "Would somebody take Mr. McCracken my glasses? Page 22 of the Calendar, Vehicle Code. House Bills Second Reading appears House Bill 1524. Representative McCracken. Read the Bill, Mr. Clerk. I'm sorry, the Bill has been read a second time. Any Committee Amendments?"

Clerk Leone: "House Bill 1524, a Bill for an Act in relationship to traffic offenses. Has been read a Second Time previously. There are no Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker McPike: "Third Reading. Representative McCracken."

McCracken: "I ask leave to have this considered today on Third Reading. It had already been read a second time,

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

51st Legislative Day

May 21, 1987

yesterday."

Speaker McPike: "The Gentleman asks leave to hear the Bill on Third Reading at this time. Are there any objections? Hearing none, the Attendance Roll Call will be used. Representative... read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1524, a Bill for an Act in relationship to traffic offenses. Third Reading of the Bill."

Speaker McPike: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker. This amends the Vehicle Code and Clerk's of Court Act. Provides that a fee of \$2.00 shall be charged the defendant for each notice sent to him due to his failure to promise to comply. And for each notice of failure to appear, an answer sent to the Secretary of State. I move it's adoption."

Speaker McPike: "The Gentleman moves for the passage of House Bill 1524. Is there any discussion? Being none... I'm sorry, the Lady from Sangamon, Representative Hasara."

Hasara: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker McPike: "He will."

Hasara: "Representative, will this money then go into the County Treasury?"

McCracken: "It is my understanding it would go to the Clerk of the Court Fund."

Hasara: "Which one?"

McCracken: "I don't know."

Hasara: "Okay. Have the Circuit Clerks been informed of this?"

McCracken: "Yes."

Hasara: "And they're in agreement with this?"

McCracken: "Yes."

Hasara: "Okay, thank you."

Speaker McPike: "The question is, 'Shall House Bill 1524 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The

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

51st Legislative Day

May 21, 1967

Clerk will take the record. On this Bill, there are 112 'ayes', no 'nays' and one voting 'present'. House Bill 1524, having received the Constitutional Majority, is hereby declared passed. House Bill 2526, Representative Rea. Representative Phelps, do you want to handle that Bill? You are Cosponsor. Representative Rea is in the chamber. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 2526, a Bill for an Act to amend the Illinois Vehicle Code. It's been read a Second Time previously. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Parcels on Amendment #1."

Parcels: "Thank you, Mr. Speaker. This Amendment reduces the Counties Motor Fuel Tax Fund Allotment by the amount of damage inflicted on a counties road and highways from the increased truck weight authorized in this Bill. We all know that roads are destroyed by heavy weight. And when we allow one area to run at 8,000 pounds heavier ... 80,000 pounds heavier, or at 80,000 pounds which is 8,000 pounds heavier than any where else in the state, they are going to have their roads broken up. For instance, last year, there was money that was sought to take dollars for rural revival. In the year before they asked for extra money. If we are going to permit them to have heavier weight trucks, running in that area, then those of us who are running at the right weight, should not have to be paying for those roads to be redone, more quickly than our old roads, because our own roads need a lot of help too. And I would move for the adoption of this Amendment."

Speaker McPike: "The Lady moves for the adoption of Amendment #1. And on that, the Gentleman from Franklin, Representative

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

51st Legislative Day

May 21, 1987

Rea."

Rea: "Thank you, Mr. Speaker and Members of the House. I rise in opposition to this Amendment. This... this will only affect the rural roads, primarily and secondary roads and those bridges would be already approved for the 80,000 pounds. There would not be that type of damage that has been proclaimed to the roads. I think that this is certainly an unfounded Amendment. And just an Amendment to try to gut the Bill. And I would ask for... for a 'no' vote on this Amendment."

Speaker McPike: "Further discussion? The Gentleman from St. Clair, Representative... Further discussion? The Gentleman from Lake, Representative Churchill."

Churchill: "Will the Sponsor yield?"

Speaker McPike: "Indicates he will... or she will."

Churchill: "Representative Parcels, do you have any indication of the damage that is caused to the roads by these over weight vehicles?"

Parcels: "I didn't hear your question, Representative."

Churchill: "Do you have any way of measuring the damage that is caused to the road by these over weight vehicles?"

Parcels: "According to the Department of Transportation, there is about six million dollars worth of bridges throughout the state that could be damaged... that could be severely damaged by this added weight."

Churchill: "Okay. And so it's your position then, that the excess weight of these over weight vehicles, is the thing that is causing damage to the roads. And that's why you are putting this formula in to reduce the funding for that."

Parcels: "That is correct. If they're going to... if they want to carry this extra weight, and the rest of the state doesn't, then they should have to... not have the rest of

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

51st Legislative Day

May 21, 1987

the state paying for their roads that they're destroying."

Churchill: "I see, so if a local county permits excess weight on their roads, the roads get damaged, then you're just saying that they should pay for the cost of those roads. Is that correct?"

Parcells: "That's correct. It has been proved that these trucks can cause 67% more damage to these roads, than trucks at normal weight, at the 72,000 pounds."

Churchill: "Okay. Thank you. Mr. Speaker, to the Amendment. I think this is a fine Amendment. What we're trying to do as a road program in this state, is to try and have the best roads we possibly can. If there are areas in our state that determine that they will allow excess and over weight trucks to be used on the roads, which damage the roads, then the county should pay for that. We shouldn't ask the people of the state to pay for something that is under the domain of one of the local jurisdictions. So, I think this is a fine Amendment and we ought to put it on the Bill."

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

Terzich: "Yes, Representative Parcells, do you realize the economic damage that would be done to these truckers if this Bill is not passed?"

Parcells: "The truckers could stay at 72,000 pounds like the rest of the state."

Terzich: "Has it caused them and economic loss by not having 80,000 pounds?"

Parcells: "That would be a question really, for the Sponsor of the Bill. The rest of the state seems to manage at 72,000. Somehow, we came up with that figure, and that seems to be equitable throughout the state."

Terzich: "Are these the trucks that haul all of this gravel and dirt and rocks, and spread debris all over the highways?"

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

51st Legislative Day

May 21, 1987

Parcells: "I beg your pardon, I didn't hear that."

Terzich: "Are these the same trucks that haul this gravel and dirt and bricks and rocks and stones, and throw everything up at windshields on the road? Are these the same trucks?"

Parcells: "Well, I assume it's Southern Illinois, and that's a lot of what they are carrying; coal, gravel."

Terzich: "Well, I think this is a good Amendment."

Parcells: "Thank you."

Speaker McPike: "Representative Barger."

Barger: "Thank you, Mr. Speaker. The roads, the back roads, all of the roads in the State of Illinois are built to particular specifications. Those in farm areas are built to carry, light loaded vehicles, corn and the products like that, so as to get them to market. These roads are all constructed to give the best amount of service, for the particular loads that they are built for. Now, this Bill, which has been presented and is being amended, would allow any load of a natural resource, and that includes gravel, to be hauled anywhere within 75 miles of the loading site. That is a 150 mile diameter. That is a lot of area. Three areas like that would cover the entire state. The loads are excessive. The roads are not built for them. And I think that this Amendment is germane and appropriate at this time. Thank you very much."

Speaker McPike: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In reference to Representative Parcells, I thought I might clear up a couple of points that, I think, were deceiving. First of all, we are not talking about just southern roads being able to have this liberty. We are saying anywhere in the state, within a 75 mile radius, that would carry these kind of loads for natural resources, would have this freedom. Here's an example again of

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

51st Legislative Day

May 21, 1987

neighboring states to us, Kentucky, Tennessee, Missouri, who have similar, if not identical legislation, and they compete with our products all the time, underwriting our truckers that operate quarries, and timber resources that we need to develop so badly. Another misconception in reference to the local roads, that they we are talking about being travelled on. The motor fuel allotment and the funds that are in jeopardy, are those that we stayed away from. We're talking about the interstate bridges and the highways that the federal's would be... would not be in agreement with. But we're not talking about using those roads, we're talking about local roads that many of the local governments have put some of their own matching funds in, and they are willing to say the money returned for these kind of products to compete with Kentucky and Tennessee, who can do it, now are saying why can't we, at least compete. Instead of being run out of business, like we are so much, as are the counties that border the other states that so badly hurt our markets, because we can not have the same policies. This is a bad Amendment, but a good Bill."

Speaker McPike: "Representative Parcells, to close."

Parcells: "Thank you, Mr. Speaker. In this year when the Governor is asking us for more motor fuel taxes, it seem inappropriate to be putting heavier weights on the road and tearing those roads up. It would be an economic loss to the state. And in response to the most recent comment, in Kentucky, where the roads were... are in fact, the weights are higher, their bridges are 53% deficient. And Illinois is only 31% deficient. Therefore, that's the absolute proof that those heavier weights are ruining the roads and the bridges. And this is not the year, when we are already trying to repair our roads, to be lifting those weights.

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

51st Legislative Day

May 21, 1987

Clerk Leone: "House Bill 2700, a Bill for an Act to amend the Illinois Vehicle Code. It has been read a Second Time previously. Amendment #1 was adopted in Committee."

Speaker McPike: "Any Motions filed?"

Clerk Leone: "No Motions filed in respect to Amendment #1."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Slater, on Amendment #2."

Slater: "Withdraw Amendment #2."

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

Clerk Leone: "Floor Amendment #3 is being offered by Representatives McCracken and Cullerton."

Speaker McPike: "Representative McCracken on Amendment #3."

McCracken: "Thank you, Mr. Speaker. The Amendment would add to the Bill, that a third or subsequent conviction for DUI is a Class 4 Felony. And that the second and subsequent convictions remain Class A misdemeanors, but can't carry a mandatory minimum sentence of 48 hours in jail, or ten days of community service if committed within five years of a previous violation. This Bill is added on to 2700, which increases the revocation period for a second offender to five years and for a third offender to ten years. I move it's adoption."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #3. Is there any discussion? There being none, the question is, 'Shall Amendment #3 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker McPike: "Third Reading. Do you wish the Bill called at this time. Read the Bill, Mr. Clerk. The Bill has been

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

51st Legislative Day

May 21, 1987

read a Second Time previously. The Gentleman does not need leave to have the Bill called on Third Reading."

Clerk Leone: "House Bill 2700, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker McPike: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker. House Bill 2700 is Secretary Edgar's... one of Secretary Edgar's Bill and provides for increased revocation's for second and third convictions of DUI from... to five years, and ten years, respectively. The restricted driving permit is still available if the conditions promulgated by the Secretary are met. It also makes a third offense of DUI a Class 4 Felony. And the second and subsequent convictions carry a mandatory minimum sentence of 48 in hours jail, or ten days of community service, if committed within five years of a previous violation. That's the Bill, and I move its adoption."

Speaker McPike: "The Gentleman moves for the passage of House Bill 2700. On that, the Gentleman from Cook, Representative Bowman."

Bowman: "Thank you. Will the Gentleman yield for a question?"

McCracken: "Yes."

Bowman: "I just asked the... a representative of the Secretary of State's office, a question that should have an answer to. I just wonder if you could tell me if they ACLU has taken a position on any of these penalties or procedures?"

McCracken: "No. No, not to my knowledge."

Bowman: "Thank you very much."

Speaker McPike: "The Gentleman from Macon, Representative Dunn."

Dunn: "Would the Sponsor explain what this Bill does, please?"

McCracken: "For a second conviction, for DUI, the minimum revocation is five years. For a third or subsequent conviction, the minimum revocation is ten years. RDP's are available. And for a third or subsequent conviction, the

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

51st Legislative Day

May 21, 1987

classification of the crime is raised to a Class 4 Felony."

Dunn: "There was an Amendment just adopted on the Bill. What... how is the Bill changed by this Amendment? What Amendment was adopted?"

McCracken: "Number 3 was adopted."

Dunn: "Is it now the Bill?"

McCracken: "Not entirely."

Dunn: "And the Bill as amended will provide for a first conviction... it effects the first conviction or the second subsequent conviction for DUI?"

McCracken: "The second and subsequent, only."

Dunn: "And is there any time period, or is this during a lifetime. If there is a second or a third conviction during a lifetime, does the five and ten year provision apply, or is there some time when this is not applicable?"

McCracken: "At this time, there is not a time."

Dunn: "So, if someone gets a second conviction, the license will be taken for how long?"

McCracken: "Five years."

Dunn: "And is there a criminal penalty involved, also?"

McCracken: "It is still a Class A misdemeanor. There is no change on that for a second conviction."

Dunn: "And what about the third conviction?"

McCracken: "The third conviction would be a Class 4 felony."

Dunn: "And what are the options of a driver who suffers this problem to apply for a hardship permit to drive to work?"

McCracken: "He can apply for that. This does not, in and of itself, affect that."

Dunn: "There's language in the original Bill that outlines some instances where there's a Class 4 felony. And I see language about driving school buses. Is that language in or out of the Bill, as a result of the Amendment?"

McCracken: "It's reincorporated in the Amendment. It's in the

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

51st Legislative Day

May 21, 1987

Bill."

Dunn: "And what does the... what is this about? Explain the language about the Class 4 felonies. If such person committed a violation of Paragraph A, or committed a violation of Paragraph A while driving a school bus. Committing a violation of Paragraph A involved is in a motor accident. What is that all about?"

McCracken: "I'm sorry, I don't understand. What are you referring to?"

Dunn: "I am referring to page 2 of Amendment #3."

McCracken: "The lines 21 thru 29 reincorporate the language that was originally deleted."

Dunn: "Explain the part about the penalty for driving a school bus. What is this all about? Is this a DUI? Drunk driving of a school bus? I don't know... what is the charge?"

McCracken: "That's current law."

Dunn: "Why is it underlined then?"

McCracken: "Because it had to be reincorporated in the Amendment, because it was deleted."

Dunn: "Alright. Explain the language in Paragraph E of the Amendment. That makes some change... or it appears to make some changes about an order for supervision. Are orders of supervision changed by this legislation? Or is this incorporation of existing law also? Page E... Paragraph E on page 3."

McCracken: "That's new."

Dunn: "What was your answer?"

McCracken: "That is new."

Dunn: "What does it do? Explain it."

McCracken: "It requires after finding of guilt, or prior to any final sentencing, or in order for supervision for an offense based upon a violation of this Section, that the

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

51st Legislative Day

May 21, 1987

person will undergo professional evaluation to determine if a problem exists regarding drugs or alcohol."

Dunn: "Has there been any consideration given to amending this Bill to provide that there should be a time limit between the first and second offenses or some shortened period of time. Rather than one's entire lifetime for these convictions. As I understand this Bill, am I right that if the Bill becomes law and someone receives a first and second DUI conviction, one at age 16, and one at age 40 and one at age 50, that the five and ten year provisions apply over that 35 year period of time."

McCracken: "Yes, there has been consideration given to that and I expect that will be done in the Senate."

Dunn: "Well why don't we do it here? Make it a better Bill."

McCracken: "There hadn't been a final decision made upon it. And we're reaching the deadline."

Dunn: "Who's decision will this be? This Legislature's or someone else's?"

McCracken: "It will be all interested parties."

Dunn: "Well, good. I'm interested in this Bill."

McCracken: "I know you are."

Dunn: "I would like to be involved. Come and see me. Mr. Speaker, briefly to the Bill. This Bill is too harsh and should not become law in its present form. And I urge a 'no' vote. It's a bad Bill."

Speaker McPike: "Representative Saltsman."

Saltsman: "Thank you, Mr. Speaker. When the Secretary of State's office, before the Appropriations Committee... I talked to them about this legislation, which might not have been the proper place. But I'm trying to get a hold of a Judge in Pekin, Illinois right now, because I've got a man who is not going to have a job next week over this. On his first violation because he's got to take an automatic thirty days

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

51st Legislative Day

May 21, 1987

suspension, and he is a overroad teamster driver. Even with Court supervision, this is a most... is a very stringent law. Now, the thing of it is, I agree with Representative Dunn. That we've got enough books... enough laws on the books now to put these people away. It's the Judges discretion. We've taken the power away from the Judge and I want to know, someday, what we're going to do when these men keep coming into our offices, and women, who have to drive for a living, and say 'I can't work no more. What am I going to do?' I don't have no answer for them. And we got to quit blaming Edgar for this, because we're the ones that are voting for these crazy laws. Now Representative Dunn is right. This is too stringent. We've got enough laws on the books now. And I urge everybody to vote 'no' because I'm going to tell you, this Roll Call comes off of here and this Bill passes, just take about 500 of them home. And when a person comes into the office, let them know who costs them there job, and let them know who sent them to jail. This is ridiculous for a person who has never had an accident, who has a perfect driving record and you take the 'bread and butter' away from his family. We should take and suspend and not even charge liquor license to any saloon anymore in the State of Illinois, because they can't afford them. We've got police officers sitting outside of these saloons. Family operated taverns that have good records with law enforcement. They're sitting there waiting for you to come out and they tell you that you've run over that yellow line. They know that seven out of ten people can't pass the breathalyzer test. The police officers in this state have caused a lot of it, the State Police, the local police and these laws have cost a lot of hardships. There's no doubt about these people being on the road if they've been careless before,

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

51st Legislative Day

May 21, 1987

but people who have perfect records with the police, taverns, who have perfect records with law and order, they are all suffering now. We've got enough laws on the books now to crucify people. Let's not do any more of it."

Speaker McPike: "Representative Giorgi."

Giorgi: "Mr. Speaker, I'd like to ask Representative McCracken a couple of questions? Representative McCracken, what's wrong with the present method of policing DUI infractions of the law? What's wrong with what's going on now? It seems to take five years now to get an RDP."

McCracken: "These relate only to multiple offenders. Only on a second or subsequent conviction does this Bill come into play."

Giorgi: "So, what's so magic about five and ten? Is that like your mother telling you to go to the five and ten cent store? What's so magic about five and ten?"

McCracken: "Five and ten was the number thought appropriate."

Giorgi: "By whose... by which magician, which psychologist, which Task Force, whatever?"

McCracken: "I don't know."

Giorgi: "Ronan likes five and ten. His mother sent him to the five and ten cent store too. What's the magic?"

McCracken: "Five and ten was thought to be an appropriate revocation for a multiple offender."

Giorgi: "What about the... what's the fee in your circles when you represent a DUI person in your area? What do the Attorneys talk about among each other, whether they're successful or not?"

McCracken: "Well, I'm not sure, I think a \$1000."

Giorgi: "\$1000. And what if you are successful, then what happens?"

McCracken: "Well, are you referring to a first time offense?"

Giorgi: "Well, what is your experience, you're an attorney. Are

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

51st Legislative Day

May 21, 1987

there a lot of first time offenders, second time offender,
third time offenders?"

McCracken: "Yes, there are."

Giorgi: "Are you satisfied with the evaluation people in the
field now on DUI's? Are you satisfied with their reports?"

McCracken: "I don't have any personal experience with those
reports."

Giorgi: "Why were you granting... What percentage are you
granting, after people have been evaluated, have taken all
the test that the 'Sir Lancelot' wants them to take. They
go through all these processes. How do you... how do you
grant an RDP? On what basis do you grant an RDP?"

McCracken: "The Secretary's promulgated rules governing his
discretion in that. I don't have a copy of them here."

Giorgi: "Why are some people successful in getting an RDP, and
some people aren't successful for five, six and seven
years?"

McCracken: "I think... I think it depends on each individual
case."

Giorgi: "Yes, but, would you seem to mean that more DUI people
that are convicted of DUI, would you seem to mean is that
more Republican's get RDP's than Democrats? Or more
successful Attorney's are Republican's than Democrats?"

McCracken: "No."

Giorgi: "You don't think so?"

McCracken: "No."

Giorgi: "Have you ever checked the statistic's on that?"

McCracken: "No."

Speaker McPike: "Representative Giorgi. Representative Giorgi,
bring your remarks to a close."

Giorgi: "Well, I think you ought to tell us, why the magic in the
five and the ten? I think that the General Assembly ought
to be enlighten as to why you picked two figures out. Why

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

51st Legislative Day

May 21, 1987

didn't you say ten and fifteen, or fifteen and twenty or three and seven. What does the experience in the field tell you? After five years a guy is going to be cured? Or after ten years he is going to be cured?"

Speaker McPike: "Representative McCracken."

McCracken: "Five and ten was the number proposed by the Secretary of State's office."

Giorgi: "Well, didn't you ask him to give you a rationale for it? You are a Spokesman on the Floor, shouldn't you have a rationale? Shouldn't you be telling us about the psychological or psychiatric tests of people that have been in through the evaluation system?"

Speaker McPike: "Representative Giorgi, there are six other lights on. Would you bring your remarks to a close."

Giorgi: "Well, I'd like to have him tell me something enlightening this morning, rather than just bring me a message from 'Sir Lancelot', that Alan Dixon created."

McCracken: "I don't have an answer. Five and ten is what I was told."

Speaker McPike: "On the Bill, Representative Giorgi."

Giorgi: "Your Honor, I feel that Jim Edgar is going to ride this Bill to greater heights. I think that he ought to be made to explain some of his decisions. I think there are a lot of hardships out in the market place, people losing their jobs are ending up on Public Aid, insurance fees are escalating, attorney fees are out of sight. I think he has created a new class of white crime... white crime... white collar crime. So, I think that maybe McCracken ought to speak to these issues."

Speaker McPike: "Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. Let me just give a little background with the issue of the drunk driving proposed legislation. You

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

51st Legislative Day

May 21, 1987

have to recall that last year we passed a Bill, it was not the Bill that the Secretary of State originally proposed. He had a Bill that came out Task Force recommendation, that had no concept of having the Judges decide whether or not there could be Judicial Driving Permits. We had long negotiations with Representatives of the Bar Associations and the Secretary of State's office. And the Secretary of State drastically modified his Bill, I think, improved it, so that with regard to first offenders, the situation that Representative Saltsman was talking about. A first offender, someone who has had a good driving record, but, unfortunately is picked up for drunk driving, that person is going to lose their license for thirty days. That's the law. That's the way... that was the big change. But after that, a judge can give them a Judicial Driving Permit. That Bill that we passed, I think was innovative. I think it was fair, because it gave that first offender, likely... kind of a jolt, thirty days, not driving. But they have a ASEP or a Alcohol Safety Education Process they'd have to go through. And they wouldn't, in most cases, would not get a conviction. Ninety percent of the time, they don't get a conviction. But what these Bills are talking about, is somebody that gets supervision the first time for drunk driving, after going through the program, doesn't get a conviction, gets picked up a second time and is convicted. But on his record, that's only his first conviction. Then goes out a third time and gets picked up and gets convicted, and that's what we're talking about. Somebody who the third time, has violated the law's and has been a drunk driver. And the Bill also talks about someone, for a fourth time goes out and gets convicted. So we're not talking about social drinkers, that have a couple of beers on the way home one night and just happened to get stopped.

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

51st Legislative Day

May 21, 1987

We're talking about somebody, who is probably very sick, someone who continually ignores medical advice that the Court tells them to take. That's why, I think, that these Bills are rationale. Five and ten? I'll tell you why. If somebody is convicted under these circumstances, they shouldn't be driving. And they should take five years, if they have been convicted three times. Or they should take ten years, if they have been convicted four times. You have to distinguish between what we passed last year, which I didn't always agree with the Secretary of State, and with his original proposal. But, we modified it. We got the Judges involved and we took away from Secretary of State Edgar the ability to give these driving permits, these restricted driving permits and we gave them to the Judge. But that only applied to these first offenders. When you get into the second and third offenders, you should get tough on them. And so, I don't think that these Bills are unreasonable. Basically, the Amendment was the same as House Bill 2701, which also came out of Committee. I think that you can always talk about changing the five and ten to a four and eight or something like that. But, the point is, we're talking about repeat offenders. And when you talk about repeat offenders, you're talking about a whole different ball game. And you can't... I don't think you can blame the Secretary of State for coming in and trying to get tough on those type of repeat offenders. So, I'd urge an 'aye' vote."

Speaker McPike: "Representative Countryman."

Countryman: "Thank you, Mr. Speaker. I don't want to repeat what Representative Cullerton has just said, but I agree with it. But I think the point here is, that under current law, you can be arrested for DUI three times and each time it is no more than a Class A misdemeanor. Now, since I've been

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

51st Legislative Day

May 21, 1987

in the General Assembly, we have tried to toughen up laws, and particularly, for repeat offenders. I spent a good part of my life as a defense lawyer and in courtrooms representing people who have been arrested for DUI. But I think the one thing that you see is a lawyer working in the Court House, is that the people who come back time and time again, have a definite problem and they have to address their problem. And this Bill addresses that problem. You've got to get tough with those people because those are the people that are out there on the streets killing people. And those people that they kill can be our constituents, our sons, our daughters and it could be ourselves. These people need to know that you can't go through this system and continually get breaks time and time again. This is a good Bill and I ask you to vote 'yes'."

Speaker McPike: "Representative Ronan."

Ronan: "Thank you, Mr. Speaker and Members of the House. I too support... rise to support this legislation. And I've listened to the comments on some of my colleagues from this side of the aisle. I have people come into my office who have been convicted of drunk driving and need a license in order to continue trying to seek employment or get their job back, and I try to help those people. But we're talking about multiple offenders. About a week ago, when I got home late on Friday night, after spending the time down here, there was a show on TV called 'Twenty-four Hours'. It was a one hour documentary. And they took it an average Friday night, midnight, last May and they went from midnight Friday night to midnight Saturday night. And it could of been any Friday night or Saturday night in the United States. And in a one hour television show, they documented eighty-one deaths in the United States caused by

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

51st Legislative Day

May 21, 1987

drunk drivers. A one twenty-four hour period, eighty-one deaths caused by drunk drivers. It would be bad enough if the drunks were killing themselves, but that's not necessarily the situation. A little four year old girl was killed because her dad had her in the car while he was drunk. A couple of high school kids out in the western suburbs of Illinois were killed, because their car broke down, they are walking down the road, a drunk loses control and ran them both over. The tragedies that occur by drunk driving are something that we as a State Legislator cannot ignore. The penalties that we impose for multiple convictions of drunk driving, should be the stiffest in the nation. Illinois roads are going to be safer, if we get the drunks off those roads. The message that we have to deliver is that you cannot drink and drive in the State of Illinois. And the harder we deliver that message and the wider it gets out, the safer our roads are going to be. Not for the drunks, but for the innocent people who deserve an opportunity to live. I think this is a good piece of legislation and I urge all my colleagues to vote for their constituents. Let the people who have a drinking problem worry about getting to work some other way. Thank you very much."

Speaker McPike: "Representative Van Duynes."

Van Duynes: "Thank you, Mr. Speaker and Members of the House. Very briefly, any Bill that has the latitude of this Bill, I don't really think has a right to be passed or should not be passed. I know of two incidents in my county. One, in a parking lot, which had to prove that the policeman who arrested this gentleman was actually going off the highways to look for someone. I don't know whether by pre-direction or what, but this gentleman was sitting in a car asleep, he was not driving the car at all, he just was merely sitting

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

51st Legislative Day

May 21, 1987

there and the policeman arrested him for drunken driving. I know of another case in my county, where a man actually felt that he was a little woozy and he pulled off the highway, locked his car and went to sleep, and the trooper arrested him for drunken driving. Now, I'm just merely stating that anything with this wide of a latitude, and wide of discretion at... at the disposal of the police officer, should not be passed."

Speaker McPike: "Representative Homer."

Homer: "Thank you, Mr. Speaker. Will the Sponsor yield?"

McCracken: "Yes."

Homer: "Representative McCracken, under current law, if an individual is convicted of DUI, how long is the revocation?"

McCracken: "One year."

Homer: "And, in other words, he gets his license back automatically, after one year?"

McCracken: "No."

Homer: "Well, what happens?"

McCracken: "The Secretary of State determines whether he's met the guidelines proposed for return of the license and upon application and hearing, makes that decision."

Homer: "Well, can the Secretary of State legally, withhold that driver's license on one conviction for up to five years?"

McCracken: "No. Apparently there have been some decisions on that point and he cannot do that."

Homer: "He can't?"

McCracken: "He cannot."

Homer: "Well, Mr. Speaker, to the Bill. I don't think anyone who would examine my record as a prosecutor or as a legislator, would accuse me of being soft on crime, for particularly, DUI offenders. And I think that if we are going to be honest, we need to say that the Secretary of State deserves

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

51st Legislative Day

May 21, 1987

our admiration for bringing the public's attention to this problem and to bring us out of being the fiftieth state most permissive, to possibly the toughest state. I give him a full-due-credit, for that. But I don't think that just because of that fact, we ought to just blindly cast our 'yes' vote for every Bill that comes before us, that addresses the DUI situation. You have to understand, that under current law, and I would respectfully take exception, with my colleague, Representative McCracken, that if a person has just one conviction for DUI, just one, he automatically is revoked for one year, after one year he may reapply. But the Secretary of State need not, and routinely in this state does not, return that license for a much longer period of time. Sometimes that's been more than five years, or up to and including five years. It hasn't been that uncommon in my experience to see that that has occurred. So, the question is, 'Why do we need the Bill?' If the Secretary of State already has the authority to revoke and to withhold the issuance of that license for up to that period of time, why is the Secretary of State wanting it to be a law? Ask yourself that question. I asked him that in Committee. And his response was similar to Representative McCracken's, only more direct. He said that 'Well in some cases the Court's have said our office has been arbitrary in these matters and said that we shouldn't have withheld the license for that long'. And so, I said to myself and to him, well, if the Court's are saying you're being arbitrary in some cases, then why are you here now asking the Legislature to arbitrarily pass a law that says you can't have your license, you can't even apply for your license in five years. And Representative Cullerton is exactly correct. That if a person is convicted once and twice, he has no business, whatsoever,

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

51st Legislative Day

May 21, 1987

having a driver's license and being on the road. That's absolutely true. But what happens, it's an imperfect world, Ladies and Gentlemen, and what happens out there is, it's hard to just take a statistic, like a first conviction or two convictions, and assume that that person falls within a standardized class. The reason for that is that every... each and every day out on the streets, police officers across this state are making decisions about whom to arrest, whom to give a break to, who to run in, who's connected, who's well connected, who has, who has not. And those decisions are made before a conviction is even considered. And in addition to that, there are other states across this country, our neighboring states who don't have court supervision. So that if an individual has a first offense after an exemplary past, gets a first offense in Indiana, first conviction in Indiana, he is going to lose his license in Illinois, even though had he committed that offense in Illinois, he would no doubt have gotten court supervision. So what does that say, that says, that I think we need to do more than be tough. We also need to temper it with a degree of fairness, and a degree of equity. And if you take all the flexibility out of the law, all the discretion out of the Secretary of State's office, then what you have done, Ladies and Gentlemen, is put an arbitrary state of facts into the law that says that the Secretary of State cannot even entertain an application, let alone have to give the license back. Now, ask yourself, why would the Secretary of State want to take that flexibility out of the law? Ask yourself, why would he want to do that? Why would he want to have to tell somebody, who applied for license and when the county chairman are calling, saying, 'Mr. Secretary, can you help Joe? He's been a good faithful member'. Why would the

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

51st Legislative Day

May 21, 1987

Secretary of State prefer to say, well in my discretion he shouldn't have a license. Or is it easier to say Ladies and Gentlemen, the Legislature passed a law saying my hands are tied and he can't apply for five years. And ask yourself what the true motivation behind this legislation is? And don't just put up a green vote anytime somebody introduces a Bill that has to do with DUI. I agree that third time convicted DUI offenders ought to be Class 4 Felons. I've introduced such measures in the past and it's high time that we had that legislation. It's now been amended on this Bill. But you don't have to vote for this Bill for that, because the very next Bill to come up, 2701, does that very thing. And so I am going to enthusiastically support 2701. I like that part of 2700, but as for taking the discretion away from the Secretary of State and putting in an arbitrary rule, I'm going to say 'no'."

Speaker McPike: "Representative Flinn."

Flinn: "Mr. Speaker, I move the previous question."

Speaker McPike: "The Gentleman moves the previous question. The question is, 'Shall the previous question be put?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The previous question is put. Representative McCracken, to close."

McCracken: "Thank you, Mr. Speaker. That Amendment or that part of 2701 which Representative Homer likes, has been amended onto this Bill. There was another Section in 2701, which it was felt by the Secretary of State, that was not wise public policy and that was for minimum mandatory sentence of 90 days in jail, or 365 days of community service. That Bill has been placed into Interim Study. That Bill will not be voted on by this Legislature this year. So, this is the Bill which contains the Class 4 Felony for the third

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

51st Legislative Day

May 21, 1987

offender, really the fourth offender. This is the Bill which deals only with repeat offenders. And in reality, the repeat offender is not merely a second time loser by the time he comes into this process, he's a three time loser. He's already had supervision, generally. He's already had one conviction. He's already had a second conviction. And among those people who are killing people on the highway's, it's the repeat offenders who are doing the killing. It's the repeat offenders who are the subject of this Bill and nothing more. It is the repeat offenders who are are most serious problem. Those people, and there are thousand of them in Illinois, have for years, forever, been treated no differently than a first time offender. A first conviction, a second conviction, no different in treatment. A third conviction, no differing treatment. The revocation minimum is the same under current law. Now, does that make sense? Does that make sense to treat the people who are the most dangerous persons on our highways, the same as we treat what could be a first time offender, a person who went to a party and had too much to drink. This has nothing to do with a social drinker. This has nothing to do with a person who had too much, once. And, otherwise, is a fine person and driver. This is the repeat offender. The repeat offender is the most dangerous person on the roads. It is the repeat offenders by and large who are the killers on our highways. They have to be treated differently. We're not talking about, merely, drunk driving. We're talking about an increased chance of fatal injury with these repeat offenders. And that is born out by the statistics. We need this legislation because they have to be treated differently. They have to be kept off the highways. It is our duty, not the Secretary of State's in his discretion, to set these minimum standards for

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

51st Legislative Day

May 21, 1987

revocation. Revocation to keep our roads safe, for your children, for my children, for everybody in the State of Illinois. And this is a good Bill for that purpose. It affects only the repeat offenders, the three, the four time losers. The ones who are dangerous, the ones who have a problem, the ones who refuse to recognize their problem. That's all this Bill deals with. And I ask for your support."

Speaker McPike: "The Gentleman moves for the passage of House Bill 2700. All those in favor of the Bill signify by voting 'aye', opposed vote 'no'. Representative Braun, to explain her vote."

Braun: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I will be brief. I am concerned about the time of the penalty in this, and I understand that will be worked out at the Senate level. But in response to the Member, who asked the question, 'What do we tell our constituents, who are about to lose their jobs?' I say to you, tell them to stop drinking, these people are killing people on the roads. I have no further comments. The Bill is obviously going to pass. Thank... "

Speaker McPike: "Representative Stern."

Stern: "Mr. Speaker and Members of the House, I confess to very strong feelings of ambivalence about this Bill. I think that five and ten years is probably too much. I think we have to be careful about taking away the incentive to change, which, I think, is the most important ingredient in an alcoholic's life. I am, however, also concerned about the accidents on the road and with grave reservations, I'm going to vote 'aye'."

Speaker McPike: "Representative Rice."

Rice: "I'm interested in safe highways, but I certainly feel that we have given the Secretary of State of this state, too

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

51st Legislative Day

May 21, 1987

much power in deciding about peoples voting... I mean driving records. There's too many people that come into our offices seeking the opportunity to drive, because he is reacting... he's acting because of the law, and because of what some inconsiderate policeman is saying at that particular time. At this time I am going to vote 'present' on this particular piece of legislation."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 99 'ayes', 8 'nos', 9 voting 'present'. House Bill 2700, having received the Constitutional Majority, is hereby declared passed. House Bill 2701. The Bill has been placed in Interim Study. House Bill 2702. Representative McAuliffe. Representative McCracken."

Clerk Leone: "House Bill 2702, a Bill for an Act to amend the Illinois Vehicle Code. It's been read a Second Time previously. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker McPike: "Third Reading. Representative McCracken, do you wish to call the Bill? Mr. Clerk, read the Bill."

Clerk Leone: "On the Order of Third Reading. House Bill 2702, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker McPike: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a clean-up Bill from the 85 Amendments, which Representative Cullerton made reference to earlier. It changes the definition of revocation of a drivers license by deleting 'public' from 'public highways'. The fact of the matter is that the definition of highways subsumes the concept of public property and it is unnecessarily redundant. Also, it clarifies that the

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

51st Legislative Day

May 21, 1987

Let's keep it at 72,000 pounds or have those people, who are asking, and where the roads are being traveled on with 80,000 pounds, those people will then not be able to receive as many motor fuel taxes. I ask for your 'aye' vote and I'd like a Roll Call recorded. Thank you."

Speaker McPike: "The Lady moves for the adoption of Amendment #1. The question is, 'Shall Amendment #1 be adopted?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. Representative Rea, for what reason do you seek recognition?"

Rea: "Mr. Speaker, would you take the Bill out of the record?"

Speaker McPike: "Mr. Rea, we're in the middle of a Roll Call, I can't do that. On this Amendment, there are 57 'ayes', 49 'no', 3 voting 'present'. Representative Rea. Yes, Representative Rea, for what reason do you rise?"

Rea: "Yes, I would ask that the Bill be taken out of the record."

Speaker McPike: "57 'ayes', 49 'nos', 3 voting 'present'. The Amendment is adopted. Representative Ewing, for what reason do you rise?"

Ewing: "Mr. Speaker, I thought the Gentleman requested to have it taken out of the record?"

Speaker McPike: "We can't take the Bill out of the record in the middle of a Roll Call. So I adopted the Amendment, and now the Gentleman wants the Bill taken out of the record, which is his privilege."

Ewing: "I understand. I was voting 'no' on the Amendment. I wanted to vote 'yes' and when... I didn't say that because I thought you were going to take it out of the record. I would like the record to show that."

Speaker McPike: "The record will so indicate. Take the Bill out of the record, Mr. Clerk. House Bill 2700, Representative McCracken."

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

51st Legislative Day

May 21, 1987

officers report, which is used in the course of the pretrial hearings under the new law, may be, may be... well, let me backup. Some Courts have held that the officer's report has to be verified in order to be admissible into evidence. We define the sworn report in such a way that it is not necessary for such notarization. That is in keeping with the Code of Civil Procedure which provides for specific language which negates the need for such notification. And an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year, after the effective date of the revocation. And I move its passage."

Speaker McPike: "The Gentleman moves for the passage of House Bill 2702. Is there any discussion? Being none, the question is, 'Shall House Bill 2702 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 112 'ayes', 1 'no', 2 voting 'present'. House Bill 2702, having received the Constitutional Majority, is hereby declared passed. Page 22 of the Calendar, House Bills Third Reading, Vehicle Code appears House Bill 65. Representative Hicks. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 65, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker McPike: "Representative Hicks."

Hicks: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 65 is the Bill that brings the trucks into the same category as cars and all other vehicles on the road on the interstate highway system. It originally, started out to be the Bill to raise the speed limit. But, once we found it wasn't necessary here in Illinois, we put an Amendment on it and changed it, so that all vehicles

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

51st Legislative Day

May 21, 1987

would be running 65 mile an hour on the interstate highways. I'd be happy to answer any questions."

Speaker McPike: "The Gentleman moves for the passage of House Bill 65. Is there any discussion? Being none, the question is, 'Shall House Bill 65 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Slater 'aye'. Have all voted who wish? The Clerk will take the record. On this Bill, there are 93 'ayes', 15 'nos', 6 voting 'present'. House Bill 65, having received the Constitutional Majority, is hereby declared passed. House Bill 380, Representative Hartke. Read the Bill, Mr. Clerk. Is Mr. Hartke in the chamber? Is Representative Hartke in the chamber? Take the Bill out of the record. House Bill 432, Representative Dunn. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 432, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 432 is legislation which was originally filed by former Representative Pangle. And he asked me to carry this legislation, at such time, as he resigned from the Illinois General Assembly. House Bill 432 is a Bill which would place a shift in emphasis... shift the emphasis from Secretary of State to the courts, with regard to hardship driving permits. And it would specifically... permit the court on a discretionary basis to require the Secretary of State to issue a restricted driving permit upon application therefore, in certain circumstances. I anticipate the Secretary of State would oppose this, because the Secretary of State wants to control the issue of restricted driving permits. And it is just a given fact that 'blue collar workers' who need cars to drive to work, cannot get restricted driving permits from the Secretary of

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

51st Legislative Day

May 21, 1987

State on any kind of volume basis. And, in my view that is too harsh a situation. I support the efforts to get bad drivers, especially drunken drivers, off the road. But I do think, particularly in situations where it is the first conviction, that those who are convicted ought to at least have the opportunity to drive to and from work, and drive for work purposes, and they aren't being given that opportunity now. This legislation would place the court's in a position to exercise jurisdiction if they choose. If the court chooses not to exercise jurisdiction, then the present... existing system would kick in and the Secretary of State would take over. This is good legislation. I would ask for an 'aye' vote. I'd be happy to answer any questions."

Speaker McPike: "Representative Dunn moves for the passage of House Bill 432. And on that, the Gentleman from Lee, Representative Olson."

Olson: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker McPike: "He will."

Olson: "John, my question is, we've just reviewed 2700 and the judicial driving permit program that we put in last year is working. How would this embellish or improve upon that? I've had three cases in the last four weeks, where, within a day of the time the instruction from a local Court was received here by the Secretary of State, the Judicial driving permit was mailed back. They're giving 60 days at a time. How would this differ from that?"

Dunn: "This legislation would provide that the court may require the Secretary of State to issue these permits, and just as a different shift in emphasis to ... To really answer your question honestly, I'm not particularly in favor of these Judicial driving permits because they require a minimum of thirty days of walking time, which is just enough time for

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

51st Legislative Day

May 21, 1987

a person to lose a job. And, so I think that that's not a particularly good law, but this would be a parallel concept, I guess, to answer your question."

Olson: "In other words, this would kick out the law passed a year ago, where it had a 30 day sit down time."

Dunn: "I don't think it would. I think it's a parallel concept that would be setting alongside the Judicial driving permit law. And, then we might be in a pick and choose situation. I really don't think this legislation replaces the Judicial driving permits and I think it would be just another tool in the hand of the Judge."

Olson: "Thank you."

Speaker McPike: "Representative Stephens."

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

Speaker McPike: "He will."

Stephens: "You mentioned that this would require the Secretary of State to provide the restricted driving permit under certain circumstances. Could you describe those circumstances?"

Dunn: "Yes, yes. First of all, this legislation would not kick in where there is an offense which resulted in a death of an individual. And secondly, where the court would direct the Secretary to issue a restricted driving permit, the language would track the existing law, which says the restricting driving permit shall grant the privilege of driving a motor vehicle between a petitioners residence and the petitioners place of employment, or within the scope of a petitioners employment related duties. Or to allow transportation for the petitioner or household member of the petitioners family to receive necessary medical care and if professional evaluation indicates provide transportation, for alcohol remedial or rehabilitative activity. And, of course, if you don't get a restrictive

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

51st Legislative Day

May 21, 1987

permit, you can't do any of these things, you can't visit your own sick family members. You can't drive to work and that's the underlining problem that gives rise to this legislation to begin with."

Stephens: "John, how does this track if... 2700 becomes law?"

Dunn: "I think 2700, has... I really don't know the answer to your question."

Stephens: "Thank you."

Dunn: "I hope it doesn't track... "

Speaker McPike: "Representative Pullen."

Pullen: "I'd like to ask the Sponsor a question, please?"

Speaker McPike: "Proceed."

Pullen: "You indicated that, first of all, I would like to apologize. I was in conversation. You may have answered this, but I need to hear it. You indicated that there were certain circumstances, under which this would take place, where a court could order the Secretary of State to issue a restricted driver's permit in certain circumstances. What are those circumstances, please?"

Dunn: "Well, when the... When ever our driving or Motor Vehicle Code triggers a mandatory revocation, you know there are mandatory and discretionary revocations. Where a mandatory revocation is triggered by our current laws, and where there has... and where the offense is not one which resulted in death, those are the situations in which the Court, if it chooses, may order. Now, the Court may decide, that it will not order a restricted permit. And if one is not ordered, then the driver can apply to the Secretary of State, as you do, today. But, the court would have discretion, if it would choose, in that set of circumstances to order a restricted driving permit to be issued."

Pullen: "Could you give me a couple of examples of where our

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

51st Legislative Day

May 21, 1987

Statutes provide for revocation."

Dunn: "The one that's going to kill this Bill is drunk driving. We are prolonging this debate. This Bill isn't going to pass, so we might as well vote on it. But it's a good Bill. That's one of them."

Pullen: "So this would give the Court the discretion to order the Secretary of State to issue a restricted driving permit for a drunk driving conviction?"

Dunn: "That is true."

Pullen: "Thank you."

Speaker McPike: "Representative McCracken."

McCracken: "Just to make sure everybody understands that the parallel track the Gentleman refers to, is one way of looking at it. But, there's another way of looking at it. Right now, Judges are empowered to issue Judicial driving permits, which are preconvictions hardship licenses, which was granted to them, the authority was granted to them in the 1985 law. That was the subject of substantial negotiations. At that time, the Judges never asked to be given the authority to issue restricted driving permits, which are post-conviction, hardship licenses. As a matter of fact, candidly, I questioned whether the court would have jurisdiction to make such an order. There would already have been a conviction. And, the Court would then be able to require the Secretary of State to issue a restricted driving permit. I think this has a separation of powers problem. I think this is an attempt to obviate what was passed in 1985, and what we have as landmark legislation. I don't think that this Bill should pass. I think that, although it is well intentioned, and that the Gentleman has repeatedly told us of problems in getting restricted driving permits, that to take away the discretion of the Secretary of State and place it with the

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

51st Legislative Day

May 21, 1987

court, is absolutely inappropriate. I have a question for the Gentleman. Will he yield?"

Speaker McPike: "Yes, he will."

McCracken: "Representative, have you talked to the Judges or the Judicial conference about this Bill? Has there been any response from them?"

Dunn: "I have not. No."

McCracken: "So, you don't know whether they are in favor of this or not?"

Dunn: "I don't know."

McCracken: "Okay. I can only underscore that the Secretary of State is opposed. That the Judges have not even been consulted on this issue. And that, although it is well intentioned, I think it is not a good idea. We should oppose the Bill."

Speaker McPike: "Representative Dunn, to close."

Dunn: "Well, first of all to clear up one thing. The previous speaker indicated that the Judges have not been consulted. I said, 'I have not consulted them. And I don't know what their position is.' But I can't honestly say whether or not they have been consulted and I don't know whether he knows, but I want to make sure that the record indicates that I don't know whether the Judges have been consulted or not. The current law provides that the court may recommend that the Secretary of State issue a restricted driving permit. What this legislation does is change the 'may' from a 'shall' in certain circumstances and say that in certain circumstances when the court deems it appropriate, the court can require that a driving permit be issued for work purposes. That seems to me to be only fair, only equitable and we place discretion in our Judges about sentencing of criminals at all levels from petty offense to death penalty. And we tell our Judges that they shall look

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

51st Legislative Day

May 21, 1987

at the circumstances of each case and they shall make their decisions, based upon the facts of each particular case and then prescribe a penalty within ranges that we have determined. What this legislation says, is that a similar policy shall apply with regard to driving convictions and mandatory revocation situations and the Judge would then have the option to say, that in this particular situation, the Judge feels that the driver did a bad thing, ought to be convicted, ought to lose the driving privileges for whatever period of time the Statute and the Judge decide are appropriate. But that if the driver has a job and needs to get to and from work and really can't get there any other way except by driving, that the Judge can show mercy and require that a driving permit be issued simply for work purposes. In most of this legislation, we cloud over in our enthusiasm for a conviction of drunken drivers, we cloud over the need for those who do lose their license under mandatory circumstances, not all of which are drunken driving. Reckless driving is another one. I don't know what the exact list is. And they're all serious offenses. I don't want to minimize them at all. But so is burglary a serious offense. And the burglar gets probation the first time and is told if you have a job, go to work, and get to work, and show up at work on time, go to work and come home from work. All I'm saying is that in many instances, driving convictions are certainly no worse than many of the felony convictions on our books. Felons, the first time, are allowed to get to and from work. Drivers ought to be allowed to get to and from work also. This is a Bill which would help them do that. I urge an 'aye' vote."

Speaker McPike: "The Gentleman moves for the passage of House Bill 432. The question is, 'Shall House Bill 432 pass?' All those in favor signify by voting 'aye', opposed vote

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

51st Legislative Day

May 21, 1987

'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 29 'ayes', 73 'nos', 12 voting 'present'. House Bill 432, having failed to receive the Constitutional Majority, is hereby declared lost. House Bill 479, Representative Hartke. DeJaegher, Hicks. Representative Hicks, will you handle the Bill? Yes. Mr. Clerk."

Clerk Leone: "House Bill 479, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker McPike: "Representative Hicks."

Hicks: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 479, excuse me... amends the Illinois Vehicle Code and allows for the removal of altercation manufacturer I.D. numbers on certain engine blocks within the... that has proper documentation as amended to allow for all law enforcement vehicles to be assessed an \$8.00 fee for license plates. The Bill originally was not supported by the Secretary of State's office, but it was amended with Amendment #1. That took care of their problems with the Bill and is now supported by them. I would be happy to answer any questions."

Speaker McPike: "The Gentleman moves for the passage of House Bill 479. Is there any discussion? There being none, the question is, 'Shall House Bill 479 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 116 'ayes', no 'nays', none voting 'present'. House Bill 479, having received the Constitutional Majority, is hereby declared passed. House Bill 666, Representative Ropp. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 666, a Bill for an Act relating to the cancellation of drivers licenses and permits of dropouts. Third Reading of the Bill."

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

51st Legislative Day

May 21, 1987

Speaker McPike: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the Illinois House.

Today I am offering, what I consider, one of the most innovative proposals to what is one of the most serious problems we have in the State of Illinois. That problem that we have, very briefly, is one that we have a number, large numbers of young people that tragically enough, do not graduate from high school. Those young people leave school prior to getting a high school diploma. Nearly every job that is being asked for anymore, requests a high school diploma of young people. Because so many young people do not have high school diplomas, they cannot get good jobs. They cannot, in fact, receive higher paying jobs so that they can take care of their families and their loved ones. Tragically enough, many of these young people get involved in drugs, alcohol, crime and so forth. 85% of the people who are incarcerated in our prisons today fall in that category of being a dropout. Ladies and Gentlemen, one of the best things we can do, is to encourage these people to stay in school. We have attempted to do that under a number of pieces of legislation over the last several years. And spent millions of dollars in an attempt to do that. But yet, the percentage continues to rise. The most recent figure that has just come out of Chicago within the last two months, is that 41% of the people, youngsters going to high school in Chicago are dropouts. And in some areas in Chicago as high as 70%. That is a serious travesty. Ladies and Gentlemen, as you and I were growing up, I think we can all recall one of the things we attempted to do was to get to become 16, so that we could have a drivers license so we could drive our car around the local hot spot when you were in high school. It is my intent, by this Bill, to provide for that particular carrot

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

51st Legislative Day

May 21, 1987

to serve as an incentive for young people to want to stay in school, so that they will in fact, have the kind of an education that will provide them for better opportunities in the area of securing better employment and actually providing a better service in the workplace for our society. This Bill states, that for those people who have in fact received a drivers license after 16 and happen to drop out before receiving their high school diploma, will lose their drivers license until: 1. They have either reached the age of 18; or 2. Have been enrolled in a GED program; or 3. Have been enrolled in military service. Ladies and Gentlemen, I know that the Secretary of State may be opposed to this particular program, but let me tell you one thing. There is a provision in the current law that allows for people on their request to have an administrative hearing, should this be a particular hardship. So that particular area is taken care of. The Secretary of State is one of our strongest supporter in literacy education. Ladies and Gentlemen of this chamber, if we can keep our young people in high school so that they can receive a full-fledged better education, we can begin to see that literacy problem begin to decrease. I welcome your support and any questions you may have on this piece of legislation that can have one of the biggest impacts on keeping young people in school. I know that one Bill will not solve every problem. But the sum total of many of these new innovative ideas, in my judgement, will go far in encouraging and keeping young people in a position where they can achieve to the very best of their ability. Thank you very much."

Speaker McPike: "The Gentleman moves for the passage of House Bill 666. On that, the Gentleman from Cook, Representative Berrios."

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

51st Legislative Day

May 21, 1987

Berrios: "Mr. Speaker, Members of the House. I stand in opposition to this Bill because of the fact that a lot of times when we had our hearings on Hispanic dropouts, we found that a lot of these individuals left schools because of the gang problems and because of the fact that they had to go out and help support their families. If we end up taking away their drivers licenses, we are going to take away one ability for these individuals to go out and help their families. Some of these individuals that drop out of school do that because of the fact that they've created families of their own. And if we stand here and take away their drivers licenses, these individuals will not be able to go out and support their families. These are the reasons I stand in opposition to this because of the fact that we cannot take away their means of providing support for themselves and thus putting them on Public Aid. So, we're better off letting them keep their drivers licenses and letting them go to work. Thank you."

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

DeJaegher: "Thank you, Mr. Speaker, Ladies and Gentlemen. If you're concerned about the minority. If you're concerned about the poor. 666 is being discussed. Representative Ropp, in his earlier remarks, stated quite clearly that the Secretary of State was in opposition to this legislation. Oftentimes when we address ourselves to dropouts. Why did that person drop out? Often times there is a reason why that particular person dropped out. This is not a related drivers license situation. What you're basically doing is taking income, oftentimes, that a person can derive by the operation of a motor vehicle. We talk about pregnancy. Oftentimes this is the case. That youngster has created a family for himself. He must go out and feed that family.

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

51st Legislative Day

May 21, 1987

Oftentimes situations occur where this youngster had no other source and he had to go out and work. Sometimes a family is excessively large and the child had to go out and work. What you are trying to do should not be done. It's totally unrelated to drivers licenses. And hopefully that all of you who had an association with those that are poor and oftentimes it's difficult. And if you've had any dealings with the minorities, these are the people it's going to affect. When we talk about dropouts, these are the largest proportion of people that we are addressing ourselves to. The poor and those people that have nothing at all. Please, before you vote green, give this some of your consideration. Thank you."

Speaker McPike: "We have at least ten people that want to speak on this. Does anyone rise in support of this Bill? Representative Cowlshaw?"

Cowlshaw: "Are you asking whether I'm for this Bill or ..."

Speaker McPike: "No, I'm recognizing you, Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The comments that have just been made by the two prior speakers are absolutely appropriate and I think that we have... I have studied some of the statistics in relation to this matter and what has been said is absolutely true. Finally, I would say just a couple of things. The first is, that using a drivers license in order to compel people to do what we think they ought to do is a very inappropriate use of a drivers license. I would suggest that if that is the philosophy we wish to follow in the laws of Illinois, then perhaps we ought to pass a Bill that says that if you get divorced, we will take away your drivers license, because of course we don't want to promote divorces, either. That is about as appropriate as this.

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

51st Legislative Day

May 21, 1987

The other fact is, of course, the educational aspect of all of this. I commend the Sponsor's desire to keep people in school. We are all in accord with that. On the other hand, it is our responsibility as well, to be sure that we have a climate for real learning in our schools. And I would submit that if we have a student between the ages of 16 and 18 in a classroom in this state who is only there because if he is not there he would lose his drivers license, we have created a discipline problem which is a great disservice to the other students who are there because they really want to learn. I urge a 'no' vote on this Bill."

Speaker McPike: "Representative Greiman."

Greiman: "Well, so many of the Members around here are saying that this is the goofiest Bill of the Session. But I stand... I want to stand in between myself and those people and Representative... the Gentleman from McLean. There are people in our society today who say a high school diploma doesn't mean a damn thing. And if you have one it's not the ticket to anything. You've got to have a doctors degree. You've got to have at least an MBA if you want to get ahead in business. A bachelors degree from a University doesn't mean much. But here's Gordy Ropp telling us, I want to give meaning to a high school diploma. So, I'm not laughing, Gordy, at all. Because I understand. Through this kind of wonderful Bill, we can give a new sense of importance to that high school diploma. Now, to those people who think this is the dumbest Bill of this Session. It may be the dumbest Bill of the decade, not just this Session. I think I'll vote 'no' anyhow."

Speaker McPike: "Representative Johnson."

Johnson: "I move the previous question."

Speaker McPike: "The Gentleman moves the previous question. The

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

51st Legislative Day

May 21, 1987

question is, 'Shall the previous question be put?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The previous question is put. Representative Ropp to close. Representative Ropp, would you like a Roll Call or a voice vote?"

Ropp: "Mr. Speaker, I would like a Roll Call."

Speaker McPike: "Thank you."

Ropp: "In closing, Ladies and Gentlemen, I know that there are Bills that sometimes are before their time. I know that there are facts that I have been told that by the year 2,000, 40% of these young people that enter high school are going to be dropouts. Now, you can't tell me in all honesty, that all those 40% are out beating the bushes, doing the kind of work to support their families because that ain't so. They aren't all out there working because they don't have an education in order to even be properly prepared to go into the world of work. The area that some people have said that well, they will never get their drivers license. That is not true. The Bill says that by the year 8... by the time you become 18 years of age, you would get your drivers license anyway. I do not think that it is too wrong for this Body to set state policy that attempts to strive to encourage every individual in this State of Illinois to get the very best education they possibly can for their own good. Because what we are continuing to allow, is to say that we want to continue to build a new prison every other year in the State of Illinois. That we want to continue to spend \$20,000 per resident, per year to keep those people incarcerated. Ladies and Gentlemen, this may be the worst Bill that you've ever seen, but I can assure you it would keep more people in school than you have ever seen stay in school and I urge a favorable vote."

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

51st Legislative Day

May 21, 1987

Speaker McPike: "The Gentleman moves for the passage of House Bill 666. The question is, 'Shall House Bill 666 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Representative Mulcahey, to explain his vote. Representative Terzich, to explain his vote."

Terzich: "Well, other than the fact I'm with Gordon Ropp but... Gordon Ropp is very sincere in his effort. We all know that driving in the State of Illinois is a privilege and people also have to earn that privilege. We have driving education. We have a number of other things and this is certainly a step of a well meaning intention and certainly, Gordon, you're to be commended on this legislation and me also. I vote 'aye'."

Speaker McPike: "Representative Matijevich, to explain his vote."

Matijevich: "Only to say that this Bill almost got more votes in Committee than it did on the Floor."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 27 'ayes', 86 'nos', 2 voting 'present'. House Bill 666, having failed to receive a Constitutional Majority, is hereby declared lost. We passed... we will return back to House Bill 380, Hartke-Hicks. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 380, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker McPike: "Representative Hicks."

Hicks: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 380 is a very simple Bill. It simply allows for the use of studded tires between the months of November 15 and April 1 of the following year, for emergency type fire fighting vehicles only. It is supported by the Illinois Association of Fire Protection Districts. We passed this Bill out of here overwhelmingly last year. I would be happy to answer any questions."

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

51st Legislative Day

May 21, 1987

Speaker McPike: "The Gentleman moves for the passage of House Bill 380. Is there any discussion? Representative Hallock."

Hallock: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker McPike: "Yes."

Hallock: "The Department of Transportation has traditionally taken a position on this issue. Are they for the legislation or against it, or have they taken a position?"

Hicks: "As I understand, Sir, they are opposed to the legislation as they are opposed to any type of use of studded snow tires."

Hallock: "Are they opposed to it on the grounds of safety, or on the grounds of damage to the highways, or what is their rationale? Do you know?"

Hicks: "The rationale is from the damage to the highways, but, Sir, I would offer to you that it is strictly for fire fighting vehicles only. No one else is included in the Bill."

Hallock: "Are studded tires now allowed on any other vehicles of any type?"

Hicks: "Yes, Sir. Currently any vehicles operated by the United States Postal Service for letter carriers are authorized to use... for the use of studded tires. Also, any vehicle displaying a handicapped or disabled veterans license whose owner resides in an unincorporated area may operate on the highways."

Hallock: "Is there any reason why the studded tires have to be used? They can't use snow tires or chains? Don't they commonly now use snow tires?"

Hicks: "Certainly does, but by the use of the studded tires it is a much safer method. And I think whenever a fire fighting type vehicle is on the highway and it is for emergency type use only, that it is a very important and life threatening

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

51st Legislative Day

May 21, 1987

situation in which they would be going to or from. And for that purpose, I think it's a very good policy."

Hallock: "Well, Mr. Speaker, Members of the House. It appears to me this is a very controversial area and there are really some undefinable questions here. But I think the facts show so far, that studded tires do damage our highways, and yet at the same time, I'm not sure they're that much safer or faster in this kind of... in these kind of conditions than snow tires. So I would say this should be defeated."

Speaker McPike: "Further discussion? There being none, Representative Hicks to close."

Hicks: "Thank you, Mr. Speaker. I would simply state that it's very important to realize this is only between those very bad weather times from November 15th to April 1st, the only time of the year that this will be allowed. And those type of emergencies, I would think, that any type of small amounts of damage that possibly could be done, would very much be offset by the use of the safety for saving peoples lives. So I would ask for the passage."

Speaker McPike: "The Gentleman moves for the passage of House Bill 380. The question is, 'Shall House Bill 380 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 82 'ayes', 29 'nos', 3 voting 'present'. House Bill 380, having received the Constitutional Majority, is hereby declared passed. House Bill 1258. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1258, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker McPike: "Representative Mays."

Mays: "Thank you very much, Mr. Speaker. I would like leave to bring this back to Second Reading for the purposes of Amendments."

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

51st Legislative Day

May 21, 1987

Speaker McPike: "The Gentleman asks leave to return it to Second Reading for the purpose of Amendment. Any objections? Hearing none, leave is granted."

Mays: "Amendment #1 ..."

Speaker McPike: "Excuse me. Excuse me. Mr. Clerk."

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

Speaker McPike: "Representative Mays."

Mays: "Thank you very much, Mr. Speaker. Amendment #1 will create a new weight class within the existing weight classes for smaller farm vehicles. The farm bureau asked for this change. I would ask for its adoption."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. Any discussion? On that, the Gentleman from Cook, Representative Leverenz."

Leverenz: "Will the Sponsor yield?"

Speaker McPike: "He will."

Leverenz: "How many weight classes do we have now?"

Mays: "Yes. Well, currently in that specific weight class, we go from 32,000 up to 45,000 pounds. It's one of the largest breaks there is in the classification system. What we are doing with this Amendment is going from 32,000 to 36,000 pounds. And then from 36 up to 45."

Leverenz: "What will they pay?"

Mays: "They will pay 600... 486 on the smaller registration and the 648 on the existing registration will remain the same."

Leverenz: "Then what's the break they are going to get?"

Mays: "The break would be at 36,000 pounds."

Leverenz: "And what's the break in terms of dollars?"

Mays: "It would be the difference between \$648 and \$486. Do you have your pocket calculator, Mr. Chairman?"

Leverenz: "Is this a tax relief measure?"

Mays: "This is my harvest for Heartland Program."

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

51st Legislative Day

May 21, 1987

Leverenz: "Thank you."

Speaker McPike: "Representative Cullerton."

Cullerton: "Yes, Sponsor yield?"

Mays: "Gladly."

Cullerton: "Has Floor Amendment #2 adopted on this Bill?"

Mays: "No, we're on Amendment #1 right now."

Cullerton: "Oh, I see. And the Bill itself, then, is there a fiscal note that you are planning on filing?"

Mays: "I hadn't planned on filing one, but I'd gladly do one if ..."

Cullerton: "Well, I don't want to stall your Bill by requesting a fiscal note if you don't have it prepared, but do you have any idea how much revenue gain or loss... I assume that this is supported by the Midwest Truckers Association? This Bill?"

Mays: "By who?"

Cullerton: "The Midwest Truckers Association would be in favor of this Bill?"

Mays: "The Midwest Truckers are supporting this Bill. This particular Amendment has been offered and suggested by the Farm Bureau. It is my understanding that the number of vehicles in this weight classification is very, very small. I was told that it's 1100 statewide. So, the fiscal impact in terms of this break out within this existing weight classification, I don't imagine would be very much, but I could try to get you something if you wanted it."

Cullerton: "Well, are you going to plan on calling it. After we do the Amendments are you going to call it on Third Reading right now?"

Mays: "I would like to, yes."

Cullerton: "Can you get that for me in the next few minutes before we vote on it? Or do you want to get it for me when it's in the Senate?"

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

51st Legislative Day

May 21, 1987

Mays: "Well, Representative if every vehicle did this change, it would amount to \$110,000. Now that's not the case, because all vehicles are not going to be 36 to 32,000 pounds. So, the maximum if every one of them changed, would be \$110,000."

Cullerton: "Okay. So, it is a little bit of relief. You don't think it's that costly to the state. So, then why are we doing it?"

Mays: "Because the Farm Bureau requested it. They felt it might help some of their members in a small way."

Cullerton: "Well, if it's for the farmers, I'm for it."

Speaker McPike: "The question is, 'Shall this Amendment be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representative Petka and Van Duyne."

Speaker McPike: "Representative Petka, on Amendment #2."

Petka: "Yes. Thank you, Mr. Speaker and Members of the House. Floor Amendment #2 would authorize vehicles used to collect rendering materials to exceed existing weight limitations by up to 33%. Rendering materials basically, are dead animals and some waste products from slaughtering operations. And what we have found in the State of Illinois, is that there has been a contraction in a number of rendering operations from 24 down to 11. This Bill would provide an economic incentive for renderers to service the agricultural heartland. And I would move for the adoption of Amendment #2."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. And on that, Representative Leverenz."

Leverenz: "Is this another break for the agricultural community that keeps on trucking the market?"

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

51st Legislative Day

May 21, 1987

Petka: "Representative, it is not. Renderers are performing a service in removing the by-products ... waste products of dead animals from the slaughtering operations. This would become a public health problem and it has, on occasion. What we are doing or attempting to..."

Leverenz: "Well, if you say they are doing a public service. Don't they get paid for taking... hauling the carcasses away. Or do they pay to have the opportunity to haul the carcass away?"

Petka: "They get paid. This is a certainly an economic venture. The rationale that we're using here is, very simply, this. We are having a severe contraction in these type of services which are demanded by our farmers, especially those who are engaged in livestock operations. As a result, we are having, as a result of economic distress, rendering operations are contracting. We now only have 11 left in the state. The Department of Agriculture and the Department of Public Health are in favor of this Bill, because if we do not remove these type of waste products we are there... we have the potentiality of becoming a public nuisance. By providing small economic incentive on those rare occasions when they cannot accurately predict the amount of waste that they are going to be picking up hopefully, we can save some of these rendering operations."

Leverenz: "Your proposal is now to allow a heavier truck to operate than what can operate?"

Petka: "Yes. But this is not going to be the rule, Sir. This is going to be the exception. This will be in those situations..."

Leverenz: "We've made so many exceptions. I never saw a year that we had so many exceptions to the weight classifications and they're even now adding a weight classification. The enforcement people must go batty

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

51st Legislative Day

May 21, 1987

trying to figure out what truck can pass and what truck is overweight. How much ... what's the variance we're going to give this as an exception?"

Petka: "Approximately one-third. And if I may direct to the variance and the reason..."

Leverenz: "One-third?"

Petka: "33%. Yes, Sir."

Leverenz: "And what is that in terms of pounds? And we've got ... did you see the scathing editorial in the Chicago Sun Times about the 'Agricultural Products to Market Gold' that we let out?"

Petka: "I did not see that scathing editorial. No, Sir."

Leverenz: "It would probably cause you to vote against your own Amendment. Thank you."

Speaker McPike: "Representative Hallock."

Hallock: "Thank you, Mr. Speaker and Members of the House. I rise in support of the Amendment. I believe the Sponsor is suggesting a limitation here which is reasonable. He seeks to raise it only by 33%. But yet, it's an area in which we commonly have to carry more weight and it's a good idea and I urge it be adopted."

Speaker McPike: "Representative Cullerton."

Cullerton: "Yeah, a quick question for the Sponsor. Rather than file a request for a Fiscal Note, maybe you could just tell me what the fiscal impact would be of your Amendment, if any?"

Petka: "We simply do not have that information at this time. My best ..."

Cullerton: "Hell give me an estimate, you know. It's going to save some money from somebody? Is that basically the thrust of the Amendment?"

Petka: "I'm getting some hand gestures from Representative Van Dyne. He was a Co-Sponsor of this Amendment."

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

51st Legislative Day

May 21, 1987

Cullerton: "Well, he says \$100,000. Which was about the same as the previous Amendment for the farmers. This one is about \$100,000 for... Who are we helping with this..."

Petka: "This is a threatened industry, Representative Cullerton."

Cullerton: "Well, I know, it's a threatened industry. But what do they do? They haul..."

Petka: "They haul..."

Cullerton: "They're truckers..."

Petka: "Dead Animals and they haul away... You know those little dead animals that you find along the side of the road? One of their requirements is that they pick up these animals. And they take them and they are recycled into industrial oils and also, I understand, to lipstick. So, you are also helping your wife or your girlfriend as the case may be."

Cullerton: "Alright, well I want to continue to pick up the dead animals on the highway and what your saying is that unless we pass this Bill that there is a problem whether... with them continuing to do so because it's too costly for them to pay these fees. Is that what we're..."

Petka: "There are certain time limits that these renderers are required to operate in. And when there are dead animals that are... that simply must be picked up, if they are required to make that second trip, as you say, it becomes an economic hardship for farmers renderers, which is one of the reasons that they are being driven out of business. So, what we are suggesting is that in those rare instances, Representative, when there are more animals... dead animals than they anticipated, that they be given the opportunity to pick it up so that they can, in fact, maintain and sustain their economic life. And also, and also to provide a necessary service in removing a health hazard to the people of the state."

Cullerton: "Well, now... now you've struck a chord. Now really

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

51st Legislative Day

May 21, 1987

we are talking about a health... this is a health issue. And I think we should support this. You know, you get kind of tired of voting against Bills that help out children and pediatric trauma because we can't afford it. But, I think it's refreshing to be able to give some relief to an industry that picks up dead dogs on the side of the highway. I think we should encourage them to do so. And even though it might cost some money to the state, it sounds like a worthy goal. It's a health related issue. I think it's probably a re-election Bill for somebody. So, I think if... when you get a Bill that helps out the Midwest Truckers Association, the farmers of the State of Illinois and the people that pick up dead dogs, you've got a ... just a Bill that has got all of the elements of success. So I think this is a necessary element to the Bill and I think it's probably something we should all support with a voice vote."

Speaker McPike: "Representative Van Duyne to close."

Van Duyne: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. A few years ago, we passed a Bill that became public law allowing the garbage trucks this same exemption. Because of the fact that there was no way in the world that they could determine the amount of stuff that was being put in the back of the truck as it was being compressed. They had no way of knowing whether it was glass, or whether it was paper, or whether it was rags, or whether it was metal, or whatever. Consequently, they were constantly being arrested and charged for overweight fines. So, all this does is simply give the renderers the same exemption that the garbage trucks now enjoy and I move for the adoption of Amendment #2."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. The question is, 'Shall Amendment #2 be

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

51st Legislative Day

May 21, 1987

adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker McPike: "Third Reading. Representative Mays."

Mays: "If it's appropriate, I would ask leave for immediate consideration on this measure."

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

Clerk Leone: "House Bill 1258, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker McPike: "Representative Mays."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. The only thing we haven't discussed about this Bill is the underlying Bill and at this point I'll just cue in on that. The Federal Government changed its Federal Heavy Vehicle Use Tax limit to 55,000 pounds recently. And what we are trying to do with this legislation, the underlying Bill, and it's the reason we have the weight classifications and all addressed in the first place, is to simply conform and eliminate the confusion that might have various weight classifications at the state level conflicting or overlapping with the Federal Heavy Vehicle Use Tax. And I'm sure I'm going to get the question. The maximum possible loss of this consolidation or conformity with the Federal Heavy Vehicle Use Tax categories would amount to about \$500,000. That is if every vehicle switched to the various rates and class weight classifications that the Bill would propose. The Department of Transportation is neutral on the Bill.

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

51st Legislative Day

May 21, 1987

Midwest Truckers support the Bill. And from my standpoint, the main benefit of the Bill, itself, is to help with the administration and enforcement of the Federal Heavy Vehicle Use Tax. I move its passage."

Speaker McPike: "The Gentleman moves for the passage of House Bill 1258. The question is, 'Shall House Bill 1258 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Currie, 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 96 'ayes', 16 'no', 5 voting 'present'. House Bill 1258, having received the Constitutional Majority, is hereby declared passed. Page 21 of the Calendar. Labor, House Bills Second Reading appears House Bill 1006. That Bill... That Bill has been placed on Interim Study. Page 9 of the Calendar. Revenue, House Bills Second Reading appears House Bill 144. Representative Davis. Mr. Clerk."

Clerk Leone: "House Bill..."

Speaker McPike: "Proceed."

Clerk Leone: "House Bill 144, a Bill for an Act to amend the Illinois Lottery Law. Second Reading of the Bill."

Speaker McPike: "Do you want this Bill called at this time? No. Out of the Record. House Bills Third Reading, Revenue, appears House Bill 73, Representative McAuliffe. Is the Gentleman here? Capparelli? Mr... Representative Capparelli here? Representative McAuliffe or Representative Capparelli? Out of the Record. House Bill 859, Representative Ronan. Representative Capparelli, do you wish to call House Bill 73? Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 73, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker McPike: "Representative Capparelli."

Capparelli: "Mr. Speaker, I believe there... I would like to bring it back to Second Reading for an Amendment which Jim

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

51st Legislative Day

May 21, 1987

Keane has."

Speaker McPike: "The Gentleman asks leave to return the Bill to Second Reading for the purpose of an Amendment. Is there any objection? Hearing none, leave is granted. Mr. Clerk."

Clerk Leone: "On the Order of Second Reading, Floor Amendment #1 is being offered by Representative Keane."

Speaker McPike: "Representative Keane, on Amendment #1."

Keane: "Thank you, Mr. Speaker. Amendment #1 limits the scope of the Bill and limits it to Municipal Hotel operators for redevelopment project costs, which only include such costs that are associated with the project that is owned by a municipality and is situated within the redevelopment area. I would be happy to answer any questions on the Amendment."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. Is there any discussion? Being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker McPike: "Third Reading. The Gentleman asks leave to waive the appropriate rule so that the Bill can be heard on Third Reading at this time. Are there any objections? Hearing no objections, the Attendance Roll Call will be used. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 73, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker McPike: "Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. House Bill 73 is an extension of legislation passed last year on tax incrementing financing. It would allow hotel/motel occupational tax which is collected in a tax increment financing district for use of that district for

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

51st Legislative Day

May 21, 1987

redevelopment. And I would move to pass it."

Speaker McPike: "The Gentleman moves for the passage of House Bill 73. Is there any discussion? Being none, the question is, 'Shall House Bill 73 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 90 'ayes', 16 'nos', 5 voting 'present'. House Bill 73, having received the Constitutional Majority, is hereby declared passed. House Bill 859. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 859, a Bill for an Act to amend an Act in relationship to the founding operation of the University of Illinois Hospital. Third Reading of the Bill."

Speaker McPike: "Representative Ronan."

Ronan: "Thank you, Mr. Speaker and Members of the House. House Bill 859 is a very important concept for the University of Illinois. We panelled this issue for the last couple of years dealing with the health care costs and trying to work out a situation where they provide care for the indigent, and at the same time continue to provide one of the finest teaching hospitals here in the State of Illinois and in the nation as a whole. I would be glad to answer any questions. If not, I move for the passage of House Bill 859."

Speaker McPike: "The Gentleman moves for the passage of House Bill 859. And on that, the Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I reluctantly rise in opposition to this legislation. The University of Illinois is essentially asking this General Assembly to give it \$60,000,000, after announcing in the newspapers that they are not going to take Medicaid patients on the one hand, and voting on the

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

51st Legislative Day

May 21, 1987

other hand to increase admission... to change admission standards so that minority and Hispanic students would have a more difficult time getting into the University. I have to ask the question, how can the University expect this General Assembly to be responsive to its needs for increased health care reimbursement and certainly the University Hospital does need increased health care reimbursement, as do many hospitals throughout the state. But I'm sure you know that the hospitals in your area, who are treating Medicaid patients, are experiencing shortfalls. They have not closed their doors to the poor. They have not announced that Medicaid will no longer be acceptable to them. And more to the point, they have not come to this General Assembly saying, 'Give us a free \$60,000,000'. Essentially that's what this Bill boils down to, Is a give back to the University at a time that they are not being responsive to the problems of poor people. At a time when they are not being responsive to the educational needs of minority students. And at a time when the University has turned its back on the Hispanic community in such way as to limit Hispanic opportunities as well as black opportunities at the school. I have to ask, can we treat one part of the University differently than we treat other parts of the University? Can we sit here and approve \$60,000,000 in a give away, when the University is clearly not being responsive, it's clearly not taking the leadership role that it should take with regard to indigent care. With all the resources available to the University of Illinois, certainly it could be a forerunner in raising the case and making the case for all of the hospitals throughout the state who have difficulties in treating Medicaid patients and having that treatment paid for. But the other hospitals sit there and they eat those bills and

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

51st Legislative Day

May 21, 1987

they are unreimbursed and they don't get help and they don't get assistance. But the University of Illinois feels that it has a special position and can come here and get \$60 million free dollars from the taxpayers of the state. I think the taxpayers of the state expect more out of the University of Illinois. I certainly expect more of the University of Illinois as an alumnae of that University and I care deeply about the University. But I say to you, Ladies and Gentlemen, this approach is wrong. The University is wrong. It is off base and that this give back, give away, ought to be denied at this time."

Speaker McPike: "The Lady from Lake, Representative Frederick."

Frederick: "Thank you. Yes, Frederick, please."

Speaker McPike: "Excuse me. I'm sorry. Representative Frederick."

Frederick: "Thank you, Mr. Speaker. In contrast to what the former speaker has said. I would like to inform you all, other hospitals in this state are not required to take the numbers of indigent patients that University of Illinois Hospital is. The Auditor General tells us that there is no way the University of Illinois can repay this debt and they will be further and further impacted if we do not pass this legislation. So, I urge an 'aye' vote."

Speaker McPike: "Supplemental Calendar Announcements."

Clerk Leone: "Supplemental Calendar #2 is now being distributed."

Speaker McPike: "Representative Keane."

Keane: "Thank you, Mr. Speaker. This Bill... or this whole issue was the subject of an Audit Commission Audit. The Auditor General went into the University of Illinois Hospital, did an audit to see whether or not the University was in any way, shape or form, able to repay the state and found, without a doubt, that the University cannot repay us. The only way that the University can repay the debt, is if we

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

51st Legislative Day

May 21, 1987

give them the money through an appropriation to pay the debt. And that's sort of superfluous kind of a thing. The issue of treatment of non-pay or an open door policy is another whole question. The University has continually fought the Department of Public Aid to get more days. They have been limited on the number of days that they have been given. The reason that they cannot pay the debt, is because they treated people who didn't pay them. They have an open door policy. Whoever goes in there gets treated. That is the reason that the University is in... the hospital is in the shape it's in today. And I would ask you to... it's just bad state policy to keep debt on the books that we know cannot be repaid. The University has done an awful lot of modernization and made some major administrative changes based on our Auditor General's recommendation and I would urge you to vote 'aye' on this Bill."

Speaker McPike: "Representative Hallock."

Hallock: "Thank you, Mr. Speaker, Members of the House. This issue has been around for a few terms. And those of us who have been around here that long can attest to that fact. No one said it was ever easy then, and it is not easy now. But I believe this is a great resolution or a very difficult problem. Clearly, we all know, that the U of I has this debt and we have been trying to address that for many years now. And we really hadn't found a solution until this Bill. I believe this Bill presents an outstanding resolution of a very difficult issue. What more can we ask of our University than our systems throughout the state, than to take care of the poor and the indigent. This Bill suggests that if they will continue to do that, to treat the poor in our society, that we will forgive that debt on a dollar for dollar basis. It's an

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

51st Legislative Day

May 21, 1987

excellent idea. I urge the Bill be adopted."

Speaker McPike: "Representative Ronan, to close."

Ronan: "Thank you, Mr. Speaker and Members of the House. As I stated when I started the discussion on this legislation. This is difficult public policy for us to establish because we know what a fine institution the University of Illinois is. Representative Keane hit the point right on the head. They are \$60,000,000 in debt because they provided a tremendous amount of care to indigent people on the west and south sides of the City of Chicago. They did that because they understood what their mission was. They were committed to that community. They are still committed to that community. Yet we cannot burden this great institution with a debt that they cannot meet. It's time for the state to stand up, accept the fact that those services were provided. Let's do something for the people of the City of Chicago. Let's do something for a great institution of higher education. And let's move the University of Illinois into a great 21st century. I move for the passage of House Bill 859."

Speaker McPike: "The Gentleman moves for the passage of House Bill 859. The question is, 'Shall House Bill 859 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Representative Mays, to explain his vote."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I'm going to vote 'yes' on this Bill, but I don't want anybody to believe that this is solving any problem whatever. They ran a tremendous debt this year alone, which would more than offset whatever the debt they had that the construction of that hospital facility costs. So next year we're going to have the same problem, but we're not going to have any way to offset it. Now I told President Eickenberry in the Audit Commission and I told

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

51st Legislative Day

May 21, 1987

the other Audit Commission members that we have to find a solution. I don't for one minute believe this is going to be it. But, I do believe we've got to keep the discussions going and for that reason I'm going to vote 'yes'."

Speaker McPike: "Representative Bowman."

Bowman: "Thank you, Mr. Speaker. As in accordance with the statement attached to my ethics statement, this Bill does directly affect the economic interests of the University of Illinois and accordingly I vote 'present'."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. I'm sorry, Representative Williams. I'm sorry."

Williams: "Okay, hugh, I would like to, for the record make the same statement that Representative Bowman just made in the sense that my wife also works for the U of I. And I agree with my statement to vote 'present'."

Speaker McPike: "Thank you. Take the record, Mr. Clerk. On this Bill, there are 77 'ayes', 24 'nos', 15 voting 'present'. House Bill 859, having received a Constitutional Majority, is hereby declared passed. House Bill 1167. Representative McGann-Keane. Representative Keane will handle the Bill. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1167, a Bill for an Act in relationship to State Occupation and Use Taxes. Third Reading of the Bill."

Speaker McPike: "Representative Keane."

Keane: "Thank you, Mr. Speaker. This is a Revenue Committee Bill in Occupation and Use Taxes where we put in the agreed Bills. The Bill amends the Cigarette Tax Act and Cigarette Use Tax. It permits the Department to authorize other persons to sell cigarette tax stamps. It permits changing certain bonding requirements of continuance compliance taxpayers. It amends the hotel operators occupation tax to

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

51st Legislative Day

May 21, 1987

increase the minimum amount of tax liability from which the Department can authorize quarter annual returns or annual returns. And there was an Amendment on the Floor which dealt with the reimbursement to McCormick Place. I would ask for a favorable vote on the Bill and be happy to answer any questions."

Speaker McPike: "The Gentleman moves for the passage of House Bill 1167. And on that, Representative Cullerton."

Cullerton: "Yes, will the Sponsor yield for a question?"

Speaker McPike: "Yes he will."

Cullerton: "Representative Keane, have you heard from former Governor Ogilvie yet about this Bill, or has he not yet contacted you?"

Keane: "No, he hasn't. But I have been fairly busy."

Cullerton: "Well, I think... I think until he contacts you to tell you whether or not he is for or against it, you don't know whether he's for it or against it. Is that right?"

Keane: "Correct."

Cullerton: "Well, I think for people who want to vote to take money away from McCormick Place and give it to the state they should vote 'aye'. People who don't agree with that should vote 'no'. And in the meantime, the Bond Council for McCormick Place can keep on studying this Bill. And maybe sometime before final passage they can let us know how they feel about it."

Keane: "Well, I think that you made a good point, however, I believe the Senate may see the lack of wisdom in that Amendment and the prior Governor, Governor Ogilvie, may in fact start calling over there."

Speaker McPike: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill... one of our Bills that came out of the Revenue Committee that has gone through the Agreed Bill

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

51st Legislative Day

May 21, 1987

process. I think it's a fine Bill. I think we ought to support it and vote for it."

Speaker McPike: "No further discussion. Representative Keane, do you wish to close?"

Keane: "I just ask for a favorable Roll Call."

Speaker McPike: "The Gentleman moves for passage of House Bill 1167. The question is, 'Shall House Bill 1167 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. Mr. Clerk, have you taken the record? On this Bill, there are 105 'ayes', 4 'nos', 6 voting 'present'. House Bill 1167, having received the Constitutional Majority, is hereby declared passed. House Bill 1174, Mr. Keane. Read the Bill, Mr. Clerk. Representative Greiman in the Chair."

Clerk Leone: "House Bill 1174, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Cook, Mr. Keane. Yes, Mr. Keane?"

Keane: "Am I recognized on 1174?"

Speaker Greiman: "Yes."

Keane: "Okay. Thank you, Mr. Speaker. 1174 is a Revenue Committee Bill which deals with the Revenue Act of 1939. It's a number of Bills that we put together and because they were agreed. It requires beginning in '88 Boards of Review to be elected from 3 geographically equal districts drawn by Supervisor of Assessments and approved by County Board. It changes the training requirements to be a Certified Assessing Officer. Removes the requirements of publication in the name of delinquent tax payers. Lowers from 25,000 to 15,000 assessment district size where specified professional qualifications must be met by assessors. It also revises the Assessor... it...

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

51st Legislative Day

May 21, 1987

Amendment #2 adds a Revenue Act revision regarding permissive authority for downstate counties to establish for assessment districts. And Amendment #4 or I'm sorry... Amendment #3 adds a revision to the Section of the Revenue Act which provides property tax exemptions to state owned properties. It is aimed at restoring taxable status to Food for Fuel Oasis located on the Illinois State Tollway Authority Property in Northeastern Illinois. And I would be happy to answer any questions and ask for a favorable Roll Call."

Speaker Greiman: "The Gentleman from Cook moves for the passage of House Bill 1174. And on that, the... There being no discussion, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'aye', none voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On this Order appears House Bill 1175. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1175, a Bill for an Act to amend the Illinois Income Tax Act. Third Reading of the Bill."

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

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1175 deletes surplus language from the Income Tax Code. And I move for its adoption."

Speaker Greiman: "The Gentleman from, move... Mr. Young moves for the adoption of House Bill 1175. And on that, the Lady from Lake, Ms. Frederick."

Frederick: "Yes. Thank you, Mr. Speaker. I would just like to remind the Members, this was really not an agreed Bill as far as the Revenue Committee is concerned. And I would

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

51st Legislative Day

May 21, 1987

urge our Members to vote 'no' on the Bill."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Hallock."

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

Speaker Greiman: "He indicates that he will."

Hallock: "What does this Bill do precisely?"

Young: "Representative, two years ago we put... we passed a Bill that gave deductions for contributions to community groups to fight gang crimes. Last year we repealed that deduction. There is still surplus language left in the Statute. And this Bill deletes that surplus language."

Hallock: "Well, I'm all in favor of deleting surplus language, but what does the surplus language say, so we know by deleting what we are in fact doing? If we are deleting something, we're doing something else. Could you tell me what impact the deletion will have on the state Statutes?"

Young: "The deletion will take out language that is superfluous and not needed in the Statute right now."

Hallock: "Well, I'm all in favor of deleting surplus language in the Statutes too, but by deleting the surplus language we, by implication, also set in motion some other phrases in the Statute. So, what is deleting surplus language... what impact does that have on this Bill?"

Young: "I'm sorry, I didn't quite..."

Hallock: "What... What impact would this Bill have if we delete that language?"

Young: "It... What the Bill does, it deletes the language and to assist local government programs for gang control. It does that in several places in the Statute. That's the only effect it has."

Hallock: "Well, I understand that. But, what I'm saying, is that by deleting certain key phrases in our Statutes, as you well know, we therefore do something else. And if you're deleting these phrases in the Statutes, what does the Bill

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

51st Legislative Day

May 21, 1987

do? What's the impact?"

Young: "The impact is to bring the Statute in, or this particular section of the code in line with the rest of the Statutes. There used to be a program. There is no longer such a program, but there's still language in the Income Tax Code that might lead one to think there is a program. But there isn't."

Hallock: "Well, then what you're saying is, basically, this Bill appears to be a shell Bill, but doesn't really do anything."

Young: "It appears to be a shell Bill."

Hallock: "Well, I thought it had to be after your great description here. Ladies and Gentlemen of the House, to the issue here. I don't think we need any more shell Bills in the Revenue area. We have passed numerous laudable concepts in this field this Session. Some of which, I think, should become law. Others of which, I think, were always available for later changes in our discussions here in the General Assembly. So, I would urge this Bill be defeated."

Speaker Greiman: "Further discussion? The Gentleman from Cook, Mr. Keane."

Keane: "Thank you, Mr. Speaker. In regard to the previous speaker's comment, I would urge the Democrats and the Republicans to vote for this, simply because there aren't any shells. There are no income tax shells out. We kill this, it's the last one. We were fortunate in Revenue. Some, in excess of 200 Bills signed, some 21 were reported out. So, contrary to the previous speaker's allegation, we do not have a lot of Bills out there and I commend the Sponsor of this Bill for having the courage to move forward an income tax vehicle. But I would urge the Members... all of the Members to vote 'aye' on this Bill."

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

51st Legislative Day

May 21, 1987

Speaker Greiman: "The Gentleman from Cook, Mr. Young to close."

Young: "I ask for an 'aye' vote."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 46... 44 voting 'aye', 66 voting 'no', 4 voting 'present'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. On this Order of Business appears House Bill 1920. Mr. Clerk, read the Bill. Mr. Bowman, do you wish to proceed on 1920? Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1920, a Bill for an Act in relation to creating a Revenue Stabilization Fund. Third Reading of the Bill."

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

Bowman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I introduced House Bill 1920 at the request of Comptroller, Roland Burris. This establishes a Revenue Stabilization Fund, otherwise known as a 'rainy day' fund. And the main purpose of which, of course, is as everyone knows, is to smooth out our ability to pay our bills despite sudden and unpredictable and temporary reversals in the revenue stream. I believe this issue is well understood by everyone on the Floor, because many other states have already adopted such legislation. So, I'm pleased to move for its passage."

Speaker Greiman: "The Gentleman from Cook, Mr. Bowman moves for the passage of House Bill 1920. And on that, the Gentleman from Lake, Mr. Churchill."

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

Speaker Greiman: "Indicates he'll yield for questions."

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

51st Legislative Day

May 21, 1987

Churchill: "Representative Bowman, would you explain how this program is going to work?"

Bowman: "Yes. Number one, in order to accumulate enough money in the fund, we are going to require that the Governor include in his budget every year, a request for \$10,000,000 to be paid into this fund. Over a period of time, of course, the money will build up and I'm sure if the Governor wanted to include more than \$10,000,000 in his budget that that would certainly be acceptable. So that we accumulate a balance through the ordinary budget and appropriation process. Then, once the... there is money in the fund, then the monies can be expended from the fund upon the agreement of the Governor, Comptroller and Treasurer if they determine there are insufficient resources available within the General Funds to meet the state's obligations. Then they will direct the transfers of monies into the General Fund out of this Revenue Stabilization Fund. Lastly, the required budget for this payment into the fund would cease when the fund balance reaches \$200 million."

Churchill: "And so there is a cap on the program?"

Bowman: "Well, there's a cap in the sense that, there would be no further obligation on the part of the Governor to put it in his budget, but obviously we could continue appropriations if we wish to. So, the cap is on absolute, when only in so far as the Governor would be obliged to put it in his budget."

Churchill: "So, theoretically then, this could be a billion dollar fund at some point or a 2 billion dollar fund, or a 10 billion dollar fund?"

Bowman: "Subject to Appropriations."

Churchill: "And then, who is it that has control over when the monies are taken out of the fund?"

Bowman: "There are three people acting in concert. The Governor,

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

51st Legislative Day

May 21, 1987

the Comptroller and the Treasurer."

Churchill: "And does it take unanimous consent of all three parties before the money can be spent?"

Bowman: "I'm sorry, there's a little noise here. Would you repeat the question?"

Churchill: "Does it take unanimous consent of all three parties? Or are two of three parties okay? Or just one party?"

Bowman: "Yes. It takes unanimous consent. And by the way, Representative Churchill, I just point out that if the state borrows from any bank, First National, Continental, whatever, the same restriction applies. So, this is parallel to other legislation already on the books with respect to state borrowing."

Churchill: "Let's talk about state borrowing for a second. Is there presently law on the books that would allow the Governor and the Treasurer and the Comptroller to go out and borrow in the event of some situation where there were not sufficient funds to pay the state's bills?"

Bowman: "Yes, there is law on the books for short-term borrowing. And by the way, we utilized that law just this year in borrowing a hundred million dollars short-term."

Churchill: "So, if there's presently law on the books to allow us to borrow, why do we need this fund sitting around with all these extra dollars sitting and waiting for a rainy day?"

Bowman: "Representative Churchill, it costs more to borrow money from other people than if you borrow money from yourself. Now, if I have a little in a savings account at home to tide me over on a rainy day, it would be cheaper for me to do that because that account would be earning interest. But, if I go out and borrow on my credit card or otherwise, it's going to cost me more money. So, this is a fiscally prudent way of borrowing money short-term to tide us over."

Churchill: "So, in other words, this is the State of Illinois

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

51st Legislative Day

May 21, 1987

savings plan. Is that what you're saying?"

Bowman: "That's precisely right. That's a very good title for it, Representative. In fact, if we weren't in such a hurry I would consider an Amendment to call it the Savings Plan instead of the Stabilization Fund."

Churchill: "Yeah, but wouldn't another term that would be adequate to fit this would be the 'State of Illinois Slush Fund'?"

Bowman: "No, Sir, because... No, a slush fund implies that the... that there's unlimited discretion on the part of one person who controls the fund to use it for any purpose he or she sees fit. In this case there... the money can only be transferred into general funds to be spent on budget... legally budgeted items and would require the authorization of three constitutional officers. So, no this is not a slush fund."

Churchill: "I see. So you feel that the check and balance system of having three of our elected officials is sufficient to take this from being a slush fund to make it a savings fund."

Bowman: "Representative Churchill, if you care to speak to the Bill that's fine, but don't expect me to adopt your labels. No, I disagree with you, Sir."

Churchill: "Okay. Thank you. No further questions."

Speaker Greiman: "The Lady from Lake, Ms. Frederick."

Frederick: "Will the Sponsor yield, Mr. Chairman?"

Speaker Greiman: "Indicates he'll yield for questions."

Frederick: "Yes, Representative Bowman, can you tell me this \$10,000,000 you hope to allocate each year as the 'rainy day fund'. What is your ultimate goal? What kind of cushion do you envision that we ought to have. State government?"

Bowman: "Okay. The Bill says that this requirement for the

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

51st Legislative Day

May 21, 1987

automatic budgeting of \$10,000,000 would continue until the fund balance reached \$200 million. I would point out, of course, we could appropriate more on any given occasion. It's up to us really."

Frederick: "Can you see us really doing this for twenty years?"

Bowman: "Well, frankly, my own expectation would be, if this legislation were adopted then we would, in all probability, wind up appropriating more money at any given time, at any given year, rather than just \$10 million. But the \$10 million was in effect before."

Frederick: "Do you think that in this year of problem finance for the state, that we can afford to do this on present budget allocations without forcing us all to vote for an income tax increase?"

Bowman: "Well, Representative Frederick, I'm really glad you asked me this question, because we can't afford not to do it. Because we didn't have such a fund, we had to go out into the market place and borrow a hundred million dollars and then pay 4 million dollars interest on top of that for a six month loan. We would have to pay 8 million dollars on this for a years loan. I think Representative Churchill put the right name on this when he called this a savings account. A savings plan for the State of Illinois. I think we need to do this to prevent future tax increases. Thank you for asking me that question."

Frederick: "Well, I'm glad and it was a very passionate response. I would like to say to you though, that we would have had to be doing this for the last ten years to have made it work out so we wouldn't have to borrow that hundred million. And I'm not sure with the changing nature of the legislature that we would have been that clairvoyant. But, thank you very much anyway. I would just urge the Members on this side of the aisle to vote 'no' on the Bill."

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

51st Legislative Day

May 21, 1987

Speaker Greiman: "The Gentleman from Bureau, Mr. Mautino."

Mautino: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I stand in support of this legislation which probably should have been introduced and passed and established into our Statute, probably back in 1974 and 75. The Gentleman's idea, I don't think goes far enough. I think that probably a 30% sinking fund should be established so that we would not have the problem of using short term borrowing in the amount of a hundred million dollars to keep the operations of government afloat. If in fact this was done before, we wouldn't be facing those crises. Representative, you have an excellent Bill at this point in time. I would hope that even after it gets out of the House and gets to the Senate, they increase that 10% to 30%, then you've got a great Bill, which any Governor, Republican or Democrat would be probably protected from their own misuse of the funds that we appropriate by the General Assembly. And I recommend an 'aye' vote on an excellent piece of legislation."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Flinn."

Flinn: "Mr. Speaker, I move the previous question."

Speaker Greiman: "The Gentleman from St. Clair moves the previous question be put. Those in favor 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Gentleman from Cook, Mr. Bowman to close."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to point out first of all, that 32 states of this nation, 32 states have Revenue Stabilization Funds exactly like this one. If 32 states in the nation can do it, we can do it too. It is fiscally prudent. Let me just point out number two, that in effect we have a cash cushion already. It's called the available balance. Now, we have approximately \$10,000,000 goes through..."

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

51st Legislative Day

May 21, 1987

\$10,000,000,000 goes through our general funds every year. And the Comptroller has said that if the balance goes down below about \$200,000,000, we are in what's called a 'tax warning zone'. And when it goes down below \$200,000,000, he issues press statements alerting the public that the Governor is drawing down the available balance below \$200,000,000 and we are now at risk of a tax increase. You know what this Bill does, Ladies and Gentleman? This Bill protects that \$200,000,000 minimum balance in our General Fund. It protects it. It says that if the Governor wants to dip into the \$200,000,000 available balance, then he's got to get the approval of the Comptroller and the Treasurer. And I think that's a prudent thing to do. Ladies and Gentlemen, I want you to know that we already have this \$200,000,000. We have it in the bank right now, this very moment. And what we are doing with this legislation is protecting that \$200,000,000 so the Governor can't get his grubby hands on it any time he wants it."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 73... 74 voting 'aye', 41 voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On this Order appears House Bill 2059. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2059, a Bill for an Act concerning truck tractor combinations. Third Reading of the Bill."

Speaker Greiman: "Yes, the Gentleman from DuPage, Mr. Stange."

Stange: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2059 amends the Illinois Vehicle Code

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

51st Legislative Day

May 21, 1987

Act. It's a very simple Bill. It terminates the Motor Fuel Tax decal displayed on vehicles. There's a problem with the motor truck industry here in Illinois. We're trying to use this as a vehicle Bill in the Senate to correct this problem. I urge your 'yes' vote."

Speaker Greiman: "The Gentleman from DuPage has moved for the passage of House Bill 2059. And on that, the Gentleman from Madison, Majority Leader McPike."

McPike: "Thank you, Mr. Speaker. I couldn't hear the explanation. And I'm sure I couldn't hear it for a pretty good reason. We decided to try to get some money from truckers that come through Illinois and use our roads and don't buy any fuel in Illinois. So, we had a hard time finding out who those truckers were until a few years ago. We told those truckers that if they're going to use Illinois roads, they're going to cause damage to roads, they're going to have to pay their fair share. The truckers from Illinois, they pay their fair share. But the ones out of state that pass through the state without buying any gasoline, they don't pay anything for the use of Illinois roads. So we said, very simply, you should just buy a decal so that we know who you are and that we can track who you are. So that from the sale of these decals we generate about 2.5 million dollars a year in revenue just from the sale of these. That's not the important part. We then know who they are, so that we can assess them a fee based on how many miles they travel on Illinois roads annually. And in 19... in fiscal year '85 we collected 29 million. And in FY '86, we collected 33 million. So, this Bill would do away with the decals which would cost at least 2.5 million dollars a year and would also destroy our tracking system which has the potential of costing us 30 million dollars a year. Obviously it

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

51st Legislative Day

May 21, 1987

wouldn't cost us the entire 30 million dollars, because I presume the Department of Revenue could have some way of finding out who these truckers are, but clearly it would have an impact and reduce the amount of money it would pay. So, I understand that out-of-state truckers would be for this Bill. The Petroleum Marketers in Illinois would be against it. And the truckers that pay their fair share in Illinois would be against it. But if you are concerned about helping trucking companies that are located in New Jersey or Florida, or California, or Oregon, you should probably support the Bill. But if you're not crazy and you don't have a lot of your constituents are not truckers that live in Oregon or Washington, you don't have a lot of those people living in your district, then you may not be for this Bill. If you think that we might need a little revenue in this state to pay for roads, then you probably shouldn't be for the Bill either. So, I would... I would think that a 'no' vote might be appropriate."

Speaker Greiman: "The Lady from Lake, Ms. Frederick."

Frederick: "Yes. Thank you, Mr. Speaker. I would just like to ask the Members to pass this Bill out. There's an agreement that it's to be worked out in the Senate. If it is not worked out in the Senate, then the Bill is dead. So, please put a 'green' vote on this Bill."

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

Berrios: "Representative Stange and I put this Bill in because the truckers requested it. We didn't know there was going to be so much controversy on it, but I would ask for your support and we'll try to work it out and we'll see what happens with it. But, we did not know that there was going to be this much controversy on it because the truckers came to us and asked us to do them a favor. And that's why we put this Bill in. And I would hope that you would help us

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

51st Legislative Day

May 21, 1987

and get this out and we'll try to work this thing out where everybody can be happy."

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

Cullerton: "Yes, will the Sponsor yield?"

Speaker Greiman: "Indicates he'll yield for questions."

Cullerton: "The comments of Representative... the Representative from Lake County really intrigued me. Very intriguing. Are you familiar, Mr. Sponsor, of any agreement to work out this Bill in the Senate?"

Stange: "We're looking at that right now."

Cullerton: "Well, for example let's start with who the Senate Sponsor would be."

Stange: "We're looking at probably Senator Philip would be..."

Cullerton: "Senator Pate Philip. Okay. Now just out of curiosity, based on the explanation of the Bill that Representative McPike gave, what is there to work out? This Bill abolishes the sticker. And as a result the state will lose about 2 and a half to 7 a half million dollars a year. What is it to work out? To reduce that so we only lose 1 million dollars a year, or..."

Stange: "No. No. That's not the idea of this Bill at all. The idea... we're losing a lot more money right now with the decal problem. The truckers and trucking industry is bypassing a lot of taxes for Illinois. We're looking for stricter audit from the Department of Revenue and we want to do this in the Senate to put on a very... on a Amendment to correct this problem. What that Amendment is right now, we don't know. But we want to correct the problem. That's the whole intent of this Bill."

Cullerton: "Is the Department of Revenue in favor of this Bill?"

Stange: "Not right now. But they don't have another... They have no solution to this problem yet."

Cullerton: "This is hardly a shell Bill. The Bill as drafted

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

51st Legislative Day

May 21, 1987

right now, it results in a tremendous loss of revenue for this state. Your sending over... giving it to Pate Philip when it's out of our control and I mean we spent all day yesterday killing some Bills that were designed to help children, I recall a few that were going to cost some money, because we want to be fiscally conservative and responsible. And we're going to pass the Bill over to the Senate. We'll lose control of it. It could cost any where from 2 1/2 to 5 million dollars as it's... 7 1/2 million dollars as it's constituted. I think that if you brought it back to Second Reading and gutted it so it was a shell Bill, then maybe it would make sense. I just don't think this is the proper way to proceed."

Stange: "Representative Cullerton..."

Cullerton: "Let me finish my... I'm talking about the Bill. The truckers are opposed... are in favor of the Bill. Well, I imagine it's not hard to see that some truckers would be in favor of saving 7 1/2 million dollars a year. I can see that. But I can't see why the Illinois Petroleum Marketers would be in favor of it. I can't see why the Department of Revenue would be in favor of it. And I don't why we should be in favor of it. And to get up and say 'Well, we're trying to work on this and let's just send it over to the Senate', without even knowing what it is that you're going to talk about. We pass shell Bills out, but you have to get up on the floor and say..."

Stange: "Representative Cullerton, can I interrupt here for a second? The intent of this Bill is not the way the Bill is written right now. We want to make more money for the State of Illinois. Truckers today are not paying their fair share. They're going buying gas in Iowa. They're buying gas in Wisconsin, Missouri and so forth. They're bypassing Illinois completely when right now on the fuel

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

51st Legislative Day

May 21, 1987

tax we're the second highest in the country. We want to get our fair share of these truckers coming into Illinois. That's the whole intent of this Bill. We are going to modify this Bill, amend this Bill in the Senate to rectify the problem."

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

Ronan: "Thank you, Mr. Speaker, Members of the House. I rise in support of this legislation. The House Transportation Committee carefully reviewed it. We agree that there is a situation where there might be some truckers not paying the tax. That's what we're trying to address on this piece of legislation. What we're going to do is carefully look at it in the Senate. And yes, Representative Cullerton, we've got an agreement in the Senate. We ... we're going to work with our Senate Sponsors who are bi-partisan, understand the revenue needs of this state and they're going to come in with a kind of package that's fair and equitable. I think our Committee spent a lot of time on it. It got 24 votes in the Committee. It passed out 24 to nothing out of the House Transportation Committee and I look forward for a lot of 'green' votes so that we can continue the dialogue on this very important and meaningful issue."

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

Leverenz: "Will the Sponsor yield?"

Speaker Greiman: "Indicates he'll yield for questions."

Leverenz: "One part of the Bill deals with double bottoms. When you walk over here you can hear me. One part of the Bill deals with double bottoms. The second part of the Bill deals with the sticker. What exactly are you intending to do with the sticker?"

Stange: "We're basically going to review the use of the sticker, how it applies and if there is a better way to crack down

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

51st Legislative Day

May 21, 1987

the drivers... these truckers coming into Illinois to pay their fair share for using our roads. That's the intent of this Bill."

Leverenz: "Doesn't the second part of the bill repeal the sticker that we put in place two years ago?"

Stange: "That's correct. It appeals it. But the idea is we're going to make this Bill... make this better for the... look at other methods to address a problem of Revenue's in the trucking industry."

Leverenz: "So it does repeal the sticker? It repeals the use of the sticker?"

Stange: "It does. Yes."

Leverenz: "Mr. Speaker, to the Bill."

Speaker Greiman: "Proceed, Sir."

Leverenz: "To the Members that have any interest in the trucking business and what... how they operate. Or better yet, the deficiencies in the Department of Revenue. The whole thing came about in the following way. The Department of Revenue had a failure to be able to collect the revenue that they deserve off the Motor Fuel Tax. The Trucking Association agreed to go with stickers that could be visually seen so they can see who pays and who don't pay. That's how we got the sticker. The agreement was that the Department of Revenue would be able to put in place a revenue collecting mechanism and in a two year period so that we could finally repeal the stickers now. The fact is, the Department of Revenue has failed in its mission to collect the motor fuel that it should. Therefore, to stop any loss of revenue to the state, we've got to kill the Bill."

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

Keane: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Greiman: "Indicates he will."

Keane: "Has there been a Fiscal Note filed on this Bill?"

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

51st Legislative Day

May 21, 1987

Stange: "No there's not."

Keane: "What will be the fiscal impact of removing the decal from the outside?"

Stange: "We're using this Bill as a vehicle, Representative Keane. It's not intended whatsoever to use this Bill as written."

Keane: "Will you take it back to Second then and strip this off?"

Stange: "No, we want to get it to the Senate right now and have them amend it. Once it's on Second Reading we'll never get this Bill back."

Keane: "Thank you. To the bill. To the Bill. If you're... if the Members of the House are interested in subsidizing out-of-state trucking, I think you ought to vote for this Bill. Any of you who followed what Representative Leverenz said can understand the history the Department of Revenue until we had this sticker program, did not do a good job collecting out-of-state revenues that we deserve. It puts the burden on the guy who is... runs in state and the passenger cars in this state. In the first year... in the first year that this was implemented the Department of Revenue took in 3.8 million dollars in revenue on this program. I know that the truckers are all boy scouts and I know that they are going to pay their bills. And they're going to pay... the truckers that don't, aren't inbased here and roar through this state, you can be assured are going to walk away from these bills. Nobody is going to give us 3.8 million unless we catch them and force them to do it. We have a number of Senate vehicle Bills coming over. If the Sponsors truly want to work on this, I think that everyone should give them whatever assistance they have, wait until the Bills come over, put your Amendment on one of those vehicle Bills and go from there."

Speaker Greiman: "The Gentleman from Lake, Mr. Matijevich."

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

51st Legislative Day

May 21, 1987

Matijevich: "Well, Mr. Speaker, Ladies and Gentlemen of the House. The last Gentleman gave the Sponsor of the Bill the opportunity to do what he says on the Floor he wants to do. In other words, work out an agreement in the Senate. I think if you want to be a man of your word, Mr. Sponsor, that you ought to return it to Second, make it a shell Bill and take it over to the Senate. We want you to get an agreement in the Senate. But, we as House Members, also want to make sure that the Bill comes back to the House so that we take another look at it. That is very reasonable. So, Representative Keane has given you the opportunity to bring it back to the Second Reading, be a shell Bill. And then, do in the Senate what you want to do. But, let me and let the other Members of the House get another look at it when it returns to the House. I think that's reasonable. Why do you not want to do that? That's my question."

Speaker Greiman: "The Gentleman... excuse me, was that... that was rhetorical I assume."

Matijevich: "No, there's a question at the end of it."

Speaker Greiman: "Alright."

Stange: "John, the reason that we don't want to do this first of all, the main reason is we do not have enough time. The number one reason. Okay? We have... Six weeks ago WBBM TV had a five day story on the Department of Revenue, especially on the Petroleum Industry about not collecting the proper amount of taxes to the State of Illinois. Various gas stations for example, were not paying their fair share. One station was... has owed the State of Illinois a half of a million dollars. And they gave like 7 or 8 or 9 different examples of the various stations not paying the Revenue to the State of Illinois. The same thing happens to the trucking industry. The Illinois

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

51st Legislative Day

May 21, 1987

truckers are definitely paying their fair share. What our problem is, is out of state truckers, coming into the State of Illinois, not purchasing fuel, using our roads, and not putting one cent into our Department of Revenue. We want to clear ... we want to fix this up. This is a vehicle Bill. We'll fix it up in the Senate. That's the intent of this Bill, John. We're looking for more money from out-of-state truckers coming into Illinois. Illinois is the hub of transportation. There's a lot more money out there to be had from the various trucking industries coming here using our roads. That's the idea of this Bill."

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House. The Sponsor of the Bill has said that this is a vehicle Bill. By moving it out on Third Reading, it does not become a vehicle Bill. Because we have allowed him the opportunity, and there is time. There is time today to amend this Bill just to be a shell Bill. He doesn't want to do that. I think that we've done enough for truckers, really. And I think the Sponsor evidently by his explanation, hasn't read his own Bill. Because, what he is trying to do really will help out of state truckers. We've helped out-of-state truckers enough. We have helped out-of-state truckers who are ruining our highways. Now, if you want to be for truckers who keep ruining our highways... vote against this."

Speaker Greiman: "The Gentleman from Madison, Mr. Wolf."

Wolf: "Mr. Speaker, I move the previous question."

Speaker Greiman: "The Gentleman from Madison, Mr. Wolf moves the previous question be put. Those in favor 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The previous question will be put. The Gentleman from DuPage, Mr. Stange for... for closing."

Stange: "Mr. Speaker, Like I've clarified before, this is a

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

51st Legislative Day

May 21, 1987

vehicle Bill. We're going to clean this Bill up. We have a problem collecting revenues from the trucking industry, out-of-state truckers. The Illinois truckers already are paying their fair share on gasoline diesel fuel. We're trying to get out-of-state truckers to pay their fair share, which they are not. That's the intent of this Bill. I urge your 'yes' vote."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. The Gentleman from St. Clair, Mr. Stephens, do you wish to explain your vote? Alright. The Gentleman from Franklin, Mr. Rea, one minute to explain your vote."

Rea: "Thank you, Mr. Speaker. On a personal privilege, I don't know how many people know where Mulkeytown is, but Mulkeytown happens to be my birthplace, and the Mulkeytown Grade School happens to be in the gallery up here, and if it wasn't against the rules, I'd like to introduce them, but it is also the grade school where I graduated myself, and I'm glad that they're here in Springfield today."

Speaker Greiman: "Yes, Mr. Rea, it is against the rules, and they probably have learned a lesson in the rules today. Have all voted who wish? Yes, Mr. Kulas, one minute to explain your vote."

Kulas: "Maybe we should take this Bill back to the Transportation Committee because it got more votes there than it did on the House Floor."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 23 'ayes', 86 voting 'no', 5 voting 'present'. And this Bill, having failed to receive the Constitutional Majority, is hereby declared lost. Ladies and Gentlemen, on page 6 of the Calendar on the Order of Farm Assistance and Development, House Bills

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

51st Legislative Day

May 21, 1987

Third Reading appears House Bill 500. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 500... "

Speaker Greiman: "Out of the record. On this Order appears House Bill 705. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 705, a Bill for an Act in relation to farm debt mediation. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Rock Island, Mr. Brunsvold on House Bill 705."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 705 will set up the Farm Debt Mediation Act. It had a lengthy hearing in Committee. We had testifiers from the State of Iowa. This Bill was fashioned after that legislation in Iowa. It is working there. The Committee listened to over an hour of testimony, voted the Bill out of Committee 14 to 0. Since then, we've had some erroneous... erroneous information being distributed about the Bill, so today I would like to erase those errors. The letter I sent you also... to your office also indicated what the Bill does do, and trying to alleviate the problems that have been arisen from the Bill. Okay, the process that will be set up in this Bill will be a seven member board that will hire a director and will have 10 regions in the state that will administer the mediation program. The Bill, as it stands now, would have the Director of Agriculture, Mr. Werries, as the Chairman, with a member from the Attorney General's Office, the Treasurer's Office, and then four members appointed at large by the Governor. The Appropriation and Agriculture Committee out of the premium fund was \$500,000 to drive the mediation program. And I would answer any questions at this time."

Speaker Greiman: "The Gentleman from Rock Island has moved for the passage of House Bill 705. And on that, the Gentleman

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

51st Legislative Day

May 21, 1987

from McLean, Mr. Ropp."

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

Speaker Greiman: "Indicates he'll yield for questions."

Ropp: "Representative Brunsvold, is the Farm Bureau in support of this legislation?"

Brunsvold: "Yes, the Farm Bureau has been working very closely during the process and are in support of the Bill."

Ropp: "How about the Director of Agriculture?"

Brunsvold: "Yes, the Director, in the initial stages, was opposed. He had some misconceptions that this might be the Minnesota provision, which I do not agree with also, and he has studied the Bill, made calls to Iowa, and he is now in support of the Bill."

Ropp: "How about some of those rural bankers? They have expressed some concern. Are they beginning to soften their opposition, or what is their present status?"

Brunsvold: "The Amendment #5 that I added Monday - I believe it was Monday - from discussions this morning with the Department of Agriculture going over that Amendment that the bankers had offered, indicates that probably 70 to 75 percent of their concerns are addressed in this Bill already. There's a few points we couldn't agree on. I don't... they're not supporting the Bill. I think they're closer to support now than they have been in the past."

Ropp: "Generally speaking, then, to the Bill. You're attempting to provide an opportunity where cooler heads might meet in an attempt to resolve a very touchy situation relative to potential foreclosure, and as I understand your intent, you hope to bring those bodies together so that they, in fact, make a decision that will be of mutual benefit to both parties involved. That decision might be to get out of the business of farming, or it might make some suggestions relative to coming up with new assets or selling off of

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

51st Legislative Day

May 21, 1987

some property. It might even encourage a farmer to go into a new business, but I think what you're attempting to do here is to provide for some time in terms of allowing a mediator to come in who really has no interest on either side but to view that situation with some degree of outside help, and by doing that, it is, I think, your intent to provide for a situation which can be very touchy in terms of maybe foreclosure to be resolved for the best interests of all people. Thank you."

Speaker Greiman: "The Gentleman from Fulton, Mr. Homer."

Homer: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of the Bill and would like to commend the Sponsor, Representative Brunsvold, for the work that he's done. When I first came down here in '83 as a Member of the House Agriculture Committee, one of the Bills pending before us at that time was the Bill that would declare a moratorium on farm foreclosures for up to two years. That Bill was addressed, I think, with good intentions to try to help the farming community, which had, at that time, and continues to be under severe financial conditions. That Bill did not pass. It was followed by a successor known as the Farm Debt Mediation Act, modeled after some in other states, including, I understand, Minnesota, and public hearings were held throughout the previous year where both bankers and farmers voiced reservation about the effect of that Bill. Representative Brunsvold continued to work with all of the parties in introducing this bill. It's a very reasonable compromise. What it just says is... philosophically is that, look, there are situations where farmers get behind on their loans, and when that situation occurs, unfortunately, what used to be very good and healthy relationships with the local banker deteriorates, and phone calls aren't returned, letters aren't

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

51st Legislative Day

May 21, 1987

acknowledged, and all of a sudden, there's a total breakdown in communication between the farmer, the borrower, and the bank lender. This Bill attempts, in a very modest way, to bring the parties together through a mediator to sit down and try to reopen that line of communications so that a common goal can be met, that is, to let the farmer retain that farm if at all possible, and as Representative Ropp said, in those cases where it is obvious it is not so, to allow the farmer to get out of that business in the best possible manner, so I commend Representative Brunsvold for the work that he's done. I think we've got a good Bill that helps farmers throughout this state, and yes, addresses the interests that have been expressed and the concerns by the banking community, and I would urge support for the Bill."

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

Terzich: "Yes, Representative Brunsvold, what is the end result? You mentioned that there's \$500,000. Is this supposed to be arbitrators or something to try to resolve financial problems of farmers?"

Brunsvold: "No. I'm glad you asked that question, Representative Terzich. Sometime we confuse the term 'arbitrator' and 'mediator'. In an arbitration situation, an arbitrator is more like a judge. This is not the situation with this Bill. A definition of a mediator from the dictionary is, 'to be a go-between. Act in order to bring an agreement settled by intervening.' This mediator is not a Judge. He tries to get both parties together, bringing, in this case, all the state programs that would deal with farming. The debt mediation... excuse me, the interest Bill we passed a couple of years ago with the \$300,000 debt restructuring for farmers. We've got a lot of other state programs that a mediator can bring to bear in a problem with a dispute

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

51st Legislative Day

May 21, 1987

between a banker and a farmer. And right now, that is not happening. We have over 800 banks in this state that deal with farm loans and only about 150 are involved in the farm loan program, so we have a lot of bankers out there that aren't even dealing with our farm program, so the mediator would act as an intervener, not making decisions. He would not mandate a decision. He simply tries to get the parties together. If they do, they would sign an agreement and proceed."

Terzich: "The... You're requesting \$500,000."

Brunsvold: "That's correct."

Terzich: "What could possibly cost \$500,000 for some mediator?"

Brunsvold: "Okay, the Mediation Act would set up a director who would be in charge of this. Now, the Attorney General's Office in Iowa is in charge of the program. We would have a director under a board. That board would be... the chairman would be Director Werries. He would have wages, of course. He would set up 10 areas in the state that would have individuals as coordinators. Now, the reason for 10 areas is to have more or less a home town person in your area that would act as a mediator. We would train the mediators. The coordinators in the 10 districts would be... get a small stipend of pay. This would not be a full-time job. This is simply a part-time situation. The mediators and I will get about \$14,000 as coordinators. It would set up a program for training mediators and then establishing the actual process of meeting and setting down and going through the mediation. Now, the people taking part in the mediation would pay 25 dollars per hour in that process, which would supplement this money."

Terzich: "Do you anticipate this cost... continuously rise, or do you figure that 500,000 dollars should resolve that cost?"

Brunsvold: "I didn't hear you, Representative."

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

51st Legislative Day

May 21, 1987

Terzich: "Do you believe that the \$500,000 is adequate, or do you anticipate this amount to increase in future years?"

Brunsvold: "No, I think this is very adequate. The Fiscal Note filed on the Bill indicated that if the 11.2 percent of the farmers in this state required this service, you'd have something like two and a half million dollars. That is not the case. I don't anticipate this costing more. In fact, I anticipate it costing less."

Terzich: "Alright, and this comes from the Ag premium fund which generally comes from the race tracks?"

Brunsvold: "I discussed the funding source for the program with the Department of Agriculture, and they indicated that there is a sufficient amount of money in that to fund this mediation program, and it will not take money from any other program, not from the county fairs, any of the other programs that the premium fund does fund that the money for this program is in here, and we do not need to vote for any tax increases or anything like that."

Terzich: "But the Ag premium comes from the race tracks around the Chicago area?"

Brunsvold: "Some do, yes."

Terzich: "Most of them?"

Brunsvold: "In my area. In my area, too."

Terzich: "Most of them? Most of them come from... "

Brunsvold: "Well, there's more race tracks there."

Terzich: "Oh. Well, okay. But I mean, it does come from the Chicago area, right?"

Brunsvold: "Chicago is helping with this, yes. Thank you."

Terzich: "You're welcome."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Flinn."

Flinn: "Mr. Speaker, I move the previous question."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Flinn has asked the previous question be put. Those in favor 'aye',

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

51st Legislative Day

May 21, 1987

opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The previous question will be put. The Gentleman from Rock Island, Mr. Brunsvold, to close."

Brunsvold: "In a little different approach in closing, I'd like to tell some people here what the Bill does not do. The Bill does not set up a long-term moratorium. That was not fair to the bankers. The Bill does not write down a debt. That is also not fair to the bankers. It does not subsidize any products. It will not result in a tax increase, and it will not dry up credit. In fact, just the opposite had happened. An article here in the Wall Street Journal from the Debt Mediation Service in Iowa says it gives the farmer a way to survive, so what this Bill does is simply at as a go-between between two troubled parties. In the end, it's a way for them to survive, the banker and the farmer, and I ask for your 'aye' vote."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is open, and this is final action. The Gentleman from Henry, Mr. Sieben, one minute to explain your vote."

Sieben: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this legislation. I've worked with Representative Brunsvold and have had personal involvement with many of these farm debt situations through my own business as an ag supplier and also as a director of a bank. I feel this is good legislation. It takes a common sense, practical, realistic approach to dealing with the farm debt situation, and I would encourage the Members to vote 'yes' on this legislation."

Speaker Greiman: "The Gentleman from Adams, Mr. Mays, one minute to explain your vote."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I'm voting 'no' because I believe the Ag budget

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

51st Legislative Day

May 21, 1987

that passed the Committee and is up for Amendment right now would not, under the Ag premium fund anyway be in a position to support any additional funds flowing from it, especially due to the race track Bill that we passed last year, so I'm voting 'no' simply from a fiscal standpoint."

Speaker Greiman: "The Gentleman from Kankakee, Mr. Novak, one minute to explain your vote."

Novak: "Thank you, Mr. Speaker. I would just like to rise in support of this. I think anything we can do within a reasonable term to help the farmers in this state, great state of ours is going to certainly help our economy and make things a lot more easier for us, so I urge a... "

Speaker Greiman: "Have all voted who wish? Have all voted... I'm sorry. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 89 voting 'aye', 28 voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Page 17 of the Calendar on the Order... Special Order - Higher Education, House Bills Third Reading appears House Bill 1587. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1587, a Bill for an Act to provide tuition waivers for children of employees of state supported colleges and universities. Third Reading of the Bill."

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

Keane: "Thank you, Mr. Speaker. House Bill 1587 is the Bill that would provide free tuition to children of employees at state supported colleges and universities. Basically, the Bill would provide that benefit in the following circumstances: The parents must be employees of the university for at least seven years; the child must be under 25 years at the beginning of the academic year... 25 years of age; the child must qualify for admissions under

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

51st Legislative Day

May 21, 1987

the normal standards; a waiver can be renewed up to four years to cover the credits needed for a degree; the applicant must maintain satisfactory academic progress; the board of trustees of each group or each system is charged with prescribing rules and implementation; and the tuition waivers are not to be considered in a two percent allowed by the Board of Higher Ed. I'd be happy to answer any questions and ask for a favorable consideration."

Speaker Greiman: "The Gentleman from Cook, Mr. Keane moves for the passage of House Bill 1587. And on that, the Gentleman from Coles, Mr. Weaver."

Weaver: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of this Bill. Coming from a university environment, and as all of you know, our universities in the State of Illinois have been seriously underfunded for quite a few years, this allows us a very, very good recruiting tool to keep and to hold the kind of faculty that we need that we've been underpaying all these years, to keep them where we can make the best use of them, to keep their talents in the State of Illinois. So please, I implore you to vote 'yes' on this Bill. It's a very good recruitment and faculty holding tool for the State of Illinois."

Speaker Greiman: "Alright, the Gentleman from Winnebago, Mr. Hallock."

Hallock: "Will the Sponsor yield?"

Speaker Greiman: "Indicates he will."

Hallock: "Roughly, how much would this cost the state each year if we do this?"

Keane: "A lot would depend on how the system is implemented. If they implemented it, the systems... each system makes up their own rules. If they set the rules on the basis that these children would be allowed in to fill up a class, but

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

51st Legislative Day

May 21, 1987

if a class was filled, they were out of luck, then it wouldn't really cost anything. It would cost whatever it costs to... you know, whatever the wear and tear on the seat would be and that. If they treat it differently, it could cost up to... I think the maximum cost, if you just compared it to the number of students that could max out, is somewhere around two million, give or take a couple of hundred thousand."

Hallock: "The scope of coverage is, in essence, if I understand it correctly, to... virtually everybody who works for the State Universities' System in any capacity?"

Keane: "Yes, the qualifications that I set up, they had to be there for seven years, employees for seven years and so on and so forth. Yeah."

Hallock: "Well, thank you, Mr. Speaker and Members of the House. To the issue itself, I have grave concern about this Bill, not because these people may not need the help and the assistance, but so does everybody else in Illinois. You know, we have parents throughout the State of Illinois who are trying and working hard and really being tenacious about trying to save money to send their kids to college. I think we probably have record numbers of students applying for scholarships and grants of all types because they can't afford the programs. For the most part, I think they're trying to make those commitments and make sure they can send their kids to college, and they're doing that, either with help or otherwise. There's not any good reason, really, why we should give this extension to these people and not to anybody else, and I urge this be defeated."

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

Sutker: "Thank you, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have great respect for the Sponsor of this

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

51st Legislative Day

May 21, 1987

Bill, and I know it's a well intentioned Bill, but Ladies and Gentlemen, it's the wrong concept for the wrong people at the wrong time. We all know the problem that faces people who want to send their children to the schools and to the universities. There is no reason in the world that university professors and people who work for the Illinois state institutions should have a priority and have free tuition to the universities of this state. It doesn't say for one child of the university professor. It doesn't say for two children of the university professor or employee. It could be three or four or five or six. The people who are university professors and the people who work in these institutions appreciate, I am sure, a university education, but they should not be excluded from paying for that education like everyone else. Ladies and Gentlemen, I would urge that if we want to help university professors in this state, and if they're underpaid, that we provide for an increase in their salaries, not in grants or vouchers for their children. I will oppose this Bill."

Speaker Greiman: "The Lady from Champaign, Ms. Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, let us not forget that it has been well documented over the years that our university academic staff have been grossly underpaid by comparison to institutions in other states. It has similarly been documented that the non-academic staff at our universities have been grossly underpaid as compared to their similar positions in state agencies. It might, in fact, be a problem for our universities if we were compelling them without any control on their part to put a substantial number of additional students into their classrooms without payment of tuition. This legislation, however, has been designed so that the universities feel that they can absorb these students with tuition waivers

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

51st Legislative Day

May 21, 1987

where it suits the universities' standards for acceptance, where it is not going to mean a great additional cost or burden on the university system to put those children in the classrooms. It is, in fact, going to be only a small step toward equity between those who work for the universities in the State of Illinois and those who work for universities in many of the other states. Many of the other states have benefits that far exceed what this Bill calls for. This will only give one very small increment to the benefits of our university employees, both academic and non-academic, those who have been within the university systems for a substantial period of time and who have had to suffer from this disparity in wages. It is not a total solution to giving equity to our university employees, but it's one small step and one that the universities are willing to absorb in order to help to keep the good people on their faculties and their non-academic staff. I urge your support for the legislation."

Speaker Greiman: "The Gentleman from McLean, Mr. Ropp."

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

Speaker Greiman: "Indicates he'll yield for questions."

Ropp: "Representative, can you tell me the average salary of a college professor?"

Keane: "No."

Ropp: "Hell, would it be under twenty thousand dollars?"

Keane: "If... yes. I know that some college professors start... professor... at the very early lines are about fifteen, sixteen thousand at some institutions."

Ropp: "Fifteen thousand dollars for a college... "

Keane: "Fifteen to sixteen thousand is starting."

Ropp: "That sounds like an elementary teacher."

Keane: "No, elementary teachers in many systems make more. Our university professors in our different systems, many of

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

51st Legislative Day

May 21, 1987

them are paid pittances. A doctorate... and these are people that might have a doctorate. They may be hired on with their brand new doctorate for seventeen, seventeen five, eighteen thousand. It ain't much."

Ropp: "Well, it almost sounds like... in all due respect to the Sponsor, it would appear to me that rather than to prevent ongoing... an ongoing equity, we would be creating an inequity in this area. The fact is that you're going to have a few who will receive this kind of benefit and have so many more that feel that they have been deprived. And I think I've been one who generally has supported increased funding for higher education, as I have a very important and a well meaning institution within my own district. But it certainly seems that we're sending the wrong message to that small business owner who may live right across the street from the university who has to attempt to work and slave to generate funds to get his or her son or daughter through college. But in fact, we are not saying to college professors that your students do not have the same opportunity to qualify for student loans or grants, because if you're only making certainly fifteen, sixteen, seventeen thousand dollars, you are going to qualify very easily, I think, for those scholarship loans, and I think that they do have that opportunity. It's a... not a good precedent, and I know that most every college professor in my district who will not like the way I'm going to vote on this, but I certainly don't think it's a good... a good area to start in."

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

Kulas: "I move the previous question."

Speaker Greiman: "The Gentleman from Cook, Mr. Kulas moves the previous question be put. Those in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have

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

51st Legislative Day

May 21, 1987

it. The previous question being put, the Gentleman from Cook, Mr. Keane, to close."

Keane: "A number of previous speakers indicated that we should handle the pay situation, the pay equity at universities and public universities and colleges in this state by increasing their salaries. We've been attempting to do that ever since I've been here, and it's been successfully resisted. The university professors and teachers are underpaid. They have been underpaid for quite a while. We have lost... we have lost, especially at some of our major research institutions, we've lost our better... some of the best minds in the state to business simply because of our lack of... and our lack of willingness to pay them. If you look at Northwestern, a private school, Northwestern is graduating... by the way, Northwestern has a very, very liberal program like this in order to teach children of faculty members. They can go to almost any university... any institution in the United States. But we have cases in the law school at the University of Illinois where the students, upon graduation, are making more or are offered more by a headhunter than the professors who taught them. We want to keep people as best... the best people we can in our institutions. This is a perk, I agree, it's a perk. We are not going to pay them. We are not going to pay them higher salaries. We've proven that time and time and vote and vote again. This is a way of giving them something which will cost us nothing. It will cost the universities, as Representative Satterthwaite indicated, very, very little, because they will fill the classrooms. If there are empty seats in the classrooms, these students would be placed in them. The universities and the systems set up how they're going to handle it, and they can set it up so the impact is nothing."

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

51st Legislative Day

May 21, 1987

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

Keane: "Thank you very much. I have no further... no further remarks."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. The Gentleman from Champaign, Mr. Johnson, one minute to explain your vote."

Johnson: "Well, this is not a popular vote in my district. I represent the University of Illinois, and a whole lot of people would be able to benefit from this program, but the fact of the matter is, there's plumbers, insurance agents, farmers, a whole variety of other people in my district and in other areas around the state who'd love to be able to send their children free to college as well. And they look and they see that we're creating, as a Legislative Body, a double standard, so that they're looking outside and have to work their whole life as a plumber, a farmer, an insurance agent or whatever they do, to be able to send their kids to college, and look around and see that just because of a mere happenstance of fate, that somebody else is able to send their kids to free to college, and I don't think that's the kind of message we want to send, I don't think that's a good precedent, I don't think that's a good kind of double standard. And even though there's a lot of people who are not going to be happy with this vote, I'm very comfortable myself with casting a 'no' vote, because I think it's the right thing to do."

Speaker Greiman: "The Gentleman from Cook, Mr. Preston, one minute to explain your vote."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. When this Bill came before the Higher Ed Committee, the reason for its necessity was expressed in terms of keeping, attracting faculty members at universities in

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

51st Legislative Day

May 21, 1987

Illinois to keep them here so they won't transfer elsewhere where they get more money and they get more perks. By giving them a scholarship for their children, that may keep those professors, the good professors that we want to keep here in Illinois, here. That same argument cannot be made for the non-academic faculty members. Not that they don't need scholarships, they do. We need scholarships. Everyone in my district can use a scholarship, but you can't use the argument that this legislation is needed so that the gardeners and maintenance personnel at public universities will stay there and not go to Indiana or Wisconsin for similar jobs. That, in Committee, the Bill, I believe was amended to make it to apply only to faculty... to academic faculty members, and now I see in its final form again, is put in the posture of it applying to non-academic faculty, and for that reason, while I think the concept is a very good one for the faculty members, I think to go beyond that is unwarranted, and I can't support it."

Speaker Greiman: "Bring your remarks to a close, Sir. The Gentleman from Effingham, Mr. Hartke, one minute to explain your vote."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. I stand in opposition to this measure. I did a little research on this. The question was asked, 'What is the average salary of a professor at the University of Illinois?' And I come to find out it's about forty-two thousand dollars. Now, we may be under other states. I'm not sure. And at our other universities, it's about thirty-eight thousand. And there are other perks with this job. But in my district, with unemployment as we have it, and farmers, plumbers, like it's been said before, have to pay their kids' tuition, and I don't see why we have to

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

51st Legislative Day

May 21, 1987

furnish a tuition waiver for university employees. I vote 'no'."

Speaker Greiman: "The Lady from Cook, Ms. Didrickson, one minute to explain your vote."

Didrickson: "Thank you, Mr. Speaker. I, along with some of the other previous speakers, concur. If this was strictly for the professors to make certain that we could assure and keep those professors teaching in our universities, my vote would be different than what it is right now. I'm voting 'no' because it goes against the Board of Higher Education's policy, and I don't think it is being directed at that group of people that we would choose to have this directed at."

Speaker Greiman: "Mr. Bowman, one minute to explain your vote."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, merely to say that while this has the potential for affecting the economic interest of the University of Illinois, I believe it does not, in fact, significantly do so because of reasons expressed by Representatives Keane and Satterthwaite and their remarks. Moreover, the university has no position on the... on this Bill. Therefore, I feel free to vote 'aye'."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Have all... Mr. Clerk, take the record. On this question, there are 56 voting 'aye', 52 voting 'no', 7 voting 'present'. And this Bill, having failed to receive a Constitutional Majority... Mr. Keane, do you wish this on the Order of Consideration Postponed?"

Keane: "Yes, thank you."

Speaker Greiman: "Alright, so the Bill will be placed on the Order of Consideration Postponed. Mr. Homer, for what purpose are you seeking recognition?"

Homer: "Parliamentary inquiry, Sir. Was it my understanding that

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

51st Legislative Day

May 21, 1987

it would be a violation of the Rules under the prior interpretation, where I to acknowledge the Chapman Junior High...?"

Speaker Greiman: "Yes. The answer is yes. Alright. Ladies and Gentlemen, if I might have your attention for a few moments. The Majority and Minority Leadership have been trying to discuss ways to move the business of the House as quickly as possible, so that each Bill will have an opportunity, as best we can, to be on the Floor and to have its moment in the sun. Accordingly, the Chair... it is the intention of the Chair, after announcing the Bill and calling upon the Sponsor, to then ask if there are... if anyone stands in opposition. Hopefully, only one person, perhaps if we use restraint, will be recognized in that regard. Now it's understanding, of course, of all of us in this room, that there are some Bills which are of such major policy importance that a full blown debate, of course, is necessary. And on those Bills, we will, of course, have as full a debate as the House wishes. Also, there will, of course, be no restrictions on the use of your right to exercise an explanation of vote. So that after the vote... or while the vote is being taken, of course, everyone will be recognized. We are not asking leave. We are asking, merely, cooperation. I think we can all... if we do this, we can get on with the business of the House rather well. And now on Page 11 of your Calendar, on the Order... Yes, Mr. McCracken, for what purpose do you seek recognition?"

McCracken: "Who was consulted over here? We weren't told."

Speaker Greiman: "Mr. Daniels."

McCracken: "Okay."

Speaker Greiman: "Is there someone else we should have spoken to?"

On Page 11 of the Calendar, on the Order of Speaker's

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

51st Legislative Day

May 21, 1987

Table, Senior Citizens and Disabled appears House Joint Resolution 37. Mr. Clerk."

Clerk O'Brien: "House Joint Resolution 37 directs the Citizens' Council of Women to find legislative solutions which successfully address the problems of elderly women in Illinois. The Select Committee on Aging recommends 'be adopted'."

Speaker Greiman: "The Gentleman from Rock Island, Mr. DeJaegher."

DeJaegher: "Thank you, Mr. Speaker, Members of the General Assembly. The importance of this Resolution, I think I can quickly state, and I think that you're going to be basically in agreement with me, as I make you knowledgeable of why I feel that we should proceed with the adoption of this Resolution. Presently, there are 766,000 women over 65 years of age in the State of Illinois today. Women over 65 account for 73 percent of the elderly who live below the poverty level. The poorest group of people in Illinois are women over 75 years of age. The Citizens' Council on Women was created in 1984 to investigate problems relating to women. The Citizens' Council is hereby directed to undertake a study of the status of older women in Illinois and propose legislative solutions to the problems they encounter. For this particular reason, hopefully, that you'll be supportive of this Resolution. Thank you."

Speaker Greiman: "Alright. Mr... Mr. DeJaegher, there are Amendments to this Resolution, and so, these Resolutions should be considered before we take up the main question. Mr. Clerk, with respect to any Amendments to House Joint Resolution 37."

Clerk O'Brien: "Floor Amendment #1, offered by Representative Wojcik - McCracken and Parcels."

Speaker Greiman: "The Lady from Cook, Ms. Wojcik on Amendment #1 to HJR 37."

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

51st Legislative Day

May 21, 1987

Wojcik: "Yes, Mr. Speaker and Members of the House, I have had a little bit of a problem with this citizens' assembly, and I was Chairman of the Public Aid Citizens' Group, and every time I went to have a meeting, we never had a quorum. And the reason we didn't have a quorum is because the Legislators were busy, and these people that were appointed to the Commission were busy, and therefore, we tried to discuss, in a prudent way, the proper things to do for Public Aid, and three or four people were making major decisions. I feel if it's going to be a citizens' assembly, that truly should be a citizens' assembly. So, what I'm suggesting is that Members should be appointed to fill a vacancy, shall be appointed for a two year term, and that we do not have meetings while we are in Session, and that we encourage the Membership to realize how important this assembly is and to do something to make sure that we have meetings in the fall, in the very late part of December, so that while we're going to be coming in with suggestions for legislation, we'll know what we're talking about. I was very disappointed with this Committee. I commend the staff. They were very hard working people. They were there diligently doing what they were supposed to do, but as for the Legislators and for some of the Members on that Committee, I was rather shocked with the fact that they were not concerned and did not express concern. Their schedules are ready for early June, and I'm sure that the Legislators are not going to be able to make it, and I'm also sure that the people who are on the Commission aren't going to be able to make it. And some of the comments that I heard while I was on this Committee was that, 'Well, if you had it up in Chicago, I'd attend.' Or when we had it up in Chicago, they'd say, 'Well, if you had it down in Springfield, I would attend.' I really

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

51st Legislative Day

May 21, 1987

recommend that you seriously look into this citizens' assembly program. I don't think it's really necessary. I think we've got enough of assemblies going around right now. But I ask for its passage."

Speaker Greiman: "The Lady from Cook, Ms. Wojcik asks for the adoption of Amendment #1 to HJR 37. The Lady from Cook, Ms. Currie."

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

Speaker Greiman: "Indicates that she will."

Currie: "This Amendment says that the Citizens' Councils may not meet during the weeks when the House or the Senate are in Session. Is that correct?"

Speaker Greiman: "Excuse me, Ms. Currie, excuse me. Mr. DeJaegher, for what purpose do you seek recognition?"

DeJaegher: "Mr. Speaker, I have a tremendous amount of respect for the woman that placed this Amendment on this Bill."

Speaker Greiman: "For what purpose... we all do. For what purpose do you seek recognition?"

DeJaegher: "I don't... Mr. Speaker, I don't believe that her Amendment is germane to the Resolution."

Speaker Greiman: "Yes, Mr. DeJaegher, your point is well taken. This Amendment seeks to amend a Statute of Illinois by a Resolution, which would be against the rules and... as well as the Statutes... as well as the Constitution. Other than that, it's fine. So, it's out of order. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Mr. McCracken, did you wish to comment?"

McCracken: "Could I have that one again? You mean the Resolution doesn't seek to amend the law?"

Speaker Greiman: "The Resolution seeks to amend a Statute."

McCracken: "And the Amendment seeks to amend the Resolution."

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

51st Legislative Day

May 21, 1987

Speaker Greiman: "The Resolution directs a study. The Amendment amends the Statute by which the... by which it is created... by which the Councils are created."

McCracken: "It seeks only to urge that. It doesn't... It doesn't have the force of law."

Speaker Greiman: "Mr. McCracken, if you will look at Amendment #1, you will find that the effort of this Amendment is to amend the organic Statute which creates the Councils. That is what it appears to do. I direct you to lines 29 through 32. It is clearly beyond the power. Now certainly, we have the power to do that, but only after three Readings and to the Governor. Yes, Mr. McCracken?"

McCracken: "But the Amendment has to be read in the context of the Resolution it amends. If the Resolution does not seek to amend the Statute, and we are merely urging that it... that, in the underlying Resolution, then all the Amendment does is adopt the force of the underlying Resolution."

Speaker Greiman: "It was inherently impossible. It is an inherent impossibility for this Body to adopt changes in the Statute for a Resolution. I declare it out of order. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Greiman: "Yes, Mr. Hallock, did you wish to comment?"

Hallock: "Yes, I read the Amendment a few minutes ago, and it appears it amends the Resolution. We can amend a Resolution in pretty much any order we want, as long as we don't change the Statutes. The Amendment does not change the Statutes nor seek to do that. The Amendment only seeks to change the Resolution itself, and therefore, by its nature, it amends the proper lines and has to be in order."

Speaker Greiman: "Mr. Hallock, while I respect the Gentleman for his... the source of his argument, we inherently cannot adopt this Resolution because we cannot amend a Statute,

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

51st Legislative Day

May 21, 1987

which is what this Amendment requires us to do, through a Resolution. We can only amend it through three Readings in the House and the Senate and the signature of the Governor. Now, that is my ruling, Sir. I believe I am correct. Now, let us proceed further. Mr. Clerk, with respect to this Resolution on Third... for final passage. Mr. DeJaegher."

DeJaegher: "Thank you, Mr. Speaker. I realize what Ms. Wojcik's concern is - the implementation of the Resolution that I am presenting. I think that's solely her concern. We address ourselves to a cause. Do we implement a cause? Hopefully, that we will implement a cause, and hopefully that we will concur with this Resolution and that everyone will vote accordingly. Thank you."

Speaker Greiman: "The question is, 'Shall HJR 37 be adopted?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'aye', 8 voting 'no', none voting 'present'. The Resolution is adopted. Mr. DeLeo, for what purpose do you seek recognition?"

DeLeo: "Thank you, Mr. Speaker. Earlier this morning, House Bill 859 was called and I was recorded as a 'no' vote. I'd like the Journal to indicate that I would be voting 'yes' on that. House Bill 859."

Speaker Greiman: "Let the Journal so reflect."

DeLeo: "Thank you."

Speaker Greiman: "And now, Ladies and Gentlemen, on page 18 of the Calendar on the Order of Government Initiatives, House Bills Second Reading appears House Bill 494. Mr. Clerk."

Clerk O'Brien: "House Bill 494, a Bill for an Act to amend an Act concerning entrepreneurial training. Third... Second Reading of the Bill. No Committee Amendments."

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

51st Legislative Day

May 21, 1987

Speaker Greiman: "Are there Floor Amendments?"

Clerk O'Brien: "No Floor..."

Speaker Greiman: "Third Reading."

Clerk O'Brien: "No Floor Amendments."

Speaker Greiman: "Mr. Clerk, read the Bill. Third Reading."

Clerk O'Brien: "House Bill 494, a Bill for an Act concerning entrepreneurial training. Third Reading of the Bill."

Speaker Greiman: "The Lady from Cook, Ms. Jones. Yes, Mr. Williams. You are the next Sponsor. Do you wish to handle that? Go ahead, Mr. Williams."

Williams: "House Bill 494 amends the Public Aid and Civil Administration Code, requires the Office of Urban Assistance of the Department of Commerce and Community Affairs to provide entrepreneurial training for recipients of public assistance. There's been no Amendments. I hereby move for its adoption."

Speaker Greiman: "The Gentleman from Cook, Mr. Williams has asked for the passage of House Bill 494. And on that, is there any discussion? The Gentleman from Winnebago, Mr. Hallock."

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

Speaker Greiman: "Indicates he'll yield for questions."

Hallock: "First of all, what is entrepreneurial training, precisely?"

Williams: "Well, precisely, it's trying to teach people how to become involved in businesses and trades, not really trades but, generally business training in trying to show people how to start their own business, how to manage them and conduct them in a proper manner."

Hallock: "Wouldn't... I would think that in terms of entrepreneurial training, that that might be important later on, but I think the first training that should occur would be the basic job skills training to try to place

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

51st Legislative Day

May 21, 1987

these people in a proper job. Isn't that more practical, I think?"

Williams: "Yes, but in many instances in our particular area, jobs are very difficult to find. The various jobs that are out there in many instances don't necessarily meet with the continual needs of the individual and there are individuals who have had jobs and have had businesses still need the training to continue and for those individuals this sort of training would be extremely beneficial, in spite of the fact that, you know, you may need a job, but you may have even handled a pre-existing business and want the training to continue."

Hallock: "Well, I think DCCA now tries to provide job training and so do many other state agencies. Are we going to have a conflict here whereby an individual may have a choice between taking entrepreneurial training versus job training for a real job?"

Williams: "No. I don't believe that there's any conflict there, because they're not necessarily people who want... I mean, there are individuals who want jobs and want job training, there are individuals who want to move on, and to the extent that job training is available is the question of what sort of jobs are being trained for. To what DCCA has, in other words... like you might say, with Project Chance and Public Aid or the other groups, those particular jobs don't necessarily lead to anything. A lot of them get you a job pushing a broom and you don't need training for that."

Hallock: "Well, it seems to me on this issue, though, the entrepreneurial training may just involve some great concepts, and a person may not really have the wherewithal to go out and implement those concepts. How's he going to do that? You know, how do you go out and start a business

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

51st Legislative Day

May 21, 1987

when you have the concepts along with no funds."

Williams: "Excuse me, Would you repeat part of that?"

Hallock: "Well, Mr. Turner was whispering in one ear... but he has some good advice once in a while. Well, let me just speak to the Bill."

Speaker Greiman: "Please proceed, Sir."

Hallock: "I think DCCA right now does a lot of work with trying to ensure that everybody has a chance to get retrained, initial training for jobs of all types. They do, in some cases, try to expand that job training to include trying to promote people to get some ideas to try to start their own businesses, and I guess that could fall under the umbrella of what you're trying to do here. But to make this as a state mandate, I think, will impede upon their other programs and probably hurt those programs and therefore hurt the people they're trying to train at this point in time. I think this is a bad idea and I urge it be defeated."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. This is final action. Ms. Wojcik, one minute to explain your vote. Alright, thank you."

Wojcik: "I just rise in opposition to this Bill. As was stated before, we are already doing this with DCCA with the Job Training Partnership Program, so why go into an additional cost when we're trying to curb the cost of government right now, so it is in effect and we are doing it, and we have got the Job Training Partnership Program."

Speaker Greiman: "Mr. Barger, one minute to explain your vote."

Barger: "Thank you, Sir. Eighty percent of all businesses that start, fail within the first five years, and the people who start these businesses are people who are knowledgeable in

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

51st Legislative Day

May 21, 1987

the particular field that they're getting into. One of the first things you learn in business is to conserve your finances, and I think this is probably an excellent way of wasting every penny that we put into it, because the probability of any of these people being successful in business, considering the group that we are addressing, is nil. And I think that this is a big waste, and a 'no' vote is the only proper vote."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 67 voting 'aye', 47 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On this Order appears House Bill 971. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 971, a Bill for an Act to amend the Juvenile Court Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Greiman: "Are there 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 Homer."

Speaker Greiman: "The Gentleman from Fulton, Mr. Homer, on Amendment 2."

Homer: "Thank you. Ladies and Gentlemen, Amendment #2 simply deletes the immediate effective date of the law. I didn't have the opportunity to talk to the Sponsor about this. I filed a number of these for the reason that we've received a number of complaints from the judiciary about Bills that would amend the Criminal Code, or in this case, the Juvenile Court Act. By having an immediate effective date, it deprives the judiciary out in the counties from having

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

51st Legislative Day

May 21, 1987

an opportunity after a Bill is signed to digest it and implement it properly, so the Amendment just simply takes away the immediate effective date so that it will become effective on January 1 in order to give the courts and judicial system time to understand the Bill and implement it properly."

Speaker Greiman: "The Gentleman from Fulton, moves for the adoption of Amendment #2 to House Bill 971. And on that, the Gentleman from Bureau, Mr. Mautino."

Mautino: "I'm very happy to accept this Amendment, Mr. Speaker."

Speaker Greiman: "The question is, 'Shall the Amendment be adopted?' Those in favor 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Greiman: "Third Reading. The Gentleman from Bureau, Mr. Mautino, asks leave of the House to waive Rule 37(b) so that this Bill may be heard in stentor. Do you have leave? Leave is granted. Mr. Clerk, read the Bill on Third Reading."

Clerk Leone: "House Bill 971, a Bill for an Act to amend the Juvenile Court Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Bureau, Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. House Bill 971 as amended with Amendments #1 and 2 become the Bill in total. It establishes a procedure for the chronic truant and provides for the minor in need of supervision provisions back to the court after all remedies that are in the existing law are exhausted. This provides a final step for that individual who is a chronic... the student who is a chronic truant and provides that the court system can impose their will upon that student. We have... This is only done after we have received the definite information in the case of

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

51st Legislative Day

May 21, 1987

downstaters from the superintendent of schools in any individual county or region, and it has... we have contacted the Juvenile Justice Commission in the person of Judge Hill and Judge Hornsby. We have worked with the Youth Services individuals and the local superintendents and principals. We... in the original Bill, there was some opposition because it established the immediate use of the court system. This legislation, after all other remedies are removed, we then establish the truant minor in need of supervision. I stand in support and ask your affirmative position on this legislation."

Speaker Greiman: "Does anyone stand in opposition to this Bill? The Gentleman from McLean, Mr. Ropp."

Ropp: "Thank you, Mr. Speaker. In part opposition because I have a Bill that does nearly the same thing, in that it is supported by Judge Hornsby as well as the Judge Hamilton, who is the Chief Juvenile Court Judge in Cook County, as well as Richard Daley, who say that the Bill that I have; 205, is one that does a better job in attempting to deal with truants. And I would question whether or not you... well, I guess I question, first of all, why both these Bills weren't at least put on the same Order of Business. But I think there is a point here that I'm not sure this Bill really goes far enough, and I would advise the Body that 205 has been scheduled for a call which does more what the people I have mentioned intend for it to do, because they have really had strong support for that legislation over the past four or five years, too."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 90... 104 voting

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

51st Legislative Day

May 21, 1987

'aye', 2 voting 'no', 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On this Order appears House Bill 998. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 998, a Bill for an Act to amend an Act to revise the law in relationship to counties. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Greiman: "Are there 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 Churchill."

Speaker Greiman: "The Gentleman from Lake, Mr. Churchill."

Churchill: "Thank you, Mr. Speaker. At this time, I would leave... ask leave to withdraw Floor Amendment #2."

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

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

Speaker Greiman: "The Gentleman from Lake, Mr. Churchill, on Amendment 3."

Churchill: "Thank you, Mr. Speaker. Floor Amendment #3 puts a front door referendum on the two taxing provisions that are in the original Bill. It's being done pursuant to the request of the Committee."

Speaker Greiman: "The Gentleman from Lake, Mr. Churchill, moves for the adoption of Amendment #3 to House Bill 998. And on that, is there any discussion? The Gentleman from Cook, Mr. Cullerton."

Cullerton: "I'm sorry. Could the Sponsor yield?"

Speaker Greiman: "Indicates he will."

Cullerton: "Okay. How does 3... Amendment #1 deleted the

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

51st Legislative Day

May 21, 1987

original Bill and replaced it. Is that correct?"

Churchill: "That's correct."

Cullerton: "And Amendment #3... "

Churchill: "Amendment #2 came in with a referendum for the management plan which was not necessary. Amendment #3 deletes the planning portion out of it and just puts the referendum in for the taxing portion of it."

Cullerton: "And what about Amendment #2, is that on the Bill?"

Churchill: "No, that was withdrawn."

Cullerton: "So, the Bill then applies to counties with a population between two hundred and fifty thousand and one and a half million?"

Churchill: "That is correct."

Cullerton: "How many counties come into that category, about?"

Churchill: "It would be basically the Chicago metropolitan area and the counties around Cook County and St. Clair and Winnebago."

Cullerton: "Okay. Alright. Thank you."

Speaker Greiman: "The question is, 'Shall this Amendment be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Greiman: "Third Reading. The Gentleman from Lake, Mr. Churchill, asks leave of the House to waive Rule 37(b) so that this matter will be heard in stentor, using the Attendance Roll Call. Is there leave? Leave is granted. Mr. Clerk, read the Bill on Third Reading."

Clerk Leone: "House Bill 998, a Bill for an Act to amend an Act to revise the law in relationship to counties. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Lake, Mr. Churchill on House

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

51st Legislative Day

May 21, 1987

Bill 998."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What House Bill 998 does is, is it allows counties with a population of not less than two hundred and fifty thousand nor greater than one million five hundred thousand to combine together and join with the municipalities in those counties to establish storm water management committees and to devise storm water management plans, and it provides in there for the creation of a taxing authority to run the plans and create the storm water retention basins and do all the things that are necessary subject to a front door referendum of the people that are in that district. Basically, this stemmed from all of the flooding that we had last fall. One of the things that was one of the major concerns that was heard after the flooding occurred was, why was all the water coming down through the river systems and why wasn't it caught someplace and put into a storm water retention system so that we wouldn't have the flooding? And it was the feeling of those counties where the rains were the heaviest that there could have... the water could have been stopped if we had had effective management plans to catch the water in basins and hold them from the river system. This is the Bill that has been proposed by the counties and worked on by most of the metropolitan counties to provide that kind of management planning to stop storm water from running off into the rivers and creating flooding. I would ask for its success."

Speaker Greiman: "The Gentleman from Lake, Mr. Churchill, has moved for the passage of House Bill 998. Does anyone stand in opposition? The Gentleman from Madison, Mr. McPike."

McPike: "Thank you, Mr. Speaker. I don't... I don't stand in opposition. Just a very few brief questions."

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

51st Legislative Day

May 21, 1987

Speaker Greiman: "Proceed, Sir."

McPike: "This doesn't deal with groundwater, groundwater pollution or anything like that. It only deals with the storm water problems?"

Churchill: "Yes. That is correct. This deals with storm water runoff."

McPike: "It allows for a tax levy of some sort?"

Churchill: "That's correct."

McPike: "Okay, thank you. And the counties that are affected are which counties?"

Churchill: "The counties of DuPage, Kane, Lake, St. Clair, Will and Winnebago."

McPike: "What's that based on? Population?"

Churchill: "Population of not less than two hundred fifty thousand, not greater than one million five hundred thousand."

McPike: "Thank you."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'aye', 9 voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On this Order appears House Bill 1021. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1021, a Bill for an Act... a Bill for an Act to amend the Local Mass Transit District 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: "There are no Motions filed."

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

51st Legislative Day

May 21, 1987

Speaker Greiman: "Are there Floor Amendments?"

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

Speaker Greiman: "The Gentleman from Lake, Mr. Churchill, on Amendment #2. Yes, Mr. Wolf."

Wolf: "Mr. Speaker, in..."

Speaker Greiman: "Alright, Mr. Churchill."

Churchill: "Yes, thank you, Mr. Speaker. I would ask leave to withdraw Floor Amendment #2."

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

Churchill: "There are no further Amendments?"

Speaker Greiman: "Third Reading. Mr. Clerk, read the Bill on Third Reading."

Clerk Leone: "House Bill 1021, a Bill for an Act to amend the Local Mass Transit District Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Madison, Mr. Wolf."

Wolf: "Thank you, Mr. Speaker and Members of the House. House Bill 1021 in its basic form provides for allowing compensation to trustees who are officers or employees of the municipality or county that make up the local mass transit district. To that Bill, we also added the provisions of House Bills 20... 1282 and 1283. 1282, which provided that in any metro east transit district created by one county, any township could be annexed, that is annexed upon the petition of the township. That annexation must be approved by a majority vote of the county board and by two-thirds vote of the trustees of that local mass transit district. The other part of that Bill provides that the... that Article 3 of the downstate Public Transportation Act is incorporated into this provision for capital only. Originally, the provision of this Act was opposed by the Department of Transportation, but as amended, they removed

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

51st Legislative Day

May 21, 1987

their objection. I would ask for adoption of the Bill."

Speaker Greiman: "The Gentleman moves for the adoption of... for the passage of House Bill 1021. Does anyone stand in opposition to this Bill? The Gentleman from Lake, Mr. Churchill."

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

Speaker Greiman: "Indicates he will."

Churchill: "Representative, is it this Bill that expands a transit district into townships that presently do not have that, without a vote of the people in that township?"

Wolf: "Be upon petition of a township that is not part of the local mass transit district."

Churchill: "And then, it's a resolution of the county board and the transit district that would allow for this expansion?"

Wolf: "That's correct."

Churchill: "And there is no referendum by the people on whether they want to be a part of this transit district."

Wolf: "No, there's no referendum involved in this, because initially, this is initiated by the township itself at their request to be a part of the local mass transit district. These... there are two or three townships who are requesting bus service, and the only way they're going to get this bus service is to come into the local mass transit district."

Churchill: "Okay, but it's just the officials of the township that are requesting this. This is not a referendum for the people."

Wolf: "It's not a referendum for the people."

Churchill: "Okay. And do you have a taxing authority in the transit district?"

Wolf: "Yes, we do."

Churchill: "Okay, so that would be an extension of the taxing authority into these townships without a referendum by the

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

51st Legislative Day

May 21, 1987

people."

Wolf: "That's correct."

Churchill: "Okay, so this, in a sense, is a tax increase to those people without a referendum."

Wolf: "To that... to the extent that you explained it that way, yes, it would be."

Churchill: "Okay. Then, I guess I would have to rise in opposition to the... to this piece of legislation. I... We've tried very carefully over the last few years to make sure that if there were going to be tax increases to the local people, that they would at least have a chance to do that by either a front or a back door referendum, and this is a Bill that includes a tax increase without referendum, so I'd stand in opposition."

Speaker Greiman: "There are Members who are seeking recognition. May I call on you for... to explain your vote? With a question. We'll give you that, Lee, right. The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open and this is final action. The Gentleman from St. Clair, Mr. Stephens, and... You may ask your question, Mr. Stephens."

Stephens: "Well, thank you, Mr. Speaker. I appreciate that. Representative Wolf, the portion where you say that the township may petition the mass transit district may... could a single trustee from the township, or is it your intention that the township board would, by vote, petition for inclusion in district?"

Wolf: "This would have to come from the township board."

Stephens: "It would have to be by vote of the majority of the board to join before they would be a part of that new mass transit district?"

Wolf: "That's correct, and in addition to that, of course the township is represented on the county board by the members

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

51st Legislative Day

May 21, 1987

that also represent that district."

Stephens: "Thank you."

Speaker Greiman: "The Gentleman from St. Clair, Mr. Flinn, one minute to explain your vote."

Flinn: "Mr. Speaker, maybe I can clear up something. When we changed the Metro East Transit District some time ago, we left it up to the county board whether or not to have a referendum. Madison County chose not to have a referendum, and so the county board is the one that handled this. These are people who are asking for... to join in, and they went to their township board to ask them to get them involved in the transit district. It would cost a lot of money to hold a referendum for this purpose and this purpose alone, and if the people there have the town board, that's what they're for. That's why they go to them and ask to join in. St. Clair County does it a little bit different, for Mr. Stephen's information. They did have a referendum, and they... on record before they will include any other district that that part will also have a referendum. So the two counties actually operate under the same statute in a different manner."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 64 voting 'aye', 52 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On this Order appears House Bill 1055. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1055, a Bill for an Act to amend the Illinois Environmental Protection Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Greiman: "The Lady from LaSalle, Ms. Breslin."

Breslin: "The Bill is on the Order of Second Reading. There are

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

51st Legislative Day

May 21, 1987

Amendments filed."

Speaker Greiman: "Alright. Mr. Clerk, 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 offered by Representative Bernard Pedersen."

Speaker Greiman: "The Gentleman from Cook, Mr. Pedersen, on Amendment #2."

Pedersen: "Mr. Speaker, it's been offered by Representative William Peterson from Lake."

Speaker Greiman: "Mr. William Peterson, the Gentleman from Lake."

Peterson: "Withdraw Amendment 2."

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

Clerk Leone: "Floor Amendment #3, offered by William Peterson."

Speaker Greiman: "The Gentleman from Lake, Mr. Peterson."

Peterson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment 3 becomes the Bill and it establishes an air toxic program which must be adopted by the Pollution Control Board. The time line for adoption of this program is to be determined by the Pollution Board. This is an Agreed Amendment, I know of no opposition, and I ask for the adoption of Amendment 3 to House Bill 1055."

Speaker Greiman: "The Gentleman from Lake, Mr. Peterson, moves for the adoption of Amendment 3 to House Bill 1055. Is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' Those in favor 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Greiman: "Third Reading. The Lady from LaSalle, Ms.

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

51st Legislative Day

May 21, 1987

Breslin, asks leave of the House to waive Rule 37(b) so that this Bill... using the Attendance Roll Call. Mr. Clerk, read the Bill on Third Reading."

Clerk Leone: "House Bill 1055, a Bill for an Act to amend the Illinois Environmental Protection Act. Third Reading of the Bill."

Speaker Greiman: "The Lady from LaSalle, Ms. Breslin."

Breslin: "Mr. Speaker, Ladies and Gentlemen of the House, this Bill as amended requires the Pollution Control Board to establish an air toxic program. What we did in the last Amendment was to remove the deadlines. As amended, this Bill is agreed to by all business groups as well as the Environmental Council. I ask for an 'aye' vote."

Speaker Greiman: "The Lady from LaSalle moves for the passage of House Bill 1055. Does anyone stand in opposition? The question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is open, and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', 2 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Government Initiatives appears House Bill 1071. Mr. Clerk."

Clerk Leone: "House Bill 1071, a Bill for an Act to amend an Act relating to Circuit Courts. 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 McCracken."

McCracken: "I'll withdraw Amendment #1."

Speaker Greiman: "Amendment #1 is withdrawn. Further Amendments?"

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

51st Legislative Day

May 21, 1987

Clerk Leone: "Floor Amendment #2 is being offered by Representatives Parke and McCracken."

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

McCracken: "I'll take the Amendment. Amendment #2 to House Bill 1071 would create the Illinois Comparative Fault Law, and it would require that in all cases where a person is more than 50 percent at fault as found by a jury, that he not be liable... "

Speaker Greiman: "The Gentleman from Cook, Mr. O'Connell, for what purpose do you seek recognition? Mr. O'Connell?"

O'Connell: "Mr. Speaker, I'd like to question the... ask the Chair to question the germaneness of that Amendment."

Speaker Greiman: "We'll look at the Bill and the Amendment. Thank you."

McCracken: "Mr. Speaker, we've been prohibited from exploring this issue the entire Session. We want to be heard on this issue."

Speaker Greiman: "We... Mr... I believe... Well, that's not quite the issue. The issue is whether this is germane to the Bill."

McCracken: "The issue... "

Speaker Greiman: "I think the... I think, Mr. McCracken, that the Chair has previously ruled on this subject that this is not germane, but I will look at this Amendment carefully and look at the Bill carefully. Yes, Mr. McCracken... I'm sorry, Mr. O'Connell, your point is well taken. We have previously, this Session, ruled on Bills... precisely... which is precisely this, that this sort of Motion... this sort of Amendment is not germane. And being consistent, the Chair again rules that Amendment #2 is not germane. Are there further Amendments?"

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

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

51st Legislative Day

May 21, 1987

and McCracken."

Speaker Greiman: "Mr. Homer, for what purpose do you seek recognition?"

Homer: "Speaker, the... it would appear that Amendments 3 through 19 inclusive would all be subject to the same ruling of the Chair, and so at this point, I would ask the Chair to make a ruling of germaneness with respect to Amendments 3 through 19 inclusive."

Speaker Greiman: "Well, Mr. Homer, they are clearly all ungermane. Now, the Gentleman from DuPage, Mr. McCracken, or whoever has sponsored the Amendments would have a right to bring them in series in any event, but... and if they wish to use up the time of the House for that, it is their privilege. Mr. McCracken, for what purpose do you seek recognition?"

McCracken: "Speaker, even though we've been denied a meaningful opportunity to present this issue to the Body, we are not going to be blamed by the other side of the aisle for unduly cluttering the court's... the Body's Calendar. You've successfully stopped us from presenting these. However, we're not going to debate that issue today. We're going to withdraw Amendments 3 through 18 and let the Bill proceed. But remember, we are not done discussing tort reform."

Speaker Greiman: "I thank you... the Chair thanks you for your courtesy, as well as the Body. Mr. Klemm, did you wish to be recognized in this matter? Mr. Klemm."

Klemm: "Mr. Speaker, I just was curious how the Chair could rule on Amendments from, say, 4 to 19 when we haven't reached them, when you haven't looked at them, when you haven't, as the Chair, ruled."

Speaker Greiman: "The Chair did not rule."

Klemm: "I thought you had said they were all nongermane and would

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

51st Legislative Day

May 21, 1987

be ruled out of order."

Speaker Greiman: "The Chair was giving an advisory opinion, but said that we could not rule on those issues and did not rule on those issues. Mr. Johnson, for what purpose do you seek recognition?"

Johnson: "I have the next Amendment."

Speaker Greiman: "Alright. Are there further Amendments?"

Clerk Leone: "Floor Amendment #19 is being offered by Representative Johnson and Slater."

Speaker Greiman: "The Gentleman from Champaign, Mr. Johnson, on Amendment #19."

Johnson: "This Amendment just really restores sense to this... to this Bill, and would if adopted, make a circuit of Boone, DeKalb and Ogle, and then maintain or create another circuit with Kane and Kendall, as opposed to a pretty long and demographically unconnected district that the current Bill does, namely Boone, DeKalb, Kane and Kendall. This is demographically and populationally and otherwise much more sensible and it still does what Representative Giorgi wants it to do insofar as Winnebago is concerned."

Speaker Greiman: "The... The Gentleman from Champaign, Mr. Johnson, moves for the adoption of Amendment #19. And on that, the Gentleman from Lee, Mr. Olson."

Olson: "Thank you, Mr. Speaker. Would the Gentleman yield for a question?"

Speaker Greiman: "Indicates he will."

Olson: "Tim, did you say you would include in this new circuit, Ogle County?"

Johnson: "Right."

Olson: "Is there any particular reason for that other than as you described? Ogle County is part of a circuit in which I now currently reside. It's nice and compact and contiguous."

Johnson: "The 15th, you mean?"

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

51st Legislative Day

May 21, 1987

Olson: "Yes, and I'm not so sure that people in my county would like to become a part of a circuit which includes Winnebago."

Johnson: "Could I... No, it wouldn't include Winnebago."

Olson: "What would be..."

Johnson: "Winnebago would be in itself. It would include Ogle, DeKalb and Boone."

Olson: "Thank you. I must not be able to agree with you on this Amendment in the sense that the Ogle County people are comfortable. In fact, we have places like Whiteside County who'd like to become a member of the 15th, and I'm not so sure we want to hang around with DeKalb. Thank you very much."

Speaker Greiman: "The question is, 'Shall this Amendment be adopted?' All those in favor signify by saying 'aye', those opposed 'no'. All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 82 voting 'aye', 24 voting 'no', 3 voting 'present'. And this... and the Amendment's adopted. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Greiman: "Third Reading. The Gentleman from Winnebago, Mr. Giorgi, asks leave of the House to waive Rule 37(b) so this matter may be heard in stentor using the Attendance Roll Call. Do we have leave? Leave is granted. Mr. Clerk, read the Bill on Third Reading."

Clerk Leone: "House Bill 1071, a Bill for an Act relating to the Circuit Courts. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Giorgi."

Giorgi: "Mr. Speaker, this is a Bill that I've passed through this House Session before, and we did it for Will during the last Session. We created... made Will a single circuit

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

51st Legislative Day

May 21, 1987

district, and I'm trying to do that for Winnebago for some of the reasons mentioned by Representative Johnson and Olson, but I'd like to apologize to Representative McCracken and Representative Klemm. Had I been in the Chair, I would have accepted your Amendments so that you would help me get this Bill out of the House and into the Senate. It's a good Bill. I've passed it before and because of the peculiar workload in Winnebago, because of our mentality versus the counties that are connected with this, I'd like to make Winnebago a single circuit district."

Speaker Greiman: "The Gentleman from Winnebago moves for the passage of House Bill 1071. Does anyone stand in opposition to that Bill? Mr. Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I do stand in opposition to the Bill, even after it's been amended. The reason I stand for... in opposition of the Bill, as I've told Representative Giorgi on many occasions, I've had the fortunate opportunity of trying cases in both Winnebago and Boone County. Belvidere is about 10 minutes away from Rockford. Belvidere in Boone County is a particularly small county, I think has two Judges at most. Many times changes of Judges or other reasons, other Judges have to come in. Those Judges can make the trip in a five to 10 minute period of time. I tried a jury case up there many years ago, and the Judge went home for lunch in Rockford. There are logical connections between Winnebago County and Boone County. And I respect the Sponsor of this Bill, and I know that he's tried to do it for years and he's passed this Bill before, but by changing this whole structure, we make... we will make people have to drive long distances to go between courthouses. It makes an illogical alignment of the

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

51st Legislative Day

May 21, 1987

courts. Judge Agnew, who is the Chief Judge of the 17th Judicial Circuit and a respected member of the judiciary and one who we've looked to in arbitration cases opposes this and thinks that it's illogical. I think for all of those reasons, even with the Amendment on... the Amendment just makes the best of a bad situation by making a better alignment between what would be cut up circuits. People who come from the Will County area where we created a separate circuit a few years ago said we made a mistake, and it's unfortunate that we have to take the time of this House today to deal with this issue, but I think it's an important issue. It will be a costly issue to the taxpayers of the state, and I urge a 'no' vote."

Speaker Greiman: "Do the Gentlemen seeking recognition now... would they willingly explain their vote after I've called the issue? Alright, we'll give you time to... The question... The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. This is final action. The Gentleman from Winnebago, Mr. Hallock, one minute to explain your vote."

Hallock: "Thank you, Mr. Speaker and Members of the House. Representative Giorgi and I in most cases on issues that affect our county, will concur on that, but on this one we disagree greatly. I strongly feel that we have an outstanding judiciary in Winnebago County and Boone County. The circuit we have together has Judges on both from Winnebago and Boone. It serves all of us very well in that community, and I think this is a bad idea, and I urge it be defeated."

Speaker Greiman: "The Gentleman from Lee, Mr. Olson, one minute to explain your vote."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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

51st Legislative Day

May 21, 1987

House. For the reasons I alluded to on Amendment 19, I do not feel my county of Ogle wants to be moved arbitrarily without their consultation into another circuit, and I respect the Sponsor, but I have to vote 'no'."

Speaker Greiman: "The Gentleman from Boone, Mr. Wait, one minute to explain your vote."

Wait: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As one who lives in Belvidere in Boone County, the one in discussion here, and having worked for the Chief Circuit Judge in the Winnebago/Boone County District, I can testify that both the lawyers in Boone County and Winnebago County are definitely not in favor of this, and I would encourage you to vote against this Bill."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk. Yes."

Hallock: "A verification in the event it succeeds."

Speaker Greiman: "Alright. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 64 voting 'aye', 50 voting 'no', 2 voting 'present'. The Gentleman from Winnebago, Mr. Hallock, requests a poll of the... requests a Verification of the Affirmative Roll Call. Mr. Clerk... The Gentleman from Winnebago, Mr. Giorgi, asks for a poll of those not voting."

Clerk Leone: "Poll of those not voting. The only Member not voting is Representative Huff."

Speaker Greiman: "Proceed with the Verification, Mr. Clerk."

Clerk Leone: "Poll of the Affirmative. Berrios. Bowman. Braun. Brunsvold. Bugielski. Capparelli. Christensen. Cullerton. Curran. Currie. Daley. Davis. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Greiman. Hannig. Hartke. Hicks. Jones. Keane. Krska. Kulas. Laurino. LeFlore. Leverenz. Levin. Martinez. Matijevich. Mautino. McGann. McNamara. McPike. Morrow.

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

51st Legislative Day

May 21, 1987

Mulcahey. Novak. O'Connell. Panayotovitch. Phelps.
Preston. Rea. Rice. Richmond. Ronan. Saltsman. Shaw.
Steczo. Stern. Sutker. Terzich. Turner. Van Duyne.
Wennlund. White. Williams. Wolf. Anthony Young.
Wyvetter Younge and Mr. Speaker."

Speaker Greiman: "Mr. Hallock, questions of the Affirmative Roll."

Hallock: "Yes, Representative Flinn?"

Speaker Greiman: "Mr. Flinn? Mr. Flinn in the chamber? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Remove the Gentleman from the Roll Call. Further?"

Hallock: "Representative Richmond?"

Speaker Greiman: "Mr. Richmond, the Gentleman from Jackson? How is Mr. Richmond recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Remove the Gentleman from the Roll Call."

Hallock: "Representative Laurino?"

Speaker Greiman: "Mr. Huff, yes, for what purpose do you seek recognition? Mr. Huff. Yes, Mr. Huff."

Huff: "Yes, Mr. Speaker, how am I recorded?"

Speaker Greiman: "The Gentleman is recorded as not voting. Vote Mr. Huff 'aye'. Proceed."

Hallock: "Christensen?"

Speaker Greiman: "Mr. Christensen? Mr. Christensen in the chamber? The Gentleman from Grundy? How is he recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Remove the Gentleman."

Hallock: "Laurino?"

Speaker Greiman: "Mr. Laurino? Mr. Laurino? Is he in the chamber? Remove the Gentleman from the Roll Call."

Hallock: "Panayotovitch?"

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

51st Legislative Day

May 21, 1987

Speaker Greiman: "Mr. Panayotovitch? Is Mr. Panayotovitch in the chamber? Remove the Gentleman."

Hallock: "Mr. Homer?"

Speaker Greiman: "Mr. Homer? Mr. Homer is voting 'present'."

Hallock: "Krska?"

Speaker Greiman: "Mr. Krska? Mr. Krska? Is Mr. Krska in the chamber? How is the Gentleman recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Remove the Gentleman."

Hallock: "Terzich?"

Speaker Greiman: "Mr. Terzich? Mr. Terzich is in the rear at the Republican side."

Hallock: "Hartke?"

Speaker Greiman: "Mr. Hartke is in his seat."

Hallock: "Williams?"

Speaker Greiman: "I'm sorry, who?"

Hallock: "Paul Williams?"

Speaker Greiman: "Mr. Williams? Mr. Williams? Is Mr. Williams in the chamber? How is Mr. Williams recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Remove Mr. Williams. Mr. Laurino has returned. Restore Mr. Laurino to the Roll Call."

Hallock: "Mulcahey?"

Speaker Greiman: "Mr. Mulcahey? Is Mr. Mulcahey in the chamber? How is Mr. Mulcahey recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Remove Mr. Mulcahey from the Roll Call."

Hallock: "Braun?"

Speaker Greiman: "Ms. Braun is on the Podium."

Hallock: "She is? Brunsvold?"

Speaker Greiman: "Mr. Brunsvold? Mr. Brunsvold? Mr. Brunsvold in the chamber? How is Mr. Brunsvold recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

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

51st Legislative Day

May 21, 1987

Speaker Greiman: "Remove Mr. Brunsvold. Mr. Brunsvold has returned; restore Mr. Brunsvold."

Hallock: "LeFlore?"

Speaker Greiman: "Mr. LeFlore is standing at his seat."

Hallock: "White?"

Speaker Greiman: "Mr. White is in the chamber. Proceed. Further questions?"

Hallock: "Well, pending some additions, that's all I have at this time."

Speaker Greiman: "Well, Mr. Granberg, for what purpose do you seek recognition?"

Granberg: "Could you change me to 'aye', please?"

Speaker Greiman: "Granberg goes from 'no' to 'aye'."

Hallock: "Turner?"

Speaker Greiman: "No, no, no. Yes, who?"

Hallock: "Turner?"

Speaker Greiman: "Mr. Turner? Is Mr. Turner in the chamber? He is right here at the door. Mr. Turner is at the door."

Hallock: "Capparelli?"

Speaker Greiman: "Mr. Capparelli is right here at the door."

Hallock: "No further questions."

Speaker Greiman: "I'm sorry, what was the last... that you said, Mr... that was all, I see. On this question, there are 59 voting 'aye',... yes, Mr... Yes, were you seeking recognition, Mr. Hallock? Oh, alright, I didn't know. There are 59 voting 'aye', 49 voting 'no', 2 voting 'present'. And this Bill... Mr. Krska... restore Mr. Krska to the Roll Call. On this question, there are 60 voting 'aye', 49 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On this Order of Business appears House Bill 1105. Mr. Clerk... yes, Mr. McCracken, yes, for what purpose do you seek recognition?"

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

51st Legislative Day

May 21, 1987

McCracken: "Speaker, you wanted to conduct this in an orderly and fair manner the last two days and give everybody an opportunity. You refused to recognize one of the Republican's over here, who was going to change his vote. Yet, you held the score board open, so that you could get one more Democratic vote on it. We were here yelling with our lights flashing, you ignored us. I want you to reconsider that vote, allow Representative Wennlund to change his vote and declare the Bill lost. We're asking for fairness here, your claiming to give it to us, but when we stand up here and have to yell at you to get you to do the right thing, you're making a mockery out of the whole process. Now open up the Board; let'em get off the vote and declare it lost."

Speaker Greiman: "The Chair has declared it passed. We understood... the Chair understood that Mr. Hallock was seeking to continue a perpetual verification. Mr. Hallock had closed the verification and there's nothing further. But, Mr. Ewing, yes."

Ewing: "Mr. Speaker, we do have a lot of Bills to move and you've been admonishing us, not to talk on Bills, nobody was opposed, to cooperate and get along. Now, you said ... you were guessing what Representative Hallock wanted to do. We always have perpetual open switches here, until you get your 60 votes, but you don't want a perpetual verification. Now, you know and I know, that's what was happening out here. It doesn't do any good to threaten you, because you've got the gavel. It really doesn't even do any good to raise our voices to you. But, Mr. Speaker, we can slow the process down. We can slow the process down, unless you're going to be fair. And you don't even have the courtesy to give us your attention, Mr. Speaker. We get very little courtesy from the Chair. We would like a lot

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

51st Legislative Day

May 21, 1987

more courtesy. Now either get with the act for all of us, or watch it slow down. Maybe stop."

Speaker Greiman: "To the Motion... alright, let me just... I think we want to find ourselves in an appropriate kind of parliamentary posture, as well as one which affords everyone a courtesy and access to the Floor. Mr. Wennlund has apparently voted on the prevailing side and Mr. McCracken suggested that he wished to reconsider. So, if Mr. Wennlund wishes to make a Motion, having voted on the prevailing side, the Chair will entertain that Motion at this time. If he wishes to reconsider the vote, by which House Bill 1071 passed, the Chair would reconsider... we would certainly recognize him to reconsider that. Yes, Mr. Wennlund, did you wish me... did you wish to put such a Motion? In fairness to the Body, we certainly should allow Mr. Wennlund to put the Motion."

Wennlund: "Yes, Mr. Speaker."

Speaker Greiman: "Yes, Mr. Wennlund, do you wish to put that Motion?"

Wennlund: "Forget it, Mr. Speaker, I'm sorry."

Speaker Greiman: "Mr. Daniels, the Gentleman from... excuse me, Mr. Hallock, I am going to call on Mr. Daniels. Mr. Daniels."

Daniels: "Mr. Speaker, we were in the process of a Verified Roll Call. Mr. Wennlund, several other Members of this side of the aisle, had their buttons on, asking to be recognized. I was watching the Roll Call in my office and listened to you take a fast Roll Call, when they were asking for an effort to be recognized. You, through that Chair, and through the power that we vested in you, not that you individually have, Sir, but we vested in you, are once again, attempting to take advantage of a minority. All that we are asking of you is very simple. Restore that

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

51st Legislative Day

May 21, 1987

Roll Call; allow the completion of that verification; and lets not get involved in any of the antics or the actions that will have lasting and dire consequences on the operation of this House. We have 500 plus bills to complete by midnight tomorrow night. We are working as hard as we can to bring the Consent Calendar to order and other matters to order. Now, Mr. Speaker, you know that you were quick and fast on that, and you can see the number of lights that were on that board. And I ask you to restore the Roll Call. The proper action is not a Motion to reconsider, because then it attempts to correct your wrong, because what happens is, then he has the obligation of overcoming and presenting a Motion, when you failed to recognize people on this aisle on a legitimate verification."

Speaker Greiman: "The Chair has indicated that it will certainly call upon Mr. Wennlund or anyone else, by the way, who voted on the prevailing side, on a Motion to reconsider. The Chair cannot... is powerless, once having announced the Roll Call, powerless to return to that Order of Business as it was. And accordingly, the Chair entertains you, Mr... you can't Mr. Daniels, but Mr. Wennlund, or anybody else, if you wish, Sir, to move... having voted on the prevailing side, to move to reconsider this matter. We are trying to cooperate as best we can. Mr. Daniels."

Daniels: "Now, Mr. Speaker, you know and I know that that Motion requires 60 votes. Now, if you want to play with that Roll Call on a Motion to reconsider, which you say is the only course that we have to follow, and the only action we have to take, then you, through again, the power that we vested in you, can play with that Roll Call, when you made the mistake in the first place, when there were several people on this side of the aisle asking to be recognized. All we

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

51st Legislative Day

May 21, 1987

are trying to do is to get through the business of this House in an orderly fashion, and without being... having our rights set aside, or run over by you. You're the one that caused this problem, Mr. Speaker. And we expect you to get us out of it."

Speaker Greiman: "Yes, Mr. Giorgi, for what purpose do you seek recognition?"

Giorgi: "Mr. Speaker, having been through a few of the Assembly Wars, and having known, you know, some of the decisions in the past that have affected me when Daniels' was on the prevailing side, I'm going to show you what a sport I am. I'm going to let you put the Roll Call back on the Board, or whatever Parliamentary procedure you want to extricate ourselves from. I'll move to reconsider the action by which the Bill passed."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Giorgi, moves to reconsider the vote by which House Bill 1105 (sic - 1071) was passed. All those in favor... and on that, the Gentleman from Lake, Mr. Matijevich."

Matijevich: "Well, I was going to use the Parliamentary procedure and lay it on the table, but my seatmate says the votes are here. So I'd just soon go through the normal process. But I would like to protect the Chair, because the Minority Leader was wrong, in one regard. And that was at one time, and you can run the tape, I heard this whole debate, at one time, Representative Hallock said that's all. Once you say that's all, the Speaker doesn't have to then verify anybody else. You did verify some off, after you said that's all. And the Speaker was fair with you, very fair. But now I'm going to honor my seatmates request and get another Roll Call."

Speaker Greiman: "Mr. Cullerton."

Cullerton: "It's just further defense of the Chair, not that you

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

51st Legislative Day

May 21, 1987

need it. But, I think that if we are in a Verification and one side at the end wants to get up and change their vote, that the Chair normally would recognize that. But I happened to be on the Podium during the course of the Verification. It was my understanding that Representative Hallock was the one who was seeking recognition and it appeared that he was going to ask for some more verification. Representative Hennlund's light was not on. And, he was... I believe, the only Republican voting 'aye' on the matter. So, I think that the Chair's decision to proceed with closing up the Roll Call was because of the recognition that there are no perpetual rights to a verification. That's the point. I think had Representative Hennlund been up, who was voting 'aye', screaming for recognition, that the Chair certainly would have recognized it. But I would be happy to support the Motion so we can have another Roll Call on the Bill."

Speaker Greiman: "The Gentleman from Madison, Majority Leader McPike."

McPike: "Thank you, Mr. Speaker. I was not on the House Floor earlier this week, but I understood, for some reason while Representative McCracken was doing a verification, that after it was announced that there were no more questions of the affirmative. The Chair allowed additional questions after that. That has not been our practice in the past, and I hope it's not our practice in the future. The purpose of verification is to allow the individual seeking a verification to question votes on the affirmative. It is not so that that individual can prolong that forever. At some point, that individual says I have no more questions. And I hope that we would follow that Rule in the future, because we've always followed that in the past. When you have no more questions, the verification is over. I would

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

51st Legislative Day

May 21, 1987

support Representative Giorgi on his Motion to reconsider the vote."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Hallock."

Hallock: "Mr. Speaker and Members of the House, this is an issue on which my colleague from Winnebago and I have disagreed for nine years now. But that's not the point here..."

Speaker Greiman: "On the Motion, Sir."

Hallock: "The point here is, that as Mr. Cullerton said, he thought that what I wanted to do was such-and-such. What I wanted to do was say, Mr. Speaker, that Representative Wennlund wanted to change his vote. I acknowledge that I had, in fact, concluded the verification, but I was seeking to be recognized so I could point out Mr. Wennlund wanted to change his vote. And that would have changed the entire Roll Call, and avoided the situation here today. And it's wrong and you know it and you ought to go back if you can."

Speaker Greiman: "Now, I'm glad that you brought peace back to the chamber, Mr. Hallock. But, generally, Mr. Wennlund, I think is a fine Representative, and is certainly well able to handle his switch. Now, on this question, the question is, 'Shall the vote by which House Bill 1105... I'm sorry, no, no, it's 1071 passed, be reconsidered?' Do we have leave to use the Attendance Roll Call? Is there leave? Leave to use the Attendance Roll Call is granted. And now, the question is, 'Shall this Bill pass?' All those in favor ... Mr. Clerk, it's House Bill 1071. Would you put in on the Board, Sir? The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. And this is final action. Mr. Hallock, one minute to explain your vote. The timer is on."

Hallock: "I think we just did this. But, Mr. Speaker, the issue is the same of course. We in Winnebago and Boone have a

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

51st Legislative Day

May 21, 1987

tremendous judiciary, both on the circuit and associate level. This Bill would seek to change that, completely change the whole system, which is serviced so well for so very long. I believe that the Sponsor of this Resolution is probably one of the few people in the whole circuit who wants to pass this Bill and I would urge that it be defeated. And in case it should pass, I want to have a verification."

Speaker Greiman: "The Gentleman from Macon, Mr. Dunn, one minute to explain your vote."

Dunn: "I'd just like to observe that it is really nice that we have adopted this policy of limited debate. It's really working well and I hope we continue it."

Speaker Greiman: "Yes, alright. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 63 voting 'aye', 49 voting 'no', 3 voting 'present'. And the Gentleman from Winnebago requests a Poll of the Affirmative Roll Call. The Gentleman from Winnebago, Mr. Giorgi, asks for a poll of those not voting."

Clerk Leone: "Poll of those not voting. Representative McGann and Representative Panayotovitch are not voting."

Speaker Greiman: "Mr. Clerk, proceed with the verification."

Clerk Leone: "Poll of the Affirmative."

Speaker Greiman: "Yes, excuse me, Mr. Dunn asks leave to be verified. Mr. Preston asks leave to be verified. Mr. Brunsvold asks leave to be verified. You have leave. Yes, leave was granted. Proceed, Mr. Clerk. Mr... asks leave to be verified and Mr. Mautino asks leave to be verified. And Mr. Berrios asks leave to be... no, not Mr. Berrios? Mr. Berrios, you do not have leave. Mr. Martinez? No, Mr. Martinez, you do not have leave, obviously. Proceed with the verification."

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

51st Legislative Day

May 21, 1987

Clerk Leone: "Poll of the Affirmative. Berrios. Bowman. Braun. Breslin. Brunsvold. Bugielski. Capparelli. Christensen. Cullerton. Curran. Currie. Daley. Davis. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Granberg. Hannig. Hartke. Hicks. Huff. Jones. Keane. Krska. Kulas. Laurino. LeFlore. Leverenz. Levin. Martinez. Matijevich. Mautino. McNamara. McPike. Morrow. Mulcahey. Novak. O'Connell. Phelps. Preston. Rea. Rice. Richmond. Ronan. Saltsman. Shaw. Steczo. Stern. Sutker. Terzich. Turner. Van Duyne. White. Williams. Wolf. Anthony Young. Hyvetter Younge and Mr. Speaker."

Speaker Greiman: "Mr. Hallock, questions of the Affirmative Roll Call."

Hallock: "I haven't seen this many Democrats in their seats since the day we were sworn in."

Speaker Greiman: "Questions of the Affirmative Roll Call, Sir."

Hallock: "Klemm?"

Speaker Greiman: "Mr. Klemm? Mr. Klemm is in his seat."

Hallock: "Flinn? Flinn? Flinn?"

Speaker Greiman: "Oh, Flinn, Mr. Flinn? Is Mr. Flinn in the chamber? Mr. Flinn? Mr. Flinn? How is Mr. Flinn recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Alright, remove Mr. Flinn from the Roll Call."

Hallock: "Laurino?"

Speaker Greiman: "Mr. Laurino? Mr. Laurino? Mr. Laurino is here at the Well."

Hallock: "Panayotovitch?"

Speaker Greiman: "Mr. Panayotovich is not voting."

Hallock: "Richmond?"

Speaker Greiman: "Mr. Richmond? Mr. Richmond, is he in the chamber? Mr. Richmond? How is Mr. Richmond recorded?"

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

51st Legislative Day

May 21, 1987

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Remove Mr. Richmond from the Roll Call."

Hallock: "Ronan?"

Speaker Greiman: "Mr. Ronan? Mr. Ronan? Is Mr. Ronan in the chamber? How is Mr. Ronan recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Then remove... Mr. Ronan is at the Well."

Hallock: "Mr. Speaker, on the previous point, if you go any slower on these, he could have driven back from Chicago in that amount of time."

Speaker Greiman: "Do you have questions of the Affirmative Roll Call, Sir, or are you through?"

Hallock: "Kulas? Kulas?"

Speaker Greiman: "Mr. Kulas? Mr. Kulas in the chamber? Mr. Kulas? How is Mr. Kulas recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Then remove Mr. Kulas. Restore Mr. Kulas to the Roll Call."

Hallock: "Mautino? Mautino?"

Speaker Greiman: "Mr. Mautino was verified."

Hallock: "McGann?"

Speaker Greiman: "Mr. McGann is not voting."

Hallock: "Hannig?"

Speaker Greiman: "Mr. Hannig is in his seat."

Hallock: "Phelps?"

Speaker Greiman: "Mr. Phelps? Mr. Phelps? Mr. Phelps in the chamber? How is Mr. Phelps recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Then remove Mr. Phelps from the Roll Call."

Hallock: "Huff?"

Speaker Greiman: "Mr. Huff is at the rear of the chamber."

Hallock: "Jones?"

Speaker Greiman: "Ms. Jones is in her seat. Mr. Phelps has

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

51st Legislative Day

May 21, 1987

returned to the chamber. Restore Mr. Phelps."

Hallock: "McNamara?"

Speaker Greiman: "Mr. McNamara is at the Democratic side, at the window."

Hallock: "Sutker?"

Speaker Greiman: "Mr. Sutker is at his seat."

Hallock: "Christensen?"

Speaker Greiman: "Mr. Christensen is at the rear of the chamber."

Hallock: "Krska?"

Speaker Greiman: "Mr. Krska is in his seat."

Hallock: "Paul Williams?"

Speaker Greiman: "Mr. Williams? Mr. Williams? Is Mr. Williams in the chamber?"

Hallock: "Braun?"

Speaker Greiman: "Ms. Braun..."

Hallock: "Well, she hasn't moved."

Speaker Greiman: "Yes, Ms. Braun is here at the Podium. Further questions?"

Hallock: "Williams?"

Speaker Greiman: "Mr. Williams? Mr. Williams in the chamber?"

Hallock: "Novak?"

Speaker Greiman: "I suggest that you ought to wait until I do something, but we will pass Mr. Williams if you want. Mr. Williams? How is Mr. Williams recorded?"

Clerk Leone: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Remove Mr. Williams."

Hallock: "Martinez?"

Speaker Greiman: "Mr. Martinez is at the rear of the chamber. Now you are verified, Mr. Martinez."

Hallock: "Capparelli?"

Speaker Greiman: "Mr. Capparelli is in his chair."

Hallock: "Saltsman?"

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

51st Legislative Day

May 21, 1987

Speaker Greiman: "Mr. Saltsman is in his chair."

Hallock: "Richmond?"

Speaker Greiman: "Mr. Richmond? Mr. Richmond was already removed."

Hallock: "Leverenz?"

Speaker Greiman: "Mr. Leverenz was verified."

Hallock: "Homer?"

Speaker Greiman: "Mr. Homer is seated at his desk. And voting 'present'."

Hallock: "Dunn?"

Speaker Greiman: "Mr. Dunn was verified."

Hallock: "Berrios?"

Speaker Greiman: "Mr. Berrios? Is Mr. Berrios in the chamber? No, Mr. Berrios was not. The Gentleman refused to allow Mr. Berrios to be verified. I hope that Mr. Berrios did not misunderstand."

Hallock: "No esta aqui... Berrios?"

Speaker Greiman: "I don't understand what that means. Mr. Berrios? No, Mr. Berrios is on the Roll. He is on the Roll."

Hallock: "Berrios isn't here. Would you remove Berrios."

Speaker Greiman: "Berrios just was here, at the door, Sir."

Hallock: "Okay. Preston?"

Speaker Greiman: "Mr. Preston was verified."

Hallock: "Mulcahey?"

Speaker Greiman: "Mr. Mulcahey is in his seat."

Hallock: "Leverenz?"

Speaker Greiman: "Mr. Leverenz was verified three times now."

Hallock: "O'Connell?"

Speaker Greiman: "Mr. O'Connell is in his chair."

Hallock: "No further questions."

Speaker Greiman: "On this question, there 60 voting 'aye', 49 voting 'no', 3 voting 'present'. And this Bill, having

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

51st Legislative Day

May 21, 1987

received the Constitutional Majority, is hereby declared passed. Representative Braun in the Chair."

Speaker Braun: "On page 19 of the Calendar, Government Initiatives appears House Bill 1105. Representative Breslin. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 1105, a Bill for an Act to amend the law concerning the Judicial Circuit of Cook County. Second Reading of the Bill. No Committee Amendments."

Speaker Braun: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Representatives Parke and McCracken."

Speaker Braun: "The Chair recognizes the Gentleman from Cook, Representative Parke. I'm sorry, Representative Breslin."

Breslin: "Parliamentary inquiry. On Amendments 1 thru 17, I believe they are all nongermane. I would ask the Parliamentarian to make such a Ruling."

Speaker Braun: "The Lady has requested a Parliamentary determination whether Amendments 1 thru 17 are germane. And on that, the Gentleman from DuPage, Representative McCracken."

McCracken: "If the Parliamentarian would look at Amendment #1, we will be bound by his decision for all the Amendments."

Speaker Braun: "Thank you. Representative Greiman. Representative Greiman."

Greiman: "Well, I don't know, other Members might want them in series. So I'll just reserve that until then. I'm not sure that this... this may be these proper Amendments here. Each one of these perhaps, should require the kind of consideration and care and thoughtfulness as to whether they're germane or not, as I so often have to call upon myself to do."

Speaker Braun: "The Parliamentarian has ruled that Amendment 1 is non-germane, as are Amendments 2 thru 17 thereafter."

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

51st Legislative Day

May 21, 1987

Representative McCracken."

McCracken: "He will abide by the Ruling of the Chair I offered.

I'd like the record to reflect that I offered to be bound by the ruling as to Amendment #1 and it was Representative Greiman who required the ruling on all of the Amendments. I apologize for Representative Greiman taking up the time of the Chair. We are interested in proceeding expeditiously to a consideration of this Bill."

Speaker Braun: "Mr. Clerk, Amendments 1 thru 17 have been determined nongermane. Are there further Amendments? The Chair recognizes... Are there further Amendments?"

Clerk Leone: "Floor Amendment #18, offered by Representative Breslin."

Speaker Braun: "The Lady from LaSalle, on Amendment 18."

Breslin: "Thank you, Madam Speaker, Ladies and Gentlemen. Amendment #18 is technical only. It makes the Bill gender neutral. I ask for it's adoption."

Speaker Braun: "The Lady has moved the adoption of Amendment #18. And on that, is there any discussion? There being none, the question is, 'Shall Amendment 18 be adopted?' All in favor say 'aye', opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment 18 is adopted. Further Amendments?"

Clerk Leone: "There's no further Amendments."

Speaker Braun: "Third Reading. Representative Breslin requests immediate consideration of this Bill on the Order of Third Reading. Is leave given? Leave is granted. Mr. Clerk, read the Bill on the Order of Third Reading."

Clerk Leone: "House Bill 1105, a Bill for an Act to amend the law concerning the Judicial Circuit of Cook County. Third Reading of the Bill."

Speaker Braun: "The Lady from LaSalle."

Breslin: "Thank you, Madam Speaker, Ladies and Gentlemen. House

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

51st Legislative Day

May 21, 1987

Bill 1105 pertains to the Circuit Court of Cook County only. It divides that circuit into fifteen subcircuits for the purposes of electing Judges. It is... it should be understood that this is proposed as an alternative to merit selection, while at the same time, responding to Greylord, responding to the citizens of that circuit who have a very difficult time electing their Judges, because of the length of the ballot. It's my opinion that with the division of the circuit into subcircuit's, for the purposes of electing the Judges, the citizens will have a far shorter ballot from which to make their choices, and will thus be able to be far better informed. Twelve circuit Judges would be elected to serve from each subcircuit. This applies to the whole of Cook County, Chicago and outside of Chicago. It raises the number of Judges from 177 to 118. That is done only because, that makes the number come out even of twelve Judges in each of the fifteen subcircuits. The Board that would draw the line for the subcircuits is the Circuit Court of Cook County. This Bill grandfathers in all of the present sitting Judges so we are not disenfranchising previous voters. The effective date of the Bill is January 1 of 1989. Happy to answer any questions."

Speaker Braun: "The Lady has moved the passage of House Bill 1105. And on that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Greiman."

Greiman: "Yes, thank you, Speaker. I think I probably owe the Gentleman from McLean an apology. I said that his Bill was one of the... well, stranger Bills... and, Gordie, this one is even stranger. This Bill does nothing that its Sponsors suggest it does. It is absolutely no answer to either a merit selection plan or to Greylord, as a matter of fact, or even as to knowing who your Judges are. The Lady from

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

51st Legislative Day

May 21, 1987

LaSalle, from LaSalle, suggests that a neighborhood in Chicago, with its impersonal huge metropolitan nature, is exactly the same as how it is downstate. The truth is that the legal community from which members of the bench ultimately come, practice in a five million people constituency. I try cases in Markham, but I live in Skokie. Lawyers here travel all over that county. Some people who would be Judges, have distinguished careers that have nothing to do with their neighborhood. Most have nothing to do with their neighborhood. The legal communities often in the Loop, or in large outlying areas, but not in neighborhoods. So the truth of the matter is, that the neighbors just don't sit on their porch and say, 'My god there's a guy that looks like a good Judge.' They have no way of knowing, it's a very big city. And as far as accountability goes, after they're are elected they have even less way of knowing. Because that Judge may sit out in Maybrook, far, far, far from where he's been elected. Judges may be sitting all over the place. They have defendant's, parties, litigants from all over the county. And there's no way that people who live in that area are going to be... are going to have any knowledge at all about who is electing them. Now, I'm a politician, and sometimes when I have this mike, I have to think, what's political to say. You think this will help in the system? This will narrow it down in Chicago, for example, to a few wards. So that the Committeemen will be able to say, 'Thank God we got the power back now.' Now, maybe I just lost my side of the aisle, but that's the truth. That's the truth because its going to be maybe four wards in one of these districts. Four wards, twelve Judges, you got three, I got three, you got three, I got three, and we don't care who the heck they are. So Greylord this no answer to. This is the worst

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

51st Legislative Day

May 21, 1987

thing you could do. You are bringing back politics into the Judiciary, if it ever left at all. Now if I am a Republican, where do I stand on this? I say, hey, we know the Democrats, we know the Democrats control the Cook County election process. So we can't get those fine people from Flossmoor and Arlington Heights and all those Republican areas, we can't get them to be Judges. This gives a chance, because we'll just narrow into districts. So God, we can have Republicans Judges. But the Circuit Court of Cook County, presently constituted, is going to draw those lines. Do you like the districts you got now? You think... you think that we can't use the same technology to draw the districts, so that it goes from Arlington Heights, right down into Skokie and Horton Grove and we're all in the same district. But, you've got a few less than we got. So you are going to politicize it in the city, you're not going to help yourselves in the suburbs, and you are going to do nothing at all, and not bring one bit of accountability to the Judiciary. There is a tragic lack of confidence that the public has in the Judiciary today. It is indeed sad, and it is clearly true. We are all disheartened by what has happened in Greylord. I don't know what the answer is, but this sure as heck ain't the answer. And you should vote 'no' on this very foolish Bill."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from... the Gentleman from Livingston, Representative Ewing."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, I arise to support the Sponsor of this Bill and what I think is an excellent piece of legislation. And I would remind the last Speaker that the Sponsor of this Bill know's about the City of Chicago. She lived there and practiced law there.

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

51st Legislative Day

May 21, 1987

So she probably has as good an idea what will work up there, as you do. I think that this Bill allows us to address the problem of the people in the City of Chicago, knowing who they are voting for. I think that's one big plus and I think the second big plus is, that it is going to allow the different ethnic and minority groups of the city, to elect people to the bench, so that all the people of the City of Chicago will have an opportunity to have those of their own race represent them in the court system. And I suggest to all the Members on this side of the aisle, that we give it a resounding 'yes' vote."

Speaker Braun: "The Lady from LaSalle, in keeping with the decision earlier, one proponent, one opponent. I think we should go to the Lady from LaSalle, to close. Representative Breslin."

Breslin: "Thank you, Madam Speaker. Ladies and Gentlemen, I think you understand what this Bill does. It's up to you to decide what is the best procedure. The elective process or the appointive process. I believe that the Bill is narrowly drawn to be fair to all people. I think it's an advancement over the present system. And I urge an 'aye' vote. Thank you."

Speaker Braun: "The Lady has moved the passage of House Bill 1105. All in favor vote 'aye', opposed vote 'no'. The voting is open. This is final action. The Chair recognizes the Lady from Cook, Representative Didrickson. The Lady from Cook."

Didrickson: "Thank you, Madam Speaker. Unfortunately, an issue as important as this, gets one person on the pro side and one person on the con side. There is no merit in this proposal. To Members on my side of the aisle, I would ask that you at least respect some parts of the process. The Governor's Task Force on Judicial Merit selection hasn't

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

51st Legislative Day

May 21, 1987

even completed its proposal and its report. I just urge more 'no' votes up there. I just think that on such an important issue, it's unfortunate this is not one of the more serious proposals."

Speaker Braun: "Have all voted? Have all voted who wish? Have all voted who wish? Representative Barger, to explain your vote."

Barger: "Thank you, Madam Speaker. I know the Sponsor of the Bill can't answer this, but maybe you can. What is the ... yes, you probably know better than anyone else. What is the 'gender neutral' for Greylord?"

Speaker Braun: "Okay. Have all voted who wish? The Clerk will take the record. On this question, there are 91 voting 'aye', 16 voting 'no'. And House Bill 1105, having received a Constitutional Majority, is hereby declared passed. Speaker Madigan in the Chair."

Speaker Madigan: "Ladies and Gentlemen, if you would give your attention to Representative Phelps, who has a special guest that he will introduce to the Body. So, Representative David Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Body has worked hard the last few years since I have been here, trying to develop our timber resources and have Illinois recognized for its potential in that industry. I am privileged today to introduce Representative Ray Davis from the great State of Tennessee, who's the Assistant Majority Leader, who has been meeting with us and a delegation of people from Southern Illinois in trying to develop that industry, so we can help create jobs in this great state. I would like to introduce him and have you welcome, Representative Ray Davis."

Ray Davis: "Thank you, Representative, Speaker Madigan and Representative Richmond and Ladies and Gentlemen of the

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

51st Legislative Day

May 21, 1987

Illinois House of Representatives. It is a great pleasure for me to be here today. I can see why Senator Simon and Senator Goworth from Tennessee are interested for running for President. It kind of gets in your blood, especially when you get to go around and make a little speech here and there. I do appreciate, we are looking at trying to get some ties between Southern Illinois and Illinois and Tennessee in exporting timber and treating timber. We're close neighbors and hopefully, today we'll be able to work out some plans for the future that will benefit both states economically. And I think if we work as a region here for this section, that we will be able to this. And again, I just appreciate the... you know, our House is not near this big, we're only 99. And our Capitol, we thought... I thought was a beautiful Capitol and it is, and this is a magnificent Capitol here. We have the second oldest Capitol, working Capital in the United States. I believe you--all have the tallest. But, I do appreciate you--all allowing me to say these few words. Thank you."

Phelps: "Thank you for the opportunity. And you thought I was southern, didn't you? But see, we have someone with even more of a drawl. Thank you, Ray."

Speaker Madigan: "Page 19 of the Calendar on the Order of Government Initiatives, there appears House Bill 1135, Mr. Giorgi. Mr. Clerk, has this Bill been read a second time?"

Clerk O'Brien: "This Bill has been read a second time previously."

Speaker Madigan: "For what purpose does Mr. Goforth, seek recognition?"

Goforth: "Thank you, Mr. Speaker. I'm glad we finally had somebody up there that knew how to talk English."

Speaker Madigan: "Mr. Clerk... If we could return to House Bill 1105, was that Bill declared passed? The Clerk informs the

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

51st Legislative Day

May 21, 1987

Chair that House Bill 1105, in fact, was declared passed.
On House Bill 1135, Mr. Clerk, you said the Bill has been
read a second time?"

Clerk O'Brien: "The Bill has been read a second time and held."

Speaker Madigan: "Are there any Amendments?"

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

Speaker Madigan: "Mr. Giorgi."

Giorgi: "Mr. Speaker, I think I'd would like to withdraw
Amendment #1, because there's an Amendment #2."

Speaker Madigan: "The Amendment shall will be withdrawn. Are
there any further Amendments?"

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

Speaker Madigan: "Mr. Giorgi."

Giorgi: "Mr. Speaker, Amendment #2... Mr. Speaker, Amendment #2
picked up all the Bills that were introduced that had to do
with Sanitary Districts. It eliminated the quicktake and
eliminated the mandatory assumption of sewer services. I
think the... this Bill has been cleared by the other side
of the aisle. I don't think there's any opposition to the
Bill, at this point... or the Amendments."

Speaker Madigan: "The Gentleman moves for the adoption of the
Amendment. The Chair recognizes Mr. Piel."

Piel: "Question. I think he just explained Amendment #3 and not
Amendment #2."

Giorgi: "Agreed on?"

Piel: "No, no, I said... Zeke, I think your explanation was for
#3 and not #2."

Giorgi: "Yes, Sir, Mr. Speaker, I would like to withdraw
Amendment #2."

Piel: "Thank you."

Speaker Madigan: "Amendment #2 shall be withdrawn. Are there any

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

51st Legislative Day

May 21, 1987

further Amendments?"

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

Speaker Madigan: "Mr. Giorgi."

Giorgi: "This is the Amendment I just spoke about, that the other parties are aware of. There seems to be an agreement that this Amendment carries most of the problems that we want to solve for the Sanitary Districts of Illinois. I move for the adoption."

Speaker Madigan: "Mr. Peterson. Mr. Peterson."

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

Speaker Madigan: "The Sponsor yields."

Peterson: "Representative Giorgi, I just wanted to clarify that we have previously spoken about this Amendment. I wanted to make sure that the portion of... or the entirety of House Bill 1948 is not included in this Amendment. That was the Bill that allowed board members and their agents to enter upon public and private property to check for illegal and proper water or sewer connections."

Giorgi: "This Amendment doesn't include those... those words."

Peterson: "Thank you, Representative, I support the Amendment."

Speaker Madigan: "Mr. Giorgi moves for the adoption of the Amendment. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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

Speaker Madigan: "Mr. Giorgi."

Giorgi: "Mr. Speaker, this Amendment exempts Cook County, Lake, DuPage, Kane, Will and McHenry from the Amendment #3 that was just adopted."

Speaker Madigan: "Mr. Kirkland."

Kirkland: "Thank you. Zeke, it exempts them from Amendment #3..."

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

51st Legislative Day

May 21, 1987

from the provisions of Amendment 23 or from the provisions of the original Bill? Or just what?"

Giorgi: "It amends them from the permit requirements for improvement of sewage works, which means, that in the event of some of the sanitary districts, or some of the municipalities in Illinois, want sanitary sewer lines from Build Illinois Programs or other programs, they're now mandated that they must connect with an existing facility. This exempts them from that mandate."

Kirkland: "Was that the original Bill?"

Giorgi: "Yes, that was the original Bill."

Kirkland: "Okay. It does not exempt them from any of the changes of Amendment 3. Is that correct?"

Giorgi: "That's right."

Kirkland: "Okay. And why again, did these districts or counties ask that they be exempted?"

Giorgi: "Well, the EPA feels that it's a little too cumbersome, too complicated, too much work for them to decide from applicants in those counties, as to whether they should be forced to annex into an existing service."

Kirkland: "Okay. Fine, thank you."

Speaker Madigan: "Those in favor of the Amendment, say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Is there leave to hear this Bill on the Order of Third Reading? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1135, a Bill for an Act in relation to sewer treatment. Third Reading of the Bill."

Speaker Madigan: "Mr. Giorgi."

Giorgi: "In as much as this Bill has been perused by both sides of the aisle, I urge the support of House Bill 1135."

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

51st Legislative Day

May 21, 1987

Speaker Madigan: "Those in favor of the passage of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Mr. Peterson."

Peterson: "Thank you, Mr. Speaker. I did have a question for the Sponsor on the original Bill regarding the obligation and revenue bonds that would be used for diversion or consolidation. But I guess it's too late to get a response."

Speaker Madigan: "Mr. Giorgi, did you wish to explain your vote and in part respond to Mr. Peterson's question?"

Giorgi: "Would he please repeat the question."

Speaker Madigan: "Mr. Peterson."

Peterson: "Thank you, Mr. Speaker. Representative, I am just asking about the authorization and issuance of local general obligation and revenue bonds to fund the diversion and consolidation. I wanted some more information as to what the amount of the bonding was and who would be eligible for that bonding?"

Giorgi: "'Any limit imposed upon the unit of local government regarding the issuance of General Obligation Bonds, should not be applicable to bonds issued pursuant to this subsection. And the necessary bonds may be issued as a direct obligation of such units of local government retired pursuant to the law governing the issuance of such bonds'."

Peterson: "Thank you, Mr. Speaker."

Speaker Madigan: "Have all voted who wish? The Clerk shall take the record. On this question, there are 116 'aye', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1149, Mr. Martinez. Mr. Clerk, is this Bill on the Order of Second Reading?"

Clerk O'Brien: "This Bill has been read a second time previously

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

51st Legislative Day

May 21, 1987

and held."

Speaker Madigan: "Are there any Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Madigan: "Are there any Committee Amendments?"

Clerk O'Brien: "No Committee Amendments."

Speaker Madigan: "Third Reading. Is there leave to hear this Bill on the Order of Third Reading? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1149, a Bill for an Act in relation to qualified Court interpreters. Third Reading of the Bill."

Speaker Madigan: "Mr. Martinez."

Martinez: "Thank you, Mr. Speaker and Members of the House. This Bill amends certain Acts in relation to Court interpreters. Provides certified interpreters to interpret for criminal defendants and certain individuals in juvenile proceedings, who are not capable of understanding the English language and expressing in such language, so as to be understood by counsel or court. We have a fast growing Hispanic community in Chicago. And many of our young people do not speak English well. My Bill simply guarantees that these young people will be fully aware of their legal rights. This will be at no cost to the county or the state. And I would appreciate a favorable vote."

Speaker Madigan: "Mr. Hallock."

Hallock: "Tango un pregunta por usted, por favor? I think that you have indicated that there may not be a cost involved in this. I think that's the ideal situation. But it would seem to me, that if you are going to appoint interpreters, someone is going to have to pay their way. And there may be some costs attached to this. Could you explain your comments on that please, Sir."

Martinez: "Well, it's been indicated to me that there's been no cost. That's all I can say."

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

51st Legislative Day

May 21, 1987

Hallock: "Well, I suppose if they're going to work as volunteers, then that would be admirable, there probably wouldn't be any cost. But if there is going to be, if they aren't going to be paid by the Courts system, either by the state or by the county, someone is going to have to pay those wages. And I wonder who that might be, and then secondly, how much that would be?"

Martinez: "I'm sorry, but I can't answer your question. I don't have that information."

Hallock: "Okay. Thank you. Mr. Speaker and Members of the House. I would say that, although this program makes a lot of sense, there will be some cost involved, because someone is going to have to pay the wages of the people who are going to be the interpreters. And although it may be necessary, I think until we find the funds to pay for it, a 'no' vote is proper."

Speaker Madigan: "Mr. Berrios."

Berrios: "Mr. Speaker and Members of the House, I stand in support of this piece of legislation, because even if it did cost any money, what's the cost of justice? We're not talking about just court interpreters for Hispanic, we're talking about people of Polish decent and of other nationalities who have to go to court, and they should understand what the heck is going on when they are being charged with something. Even if there is a little cost, which Representative Martinez says at this time, there isn't. It would be worthwhile to spend the money, so that at least the defendant, when he goes to Court can defend himself. And I ask for your favorable Roll."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor of the passage of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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

51st Legislative Day

May 21, 1987

The Clerk shall take the record. On this question, there are 72 'ayes', 40 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill... the News Gazette Organization has requested leave to take still photographs from the Press Box. Is there leave? Leave is granted. House Bill 1301. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "House Bill 1301, Amendment #1 was adopted in Committee."

Speaker Madigan: "Is there a Motion?"

Clerk O'Brien: "No Motion's filed."

Speaker Madigan: "Are there any further Amendments?"

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

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This is an Amendment that was requested in Committee. And it provides that the purpose of the Bill, the underlying Bill, would strike the language that dealt with the time frame. It's an Agreed Amendment. And I would move for it's adoption."

Speaker Madigan: "Those in favor of the Amendment say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Is there leave to hear this Bill on the Order of Third Reading? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1301, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker, Members of the House. If you've ever had the opportunity to sit down and talk with

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

51st Legislative Day

May 21, 1987

the teachers or the parents groups or even some of the students, you'll find that one of the problems that we have in our schools, is that the teachers are spending too much of their time going through paper work and filling out forms, and not enough time teaching the students. So what this Bill proposes, is that we would ask the teachers, the non-certified personnel and the school boards, to sit down and to draw up a plan, whereby they can increase teachers time in the classroom and eliminate a lot of the time that they now spend doing needless paperwork. The Bill would request that these plans be filed with the Regional Superintendent's Office on June 1, 1988. It was the result of the State Blue Ribbon Task Force on Education. It passed out of committee 18 to 4, and I think that it would be a fine opportunity to try to improve our schools. I'd ask for your 'yes' votes."

Speaker Madigan: "Representative Didrickson."

Didrickson: "Thank you, Mr. Speaker. I rise in opposition to this Bill. We would all like to get rid of the paper chase. Certainly, those of us sitting down here would like to do that and have a similar five year plan. However, I just want to remind you all, that this is yet another mandate, that we're putting on our school districts, and one that is unnecessary. Certainly, this is something they can take care of at the local level. And certainly, this is something that they could be bargaining collectively right now. I oppose it, and I would hope that you would join me."

Speaker Madigan: "Those in favor of the passage of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 94 'ayes', 21 'nos'. This Bill,

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

51st Legislative Day

May 21, 1987

having received a Constitutional Majority, is hereby declared passed. House Bill 1313. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "House Bill 1313, Amendments 1 and 2 were adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any further Amendments?"

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

Speaker Madigan: "Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House. Amendment 3 adds additional language, so that the fees for the GED Test can be increased to \$15."

Speaker Madigan: "Those in favor of the Amendment say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Is there leave to hear the Bill on the Order of Third Reading? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1313, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Madigan: "Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House. I think that you basically know the intent of this Bill. It's to increase the GED test score due to a written component. And the Bill will be effective June 30, 1988."

Speaker Madigan: "Those in favor of the passage of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Please record yourselves, Ladies and Gentlemen. Have all voted who wish? The Clerk shall take the record. On this question, there are 105 'ayes',

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

51st Legislative Day

May 21, 1987

4 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1326. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "House Bill 1326, Floor Amendment #1, offered by Representative McCracken."

Speaker Madigan: "Mr. McCracken."

McCracken: "Withdraw Amendment 1."

Speaker Madigan: "The Amendment shall be withdrawn. Are there any further Amendments?"

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

Speaker Madigan: "Mr. Turner."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Amendment #2 makes the Illinois Housing Development Authority the administrator of tax credits for low income housing here in the State of Illinois. Just recently, in fact, as of April of this year, they have sent out press releases where they, in fact, are now administrating the tax credits herein the State of Illinois and I concur with that. So we are making this in law. And that's what Amendment #2 does. It also tells the authority that they will report at the end of the year, where those low income tax credits have been issued. And they will establish a plan of allocation of low income tax credits. They will initiate and market the education for outreach projects, so to make sure that these credits utilized by low income and not-for-profit organizations. And I move for the adoption of Amendment #2."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. We discussed this at one time and there was some feeling that this was the inappropriate agency to administer this tax credit, because it had so many problems in the area of low income housing

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

51st Legislative Day

May 21, 1987

in the first place. The Department of Revenue was proposed for this administration. And for that reason, I oppose this Bill."

Speaker Madigan: "Those in favor of the Amendment signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Mr... Have all voted who wish? The Clerk shall take the record. On this question, there are 74 'aye', 37 'no'. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Is there leave to hear the Bill on the Order of Third Reading? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1326, a Bill for an Act to amend the Illinois Housing Development Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Turner."

Turner: "The Amendment is the Bill, as I stated, it allows IDHA to be the designated State Housing Credit Agency, herein the state. It also asks this agency to provide technical assistance and train local governments, including home rule jurisdiction. And to encourage the coordination of local, state and Federal assistance with the allocation of low income housing tax credit. And I move for the adoption of House Bill 1326."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. I won't waste the Body's time, this is the same issue as the Amendment. And I ask for a 'no' vote."

Speaker Madigan: "Those in favor of the passage of the Bill, signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Would someone record Mr. Giglio as 'aye'. Have all voted who

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

51st Legislative Day

May 21, 1987

wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 62 'ayes', 49 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1367. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "Amendment #1 and 2 were adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any further Amendments?"

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

Speaker Madigan: "Mr. McCracken on Amendment #3. The Amendment shall be withdrawn. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Is there leave to hear the Bill on the Order of Third Reading? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1367, a Bill for an Act to add Sections of the Criminal Code. Third Reading of the Bill."

Speaker Madigan: "Representative Williamson."

Williamson: "Thank you, Mr. Speaker. House Bill 1367, would eliminate over the counter devices of human sexual organs. I would be glad to answer any questions and to explain my position on this Bill."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yes, have you checked this Bill out with the Farm Bureau?"

Williamson: "Yes, as a matter of fact I have, and the Farm Bureau has signed off on it as long as it does not include batteries."

Cullerton: "In a more serious vein, perhaps now that we can get off the cucumber farmers. What about a delivery service, UPS, if UPS is delivering an obscene device. Would they be

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

51st Legislative Day

May 21, 1987

in the... what protections do you have in the Bill, to make sure that they would not be in violation of the Act?"

Williamson: "The Bill basically goes over... goes at over the counter sale. Anything that is handled through the mail, would not be affected by this Bill. Let me give you some background..."

Cullerton: "What language could you point to that makes that clear? Was that in the Amendment that you adopted or..."

Williamson: "It's in the Bill that they must intentionally be distributing these devices. The devices that are delivered through the mail, they come in the brown wrappers and there is no way of knowing what is being delivered in the mail. That would be like asking the same question, 'How do you know if UPS, is delivering heroin?'"

Cullerton: "Okay, I just wanted... the Bill as originally drafted, I believe, had some drafting problems. And I wanted to check and see whether or not you corrected them or not. You did adopt two Amendments, I just wanted to clarify what those Amendments did. You changed the definition, in Amendment #2 of promote, I assume to exclude mail order sales. I just wanted to find out if... how you did that? Go ahead. That's fine. I have no other questions."

Williamson: "Correct. We're making sure that first of all, this does not effect through the mail sale. This Bill directly goes at over the counter sale. The other Amendment that was adopted in Committee allows for medical prescription. It was brought to my attention that at time these devices are medically prescribed. So that is also covered in the content of the Bill."

Speaker Madigan: "Mr. Petka."

Petka: "Thank you, Mr. Speaker and Members of the House. Though, this Bill may have brought smiles to some peoples faces. I

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

51st Legislative Day

May 21, 1987

think the smiles would be taken off your face if you ever had the opportunity to see the destructive effects of these type of devices. We had the testimony that was given to us by veterans of the pornography unit in the City of Chicago. Who have saw these devices for what they really are and that is that they are the introduction to the terrible world of child molesting. What we have seen is that these devices are left around and natural curiosity of children who have asked what are these devices for. And the... or child molestor, would demonstrate very graphically exactly what they are for. This is a very good bill. It does not invade the privacy of the bedroom, because of the exclusion of over the counter sales. I urge the support for this Amendment... or excuse me, for this Bill."

Speaker Madigan: "Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. There is no question that the good people of this State and indeed the whole country, are fed up with smut merchants and porn peddlers. There's widespread frustrations with apparent inability to do something about it. And yet, within current Constitutional parameters, there are steps that can be taken by state's and localities to do something about it. Representative Williamson and her districts have to put up with the disgraceful smut strip on Manheim Road. Representative Bill Peterson and myself have Rand Road. Representative Williamson is to be commended for taking this step, which meets Constitutional test in doing something about smut in Illinois. This House has shown extreme concern in recent years, over toxic waste, chemical solid waste, wastewater, even second hand smoke. It's time we fought the pollution of the minds of our citizens. These obscene devices appeal to the most base human instincts, have absolutely no redeemable value.

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

51st Legislative Day

May 21, 1987

Are offensive to our communities and neighborhoods. Have an obvious detrimental effect on our communities and neighborhoods. And should be made illegal by this state. I urge support of this very good Bill."

Speaker Madigan: "Those in favor of the passage of the Bill, signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Representative Stern, to explain her vote."

Stern: "Mr. Speaker and Members of the House, I have got to observe the distasteful and ugly, as these devices in this whole subject matter is. It is a relatively harmless aberration. And I have got to observe also that if you are talking about child molestation, anything from coke bottles to button hooks could be used. We do not need to go to a store and seek them out. I think this is sensationalist and I vote 'no'."

Speaker Madigan: "Representative Williamson, to explain her vote. Mr. McPike in the Chair."

Williamson: "Yes, Mr. Speaker, since I didn't have an opportunity to close on the Bill. Maybe, if I can explain the intent of the Bill. What's happening throughout the State of Illinois was brought to my attention, that these devices are being used to sexually abuse children. And if we can eliminate over the counter sale of these devices perhaps, it will take away from some of the problems that we are having in the state. We are also finding that these devices that are being purchased in the stores are being used instantaneously throughout the state. They are being used in the parking lots, in the cars and in people's front yards, such as mine. I happen to live a block and a half just west of what's been brought up today, Manheim Road. It is not uncommon to have to get up in the summer months and go into your front yard and check and see if there is

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

51st Legislative Day

May 21, 1987

any devices there that have been used and discarded, before you let the kids go out in the morning. It something that I am very serious about. I have found that I have support from the Coroners office because this is causing death amongst children that are being sexually abused with these devices. I am very serious about this Bill. I am very happy with the vote on the board. And I wish that those of you that are voting 'no' or 'green' would perhaps take this into consideration, when you do place your vote. Thank you."

Speaker McPike: "Representative Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. With all due respect to the Sponsor of this legislation we in the Select Committee on Children, heard hearings... held hearings and had virtually every major organization representing children, testify before our committee. And oddly enough, not one of them mentioned this as any problem among children. They mentioned sexual abuse, physical abuse, neglect, emotional abuse. But nobody indicated that there was any problem with these devices. Is such a personal... these devices are such a personal nature and such a private nature, for us to be passing legislation makes absolutely no sense at all."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 98 'ayes', 10 'nos', 8 voting 'present'. House Bill 1367, having received the Constitutional Majority, is hereby declared passed. House Bill 1489. Mr. Clerk."

Clerk O'Brien: "House Bill 1489, this Bill has been read a Second Time, previously. Floor Amendment #1, offered by Representative Barger."

Speaker McPike: "Representative Barger, on Amendment #1."

Barger: "Thank you, Mr. Speaker. Amendment #1 merely brings the

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

51st Legislative Day

May 21, 1987

wording in line with the desires of the Department of Health and the Illinois Health Care Association. I move it be adopted."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. Is there any discussion? Being none, the question is, 'Shall Amendment #1 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

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

Speaker McPike: "Representative Barger."

Barger: "I'm sorry, Mr. Speaker, I must have made a mistake, I asked to withdraw Amendment #1 and..."

Speaker McPike: "The Gentleman moves to table Amendment #1. All those in favor of the Motion signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #1 is tabled. Amendment #2."

Barger: "Amendment #2, does what, I explained for Amendment #1."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. Is there any discussion? Being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1489, a Bill for an Act to amend Acts in relation to personal care in nursing of medical nursing or medical services. Third Reading of the Bill."

Speaker McPike: "Representative Barger."

Barger: "Thank you, Mr. Speaker. This Bill, as it sets now, allows life care facilities, which are self-funded senior citizens living art groups to rent out bed space in their health care center during the first few years when it would

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

51st Legislative Day

May 21, 1987

be ineffective to keep this property vacant. Because, they would be required to staff it anyway. I move that we pass the Bill."

Speaker McPike: "The Gentleman moves for the passage of House Bill 1489. Is there any discussion? Being none, the question is, 'Shall House Bill 1489 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 115 'ayes', no 'nays', none voting 'present'. House Bill 1489, having received the Constitutional Majority, is hereby declared passed. Representative Parcells."

Parcells: "Thank you, Mr. Speaker. A point of personal privilege. I had my light on to explain my vote on House Bill 1105 of which I am cosponsor and unfortunately, the Speaker didn't see my light and the Board closed out and I show as absent. I would like the record to reflect that I would be an 'aye'. Thank you."

Speaker McPike: "The record will so reflect. House Bill 1498. Mr. Clerk."

Clerk O'Brien: "House Bill 1498, this Bill has been read a Second Time, previously. Floor Amendment #1, offered by Representative Bugielski."

Speaker McPike: "Representative Bugielski."

Bugielski: "Mr. Speaker, Ladies and Gentlemen of the House, the Amendment #1 changes 'felony' to now read 'forcible felony'. It would be... one of the crimes would be forceable felony."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. Is there any discussion? Being none, the question is, 'Shall this Amendment be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

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

51st Legislative Day

May 21, 1987

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1498, a Bill for an Act to amend Sections of the Juvenile Court Act. Third Reading of the Bill."

Speaker McPike: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1498 would amend the Juvenile Court Act to provide that if a minor has been previously adjudicated delinquent for an Act, which is a forcible felony a motion to prosecute as an adult shall be allowed."

Speaker McPike: "The Gentleman moves for the passage of House Bill 1498. And on that, Representative Cullerton."

Cullerton: "Thank you. I'd like to ask a question of the Sponsor now that the Bill has been amended. As I understand the Bill then if someone is a juvenile, thirteen years of age or older and they have been previously adjudicated a delinquent for an act which is a forcible felony. Let's say a burglary is a forcible felony. So, if they have been adjudicated a delinquent in Juvenile Court as a burglar that when the act was a burglary, then if their arrested again for another forceable felony, did that forceable felony have to be tried over in..."

Bugielski: "No, the state could petition to be tried in the Criminal Court then, and then adult court."

Cullerton: "And if they do, there is no discrimination on behalf of the Judge to deny that motion, they just automatically... if the state wants, they'd be tried as an adult."

Bugielski: "There would be a motion."

Cullerton: "But, if they make the motion then can the Judge turn the motion down?"

Bugielski: "No."

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

51st Legislative Day

May 21, 1987

Cullerton: "Okay. What offenses right now do we have where this applies? Where there's no discretion on behalf of the Judge to decide whether or not someone should be tried as an adult or not. Which crimes, right now, that a minor is charged with, that there is no discretion, that they have to be tried as an adult? Do you know that?"

Bugielski: "Murder, rape, drug sales in school areas."

Cullerton: "So, now you're adding in effect then, your adding, 'any forcible felony if it's been committed the second time?'"

Bugielski: "Correct. Or a combination one or the other."

Cullerton: "I see."

Bugielski: "One of the two."

Cullerton: "And the position of the State's Attorney's office of Cook County on this?"

Bugielski: "They're in favor of it."

Cullerton: "Okay, thank you."

Speaker McPike: "Representative Countryman."

Countryman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand in opposition to this Bill. I think that this takes to far, the elimination of the discretion that the Judge has in the Juvenile Court Case. It also will take away from the Defense Attorney. In the first instance, the indication that he ought to just declare the child a delinquent, in the first case. Because, he has the repercussion of coming into the second case and having to face it, then at the second time. In essence, if you stiffen up the second time, you're going to make the first time more crucial. In many cases, in where I have been the defense attorney, in juvenile cases, we wanted the young man in the first instance to admit his guilt, get on about his life and see if we can't correct him. And we are able to do that. I don't mean to only use the male sex but, the

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

51st Legislative Day

May 21, 1987

female sex too. But we want kids to admit their guilt, deal with it and deal with the Juvenile Court System. But as lawyers, the lawyers are going to say don't do it, because the next time around if you've been adjudicated delinquent. If you ever do that, you are going to tell them not to do it. But if they ever do it then they are faced with the State's Attorney running in and not having the Court's discretion. I think Court discretion is what we are paying the Judges, their salary to do. I believe that that's a proper place to vest it. And as much as I respect the Sponsor of this Bill, I am vehemently opposed to it and ask you to vote 'no'. Thank you."

Speaker McPike: "Representative Bugielski, to close."

Bugielski: "Thank you, Mr. Speaker, Ladies and Gentlemen. I feel that 1498 is a very important Bill. It is a tough Bill, but it's about time that we started to crackdown on some of these younger... people. Because what's happening in a lot of the areas where gangs are involved, they are using the younger thirteen and fourteen and fifteen year olds, to do the major crimes. And I really feel that it would be good for the society to start clamping down and let these juveniles know that we do mean business. And I ask for your support on 1498."

Speaker McPike: "The question is, 'Shall House Bill 1498 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Representative Hallock, to explain his vote."

Hallock: "Thank you, Mr. Speaker. This is an excellent Bill. Unfortunately, in our society today, too many juvenile offenders are really wisen criminals, hard core and the like. This Bill would serve and make sure that they are tried as adults. It's a good idea. It's about time it passed. And I urge it be adopted."

Speaker McPike: "Have all voted? Have all voted who wish? The

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

51st Legislative Day

May 21, 1987

Clerk will take the record. On this Bill, there are 97 'ayes', 17 'nos', none voting 'present' . And House Bill 1498, having received the Constitutional Majority, is hereby declared passed. House Bill 1572. Representative Farley. Read the Bill."

Clerk O'Brien: "House Bill 1572. This Bill has been read a Second Time, previously. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker McPike: "Third Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 1572, a Bill for an Act to amend Sections of the Illinois Control Substance Act. Third Reading of the Bill."

Speaker McPike: "Representative Farley."

Farley: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What House Bill 1572 does, is increase the criminal penalties for anybody dealing in drugs on park district property or within a 1000 feet. In 1985, we passed legislation that increased penalties for those dealing in drugs around schools. This is a spin-off of that legislation and I would ask for a favorable Roll Call."

Speaker McPike: "The Gentleman moves for the passage of House Bill 1572. Is there any discussion? Representative Countryman."

Countryman: "Thank you, Mr. Speaker. I know it's all well and good that we increase the penalties for drug pushers. We ought to do that. But the question is, if somebody is committing a crime, do they know they are within a 1000 feet of a park or a 1000 feet of a school. I understand the purpose of legislation. But if we are going to deal with legislation like this, let's just increase the penalty. And not increase the penalty if there within 1000 feet. A 1000 feet is quite a distance. I know this is a

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

51st Legislative Day

May 21, 1987

problem in the City of Chicago. But boy you could be within a 1000 feet of a park in Springfield or DeKalb or Effingham or somewhere and not realize you are within a 1000 feet of the park. I don't have any sympathy for drug offenses. And I'm probably going to vote for it. But if we expand this concept, we are making a serious mistake. Thank you."

Speaker McPike: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 106 'ayes', 4 'nos', 7 voting 'present'. House Bill 1572, having received the Constitutional Majority, is hereby declared passed. House Bill 1647."

Clerk O'Brien: "House Bill 1647, this Bill has been read a Second Time, previously. Floor Amendment #1, offered by Representative Slater."

Speaker McPike: "Representative Slater."

Slater: "Withdraw Amendment #1."

Speaker McPike: "Amendment #1 is withdrawn. Further Amendments?"

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

Speaker McPike: "Representative Young."

Young: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #2 would actually become the Bill. It's the result of hearings that were held by the House Transportation Subcommittee on IDOT DBEWBE Program. It would make changes in that program that would require the prime contractor... general contractor to submit with each bid, where there is a minority goal; the name and address of the minority business or disadvantage business, a description of the work and the dollar amount of the work to be formed. It would also setup, what we call stage

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

51st Legislative Day

May 21, 1987

bondings for those contracts that are over \$250,000. This Amendment says that that bonding could be done in four stages. There is an Amendment #3 to follow, that was suggested by the Chairman of the House Transportation Committee, that would change that from four stages to two stages. It also would disallow more than two set aside contracts for any minority or disadvantage business within a three month period. And finally, it would state that anyone who's convicted of a... violating an Act we passed last year, which made it an offense to be a fraud company, could no longer receive certification under the program. I move for its adoption."

Speaker McPike: "The Gentleman move for the adoption of Amendment #2. Any discussion? Being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

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

Speaker McPike: "Representative Young."

Young: "Amendment #3, I've described with Amendment #2. It changes the stage bonding from four stages to two stages. I would move for its adoption."

Speaker McPike: "Gentleman moves for the adoption of Amendment #2. Any discussion? The question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Excuse me. That was Amendment #3. Amendment #3 was adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Read the Bill, Mr. Clerk."

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

51st Legislative Day

May 21, 1987

Clerk O'Brien: "House Bill 1647, a Bill for an Act in relation to disadvantaged businesses. Third Reading of the Bill."

Speaker McPike: "Representative Young."

Young: "Ladies and Gentlemen of the House, I described... the Bill is in fact, Amendment #2. I would move for its adoption."

Speaker McPike: "Gentleman moves for the passage of House Bill 1647. Does anyone rise in opposition? The question is, 'Shall House Bill 1647 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 110 'ayes', no 'nays', none voting 'present'. House Bill 1647, having received the Cons... Representative Turner, 'aye'. Representative Williams, 'aye'. Representative Martinez, 'aye'. Mr. Clerk, did you get those? On this Bill there are 113 'ayes', no 'nays', none voting 'present'. House Bill 1647, having received the Constitutional Majority, is hereby declared passed. House Bill 1677. Out of the record. Representative Daley."

Daley: "Mr. Speaker, on House Bill 1149, when that came up, my switch was not working. I would like to be... let the Journal be recorded I would have voted 'aye'."

Speaker McPike: "The Journal will so reflect. House Bill 1677 is out of the record. House Bill 1786."

Clerk O'Brien: "House Bill 1786, this Bill has been read a second time previously. Floor Amendment #1, offered by Representative O'Connell."

Speaker McPike: "Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker. Floor Amendment #1 was suggested by the Illinois Retail Merchants' Association. It adds to the exemptions from the offense of unlawful eavesdropping activities of recording or listening to

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

51st Legislative Day

May 21, 1987

incoming telephone calls to a telephone ordering center or a customer service center. The effect of this would be to permit such centers from monitoring customer treatment by employees. Presently, this practice is prohibited under Section 14 of the Criminal Code, and the Amendment would have the effect of exempting such an employer from that prohibition. I'd be happy to answer any questions."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. And on that, Representative Countryman."

Countryman: "Thank you, Mr. Speaker. I must stand violently opposed to this Amendment. What we're talking about, and we're going to be talking about later today and tomorrow, is eavesdropping in this state. We're going to have some heavy debates on whether or not we make some substantial changes, but this isn't a substantial change. What this Amendment would do is allow effectively anyone, because the Amendment as drawn doesn't even say eavesdropping by the employer, but anybody to listen into a conversation that took place as long as it's one that's monitoring, I guess, an employee making a telephone order. There's really no need for this. Under the eavesdropping law as we have it in Illinois right now, there has to be a judicial order that requires the court to approve it. Right now, we have to consent of one of the parties to the conversations. We're going to be talking about some valid changes in that law, but this one I have to resist vehemently. There's no compelling need. The underlying Bill here is a reasonable Bill. The underlying Bill says that if you call an 800 number that some company has established as a hotline and you make a threat, when you pick up the phone call and made that call and made a threat, that they can listen to that conversation, but this Amendment would make it so when somebody calls you on the phone during dinner and says to

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

51st Legislative Day

May 21, 1987

you, during dinner, that they want to sell you some sort of magazine, that this person can then be overheard and if you make some obnoxious remark that can be taped, and it doesn't have to go back to a court. It doesn't have to be reviewed by a Judge. It isn't subject to the scrutiny of the judicial system or... it isn't even subject to it when it starts out. This is a bad Amendment. I generally stand in support of the organization that offers this sort of an Amendment, but I cannot support this. It violates the rights of privacy of all the people of the State of Illinois. In my opinion, it violates the Constitution and I ask you for a 'no' vote and ask for a Roll Call."

Speaker McPike: "Representative Slater."

Slater: "Would the Sponsor yield for questions?"

Speaker McPike: "Speaker Madigan in the Chair."

Speaker Madigan: "Mr. Slater."

Slater: "Representative O'Connell, does this provide for listening without judicial orders approving any wire taps?"

O'Connell: "Yes, it does. It only amends Section 14, however, Representative. So it would not require judicial order for purposes of evidence."

Slater: "So, you wouldn't use this for evidence. Anything that was obtained wouldn't be used for evidence."

O'Connell: "That's... that's right."

Slater: "What about the fruit doctrine, could it be used to establish probable cause and build from that point?"

O'Connell: "That is... that is correct."

Slater: "Is it limited only to customer service centers or could it be done by any employer or anybody in any office situation where they wanted to allegedly find out whether there was courtesy?"

O'Connell: "I'm sorry. I didn't hear the last part."

Slater: "What limitations are there in a juice? Could it be..."

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

51st Legislative Day

May 21, 1987

I have a law office and we have employees who answer the telephone. Could we use that in our law office to monitor the phone calls coming in the way it's written right now?"

O'Connell: "Well, it's a customer service center or a telephone ordering center. I don't know if you would consider your clients customers."

Slater: "Customer service center. What is a customer service center? What's the law say on that?"

O'Connell: "I don't believe it's definable. I suppose you would take what is customary, use the term and its custom and usage."

Slater: "Thank you very much. To the Bill. I couldn't agree more with Representative Countryman. I think that we've embarked on a situation here where there probably is no end. We're going, as Representative Countryman said, to hear 2571 later on this afternoon. A Bill similar to that passed out of the Senate yesterday. We're on the beginning of wire tap. We're on the beginning of chases that simply have no end. I urge the defeat of this Amendment. Thank you."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "A quick question of the Sponsor. Representative O'Connell, if this was to become law and the recording was done by, presumably, the employer recording the employee to monitor their listening... their courtesy, what would happen if it was discovered that a crime was being contemplated or being discussed over the phone? If that was the case, would... could the recording then be turned over to law enforcement officials and could that person who was being monitored for their courtesy, could they... could that recording... their words be used against them in a court of law?"

O'Connell: "No. As you know, there are two Sections of the

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

51st Legislative Day

May 21, 1987

Criminal Code that deal with eavesdropping. One, is to exempt individuals from the criminal act of eavesdropping which is found in Section 14, and also in Section 108, there is a court procedure whereby judicial authority is provided to the eavesdropper and that the fruits of the eavesdropping would then be able to be used in court. This Amendment only amends Section 14. So, therefore, the fruits of this eavesdropping could not be used in court for criminal prosecution."

Cullerton: "Thank you."

Speaker Madigan: "Mr. Johnson."

Johnson: "Maybe the question has already been asked and answered, but if information was obtained in one of these attempts to monitor employee courtesy and the information could be used in a criminal prosecution, is there anything in this Amendment or the law that would limit this Amendment solely to monitoring employee courtesy or could, in fact, those... the information gained or recordings be used for criminal prosecution?"

O'Connell: "Representative, I believe I did answer that. It could not be used for criminal prosecution because it does not amend Article 108 of the Criminal Code which provides the guidelines for usage in a criminal prosecution."

Johnson: "Staff advises me that... with due respect to your staff, that there is a legitimate difference of opinion on that question. Well, I'll stop here. This is a big enough subject matter. We don't have to go all day. Thanks."

Speaker Madigan: "Those in favor of the Amendment signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 20 'ayes', 90 'nos'. The Amendment fails. Are there any further Amendments?"

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

51st Legislative Day

May 21, 1987

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Is there leave to hear the Bill on the Order of Third Reading. Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1786, a Bill for an Act to amend Sections of the Criminal Code. Third Reading of the Bill."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. The original Bill, 1786, is an outgrowth of rather recent phenomenon of tampering with food and drug items. One of the problems that the manufacturers of these items have is that these... many of these companies have what they call consumer hotlines, wherein they hold themselves out for comments, criticism, suggestions from the customers about their marketing and marketing their products. Sometimes these hotlines are used to harass the companies and create these scares about food or drug tampering. What this Bill does is that it allows the manufacturer to monitor these hotlines and that if these recordings are made and that there is a representation over the hotline by the caller that the... there will be tampering with food or drugs that the manufacturer can then turn these tapes over to a local law enforcement within 24 hours of the recording. It is a step, a strong step, to try to protect, not only the companies themselves, but the consumers of these products and try to weed out some of these harassing calls and prosecute... or rather to protect themselves against these individuals who have been tampering with food and drugs. I'd be happy to answer any questions."

Speaker Madigan: "Those in favor of the passage of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On

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

51st Legislative Day

May 21, 1987

this question there are 85 'ayes', 14 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2157. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "House Bill 2157. No Floor or Committee Amendments."

Speaker Madigan: "Is there leave to... Mr. Clerk, you say there are no Amendments."

Clerk O'Brien: "No Amendments."

Speaker Madigan: "Place the Bill on the Order of Third Reading. And read the Bill for a third time."

Clerk O'Brien: "House Bill 2157, a Bill for an Act to amend Sections of the Unified Code of Corrections. Third Reading of the Bill."

Speaker Madigan: "Representative Hasara."

Hasara: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 2157 revises the automatic credit for time served when a defendant is resentenced after revocation of probation, conditional discharge or supervision. This Bill would require a court order for such credit. I move for its adoption."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 113 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2193. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "House Bill 2193. Amendment #1 was adopted in Committee."

Speaker Madigan: "Is there a Motion?"

Clerk O'Brien: "No Motions filed."

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

51st Legislative Day

May 21, 1987

Speaker Madigan: "Are there any further Amendments?"

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

Speaker Madigan: "Representative Braun."

Braun: "Withdraw Amendment 2."

Speaker Madigan: "The Amendment shall be withdrawn. Are there any further Amendments?"

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

Speaker Madigan: "Mr. McCracken. Withdraw the Amendment. Are there any further Amendments?"

Clerk O'Brien: "No Further Amendments."

Speaker Madigan: "Third Reading. Is there leave to hear the Bill on the Order of Third Reading? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2193, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of the Bill."

Speaker Madigan: "Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill clarifies... is primarily a clarification of authority that is already enjoyed by the Civil Rights Commission. Essentially, what it does, it allows the Commission to enforce its own subpoenas as opposed to having to go through the Human Rights office or the Department to do that. It clarifies that the complainants in a winning case can receive fees at all levels of the proceedings which would include the courts which is the only part that is unclear at the present time, and it finally provides that there are... that punitive damage may be awarded in cases of willful and wanton acts. So, essentially, what it is is a clarification of law that has already been determined by the courts and by rulings of the commission. I encourage your support."

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

51st Legislative Day

May 21, 1987

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 107 'aye', 8 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2358, Mr. Slater. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "House Bill 2358. No Committee or Floor Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2358, a Bill for an Act to amend an Act in relation to pretrial services. Third Reading of the Bill."

Speaker Madigan: "Mr. Slater."

Slater: "Thank you, Mr. Speaker. House Bill 2358 has been suggested by the Illinois Criminal Justice Information Authority, and it provides that a pretrial services agency may retain criminal history records if they're maintained in accordance with certain guidelines established by the Chief Judge of the Circuit Court. I move its adoption... move its passage."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yeah, question of the Sponsor. Tell me about this independent audit."

Slater: "Independent audit procedures are to be established by the Chief Judge, as I understand it, Representative Cullerton."

Cullerton: "There... It's up to the Chief Judge of the Circuit to decide who shall conduct the audit."

Slater: "Well, at this point the Bill is actually silent."

Cullerton: "Well, let's do a little legislative intent, then. Let's just decide right here and now as the Sponsor of the

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

51st Legislative Day

May 21, 1987

Bill that the purpose of this Bill is to allow for the Chief Judge of the Circuit in which the pretrial service agency is operating to determine who shall conduct the independent audit. Is that acceptable to you?"

Slater: "Well, inasmuch, Representative Cullerton, as the Bill has been suggested by the Illinois Criminal Justice Information Authority, they might be also a possible audit authority."

Cullerton: "Well, as I understand the pretrial service agency, this is designed to be set up as an agent of the court. It's to assist the court, not to assist the state or the defendant, to assist the court in determining how much bond should be set and what the amount should be or what other conditions in terms of bond should be imposed. And this Bill deals with the records that they keep, that they collect. And so, I'm just suggesting to you that if we're going to have an audit of... to verify their compliance with federal and state laws, that it be clear that the... this is not something that the Auditor General is involved with, that it say, it's a local judicial circuit that would determine who should conduct the independent audit."

Slater: "Well, actually the audit is to determine that the records they have in their possession are correct, and also, that they're disposed of in accordance with guidelines that might be laid down by the Supreme Court, by the Appellate Courts and by the Circuit Courts, Representative Cullerton. It's not an audit for dollars and cents. It's an audit to determine the accuracy of the information that's in the possession of the pretrial agencies."

Cullerton: "Okay. Thank you."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'."

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

51st Legislative Day

May 21, 1987

Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 116 'aye', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2366, Mr. Regan. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "This Bill has been read a second time previously. Floor Amendment #1, offered by Representative Regan."

Speaker Madigan: "Mr. Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. Amendment #1 just adds some clarifying language. It includes victims, their subrogees and a legal representatives. I move for its adoption."

Speaker Madigan: "Those for the Amendment say 'aye'. Mr. Cullerton."

Cullerton: "Yes, just a quick question of the Sponsor. This opens up juvenile court records. I didn't hear what you said as to who it opens up to juvenile court records to."

Regan: "It opens the juvenile court records to get information for the victim so they could get recovery for damages done by juvenile acts to the victims, their subrogees and the legal representatives."

Cullerton: "What kind of information would you want to get from juvenile court records to help with the victim's insurance agency?"

Regan: "This just gives them an additional piece of information that because of the fact that in many cases juvenile cases don't go through a full court history that they can..."

Cullerton: "I can't... I can't hear you. Just give me... give me an example of one, you know, we have laws that is designed to protect the identity of juveniles. That's the main theory of the whole juvenile court act, and we... we..."

Regan: "Yes, and this is... we feel, in this regard, that they're

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

51st Legislative Day

May 21, 1987

protecting them too much because they do damage to property. They should be available to give the money back for the damage they did to the property. So, if you open up the records, if they're not fully adjudicated. It's in the law now if it goes to full trial, but if it doesn't go to full trial, this opens it up to that aspect so that they can recover monies from the people that did damage."

Cullerton: "Well, just give me an example of what type of information... you're talking about the past criminal history of the juvenile?"

Regan: "No. It's strictly name and address."

Cullerton: "The name and address of the juvenile so that that person can be sued."

Regan: "That's correct."

Cullerton: "Or their parents can be sued for the action."

Regan: "That's correct, for the damages done by the juvenile."

Cullerton: "Okay. Thank you."

Speaker Madigan: "Those for the Amendment say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Is there leave to hear the Bill on the Order of Third Reading? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2366, a Bill for an Act to amend the Juvenile Court Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. The discussion previously on the Amendment actually is what the Bill does. It's a victim's Bill, and I move for its adoption."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'."

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

51st Legislative Day

May 21, 1987

Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 101 'ayes', 15 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2425. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "House Bill 2425. This Bill has been read a second time previously. No Floor or Committee Amendments."

Speaker Madigan: "Third Reading. Is there leave to hear the Bill on the Order of Third Reading? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2425, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill would prohibit the division, dissolution, detachment or annexation or part of a school district which experiences a disaster for a period of fifteen years following a disaster. Basically, what it says, is if the school district's got a major problem because of a disaster, that no portion of the school district should abandon it in favor of some other school district. I would ask for passage of the Bill."

Speaker Madigan: "Those in favor of the passage of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 112 'ayes', one person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2480. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "House Bill 2480. This Bill has been read a second time previously. No Committee or Floor Amendments."

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

51st Legislative Day

May 21, 1987

Speaker Madigan: "Third Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2480, a Bill for an Act to provide for the forfeiture of property in obscenity cases. Third Reading of the Bill."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. This is an extension of the law passed by this Body last year regarding the forfeiture of profits and property used in the commission of the offense of child pornography. This would allow for the forfeiture of profits and property used in the commission of the offense of obscenity. The forfeiture can only take place pursuant to a court hearing conducted after a conviction for obscenity, and the forfeiture is... in that hearing, the state is required to prove by a preponderance of the evidence that the property in question is subject to forfeiture under the Act. It allows for preliminary hearing for the preservation of property upon a showing of need as is required in civil law for the issuance of a preliminary injunction or TRO. I move its passage."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yes, will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Cullerton: "Now, explain this temporary restraining order. As I understand, would this be prior to the filing of any criminal charges?"

McCracken: "No."

Cullerton: "So, the State's Attorney decides that they're going to file a criminal charge, criminal charge being that the person is committing the offense of obscenity."

McCracken: "Correct."

Cullerton: "So, then, presuming that we keep the presumption of innocence and the person who operates that store or whatever it might be can be subject to a restraining order

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

51st Legislative Day

May 21, 1987

that would, perhaps, put a lien on the property, prohibit that person from borrowing money on that property. Is that one of the possibilities?"

McCracken: "Yes."

Cullerton: "Why not even allow them to borrow money on the property?"

McCracken: "Well, the property would... a lender is not going to allow or is not going to be interested in lending money on the basis of that property in the first place if there is a preliminary injunction pending."

Cullerton: "Why?"

McCracken: "Because there is a preliminary injunction?"

Cullerton: "Right. I remember now why I'm retired from the Criminal Law Committee. I apologize."

Speaker Madigan: "Mr. Slater."

Slater: "Thank you, Mr. Speaker. Mr. McCracken, what is obscenity?"

McCracken: "Obscenity is as defined by the Statute which is in conformity with the U.S. Supreme Court standard stated in Miller versus California."

Slater: "Can you pick up any magazine and tell me in your opinion that that is going to be determined to be obscenity, and in fact, is going to turn out to be obscenity?"

McCracken: "There are successful prosecutions for obscenity. There are... certainly there are reasonable grounds to believe a particular publication may be obscene for the purpose of probable cause."

Slater: "Thank you very much. Mr. Speaker, to the Bill. There are those who consider such things as Playboy and Penthouse to be obscene, and if you use that kind of a standard, and there are those in this Body who would like to move the standard from a statewide standard to a community standard. We don't know at all before we purchase magazines and put

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

51st Legislative Day

May 21, 1987

them in for distribution or other items or paraphernalia whether it's going to be obscene. I think that this is an obscene Bill and it should be defeated. Thank you very much."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Question of the Sponsor."

Speaker Madigan: "Sponsor yields."

O'Connell: "During Committee, there was some question about a temporary restraining order, would this forfeiture apply in the instance of a temporary restraining order?"

McCracken: "Well, the forfeiture wouldn't occur in that context. A temporary restraining order could be granted by a court if the requirements for the court to be able to exercise its discretion are present. But, no, it has no bearing on the issue of forfeiture."

O'Connell: "So the forfeiture would only occur until the adjudication of obscenity."

McCracken: "It would only be set for a hearing after a conviction for obscenity."

O'Connell: "That's what I meant, a conviction. And then you would go through a hearing process where..."

McCracken: "And the state would be required to prove that this is property subject to forfeiture under the Act, but only after the conviction for obscenity had already been had."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative McCracken, I've heard from several libraries in my district, reference this Bill, and I think their question and concern is that would they be held criminally liable for giving out a book, and heaven knows there are several books in the library, they're not sure what it is, can somebody come back on them and file

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

51st Legislative Day

May 21, 1987

criminal charges... excuse me, obscenity charges against them because they simply gave a book to a... you know... a patron of the library?"

McCracken: "No. The offense... the law relative to the offense is unchanged. This does not change that. If they are in jeopardy, they're in jeopardy now."

Speaker Madigan: "Mr. Black, are you finished? Mr... Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Take the record. Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 31 'ayes', 27 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2571. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "House Bill 2571. This Bill has been read a second time previously. Amendment #1 was adopted in Committee."

Speaker Madigan: "Is there a Motion?"

Clerk O'Brien: "No Motions filed."

Speaker Madigan: "Are there any further Amendments?"

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

Speaker Madigan: "Mr. Slater."

Slater: "Thank you, Mr. Speaker. Amendment #1 makes technical Amendments which have been agreed upon I think by the involved parties."

Speaker Madigan: "Those in favor of the Amendment say... Mr. Slater, we're on Amendment #2."

Slater: "I think I want to withdraw that Amendment, Mr. Speaker."

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

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

51st Legislative Day

May 21, 1987

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

Speaker Madigan: "Mr. Panayotovich, Amendment #3. The Amendment shall be withdrawn. Are there any further Amendments?"

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

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. Amendment #4 is a result of several... one major meeting and several separate meetings with various interested parties in this eavesdropping package. The Amendment, among other things, eliminates requirements that the eavesdropping operators be certified electronic surveillance police. That Amendment... that change was made since it was the belief that the individuals who are working pursuant to a state's attorney or a local law enforcement agency should be competent already to operate eavesdropping devices. We eliminated the unlimited utilization of the fruits of the eavesdropping in a significant way, and that is that the evidence that is obtained through the nonconsensual eavesdrop on a drug related case can only be used in a subsequent hearing, be that for probable cause to issue a warrant or be it in the court itself, only if it is to be used as a corroborative evidence and that the basis for the probable cause or the evidence to be admitted into court, is based of independent means of the eavesdrop itself. I think this particular issue eliminates a lot of concerns that Members have had with regards to the indiscriminate and the potential for harassment by the local law enforcement agencies of this particular method of eavesdropping. The Amendment, as I said, was a product of a meeting with various interested parties. I think it goes a long way to removing out a number of the concerns that

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

51st Legislative Day

May 21, 1987

the Members have had with regards to how the fruits of the eavesdropping acts are to be used. I would be happy to answer any questions."

Speaker Madigan: "Mr. Countryman."

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

Speaker Madigan: "The Sponsor yields."

Countryman: "Representative O'Connell, let me pose this to you as a question to see if I can establish some legislative intent with regard to this Amendment. If police officers in the course of an eavesdropping pick up evidence of another crime, other than the crime for which the eavesdropping was authorized, is that evidence admissible in a court?"

O'Connell: "In and of itself, the evidence would not be admissible. However, if by some independent means that evidence of the crime were established and presented in the court proceeding, the eavesdrop evidence, if it was obtained pursuant to Article 108, could be used as corroborative evidence."

Countryman: "And this Amendment eliminates the language which was originally in the Bill, that allowed the court to take action to conform orders and proceedings to the state and federal constitutional and statutory requirements. Is that correct?"

O'Connell: "Well, yes, it eliminate... I think that's the... right, that would be in this Amendment. We just... that was just redundant language. We feel that..."

Countryman: "Redundant within the Bill?"

O'Connell: "Well, no, that... presently, that they have to abide by the United States Constitution... under its search and seizure provisions as well as the Illinois Constitution."

Countryman: "Alright. And it also... the original Bill directed the court to construe the new article in accordance with a

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

51st Legislative Day

May 21, 1987

similar federal law, and that's been deleted too, is that correct?"

O'Connell: "Right. It's implicit under our laws today that anything that we do must be upheld... or subject to the United States Supreme Court and its decisions. And as far as statutes, we are obliged to follow the state law provided that those state laws are constitutional under our system of law."

Countryman: "But without that there won't be any guidance for the courts in construing this law when it initially becomes effective, will it?"

Speaker Madigan: "Mr. Countryman, have you finished?"

Countryman: "No, Mr. Speaker, I think I have a question pending."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "There is a... that is not the intent, Representative."

Countryman: "One more question. You eliminate the provision making violation of the article punishable by contempt of court. Is it your intent that it's a violation still would be punishable by a contempt of court under the court's general powers?"

O'Connell: "That's correct. The General Assembly can't regulate judicial power, inherent judicial power."

Countryman: "But they still would have that power under the general powers of the court."

O'Connell: "Of course."

Countryman: "Thank you."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. Would the Sponsor yield for a question? Representative O'Connell, I understood this eavesdropping Bill to be limited to certain offenses. Which offenses was the Bill intended to be limited to?"

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

51st Legislative Day

May 21, 1987

O'Connell: "Drug related cases. I uh, Representative..."

Cullerton: "Now... Now okay, let me ask you a question about this Amendment, then. According to this Amendment, you're talking about evidence that's obtained from the eavesdropping and the possibility of this being used in court for other crimes. Isn't that what the Amendment talks about? The circumstances under which other crimes, the fruits of the eavesdropping, what it could be used for other crimes. Isn't that what the Amendment's about?"

O'Connell: "If it's corroborative of independently obtained evidence."

Cullerton: "Alright. Let me give you an example and see if you could tell me how it would apply. Let's say that one of the secretaries to one of the State Representatives, there's some evidence that's brought to a state's attorney in Sangamon County, that a secretary of one of our State Representatives is somehow involved with possession or sale of some drugs. And so the state's attorney of Sangamon County goes to the Chief Judge of Sangamon County, or if he's on vacation maybe his designee, and they can get a wire tap order, is that correct so far, under the Bill? They'd be allowed to do that?"

O'Connell: "If they were using the information they got off of a secretary's telephone?"

Cullerton: "No. No. I'm talking about so far the law right now, this Bill, would allow for the state's attorney of Sangamon County, if he had evidence presented to him and then he went to the Judge, he could tap the phone of a secretary of a State Representative if there is evidence that he or she or... in most cases she, is using drugs? That's what the Bill would allow."

O'Connell: "If the... If there were independent evidence presented establishing the probable cause."

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

51st Legislative Day

May 21, 1987

Cullerton: "Okay."

O'Connell: "Yes."

Cullerton: "So, alright... So now, the phone is bugged and it's your secretary's phone and let's say then that a State Representative is using that secretary's phone and that State Representative is talking on the phone and someone's listening, some law enforcement officer is listening to the State Representative who is using the phone and some illegal activity is discussed on the phone. Let's say the Legislator talks about accepting a bribe to vote for a certain Bill. Under what circumstances could that information that's obtained from that wire tapping, under what circumstances could that be used in court against the State Representative?"

O'Connell: "That evidence cannot be used unless it is corroborative of some other evidence. Now, let... for example, let me follow up on your example. If that same State Representative had given law enforcement some other reason to believe that they... that particular Representative was guilty of committing a bribery, there was an independently obtained evidence unrelated to the wire tap, than absent that, the wire tap information could not be used against that particular individual."

Cullerton: "Okay. So, let's say they're... let's say they're listening into this phone conversation, the State Representative is on the phone, he talks about accepting a bribe from a certain individual, let's say a lobbyist, and he names that lobbyist, and he says I'm going to meet you in... out by the rail, you give me the money, I'll go in and vote for the Bill. That's what's learned on this telephone conversation. Is there anything to stop the law enforcement officers from going over to the lobby and meeting that Representative and that lobbyist and observing

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

51st Legislative Day

May 21, 1987

the transaction? Is there anything that prohibits them from going ahead and doing that? The fruit of the poisonous tree, they can listen to that conversation. They can hear that information about this meeting where there's going to this transaction of bribery with the State Rep. and the lobbyist and they can go and independently research what they've learned from the phone conversation. Isn't that correct?"

O'Connell: "Well, at what point does it become independent?"

Cullerton: "Well you tell me. It's your Amendment."

O'Connell: "If... if the... they learn of an illegal transaction that's about to take place, unrelated to drugs, they can observe... they can go over to the rail as you put it, they can observe that illegal transaction partaking. As long as there is no illegal entrance, as long as they follow the current constitutional limits on search and seizure, there's nothing to prohibit them from obtaining the direct evidence of a crime that's being taken place."

Cullerton: "But the only way they would have known to go there was because of the wire tap. Isn't that correct?"

O'Connell: "As long as that was a legal wire tap and if this law... if this particular legislation becomes law and that they adhere to the procedure, yes. That's correct."

Speaker Madigan: "Mr. Cullerton and Mr. O'Connell, could we bring this to a conclusion?"

Cullerton: "Yes, I'm through, Mr. Speaker. I will bring my comments to a close with regard to this Amendment. I think it's a very important Bill, and I'd... obviously I'm going to be up again to discuss the lack of merits of the Bill on Third Reading."

Speaker Madigan: "Fine. So now the question will be the adoption of the Amendment. Those in favor of the Amendment shall signify by voting 'aye', those opposed by voting 'no'."

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

51st Legislative Day

May 21, 1987

Have all voted who wish? This is the Amendment. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 36 'ayes'... the Chair recognizes Mr. Homer."

Homer: "I had wanted to explain my vote, Mr. Speaker. I think there's misunderstanding about what we're voting on here. This is the Amendment. The Amendment would... for those who are against the Bill and think it's a bad Bill, then I guess they could say that this makes a bad Bill better. But the Amendment that the Gentleman offers limits the use and application of the fruits of the eavesdropping. His Amendment would say that where there is an eavesdrop permitted because there is evidence probable cause of a drug transaction or drug conspiracy, and during the eavesdropping the law enforcement officials hear of something about another unrelated crime, his Amendment says, that they can't use that information as evidence in court in a prosecution of the other crime against that individual. So, I'm not sure why so many people are voting against his Amendment. You might be against the Bill, but I think you'd prefer to vote for the Amendment unless you obviously think that you're going to do better on Third Reading, but I think a lot of people would want to vote 'yes' on the Amendment that even want to vote 'no' on the Bill."

Speaker Madigan: "And the Clerk tells me the vote is closed and the Amendment fails, and let the record show that Mr. McAuliffe attempted to be recorded as 'aye'. And the Amendment fails. Are there any further Amendments?"

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

Speaker Madigan: "Mr. Slater."

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

51st Legislative Day

May 21, 1987

Slater: "Thank you, Mr. Speaker. Amendment #5 limits the authority of a Judge as it relates to an eavesdropping order. Under Amendment #5, a nonconsensual eavesdropping order may apply only in the judicial circuit, rather than anywhere in the state with the exception of the mobile situation, which we would have with automobiles or boats. It, secondly, addresses the situation in which the police authorities had concern with, and that is kidnapping and terrorism and provides that no judicial authorization is necessary in those situations. However, any evidence obtained would not be admissible in any kind of judicial proceeding. I move its adoption."

Speaker Madigan: "The Gentleman moves for the adoption of Amendment #5. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Is there leave to hear the Bill on the Order of Third Reading? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2571, a Bill for an Act relating to electronic criminal surveillance devices. Third Reading of the Bill."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. Many people have voiced reservations about eavesdropping. Every since the 1970 Constitution when there was a good deal of debate as to the propriety of eavesdropping, which through the years has advanced itself in the state of the art, where now it is clearly a tool that's available in very sophisticated degrees for law enforcement agencies. The tool is there. Unfortunately, the tool hasn't been able to be utilized because of some of our statutory limitations on it."

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

51st Legislative Day

May 21, 1987

Specifically, the law now requires that in order for a tap to occur, you have to obtain the consent of one of the parties to the conversation. Now, this is fine if you've got an individual who is an informant, who places the eavesdropping device on his person or her person and tapes that conversation and it follows the other relevant laws in terms of the application process that the Judges must provide in the orders that the Judge issues. But increasingly this has become a rather impractical method of addressing the problem. Specifically, with regards to drug related problems, it has become impossible and impracticable for law enforcement officials to do an effective wire tap because they don't have the consent of one of the parties. I'm certain there'll be other individuals to speak on this Bill, who have had first hand experience in this regard, who will point out the impracticality and indeed, the jest in getting one of the parties to a drug deal to consent to the tap. What this Bill does is, it eliminates that consensual requirement in the case of drug related offenses. What we also did in response to certain individuals who were concerned about the effect of this Bill is that we eliminated... limited the utilization of the fruits of this tap for purposes of evidence as it relates to hostage situations, kidnapping and threats of imminent harm or danger that was requested by the Speaker's Law Enforcement Advisory Committee. What we did, in Amendment #5, was to limit that... those provisions, the nondrug related provisions, simply to exempting them from criminal violation of Article 14 in the Criminal Code. But, what we did, Ladies and Gentlemen, was to try to put our law enforcement officials on a level playing field with the individuals who are perpetrating heinous crimes, particularly, in the area of drug related

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

51st Legislative Day

May 21, 1987

offenses. This has become, Ladies and Gentlemen, not only a multi-billion dollar crime on our state, but it has evolved into other heinous crimes which are life jeopardizing and the ruination of many of our citizens. We've given to our police officials a method to combat this on an equal footing and we've also attempted to put into this Bill the due process and the constitutional restrictions to assure that the abuse of this authority will not be carried out to the detriment of law abiding individuals, contrary to what certain individuals have raised on other parts of this debate. This is plain and simple a law and order Bill. There is no doubt about it. Those of you who profess to be law and order, when you go back to your districts, you can point to this Bill and indicate that you voted for it. If you've got reservations about it, please ask questions. I would be happy to answer as many as I can."

Speaker Madigan: "Mr. Johnson."

Johnson: "Without consent of one of the parties, what threshold showing do you have to make to obtain a wire tap order?"

O'Connell: "It's probable cause."

Johnson: "Well... a little more specifically, if you could."

O'Connell: "Sure."

Johnson: "Tell me what meets that minimum probable cause level in order to issue a wire tap order."

O'Connell: "Well, if you're asking to define probable cause, Representative, it is by its inherent nature a case by case evaluation by the individual Judge who is the arbiter of that decision."

Johnson: "Well, what if you have an anonymous no name affidavit that says, 'I think John Doe and Jane Smith are involved in a drug deal' and you present that to the court, is that sufficient to allow a wire tap order? Does there have to

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

51st Legislative Day

May 21, 1987

be an individual name that you can proceed against if he's lying or simply vindictive or can it be an anonymous petition and is the information I described sufficient to get the order?"

O'Connell: "Well, under current law as it relates to search and seizure, the Judge has the right to consider the totality of the circumstances. Now, you indicate an anonymous call. It would be my..."

Johnson: "No. I meant, an anonymous... a no name source of the information that's presented to the court through law enforcement officials and so forth. A tipster, right. Is that sufficient? We heard two people were involved in a crime."

O'Connell: "Well, the anonymous... anonymous tip has to be corroborative with some independent set of facts."

Johnson: "So, the facts I've described, and I can give you a couple of cases, that... the facts that I described, you're saying, are not sufficient to allow a wire tape order."

O'Connell: "If it's just an anonymous tip, Representative, I don't think that..."

Johnson: "Well, I don't mean an anonymous tip as far as the police are concerned. They have to give the name to the police officers, but they... an anonymous source, the police are not going to name the source, but there is a source that says these two individuals are involved or potentially involved in a deal."

O'Connell: "Well, if the tipster is reliable, but if you indicate that he's anonymous, I don't think he can establish the reliability. Let me just, Represent... let me just point out, in the application for the order of interception, there are certain things that you've got to present to the court for this totality of circumstances, including the authority of the applicant to make the application, the

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

51st Legislative Day

May 21, 1987

identity of the electronic criminal surveillance officer for whom the authority to intercept is sought, the facts relied upon by the applicants which includes the identity of the particular person, if known, who is committing or is about to commit or has committed the offense, the details as to the particular offense that has been or is been or is about to be committed, the particular type of communication to be..."

Johnson: "Okay. Representative O'Connell, if I could, I really... what about someone who's vindictive?"

Speaker Madigan: "Gentlemen, if I... Gentlemen, if I could interject."

Johnson: "Someone... what about somebody who's vindictive?"

Speaker Madigan: "Mr. Johnson. Mr. Johnson, could we bring the discussion to a close as soon as possible? Thank you. Mr. Johnson."

Johnson: "Yeah, somebody who's vindict... and simply doesn't like two individuals and then provides fallacious information that meet the minimum criteria that you've referred to, the wire tap is held or the wire tap order is made, sure, you can't in that situation obtain a conviction, but then you have private conversations of any infinite variety that can then be overheard and at least, within the limited broadcast of the law enforcement community, you can find out all about that person's sex life or what time he likes to go to bed, or anything else. You might not be able to convict him of anything, but you can obtain a wire tap order without consent of one of the parties under those circumstances and then have at least a limited number of people know all about somebody's private life. Isn't that correct?"

O'Connell: "Well, the... the product of the wire tap, there is inherent in wire taps now, be it state or federal... There

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

51st Legislative Day

May 21, 1987

is a mixture of private conversation that is filled in with the conversation that would be the product of the investigation. Now, the revelation or the broadcast of the publication of those private oral conversations, which are not related to the offense, are not to be rebroadcasted or published, but are rather irrelevant to the investigation. Furthermore, the length of time that the tape... that the wire tap can proceed is for 30 days unless for good reasons it's extended. So..."

Johnson: "Well, I imagine within 30 days, you can find out a considerable amount about somebody's private life. And my point is, that there is nothing in our civil law to prohibit this circumstance. Somebody, and there's plenty of vindictive people in society who don't like someone else and they know what's necessary to allege in an affidavit, facts sufficient to get a wire tap order. Current law protects that, because you have to have one party consent or least there is a level of protection. So, what you do is you go in to the Judge with those threshold showing, get a wire tap order that demonstrates nothing insofar as a drug deal or anything else is concerned, but a whole lot in the course of 30 days about private conversations between the person who is being wire tapped and someone else. And I guess since we're making public policy, I'm simply suggesting that when we have those protections, when we have a one party consent, that current law requires, that we do a lot to uphold the concept of... and the right of privacy that's essential to, or at least I think is essential, to a free society. We have sufficient ammunition between informants and otherwise in our existing law to be able to well prosecute these sort of offenses without over reaching, and I'm simply suggesting to all of us here, that we can come down here and cheer.

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

51st Legislative Day

May 21, 1987

Representative O'Connell is right. I know he's sincere about this. I can go back, if I vote for this, and say, 'yeah, I'm a good law enforcement, law and order guy,' but that's not really the reason we're here, to go back and tell people something that is dangerously over broad. We're not really here for that purpose. We're here to make sound public policy, and I would suggest that any one of us could... here and anywhere else that a hundred and some thousand constituents that each one of us represent are subject to real sort of Damocles by this sort of legislation, and each one of us and our constituents have a real level of protection. Area privacy than in a free society and we're the elected Representatives of the free society. We've got an obligation to protect. And if there is a few crimes that go undetected because we don't pass this Bill and the trade off for that is to be able to protect people in a free society against government, big brother mentality and operations delving into their lives and letting the world know what simply a private noncriminal matter, then that's the trade off I'm willing to make."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker. I'll be very brief. Let me just say that this is a... obviously, I'm very much opposed to the Bill. This will allow 102 politicians, and that's really what state's attorneys are, politicians throughout the State of Illinois, to go and use as an excuse, the fact that there is some drug related offense to initially get that tap. Once they get that tap on that phone, then they can use whatever evidence they find there for any other, any other crime. So, if you think this is just limited to drugs, it's really not true. And that's really where the abuse is. Representative O'Connell

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

51st Legislative Day

May 21, 1987

attempted in Amendment 84 to cut out some of those abuses. That Amendment wasn't adopted. So, it's even worse than what it could have been. It's just simply a bad Bill. And the example I gave before about your own phone down here in Sangamon County being tapped, because there is some evidence that maybe your secretary is doing drugs, or dealing drugs, once they get that tap on it, for the next 30 days, somebody is listening into everything you say. In federal law, everything is against the law. Believe me, if it is not against the law, they can threaten you, threaten you with indictment which, for politicians like us, is enough to cause serious political damage. It's just too risky to do something like this. It's just not tight enough a Bill, and I urge you to vote "no."

Speaker Madigan: "Mr. Petka."

Petka: "Thank you, Mr. Speaker, Members of the House. We've heard all the buzz words. Politicians, bribery, eavesdrops, wire taps. But isn't it ironic? Just yesterday, we spent a better portion of the day talking about children drug abuse. We were talking about the demand side of the drug problem in this country. And what, pray tell, what do we have today in terms of supply side? Cutting off the pushers. We have one of the most restrictive wire taps eavesdropping Bills in the United States, much more restrictive than is currently allowed under federal law. So, while we're spending all of that money trying to teach our children about the terrors of drugs, while we have our fingers on the dike and its ready to explode, those who are now protected, and what I refer to as the white collar drug protection Amendment in our Constitution, the big pushers, the ones who are always somehow missed, because they know how to insulate themselves from the street pushers and from law

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

51st Legislative Day

May 21, 1987

enforcement, they're missed. And when you go back out and talk to your constituents, they say, 'Mr. State's Attorney, why are you only going after these little guys? How come you can't get after these big guys?' The fact of the matter is, that we can't get after the big guys because they can insulate themselves because of this extremely restrictive statute, an Amendment that we now have. Now, one of our Representatives alluded to the fact that we have a right to privacy. Nothing is more cherished to any of us, but our United States Supreme Court in no uncertain terms has stated, has stated that government will only enforce right to privacy when a person has a legitimate expectation to believe that government will enforce just that. What we're talking about here and Ladies and Gentlemen, I know you don't read the Bills, read this Bills it applies to drug pushers, the drug peddlers. That's what we're looking at. State's attorneys have got plenty of things to do to be worrying about the sex lives of politicians or anyone else. Drug problem is big enough that they can focus and attack that. Law enforcement officials desperately need something like this. They desperately need a Bill that will permit them to attack drug pushers as we haven't attacked drug pushers in 20 years. So, I stand proudly in support of this Bill. John O'Connell has a good idea here. It's about time that we do something that's meaningful. We can educate the children until the cows come home, but unless we take the supply away from them, unless we take... remove the temptation, we simply haven't done anything in the war on drugs. Please vote for this Bill."

Speaker Madigan: "Mr. Terzich."

Terzich: "Yes, I rest my case and move the previous question."

Speaker Madigan: "Those in favor say 'aye', those opposed say

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

51st Legislative Day

May 21, 1987

'no'. The 'ayes' have it. The previous question has been moved. The question is, 'Shall this Bill pass?' Those in favor of the passage of the Bill will signify by voting 'aye', those opposed by voting 'no'. Mr. Panayotovitch, to explain his vote."

Panayotovitch: "Thank you, Mr. Chairman (sic - Speaker), Ladies and Gentlemen of the House. As the Chairman of the Speaker's Law Advisory Enforcement Committee, I'm sorry, we meet regularly with the law enforcement agencies throughout the state and they unanimously supported this Bill. And again, to remember, this deals with drug pushers, drug dealing, hostage situations and also, life threatening situations. So we, as elected officials should have... we have nothing to hide in our own lives. We should see more green votes up there."

Speaker Madigan: "Mr. Johnson, to explain his vote. Mr. Johnson simply wishes to verify if it reaches 60 votes. Mr. Flinn."

Flinn: "Mr. Speaker, we sat here for a half hour and listened to a Bill that apparently didn't have a chance to win when we started, and I think we did this... with few hours left, I think we've been... the lawyers on this floor have totally disregarded the other Members. I would suggest that we take all lawyer sponsored Bills and put them on the Calendar for this coming Saturday."

Speaker Madigan: "Have all voted who wish? The Clerk shall take the record. On this question there are 53 'aye' and 55 'no'. And the Bill fails. House Bill 2722. Mr. Clerk, are there any Amendments?"

Clerk O'Brien: "House Bill 2722. Amendment #1 was adopted in Committee."

Speaker Madigan: "Is there a Motion?"

Clerk O'Brien: "No Motions filed."

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

51st Legislative Day

May 21, 1987

Speaker Madigan: "Are there any further Amendments?"

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

Regan: "Thank you, Mr. Speaker, Members of the House. Amendment 2 makes a good Bill better just with clarification language explaining more clearly the classification of severely and profoundly mentally retarded. I'd like to move for its adoption."

Speaker Madigan: "Those in favor of the Amendment say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2722, a Bill for an Act in relation to certain offenses committed against institutionalized severely and profoundly mentally retarded adults. Third Reading of the Bill."

Speaker Madigan: "Mr. Regan."

Regan: "Mr. Speaker, thank you. And I... I really mean thank you, and Members of the House. My district has a considerable amount of institutions that deal with mentally retarded patients. And in our local newspapers within the last three months had two articles where these patients were sexually abused, and I thought to myself as I read the articles that the penalties should be the same because these people, in one case, had the mentality of a seven year old, in the other case, a five year old. So what difference does it make? We have laws and good laws now to protect our children from sexual abuse. These people fall in the same classification. And just to make sure of that, I only chose out of the four classifications of retardation the last two so that it doesn't get confused with someone that may know what they're doing sexually, because we're

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

51st Legislative Day

May 21, 1987

dealing with adults now. The last two classifications are forty IQ and below. They are identified this way by a psychiatrist, by a medical doctor and by a court with a Judge at a hearing. The classifications are very specific, and I feel that as long as a person doesn't really know what's going on around them that they should be protected just like our children are, and I move for this Bill to pass please."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 116 'aye', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 292, Mr. Hensel. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 292, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Hensel."

Hensel: "Thank you, Mr. Speaker, Members of the House. House Bill 292 amends the Structural Pest Control Act to provide that licensees may meet the insurance requirement with a certificate of insurance issued by an insurance company authorized to do business in Illinois or by a risk retention or purchasing group form pursuant to the Federal Liability Risk Retention Act of 1986. What this does is allow the pest control people who are mandated to carry insurance, it allows them to at least have a risk retention pool or get a certificate that shows they have insurance, and I ask for a favorable vote."

Speaker Madigan: "Those in favor of the passage of the Bill... The Chair recognizes Mr. Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House."

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

51st Legislative Day

May 21, 1987

Just a quick question. Are the pest control... is pest control industry in support of this Bill or in opposition to it?"

Hensel: "The pest control people are the ones that asked me to present this Bill."

Dunn: "Okay. Thank you."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 114 'aye', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 805. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 805, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker, Members of the House. Whenever we pass a new initiative in this House, a new piece of legislation, it seems like we're back here in a couple of years to try to fine tune that piece of legislation. What I'm attempting to do in this piece of legislation is to fine tune the emission testing Bill that we passed about two years ago in this House. Now, the underlying thought with that Bill was that we should inspect cars and other autos that pollute the counties in this state in the industrial urbanized areas. But, rather than just adopt the county wide standard, it was decided that we use zipcodes. So that, even within counties, for example, that we can have some areas where the cars will be inspected and other areas, primarily rural areas where there was not a lot of congestion where the cars could... would not necessarily have to be inspected. Unfortunately, I have within my district an area that's so rural that they

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

51st Legislative Day

May 21, 1987

don't even have a post office. This group of people is so small that they get their mail from some neighboring areas and they come from five different zipcodes. And under the legislation that we passed two years ago, three of those zipcodes were exempt and weren't even considered to be areas that need to be tested, but unfortunately, two of these areas found themselves being tested. And so, what this Bill does is to say that because this is a very rural area that really it's not and should not be part of the testing program, that we're going to simply exempt that within this very small township. And I'd ask for your vote on this important Bill."

Speaker Madigan: "Mr. McCracken."

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

Speaker Madigan: "The Sponsor yields."

McCracken: "As amended, how many zipcodes does this seek to exempt?"

Hannig: "Representative, there is five zipcodes that go in this particular township. Three of them are already exempt, and this would attempt to exempt the other two within Foster township."

McCracken: "Now..."

Hannig: "This is a rural area of Madison County."

McCracken: "Yeah, I'm still confused. You're only trying to exempt one zipcode limited to those residences of Foster township?"

Hannig: "Two zipcodes. The original Bill had one and that was a drafting error by the Reference Bureau. So, by Amendment, we added the other zipcodes."

McCracken: "Okay. And the Environmental Protection Agency is opposed to this legislation. Is that right?"

Hannig: "That's... that's correct. Their position is they're opposed to it, but I think that they are taking a position

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

51st Legislative Day

May 21, 1987

that is really not a fair position, because they shouldn't have included these people to start with."

McCracken: "Okay. To the Bill, Mr. Speaker. For every region exempted, that increases the total pollution count over the prescribed federal limit. Now, the problem with that is that, should we... that could jeopardize our noncompliance. I don't know if it's true in this case. I don't know if the Sponsor knows it's true in this case. The fact of the matter is that when these zipcodes were acted upon, it was for the purpose of complying with federal law in order not to lose our federal road subsidies. In a time such as this, we should be especially cautious about not jeopardizing those funds. And for that reason, I oppose the Bill."

Speaker Madigan: "Mr. Pedersen."

Pedersen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To the Bill. In my particular district, in fact, in the township I live in, we have the same problem. We have part of the township in the emission control area because of zipcode. We have another part that's out. I think that we could talk to other Legislators and find that those that are in the metropolitan area or down in the East St. Louis area in southwest Illinois, you can find maybe a couple of other communities. I think this would just open the door to have more communities asked to be opt out by zipcode. I think it's a bad Bill, and I ask you to vote 'no' and defeat this legislative measure."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are... Mr. Regan. Mr. Regan, are you seeking recognition? On this question there are 63 'aye',

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

51st Legislative Day

May 21, 1987

50 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1819. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1819, a Bill for an Act to amend the Prairie Trail Authority Act. Third Reading of the bill."

Speaker Madigan: "Mr. Klemm. Mr. Klemm. Mr. Wait."

Wait: "Thank you, Mr. Speaker. I'm Hyphenated Cosponsor on this. Representative Klemm asked me to handle this for him. Basically, all this would do is allow on the Prairie Trail Authority Act would allow the conservation district, just in McHenry County, to appoint the person to be on this authority."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 116 'aye', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1970. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1970, a Bill for an Act to amend the Child Care Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Ryder. Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill limits the kind of child care facility employees who may authorize investigations only to those who have direct contact with the children. Under the current Act, it's much broader mandate, and this would allow the Department of Children and Family Services to do a better job of those investigations."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On

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

51st Legislative Day

May 21, 1987

this question there are 116 'aye', no one voting 'no'.
This Bill, having received a Constitutional Majority, is
hereby declared passed. House Bill 2162. Mr. Clerk, read
the Bill."

Clerk O'Brien: "House Bill 2162, a Bill for an Act to amend the
Child Care Act. Third Reading of the Bill."

Speaker Madigan: "Representative Hasara."

Hasara: "Thank you, Mr. Speaker. House Bill 2162 permits DCFS to
issue an emergency permit for not up to 120 days to a day
care center that has had a natural disaster. I move for
the adoption."

Speaker Madigan: "Those in favor of the passage of the Bill
signify by voting 'aye', those opposed by voting 'no'.
Have all voted who wish? Have all voted who wish? The
Clerk shall take the record. On this question there are
113 'aye', no one voting 'no'. This Bill, having received
a Constitutional Majority, is hereby declared passed.
House Bill 2361, Mr. Kubik. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2361, a Bill for an Act to amend the
Hearing Aid Consumer Protection Act. Third Reading of the
Bill."

Speaker Madigan: "Mr. Kubik."

Kubik: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House. 2361 would permit the Department of Public Health
to establish minimum standard for continuing education for
hearing aid dispensers. It would require that applicants
for temporary dispenser certificates be citizens or legal
aliens. It adds other fees in administrative review of
continuing education credits. And it also has a provision
to define the term 'clinical audiologist' as requested by
JCAR. I would appreciate your 'aye' vote."

Speaker Madigan: "Mr. Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House."

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

51st Legislative Day

May 21, 1987

Will the Sponsor yield for a question?"

Kubik: "Yes."

Speaker Madigan: "The Sponsor yields."

Dunn: "I was the author of the original legislation which you now seek to amend. That legislation was legislation worked out by the professionals in the hearing aid industry as well as the Attorney General of this state, and I wonder why we are amending this legislation at this time? What has caused the need for Amendment?"

Kubik: "Well, Representative, the Department of Public Health, who currently license hearing aid dispensers, do not have advisory boards. And what we're doing is giving the Department of Public Health the authority that they really should have under this particular Act."

Dunn: "Are you taking the power away, you say, from the advisory board to establish continuing education for the hearing aid society and giving it to the Department of Public Health?"

Kubik: "Well, as a practical matter, Representative, the Department has promulgated all the rules and the consumer, the Hearing Aid Consumer Protection Board has almost acted in an advisory capacity. I might also point out..."

Dunn: "I was going to ask you. The Department has promulgated the rules, but didn't you say that JCAR has told them that they don't have the authority to promulgate rules with regard to continuing education? Isn't that the situation? Haven't they been told by JCAR that they've gone a little bit too far?"

Kubik: "No. The... as I have stated earlier, the Department does not have independent boards. The Department of Public Health has advisory boards, and what we're doing is continuing that effort. I might also point out, Representative Dunn, that the Hearing Aid Consumer Protection Board itself has agreed and endorsed this

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

51st Legislative Day

May 21, 1987

particular legislation."

Dunn: "Mr. Speaker, to the Bill. The Bill makes several changes, but two are fundamental and need the attention of the Body. The original legislation which was worked out with all the interested parties involved provided for an advisory board to work in conjunction with the State Department of Public Health in this area, the area of regulation of hearing aid dealers. The Board under the current statute does have some authority. It has the authority to establish minimum standards for continuing education. This statute or this Bill proposes to change that and take away from the Board which is comprised of people involved with the industry, consumers and there is a mix of people on the Board. It proposes to take that authority away from them and put it with the Department of Public Health. Those of us who are involved with any profession, I think, can appreciate the ship in emphasis here. Accountants decide what courses they shall take for continuing legal education and not some state society. In the law profession, the legal profession decides what courses shall be offered for continuing education. Nobody imposes those courses upon them. The medical society decides which of its courses shall be offered for continuing education and government does not tell them which courses to offer. In this legislation, the Department of Public Health is being given the authority to tell those in the hearing aid profession what courses they shall offer for continuing education, and furthermore, the legislation gives the Department of Public Health a blank check with regard to the fees which shall be charged for continuing education, and also gives the Department of Public Health the authority to make a charge to those who provide the continuing education courses themselves. And you can imagine if there is a convention of hearing aid

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

51st Legislative Day

May 21, 1987

dealers, and hearing aid dealers want to go to a convention and sign up for a course with regard to this or that aspect of the hearing aid profession, they may find that they are terribly expensive if the Department of Public Health charges each person who comes to that convention to conduct a course and charges them in such fashion that it becomes very expensive or prohibitive for the professionals to put on continuing legal education seminars. There may not be any continuing legal education seminars if this Bill becomes law. This is a Bill that was not worked out with those who are fitting hearing aids in this state under licensure from the State of Illinois and all of these people without exception are small businesses scattered all around the State of Illinois in your town, your county and mine. They're everywhere in this state and they don't want this Bill. They want the legislation the way it was. They came to the State... to the State of Illinois and said, 'We want to regulate our profession. We want those who purchase hearing aids to feel comfortable that they are getting it from top quality professionals and we won't be regulated by the State of Illinois.' It took a long, long time to work out that legislation. It's only been on the books a couple of years, and here we come with a drastic change to say that those who would work everyday in the industry shall not decide what continuing legal education courses shall be offered and shall not decide what the cost of those courses is. The cost shall be decided by the Department of Public Health. I would urge defeat of this legislation at this time. There may be some things which need to be worked out, but they can be taken care of. Please vote 'no'."

Speaker Madigan: "Representative Frederick."

Frederick: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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

51st Legislative Day

May 21, 1987

House. I also rise to oppose this Bill. In speaking with the Hearing Aid Association in Illinois, I find that they do not agree with this legislation. He did spend a great deal of time two years ago ironing out the problems of continuing education for hearing aid dealers. I, too, would like to ask you to vote 'no' on this bad Bill."

Speaker Madigan: "Mr. Kubik, to close."

Kubik: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think it's important when we consider this legislation to consider the name of this particular board. It's called the Hearing Aid Consumer Protection Board, and I would obviously expect those who dispense hearing aids, of which this board is supposed to... they're not protecting the people who dispense the hearing aids, they're protecting the people who are buying the hearing aids. That's the reason we have this kind of a board. The Gentleman on the other side of the aisle spoke of the fact that this legislation has changed. Yes, it has changed, because when this Legislature enacted this Hearing Aid Consumer Protection Act, it had originally asked that it be put in the Department of Registration and Regulation. It was not. It was put under the Department of Public Health and the Department of Public Health has advisory boards. The Department of Public Health licenses hearing aid dealers, and so rightly, they should have the authority over continuing education. I might also point out two other things... three other things, the first being that this board will not be abolished. The board will continue to advise the Department of Public Health. Secondly, at the present time the Department of Public Health does all the rule writing, they do all of the promulgating of the rules, they hand it to the advisory board, the advisory board says 'yes', and then they go on with the rules. The

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

51st Legislative Day

May 21, 1987

last item I'd like to point out is that with regard to the fees, the people who are opposed to this Bill, after the Committee hearing was over, I told them I'd be happy to sit down with them and discuss the fee. Well, Ladies and Gentlemen, I've yet to hear from the Hearing Aid Association. I'm a hearing aid wearer, and I think what we've got to do is put this in a position where we, the state, can make sure that the hearing aid dispensers are in the best possible vehicle in order to keep up with the technology. I'd appreciate your 'aye' vote, and I... appreciate your 'aye' vote."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 51 'aye', 54 'no'. This Bill, having failed to receive a Constitutional Majority... Mr. Kubik? Place the Bill on the Order of Postponed Consideration. House Bill 2403, Mr. Daley. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2403, a Bill for an Act to require the installation of smoke detectors. Third Reading of the Bill."

Speaker Madigan: "Mr. Daley."

Daley: "Thank you, Mr. Speaker and Members of the House. House Bill 2403 would require the installation and maintenance of approved smoke detectors in certain facilities. And those facilities are: any long-term care facility, community residence alternatives, elementary and secondary schools and child care facilities. I'd be happy to answer any questions. And I'd... "

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'."

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

51st Legislative Day

May 21, 1987

Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 'aye', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby passed. House Bill 2404, Mr. Berrios. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2404, a Bill for an Act concerning the general occupational health of resident aliens. Third Reading of the Bill."

Speaker Madigan: "Mr. Berrios."

Berrios: "Mr. Speaker and Members of the House, this is a simply a vehicle Bill in case we come up with something on the Immigration Task Force that we're going to have to amend on to this. That's the only reason we've got this Bill up there."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 107 'aye', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2603, Mr. Steczo. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2603, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of the Bill."

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 2603 is designed to increase supervision of released inmates on parole or... a mandatory supervised release during those critical periods when research shows that they are most likely to commit technical violations and new offenses. House Bill 2603 modifies the length of supervision which would actually reduce parole case loads and allow more supervision to ensure the public safety within current budget constraints. The research does show that most offenders who fail, do so within the first few

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

51st Legislative Day

May 21, 1987

months after release. And we should also make mention that if an offender does... does violate the law and have a new offense, that of course, they would be dealt with accordingly. The case loads in this case would drop sufficiently for parole agents to closely... more closely monitor supervision when there is the greatest risk of recidivism, and without either this or addition of new parole agents, less supervision actually will occur, and public safety would be jeopardized. Presently, without this Bill, it will require the addition of 30 more... 34 more parole agents, which simply are not in the budget. This Bill would provide no risk to the constituency and passed Committee unanimously. I would also ask for a favorable vote from the House."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 72 'aye', 44 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On this same Order of Business, there were certain Bill numbers which were inadvertently left off the Order of Call when the Calendar was printed. We shall now proceed to those Bills. The first of those Bills will be House Bill 1260, by Mr. Mays, and as I said, this Bill inadvertently appears on page 14 of the Calendar. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1260, a Bill for an Act to amend the Mental Health and Developmental Disabilities Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Mays."

Mays: "Thank you very much, Mr. Speaker. I'd like with leave of the House to bring this Bill back for the purposes of an

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

51st Legislative Day

May 21, 1987

Amendment."

Speaker Madigan: "Is there leave? Leave is granted. The Bill shall be placed on the Order of Second Reading."

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

Mays: "Yes, Amendment #2 is... I don't know. Do we need to withdraw Amendment #1 first? We had that introduced."

Speaker Madigan: "Mr. Clerk, was Amendment #1 a Committee Amendment?"

Mays: "No. It was a Floor Amendment."

Speaker Madigan: "Mr. Clerk."

Clerk O'Brien: "Floor Amendment #1, offered by Representative Mays and White."

Mays: "I'd like to withdraw Amendment #1."

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

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

Speaker Madigan: "Mr. Mays."

Mays: "Thank you very much, Mr. Speaker. Amendment #2 effectively becomes the bill. It's language that we worked out with Representative White in trying to determine some of the questions regarding federal benefits for specific care and treatment of disabled people. The language is... allows the Department of Mental Health... Developmental Disabilities to use those dollars that is specifically provided for that purpose to help offset the state cost. This practice is currently followed by the Department of Public Aid and Department of Children and Family Services and has been the practice of the Department of Mental Health up until some language inadvertently omitted in a Bill last year. I move its adoption."

Speaker Madigan: "Those in favor of the Amendment say 'aye',

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

51st Legislative Day

May 21, 1987

those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Madigan: "Third Reading. Is there leave to hear the Bill on the Order of Third Reading? Leave is granted. Mr. Clerk, has the Bill been read a third time?"

Clerk O'Brien: "The Bill has been... House Bill 1260, a Bill for an Act to amend the Mental Health and Developmental Disabilities Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Mays."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen. The Bill is as the Amendment which we just adopted is, and I would move for its passage."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 'aye', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1467, Mr. White. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1467, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Madigan: "Mr. White."

White: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1467 is a Bill that zeroes in on a problem that we found exists at the Hope School here in Springfield. It changes the classification of this school, making it the only institution of its type, and Amendment #1 to the Bill provides the Governor and the Department with ability to change lines for funding."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. I rise in opposition to the Gentleman's Bill. As a matter of fact, it is intentionally

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

51st Legislative Day

May 21, 1987

drafted so that the description applies only to one facility located here in Springfield, raising the spectre of unconstitutional legislation, because of its being special legislation. In addition, the cost... the extra cost of this Bill is nine million dollars, and the Department of Public Aid is opposed to this. It feels that the reimbursement methodology for facilities with patients of this type is substantially sufficient so that we do not need to create this type of special legislation. I understand the Gentleman wants to help this institution, but I think, frankly, that it is adequately supplied for in the Department's budget, and I stand in opposition."

Speaker Madigan: "Mr. Hallock."

Hallock: "Which home does this affect statewide, Representative?"

White: "It's the Hope School here in Springfield."

Hallock: "Well, if I might speak to that, I think what you're trying to do here is probably a very good idea, but the problem that I see is that by helping this one home directly on this point, you also take away from all the others throughout the entire state, and therefore, I suggest that this be defeated."

White: "In response to your remarks and to the remarks of the previous speaker, I just received earlier today, a printout from the Illinois Public Aid Department that said this Bill, upon its implementation, would cost a hundred and twenty three thousand dollars and not nine million, and I got that report from Mr. 'Stuff', the lobbyist and the legislative liaison for the Illinois Public Aid Department."

Speaker Madigan: "Representative Hasara."

Hasara: "Thank you, Mr. Speaker. I rise in support of this Bill. I have sat on the board at the Hope School for several years, and even though this Bill is written for one state

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

51st Legislative Day

May 21, 1987

facility, I can assure you there is no other such facility in the State of Illinois. Indeed, there are very few facilities that handle this type of disability in the country, so there are... these are very, very special needs children and adults, and I ask for its support."

Speaker Madigan: "Representative Piel."

Piel: "Okay, the Clerk has a revised Fiscal Note. Is that correct? I'm asking a question of the Chair. Does the Clerk have a revised Fiscal Note with the Amendment on it? The original figure we had was nine million. We haven't seen the revised Fiscal Note that was turned in."

Speaker Madigan: "The Clerk reports that he does not have a revised Fiscal Note."

Piel: "Could I ask, then, what the... maybe the Sponsor can tell me if the... you know, we don't have a revised Fiscal Note. What is the Fiscal Note that is turned in? What is the figure on that?"

Speaker Madigan: "Mr. White."

White: "I received a Fiscal Note directly from the Illinois Public Aid Department, and the cost was a hundred and twenty three thousand dollars and not nine million."

Piel: "Okay, because as I said, the original figure we had was nine million. Alright, the figure that we have... the impression that we've been given is that this figure is obviously going to escalate each year. Do you have any idea what this would escalate into, let's say, year by year?"

White: "I don't have an answer to that question, Sir."

Piel: "I'm sorry, I... "

White: "I do not have an answer to that question."

Piel: "I understand... to the Bill, Mr. Speaker. I understand the meaning behind the Gentleman's legislation, and I think that it's definitely warranted, but I think the one problem

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

51st Legislative Day

May 21, 1987

that we've run into as a the General Assembly, when you start putting specific pieces of legislation in to take care of one Public Aid facility, the other facilities throughout the state, you know, end up suffering. And before I would vote for something that just takes care of one when we've got a, you know, a financial problem throughout the system, and there is a great concern on what this will cost every year and what will go up every year, I would, you know, caution people before they cast a green vote on this Bill. Thank you."

Speaker Madigan: "Mr. White, to close."

White: "Mr. Speaker, Ladies and Gentlemen of the House, again we're talking about a small amount of dollars for youngsters and young adults which no other facility will accept. We're talking about the visually handicapped, profound or severely retarded. We're talking about people who have behavioral training problems, lack of communitive speech, hearing impaired, deaf, blind and profoundly retarded. This is the only facility of its type in the State of Illinois, and we're trying to provide some state dollars along with the fact that there are some federal dollars that are involved as well, and I ask for your support."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 69 'aye', 40 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2698, Mr. Hicks. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2698, a Bill for an Act to revise the law in relation to owner and resident for residential

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

51st Legislative Day

May 21, 1987

property. Third Reading of the Bill."

Speaker Madigan: "Mr. Hicks."

Hicks: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2698 is the Owner Resident Act. This Bill deals basically with the... with prescribing rights and duties and responsibilities of both owners and residents under the rental agreement of the dwelling in any dwelling unit located in the State of Illinois. This Bill does preempt all municipalities in the State of Illinois and applies equally and uniformly across the State of Illinois. I'd be happy to try to answer any questions."

Speaker Madigan: "Mr. Bowman."

Bowman: "First, an inquiry of the Chair, Mr. Speaker. How many votes are required for passage in view of the preemption?"

Speaker Madigan: "The Parliamentarian will respond."

Parliamentarian Pollak: "On behalf of the Speaker, the Bill will take a Constitutional Majority of 60 votes to pass."

Speaker Madigan: "Mr. Bowman."

Bowman: "Thank you very much, Mr. Speaker. I respectfully disagree, but nevertheless, I wish to speak to the Bill. Mr. Speaker, Ladies and Gentlemen of the House, this Bill, as the previous speaker has indicated, preempts the authority of home rule units of government from enacting legislation of any sort in the area of tenant/landlord relations. That will not only preempt 14 communities within the State of Illinois, including the City of Chicago and Evanston and Mount Prospect and Urbana and DeKalb and several others who have comprehensive ordinances on the books, but will preempt any ordinance... any home rule community that has any ordinance of any sort dealing with such matters. However, I wish to address my remarks to something that will affect every one of us. Ladies and Gentlemen of the House, I assume you know that there is

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

51st Legislative Day

May 21, 1987

already on the Statute Books in the State of Illinois, a law that regulates the relationships between tenants and landlords in non-home rule areas. I assume you also know that there have been judicial doctrines that have been evolved over the years that also govern the relationships between tenants and landlords, and these, too, would be struck down, nullified and replaced with the present Bill. The present Bill is 41 pages long, and I hope you've had a chance to take a look at it, because, for example, I would point out there are several major changes that this Bill makes to present law. First, with respect to repair and deduct, let's talk about that because the Sponsor of the Bill asserted in Committee, and I'm sure he would assert in his closing arguments, that this Bill is fair to both tenants and landlords, that it balances the right of tenants and landlords, that it is equal with respect to the rights of tenants and landlords, and it does no such thing. For example... for example, present law... "

Speaker Madigan: "Mr. Bowman, there have been requests to use the timer. I would like to not use the timer on anyone, especially on you, so if we could all proceed to this debate recognizing the time limitations that we have in terms of considering all of the Bills on the Calendar. The Chair would simply suggest that I would expect that views on this Bill have been pretty well formed by this time, and so we really could hold this to a minimum amount of debate. Mr. Bowman."

Bowman: "I understand the point you make, Mr. Speaker, and I have... I will try to be brief, but I think it is important that we establish for the record that we are significantly altering the present law everywhere in the State of Illinois, not just in home rule communities. And I would point out that under present law, the tenants and landlords

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

51st Legislative Day

May 21, 1987

are governed by repair and deduct law... that repair and deduct is the law; however, under this Bill, the landlords may make repairs to apartments that have been damaged by tenants and they may add any amount to the rent, any amount, but the tenant, if the tenant makes repairs, the tenant may deduct only one month's rent. Now, that is not fair and that is not equal. Furthermore, present law establishes an implied warranty of habitability. That is to say that if I rent an apartment to you, you have the right to expect that that apartment is habitable. However, the Bill would permit a landlord to write into a lease that the landlord is not obligated to the tenant to keep the building up to code. In other words, the landlord can simply say, 'I'm not going to follow the local building codes,' and if the tenant has any objection, wants to make any complaints to that effect, that's too bad because the landlord can write that into the lease, and if the tenant signs that lease, well, the building doesn't have to be up to code, and the tenants just out of luck. Third point I want to make is that it will... this Bill will completely alter the doctrine of constructive eviction. Under present law, if you are burned out of your apartment and you have to move out into a motel and you have to pay rent at that motel because your apartment is fire damaged, the landlord can't charge you rent for the time that you are living outside the apartment. Under this Bill, you can... the landlord can charge you rent for the time that you have to move out of your apartment because of fire damage or other damage to your apartment because you were constructively evicted. And lastly, and I will bring my remarks to a close on this point, let me just point out that under present law, if you and your landlord go to court over some disagreement because perhaps you didn't pay your rent for a

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

51st Legislative Day

May 21, 1987

month, because maybe you were burned out of your apartment, the landlord takes you to court, the landlord can only get... recover damages and get an award for rent that you haven't paid up to that point. Under this Bill, the landlord can get a judgment against you for the entire amount of the rent for the entire balance of the lease, even if you've only been in the apartment a couple of months. That isn't fair. That is not evenhanded. Ladies and Gentlemen of the House, I simply say to you, if you vote for this Bill because you think that you are replacing the present law with a law that is balanced and evenhanded as to tenants and landlords, you are sadly mistaken. This Bill should be renamed the 'Landlords' Bill of Rights' because it is so lopsided in favor of landlords that that is the title it deserves. I urge you to cast a 'no' vote for this legislation on behalf of the tenants of your district, everywhere in your district."

Speaker Madigan: "Mr. Preston."

Preston: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in the strongest opposition to the passage of House Bill 2698. I live in the City of Chicago. Chicago just recently enacted a landmark landlord/tenants ordinance. It was a landmark ordinance of its kind, landmark, not only for the City of Chicago, but setting the pace for really other communities within the United States. It defines the rights of landlords and tenants in a fair and equitable manner, keeping in mind that the landlord or the individuals who put up the money to invest in this property and keeping in mind as well that the tenants of this property have obligations to protect the property from damage and have their own rights also. This would replace that legislation. I can't pretend to know anything about the unique problems that exist in the various home rule

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

51st Legislative Day

May 21, 1987

communities throughout the State of Illinois. I live in Chicago. I have some familiarity with some of the adjacent suburbs to the City of Chicago. I don't know anything about what your problems are in the downstate or central Illinois communities. You have your own specific unique concerns regarding the relationships of landlords and tenants and real estate in your areas. I cannot presume to be voting knowledgeably on issues affecting you in your home rule communities. I would expect that those communities would want to legislate in this area on their own, because they and you know what is good for your constituents where you live. To make those home rule communities have to come back to the General Assembly every time they want to make a change in some relationship concerning landlord and tenants, to involve 177 Members of the House and Senate makes absolutely no sense whatsoever, and that's part of the reason why the concept of home rule was enacted in the first instance. For these reasons and those expressed by Representative Bowman, this Bill, by right, ought to be resoundingly defeated and I urge a "no" vote."

Speaker Madigan: "Mr. Williams."

Williams: "Thank you, Mr. Speaker. There's been a lot of discussion already had on this Bill, and I feel that I have a particular obligation to speak in opposition to this Bill at this time. Being a person who probably has as much to do with the creation of it as any, I stand before you today and urge you to think about this. The question becomes, why is this legislation needed at this time? Why is this Body now acting? This Legislation has been around since 1977, and never before has this Body even moved to take it out of Committee, let alone bring it to the floor. This legislation tries to identify and tries, as they say, to

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

51st Legislative Day

May 21, 1987

create some sort of equilibrium between landlords and tenants, but the real question is, do you who live in Chicago, you who have high-rises in your area, you and people like myself who have a district where buildings are falling apart and things are not being done, and no one, no one is addressing those issues. Do you want to have your particular community have it determine how a farm or how a house is going to be rented down there? It's just not right at this time. True enough, the tenant ordinance that exists in Chicago does have problems. The tenant ordinances that are out there do have problems, but this is not the answer. The question is, should we let Chicago, should we let Skokie, should we let Bloomington, should we let St. Clair County determine for themselves what's best and how to develop the property in their area, considering the uniqueness of the property in their area, considering the fact that there are problems that are specific to our areas, should we take that right away? Should we? I say we should not. This is not the time to do this. It is no excuse that we have to have an identical law across the board that will not work, and I urge a very resounding "no" vote on this legislation."

Speaker Madigan: "Mr. Greiman."

Greiman: "Thank you, Speaker. Ladies and Gentlemen of the House, I only think... you know, I'm political. I only think politics, that's all, and I'm thinking if you happen to be in a district that maybe has some tenants - now, most don't, of course - I could just see that brochure that says that in 1987, Representative So-and-so, who is a target on my side and I care about my targets - or Representative So-and-so, who is a target over there, did some of these things to the tenants in their district. It's a great brochure. All the computer potential of both sides of this

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

51st Legislative Day

May 21, 1987

aisle can sort out the apartment buildings, can directly send brochures, can directly send letters right to the tenants, to people who are tenants, to people who we're going to screw today when... if this Bill goes. Those kind folks. Now, some of the things we're going to take away has been detailed, is the repair and deduct. Now, we're not just taking it away straight out, which is a hard fought thing that the courts gave, we're doing it with a little playing around. If your toilet goes out under this Bill and you don't have any toilet facilities, which I suppose most of you think are essential, then you can give notice to the landlord. Maybe it's on Friday night. He has until the next business day on Monday, and then he has to give you an estimated time of elimination. How about your elimination? And then, he has... if he doesn't complete that in four days, then you can ask him again. You've got a right to ask him again. And then he can post and give you notice of continuation... of a continuation posted on the door. Now you've been, now, six days without toilet facilities, but maybe you live next to a gas station, so it might not be so bad. Then of course, after that, he has seven days' notice total to work on it, and if he doesn't do it then, then you can repair and deduct up to one month's rent. Now, never mind if the whole joint is falling apart, that the toilet's not working, the plumbing's... none of the plumbing's working, the heating arrangement's not working, but you can take off one month's rent. Now, you can't get out of the lease. You can just kind of uncomfortably sit there in the cold. But I think that's a good brochure, politically, but there's a lot of other things. That's just a couple of things. There are dozens of things in this thing. There's a security deposit, the law we changed completely. There's

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

51st Legislative Day

May 21, 1987

retaliatory actions. Now, if I pick up the phone now and I say, 'Hey, city, come on in. There's building violations all over,' he can't retaliate, but now... because of a Statute, but we're taking that away, and we're just leaving some mealy-mouthed thing that really puts that tenant at risk if he calls the city and says the roof is falling in. How about assigning? I got a security deposit up. Right now, I can look to my landlord for the security deposit, and my landlord's got to make provision if he sells the building to make sure that I get my security deposit, but not now. If he sells it to some absolute bankrupt slumlord guy, and the guy gets his brother-in-law to sign that he is liable for it, that landlord's off the hook. Good-bye, security deposit. I have to... now, there's rules and regulations. This is a great one. The landlord can adopt rules and regulations beyond the lease, beyond the lease, he can adopt... imagine that. I sign a lease with my landlord, and he gets rules and regulations which change it all around. Well, I have to respect the five minutes. I wish the Speaker had put the five minute speaker on, because I do it when I'm there, and we all have to, you know, adhere to the rules. This Bill will be the subject matter of some great political brochures, if anybody votes 'aye'."

Speaker Madigan: "Mr. Greiman, you could comply with the spirit of the timer if you just give up now. Thank you. Mr. Johnson. Mr. Johnson."

Johnson: "The opponents of this Bill at the Amendment stage now, would have you believe that we're doing something that's a terrible precedent by preempting home rule because the state is so varied, and it is varied. I guess they... we have areas in the state, in the metro east area, in the Chicago area, where manufacturing's a lot more intensive

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

51st Legislative Day

May 21, 1987

than it is in parts of north central and south central Illinois. So maybe we should have a products liability law that applies in certain standards for liability in the metro east area in Chicago and a different area for north and south central Illinois. There are some areas where the crime rate is a lot higher than other areas, so maybe the definition of 'burglary' and the term that somebody could be sentenced to ought to be different between Cairo and Peoria and between Peoria and Chicago. There are some areas where there's a lot more traffic than other areas, so maybe laws with respect to joint and several liability and comparative negligence ought to vary between the various parts of this state. You know that those things shouldn't be the case any more than this should be the case. We're living in a society, in an economy in Illinois, and for that matter, in the country, that's very mobile, where developers and builders and landlords and tenants move, not only move but build across city lines, across county lines, have statewide, and for that matter, midwestwide ventures, and for us to say that we ought to have a hodgepodge balkanization of our landlord tenant law simply in the name of home rule, doesn't make sense. I would suggest to you that if you look through the law in Illinois, the common law and what little statutory law exists, that we really don't have a comprehensive landlord tenant law at all. It doesn't make sense in many areas, it's muddled, it's inconsistent, the circuits vary from one to the other or the Judicial Appellate Districts vary from one to the other, and there isn't a comprehensive law, so that neither tenants nor landlords have a realistic idea, in a number of areas, as to what law governs them. And I would suggest to you that this Bill has been around, it's been through hearings, it's been through input on both sides. I

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

51st Legislative Day

May 21, 1987

sponsored this with Representative Breslin a number of years ago... four or five years ago, and fell one vote short in Committee of getting it out. It's not a new idea, neither is it something that's gone through the process simply to get here and surprise everyone. It's a Bill that's been well considered, it's balanced, it approaches both sides of the issue, it's fair to tenants and it's also fair to landlords. And I would suggest to you that if you're from an area like mine, you'd see some of the abuses that exist on the other side of the issue as well, in the area of repair and deduct, in the area of the 'Jack Spring versus Little' case and otherwise. This is a fair Bill. It's supported by people who looked at the issue, all sides of the issue, and tried to make the law clear, tried to make it uniform, and tried to make it work for the benefit of all the citizens of Illinois, and I urge you to vote for it."

Speaker Madigan: "Mr. Hicks to close."

Hicks: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. There's been a lot of controversy about this Bill. If any of you have been reading the papers, you've seen the controversy in the City of Chicago. And I come from a home rule community. Mt. Vernon voted just two years ago to become a home rule community, and yet, from Mt. Vernon, I haven't had the first person tell me they were against this Bill, not the first person. And let me just say that this Bill tries to address the issue of an equalization and also a unification of the laws in Illinois. This Bill is not just an owners' Bill and it's not just a tenants' Bill. This Bill is a Bill that addresses both sides of the issue. I feel like it addresses both sides very, very fairly and it does so in a very uniform manner. and I hope that you would vote green on this Bill, because I think it's a good

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

51st Legislative Day

May 21, 1987

precedent we set here in Illinois. Thank you."

Speaker Madigan: "Those in favor of the passage of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Mr. LeFlore to explain his vote."

LeFlore: "Yes, Mr. Speaker. In the event this Bill gets the number of votes for passage, we'd like to have a Roll Call... Verification."

Speaker Madigan: "Have all voted who wish? Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. I rise in support also and would like to explain my vote. To say that this does not model the Chicago Landlord Tenant Law is not necessarily a strike against it. You know, there's such a thing as going too far in the other direction, and some people think that some home rule communities have done just that. And I rise in support of the codification of the state-wide standard that has been long in need."

Speaker Madigan: "Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 62 'ayes', 43 'nos'. There has been a verification requested. Mr. Clerk, before you begin to read the Roll, would you poll the absentees?"

Clerk O'Brien: "Poll of those not voting. Barger. DeJaegher. Klemm. Laurino and Hyvetter Younge."

Speaker Madigan: "Mr. Clerk, read the names of those voting in the affirmative. Would the Members please be in their chairs? Could we please facilitate the verification? Would the Members please be in their chairs. Mr. Hoffman, could you take your seat? Thank you. Mr. Cullerton, could you remove yourself from your friends from DuPage County? Mr. Clerk, read the names of those voting in the affirmative. Mr. Shaw, please sit down. Please put a tie on, also, Sir."

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

51st Legislative Day

May 21, 1987

Clerk O'Brien: "Ackerman. Barnes. Black. Breslin. Brunsvold. Christensen. Churchill. Countryman. Curran. Daniels. Deuchler. Didrickson. Doederlein. Ewing. Flinn. Frederick. Goforth. Granberg. Hannig. Harris. Hartke. Hasara. Hensel. Hicks. Hoffman. Homer. Hultgren. Johnson. Kubik. Leverenz. Mautino. Hays. McAuliffe. McCracken. Mulcahey. Novak. Myron Olson. Robert Olson. Parcells. Parke. S. Pedersen. W. Peterson. Petka. Phelps. Piel. Pullen. Rea. Richmond. Ropp. Ryder. Saltsman. Sieben. Slater. Stange. Stephens. Tate. Wait. Weaver. Hennlund. Williamson. Wojcik and Wolf."

LeFlore: "Representative Flinn?"

Speaker Madigan: "Mr. Flinn? Remove Mr. Flinn from the Roll Call."

LeFlore: "Representative Richmond?"

Speaker Madigan: "Mr. Richmond? Remove Mr. Richmond from the Roll."

LeFlore: "Representative Keane?"

Speaker Madigan: "Keane? Mr. Keane? The Gentleman is recording 'no'... recorded 'no'."

LeFlore: "Representative Leverenz?"

Speaker Madigan: "Mr. Leverenz? Remove Mr. Leverenz."

Leverenz: "Representative Saltsman? Representative Saltsman?"

Speaker Madigan: "Mr. Saltsman? Remove Mr. Saltsman."

LeFlore: "Representative Laurino?"

Speaker Madigan: "Mr. Laurino? The Gentleman is not reported as voting."

LeFlore: "Representative... That's it, Mr. Speaker."

Speaker Madigan: "No further questions? On this question, there are 58 'aye', 43 'no'. The Bill fails. Mr. Hicks."

Hicks: "Yes, Mr. Speaker. Would you put the Bill on Postponed Consideration, please?"

Speaker Madigan: "The Bill shall be placed on the Order of

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

51st Legislative Day

May 21, 1987

Postponed Consideration. House Bill 2786, Mr. Churchill.
Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2786, page 6 on the Calendar, a Bill
for an Act to create the Safety in Skiing Board in the
Department of Labor. Third Reading of the Bill."

Speaker Madigan: "Mr. Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. This creates the Safety in the skiing Board in the
Department of Labor, which is for snow skiing, not for
water skiing. It sets forth the rules and regulations of
operations of tramways, chair lifts, rope tows, t-bars,
sets up the responsibilities of operators and users of ski
area facilities, and basically takes what the National Ski
Areas Association standards are and puts them into the
Illinois law. I would ask for your support of this Bill."

Speaker Madigan: "Those in favor of the passage of the Bill
signify by voting 'aye', those opposed by voting 'no'.
Have all voted who wish? Have all voted who wish? Have
all voted who wish? The Clerk shall take the record. On
this question, there are 116 'aye', no one voting 'no'.
This Bill, having received a Constitutional Majority, is
hereby declared passed. Under the Subject Matter - Vehicle
Safety, House Bill 5, by Mr. Rea. Mr. Clerk, read the
Bill."

Clerk O'Brien: "House Bill 5, page 23 of the Calendar, a Bill for
an Act to amend the Illinois Vehicle Code. Third Reading
of the Bill."

Speaker Madigan: "Mr. Rea."

Rea: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House.
House Bill 5 would repeal the provisions requiring the
mandatory use of the safety belts. The seat belt
legislation has been in effect now for approximately two
years. This Bill is one that, as we travel throughout the

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

51st Legislative Day

May 21, 1987

area and all parts of the state, we find that many people are very concerned about the mandating. It's not that they're so concerned about the use of seat belts, but as a result, they have rebelled as to using them, and as you may well know here in Illinois, we only have 36 percent usage. I am not necessarily opposed to the use of seat belts, but I do feel that there should be the personal freedom and that there should be, if we want to... for it to be effective, they would be much more effective if there was information and education. We have had calls, we have had people contacting us throughout the state, we've had petitions from all over the state in support of repealing the seat belt law. In fact, just a few days ago, I received a telephone call from Ross Randolph, who used to be the head of the State Police. He also supports the repeal. I think we have discussed this at great length before in Committee, I know that we are limited for time, and I would ask an 'aye' vote in support of the repeal, because if you travel around and if you listen to your constituents, you'll find that there is a very high percentage that is in support of this legislation. I would ask for an 'aye' vote."

Speaker Madigan: "Mr. Ronan."

Ronan: "Thank you, Mr. Speaker and Members of the House. Representative Rea is a fine Sponsor. He normally brings excellent pieces of legislation before this General Assembly, but again, he's just not willing to let a bad idea die. It's... This is a very significant piece of legislation that we're listening to right now. I think that everyone should pay attention. We should be consistent, as Members of the Illinois General Assembly, when it comes to vehicle safety and transportation matters here in the State of Illinois. We wanted to raise the

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

51st Legislative Day

May 21, 1987

speed limit to 65 miles an hour to make it easier for our constituents to travel around the state so they can make up time while they're driving. We all supported that concept. That's why the state law now is 65 miles an hour. However, if we eliminate the obligation to have seat belts, we are really telling our constituents, 'Go out there and drive faster. Get in more dangerous accidents, and we don't mind that the death rate's going to go up in Illinois.' I've heard people say, 'Well, the death rate hasn't gone down significantly with the imposition of seat belts.' Do you know why it hasn't gone down? Because people aren't using them. We've got less than a 35 percent compliance factor right now, and it's about time that the State Police go out there and better enforce this important piece of legislation. Seat belts do prevent serious injuries. Seat belts do save lives. And it's hypocritical for us to come before the people of this state and say, 'We don't care about your livelihood. We don't care about your safety. We don't care about how dangerous the highways are going to be by raising the speed limit.' I think that Representative Rea has a bad idea. The Bill did get out of Committee because the colleagues that I have on that Committee who... primarily are downstate, felt that they were responding to constituent pressure, that really doesn't exist. I have never received a letter from a constituent saying that they want the seat belt law eliminated, and as Chairman of that Committee, I feel that this is the kind of message that we should not be sending in a state that really is a transportation leader in the country. Representative Rea's got a bad idea. I'm pleased that two years ago we killed this Bill on the floor of the House, and I look forward to a sudden death today. Representative Rea, hopefully, this will be the last time

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

51st Legislative Day

May 21, 1987

we have to debate this bad issue. I move for the defeat of this Bill."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As the Sponsor of the seat belt law in the House a number of years ago, I became identified with the issue. Apparently, Representative Rea, the Sponsor of the Bill, has had a lot of people contact him and tell him that they think it should be repealed. Not only have I not had anyone tell me that it should be repealed, I have had people come up to me, shake my hand, thank me, because the Bill was passed, somebody that they're close to, their life was saved. The other day, a lobbyist came up to me outside the Capitol and told me about a situation where his daughter - 17 year old daughter - was involved in a head-on collision, had her seat belt on only because... she didn't want to wear it, but only because this law passed, and she was saved. Her life was saved, she barely was scratched, and otherwise she probably would have been killed. Those are the type of examples that I... people come to me with. I think that if we have a legacy for Bills that we sponsor or things that we do here, when we pass a Bill that can save one life, everyone says it's worth it. I'd hate to have, as my legacy, the fact that I repealed a law that saved so many lives. This Bill should not be on an Order called 'Vehicle Safety'. This is the opposite of vehicle safety. I would urge a 'no' vote."

Speaker Madigan: "Mr. Hoffman. Representative Breslin in the Chair."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have not received one letter, one piece of mail, one phone call, in support of the repeal of the safety belt legislation, not one. The previous speaker pointed out

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

51st Legislative Day

May 21, 1987

that we do often say in this House, if this Bill, this Act saves one life, it's worth the effort. I don't think there's any question about the fact that seat belts are a safety device that works. Even the Sponsor says that. What he's suggesting is that we probably saved some people's lives that wouldn't have been saved if they hadn't been wearing a seat belt at the time, and many people use those seat belts because they know it's the law. There are a lot of people in this state that believe the law. They abide by the law. They believe they have a responsibility to abide by the law. He points out that 36 percent of the people wear their seat belts. A lot of those people are wearing those seat belts because it is the law. We, as a society, are better off for every one of those people who is still alive, who is not maimed, who doesn't end up in a rehabilitation center, for which we, as taxpayers, have to help support. There is no logic in repealing this legislation, and I stand in opposition to this Bill."

Speaker Breslin: "Ladies and Gentlemen, there are approximately 12 lights flashing to be heard on this issue. I would suggest that most people have probably made up their mind how they are going to vote on this, so I would ask, with leave of the Body, if we go to one other person who has opposed the Bill... or rather, who supports the Bill, since we have already had an even number on the other side as proponents, then go to the Sponsor to close, then go to a vote, and then allow other people one minute to explain their vote. If that's acceptable, who would like to be the next person to speak in support of the Bill? We need one other person equally... the Gentleman from Perry, Representative Goforth."

Goforth: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Number one; I think everybody should wear a seat

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

51st Legislative Day

May 21, 1987

belts. I've got no problem with that whatsoever. It, in all probability, in most cases, will save your lives. We've got no problem with that part of it. My problem is the mandatory arrest. That's all it is. Now, the opponents of this here said two years ago when we passed this law that it would save lives. People, the fact is, it hasn't saved lives. Last year, we killed 63 more people, by the State Police's own report. By the end of March this year, we was already 93 deaths ahead of last year, so in fact, it's not doing what we thought that it would do. Alright now, number one; you can talk to any state trooper in the state. When he stops a person and walks up to the car and he says, 'You didn't have your seat belt on,' if the person says, 'You're right, officer, I'm sorry, I just forgot to buckle it,' he's going to get a ticket. But the man that says, 'Well, you're crazier than heck. I just got through unbuckling it when you stopped me.' He's not going to write him a ticket, and if he does write him a ticket, there isn't a Judge in this country that's going to find him guilty. People, it's just unfair. I think everybody should wear it, but a mandatory... we can't mandatory everything. We're taking one more right away from the people. Now, some of these people have said that they haven't had no letters. That last count I had in my office, I had 300 and some odd, and we stopped counting the telephone calls. We had two counties, and one of the towns that had it on the ballot last election. The least ones was 68 votes... 60... 68 percent of them that said, 'We want to repeal this law.' One of them was 76 percent. People, if the people of Illinois could vote on this law, I'll guarantee you that they would vote it... repeal it in no uncertain terms. Like I said, I think everybody should wear them, but this is just one more law we don't need.

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

51st Legislative Day

May 21, 1987

Thank you very much."

Speaker Breslin: "Representative Rea to close."

Rea: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. In terms of letters, there has been numerous letters that have not only come into my office, but have come to other people's offices. We have had petitions. Here's just one example of one individual that had gathered together a number of petitions, a person from Lakewood, and said in the letter here, which anybody is welcome to read, that in getting those petitions signed, that there wasn't hardly anybody that turned him down in signing the petition. We find this everyday in terms of the number of calls that are coming in. We know that there is not the usage of the seat belts as was predicted. We also know that they have not saved the lives that was predicted. In fact, during the first three months of the year, according to the State Police, there were 93 additional fatalities. There are two other states that are presently considering repealing the seat belt law. We are talking about personal freedom, here. We are talking about providing information and education to the people. We are saying that you can still use your seat belts. This does not keep you... this does not prohibit you from using your seat belts. We know that there's more times than not that you should, but we also know that there are times it can take one's life. Just recently in my home community where there was two accidents, one of them, I know it probably saved a person's life by having the seat belt fastened. In another instance, it probably saved a person's life by not having their seat belt fastened, because that person was tossed out. So it's a matter of us providing that information and education and then, if a person makes the wrong choice, then it's a personal thing. So let me just tell you that

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

51st Legislative Day

May 21, 1987

there has been a tremendous amount of lobbying that has been done in the past few days here in Springfield. There's been a tremendous amount of lobbying opposing the Bill. We're not taking the seat belts away from you. You can still use them, and if you would put this to the vote of the people of the State of Illinois, regardless of whatever district you may be from, you would find that the people will support the repeal of this seat belt law. I would ask for an 'aye' vote."

Speaker Breslin: "The question is, 'Shall House Bill 5 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Macoupin, Representative Hannig, one minute to explain your vote."

Hannig: "Yes, thank you, Madam Speaker, Members of the House. I'm one of those 36 percent of the people who actually wear a seat belt, and I did so long before this Act was put on the books. It's a habit I picked up in drivers' ed that I think is good. But what my point is, that when we're talking about adults, the question really becomes, does the State of Illinois really have the authority and the right to tell people what they should do in their own car? It seems to me that when we're talking about accidents, you're taking a calculated risk by wearing a seat belt. In some cases, you're going to come out better, and in some cases, in cases where there's a fire in the car or in cases where a car ends up in the water, you could very well lose your life because of seat belts. So what I'm saying is, let's let the adults, the people who are driving those cars, make up their own mind. If they want to wear their seat belts, they're in the car, they have that choice. If they don't, let's not impose our will on them. Let's let government let them make up their own mind, and I vote 'aye'."

Speaker Breslin: "The Gentleman from Coles, Representative

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

51st Legislative Day

May 21, 1987

Weaver, one minute to explain your vote."

Weaver: "Thank you, Madam Speaker. I guess I understand why a number of you haven't been getting letters, because I've gotten over 1200 letters in opposition to the seat belt law. People are extremely upset about this invasion of personal privacy. If you want to talk statistics, let's talk perhaps about the statistics of accidents in the home, people that take falls in a slippery bathtub. A number of them get head injuries. Are we now going to require people to wear helmets in their bathtub? I think we're going a bit too far. We're going too far, and it's time we get government out of our lives and let people start taking risks as they see fit. It's not against the law to wear your seat belt."

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

Curran: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think a couple of years ago when we put this law into effect, we may have made a mistake, and I voted for the law, and I voted against the repeal. I think we may have made a mistake in the way we handled it. Maybe it would have been a good idea a couple of years ago for us to ask for some sort of a statewide referendum like the Gentleman had suggested, but if the Gentleman was suggesting now a statewide referendum and let the voters choose, I would be in favor of that, and maybe that's what we should have done two years ago. But now that the speed limit has increased, now that we have the law on the books, now that common sense would tell us that we are saving lives, I think it would be exactly the wrong message to send to repeal this law, and therefore, I have to vote 'no', even though I understand the Gentleman's frustration."

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

51st Legislative Day

May 21, 1987

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

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, I don't think probably anybody fought harder against the passage of this Bill than I did. I thought it was an invasion of our privilege, our right to decide for ourselves, but I think, too, we need to be big enough at times to stand on this floor and say we were wrong. And in the period since we passed that law, I have become a supporter of the seat belt law, and of wearing this very important device when I drive my car. And for that reason, I'm willing to admit that I made a mistake when I voted against it the first time, and I proudly vote to retain this legislation."

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

Kulas: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Those of you who are voting green on this better think twice, because you're going to go back to your constituents and you'll say, 'I voted to raise the price of automobiles,' because if this Bill goes through and the seat belt law is repealed, you can bet your booty that next year, the automobile makers will be forced to put in air bags, and automobile prices will go up by at least a thousand dollars. You can go back to your constituents and say, 'Yes, I voted for higher automobile prices.'"

Speaker Breslin: "The Gentleman from Champaign, Representative Johnson."

Johnson: "There's a lot of irrelevant points that are interesting. It's interesting to see what statistics show. You know, you can say they do or don't save lives and argue about whether air bags are going to go in anyway. I got 4500 petitions or letters that constitute about almost five

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

51st Legislative Day

May 21, 1987

percent of my district. Sixty-four percent of the people disregard the law. That's a good message to send to our kids. There's reasons, I suppose, why you wouldn't want to wear a seat belt. I can give you two examples out of my personal observation where paralysis and personal damage were saved by... because somebody didn't wear them. But all those are irrelevant. They're all irrelevant to the issue. The issue is, does government have a right to make us criminals for acting or not acting in our own welfare. I know these arguments... I know my time's run out, I know if... "

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

Johnson: "Now, the arguments are as old as time, but we've mentioned... we've given them many times before, and they're just as applicable today as they ever were. It's more uncontroverted than anything we've talked about here today, that if you excessively consume red meat, you're going to get cholesteral and they're going to lose a lot of people down the line, and today, to heart disease. It's clear if you wear too many clothes in the summer, there's a lot of people that are going to have heat exhaustion as a result of that. But the real issue is do we have a right to make somebody a criminal and fine them and put them in jail for making a decision on their own personal liberty and their own lives as consenting adults. We don't have that right, and when we assign that right to ourselves, we've taken a big step away from democracy and towards the big government that we all say we're afraid of."

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

Berrios: "Thank you, Madam Speaker and Members of the House. When the original seat belt law came into effect, I was one

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

51st Legislative Day

May 21, 1987

of the people that voted not to have the seat belts, but because of a personal experience with one of my kids, it makes you think back because my wife got in an accident, and my daughters had their seat belts on, and when the report was made out, I got to the scene of the accident, and when I saw the car, you know, I was very happy that they had their seat belts on. The reason they put their seat belts on was because they saw it in the newspaper that it was the law, and when I get in the car with them, they tell me, 'You got to buckle up.' So that is why I'm changing my position, and I'm going to vote 'no' on this particular Bill."

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

Ryder: "Thank you, Madam Speaker. The argument was used earlier that if a Bill saves one life, that Bill is worth the effort. Ladies and Gentlemen, that Bill cost one life. Don't take my word for it."

Speaker Breslin: "Representative Ryder. Representative Ryder."

Ryder: "We all here? Okay."

Speaker Breslin: "Yes."

Ryder: "You don't need to take my word that that Bill cost a life. You take the word of the Telegraph, a newspaper printed in Alton, Illinois, in which it indicates that the seat belt may have been the cause of death of an individual in an accident. The law causes death. It may save lives, too. No one can argue that, but the Bill causes death, and we all have to live with that. That's as good a reason to have a green light up there as any. Thank you."

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

Kirkland: "Thank you, Madam Speaker. The one fear I had when I voted for this Bill four years ago was that there would be

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

51st Legislative Day

May 21, 1987

uneven enforcement. Police, perhaps, would use it for harassment. They put it, I thought, too high on their priority list for enforcement when they've got so many other important things to enforce. In fact, I've seen no evidence of that or heard no evidence of that kind of what I would consider abuse presented by the advocates for repeal, and therefore, I think it's still a good law and should stay on the books. I advocate a 'no' vote."

Speaker Breslin: "The Gentleman from Will, Representative Van Duynes, one minute to explain your vote."

Van Duynes: "Yes, Madam Speaker, one thing I'm curious about. If this law is so important and such a safety device, why do we keep exempting the people in the back seats?"

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

McAuliffe: "Madam Speaker and Ladies and Gentlemen of the House, I talked to my son earlier today, and he told me that he had hit a deer coming back from Wisconsin on Tuesday, and he said that if he did not have his seat belt on, he and his passenger would have both been killed, because the deer almost came through the windshield. If they hadn't had the seat belts on, their heads would have gone through the windshield, and I'm sure they would have both been killed or at least severely hurt. So, I was originally opposed to the seat belt Bill, but I can see where it's doing some good now and I think it's a good Bill and we should keep it on the law."

Speaker Breslin: "The Gentleman from St. Clair, Representative Stephens, one minute to explain your vote."

Stephens: "Thank you, Madam Speaker. First of all, if the purpose of the Bill is to save lives, it's obviously failing when we only have 35 percent of the people wearing seat belts. People would wear seat belts if we just told

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

51st Legislative Day

May 21, 1987

them the reasons that they should, if we explained the real reasons, we didn't have all these horror stories going about. If the real reason is that you want to save lives, then we ought to do what Representative Johnson said and start dictating what you have for supper and dinner and what time you go to bed and what time you get up, we ought to stop... we ought to take away the private automobile and bus everybody to work so we can assure that there are no more automobile accidents at all. We ought to make sure that they outlaw monkey bars. My son Todd fell and broke his arm last week on state property, by the way... fell off the monkey bars. We ought to outlaw those because those are dangerous. Maybe we ought to take the sliding boards down and swing sets and everything else away from the people in America because obviously, we think they're not capable of taking care of themselves. People in America are capable of making decisions on their own safety. They ought to be allowed to. They ought to be encouraged to wear seat belts, and that's... it's a matter of personal freedom."

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

Ropp: "Thank you, Madam Speaker and Members of the House. I guess one of the most interesting things that happened the other day in support of voting red on this Bill was the fact that I spoke to about a hundred third graders, and almost to a person, they raised their hand wanting this Bill defeated, so I think the message is getting through to them, and it's a good one. It's one that they are being able to understand on their own. The point that I'm opposed to it is the fact that it's been mentioned time and time again, government again telling you exactly what to do and certainly as it pertains to your individual rights, we

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

51st Legislative Day

May 21, 1987

do not need a Bill in order to direct how we drive our automobiles."

Speaker Breslin: "The Gentleman from St. Clair, Representative Flinn, one minute to explain your vote."

Flinn: "Madam Speaker, this is a perfect example of the abuse of the right to explain your vote. At the appropriate time, I would like to move that tomorrow, we suspend the explanation of votes."

Speaker Breslin: "The Gentleman from Vermilion, one minute to explain your vote."

Black: "Thank you very much, Madam Speaker. Most of us in this chamber drive as many miles as anyone in the state, going back and forth from Springfield and covering our districts, and some of us are not lucky enough to have compact districts. Most of us wore our seat belts before this was a law. Most of us, I'm sure, will wear our seat belts, should the law be repealed. I would submit to you one quote that I wish you'd listen to. As an old history teacher, I think it has some bearing on this issue. 'There are limits to what government can and should do to control personal behavior, that however undesirable, is mainly self-destructive.' Robert Samuelson said that. I think it sums it all up. That's why I'm green on the issue."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 50 voting 'aye', 63 voting 'no' and 2 voting 'present'. And the Bill fails. House Bill 22... Representative Cullerton, for what reason do you rise?"

Cullerton: "The Cubs won."

Speaker Breslin: "Representative Cullerton, did you have more to say? Just that the Cubs won, huh?"

Cullerton: "They were down 5 to 1. They're back in first place."

Speaker Breslin: "House Bill 2225, Representative Ewing. Clerk,

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

51st Legislative Day

May 21, 1987

read the Bill."

Clerk O'Brien: "House Bill 2225, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill."

Speaker Breslin: "Representative Ewing."

Ewing: "This Bill is listed on Consent, but we'll take it now if you want."

Speaker Breslin: "Proceed."

Ewing: "This Bill is a Central Management Services Bill dealing with automobile insurance. It gives the right to Central Management Services to deny insurance to state employees who continually have accidents. We are self insured, and this gives the right to us as an insurance company to cancel insurance on our drivers just like a regular... if we bought our insurance from another insurance company... outside insurance company. It could save the state a lot of money. I think it's a good Bill that's been worked out by the Committee. Some Amendments have been placed on it to safeguard employees of the State of Illinois, and I would ask for a favorable vote."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2225. Does anyone stand in opposition? Hearing none, the question is, 'Shall House Bill 2225 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? Have all voted who wish? The Clerk will take the record. On this question, there are 108 voting 'aye', 1 voting 'no' and 5 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Going to page 23 on your Calendar under the Order of Vehicle Safety appears House Bills Second Reading. House Bill 919, Representative Black. Clerk, read the Bill. Representative Black. Mr. Electrician, would you

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

51st Legislative Day

May 21, 1987

turn on Representative Black, please? Thank you."

Clerk Leone: "House Bill 919, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. Amendment #1 was adopted previously."

Speaker Breslin: "Any Motions filed?"

Clerk Leone: "There are no Motions filed."

Speaker Breslin: "Any Floor Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker Breslin: "Third Reading. This Bill has been read a second time. Do you wish to have it heard immediately, Representative Black?"

Black: "Yes, Madam Speaker."

Speaker Breslin: "The Gentleman asks leave for immediate consideration of House Bill 919. Are there any objections? Hearing none, the question is, 'Shall House Bill... Read it a third time.'"

Clerk Leone: "House Bill 919, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Breslin: "Representative Black."

Black: "Thank you very much, Madam Speaker and Ladies and Gentlemen of the Assembly. I am asking for your support of House Bill 919, which passed out of Transportation Committee unanimously, and until late last Friday afternoon, was on Consent Calendar. The genesis of this Bill came from a school bus accident that involved a semi-trailer truck and a school bus in my district on October the 6th of 1986. The semi truck hit the bus in the rear, which made the rear escape door useless. Then the bus, after being knocked down the road some 500 feet, tipped over, making the door impossible to use. Now, imagine - and I have some pictures here if you'd like to look at it - when this bus ended up in the ditch on its side, elementary school children are not tall enough to

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

51st Legislative Day

May 21, 1987

climb out the escape windows that are now some nine and a half feet above their head. Ladies and Gentlemen, what I'm asking - and this isn't my idea, this isn't a partisan idea - it came from emergency services personnel and the school superintendent on the scene of this accident. What they are asking us to do, because of this accident, is to put an escape hatch on the roof of the school bus. That's all they're asking for. Two states already do that - West Virginia and New York. I would submit to you that Fairview District #72 in Skokie and Hickory Hills District #117 in Cicero in Illinois already do this. It is for that reason that the lives of children are at stake, that I ask for your support of House Bill 919."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 919. And on that question, the Gentleman from Madison, Representative McPike."

McPike: "Representative Black, if we ever get to the issue of tort reform, product liability, caps on injured people, joint and several liability, could I use the pictures that you brought with you to pass around the House floor? I'd appreciate it if you would just make those available to us so that we can see those at a later date. Thank you very much, and I support your Bill."

Black: "Thank you."

Speaker Breslin: "The Gentleman from Macoupin, Representative Hannig."

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

Speaker Breslin: "He indicates he will."

Hannig: "Representative, will this be something that will only apply to the school districts when they buy new buses, or will the existing school... existing buses be retro-fitted or something of that nature?"

Black: "That's a very good question, and that Bill was amended to

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

51st Legislative Day

May 21, 1987

take care of that very objection. Let me answer that. It only applies to the purchase of new buses manufactured after the date of January the 1st., 1989, for sale in Illinois. This change will allow time for the Department of Transportation to formulate rules and regulations to meet those standards. It will also allow plenty of time for manufacturers of school buses to put the roof hatch on. Very good question."

Hannig: "Thank you. I think it's a very fine idea."

Speaker Breslin: "There being no further discussion, the question is, 'Shall House Bill 9... excuse me. The Gentleman from Cook, Representative Terzich, on the question."

Terzich: "Yes, Representative Black, how many safety hatches should be on a school bus?"

Black: "Representative, West Virginia requires... and New York require two, depending upon the number of passengers that that bus holds. I have talked to the Department of Transportation people, and they will look at that issue when it comes down to promulgating rules on how that will work."

Terzich: "What's wrong with the safety hatches on buses at the present time?"

Black: "I don't believe in Illinois, other than the two districts that I mentioned to you, that there are any roof escape hatches being utilized in the State of Illinois at the present time."

Terzich: "Well, why don't you just put... say, put five safety hatches on the roof and ten safety hatches on the side, and maybe two in the back and five in the front? How many are you supposed to have on a bus?"

Black: "Gee, I don't know, Representative Terzich. Since you're a Cosponsor of the Bill, I assume that we could work that out."

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

51st Legislative Day

May 21, 1987

Terzich: "Well, I think this is a good Bill, then."

Speaker Breslin: "The question is, 'Shall House Bill 919 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 107 voting 'aye', 7 voting 'no', and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Going to the Special Order of Business on page 21 on your Calendar under Local School Districts appears House Bill 1177, Representative Huff. Clerk, read the Bill. Excuse me. Representative McCracken, for what reason do you rise?"

McCracken: "Speaker, we were given a Special Order Second Reading and Special Order Third Reading, which we assumed was going to be followed. The next Bill up was 925. 1177 does not appear on this list that we've been given."

Speaker Breslin: "We decided to stay on the Special Order. I have not received a copy of what you have received, but this is... "

McCracken: "Well, I want to know what Bills we're going to go to before we go to them."

Speaker Breslin: "I'm afraid there must be some mixup on your side of the aisle, because... "

McCracken: "Not on our side of the aisle, Speaker."

Speaker Breslin: "We understand that your side of the aisle was informed about this, but I will certainly convey that message, and we will certainly try to do that in the future. Read the Bill, Mr. Clerk, or have you finished?"

Clerk O'Brien: "House Bill 1177, a Bill for an Act to amend an Act to revise the public school system in the City of Chicago. Third Reading of the Bill."

Speaker Breslin: "Representative McCracken, for what reason do

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

51st Legislative Day

May 21, 1987

you shout?"

McCracken: "I shout for recognition. Thank you. Madam Speaker, I have... I am asking you again... my chief of staff says or the chief of staff for this side of the aisle says that she doesn't know why we're not following what we were just given recently as the two Special Orders of Business that we had agreed to follow. Now, let's follow what we've agreed to follow, Madam Speaker."

Speaker Breslin: "Representative McCracken..."

McCracken: "Confer with your chief of staff and see if maybe it isn't... the problem doesn't lie with you."

Speaker Breslin: "As I understand, you have something called a Special Call on your desk. We have decided to go with the Special Orders of Business, and if you will confer with your chief of staff, I believe they were notified that we were going to go with the Special Order of Business and with this particular Order of Business. Well, when we have some time, perhaps the four of us could get together. In the meantime, for the rest of the Body, Representative Huff on your Bill, Sir."

Huff: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 1177 creates within the Chicago public school system three semi-autonomous school districts governed by separate seven-man local school boards, reserving taxing, bonding, state aid allocations and certain other powers to the central board. I move for the passage of House Bill 1177."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 1177. And on that question, are there... is there any discussion? Hearing none, the question is, 'Shall House Bill... the Gentleman from Cook, Representative Kubik.'"

Kubik: "Yes, Madam Speaker. Would the Gentleman yield?"

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

51st Legislative Day

May 21, 1987

Speaker Breslin: "He indicates he will."

Kubik: "Representative, as I recall yesterday, we adopted an Amendment to this Bill. What did the Amendment do? I think it was Amendment #3."

Huff: "Yes, Amendment #3 simply added in another local district and clarified some language with reference to syndication of depreciated property of the schools in the districts so concerned."

Speaker Breslin: "Any further questions, Representative Kubik?"

Kubik: "Did this Amendment in any way address the issue of principals?"

Huff: "No, that was taken out, Representative Kubik. That was taken out. The key belongs to the engineer. The principal does not have that power."

Kubik: "So that was taken out of this Amendment."

Huff: "Right."

Kubik: "Was that Amendment #2?"

Huff: "It was Amendment #3. It was in Amendment #2, and Amendment #2 was withdrawn."

Kubik: "Thank you."

Speaker Breslin: "Does anyone rise in opposition? Hearing none, the question is, 'Shall House Bill 1177 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? Have all voted who wish? The Clerk will take the record. On this question, there are 83 voting 'aye', 21 voting 'no', 8 voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2719, Representative McAuliffe. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2719, a Bill for an Act to amend an Act to establish an elected board of education for school districts. Third Reading of the Bill."

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

51st Legislative Day

May 21, 1987

Speaker Breslin: "Representative McAuliffe."

McAuliffe: "Madam Speaker and Ladies and Gentlemen of the House, this Bill would create a 15 member elected school board for the City of Chicago. The Legislature would apportion the districts equally after each census and the 15 members would elect a general superintendent... or a chairman of the board, I mean."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 2719. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, Representative McAuliffe, how does this differ from the Bill we just passed?"

McAuliffe: "I don't know."

Cullerton: "Well, maybe... I think we just passed a good Bill, Representative Huff's Bill, and..."

McAuliffe: "Well, this is a good Bill, too. Let the Governor pick from two good Bills."

Cullerton: "Well, you have a lot more faith in him than I do, I think."

McAuliffe: "Sometimes I do."

Cullerton: "What does this do, again?"

McAuliffe: "It lets the Legislature divide the City of Chicago into 15 districts."

Cullerton: "Who would do the drafting, the Speaker? The Speaker drafts it?"

McAuliffe: "The Legislature would."

Cullerton: "It's controlled by the Republicans... or the Democrats in both Houses?"

McAuliffe: "Well, currently it's controlled by the Democrats."

Cullerton: "So, you're going to let Madigan draw the lines?"

McAuliffe: "Sure, I trust the Speaker."

Cullerton: "Yeah, you did alright, didn't you? Okay. Well, at this point in time, I think it's premature to pass this

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

51st Legislative Day

May 21, 1987

Bill."

McAuliffe: "That's your opinion."

Speaker Breslin: "Is there any further discussion? If not, Representative McAuliffe to close."

McAuliffe: "I think this is one way we could address the problem that we have in the City of Chicago. As previous speakers have stated on different occasions, most people have lost faith in the public school system in Chicago. The people in my area send their kids to the public schools only as a last resort. They send them to Catholic schools or Lutheran schools or Jewish schools or special schools, but they don't send them to the public schools unless they don't have enough money and they can't afford a tuition. So, this is possibly a gamble, but I think that the way the schools are run in Chicago that they couldn't get much worse, and possibly this would put some local... some local ideas into the school system, and I think it's worth a try. I move for its passage."

Speaker Breslin: "The question is, 'Shall House Bill 2719 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Representative Huff, one minute to explain your vote."

Huff: "Just very briefly, Madam Speaker. I think the version of Representative McAuliffe's Bill is equivalent to the sorcerer's apprentice. It has a good intent, but I think it will create more confusion and more harm than good. It will probably... It allows the elections to be held at a city-wide level when they should be held in the neighborhoods."

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

Kubik: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Perhaps it was about this time last night that we

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

51st Legislative Day

May 21, 1987

were talking about an elected Commerce Commission, and I can hear all the wailing from the other side, especially the 27 Democrats from the City of Chicago who voted for an elected Commerce Commission. Well evidently, it's good enough for the elected Commerce Commission, but it's not good enough for the schools. I don't think that an elected board will solve these problems. That doesn't mean that the Chicago Board of Education doesn't have problems, but all I would suggest to those 27 Democrats who would put this over the top if they switched their votes, since they're so committed to representative government, that what is good for the goose is also good for the gander."

Speaker Breslin: "Is there any further discussion? Mr. Clerk, take the roll. Excuse me, the Gentleman from DuPage, one minute to explain your vote."

McCracken: "Thank you, Madam Speaker. I rise in support of this as well, and I think the point is this: We need or they need, the Chicago school system needs, the people of Chicago need to feel that they have a say in how their schools are conducted. Representative McAuliffe has put it very well. Local subdistricts, local elections, local input, local quality of life, local education, that's what we're seeking here, and we all have a stake in the school system of the City of Chicago. We have a right to be voting on this issue. It's our duty to give it every consideration, and we think this is the way to start."

Speaker Breslin: "The Gentleman from Winnebago. One minute to explain your vote."

Hallock: "Thank you, Madam Speaker, Members of the House. I, too, rise in support of this Bill. You know, one of the issues that we consistently debate here each Session, no matter where we come from, is the Chicago Public School System. Unfortunately, and no matter what we've done over

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

51st Legislative Day

May 21, 1987

the years to try to prove that... improve and enhance that system, it still isn't working. We have to take some new, drastic steps. This Bill suggests some of those steps, and I urge you support it."

Speaker Breslin: "Excuse me. I have been advised that the board has been locked because I did ask that the Clerk take the record, so with leave of the Body we will take the record. And on this question there are 57 voting 'aye'. Representative Hartke, for what reason do you rise?"

Hartke: "Change my vote to 'aye'."

Speaker Breslin: "Representative Hartke changes his vote from 'no' to 'aye'. Representative Turner, for what reason do you rise?"

Turner: "Thank you, Madam Chairman. In case this reaches the requisite number, I ask for verification."

Speaker Breslin: "Very good. Representative Huff, for what reason do you seek recognition? The same reason? The Gentleman from DuPage, Representative McCracken, for what reason do you rise?"

McCracken: "Have you closed the board or not closed the board. Apparently Representative Hartke's changed his vote, so the board's still open."

Speaker Breslin: "The Clerk changed the vote for him because it was requested. So, Representative McAuliffe asked for a Poll of the Absentees. Poll the absentees, Mr. Clerk."

Clerk Leone: "The poll of those not voting. Representative Christensen, Leverenz and Levin."

Speaker Breslin: "On this question there are 58 voting 'aye'... Representative Kubik changes his vote from 'no' to 'aye'. On this question there are 59 voting 'aye', 53 voting 'no' and 2 voting 'present' and the Bill fails. This Bill, having failed to receive the Constitutional Majority, is declared failed. On the Special Order of Business under

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

51st Legislative Day

May 21, 1987

State Regulation, House Bill 20. Mr. Clerk, read the Bill."

Clerk Leone: "On page 10 of the Calendar, House Bill 20, a Bill for an Act to restrict smoking in public places. Third Reading of the Bill."

Speaker Breslin: "Representative Terzich."

Terzich: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I guess everybody's been waiting this for a couple of years. House Bill 20 is the Illinois Clean Indoor Air Act, and it's a Bill that's been around addressing a problem in the State of Illinois that has been addressed by 43 other states, and that's with a person's right for a clean environment in the State of Illinois. And it addresses one of the biggest killers in the United States, which is the cigarette smoking that kills approximately 350 to 500,000 people annually. Not all smokers are aware of the harmful effects of their smoking and can...can have on others. The general public was not aware of the harmful effects until recent scientific studies. Unfortunately, some smokers don't care that their smoking hurts and sometimes kills others. Smokers may have rights, but that should not include an arbitrary right to expose nonsmokers to the harmful effects of their smoking. Currently, the U.S. population is composed of approximately 30% smokers and 70% nonsmokers. There are approximately 8 million people in the State of Illinois that are nonsmokers. The Illinois Clean Indoor Act is not something that's going to stop people from smoking, but it's going to give the person a right to breathe clean air in the State of Illinois. The rationale for regulating smoking in public places is the same as the other for environmental safety and regulation. The purpose is to protect the health and well-being of the general public from the harmful effects of activities of

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

51st Legislative Day

May 21, 1987

others. Isn't that one of the basic reasons for government lawmaking. We were talking about the different Bills, whether it's the seat belt or whatever you have, but we all have to understand that one of the leading killers in the United States is tobacco smoking. I would think that what we should do is that we should maybe put something onto the smokers and let them be charged with involuntary manslaughter because of the fact that it affects everybody in the State of Illinois. In addressing this here problem, I would like to point out that it just gives a freedom of choice. It will provide that all spaces are clean. It will allow smoking in enclosed indoor public places in established and posted smoking areas. It authorizes those in control of public places to establish smoking areas unless otherwise prohibited by law or ordinance or rule. It requires that existing physical elements of public places be used to minimize the intrusion of smoke into the areas where smoking is not permitted, but does not require the modification of new or modification of structures. It also exempts from the restriction of this Act, establishments that primary business is serving alcohol liquor or for the consumption on the premises, halls for private use, factories, warehouse and similar places of work not usually frequented by the general public, and it requires that a person in control of a public place to make reasonable efforts to prevent smoking outside established areas by posting signs and other reasonable measures. I have received numerous backing on the Bill. Basically, everyone in the State of Illinois that I've talked to and the letters I've received have supported this legislation, and certainly think that the Illinois General Assembly. I believe all of you have just received the report that I did pass out on 'Anti-Smoking Bill Gets the Executive Backing'

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

51st Legislative Day

May 21, 1987

by the Cranes' Business. A poll of 200 Chicago area firms shows that 71% support legislation restricting smoking in public places and 41 would favor a Bill completely banning smoking. If you would've received some of the mail that I've gotten, one right here is that 'I would really appreciate your support by passing a Bill that protects the nonsmoker in the office work place. I feel we also owe this in memory of our families, friends and associates who have prematurely died because they, or someone around them, smoked tobacco. They are already part of the worst health statistic in the United States, the 350,000 who die each year because of tobacco usage.' Ladies and Gentlemen of the House, this Bill, the time has come and I would urge your support of House Bill 20."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 20. Does anyone stand in opposition? The Gentleman from Cook, Representative Panayotovich."

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

Speaker Breslin: "He indicates he will."

Panayotovich: "Representative Terzich, how many years has this Bill been introduced?"

Terzich: "It's been... it's been... it's actually overdue. It's been introduced, this is the third year."

Panayotovich: "Third year. At one time this was a Bill that was for all public places, am I correct?"

Terzich: "That's correct."

Panayotovich: "Okay. Why did you exclude... "

Terzich: "There were... there were some... no, it didn't include all public places. There were some exclusions."

Panayotovich: "Alright, well, basically all. Can I ask why you excluded bowling alleys?"

Terzich: "Surely. Because of the fact that certain input from

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

51st Legislative Day

May 21, 1987

different industries and certain associations, or what have you, that I did to address a problem that was incorporated, since there are substantial number of smokers and trying to use a certain amount of logic, that this was included in the Bill."

Panayotovitch: "Thank you, why did you exclude bars?"

Terzich: "I just mentioned the same reason."

Panayotovitch: "Why did you exclude hotel rooms and living quarters?"

Terzich: "The Hotel Association made a mention that they had hotel rooms of which that people paid for the rooms that they were not exposed to the general public and therefore it seemed logical that anyone who paid for a room and it was their own environment and that they could do whatever they want in that room."

Panayotovitch: "Why did you exclude indoor enclosed offices occupied by smokers, even though such offices may be visited by nonsmokers?"

Terzich: "Would you repeat that?"

Panayotovitch: "Why did you also exclude enclosed offices occupied by smokers, even though such offices may be visited by nonsmokers?"

Terzich: "So a nonsmoker could ask them to step outside."

Panayotovitch: "Would... now, if the funeral home directors came to you and worried about a smoking and a nonsmoking parlor, would you then exclude funeral homes?"

Terzich: "No."

Panayotovitch: "Or if a car dealer came to you and said, 'We must now have a smoking and a nonsmoking showroom for our cars'. It seems that... it sounds like they're being excluded, first of all because one of the main reasons is this Bill's going to be very hard to enforce."

Terzich: "No, it's not."

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

51st Legislative Day

May 21, 1987

Panayotovitch: "Secondly, who enforces this Bill? Next question, I'm sorry."

Terzich: "The Bill is self-enforcing, the same way that all laws are enforced."

Panayotovitch: "What's the penalty?"

Terzich: "Petty misdemeanor."

Panayotovitch: "Will they throw somebody bodily out of a restaurant for smoking?"

Terzich: "If there is a violation of any law, regardless of what it is, there would be certain consequences."

Panayotovitch: "They can call the police, then, and ask them to remove that patron, right?"

Terzich: "It's like 'No Shoes, No Shirts, No Service.' It would operate the same way as any other law."

Panayotovitch: "No smoke. Okay. What percentage of a business has to be 'smoking' or nonsmoking?"

Terzich: "Reasonable."

Panayotovitch: "What's reasonable?"

Terzich: "Reasonable. That's up to a case by case... "

Panayotovitch: "No percentage. Would one table... would one table out of a hundred suffice?"

Terzich: "The Bill provides that they have to designate a 'no smoking area'."

Panayotovitch: "Well."

Terzich: "It may... it may suffice."

Panayotovitch: "Again, to the same question I asked you before on this. When we talk about... take a restaurant when that individual goes into the restaurant, its primary business is serving food. They have to sit in the vestibule there and wait for a table. Do they have to have a smoking and nonsmoking area in the vestibule?"

Terzich: "That I don't know. I'm sure that there are a number of restaurants that number one that they have no smoking

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

51st Legislative Day

May 21, 1987

totally, some of them have no smoking areas, and some of them don't have... you know, you can smoke anywhere you want."

Panayotovitch: "In that bar that is in that restaurant, do they have to have a smoking or nonsmoking area?"

Terzich: "Representative, we having an inquisition or do you want to address the Bill?"

Panayotovitch: "I'm just trying to point out the weaknesses of this Bill."

Terzich: "Number one is, I... I... I... you're trying to make me to set up the rules and regulations of each specific area and each specific place. The Bill provided that if it's primarily a place that sells alcoholic beverages, I would assume it would be a bar and not an eating place. And if you tell me that if they sell a hot dog and if it's still primarily a bar, I assume it would be a bar and not a hot dog stand."

Panayotovitch: "Well, I think you should set the rules because you're calling this the Clean Indoor Air Act, and it going to be rules and right now... "

Terzich: "Well, Representative... "

Panayotovitch: "... there's so many loopholes in these rules that, as I said before, the next move is indoor... the urinals are going to have to have smoking and nonsmoking urinals. To the Bill... "

Terzich: "You... I think you addressed the Bill before... "

Panayotovitch: "First of all... first of all..."

Terzich: "... so if you want to smoke in the urinal, I assume it's alright, just as long as you do it in private."

Panayotovitch: "Just keep your butts out of the urinal, I understand. House Bill 20 mandates no smoking. For business we're giving more regulations, the business community. Labor, the work place, let them work it out

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

51st Legislative Day

May 21, 1987

themselves. This is called an Indoor Clean Air Act. Well why don't we concern ourselves with air ducts, dirty air filters, not just smoking? This does not take the whole entire Clean Indoor Air Act. We have two Resolutions pending now to have voluntary, throughout the state, workplace rules and regulation for smoking. Let's give it a chance. Let's try it. We do not need more government intervention. This Bill is unenforceable. How do you tell somebody what is a smoking area and what is a nonsmoking area. We cannot... and matter of fact Representative Terzich also mentioned that 71% from Cranes' Business. Also in that article it does say 61% of the volunteer programs are successful, the same article. 61% of the volunteer programs in business are successful. How can we not regulate ourselves on the House Floor to smoke or not smoke when we voted this down and we're going to turn around and tell our constituents we can't govern ourselves about smoking, but we're going to tell you you can or can't smoke, where and when you can't."

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

Panayotovitch: "Thank you, Madam Speaker. It's totally enforceable, it's a hard Bill to govern... unenforceable, and I ask for your 'no' votes on this. This Bill has been around enough. I think that Representative Terzich in times past, let us try the voluntary method, if it doesn't work, like I told you before, I'd be more than willing to sit down with you and work on this Bill."

Speaker Breslin: "Ladies and Gentlemen, again this is a Bill that has been debated before, and I think most people have decided how they're going to vote for it. Several people have requested the opportunity to speak. With leave of the Body, I would like to recognize the Sponsor to close and then recognize everyone for one minute to explain their

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

51st Legislative Day

May 21, 1987

vote. Hearing no objection, Representative Terzich to close."

Terzich: "Well, Madam Speaker, Ladies and Gentlemen of the House. You know, it's strange how we say that, if it saves one life, it's well worth it, and so on. You know the seat belt issue, which I believe the previous smoker... person that spoke on a Bill, even voted not to repeal the seat belt law, but stating that, you know, if it saves one life... now, we have a proven killer in the United States. It's a proven fact. I mean not only does it kill the person who consumes it, but it also kills the person that involuntarily consumes tobacco products. Many of us tolerate smoking. It's socially unacceptable. It's a proven killer. There's no certain courtesy involved with smoking. The fact that myself being a Chicago fire fighter, one of the first things that we learned about smoke, is there's no such thing as a good smoke. They all emit toxic materials. They're all proven killers, wherever they emit from. And all we're doing is asking for what... some clean air, a freedom of choice, a place where, if you want to go and smoke, go smoke your lungs out, go kill yourself, do whatever you want. Do it in your own territory, but let some of the people of the State of Illinois clean breathe air. You know, the tobacco lobby says the law isn't necessary, that courtesy and common sense can resolve the issue. Why then the pleading calls from individuals, particularly those in the workplace, who are being abused by second-hand smoke, but feel powerless or intimidated or fear of losing their jobs or being branded as trouble makers. With the mounting number of the Illinois citizens lives at stake, we have no time to let this problem work itself out. We need this Bill now. It's been around three years. There are 43 other states, the

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

51st Legislative Day

May 21, 1987

Cranes' Business, all of the news media have endorsed this Bill. It's reasonable. It's workable. It's enforceable. It is not expensive, and it certainly is going to save lives and I urge your vote for House Bill 20."

Speaker Breslin: "The question is, 'Shall House Bill 20 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Macon, Representative Tate. One minute to explain your vote."

Tate: "Thank you, Madam Speaker. In the event this gets the requisite number of votes, we'll verify it."

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

Ropp: "Thank you, Madam Speaker, Members of the House. If there's ever a Bill in the State of Illinois that the general public is in total support of, this is that bill. The fact that we are attempting to save lives is the number one issue in this particular instance. The fact that we're also asking that everyone have an opportunity to breathe clean, free air. To think that we are imposing other people to allow them to breathe secondary smoke on other individuals is just not fair. The other point is, that I think is extremely important is that young people who breathe secondary smoke, has a great risk in their lung development, they are more susceptible to respiratory infections and the whole issue is one of saving lives. So if you are one who is a pro-lifer, Ladies and Gentlemen of the House, you should support this Bill. It's in your very... "

Speaker Breslin: "The Gentleman... the Gentleman from Cook, Representative McGann. One minute to explain your vote."

McGann: "Thank you, Madam Speaker. I originally was a much, much in support of this Clean Indoor Air Act. But since we've had a watering down of this legislation in regards to

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

51st Legislative Day

May 21, 1987

bowling alleys, deals made here and deals made there, it takes the teeth out of the good legislation, and this is unfortunate, because there's hundreds of people that are patronizing bowling alleys throughout the state, that are constantly smoking and drinking and so forth and enjoying themselves, but this shouldn't be. If we're going to have a good Clean Indoor Act, it should have been in the original legislation, therefore, I have to vote 'no'."

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

Kulas: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. As chief Sponsor of House Resolution 142, I would ask you to vote against this Bill. Nobody's going to argue with the Sponsor that smoking is dangerous for your health. We all know that. But we don't want to mandate this on the people of the State of Illinois. Now there are a number of different voluntary programs run by IRMA, by the Manufacturers Association, by other... the Chamber of Commerce has come in, which are working on this problem. Let them work it out. Let's not mandate this on the people of the State of Illinois."

Speaker Breslin: "The Gentleman from Champaign, Representative Johnson. One minute."

Johnson: "This... this Bill exemplifies the difference between... and the contrast between this Bill and the Seat Belt Bill... exemplifies what government should be about. When we voted to repeal the Seat Belt Bill, we said, 'You shouldn't make a criminal out of somebody for acting solely in their own behalf or against their own behalf'. This Bill says, if you vote for this, that you ought not to be able to hurt other people. And that's what governments for. To prevent people from hurting others, not to prevent people from hurting themselves. It's clear, studies

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

51st Legislative Day

May 21, 1987

repleat with conclusions, that secondary smoke causes cancer and other effects on other people. So if you want to smoke in your own house, if you want to do whatever you want to do to yourself, that's fine. And I support that, and if this Bill said you can't smoke, I'd be against it. But this Bill says you can't smoke and hurt other people and I support it."

Speaker Breslin: "The Gentleman from Macon, Representative Dunn. One minute."

Dunn: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this legislation, for many of the same reasons indicated by the previous speaker and also to point out from a practical standpoint that the Bill does provide where the... where the smoking area is... consists of a single room or enclosure, a person may satisfy the requirements of this Act by establishing a reasonable portion of that room or enclosure as a no smoking area. So this Bill is not iron clad, it is not something that is harsh, it's not something that cannot be done. As a matter of fact, it codifies what is being done currently in many, many areas, many of us, most of us, all of us have been in a restaurant where there is a smoking area and a nonsmoking area. What this Bill says is it will codify that and set the policy of this state to be, as the previous speaker has indicated, to promote the public health, safety and welfare of its citizens... "

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

Dunn: "I urge an 'aye' vote."

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

Ewing: "Madam Speaker, Ladies and Gentlemen of the House, I disagree with the Speaker who said there was a lot of difference between this and the seat belt law. Certainly

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

51st Legislative Day

May 21, 1987

there are some differences, but certainly it is also an intrusion into our right to decide what we're going to do. But more importantly than that, I believe in a voluntary no smoking provision for this State of Illinois. I don't like the provisions of this Bill, even though greatly watered down, which do affect the small 'ma and pa' businesses in this state. And I will bet you a dollar to a doughnut, if we pass it, next year the Sponsor or some other Sponsor will be back putting more teeth in it, trying to put these small businesses out of business. I say let's approve the voluntary Resolution that's before this House and move on and leave this issue behind."

Speaker Breslin: "The Gentleman from Lake, Representative... the Lady from Lake, Representative Stern, to explain her vote."

Stern: "Thank you, Madam Speaker. I've had a great deal of mail on this question, and I liked best Mr. Ropp's statement that if you are a pro-life, you would support this. I would also point out if you are pro-choice, you would support this. You have succeeded in bringing together the two dichotomies of this House, Sir. I think a Body that has voted today to make what is kinky criminal, can certainly vote to save the lives and to avoid imposing upon the citizens of this state, and I urge an 'aye' vote for this."

Speaker Breslin: "The Lady from Cook, Representative Wojcik. One minute."

Wojcik: "Yes, Madam Speaker, and Members of the House. I'd like to ask the people in this House how many of you say, 'I have my rights.' If you look at what we've done today, we're taking them away slowly by slowly. We don't have any rights anymore. We're telling people they have to wear seat belts, we're telling them they have to wear motorcycle helmets and now we're telling them that they can't smoke."

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

51st Legislative Day

May 21, 1987

Why are we doing this to the people? We talk about the freedom of the United States, the freedom of our country. Our freedom is getting taken away and we're taking it away right here in this House."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 58 voting 'aye', 51 voting 'no' and 8 voting 'present'. Representative Terzich asks for a Poll of the Absentees. Poll the absentees, Mr. Clerk."

Clerk Leone: "All the Members who are not recorded... who are not absent are voting."

Speaker Breslin: "All the Members are voting, Representative Terzich, for what reason do you rise?"

Terzich: "You know I have two gallant people, so I... I assume I'll have to go on Postponed Consideration."

Speaker Breslin: "The Bill shall be placed on the Order of Postponed Consideration. Ladies and Gentlemen, going to a Special Call under State Government. The first... the Bills on this Call, you might jot them down so that you will know the order in which they will be called... the Bills on Second Reading are House Bills 144, 919, 925... to notify the Sponsors I will read out the Sponsors' names. 144, Davis; 919, Black; 925, Capparelli; 919 did pass, you are correct; 34... 1304, Representative Cowlshaw; 1556, Representative Klemm; 1592, Representative Shaw; 2711, Representative McGann; 2768, Representative Shaw. Your Bills will be called on this Order of Business. Those Bills on the Order... the Special Call under State Government that are on Third Reading, Special Call, are House Bill 41, Representative Levin; 292, Representative Hensel; 349, Representative Kubik; 486, Representative Didrickson; 942, Representative Steczo; 1000, Representative Daniels; 1154, Representative Petka; 1684,

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

51st Legislative Day

May 21, 1987

Representative McPike; 2034, Representative Madigan; 2415, Representative Levin; 2511, Representative Hasara. Representative Frederick, for what reason do you seek recognition? She does not. Representative Hensel, for what reason do you seek recognition?"

Hensel: "292 was called earlier in the afternoon and it passed 114 to nothing."

Speaker Breslin: "The Bill will be taken off of this Order of Call. Going back now for the Bills on Second Reading under the Special Call of State Government, the first Bill is House Bill 144, Representative Davis. Read the Bill, Mr. Clerk."

Clerk Leone: "On page 9 of your Calendar, House Bill 144, a Bill for an Act to amend the Illinois Lottery Law. Second Reading of this Bill. Amendments #1 through 4 were adopted in Committee."

Speaker Breslin: "Are there any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Breslin: "I understand that there is a Motion filed, Mr. Clerk."

Clerk Leone: "In error, a Motion pursuant to Rule 72(a), I move to postpone action on House Bill 144 to the 3rd day in June, 1987; and that said Bill be placed on the Calendar for that day on the Order of House Bills Second Reading, Second Legislative Day, offered by Representative Monique Davis."

Speaker Breslin: "Representative Davis on a Motion. Present your Motion."

Davis: "Yes, Madam Speaker, and to the Members of the House, I am asking for a postponement of my Bill until June 3rd, and to be placed on the Calendar for that day on the Order of House Bills Second Reading, Second Legislative Day."

Speaker Breslin: "You have heard the Lady's Motion. Is there any

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

51st Legislative Day

May 21, 1987

objection? The Gentleman from DuPage, Representative McCracken. On the Motion."

McCracken: "Thank you, Madam Speaker. To the Motion, I rise in objection to it. You know, the Motion to set to a date certain is merely a device for avoiding the deadlines. If the deadlines have any meaning, then the deadline should be applied to all our Bills. I don't want this Motion to raise other Motions seeking to extend to a date certain. I don't think there's any need for it. There's been plenty of opportunity, just as there has been for Republican Bills, as well, to consider them on their merits, and I stand in opposition to it."

Speaker Breslin: "The Gentleman has stood... stands in opposition to the Motion. This Motion requires 60 votes for adoption. It is implicit in the Motion, Ladies and Gentleman, that the extension of the deadline also extends the deadline for the hearing of the Bill on Third Reading as well. Representative McCracken, as to that point."

McCracken: "As to that point, Madam Speaker, I believe the rules require 71 votes because you are advancing deadlines, or amending deadlines, which, in the rule, specifies that 71 votes is required."

Speaker Breslin: "I am advised that the Committee deadline takes 71 votes, but this deadline takes 60 votes. I will research it again and get back to you if that ruling is incorrect. On the Motion, put by Representative Davis, the Chair recognizes the Gentleman from Madison, Representative McPike."

McPike: "Thank you, Madam Speaker, and Ladies and Gentlemen of the House. There have been a number of Bills introduced this year dealing with the lottery, and we have had a series of meetings trying to negotiate an agreed Bill. Unfortunately, we have not come to an agreement at this

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

51st Legislative Day

May 21, 1987

time and I think the Lady is very reasonable in asking for the deadline to be extended so that we can pass a Bill out of the House that's agreed to by this Body and by the Administration. So, in that regard, in order to allow those negotiations to continue, I would ask all Democrats to please support the Lady's Motion."

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

Churchill: "Thank you, Madam Speaker. I rise in opposition to the Motion. I've had, over the course of the last few weeks, several conversations with the Sponsor of this Bill. We've made many offers to try and come to some agreement where we could process this Bill. Several times I've tried to add, as Amendments onto various other Bills, the multi-state lottery. I just don't think that this is something that's a matter of negotiation any more, I think it's a matter of trying to either pass a Bill or not pass a Bill out of here, and I don't think we should extend the deadline. I think we ought to have this Bill heard in the next day or two, if it can be heard. If it can't be heard, then we'll go on to something else. I say we should object to it."

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

Hallock: "Well, thank you, Madam Speaker. I, too, rise in opposition to the Motion. You know, I can't understand just why this Bill happens to be so important, far more important than any other Bill on the Calendar. We have some major issues left on the Calendar, some issues which not only affect the future of State Government, but also many issues in our very own districts. This issue is just one of many on the Calendar. It surely is not as important as many others, and there's absolutely no reason why this

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

51st Legislative Day

May 21, 1987

Bill, this issue, this concept, should receive this kind of favorable attention, and I say we should vote 'no'."

Speaker Breslin: "The Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Madam Speaker. I, too, rise in opposition to the Lady's Motion to extend the deadline for discussions on this Bill. Frankly, if there has been a number of meetings ongoing to discuss what's at issue with this Bill, for the most part, I think people on this side of the aisle have been left out of the discussions. Now, if you want an agreed Bill, then you ought to stop meeting in secret or behind other doors and you ought to start having people on this side of the aisle involved in those meetings, not just the agency, but we have some interest also, that we might want to discuss with the multi-state lottery or other things. It's apparent to me that we've got a long way to go between now and June 30th, in the first place, and whatever comes out of this chamber at this point is probably not going to be the final product, so I don't see why we need to extend a deadline to come up with an agreed Bill for this Bill, because that's just going to open the flood gates for everybody else who has any kind of interest in extending a deadline for their own Bills. For that reason, I would oppose the Lady's Motion."

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

Parcels: "Thank you, Madam Speaker. I'm the Minority Spokesman on the Committee in which this Bill was heard. You can tell by the number 144 that it was entered early. When she first presented it it failed. She made compromises with the Department... with the Lottery, then after she got the Bill out, she presented a whole bunch of Amendments here that put it right back in its original form, which then necessitated bargaining with the Lottery again. We could go back and forth with all of our Bills this way. I would

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

51st Legislative Day

May 21, 1987

suggest that I do not support the Motion and there must be a shell out there that, when she gets this all in order, she could amend it onto a shell Bill. I suggest a 'no' vote on the Motion."

Speaker Breslin: "Representative Davis to close."

Davis: "Yes, Madam Speaker, and to Members of the Body, we have continued negotiations with the Lottery Control Board. We have no intentions of attempting to hold up the multi-state lottery, which I think is the concern of that side of the aisle. We certainly recognize the importance of the multi-state lottery in the State of Illinois. However, the technical language in this Bill, we need an agreement from the Lottery Control Board on it. We are continuing to talk with them in reference to it, and I urge a 'yes' vote on the postponement of this Motion until June 4th, or June 3rd."

Speaker Breslin: "The question is, 'Shall the Lady's Motion pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 60 votes are required for the passage of this Motion. The Gentleman from DuPage, Representative Daniels. One minute to explain your vote."

Daniels: "Let's make sure we understand what's happening here for every downstate Legislator. This Bill and the proposal that's being advocated right here, will remove 10 million dollars from the Common School Fund and that's what they want to extend the deadline for, so they can come back at you and say take 10 million dollars out of the Common School Fund and place it elsewhere. Now this vote is a vote taking money out of education, and there's no mistake about it, and this may be the only chance you have to stop this from happening. There's serious Bills on this House floor that we should be debating and legislation that we should move. To start extending the deadline now because

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

51st Legislative Day

May 21, 1987

of a favored select group that want to talk about helping their own cause at the expense of everyone else and the expense of the school children of Illinois, is wrong. And you should know right now the cause and the action that you're taking is against the school children of Illinois and every downstate Legislator ought to know... "

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

Turner: "Thank you, Madam Chairman. I think the Lady has adequately expressed why she's asking for the extension of this Bill, and the last speaker is wrong saying that there's a group that wants 10 million dollars out of this particular fund. That is not the reason that the Bill is being held. We spoke with some Lottery people this morning on this particular issue. There are still negotiations going on. The diversion of the funds is not the case, and I would just continue to urge that the Members stay green on this particular Roll Call, and in fact, if they have additional recommendations on the Lottery Bill, to see the Sponsor between now and June 3rd. I urge an 'aye' vote."

Speaker Breslin: "The Gentleman from DuPage, one minute to explain your vote."

McCracken: "I seek a verification, Madam."

Speaker Breslin: "The Gentleman from... any further discussion? Hearing none, take the Roll, Mr. Clerk. On this question there are 62 voting 'aye', 53 voting 'no' and none voting 'present', and the Motion carries. Ladies and Gentlemen, there are three... oh, he wanted a verification, that's right. The verification... Representative Davis has asked for a Poll of the Absentees."

Clerk O'Brien: "Poll of those not voting. Leverenz and Levin. No further."

Speaker Breslin: "Poll... poll the affirmative."

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

51st Legislative Day

May 21, 1987

Clerk O'Brien: "Berrios, Bowman, Braun, Breslin, Brunsvold, Bugielski, Capparelli, Christensen, Cullerton, Curran, Currie, Daley, Davis, DeJaegher, DeLeo, Dunn, Farley, Flinn, Flowers, Giglio, Giorgi, Granberg, Greiman, Hannig, Hartke, Homer, Huff, Jones, Keane, Krska, Kulas, Laurino, LeFlore, Martinez, Matijevich, McNamara, McPike, Morrow, O'Connell, Panayotovich, Phelps, Preston, Rea, Rice, Richmond, Ronan... "

Speaker Breslin: "Excuse me, Mr. Clerk. Representative Novak, for what reason do you rise? Representative Novak."

Novak: "Thank you, Madam Chair Lady. I'd like to change my vote from a 'nay' to a 'yea'."

Speaker Breslin: "Change Representative Novak from 'no' to 'aye'. Proceed, Mr. Clerk."

Clerk O'Brien: "... Ronan, Saltsman, Satterthwaite, Shaw, Steczo, Stern, Sutker, Tate, Terzich, Turner, Van Duynes, White, Williams, Wolf, Anthony Young, Wyvetter Young and Mr. Speaker."

Speaker Breslin: "Do you have any questions of the Affirmative Roll, Representative?"

McCracken: "Yes, Madam Speaker. Representative Giglio?"

Speaker Breslin: "Representative Giglio? Representative Frank Giglio? Is the Gentleman in the chamber? He is not. Remove him from the Roll Call."

McCracken: "Representative Laurino?"

Speaker Breslin: "Representative Laurino? Bill Laurino? Is the Gentleman in the chamber? He is."

McCracken: "Representative Kulas?"

Speaker Breslin: "Representative Kulas is in his chair."

McCracken: "Representative Panayotovich?"

Speaker Breslin: "Representative Sam Panayotovich is in the center aisle."

McCracken: "Representative DeLeo?"

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

51st Legislative Day

May 21, 1987

Speaker Breslin: "Representative DeLeo? Jim DeLeo, is the Gentleman in the chamber? He is not. Remove him from the Roll Call."

McCracken: "Representative Homer?"

Speaker Breslin: "Representative Homer is in the chamber."

McCracken: "Representative Braun?"

Speaker Breslin: "Representative Braun? Carol Braun? Is the Lady in the chamber? She is not. Remove her from the Roll Call."

McCracken: "Representative Brunsvold?"

Speaker Breslin: "Representative Brunsvold is right next to you."

McCracken: "Representative Hicks?"

Speaker Breslin: "Representative Hicks is voting 'no', but he is here."

McCracken: "Representative Ronan?"

Speaker Breslin: "Representative Ronan? Al Ronan? Is the Gentleman in the chamber? He is."

McCracken: "Representative White?"

Speaker Breslin: "Representative White? Jesse White? The Gentleman is not in the... the Gentleman is in the chamber. Keep him on the Roll Call."

McCracken: "Representative Sutker?"

Speaker Breslin: "Representative Sutker is in his chair."

McCracken: "Representative Curran?"

Speaker Breslin: "Representative Curran? Mike Curran is here. Representative Tate, for what reason do you seek recognition?"

Tate: "I'd like to change my vote to 'no'."

Speaker Breslin: "Change Representative Tate from 'aye' to 'no'."

McCracken: "Representative Bowman?"

Speaker Breslin: "Representative Bowman? Representative Bowman is in his seat."

McCracken: "Representative Currie?"

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

51st Legislative Day

May 21, 1987

Speaker Breslin: "Representative Currie is in the chamber."

McCracken: "Nothing further."

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

Mautino: "Madam Speaker, for those people who've been here for quite a while know that I very seldom vote to extend any deadlines. At the request of Representative Young and the fact that my position is not in support of this legislation, so I don't want any misunderstanding on the question, I will certainly give the Representative the opportunity to hear her Bill at that time, and I will change my 'no' vote for about the first time in a long time, that I can remember, and extend the deadline. Change my 'no' to an 'aye'."

Speaker Breslin: "Change Representative Mautino from 'no' to 'aye'. Representative Leverenz is in the chamber and wishes to be recorded as voting 'aye'. Representative Mulcahey, for what reason do you seek recognition?"

Mulcahey: "Well I was kind of under the impression rules were rules, but I guess they can be, you know, excusable for some people, so I... I'll vote 'aye'."

Speaker Breslin: "The Gentleman changes his vote from 'no' to 'aye'. On this question there are 62 voting 'aye', 51 voting 'no' and none voting 'present', and the Motion carries. The next Bill on this Order is House Bill 925, Representative Capparelli. Clerk, read the Bill. It appears on page 16 on your Calendar. It's on the Order of Second Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 925, a Bill for an Act to amend Sections of the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

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

51st Legislative Day

May 21, 1987

White."

Speaker Breslin: "Representative White."

White: "Madam Speaker, Ladies and Gentlemen of the House, Amendment 1 is a simple one. It says that contraceptives could be dispensed to any student only with parental consent. Only with parental consent may these contraceptives be dispensed."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #1 to House Bill 925, and on that question, is there any discussion? The Gentleman from Cook, Representative Capparelli."

Capparelli: "Thank you, Madam Speaker. Amendment #1, which was offered by Jesse C. White, was offered in Committee. We defeated it there. Of course, we don't want this Amendment on because it doesn't go to the Bill. We don't want to dispense contraceptives at schools. This would still allow that and we would wish a 'no' vote on this Amendment."

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

Stephens: "Thank you, Mr. Electrician, Madam Speaker. This Bill is not quite perfect, but this is not one of the adjustments we'd like to make in it. I rise in opposition."

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

Regan: "Thank you, Madam Speaker, Members of the House. Sounds like an extremely good Amendment. I am wondering why the Sponsor is so opposed to that, or excuse me, I'd have to go to the... to the Sponsor of the Bill."

Speaker Breslin: "I'm sorry, that's inappropriate at the Amendment stage. If you have any questions to offer, they must be offered to the Sponsor of the Amendment. Do you wish to address the Amendment?"

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

51st Legislative Day

May 21, 1987

Regan: "Yes. Would the... would he leave for a question, please?"

Speaker Breslin: "He will. Proceed."

Regan: "Why do you think that Mr. Capparelli is opposed to that Bill, Mr. White?"

White: "Well, I don't know. I just think that if the parents of the children that this particular program is designed to impact upon... "

Regan: "Try to get to a point."

White: "... should have a say as to whether they want their kids to participate in that process or not, and you know, being minors, it's only fitting and proper for you to get parental consent if you want to do anything to them or for them, and so I thought that it would only be proper for me to introduce this very fine Amendment to resolve that problem."

Regan: "In other words, the parents that have taught their children and try to teach their children and the Reverends that try to teach their groups not to engage in sex and to say 'no', you're trying to say that as long as they know it's okay, and that's the point, I guess, of the Bill, and I think it makes a good Bill with your Amendment, and I support it."

White: "Okay. Thank you."

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

Williams: "I also rise in support of this Amendment. Being the Representative of one of the districts where contraceptives are used in the high school clinics, I'd like to state that it makes good sense to have the parents of those individuals be aware of what's... because they do know what's going on, and this lets the parent know... how would I say, knowingly make the choice to allow their child to at

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

51st Legislative Day

May 21, 1987

least be protected in certain situations, and I just urge an 'aye' vote on this Amendment."

Speaker Breslin: "The question is, 'Shall Amendment #1 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? The Gentleman from Madison, Representative McPike, one minute to explain his vote. Representative McPike."

McPike: "Yes, thank you, Madam Speaker. It's very tough to vote against an Amendment that says you have to have parental consent. I would hate to see a ... this become political, but obviously it is a political issue. To say in a brochure that someone voted against an Amendment that would require parental consent to dispense contraceptive material... I don't know... I don't know what people think about when they... when they are saying that with the 'parent's consent', and that the parent discusses this with the child. I don't know what kind of relationship you think the parents have with their children. They sit down and discuss this with their children. They've got a problem. They've got a tough, tough problem. They talk about it. And after some discussion, the parent agrees that this is the best thing for their child."

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

McPike: "And after they decide that that is the best thing for their child, we in the General Assembly say we don't care. We don't care if your parents approve or not. I presume this Bill is going to pass, but at least this Amendment should be on the Bill."

Speaker Breslin: "The Lady from Cook, Representative Didrickson, to explain your vote."

Didrickson: "Thank you, Madam Speaker, Members of the House. I am voting 'aye' on this Amendment. I believe that I am

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

51st Legislative Day

May 21, 1987

consistent with my beliefs. I voted 'aye' on former parental notification of minor Bills with regards to abortions, and I'm voting 'aye' on this parental notification and consent. I would urge your consideration along the same lines. I think it's consistent."

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

Johnson: "I think I'm... you know, I... on these issues, I don't know how you categorize anymore, but I... so I suppose with my categorization, whatever that is, I should be voting 'no'. But, honestly, like Representative McPike says, you know, the people who support this legislation, and maybe I do, continually make the point that the government shouldn't get involved in the family relationship. The government shouldn't get involved in that sort of thing, and here we have a common sense Amendment that just says you can dispense items as long as there is parental involvement. Gosh, what could make more sense than that? And I, you know, I'm just not going to be a lock step voter that just knee jerks one way or the other on these issues because that seems like the thing to do. This seems like the most common sense Amendment I have ever seen to a Bill that might be controversial. But this seems like, gee, you should have 118 votes on something like this."

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

Pullen: "Thank you, Madam Speaker. The point is that the Bill seeks to prohibit the distribution in public schools of contraceptives. This says it's okay for the public schools to get into the business of handing out contraceptives as long as parental consent has been obtained. The parental consent form that is being used in DuSable is a one-stop shopping form. Once the parent signs for allowing their

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

51st Legislative Day

May 21, 1987

student to have services such as free academic... free athletic health exams, they are also signing for 'family planning services', and they can't cross off any particular item. It's either all or nothing. Parental consent in this situation is a phony issue because our schools should not be in the business of handing out contraceptives to minors, regardless of whether the parents consent. The schools should be in the business of teaching kids."

Speaker Breslin: "Representative White, one minute to explain your vote."

White: "Madam Speaker and Ladies and Gentlemen of the House, I've been in the teaching field for 28 years and I can't think of anyone who would encourage that kind of activity. We're not encouraging young people to participate in sex, but we're saying if by chance they do, there is some kind of mech... stopgap mechanism, to prevent them from getting pregnant. And if, by chance, they do become pregnant, they would probably go on public aid and many of the Members here in the General Assembly would be hard pressed to give a cost of living increase for those individuals and I also want you to know that you open up the treasury of the State of Illinois. You're talking about public aid, food stamps, green card, subsidized housing, and if, by chance, this youngster gets himself into trouble with the law, you're talking about the court system, and finally the Department of Corrections, which is another state agency. Ladies and Gentlemen, this is... "

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

Churchill: "Thank you, Madam Speaker, I hear the points of common sense raised by Representatives McPike and Johnson, but yet there seems to be one other step... logical step, that doesn't seem to be taken. If the parents can sit down and

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

51st Legislative Day

May 21, 1987

discuss this with their kids, if they can do this in the family setting, and they come to some agreement that contraceptives are to be used, then why don't the parents just buy the contraceptives themselves? Why do they have to put it on the school board to do that, or put it on the school district? You know, leave it in the family. If it is a family thing, leave it in the family. If it is something that is going to be public, then why are we talking about parental consent?"

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

Ropp: "Thank you, Madam Speaker and Members of the House. Education comes in many and variety of forms and shapes and different experiences. It certainly seems that we, in one attempt, are trying to bring families together, and certainly by this Amendment going on, in my judgment it does provide for that family to, in part, be together rather than to, if you vote against this, you have a tendency to provide a wedge between kids and parents, and it isn't easy raising kids in this day and age."

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

Bowman: "No. Just to observe that it appears to have more 'nos' at this point, so I request a verification if the Amendment fails."

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

Barger: "Thank you, Madam Speaker. As I remember it, sex among teenagers is delinquency of minors and anyone who is voting green up there is contributing to the delinquency of minors."

Speaker Breslin: "The Clerk will take the record. On this question there are 56 voting 'aye', 58 voting 'no' and 1

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

51st Legislative Day

May 21, 1987

voting 'present'. Representative Bowman has asked for a verification of the negatives. Representative Mulcahey, for what reason do you seek recognition? Representative Mulcahey?"

Mulcahey: "Madam Speaker, please change my vote to 'no'."

Speaker Breslin: "Change Representative Mulcahey from 'aye' to 'no'. Poll the negative, Mr. Clerk."

Clerk O'Brien: "Ackerman. Barger. Barnes. Black. Brunsvold. Bugielski. Capparelli. Christensen. Churchill. Cowlshaw. Daley. Daniels. DeJaegher. DeLeo. Deuchler. Doederlein. Flinn. Giorgi. Goforth. Granberg. Hallock. Hannig. Harris. Hartke. Hasara. Hensel. Homer. Keane. Krska. Kubik. Matijevich."

Speaker Breslin: "Excuse me. Representative O'Connell, for what reason do you rise?"

O'Connell: "Do I have leave to be verified?"

Speaker Breslin: "Representative Bowman gives you leave to be verified. Proceed, Mr. Clerk."

Clerk O'Brien: "Mays. McAuliffe. McCracken. McGann. McNamara. Mulcahey. Novak. O'Connell. Myron Olson."

Speaker Breslin: "Excuse me, Representative Barger, for what reason do you rise?"

Barger: "Parliamentary inquiry."

Speaker Breslin: "State your inquiry."

Barger: "Isn't this irrelevant?"

Speaker Breslin: "No, Sir, it is not."

Barger: "Would you explain to me why the negative vote would have any bearing on this at all?"

Speaker Breslin: "Because this is an Amendment. We're voting on an Amendment, so... "

Barger: "Oh, we're voting on an Amendment so it is the... it doesn't require 60 votes, merely a majority?"

Speaker Breslin: "That is... that's correct."

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

51st Legislative Day

May 21, 1987

Barger: "Thank you for clarifying, Madam."

Speaker Breslin: "Proceed, Mr. Clerk."

Clerk O'Brien: "Parke. B. Pedersen. W. Peterson. Petka.
Phelps. Piel."

Speaker Breslin: "Excuse me. Representative Farley, for what
reason do you seek recognition?"

Farley: "To change my vote from 'yes' to 'no'."

Speaker Breslin: "Change Representative Farley from 'aye' to
'no'. Proceed, Mr. Clerk."

Clerk O'Brien: "Pullen. Rea. Regan. Ryder. Saltsman. Stange.
Stephens. Tate. Terzich. Van Duyne. Williamson. Wojcik
and Mr. Speaker."

Speaker Breslin: "Do you have any questions of the affirmative...
or the negative, rather, Mr. Bowman?"

Bowman: "Representative Black?"

Speaker Breslin: "Representative Black is in the chamber."

Bowman: "Representative Hallock?"

Speaker Breslin: "Representative Hallock is in the chamber."

Bowman: "Representative McNamara?"

Speaker Breslin: "Representative McNamara is in the chamber."

Bowman: "Representative Phelps?"

Speaker Breslin: "Representative Phelps? Representative David
Phelps? Is the Gentleman in the chamber? He is."

Bowman: "Representative Stange?"

Speaker Breslin: "Representative Stange. Jim Stange. Is the
Gentleman in the chamber? He is not. Remove him from the
Roll Call. Was the Gentleman recorded as voting, Mr.
Clerk."

Clerk O'Brien: "The Gentleman was recorded as voting 'no'."

Speaker Breslin: "Okay. Remove the Gentleman from the Roll
Call."

Bowman: "Well, Madam Speaker, I have no further questions, but if
Representative Stange is in the nurse's station, I have no

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

51st Legislative Day

May 21, 1987

objection to having him returned to the Roll Call."

Speaker Breslin: "Okay. Add the Gentleman to the Roll Call voting 'no'."

Bowman: "I have no further... "

Speaker Breslin: "No further questions. On this question there are 54 voting 'aye', 60 voting 'no' and 1 voting 'present' and the Amendment fails. Are there any further Amendments?"

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

Speaker Breslin: "Representative Greiman."

Greiman: "Withdraw it."

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

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

Speaker Breslin: "Representative Greiman."

Greiman: "Thank you. First, I apologize for speaking again. I generally like not to speak more than a couple of times in a day. I think it's good policy for us all. Today, I've had to do it more than once, however. We... we all heard the other day at the Amendment stage when this Bill was being heard on the Discharge Motion about morality, and what was interesting was that people on both sides talked about morality. One of the things that we have done as Americans is to be able to share this turf of ours and respect and recognize each other's points of view. It's not true all over this country... all over this world, I mean. People have differing views on morality, on right and wrong. In Northern Ireland, one kind of Christian kills another. In the Middle East, one group that claims they are seed of Abraham kills another. Greeks and Turks can't share an island in Cyprus. And so it goes on in the

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

51st Legislative Day

May 21, 1987

world. We Americans are different. And it is for that reason that I have tried to seek something that will bring us in a position where we can all be comfortable. Comfortable that our morality, if you will, is being recognized. And so I offer Amendment #3. Amendment #3 has that part that Amendment 1 had. It absolutely requires parental consent. In addition, it requires that no public funds be expended and makes clear that there can be no public funds expended. It further requires that there be three hearings by the school board with at least 10 days prior notice so that the community can come forward and can express itself. Finally, it requires the school board to adopt this by extraordinary majority, not dissimilar from the way we take very sensitive issues and require an extraordinary majority. So this Amendment 3 says, Parental Consent, #1; No Public Funds, #2; Three Hearings, #3; Extraordinary Majority, #4; and I forgot, a sunset after two years. And they must go through the whole process again. And then, of course, they can keep it as long as they want to. So we set up a very stiff criteria for doing this. We try to offend no one's morality, but trying to have a system of government that addresses the needs of one kind of community and the feelings of another. I ask you to adopt Amendment 3, which is very restrictive and very reasonable."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to House Bill 925, and on that question, the Gentleman from Cook, Representative Capparelli."

Capparelli: "Thank you, Madam Speaker. Greiman's Amendment sounds very nice up front, but he's out to kill this Bill, and that's all he wants to do with this Amendment and all those Amendments that are going to be following. We will oppose this Amendment like we will all the rest of them,

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

51st Legislative Day

May 21, 1987

and I wish you will follow me. Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall Amendment #... Representative Greiman, to close. Excuse me. Representative Greiman."

Greiman: "Yes. I'd like to tell the last speaker that he is hopelessly wrong, that I have no desire to kill this Bill, and if the Amendment, as a matter of fact is adopted, I'll vote for it on Third Reading, Mr. Capparelli. And not only that, there are matters that don't come down in stone, and we have to learn to compromise, and that's why I brought this, and that's the only reason why."

Speaker Breslin: "The question is, 'Shall Amendment #3 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 48 voting 'aye', 65 voting 'no' and none voting 'present'. The Amendment fails. Are there any further Amendments?"

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

Speaker Breslin: "Representative Anthony Young."

Young: "Madam Speaker, Ladies and Gentlemen of the House. I guess to avoid a lot of Roll Calls with obviously the same results, I'll withdraw... I filed Amendments 4 through 12, and I'll withdraw."

Speaker Breslin: "Withdraw Amendments 4, 5, 6, 7, 8, 9, 10, 11 and 12. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #13, offered by Representative Shaw."

Speaker Breslin: "Representative Shaw."

Shaw: "Yes. Withdraw."

Speaker Breslin: "Withdraw #13. Are there any further Amendments?"

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

51st Legislative Day

May 21, 1987

Clerk O'Brien: "Floor Amendment #14, offered by Representative Shaw."

Speaker Breslin: "Representative Shaw."

Shaw: "Yes. Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment 14, all it does is give the principals control of their school and make one person in charge rather than three, like it is now. In Chicago school system is the only school system in the state that have that system where the principal of the school is not in charge, and I urge the adoption of Amendment 14."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment #14 to House Bill 925, and on that question, the Gentleman from Cook, Representative Capparelli."

Capparelli: "Thank you, Madam Speaker. Once again, this is just another Amendment to destroy the Bill. I would ask for a 'no' vote. Thank you."

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

Hallock: "Yes. I... We couldn't hear too well on this side. Would the Sponsor yield for a question?"

Speaker Breslin: "He indicates he will."

Hallock: "What does this Amendment seek to do again, please?"

Shaw: "It gives the principal charge of their school, rather than the engineer."

Hallock: "This... this gives the principal control of their school, as opposed to the engineers, I suppose."

Shaw: "Right."

Hallock: "Is that right? It doesn't seem to me that this issue fits right in with the context of this Bill, but I'm not going to question the germaneness. That's for you to decide on your side of the aisle, but thank you."

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

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

51st Legislative Day

May 21, 1987

McCracken: "Point of order, Madam Speaker."

Speaker Breslin: "State your point."

McCracken: "I don't believe it's germane."

Speaker Breslin: "Representative McCracken, the Chair rules that the Amendment is germane. Is there any further discussion? Ladies and Gentlemen, this Amendment, if you wish an explanation, the Amendment amends the School Code. The Bill amends the School Code. Both deal with the control and supervision of schoolhouses and schoolgrounds. It is perfectly germane. The Gentleman from Cook, Representative Keane, one... Proceed."

Keane: "Thank you, Madam Speaker. I rise in opposition to the Amendment. We've debated this Bill, and I'd ask the Sponsor a question, if leave... "

Speaker Breslin: "The Gentleman will yield for a question."

Keane: "Did you put the Amendment that I put on the Bill. Does this say that the principal cannot take over the operation of the school building unless the students are reading at grade level?"

Shaw: "No, Representative. The only thing that it said, it put the principal in charge of the school."

Keane: "So your Amendment goes back to the way the Bill was prior to the adoption of my Amendment when this Bill was previously before the House?"

Shaw: "Basically, yes."

Keane: "Thank you. To the Bill, or to the Amendment."

Speaker Breslin: "Proceed."

Keane: "The Amendment, I think, violates what the intent of this House was and the intent of the majority of the Membership of this House was, when this matter came before us earlier, and for that reason I would resist the adoption of this Amendment. We have already spoken on the format that, should this Amendment... should this issue come up again,

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

51st Legislative Day

May 21, 1987

we've brought in the... we've already agreed that we wanted it included so that the principal would not be able to turn away from his educational leadership duties unless, in fact, the school children were working near grade level, and for that reason, I oppose this Amendment."

Speaker Breslin: "Ladies and Gentlemen, again there are several people seeking recognition. I believe the Membership knows what the Amendment does. If we could go to the Roll Call and then allow Members to explain their vote, it would be very helpful. Representative... is that possible? Representative Piel, for what reason do you rise?"

Piel: "Thank you, Madam Speaker. I have a parliamentary inquiry of the Chair, please."

Speaker Breslin: "State your inquiry."

Piel: "On Amendment #... whether, you know, it basically, you know, it's somewhat expounding on maybe what Representative McCracken did, but also, as far as if the Amendment is technically in order. And I'm using the word 'technically' because, first of all, he doesn't have 'as amended', the Bill 'as amended', but he is removing the word, and this is on the very first, if you've got a copy of the Bill there, and what the Amendment does. He's changing the word 'and' and in place of it putting quotes - just one end of the quotes, though, which would throw the, if you... if you put that into the Bill, you know, there is nothing there. There is a no end quote. It's nothing that it's quoting."

Speaker Breslin: "Representative Piel, your point is not well taken. The Amendment is properly drafted. Representative Shaw to close on the Amendment and then we'll have explanations of votes."

Shaw: "Yes. I've heard some... one of the previous speakers talking about the engineers. It's just like this Amendment does the same thing for principals that we want for our own

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

51st Legislative Day

May 21, 1987

office. We are the elected Representatives, by the people, but what Members... some Members of this House would lead you to believe that their secretaries should be in charge, and they're not going to face the responsibility. The principal has to face the responsibility. The principals should be in charge of the facility where they are located. It's the only district in Illinois where that the principal is not in charge of their school. This is outdated, should never have been, the principal is the one that's charged with the responsibility of educating the children, and I believe that this Amendment should be adopted, and I urge an 'aye' vote on the Amendment."

Speaker Breslin: "The question is, 'Shall Amendment #14 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, if it's necessary."

Stephens: "Oh. Alright. It doesn't look like it's necessary. Thank you."

Speaker Breslin: "Representative Brunsvold, is your explanation necessary? It is not. On this question there are 28 voting 'aye'. Take the roll, Mr. Clerk. On this question there are 31 voting 'aye', 76 voting 'no' and 2 voting 'present' and the Amendment fails. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #16, offered by Representative Stephens."

Speaker Breslin: "Representative Stephens. What happened to Amendment #15, Mr. Clerk?"

Stephens: "I was ready to object to 15. Madam Speaker, first of all, we would question the germaneness of 15, if you decide to call that Amendment."

Clerk O'Brien: "Amendment 15, offered by Representative

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

51st Legislative Day

May 21, 1987

Flowers."

Speaker Breslin: "Representative Flowers, as presented your Amendment. Representative Stephens has questioned the germaneness of the Amendment. Give me the Bill and the Amendment, Mr. Clerk, please."

Flowers: "I have not... "

Speaker Breslin: "Representative Flowers, your Amendment is ruled not germane. Are there any further Amendments? Representative Flowers, for what reason do you rise?"

Flowers: "Madam Speaker, my Amendment merely says, merely... wait, wait, wait, really... my Amendment says that, 'to have sex outside of marriage', and that is what we're talking about. Our kids having sex in the... excuse me, please. I'm talking."

Speaker Breslin: "Representative Flowers, it's 7:30 at night, and while we enjoyed... "

Flowers: "But the Amendment is germane, Madam Speaker, because we're talking about sex. And it would merely be... "

Speaker Breslin: "Your Amendment is not germane. Are there any further Amendments, Mr. Clerk?"

Clerk O'Brien: "Floor Amendment #16, offered by Representative Stephens."

Speaker Breslin: "Representative Stephens on Amendment #16."

Stephens: "Thank you, Madam Speaker. There is one Amendment of these that we did want to adopt, and that's Amendment #16. If I could have a little order here in front of me. Amendment #16 would prevent the use of school buildings for the purpose of counseling or referring students or other persons under the age of 18 for abortions, also prevent performing abortions or prescribing, selling or providing abortifacient drugs, products or devices to students or other persons under the age of 18, also prevent the performing of sterilization procedures on students or other

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

51st Legislative Day

May 21, 1987

persons under the age of 18, would further prevent the counseling or the use of staff for those purposes that I delineated. I would move for its adoption and would be glad to answer any questions."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #16 to House Bill 925, and on that question, the Gentleman from Cook, Representative Capparelli."

Capparelli: "Madam Speaker, this sounds like a good Amendment. I ask everyone to support it."

Speaker Breslin: "The Gentleman from Cook, Representative Greiman, on the Amendment."

Greiman: "Well, I think this might make the Bill unconstitutional, so we probably ought to put that on there."

Speaker Breslin: "The Gentleman from Cook, Representative Cullerton, on the question."

Cullerton: "Yes. Will the Sponsor yield?"

Speaker Breslin: "The Sponsor will yield for a question."

Cullerton: "Why doesn't this Amendment apply to Chicago? Is there a reason for that?"

Stephens: "That's a good point. We'd be glad to add that language later."

Cullerton: "So... so... just so it's clear. This..."

Stephens: "I think it must have been an oversight."

Cullerton: "This Amendment... the that Code you amended was not the Code that covers the Chicago Board of Education. So this..."

Stephens: "I'm sorry, I didn't hear you. We..."

Cullerton: "This Amendment does not apply to Chicago."

Stephens: "I'm not sure that it doesn't. You asked me why it didn't, and I said it was a good question. I don't know that it doesn't, but if it doesn't, it's an oversight. We'd be glad to amend it on its face or take care of that

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

51st Legislative Day

May 21, 1987

in the Senate. The Cardinals won."

Cullerton: "One other question. For the rest of the state that this does apply to, would the language of this Amendment legitimize a school board's decision to allow its medical staff to provide abortions and sterilizations on school grounds for persons over 18?"

Stephens: "Would it allow it? No."

Cullerton: "You don't... that's not your intent?"

Stephens: "Our intent is to not allow abortions or abortion counseling or those related items that I mentioned earlier to take place on school grounds."

Cullerton: "Well, for someone over 18, though, the abortion procedures could be... could be used. It says, 'School buildings, or school grounds, shall also not be used for performing abortion procedures to students under 18.' So that means that they could be used for students over 18. Is that the intent? Probably not, huh?"

Stephens: "The intent of the law is just as it is written."

Cullerton: "Okay. Well, I'm just raising the possibility that there might be some misinterpretations of the Amendment as you drafted it and you can't just say that it's the intent as written, because it's clearly somewhat ambiguous. I'm just raising the issue. Your intent is not to open up..."

Stephens: "Our intent is to prevent abortions, abortion counseling and the other items that I delineated earlier on school campuses."

Cullerton: "For people under 18 and over 18. For all students."

Stephens: "This Amendment says, 'students 18 and under', or excuse me, 'under 18'. Our intention would be, 'all students'."

Cullerton: "Fine. Okay. Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall Amendment #16 be adopted?' All those in favor

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

51st Legislative Day

May 21, 1987

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 66 voting 'aye', 35 voting 'no', 9 voting 'present' and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Representative Capparelli, a Fiscal Note has been filed on this Bill as amended, so the Bill must remain on the order of Second Reading. Ladies and Gentlemen, there is an addendum to our Special Order, although it doesn't look like we're going to get to the bottom of this Special Order today, but those... those Bills that we would add to that Special Call for your use at a later time are 1539 by Wojcik; 580, Sponsored by Representative Wennlund; and 1502, by Representative Churchill. Ladies and Gentlemen, by agreement of the Leadership on both sides of the aisle, in our Special Order on Third Reading, I'll call House Bill 2415, Representative Levin. Representative Levin? Is the Gentleman in the chamber? Representative Giorgi will handle the Bill. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2415, a Bill for an Act to amend Sections of an Act relating to issuance and use of credit cards. Third Reading of the Bill."

Speaker Breslin: "Representative Giorgi."

Giorgi: "Madam Speaker, Amendment #2 to House Bill 2415 deals with reporting of credit card rates. It does not put a cap on credit card... does not apply to broadcast or radio media. It requires issuers of credit cards who solicit residents of our state to provide certain information... "

Speaker Breslin: "Excuse me, Representative Giorgi, I'm advised by the Clerk that you want to take this Bill back to the Order of Second Reading for the purposes of an Amendment."

Giorgi: "I thought you did that, Madam."

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

51st Legislative Day

May 21, 1987

Speaker Breslin: "Does the Gentleman have leave? Hearing no objection, the Gentleman has leave. Are there any Amendments filed, Mr. Clerk?"

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

Speaker Breslin: "Representative Levin. Does Representative Giorgi have leave to present the Amendment? Hearing no objection, the Gentleman has leave. Present the Amendment, Mr. Giorgi."

Giorgi: "Madam Speaker, Amendment #1 is not viable."

Speaker Breslin: "Amendment #2 is your turn."

Giorgi: "That's right. I'm moving for the adoption of Amendment #2. It has to do with credit card reporting and the repository of information has to be in the Department of Financial Institutions and anyone that solicits the sale of credit cards in the State of Illinois must provide all the information we have been talking about for a long time, and that is the annual percentage rate, whether the balance can be paid off within a certain period of time, the annual membership fees, attorney costs for cash advance, or penalty for late payments, and all notice to the prospective purchaser can avail himself of the information of the Department of Financial Institutions, but it is incumbent on the credit card supplier that he provide the information. I'll answer any questions."

Speaker Breslin: "Representative Giorgi has moved for the adoption of Amendment #2 to House Bill 2415, and on that question, is there any discussion? Hearing none, the question is, 'Shall Amendment #2 be adopted?' I understand that we have done this out of order. We'll go back to Amendment #1 at a later time. Is there any discussion on Amendment #2? Representative Piel, on Amendment #2."

Piel: "I beg your pardon, Madam Speaker. Now you say we're

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

51st Legislative Day

May 21, 1987

bypassing Amendment #1 and then going with Amendment #2?"

Speaker Breslin: "No. We overlooked Amendment #1. Since the Gentleman has already explained Amendment #2, with leave of the Body, we'll adopt that Amendment and then go back to discuss Amendment #1."

Piel: "Has Amendment #1 been adopted?"

Speaker Breslin: "No, Sir."

Piel: "Well, then, we've got... well, it's either got to be withdrawn or... "

Speaker Breslin: "Okay. Take the bill out... take the Amendment out of the record at the moment. We'll... with leave of the Body we'll go back to Amendment #1. Mr. Clerk, do you have the Amendments in order?"

Clerk O'Brien: "Yes, Madam."

Speaker Breslin: "And what is the first Amendment, please?"

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

Speaker Breslin: "Amendment #1 is offered by Representative Homer. Proceed, Representative Homer."

Homer: "Madam Speaker, I wish to withdraw Amendment 1."

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

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

Speaker Breslin: "Representative Giorgi on Representative Levin's Amendment that he has already explained. Are there any... the Gentleman has moved for the adoption of Amendment #2, and on that question, are there... is there any discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Just one quick question, Representative Giorgi. This establishes a depository? Is that right?"

Giorgi: "The information is placed in the depository and it's from the financial institutions. I hope they don't hide it."

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

51st Legislative Day

May 21, 1987

Cullerton: "Where is the depository? Why isn't it at the... why isn't it at the Attorney General's Office?"

Giorgi: "This was provided to me from a Representative who is in your district, I think? Who had to take off for other reasons. But he was very emphatic in saying..."

Cullerton: "Levin is not here?"

Giorgi: "... The information will be deposited with the Department of Financial Institutions. That's what the Amendment says."

Cullerton: "Shouldn't it be the Attorney General's Office?"

Giorgi: "Well, some people prefer the Treasurer's Office, but I don't have time now to amend it on it's face."

Cullerton: "Well, we can do it in the Senate."

Speaker Breslin: "The Gentleman from Cook... the Gentleman from Cook, Representative Ronan."

Ronan: "Representative Giorgi, what nationality are you?"

Giorgi: "Italian Jew."

Ronan: "You're an Italian Jew?"

Giorgi: "My family..."

Ronan: "What nationality is the Treasurer?"

Giorgi: "My family ... four years ago."

Ronan: "Representative Giorgi, I don't want to hear your background. I want the nationality of the Treasurer."

Giorgi: "Take the marbles out of your mouth. What was that?"

Ronan: "What nationality is the Treasurer?"

Giorgi: "I'm not sure if he's Italian Jew."

Ronan: "What nationality is the Attorney General?"

Giorgi: "Tell me. I don't know."

Ronan: "I don't think he's an Italian Jew, that's why this thing's going to Financial Institutions. Thank you."

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

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

51st Legislative Day

May 21, 1987

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. Representative Giorgi, do you wish to have a Roll Call? Representative Giorgi asks leave for immediate consideration of House Bill 2415, as amended. Are there any objections? Hearing none, the Gentleman has leave. Read the Bill on Third, as amended, Mr. Clerk."

Clerk O'Brien: "House Bill 2415, a Bill for an Act to add Sections to an Act in relation to the use of credit cards. Third Reading of the Bill."

Speaker Breslin: "Representative Giorgi."

Giorgi: "Rather than let the Assembly think this is an inside joke, there is a little bit of a dispute between where the information should emanate from, whether it should be from the Attorney General or the Treasurer or the Department of Financial Institutions. I think we've received a happy compromise on this Bill, but there's a Bill coming over from the Senate that we will pick up the dialogue again on, but I urge you to pass this Bill."

Speaker Breslin: "The question is, 'Shall House Bill 2415 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? Have all voted who wish? The Clerk will take the record. On this question there are 113 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1000, Representative Daniels. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1000, a Bill for an Act to amend the Illinois Bank Holding Company Act. Third Reading of the Bill."

Speaker Breslin: "Representative Daniels."

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

51st Legislative Day

May 21, 1987

Daniels: "May I return this to the Order of Second Reading for the purpose of an Amendment?"

Speaker Breslin: "The Gentleman asks leave to return House Bill 1000 to the Order of Second Reading for the purposes of an Amendment. Does he have leave? Hearing no objection, the Gentleman has leave. Are there any Amendments filed, Mr. Clerk?"

Clerk O'Brien: "Floor Amendment #5, offered by Representative Daniels and Flinn."

Speaker Breslin: "Representative Daniels."

Daniels: "I think the first Amendment was Floor Amendment #4, which I'd like to withdraw, and then we'll go with Floor Amendment #5."

Speaker Breslin: "Withdraw #4. Are there any further Amendments?"

Clerk O'Brien: "Floor Amendment #5, offered by Daniels and Flinn."

Speaker Breslin: "Representative Daniels."

Daniels: "Floor Amendment #5 becomes the Bill, and basically what it does is incorporate the provisions of Senator Rock's Bill, which is Senate Bill 990, to make the provisions identical with the exception of the nation-wide trigger date. In this case, Amendment #5 calls for the nation-wide trigger date to be October 1, 1988. This Amendment then becomes the Bill which amends the Bank Holding Company Act by eliminating the midwest bank region, within which bank holding companies may acquire assets or control of a bank. And I would seek your favorable support of this Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #5 to House Bill 1000, and on that question, the Gentleman from Macon, Representative Dunn. Representative Dunn."

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

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

51st Legislative Day

May 21, 1987

House. Reluctantly, I rise in opposition to the Amendment. As the Sponsor has indicated, the Amendment adds a new Section which creates an effective date of October 1, 1988. The legislation, the Statutes which are on the books now call for, if I recall correctly, a 1989 effective date or 1990. I can't remember which at this late hour, but in any event, a later effective date. It is only recently that we have gone into the multi-state banking situation in the State of Illinois. We have done it on a regional basis with the surrounding states. This legislation would authorize multi-state arrangements with all of the other states, and of course, that means that the big New York banks will be coming in here. We have found in Illinois that since we got into the multi-state situation, that to the best of my knowledge no Illinois banks have gone outside the State of Illinois to purchase other banks. The business has been transacted all in the other direction. Outsiders have come in here and purchased our banks. That's an indication that we need to regroup, to collect our forces, to get together to provide the best customer service that we can in Illinois and participate in the regional operation, the multi-state regional banking situation so that our bankers can go out and purchase banks in other states. We haven't even really got that going yet. This Bill... This Amendment will call for an early effective date which will grind everything to a halt, permit the big New York banks to come in here. So, I respectfully ask that this Amendment be defeated, and if we get to a Roll Call, I would urge a 'no' vote."

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

McPike: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the Amendment. I think the

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

51st Legislative Day

May 21, 1987

Sponsor of the Bill is simply trying to compromise on the issue. I believe the Bill in the Senate calls for an effective date of 1990, and his Bill is introduced called for an effective date of January 1 of '88. I think, in the spirit of compromise, he's moved the date forward another nine months in an effort to strike a balance between the two Bills, and I think he's being very reasonable, and I would ask people to support the Amendment and the Bill."

Speaker Breslin: "The Gentleman from Cook, Representative Ronan, on the Amendment."

Ronan: "Yeah, would the Gentleman yield for a question?"

Speaker Breslin: "He indicates he will."

Ronan: "Yeah, Representative, what's the position of the Illinois Banking Association on your Amendment?"

Speaker Breslin: "Representative Daniels to answer the question."

Daniels: "The IBI supports Senator Rock's Bill... or the IBA. Excuse me. I said the IBI. The IBA."

Ronan: "The Illinois Bankers' Association supports Senator Rock's Bill. What about this Bill? What about this Amendment? I just want to know what the position is on this Amendment."

Daniels: "This Bill is identical to Senator Rock's Bill, with the exception of the date, and as Majority Leader McPike stated, what we are trying to do is to come up with a compromise. This moves the nationwide trigger date two and a half years from now, which would be October 1, 1988. The purpose of that date, Representative Ronan, was to pick a time in which it was parallel to the trigger date in Michigan and Ohio, which kick it in those two times, and by that time, 19 states in the union will have nationwide trigger dates. It's also an effort to keep Illinois in the forefront of the financial marketplace."

Ronan: "Well, that's all fine and good, but what's the position of the Illinois Bankers' Association on this Amendment?"

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

51st Legislative Day

May 21, 1987

Daniels: "I would assume that they are opposed to the Amendment on the trigger date itself."

Ronan: "Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall Amendment #5 be adopted?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Daniels is recognized to explain his vote. One minute."

Daniels: "Ladies and Gentlemen of the House, what we have here is a Bill that would implement nationwide banking in Illinois two and a half years from now. There are many advantages to this Bill, and the Amendment and the purpose of the Amendment is so that we could continue the dialogue dealing with the very important issue of nationwide interstate banking. I am proposing this and voted in favor of it for many different reasons. One, we will add well over a hundred new jobs to Illinois; two, we will keep Illinois as a financial marketplace in this country; and three, we will continue to move forward on a reasonable basis. The Bill as filed has a date of January 1, 1988, as the trigger date, and what we are doing in the spirit of trying to move forward in a compromise is to come up with a trigger date of October 1, 1988, which is further than the Bill itself. So the Amendment that you have before you now is actually better than the Bill that was... "

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

Daniels: "... That was originally filed, and I hope that you can join me in support of this important piece of legislation."

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

Williams: "I rise in support of this Amendment. I know that a

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

51st Legislative Day

May 21, 1987

lot of people are wondering why I would be here in support of this. It's because of the fact that my community needs the investments. We need the investments now. We need banks that are willing to do what's necessary to bring about a revitalization of our neighborhood, and I urge all those on our side of the aisle to please support this Amendment so that the negotiations can go on in earnest. The banks will come into Illinois. It's just a question of when and this is a real attempt to try to bring about an honest negotiation for a true compromise because we need this here. We need to get it before the other states get it so that we can be a leader and not a follower in these sort of negotiations that are going on. And again, I urge a strong 'aye' vote."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? Representative Cullerton, one minute to explain your vote."

Cullerton: "Yes, I just wanted to clarify one thing. I think that the Minority Leader was saying that the trigger is two and a half years. I think that the effect of the Amendment would be to place it one and a half years away. As I understand it, it's October 1st of 1988. I believe that the position, if you're opposed to the Bill, would be to support the Amendment. If the Bill does pass, you'd want it to pass with this Amendment on if you were opposed to it. I don't know if that makes any sense, but it's definitely taken me some time to explain it that way. On the other hand, if you think that it's really, really a bad Bill and you don't want to make it any better, then you could take a chance."

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

Ronan: "Yeah, close the board, or if the Speaker's sufficiently

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

51st Legislative Day

May 21, 1987

able to switch them around, I'm going to ask for a verification, so my advice is close the board and let's go on to the next issue."

Speaker Breslin: "Have all voted who wish? The Gentleman from DuPage, Representative Hoffman, one minute to explain your vote."

Hoffman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Whether you're an opponent or proponent of this legislation, you know that at some point in time, this is going to happen. It's to the advantage of the banking community in Illinois to be postured at an appropriate time to allow the banking community and the investment community to be properly situated from a legal point of view to take advantage of the changes that are going to take place in banking in this country. Proponents, opponents, I think, if they're realistic, understand that that is what's going to happen. There is appropriate time here to make that change possible, and will give them the opportunity to position themselves in a positive fashion so it will inure to the growth of economic opportunity and conditions which will create a positive economic atmosphere for investment in the State of Illinois."

Speaker Breslin: "The Gentleman from St. Clair, Representative Stephens, one minute to explain your vote."

Stephens: "Thank you, Madam Speaker. When the Majority Leader and the Minority Leader agree on something, I think we ought to take time to carefully consider it. These Gentlemen have been at the forefront of many issues in the past several years. The 10 years or more that Governor Thompson has been Governor of the State of Illinois, we've created an economic environment here in Illinois, and we need to continue that lead. Taking this lead that Representative Daniels and McPike agree on is important to

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

51st Legislative Day

May 21, 1987

the economic development of our state, whether you're downstate like I am, or this is even good for the downstaters and the City of Chicago, and so, knowing that the Cubs won today and that the Cardinals won, I think in the spirit of cooperation of upstate and downstate, maybe we can find the time to get enough votes on this Bill to pass it... on this Amendment."

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

Piel: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I did not plan on standing up on the Amendment, but what I wanted to say was, the way the Bill is right now, it's January 1st of '88. I think what you've got to do, you've got to try and push it back as far as possible at the present time. Obviously, the IBA would like it a little bit later, but it's still in the process of a negotiation, and I would ask for 'aye' votes on this so we can let the process go on as far as negotiation and push it back at least another 10 months, so I'd ask for some 'aye' votes. Thank you."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 61 voting 'aye', 51 voting 'no' and 3 voting 'present'. Representative Ronan, do you still persist in your request for a Verification? He does not. He withdraws it. Therefore, the Amendment fails. Are there any further Amendments? The Bill... Excuse me. The Bill is adopted... the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "There are no further Amendments. Representative Daniels, however, a Fiscal Note as amended has been filed. So the Bill will remain on the Order of Second Reading?"

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

51st Legislative Day

May 21, 1987

Daniels: "No, we have a Fiscal Note coming up, Madam Speaker. If you could just hold that for a second, I'll get this Fiscal Note written. Madam Speaker, there's no fiscal impact on the State of Illinois by the adoption of this Bill, and therefore, I would move that the fiscal impact note be inapplicable."

Speaker Breslin: "The Gentleman has moved that the Fiscal Note Act is inapplicable. And on that question, is there any discussion? Hearing none, the question is, 'Shall the House determine that the Fiscal Note Act is inapplicable?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. A Simple Majority of those voting on the question determines the issue. Have all voted who wish? The Clerk will take the record. On this question, there are 83 voting 'aye', 8 voting 'no' and 1 voting 'present', and the House rules that the Fiscal Note Act is inapplicable. The Gentleman from Cook, Representative Terzich, for what reason do you seek recognition? You do not. The Bill moves to Third Reading. Do you wish to move the Bill, Sir?"

Daniels: "I do, but I think I'll work on it a little bit."

Speaker Breslin: "Good idea. House Bill 2034, Representative Madigan. House Bill 2034, Representative Madigan. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2034, a Bill for an Act to amend the Capital Development Board Act. Third Reading of the Bill."

Speaker Breslin: "The Bill is on the Order of Third Reading. Representative Madigan asks leave to return this Bill to the Order of Second Reading for the purposes of an Amendment. Does he have leave? Hearing no objection, the Gentleman has leave. Are there any Amendments filed, Mr. Clerk?"

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

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

51st Legislative Day

May 21, 1987

Madigan."

Speaker Breslin: "Representative Madigan, on Amendment #3."

Madigan: "Please withdraw this Amendment."

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

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

Speaker Breslin: "Representative Madigan."

Madigan: "Madam Speaker, this Amendment would combine three items into one Amendment. Number one, it would provide that there would be an elimination of the referendum requirement for the construction of an airport by the Joliet port district. Number two, it would provide for the creation of a port authority for the Alexander Pulaski Port. And lastly, it would provide language for refinancing at the Chicago Regional Port District in Chicago."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #4 to House Bill 2034. 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 Chair, the 'ayes' have it and the Amendment is adopted. Are there any further Amendments?"

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

Speaker Breslin: "Representative Wennlund. Representative Wennlund. Withdraw Amendment #5. Are there any further Amendments?"

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

Speaker Breslin: "Representative Wennlund. Representative Wennlund on Amendment #6."

Wennlund: "Withdraw it, Madam Speaker."

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

51st Legislative Day

May 21, 1987

Speaker Breslin: "Withdraw #6. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Madigan now asks leave for immediate consideration. He does not? The Bill moves to Third Reading. The next ... The next Bill is House Bill 1684. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 1684, a Bill for an Act to amend the General Obligation Bond Act. Third Reading of the Bill."

Speaker Breslin: "Representative McPike asks leave to return this Bill to the Order of Second for the purposes of an Amendment. Does he have leave? Hearing no objection, he has leave. Are there any Amendments filed?"

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

Speaker Breslin: "Representative McPike."

McPike: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #4 makes the Bill a vehicle. It increases the GO Bond Act by \$6 . That's a dollar for each of the six categories within the Act. Representative Mays and I agree to the Amendment. I move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #4 to House Bill 1684. Are there any questions? 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 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 580, Representative Wennlund. Clerk, read the Bill."

Clerk O'Brien: "House Bill 580, a Bill for an Act to amend the Joliet Regional Port District Act. Third Reading of the Bill."

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

51st Legislative Day

May 21, 1987

Speaker Breslin: "Representative Wennlund."

Wennlund: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 580 amends the Joliet Regional Port District Act which now authorizes the Joliet Regional Port District to install, bond for and lease out for a term of 99 years a toxic waste incineration device. Prior to the time, the Bill provides for a front door referendum before the Joliet Regional Port District can exercise that power. The referendum only applies to toxics and hazardous waste incinerators, not to municipal garbage type incinerators. The Joliet Regional Port District is one of 13 Port Districts in the State of Illinois. It is the only Port District which has that power and the Joliet Regional Port District consists of 5 townships in Will County, Illinois. This Bill has bi-partisan support. Senator Dunn, Democratic Senator from the 42nd Senatorial District which includes both the 83rd and the 84th Senatorial District, fully supports this Bill and has agreed to carry the Bill in the Senate. If the power is left unfettered without a public referendum, it is the belief that Will County will become a dumping ground for toxic and hazardous waste from all over the United States. It will create a serious problem of transportation, of hazardous waste and toxic waste because the Will County ESDA Agency does not have the facilities to handle that type of material. It has the support of virtually every township government in the 5 townships and the support of virtually every city ... small city in those by virtue of all the resolutions. I urge the adoption."

Speaker Breslin: "The Gentleman has moved for the passage of House Bill 580. And on that question, the Gentleman from Will, Representative Van Duyne."

Van Duyne: "Yes. Thank you, Madam Speaker and Members of the

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

51st Legislative Day

May 21, 1987

House. I obviously oppose this Bill. Basically, from the concept that it's directed strictly at the Joliet Port Authority. There are 13 other Joliet ... other Port Authorities in the State of Illinois. The Bill does not address them at all. It not only doesn't do that but it allows anyone, you or I, or waste management which is supposed to be the bad guy in this whole outfit that they can go and make the proper application and acquire a license if all the gears mesh. So, I don't believe the Joliet Port Authority should be singled out. I think that the Bill is blatantly unconstitutional and unfair and at this late hour I don't want to belabor the thing. I think everybody is aware. I have asked you all to be conscious of this Bill when it was brought up. So I oppose it. And I ask for your 'no' vote."

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

McCracken: "Thank you, Madam Speaker. I rise in support of the Gentleman's Bill. All this does is require that a front door referendum be held on whether or not the Port District should operate the incinerator. It isn't an issue of state wide significance maybe, but it's pretty important in Joliet. And all the Gentleman is asking for is that the Port District be authorized only upon a referendum. It's something any one of us would want if it were in our back yard. And I think it's important to note that and vote accordingly."

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

Wolf: "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

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

51st Legislative Day

May 21, 1987

opinion of the Chair, the 'ayes' have it. And the main question is put. Representative Wennlund to close."

Wennlund: "Thank you, Madam Speaker. I find it interesting that Representative Van Duyne voices opposition to this Bill when only yesterday, House Bill 715, which I voted in favor of provided for the election of the Illinois Commerce Commission. He felt that issue important enough that we should go to a public referendum and elect members of the Illinois Commerce Commission. I solely supported that idea. In addition to that, I also find it interesting that Representative Van Duyne's Bill 717 which dealt with the citing of low level radioactive waste first go to a vote before the County Board in every county. Thirdly, what Representative Van Duyne forgets to mention is that out of the 13 Port Districts in the State of Illinois, the only one that has this power is the Joliet Regional Port District. Of particular significance is the fact that the members ... the seven members of the Joliet Regional Port District are appointed members, appointed for six years. They are not responsible to the public. They are not responsible to the needs of the public. And I urge the adoption of this Amendment ... Amendment to House Bill 580 by all Members. Thank you."

Speaker Breslin: "The question is, 'Shall House Bill 580 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. The Gentleman from Winnebago, Representative Hallock. One minute to explain your vote."

Hallock: "Well, Madam Speaker, Members of the House. Few things are more important to a community than what is being done in this Bill. But yet to not have a referendum on that issue clearly is really wrong, and I think we all know that. All of us in this General Assembly would want to have a referendum of the people if this issue were being

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

51st Legislative Day

May 21, 1987

presented to all of us. This Gentleman is entitled to the same consideration for his district. It's a good idea. We all know it. Let's vote 'yes'."

Speaker Breslin: "Have all voted who wish? The Gentleman from Will, Representative Regan. One minute to explain your vote."

Regan: "I'm ... Thank you, Madam Speaker, Members of the House. Will County has been identified in many different areas ... nice little dots on a map as being a great place for the whole country to dump its garbage and its toxic waste. There has been a constant problem in our area. The people are upset with this situation. We've tried to change it by going to the public for referendums. Certainly we have eliminated garbage because it's got to be put some place. But toxic waste doesn't belong in Will County. I'm very much concerned that Mr. Van Duyne thinks it does belong in Will County. I don't think that's a very popular issue there. But if he wants to stand for that, why that's his business. I stand opposed to toxic waste in Will County. I would urge a 'red' vote."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 61 voting 'aye', 39 voting 'no' and 11 voting 'present'. Representative Van Duyne asks for a verification. Representative Van Duyne is that ... The Gentleman asks for a verification of the Roll Call. Mr. Clerk, poll the affirmative. Representative Wennlund, for what reason do you seek recognition?"

Wennlund: "Poll the absentees, Madam Clerk ... or Madam Speaker."

Speaker Breslin: "Surely. Poll the absentees, Mr. Clerk."

Clerk O'Brien: "Poll of those not voting. Bugielski, Capparelli, Krska, Laurino, Morrow and Terzich."

Speaker Breslin: "Poll the Affirmative."

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

51st Legislative Day

May 21, 1987

Clerk O'Brien: "Ackerman, Barger, Barnes, Black, Breslin, Churchill, Countryman, Cowlshaw, Cullerton, Daniels, Deuchler, Didrickson, Doederlein, Ewing, Flowers, Frederick, Giglio, Giorgi, Goforth, Granberg, Hallock, Hannig, Harris, Hartke, Hasara, Hensel, Hicks, Hoffman, Hultgren, Johnson, Kirkland, Klemm, Kubik, LeFlore, Leverenz, Mays, McAuliffe, McCracken, McGann, Myron Olson, Robert Olson, Parcells, Parke, B. Pedersen, W. Peterson, Petka, Piel, Pullen, Regan, Ropp, Ryder, Sieben, Slater, Stange, Stephens, Tate, Wait, Weaver, Hennlund, Williamson and Wojcik."

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

Cowlshaw: "May I ask whoever is challenging if I might have leave to be verified?"

Speaker Breslin: "Representative Van Duyne, might Representative Cowlshaw have leave to be verified, please? Surely you do Sir, Madam. Representative Ryder also asks leave to be verified. The Gentleman has leave. Representative LeFlore goes from 'aye' to 'no'. Do you have any questions of the Affirmative, Representative Van Duyne?"

Van Duyne: "Yes, Madam Speaker. Representative Hartke?"

Speaker Breslin: "Representative Hartke? Is the Gentleman in the chamber? Representative Chuck Hartke? The Gentleman is not in the chamber. Remove him from the Roll Call."

Van Duyne: "Representative Cullerton?"

Speaker Breslin: "Representative Cullerton? Representative Cullerton? Is the Gentleman in the chamber? He is not. Remove him from the Roll Call."

Van Duyne: "Representative Giglio?"

Speaker Breslin: "Representative Giglio? Is the Gentleman in the chamber? He is."

Van Duyne: "Myron Olson?"

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

51st Legislative Day

May 21, 1987

Speaker Breslin: "Representative Olson is in his chair as always."

Van Duyne: "Representative Klemm?"

Speaker Breslin: "Representative Klemm? Representative Klemm is not in the chamber. Remove him from the Roll Call."

Van Duyne: "Representative Hicks?"

Speaker Breslin: "Representative Hicks? Representative Hicks is in the chamber."

Van Duyne: "No more."

Speaker Breslin: "On this question there are 57 voting 'aye', 40 voting 'no' and 11 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. Representative ... Representative Martinez, we have already cleared the Roll Call, Sir. Now we're all familiar with this process. House Bill 1539, Representative Wojcik. Page 5 on the Calendar. Representative Wojcik."

Clerk O'Brien: "House Bill 15 ... House Bill 1539, a Bill for an Act to amend the Liquor Control Act. Third Reading of the Bill."

Speaker Breslin: "Representative Wojcik."

Wojcik: "Yes, Madam Speaker and Members of the House, this Bill is the Alcohol Server Education Program. And what it does, it teaches false I.D. recognition, emergency first aid, dram shop liability, customer intervention and the ramifications of serving to an alcoholic individual. It's a twelve hour program. The attendance is mandatory. It is now being used in the Villages of Schaumburg, Roselle, Naperville and in throughout DuPage County. The Act has been suggested to me because of the Bartenders/Servers Training Act of Oregon, Arizona and Utah. I move for its favorable passage."

Speaker Breslin: "The Lady has moved for the passage of House

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

51st Legislative Day

May 21, 1987

Bill 1539. And on that question, the Gentleman from Lake, Representative Matijevich."

Matijevich: "Madam Speaker, this Bill has been improved somewhat, because now I understand it's permissive. Is that right, Kay?"

Speaker Breslin: "Representative Wojcik."

Wojcik: "Representative, the Bill will become permissive. I do not have time to put the Amendment on in the House. We are going to put it on in the Senate and it will be permissive."

Matijevich: "Well I ... In the event of its present shape, it is a dangerous Bill which even the Chairman of the Liquor Commission has said that it would put totally, put the Retail Liquor Industry to a standstill. Now, what it does in its present form is that every bartender in the State of Illinois has got to mandatorily take a bartenders course, a bar exam if you will. And really ... here we are bartenders, you know, we're making bartenders by this Bill become lawyers. Yet, they can't go before the courts and practice law, we're making them become pharmacists yet they can't prescribe medicine. We're making them become ministers, yet they can't do like the PTL and get all kinds of funds for it. And I really think, in its present form we shouldn't let it out of the House. Even in its amended form, which makes it permissive. I don't think as a matter of statewide policy that we need this. Because if it is permissive, then all you have to do is have a course. If a Bartender wants to attend, let him attend. We don't need a State law that says you may attend or you may not attend. This is crazy. I mean to tell you I think this is something that we don't need even if you're going to amend it. The Retail Liquor Industry is opposed to the Bill even in its amended form. So, I would urge the Members to

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

51st Legislative Day

May 21, 1987

oppose this Bill. Leave it here. Work on it in the fall if you want. Put it in Interim and take another look at it. But we don't need it now."

Speaker Breslin: "Ladies and Gentlemen, the Chair would suggest that we all know what this Bill does. With leave, we'll go to Representative Wojcik to close and then allow all Members to explain their vote. Representative Wojcik to close."

Wojcik: "I would like to point out that I have been trying to work with everybody to make sure that this Bill will come out in a most corrective way. Alright. What I heard from the Representative is probably fact. However, with the understanding that I would work things out there has been an agreement. The time is short. We don't have time to correct the Amendment the way it should be corrected. I do have an Amendment ready to be put in. I was told not to do it. I was going to make it permissive. We're going to work with it. It's a good proposal. It's a very good proposal. And it's not going to disenfranchise bartenders or business owners. It's going to help them out. We're talking about the alcoholic abuse. We're talking about drug abuse. What this is going to do is it's going to familiarize the bartenders with how to handle situations such as this. So often they don't know what to do. They don't know how to handle the person who is on drugs and who is drinking alcohol at the same time. This may save somebody's life. It is not a bad Bill. It's a good Bill. And I'm willing to work it out. And I'd like to see it get passed out of the House."

Speaker Breslin: "The question is, 'Shall House Bill 1539 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Mautino, one minute to explain your vote."

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

51st Legislative Day

May 21, 1987

Mautino: "Thank you, Madam Speaker. I think that what we're missing here is there are six Bills that went to the Senate from the House on the subject matter of the Liquor Control Commission. There's two Senate Bills over here now. If you have an Amendment, Representative Wojcik, I recommend most highly that you address it to those questions. I don't think I have to speak anymore to it, but I don't think we should deny a license to a retailer based upon the fact that a bartender didn't take a course. That's not a good policy for this state."

Speaker Breslin: "Is there any further discussion? Hearing none, take the record, Mr. Clerk. On this question there are 27 voting 'aye', 80 voting 'no' and 3 voting 'present'. And the Bill fails. We have one last Motion, Ladies and Gentlemen, on House Bill 925. House Bill 925. This is the last Bill. It's on the Order of Second Reading. House Bill 925. Can you read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 925, a Bill for an Act to amend The School Code. This Bill has been read a second time previously. Held on Second Reading."

Speaker Breslin: "Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Has the Fiscal Note been filed?"

Clerk O'Brien: "A Fiscal Note as amended has been filed."

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

Greiman: "Well, merely that ... to point out that the Bill cannot be heard on Third Reading under our rules."

Speaker Breslin: "Correct. The Bill moves to the Order of Third Reading. Representative McPike now 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 the

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

51st Legislative Day

May 21, 1987

House stands adjourned until 9:00 a.m. tomorrow allowing Perfunctory time for the Clerk to do some housekeeping matters. 9:00 a.m. tomorrow morning."

Clerk Leone: "Senate Bills, First Reading. Senate Bill 20, offered by Representative Anthony Young, a Bill for an Act to amend The Election Code. First Reading of the Bill. Senate Bill 23, offered by Representative Tate, a Bill for an Act to amend an Act in relationship to ... House Bill 23, offered by ... correction ... Senate Bill 23, offered by Representative Tate, a Bill for an Act to amend an Act in relationship to pseudorabies. First Reading of the Bill. Senate Bill 264, offered by Representative Capparelli, a Bill for an Act to amend an Act in relationship to state monies. First Reading of the Bill. Senate Bill 277, offered by Representative Ewing, a Bill for an Act to amend The Liquor Control Act. First Reading of the Bill. Senate Bill 380, offered by Representative Saltsman, a Bill for an Act to amend the Township Law. First Reading of the Bill. Senate Bill 383, offered by Representative Hasara, a Bill for an Act to amend The Civil Administrative Code of Illinois. First Reading of the Bill. Senate Bill 389, offered by Representative Keane and Ewing, a Bill for an Act in relationship to the effect of the tax rate change on business in this state. First Reading of the Bill. Senate Bill 405, offered by Representative Black, a Bill for an Act to amend an Act to revise the law in relationship to Coroners. First Reading of the Bill. Senate Bill 410, offered by Representative Park, a Bill for an Act to amend The School Code. First Reading of the Bill. Senate Bill 411, offered by Representative Wennlund, a Bill for an Act to amend The Illinois Vehicle Code. First Reading of the Bill. Senate Bill 441, offered by Representative Homer, a Bill for an

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

51st Legislative Day

May 21, 1987

Act to amend The School Code. First Reading of the Bill. Senate Bill 448, offered by Representative Countryman, a Bill for an Act to amend the Business Corporate Act. First Reading of the Bill. Senate Bill 449, offered by Representative Countryman, a Bill for an Act to amend the General Not-For-Profit Corporation Act. First Reading of the Bill. Senate Bill 450, offered by Representative Countryman, a Bill for an Act to amend The Illinois Securities Law. First Reading of the Bill. Senate Bill 502, offered by Representative Satterthwaite, a Bill for an Act to amend the Public Community College Act. First Reading of the Bill. Senate Bill 508, offered by Representative Slater, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. Senate Bill 545, offered by Representative Ropp, a Bill for an Act to amend The Meat and Poultry Inspection Act. First Reading of the Bill. Senate Bill 641, offered by Representative Countryman, a Bill for an Act to amend The Election Code. First Reading of the Bill. Senate Bill 667, offered by Representative Regan, a Bill for an Act to amend an Act in relationship to County Zoning. First Reading of the Bill. Senate Bill 682, offered by Representative Brunsvold, a Bill for an Act to amend the Illinois Municipal Code. First Reading of the Bill. Senate Bill 684, offered by Representative Terzich, a Bill for an Act to amend an Act to create sanitary districts. First Reading of the Bill. Senate Bill 707, offered by Representative Granberg, a Bill for an Act to amend The School Code. First Reading of the Bill. Senate Bill 780, offered by Representative Hasara, a Bill for an Act to amend The Civil Administrative Code of Illinois. First Reading of the Bill. Senate Bill 781, offered by Representative Ryder, a Bill for an Act to amend the Mental Health and Developmental Disability Code. First

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

51st Legislative Day

May 21, 1987

Reading of the Bill. Senate Bill 808, offered by Representative Ryder, a Bill for an Act to amend The Illinois Public Aid Code. First Reading of the Bill. Senate Bill 832, offered by Representative Goforth, a Bill for an Act to amend The Illinois Vehicle Code. First Reading of the Bill. Senate Bill 893, offered by Representative Brunsvold, a Bill for an Act to amend the Illinois Credit Union Act. First Reading of the Bill. Senate Bill 894, offered by Representative Sieben, a Bill for an Act in relationship to warranties in connection with the sale of farm implements. First Reading of the Bill. Senate Bill 899, offered by Representative McAuliffe, a Bill for an Act to amend The Illinois Vehicle Code. First Reading of the Bill. Senate Bill 913, offered by Representative William Peterson, a Bill for an Act to amend certain Acts in relationship to fees for water supply operator certification. First Reading of the Bill. Senate Bill 921, offered by Representative Regan, a Bill for an Act to amend certain Acts in relation to the Fire Prevention Fund. First Reading of the Bill. Senate Bill 930, offered by Representative Regan, a Bill for an Act in relationship to services for children. First Reading of the Bill. Senate Bill 991, offered by Representative Regan, a Bill for an Act to amend the Unified Code of Corrections. First Reading of the Bill. Senate Bill 992, offered by Representative Davis, a Bill for an Act to amend an Act creating the Department of Children and Family Services. First Reading of the Bill. Senate Bill 1031, offered by Representative Slater, a Bill for an Act relating to ... Senate Bill 1031, offered by Representative Slater, a Bill for an Act in relationship to partition of mineral interests. First Reading of the Bill. Senate Bill 1122, offered by Representative Churchill, a Bill for an

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

51st Legislative Day

May 21, 1987

Act in relationship to the Cook County Sheriff's Merit Board. First Reading of the Bill. Senate Bill 1178, offered by Representative Black, a Bill for an Act to amend The School Code. First Reading of the Bill. Senate Bill 1226, offered by Representative Hasara, a Bill for an Act in relationship to the abuse and neglected of elderly persons. First Reading of the Bill. Senate Bill 1232, offered by Representative Ryder, a Bill for an Act to amend an Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities. First Reading of the Bill. Senate Bill 1255, offered by Representative DeLeo, a Bill for an Act to amend the Illinois Municipal Code. First Reading of the Bill. Senate Bill 1258, offered by Representative DeLeo, a Bill for an Act to amend an Act to provide for the uniform appointment of terms of various councils. First Reading of the Bill. Senate Bill 1290, offered by Representative DeLeo, a Bill for an Act in relationship to the compensation of the General Assembly. First Reading of the Bill. Senate Bill 1300, offered by Representative Keane, a Bill for an Act to amend the Illinois Municipal Code. First Reading of the Bill. Senate Bill 1302, offered by Representative McCracken, a Bill for an Act to amend an Act in relationship to Coroners Inquest. First Reading of the Bill. Senate Bill 1308, offered by Representative Farley, a Bill for an Act to amend the Space Needs Act. First Reading of the Bill. Senate Bill 1322, offered by Representative Wojcik, a Bill for an Act to amend and repeal certain sections of the Illinois Clinical Laboratory Act. First Reading of the Bill. Senate Bill 1325, offered by Representative Levin, a Bill for an Act to amend the Hospital Licensing Act. First Reading of the Bill. Senate Bill 1453, offered by Representative Petka, a Bill for an

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

51st Legislative Day

May 21, 1987

Act to amend an Act in relationship to prisoners and jails. First Reading of the Bill. Senate Bill 1454, offered by Representative Ryder, a Bill for an Act to amend The Civil Administrative Code of Illinois. First Reading of the Bill. Senate Bill 1515, offered by Representative Cowlshaw, a Bill for an Act to amend The School Code. First Reading of the Bill. Senate Bill 1517, offered by Representative William Peterson ... Senate Bill 1517, offered by Representative William Peterson, a Bill for an Act to authorize the Department of Nuclear Safety to establish ... Senate Bill 1517, offered by Representative William Peterson, a Bill for an Act to authorize the Department of Nuclear Safety to establish and coordinate a comprehensive program. First Reading of the Bill. Continuing with introduction to First Readings. Senate Bill 498, offered by Representative Flinn and McCracken, a Bill for an Act to amend ... to amend the Illinois Manufactured Housing and Mobile Home Safety Act. First Reading of the Bill. Senate Bill 501, offered by Representative Parcells, a Bill for an Act in relationship to the service of summons by police officers. First Reading of the Bill. Senate Bill 504, offered by Representative Black, a Bill for an Act to revise the law in relationship to coroners. First Reading of the Bill. Senate Bill 505, offered by Representative Kirkland, a Bill for an Act in relationship to the conveyance of certain State lands. First Reading of the Bill. Senate Bill 506, offered by Representative Hannig, a Bill for an Act to amend an Act to repeal the School Code. First Reading of the Bill. Senate Bill 520, offered by Representative Shaw, a Bill for an Act to amend the Revenue Act. First Reading of the Bill. Senate Bill 521, offered by Representative Shaw, a Bill for an Act to amend the Revenue Act. First

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

51st Legislative Day

May 21, 1987

Reading of the Bill. Senate Bill 524, offered by Representative Sutker, a Bill for an Act in relationship to the durable power of attorneys ... attorney with respect to property. First Reading of the Bill. Senate Bill 525, offered by Representative Preston, a Bill for an Act in relationship to the creation of dispute resolution funds. First Reading of the Bill. Senate Bill 527, offered by Representative Levin, a Bill for an Act to amend the Condominium Property Act. First Reading of the Bill. Senate Bill 532, offered by Representative Flinn, a Bill for an Act in relationship to the acquisition possession and transfer of firearm and firearm ammunition. First Reading of the Bill. Senate Bill ... Senate Bill 534, offered by Representative Cowlshaw, a Bill for an Act to amend an Act in relationship to education reform and financing. First Reading of the Bill. Senate Bill 536, offered by Representative Ronan, a Bill for an Act to amend The School Code. First Reading of the Bill. Senate Bill 537, offered by Representative Steczko, a Bill for an Act concerning the Regulation of Optometry. First Reading of the Bill. Senate Bill 539, offered by Representative Hicks and Ryder, a Bill for an Act to amend The Illinois Vehicle Code. First Reading of the Bill. Senate Bill 542, a Bill for an Act ... offered by Representative Keane and Stange, a Bill for an Act to amend The Hotel Operators Occupation Tax Act. First Reading of the Bill. Senate Bill 547, offered by Representative Ropp, a Bill for an Act to amend the Insect Pest and Plant Disease Act. First Reading of the Bill. Senate Bill 551, offered by Representative McAuliffe, a Bill for an Act to amend The Illinois Vehicle Code. First Reading of the Bill. Senate Bill 556, offered by Representative Ryder, a Bill for an Act to amend The Illinois Public Aid Code. First Reading of the Bill.

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

51st Legislative Day

May 21, 1987

Senate Bill 561, offered by Representative Berrios, a Bill for an Act to amend the Nursing Home Care Reform Act. First Reading of the Bill. Senate Bill 564, offered by Representative Homer, a Bill for an Act to amend the Crime Victims Compensation Act. First Reading of the Bill. Senate Bill 566, offered by Representative LeFlora, a Bill for an Act concerning the regulation and practice of respiratory care. First Reading of the Bill. Senate Bill 569, offered by Representative O'Connell, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. Senate Bill 570, offered by Representative O'Connell, a Bill for an Act to amend the Code of Criminal Procedure. First Reading of the Bill. Senate Bill 573, offered by Representative Goforth and Rea, a Bill for an Act in relationship to coal and energy development. First Reading of the Bill. Senate Bill 576, offered by Representative Shaw, a Bill for an Act in relationship to the judicial review of final orders of the Illinois Educational Labor Relations Board. First Reading of the Bill. Senate Bill 591, offered by Representative Steczo, a Bill for an Act to amend the Township Open Space Act. First Reading of the Bill. Senate Bill 597, offered by Representatives Breslin and Sieben, a Bill for an Act to amend The School Code. First Reading of the Bill. Senate Bill 600, offered by Representative DeLeo, a Bill for an Act to amend the Illinois Municipal Code. First Reading of the Bill. Senate Bill 601, offered by Representative's Levin and Myron Olson, a Bill for an Act to amend the Carnival and Amusement Ride Safety Act. First Reading of the Bill. Senate Bill 634, offered by Representative Kubik, a Bill for an Act granting certain fire protection districts. First Reading of the Bill. Senate Bill 650, offered by Representative Davis, a Bill for an Act to amend the

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

51st Legislative Day

May 21, 1987

Illinois Job Training Coordination Council Act. First Reading of the Bill. Senate Bill 651, offered by Representatives Barnes, Capparelli and Keane, a Bill for an Act to amend an Act in relationship to sexually transmitted disease control. First Reading of the Bill. Senate Bill 655, offered by Representative DeLeo, a Bill for an Act in relationship to construction contracts of public agencies. First Reading of the Bill. Senate Bill 662, offered by Representatives Capparelli and Hasara, a Bill for an Act to amend the Health Maintenance Organization Act. First Reading of the Bill. Senate Bill 669, offered by Representative McGann, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. Senate Bill 683, offered by Representative McGann, a Bill for an Act relating to the tuition charge at public institutions of higher education. First Reading of the Bill. Senate Bill 696, offered by Representatives Hicks and Granberg, a Bill for an Act to amend The School Code. First Reading of the Bill. Senate Bill 702, offered by Representative Ronan, a Bill for an Act to amend the Religious and Charitable Risk Pooling Trust Act. First Reading of the Bill. Senate Bill 704, offered by Representative Didrickson, a Bill for an Act to amend the Minority and Female Business Enterprise Act. First Reading of the Bill. Senate Bill 708, offered by Representative Granberg, a Bill for an Act in relationship to motor fuel dispensed by the state for use within State vehicles. First Reading of the Bill. Senate Bill 709, offered by Representative Steczko, a Bill for an Act to amend the Illinois Library Systems Act. First Reading of the Bill. Senate Bill 949, offered by Representative Regan, a Bill for an Act to amend The School Code. First Reading of the Bill. No further business, the House will now stand adjourned."

02/19/88
10:08

STATE OF ILLINOIS
35TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
DAILY TRANSCRIPTION OF DEBATE INDEX

PAGE 1

MAY 21, 1987

HB-0005	THIRD READING	PAGE	251
HB-0020	THIRD READING	PAGE	277
HB-0020	POSTPONED CONSIDERATION	PAGE	289
HB-0065	THIRD READING	PAGE	38
HB-0073	SECOND READING	PAGE	64
HB-0073	THIRD READING	PAGE	65
HB-0144	SECOND READING	PAGE	290
HB-0144	POSTPONED CONSIDERATION	PAGE	298
HB-0292	THIRD READING	PAGE	221
HB-0380	THIRD READING	PAGE	53
HB-0432	THIRD READING	PAGE	39
HB-0479	THIRD READING	PAGE	46
HB-0494	SECOND READING	PAGE	116
HB-0494	THIRD READING	PAGE	117
HB-0580	THIRD READING	PAGE	331
HB-0589	SECOND READING	PAGE	9
HB-0666	THIRD READING	PAGE	46
HB-0705	THIRD READING	PAGE	94
HB-0805	THIRD READING	PAGE	222
HB-0359	THIRD READING	PAGE	66
HB-0919	SECOND READING	PAGE	267
HB-0919	THIRD READING	PAGE	267
HB-0925	SECOND READING	PAGE	298
HB-0925	SECOND READING	PAGE	340
HB-0925	HELD ON SECOND	PAGE	317
HB-0932	SECOND READING	PAGE	3
HB-0932	THIRD READING	PAGE	7
HB-0971	SECOND READING	PAGE	120
HB-0971	THIRD READING	PAGE	121
HB-0998	SECOND READING	PAGE	123
HB-0998	THIRD READING	PAGE	124
HB-1000	SECOND READING	PAGE	321
HB-1021	SECOND READING	PAGE	126
HB-1021	THIRD READING	PAGE	127
HB-1055	SECOND READING	PAGE	130
HB-1055	THIRD READING	PAGE	132
HB-1071	SECOND READING	PAGE	132
HB-1071	THIRD READING	PAGE	136
HB-1105	SECOND READING	PAGE	154
HB-1105	THIRD READING	PAGE	155
HB-1135	SECOND READING	PAGE	162
HB-1135	THIRD READING	PAGE	164
HB-1149	SECOND READING	PAGE	165
HB-1149	THIRD READING	PAGE	166
HB-1167	THIRD READING	PAGE	71
HB-1174	THIRD READING	PAGE	73
HB-1175	THIRD READING	PAGE	74
HB-1177	THIRD READING	PAGE	270
HB-1258	SECOND READING	PAGE	55
HB-1258	THIRD READING	PAGE	63
HB-1260	SECOND READING	PAGE	233
HB-1260	THIRD READING	PAGE	235
HB-1301	SECOND READING	PAGE	168
HB-1301	THIRD READING	PAGE	168
HB-1313	SECOND READING	PAGE	170
HB-1313	THIRD READING	PAGE	170
HB-1326	SECOND READING	PAGE	171
HB-1326	THIRD READING	PAGE	172
HB-1367	SECOND READING	PAGE	173
HB-1367	THIRD READING	PAGE	173
HB-1467	THIRD READING	PAGE	235
HB-1489	SECOND READING	PAGE	177
HB-1489	THIRD READING	PAGE	178
HB-1498	SECOND READING	PAGE	179
HB-1498	THIRD READING	PAGE	180

02/19/88
10:08

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

PAGE 2

MAY 21, 1987

HB-1524	SECOND READING	PAGE	10
HB-1524	THIRD READING	PAGE	11
HB-1539	THIRD READING	PAGE	337
HB-1572	SECOND READING	PAGE	183
HB-1572	THIRD READING	PAGE	183
HB-1587	THIRD READING	PAGE	101
HB-1647	SECOND READING	PAGE	184
HB-1647	THIRD READING	PAGE	186
HB-1684	SECOND READING	PAGE	331
HB-1786	SECOND READING	PAGE	186
HB-1786	THIRD READING	PAGE	191
HB-1819	THIRD READING	PAGE	225
HB-1920	THIRD READING	PAGE	77
HB-1970	THIRD READING	PAGE	225
HB-2034	SECOND READING	PAGE	329
HB-2059	THIRD READING	PAGE	83
HB-2157	SECOND READING	PAGE	192
HB-2157	THIRD READING	PAGE	192
HB-2162	THIRD READING	PAGE	226
HB-2193	SECOND READING	PAGE	192
HB-2193	THIRD READING	PAGE	193
HB-2225	THIRD READING	PAGE	266
HB-2322	THIRD READING	PAGE	8
HB-2358	SECOND READING	PAGE	194
HB-2358	THIRD READING	PAGE	194
HB-2361	THIRD READING	PAGE	226
HB-2366	SECOND READING	PAGE	196
HB-2366	THIRD READING	PAGE	197
HB-2403	THIRD READING	PAGE	231
HB-2404	THIRD READING	PAGE	232
HB-2415	SECOND READING	PAGE	317
HB-2415	THIRD READING	PAGE	321
HB-2425	SECOND READING	PAGE	198
HB-2425	THIRD READING	PAGE	198
HB-2480	SECOND READING	PAGE	198
HB-2480	THIRD READING	PAGE	199
HB-2526	SECOND READING	PAGE	12
HB-2526	OUT OF RECORD	PAGE	17
HB-2571	SECOND READING	PAGE	202
HB-2571	THIRD READING	PAGE	210
HB-2603	THIRD READING	PAGE	232
HB-2698	THIRD READING	PAGE	238
HB-2700	SECOND READING	PAGE	18
HB-2700	THIRD READING	PAGE	19
HB-2702	SECOND READING	PAGE	37
HB-2702	THIRD READING	PAGE	37
HB-2719	THIRD READING	PAGE	272
HB-2722	SECOND READING	PAGE	219
HB-2722	THIRD READING	PAGE	220
HB-2786	THIRD READING	PAGE	251
SB-0020	FIRST READING	PAGE	341
SB-0023	FIRST READING	PAGE	341
SB-0264	FIRST READING	PAGE	2
SB-0264	FIRST READING	PAGE	341
SB-0277	FIRST READING	PAGE	341
SB-0380	FIRST READING	PAGE	341
SB-0383	FIRST READING	PAGE	341
SB-0389	FIRST READING	PAGE	341
SB-0405	FIRST READING	PAGE	341
SB-0410	FIRST READING	PAGE	341
SB-0411	FIRST READING	PAGE	341
SB-0412	FIRST READING	PAGE	2
SB-0441	FIRST READING	PAGE	341
SB-0448	FIRST READING	PAGE	342
SB-0449	FIRST READING	PAGE	342

02/19/88
10:08

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

PAGE 3

MAY 21, 1987

SB-0450	FIRST READING	PAGE	342
SB-0491	FIRST READING	PAGE	2
SB-0498	FIRST READING	PAGE	345
SB-0501	FIRST READING	PAGE	345
SB-0502	FIRST READING	PAGE	342
SB-0504	FIRST READING	PAGE	345
SB-0505	FIRST READING	PAGE	345
SB-0506	FIRST READING	PAGE	345
SB-0508	FIRST READING	PAGE	342
SB-0520	FIRST READING	PAGE	345
SB-0521	FIRST READING	PAGE	345
SB-0524	FIRST READING	PAGE	346
SB-0525	FIRST READING	PAGE	346
SB-0527	FIRST READING	PAGE	346
SB-0532	FIRST READING	PAGE	346
SB-0534	FIRST READING	PAGE	346
SB-0536	FIRST READING	PAGE	346
SB-0537	FIRST READING	PAGE	346
SB-0539	FIRST READING	PAGE	346
SB-0542	FIRST READING	PAGE	346
SB-0545	FIRST READING	PAGE	342
SB-0547	FIRST READING	PAGE	346
SB-0551	FIRST READING	PAGE	346
SB-0553	FIRST READING	PAGE	2
SB-0556	FIRST READING	PAGE	346
SB-0561	FIRST READING	PAGE	347
SB-0564	FIRST READING	PAGE	347
SB-0566	FIRST READING	PAGE	347
SB-0569	FIRST READING	PAGE	347
SB-0570	FIRST READING	PAGE	347
SB-0573	FIRST READING	PAGE	347
SB-0576	FIRST READING	PAGE	347
SB-0591	FIRST READING	PAGE	347
SB-0597	FIRST READING	PAGE	347
SB-0600	FIRST READING	PAGE	347
SB-0601	FIRST READING	PAGE	347
SB-0634	FIRST READING	PAGE	347
SB-0635	FIRST READING	PAGE	2
SB-0641	FIRST READING	PAGE	342
SB-0650	FIRST READING	PAGE	347
SB-0651	FIRST READING	PAGE	348
SB-0655	FIRST READING	PAGE	348
SB-0662	FIRST READING	PAGE	348
SB-0667	FIRST READING	PAGE	342
SB-0669	FIRST READING	PAGE	348
SB-0682	FIRST READING	PAGE	342
SB-0683	FIRST READING	PAGE	348
SB-0684	FIRST READING	PAGE	342
SB-0696	FIRST READING	PAGE	348
SB-0702	FIRST READING	PAGE	348
SB-0704	FIRST READING	PAGE	348
SB-0707	FIRST READING	PAGE	342
SB-0708	FIRST READING	PAGE	348
SB-0709	FIRST READING	PAGE	348
SB-0780	FIRST READING	PAGE	342
SB-0781	FIRST READING	PAGE	342
SB-0783	FIRST READING	PAGE	2
SB-0808	FIRST READING	PAGE	343
SB-0832	FIRST READING	PAGE	343
SB-0893	FIRST READING	PAGE	343
SB-0894	FIRST READING	PAGE	343
SB-0899	FIRST READING	PAGE	343
SB-0913	FIRST READING	PAGE	343
SB-0921	FIRST READING	PAGE	343
SB-0930	FIRST READING	PAGE	343

02/19/88
10:08

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

PAGE 4

MAY 21, 1987

SB-0949 FIRST READING	PAGE	348
SB-0991 FIRST READING	PAGE	343
SB-0992 FIRST READING	PAGE	343
SB-1031 FIRST READING	PAGE	343
SB-1122 FIRST READING	PAGE	343
SB-1178 FIRST READING	PAGE	344
SB-1226 FIRST READING	PAGE	344
SB-1232 FIRST READING	PAGE	344
SB-1255 FIRST READING	PAGE	344
SB-1258 FIRST READING	PAGE	344
SB-1261 FIRST READING	PAGE	2
SB-1290 FIRST READING	PAGE	344
SB-1300 FIRST READING	PAGE	344
SB-1302 FIRST READING	PAGE	344
SB-1308 FIRST READING	PAGE	344
SB-1322 FIRST READING	PAGE	344
SB-1325 FIRST READING	PAGE	344
SB-1453 FIRST READING	PAGE	344
SB-1454 FIRST READING	PAGE	345
SB-1467 FIRST READING	PAGE	2
SB-1515 FIRST READING	PAGE	345
SB-1517 FIRST READING	PAGE	345
HJR-0037 ADOPTED	PAGE	116
HJR-0037 RESOLUTION OFFERED	PAGE	112

SUBJECT MATTER

HOUSE TO ORDER - REPRESENTATIVE MCPIKE	PAGE	1
PRAYER - REVEREND MORRISON	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
AGREED RESOLUTIONS	PAGE	2
GENERAL RESOLUTIONS	PAGE	3
DEATH RESOLUTIONS	PAGE	3
ADJOURNMENT	PAGE	341
PERFUNCTORY	PAGE	341
PERFUNCTORY - ADJOURNMENT	PAGE	348