

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

121st Legislative Day

June 23, 1988

Speaker Breslin: "The House will come to order. I would ask Members to be in their seats. The Chaplain for today will be Father Frank O'Hara, from St. Peter and Paul Catholic Church in Springfield. He is the guest of Representative Curran. I invite our guests in the gallery to rise and join us in the invocation."

Father Frank O'Hara: "In the name of the Father and of the Son and of the Holy Spirit. Almighty God who alone gives wisdom and understanding, inspire we pray You, the minds of all to whom You have committed the government of this State. Give them the vision of truth and justice and by their counsel all races and classes may work together in true brotherhood and all citizens might benefit by their judgment. We ask this through Christ our Lord."

Speaker Breslin: "The Pledge of Allegiance by Representative Ropp."

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

Speaker Breslin: "Roll Call for attendance. 118 Members answering the Roll Call, a quorum is present. Agreed Resolutions."

Clerk O'Brien: "House Resolution 1619, offered by Representative Capparelli. 1620, Stange. 1621, Stange. 1622, Barger. 1623, Stange. 1624, Mautino."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, Members of the House, we've examined the Resolutions and I move the adoption of the Agreed Resolutions."

Speaker Breslin: "The Gentleman has moved the adoption of the Agreed Resolutions. All those in favor say 'aye', opposed

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'nay', in the opinion of the Chair the 'ayes' have it and the Agreed Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Joint Resolution 207 offered by Mrs. Younge, House Joint Resolution 208 and House Joint Resolution 209 offered by Representative Mautino."

Speaker Breslin: "Representative Matijevec. Oh, excuse me, Committee on Assignments. Messages from the Senate."

Clerk O'Brien: "A message from the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in passage of the following Bills together with Amendments and the adoption of which I am instructed to ask concurrence of the House to wit; House Bills 3099, 3425, 3448, 3464, 3124, 3415, 3470 and 3615, passed the Senate as amended June 22, 1988.' Linda Hawker, Secretary."

Speaker Breslin: "Representative Bowman. Representative Bowman. Would you come to the podium please. Ladies and Gentlemen, we are going to go to page 15 on the Calendar on the Consent Calendar only one Bill appears House Joint Resolution 146. Mr. Clerk, do you need to read that Resolution. No. It does not need to be read. So the question before the House is, 'Shall the House adopt the Bill...the Resolution on the Consent Calendar'. And on the question the Gentleman from Cook, Representative Bowman."

Bowman: "Well we were moving pretty fast and the board didn't reflect what the Resolution was and a..."

Speaker Breslin: "We'll do that. We'll do that. Can you get that up there, Mr. Clerk? Since it's...since it's on the Consent Calendar we never really note the rest but that's what it does. Okay. This is on the Consent Calendar. The question is, 'Shall the Bill...the Resolution on the Consent Calendar be adopted'. All those in favor...I see

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we can do it on a voice vote. All those in favor say 'aye', all those opposed say 'no, in the opinion of the Chair the 'ayes' have it and this Resolution on the Consent Calendar is adopted. Ladies and Gentlemen, we are going to start this morning with the Special Orders of Business starting at the top the first one being state and local initiatives. The first Bill is Representatives Novak's Bill, Senate Bill 1599. The next Bill is Representative Granberg's Bill, Senate Bill 1658. And then Representative McPike's Bill. Would those Members come to the floor please so that we can proceed? Okay, I'm going to start at the top and take those Bills out of the record if the Members aren't here to present them. 1599. Out of the record. Senate Bill 1685. Out of the record. Senate Bill 1794. Out of the record. Senate Bill 1795. Out of the record. Senate Bill 1806, Representative Capparelli, Clerk. Out of the record. Senate Bill 1842, Representative Terzich. Out of the record. Senate Bill 2185. Out of the record. Well we'll go to state and local government. On page 3 on the Calendar appears Senate Bill 1676, Representative Phelps. Representative Phelps. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1676, a Bill for an Act to amend the Civil Administrative Code. Third Reading of the Bill."

Speaker Breslin: "Representative Phelps."

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. 1676 as amended does several things. One that it creates the new labor management within the Department of Commerce and Community Affairs. It does not it, administers grants and monitors to labor and management committees, which are several throughout the State. It provides technical assistance to labor management committees. Secondly, it does not expand the present

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situation or the funding for labor management councils, it merely expands...extends for five years from 1989 to 1994 the period during which labor management committees are illegible to receive grants from the Department of Commerce and Community Affairs. Representative Jones and Representative Giorgi had the Amendments that would help small business put on yesterday and would be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1676 and on the question is there any discussion? Yes. Representative Homer."

Homer: "Will the Gentleman yield?"

Speaker Breslin: "He will."

Homer: "Dave, I had heard from my local council in my district, in Peoria, that was concerned about an Amendment that had been placed in the Senate on the Bill. We have two management labor councils in Peoria and there was a feeling that there was a hostile center Amendment that was added that was going to require them to eliminate one of their groups. Has that been taken care of or can you speak to that issue?"

Phelps: "Yes. That is not the case as of the Bill was amended. Amendment 3 that I mentioned that Representative Giorgi took care of yesterday Senator Luft and all of your concerns my understanding was worked out, Representative Homer."

Homer: "Amendment #6 was adopted to the Bill, then?"

Phelps: "Yes."

Homer: "And that was the Amendment that took care of that concern?"

Phelps: "Right. It had the insurance pool for small business and those concerns which will take care of Peoria, I'm pretty sure."

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Homer: "Thank you."

Speaker Breslin: "There being no further discussion the question is, 'Shall Senate Bill 1676 pass'. All those in favor vote 'aye', all those opposed vote 'no', voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 114 voting 'aye', 1 voting 'no', 3 voting 'present', this Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 1761, Representative Brunsvold. Representative Brunsvold. Out of the record. Senate Bill 1762, Representative Brunsvold. Out of the record. Senate Bill 1780, Representative Keane. Mr. Keane. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1780, a Bill for an Act to amend the Illinois Enterprise Zone. Third Reading of the Bill."

Speaker Breslin: "Out of the record. Senate Bill 2002, Representative Sutker. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2002, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Breslin: "Representative Sutker."

Sutker: "Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 2002, addresses a problem in public contracts which time has now come. The Bill essentially deals in seven areas of public contracts. It deals with bid rigging, bid rotating, unlawful disclosure, illegal advisement, kick backs, it also deals with bribery of supervisors and change orders. It's a comprehensive attempt to remove the evils in public contracts which have become scandalous. I ask you, Ladies and Gentlemen, to consider this Bill at this time, it provides penalties that are criminal in nature, felony and misdemeanor penalties, to attack what has become a public disgrace. It is an

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important Bill, it's significant legislation, we have to restore public confidence and public trust in the processes relating to public contracts. I'll ask for your support on the Bill and will be pleased to answer any questions."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 2002, and on that question is there any discussion? Hearing none, the question is, 'Shall Senate Bill 2002 pass'. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 117 voting 'aye', none voting 'no', 1 voting 'present', this Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 2042, Representative McPike. Out of the record. Senate Bill 2193, Representative Mautino. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2193, a Bill for an Act to create the Drunk and Drug Driving Prevention Fund. Third Reading of the Bill."

Speaker Breslin: "Representative Mautino."

Mautino: "Thank you very much, Madam Speaker. I would like to have leave of the House to take the Bill from Third back to Second for purposes of an Amendment, an agreed Amendment."

Speaker Breslin: "The Gentleman ask leave to return this Bill to the Order of Second for the purposes of an Amendment. Are there any objections? Hearing none, the Gentleman has leave. Are there any Amendments filed, Mr. Clerk?"

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

Cullerton: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. It's a technical Amendment on page 3 line 1 by changing Section 4 to Section 3, it just renumbers the Section."

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Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #3 to Senate Bill 2193 and on that question is there any discussion? Hearing none the question is, 'Shall Amendment #3 be adopted'. All those in favor say 'aye', opposed 'nay', in the opinion of the Chair the 'ayes' have it and the Amendments adopted. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representative Mautino and Keane."

Speaker Breslin: "Representative Mautino."

Mautino: "Thank you very much, Madam Speaker. This Amendment has been presented to Mr. McCracken as well. And I believe it's an agreed Amendment which eliminates a dedicated fund, provides for this fund to be established in a General Revenue Fund, then be reappropriated to DASSA and what ever is left over goes back in General Revenue Fund by October 10, of the following year. It is an agreed Amendment with the Department, the Sponsor, the Committee on Revenue, and I believe it's agreeable with Mr. McCracken on the other side as well."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 4 to Senate Bill 2193 and on that question the Gentleman from DuPage, Representative McCracken."

McCracken: "Alright. What is...what does the Bill do as amended with this Amendment? Including Amendment #2 which was previously adopted?"

Mautino: "The legislation number one establishes the fees for reestablishing a drivers license from thirty dollars sixty dollars. That additional thirty dollars will pay for those alcohol assessment people who assess individuals who are indigent. That's where the fund goes for that."

McCracken: "Now who would have the control over that fund? Would it be the State or would it be local?"

Mautino: "It would be the State and it would be the Department of

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Alcohol and Substance Abuse."

McCracken: "Alright. Alright. And would it be a dedicated fund now if this Amendment gets on?"

Mautino: "Now it is not...in the current Bill it is dedicated. This Amendment removes dedication of that fund, provides that it be established in the General Revenue Fund and then be appropriated to DASSA to pay those individuals. So you have a double check. It is not a dedicated fund. That was agreed upon by the Department as well."

McCracken: "Okay. My question is the Amendment appears to only put in to the General Revenue Fund any lapse...any lapsed appropriation. Is that correct or is that not correct? Are you saying now that the entire dedicated fund or the creation of it is wiped out by this Amendment?"

Mautino: "It's going to be reestablished every year. At the end of the year the funds will go into the General Revenue Funds that have not been used up. The answer to your question is yes, it's correct as you presented it."

McCracken: "Well, I'm not sure it is. My question is when the money goes in in any particular year does it go to GRF and then DASSA has to come in for an appropriation?"

Mautino: "That's exactly correct. In the appropriation process we will then appropriate to DASSA the money that has come in under that fund."

McCracken: "Give me just a second. I just want to look at this and make sure we've got it right. Alright, now, seems to me that all the Amendment does is discuss lapsed funds. I don't think it does away with the creation of this dedicated fund."

Mautino: "To the best of my knowledge that's exactly what it does. It goes into the General Revenue Fund in the original Bill it was dedicated."

Speaker Breslin: "Excuse me, excuse me, Gentlemen."



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Representative Cullerton for what reason do you seek recognition?"

Cullerton: "Madam Speaker, I don't believe that this Amendment has been distributed yet. I would ask that the Gentleman take the Bill out of the record until it's been distributed."

Speaker Breslin: "It has not been printed and distributed, Representative Mautino. This is your Bill. What is your pleasure? The Gentleman..."

Mautino: "Okay. I'll take it out of the record right now."

Speaker Breslin: "Very good. Out of the record. Representative Novak has returned to the chamber, would you like to go back to 1599? Okay. On page 3 on your Calendar under the Special Order of Business dealing with State and local initiatives appears Senate Bill 1599, with leave of the Body we'll go back to that Bill now. Read the Bill on Third, Mr. Clerk. That Bill was held on Second Reading. It was taken out of the record. The next Bill is 1599. It's on page 3 of the Calendar."

Clerk O'Brien: "Senate Bill 1599, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Breslin: "Representative Novak."

Novak: "Thank you, Madam Speaker, Members of the General Assembly. Senate Bill 1599 amends the Illinois Environmental Protection Act. It requires landfill operators and owners by July 1 of 1990 which is roughly two years from now to set aside composting areas for all landscape waste. Landscape waste is defined as grass clippings, branches, and everything that people ordinarily use when they clear debris from their yard. And the Bill also requires that the landscape waste be deposited in biodegradable corn plastic bags that comprise no less than six percent corn starch. We all know that this new

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technology has provided the State of Illinois with number one, a new market for our Illinois home grown corn. Biodegradable bags is a very highly environmentally desirable plastic bag. We all know that the current polyethoyline, or polyprothoyline plastic does not biodegrade under the sun's ultra violet light. In addition this Bill extends the life of landfills that we know is a very important aspect to all of our districts back home, we don't want landfills in our back yard. This Bill would help to extend the life of landfills from three to five years. So if you're a farmer and if you represent a district that has a lot of agriculture products such as corn this is a good pro-agricultural Bill. Number two, if you're concerned about environment, if you're concerned about landfills and the trying to extend the life of landfills from three to five years, you should support this Bill. And composting, finally, will provide a mulching material for further markets to be used in other agricultural or garden settings. So I'll be happy to answer any questions, Ladies and Gentlemen."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1599 and on that question the Gentleman from McDonough, Representative Slater."

Slater: "Thank you very much, Madam Speaker. Would the Sponsor yield for questions?"

Speaker Breslin: "He will."

Slater: "Representative Novak, when you had this Bill in front of the Agriculture Committee you indicated you were going to make some changes in it. What kind of changes have you made in it since it was before our committee?"

Novak: "Representative Slater, what we did the National Solid Waste Management Association objected to some of the language in the Bill and as far as the owners

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responsibility on landfill operators to separate landscape waste that is in a biodegradable bag these are in a polyethylene. We amended the Bill to require that those people who gather the waste and put it in those bags are responsible to put that landscape waste in the clearly marked biodegradable bags for the refuse operators to pick up at the local site."

Slater: "So you put the burden on the individual rather than the hauler."

Novak: "Yes."

Slater: "Were there any other accommodations made for the waste management people?"

Novak: "I think...I believe that was the key objection that we accommodated them on."

Slater: "Thank you very much."

Novak: "Okay."

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

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

Speaker Breslin: "He will."

Countryman: "Representative, I didn't have the opportunity to be in committee on that Bill so maybe you could explain a few things to me. Does this mean I as a householder must put my lawn clippings in this sort of a bag?"

Novak: "That's what we're trying to encourage. It's a two year...it's a two year period that the landfill operators have to set aside areas for composting."

Countryman: "So it would be only my lawn clippings? It wouldn't be my other trash, is that right?"

Novak: "Correct. The lawn..."

Countryman: "I mean only those things which would return to compost."

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Novak: "Right. As the Bill stands right now, Representative, it's lawn clippings, twigs, branches, brush, anything...any organic material from you lawns or your garden or anything would go under those biodegradable plastic bags."

Countryman: "Is this a must then? I mean that's what I must do with the lawn clippings?"

Novak: "July 1, 1990, correct. What we want to do is encourage municipalities and localities to encourage their citizens through voluntary programs or some other type of incentive programs to use these biodegradable bags. This is going to open up a vast a huge new market for various industries in Illinois and one of them is ADM that's done a lot of research and they're ready to go on this project."

Countryman: "When I go to the grocery store, you know, they've got all these bags on the shelf and I just usually grab some trash bags, now I'm going to have to say I've got to buy biodegradable bags to put my lawn clippings in and I've got to buy another set to put my the trash from my house in. Is that right?"

Novak: "Correct. The biodegradable bags will be clearly marked. Will be clearly marked with a very definable logo that will indicate that they are different from the polyethylene or polypropylene bags that are currently on the market."

Countryman: "Now what does this mean we can do then? Can we keep the biodegradable bags from going into portions of the landfill and therefore generate more landfill space."

Novak: "What we want to do is, Representative, is separate...separate the grass clippings which make up from what I understand about 15 percent currently of landfill space out of the entire garbage population of the landfill. We want to separate that out, extend the life of the landfill for a number of years and offer a new market for the composting material that biodegrades over a certain period

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of time."

Countryman: "Now this is the owner of the householder is that correct? It isn't the disposal company that has the..."

Novak: "Well the landfill operator will have to set aside this composting area once the refuse trucks pick up this material in biodegradable bags."

Countryman: "Alright, but I mean this law creates a duty on me as a householder to separate out those compost sorts of things compostable or organic or whatever you want to call them as opposed to my aluminum cans and my bottles and my paper trash. Is that correct?"

Novak: "That's correct. Two years..."

Countryman: "Two years from..."

Novak: "Two years from now Representative."

Countryman: "Well okay, but I mean some day it's going to become law. It's like seat belts there's a reality there somewhere. It will become law that I have to do that, is that right?"

Novak: "Two years from now, right."

Countryman: "Am I still free to run my own compost pile in my backyard?"

Novak: "You certainly are."

Countryman: "Am I free to dispose of my clippings anywhere I want to other than by putting them in the garbage?"

Novak: "You certainly are."

Countryman: "And what are we going to do with all this compost then?"

Novak: "Well I believe composting is used, the compost piles once they biodegrade they're used for vegetative covers for certain agricultural endeavors."

Countryman: "Now you know when I put my trash out sometimes I dump some lawn clippings in the trash can then I put some other trash on it and what have you, you're saying I can't

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do that anymore. I got to put the lawn clippings in a bag, right?"

Novak: "Absolutely."

Countryman: "Does the trash hauler then, how is he going to separate that. You know he drops it all in the back of that big truck and crunches it up and..."

Novak: "Well as I indicated, Representative Slater indicated, that was one of the concerns of the National Solid Waste Management Association they said how you going tell the difference between a regular polyethylene bag and a corn starch bag. The corn starch bags will be clearly marked with a very definitive logo. It's the responsibility of the home owner such as you and I to put the grass clippings in the bag so the garbage collector can pick them up."

Countryman: "Yea. But you know I go to all this work and bag it in these biodegradable bags and put it out there and then I see this guy come down the street and he dumps it all in the back of his truck and it goes crunch all together and those bags I assume break open, and you know they crunch it all up. How's that guy going to separate it?"

Novak: "Well I would suspect, no system is entirely absolute, there may be some situations where that may happen some garbage trucks don't compact their garbage as like some other ones do, but I believe with this two year system, with this two year period, Representative, that we have to implement the Bill I think it's going to prevail itself of any problems."

Countryman: "Well he's going to have to get a separate truck isn't he? I mean if he mixes the two together it's going to take forever to sort it out with the other trash."

Novak: "Well that never came up in discussion in committee. I can't deny that's a possibility but I believe it's going to...this is a wise move."

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Countryman: "Well wouldn't it be better to say, Mr. home owner you ought to make a compost pile in your backyard and you ought to put the grass clippings in there if you want to save your grass clippings or you want to bag your grass when you cut it. Wouldn't that be better to do then to have put it in separate bags and have a duty a law on home owners to put it in separate bags and then watch the garbage truck guy come by and throw it all together and defeat the purpose of your Bill."

Novak: "No, I don't believe so. I think if we're all required to put a compost pile in our back yards we'd probably have to have very large back yards. So this law does not preclude any individual from form...from establishing a compost pile in their back yard. All it essentially does is gives the citizens of this State two years, gives us two years, to implement this, to create the incentive, to help our environmental aspect and extend the life of the landfill so I would suspect that if you owned a landfill you would be very very supportive of a situation like this."

Countryman: "Do you have any statistics on how much we'll be able to save in cubic yards in a landfill by this?"

Novak: "It is...it is...I don't have statistics in front of me but it has been pointed out that fifteen to eighteen percent of the current space in a landfill is made up from the yard waste. And that's a significant amount of cubic yards."

Countryman: "Who makes these bags other than Archer, Daniels, and Midland?"

Novak: "Archer...Archer, ADM is one of the companies that's done extensive research. I believe any company that acquires the technology and probably gets a patent or trademark or whatever is appropriate, will be able to manufacture these."

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Countryman: "Are they on the shelf in the supermarkets right now?"

Novak: "No, they are not...they are not right now. I believe this Bill is going to provide the great incentive to make hundreds and thousands of these things."

Countryman: "Well thank you. Madam Speaker, to the Bill, briefly I know I've been here a long time asking questions..."

Speaker Breslin: "You only have five seconds."

Countryman: "Alright. Thank you. It just seems this has not been completed and I think that we ought to vote against this Bill at this time and we ought to think about this harder and figure out how we're going to do this and take it back to the drawing board one more time. I just don't think we've given it the thought and deliberation that the General Assembly ought to have before it passes this into law. Thank you."

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

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

Speaker Breslin: "He will."

Churchill: "Representative Novak, do...you talked about grass clippings and branches and all those other things. What happens if I have a small vegetable garden and I take some of the things out of that vegetable garden do they go in the regular garbage or do they go into the biodegradable sack?"

Novak: "Well if they were small things out of the vegetable garden as long as they are organic like grass clippings they were synonymous with that I would see nothing wrong with putting them in the same bag."

Churchill: "Alright, so if I have some rotten tomatoes or rotten cabbage or you know rotten broccoli or something like that, rather than throw them in the regular household garbage



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then I just throw them in the biodegradable sack to go into this special compost pile. What...tell me now does this Bill change the siting requirements for compost sites."

Novak: "No, it does not."

Churchill: "Okay. So in other words, if somebody wanted to have a compost site they still have to go through all the regional siting, the Section 172 approval and all those things?"

Novak: "Excuse me, no I'm sorry, this exempts the 172 siting procedures. Compost piles are exempted under this Bill from the 172 siting procedures."

Churchill: "Okay. And how large can a compost site be? Any size?"

Novak: "It does not indicate that. I would suppose it would be up to the individual landfill owner. Vis-a-vie how much property he would have to accommodate."

Churchill: "So in other words, what you're telling me, is that even though this legislature came down here and passed the 172 siting requirements for landfills that somebody could go out and create a 10 acre compost site in the middle of a residential area with no local siting requirements and you could put rotten tomatoes, rotten broccoli, rotten cauliflower and all this stuff in and the homeowners are going to open up their windows at night to get some fresh air and what they're going to breath is all the fumes coming off a compost pile."

Novak: "Representative, you're wrong, okay. If you read the Bill the compost site has to be on a landfill site. Nowhere else. All this...the Bill simply says that the compost site is exempted from the 172 siting procedures but it has to be on the site where the landfill is currently located and it has to be under the control and operation of the landfill operator."

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Churchill: "According to statistics we will be out of landfill sites within two years. Where are we going to be putting these compost sites if we don't have any landfill sites?"

Novak: "Well that's one of the reasons why we're trying to address this problem is to try to extend the life of the landfills that we currently have in Illinois right now."

Churchill: "Practically, by the time this Bill gets signed, by the time this goes into place, there literally will not be space for this compost site. What happens then. I mean, can this... If there is no landfill space are you then saying they can go out and create this compost site next to somebody's house and avoid this 172 siting requirements?"

Novak: "They can not. It has to be on the same property as the landfill site, Representative."

Churchill: "Okay. Madam Speaker to the Bill. I've, you know, worked since I've been down here on trying to find alternates to dealing with our solid waste problems and I support composting. I think that's a proper idea and I think there's some natural parts of composting where it can be reused. Where the compost materials can be put back into the soils and I support that as a concept. I'm not sure that this Bill is in the proper position at this point to be passed today. And I would agree with Representative John Countryman who says that we ought to go back to the drawing boards on this and work on this a little bit longer so that when we come up with a final composting product that it's something that this whole State can live with."

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

Novak: "Madam Speaker, may I please take this out of the record?"

Speaker Breslin: "Surely, Out of the record. Representative Granberg, your Bill is next, House Bill 1685. Call the

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Bill. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1685, a Bill for Act to amend the Employee Ownership Assistance Act. Third Reading of the Bill."

Speaker Breslin: "Representative Granberg."

Granberg: "Thank you, Madam Speaker, Members of the House. Senate Bill 1685 expands the current Employee Ownership Assistance Act by allowing communities and employees facing a pending plant closing to purchase ownership or controlling interest in the plant in order to keep the plant open until a buyer can be found. It's merely an expansion which provides communities that option. It's permissive language, it's been agreed to by the Department of Commerce and Community Affairs and I would ask for favorable passage of the Bill."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1685 and on that question the Gentleman from McLean, Representative Ropp."

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

Speaker Breslin: "He will."

Ropp: "Just what kind of assistance would this Bill actually provide for employees?"

Granberg: "It would expand the current language, Representative Ropp, that the Department of Commerce and Community Affairs could provide grants and loans not to exceed fifty percent of the project costs to that group to that community group and the employees of the plant."

Ropp: "This then...assists them in allowing the former employees to now become the owner, operator and manager. Is that correct?"

Granberg: "No this does not do that, that is current law. The employees can do that. This expands that language to allow community organizations in conjunction with the employees

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of the plant to receive loans and or grants to keep the plant operating until a buyer can be found. So it adds community organizations in conjunction with employees."

Ropp: "Okay. Give me an example. What kind of a community operation would be able and what would they do anyway."

Granberg: "They would...you would a form community organization to fill within the definition of the Section in the language of the Bill. Community organization I believe is defined..."

Ropp: "Well wouldn't the State...wouldn't the local Chamber of Commerce be able to do this now?"

Granberg: "No Representative Ropp, I don't believe so."

Ropp: "Why couldn't they?"

Granberg: "Because I don't think they come under the definition of...the only way they can do it now under the current language in the statute would be employees. We're expanding the definition to include community groups. So under this language..."

Ropp: "So wouldn't the local Chamber of Commerce be a community group that would be able to assist and don't they already do that now?"

Granberg: "No they can not do it now. With this Bill they might be able to. With this legislation but currently no."

Ropp: "Local Chambers of Commerce do not assist businesses to continue to stay open or to find new owners?"

Granberg: "They can do that, Representative Ropp, but under the current statute they can not receive grants and loans in order to keep the business open. Only the employees of the plant can apply for those grants and loans through the Department of Commerce and Community Affairs."

Ropp: "Okay, but would this allow then a Chamber of Commerce to be able to be on of those organizations to be a recipient of a loan to assist? Seems like a Chamber of Commerce

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would be a group or an organized..."

Granberg: "I'm looking for the definition of the actual community group, Representative Ropp. Community ownership...community ownership association means a corporation or association formed by or on behalf of a community for the purpose of assuming ownership or control of the plant. So in this case, in that specific instance with your hypothetical, I don't believe that would be the case because the Chamber of Commerce would already have been in existence as an ongoing organization. The intent is to form the organization in order to assist the employees to keep the plant open until a buyer can be found."

Ropp: "Okay, I guess I kind of think that's kind a what a Chamber of Commerce might do anyway. I mean to acquire new businesses that come into a community or to retain those businesses that are there or to attempt to find new owners for businesses that may not be operating satisfactorily and I'm trying to decide why we need this Bill if local Chamber of Commerces might be doing this already."

Granberg: "No, again, under the current statute the local chambers can not receive State dollars."

Ropp: "Well what are the dollars going to do that they can't already do without the dollars?"

Granberg: "Well in order to receive a loan, okay, under the current law, employees can do this. They can do this. What this merely does is to allow an association a community organization to be formed to work in conjunction with those employees in order to secure to secure the grants and or loans through DECCA. So the State...the Chambers of Commerce whom I work with and you work with very closely, they're always involved in assisting businesses and they provide their guidance and their

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expertise."

Ropp: "Well I'm trying..."

Granberg: "This provides a mechanism...a mechanism...mechanism in order to receive those grants or loans to assist that business and its employees."

Ropp: "Thank you."

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

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

Speaker Breslin: "He will."

McCracken: "Is it your consentient that this can not be done under current law. Is that why the Amendment is necessary?"

Granberg: "The Amendment, you mean the actual Bill, Representative McCracken?"

McCracken: "Yes, the Bill."

Granberg: "Yes."

McCracken: "Alright. Do you have one of these community groups wishing to purchase a company in your district?"

Granberg: "No I do not."

McCracken: "Who brought this to your attention? Are you aware of a situation that requires this legislation?"

Granberg: "Representative McCracken, I saw this Bill come over from the Senate, I thought it was a good idea for economic development. That's why I picked it up. I know no...there is no interest that I'm aware of."

McCracken: "Okay, well, to the Bill. I think it's an unnecessary expansion of the Act. The only reason the department is not opposed to this Bill is because it's discretionary so there's no requirement that they do this sort of thing. And I suppose they can always claim that they're not adequately funded to do this if in fact someone puts pressure up on them to attempt it. I just think it's an

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unwise expansion of this Act and an Act that should not be expanded any further. It's just not a problem. It's cosmetic, it's window dressing, it's unimportant, I think we should not be passing it."

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

Black: "Thank you very much, Madam Speaker. I would simply rise to support the Gentleman's Bill. We've worked out some language as the previous Speaker said, the department is not opposed to this. I am personally aware of a community organization that was trying to buy out a business in trouble and did not have the statutory authority to do so until we could arrange for some financing for a leveraged employee buy out. I think in some areas of the State this legislation could prove to be very beneficial and I simply rise to support the Gentleman's Motion to pass Senate Bill 1685."

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

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

Speaker Breslin: "He will."

Younge: "Representative Granberg, is your intent in reference to this legislation to expand the legislation so that a community or a community groups would be able to come in and help employees who have been dislocated as a result of plant closings by a firm if they want to or are you trying to get some additional help for an employee group that might seek out the help of the community to help keep a plant open?"

Granberg: "Representative Younge, our concern is business retention. And your explanation your question addresses a point because that's in fact is what this legislation would do. It would assist community ownership and to assist the

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employees of a plant that is in the process of closing."

Younger: "I thank you. To the Bill. To the Members of the House, I think this is very important legislation. I have known a number of employee groups or groups of men and women who have been employed in plants that have closed who just are out on the streets because they cannot arrange the necessary financing or they cannot get the support of the various government agencies to keep those plants open. And I think that it is important for the law to be expanded so that if a community group if a Chamber of Commerce if a civic or social or fraternal group wanted to come in and help a group of employees keep the plant open they would be able to do so. There is no more lonely position in our society than to be a person or a group of persons who are employed in a plant twenty, thirty, ten, twenty years and then just be out there on the street. All we offer those employees now is welfare and this is enough to kill the psychological motivation and the will to live for many people who find themselves in this situation of being totally shut down as a result of a plant closing. And so I would urge all of my colleagues to vote 'yes' and give Representative Granberg a resounding favorable vote on this legislation."

Speaker Breslin: "Representative Granberg to close."

Granberg: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is an important business retention piece of legislation. As Representative Black said there are organizations that are facing this set of circumstances. This does not add dollars, what it does merely is to expand the current existing law which provides for employee ownership assistance which would allow communities and employees facing a pending plant closing to purchase ownership or controlling interest of that plant in order to



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keep the plant open until a buyer can be found. Very simply. That law is on the books today. We are expanding that to community organizations in conjunction with the employees. We think it's necessary to do what ever we can to retain existing business's. That's the genesis of this Bill. We feel it's important. And I would ask your favorable support."

Speaker Breslin: "The question is, 'Shall Senate Bill 1685 pass'. All those in favor vote 'aye', all those opposed vote 'no', voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 79...78 voting 'aye', 40 voting 'no', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. On the Special Order of Business dealing with...dealing with environment and natural resources the first Bill on page 3 in your Calendar is Senate Bill 1814. Representative Richmond. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1814, a Bill for an Act to amend the Illinois Farm Development Act. Third Reading of the Bill."

Speaker Breslin: "Representative Richmond."

Richmond: "Thank you, Madam Speaker, and Ladies and Gentlemen of the House. Senate Bill 1814 is a duplicate of House Bill 3519 which we had on the Consent Calendar when it was being considered here in the House. There was an Amendment put on 1814 which has been removed and so it's in its original form and what it does is to correct something that the Illinois Farm Development Authority has requested which would allow them to transfer funds to IFDA's, Illinois Farmer and Agri Business Loan Guarantee Fund which is the lost reserve for the Agri Business Loan Guarantee Program. And it would correct the legislation and provide a means to build a fund balance to adequate levels for Agri

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Industries. And I'd be glad to try to answer any questions."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1814 and on that question is there any discussion? Hearing none the question is, 'Shall Senate Bill 1814 pass'. All those in favor vote 'aye', all those opposed vote 'no', voting is open. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 114 voting 'aye', none voting 'no', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. On page 4 appears Senate Bill 1834, Representative Myron Olson. Myron Olson. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1834, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Breslin: "Representative Olson."

Olson, M.: "Thank you, Madam Speaker, Members of the House. We are awaiting an Amendment which should be here within the hour. We would ask to take it out of the record and please keep it on the Special Order. This is a significant concern. We will be able to get to it today or tomorrow for sure."

Speaker Breslin: "Out of the record. The next Order of Business, Special Order of Business, is Criminal Justice. The first Bill is on page 4 on the Calendar, Representative Myron Olson. Senate Bill 1923. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1923, a Bill for an Act to amend the Illinois Controlled Substances Act. Third Reading of the Bill."

Speaker Breslin: "Representative Olson."

Olson, M.: "Thank you, Madam Speaker. Representative Churchill is seeking to amend this with an Amendment. If you could

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bear with us for just a moment when he gets back on the floor he'll offer Amendment #3."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 19...Representative Olson."

Olson, M.: "Thank you, Madam Speaker. As a courtesy to Representative Churchill who wishes to offer an Amendment..."

Speaker Breslin: "He's here."

Olson, M.: "Thank you very kindly. I would like to move this back to Second Reading for purposes of an Amendment."

Speaker Breslin: "Representative Olson moves to return this Bill to the Order of Second for the purposes of an Amendment. Are there any objections? Hearing no objections the Gentleman has leave. Are there any Amendments, move this Bill to Second. Mr. Clerk, are there any Amendments filed?"

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

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House, and thank you Representative Olson for allowing this Bill to be brought back for this purpose. The Amendment to 1923 establishes a court security fee to defray the expenses of court security related costs. It's a fee that's set by the county board with a concurrence of the Chief Judge. It's a maximum of fifteen dollars put on to the fee. Basically what's happened in some of the larger counties is that we've had to consider security systems for the courthouses. And this has been done through the Sheriff's Office in conjunction with the Chief Judge. Yet there's no method for paying for all these security systems and so this is a fee that would allow that to occur."

Speaker Breslin: "The Gentleman has moved for the adoption of

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Amendment #2 to Senate Bill 1923, and on that question the Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you. Will the Gentleman yield?"

Speaker Breslin: "He will."

Countryman: "Representative would this apply to civil cases?"

Churchill: "Yes."

Countryman: "So if you were going to file a divorce case it would cost you another fifteen dollars?"

Churchill: "That's correct. Well I mean it depends on what the fee is that is established by the County Board. I mean they could establish a two dollar fee or a three dollar fee...up to fifteen dollars, yes."

Countryman: "So we can assume they'll go the maximum fifteen dollars. But also applies to criminal cases, is that correct?"

Churchill: "That is correct?"

Countryman: "And I assume the State won't pay it on the criminal side, is that right?"

Churchill: "It's assessed against the defendant upon conviction."

Countryman: "Right. So in the plaintiff's case the plaintiff could pay an extra fifteen dollars and the defendant can pay an extra fifteen dollars to appear. Is that correct? Because they pay an appearance fee."

Churchill: "According to the way the language is drafted in criminal cases the fee is assessed against the defendant upon conviction. It doesn't say anything about..."

Countryman: "Alright, what about in civil case upon the defendant when he files his appearance?"

Churchill: "Yes, at the time of the filing of the first pleading paper or other appearance each party would be paying the fee as established by the County Board."

Countryman: "Alright, so the plaintiff pays an extra fifteen, the defendant pays an extra fifteen."

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Churchill: "If there maximum...if they're at the maximum. That's correct."

Countryman: "And that's true whether or not they ever walk in the courthouse door?"

Churchill: "I'm sorry."

Countryman: "Is that right?"

Churchill: "I'm sorry, I didn't hear you."

Countryman: "I mean the plaintiff doesn't have to go to trial to pay this fee or the defendant, they're just paid by the lawyers aren't they, these fees generally."

Churchill: "Yes at the time of filing is the time that the fee is incurred."

Countryman: "And in criminal cases these are the same fees that we've added all these surcharges and other fees to. Is that correct?"

Churchill: "I'm not a hundred percent sure about all the fees that are imposed but it is similar to other ones I have seen over the past couple years."

Countryman: "And is there a requirement under this that the county have to establish a security system for entry of the building or can this just be for having extra policemen in the building or extra bailiffs in the building."

Churchill: "The actual Amendment refers to the portion under the Sheriff's Act where the sheriff determines what those services are. And I suppose it could be additional police or it could be security monitoring systems. I know in Lake County where I come from, they've gone as far as even..."

Countryman: "Well, we know that those things exist but would they have to be those things or can they just be other guard type people they put in the building or could it be the existing bailiffs they've got in the court already?"

Churchill: "I guess the..."

Speaker Breslin: "Excuse me. Excuse me. Representative Young

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for what reason do you rise?"

Young: "Well, while there was a break in the discussion I would inquire the Chair as to the germaneness of this Amendment."

Speaker Breslin: "Mr. Clerk, would you give me a copy of the Amendment and the Bill, meanwhile Representative Countryman can proceed with his questioning. Proceed."

Countryman: "Thank you. I believe I had a pending question."

Churchill: "Yea, and I'm not sure that the language that I have in front of me answers that question and I've asked the members of staff here and we're not a hundred percent sure. It appears to us that if the sheriff determined that they were, the Sheriff's Office, was going to provide additional police officer that that would be covered. I think that may be the answer to your question."

Countryman: "Okay. Does this go into a specific fund or can the county just levy the fee and provide I mean can they collect five hundred thousand dollars a year and only spend twenty thousand dollars in a year?"

Churchill: "Yes, it goes into the County General Fund for the payment of the cost related to court security services provided by the sheriff."

Countryman: "So there's no definite offset for this, it's just another fee they can levy for providing security. Is that correct?"

Churchill: "Except the statute says that it goes into the fund for the payment of costs related to the court services or security services provided by the sheriff. So it defines the fee as being collected for that purpose and being spent for that purpose."

Countryman: "So the auditors would check to make sure that it was spent for that purpose then."

Churchill: "I think that's a legitimate thing for the auditors to do."

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Countryman: "To the Amendment. I rise in opposition to the Amendment and I do so because I think that this is the wrong place to place the burden of these fees. We have made the cost of litigation since I've been down here. We've added everything to the plaintiffs and the defendants and the criminal defendants in the criminal cases and we've got the point of being absurd. I know most of us don't appear in court on everyday basis. I happen to appear in court when I'm not here and we've got to the point where filing a lawsuit costs somebody a hundred dollars. Many times that's more in a small claims action that's more than the case is worth. I think we've gone to the level of absurdity and to add this on as a court security fee, I think there's a duty in the county, we gave them a quarter percent or a quarter a cent sales tax a few years ago. There's a duty in the county to provide a security services all across the county no matter where or what protection of the residents. I think protection in the courthouse is one of those things that are granted. It would almost be like charging admission to the Capitol Building so we could have security here. I think this is a bad Amendment. I'd ask for a Roll Call Vote if it's found to be germane and I'd ask you to vote against it. Thank you."

Speaker Breslin: "Thank you. Representative Churchill, Representative Young's point on germaneness is well taken. It's the Chairs ruling that your Amendment is not germane to Representative Olson's Bill. Are there any further Amendments, Mr. Clerk?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Representative Olson now may proceed on the Bill on Third Reading. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1923, a Bill for an Act to amend the

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Illinois Controlled Substances Act. Third Reading of the Bill."

Speaker Breslin: "Representative Olson."

Olson, M.: "Thank you very much, Madam Speaker, and Members of the House. This Bill in its original form coming from the Senate amends the Controlled Substance Act. It increases the penalties for obtaining controlled substances by fraud or deceit. It's estimated that this is over two million dollar operation in the City of Chicago. What it basically does is raises the penalties for obtaining controlled substances by fraud and deceit from a Class A Misdemeanor to a Class 4 Felony in the first offense and to a Class 3 in the second offense with fines ranging from one hundred to two hundred thousand dollars. In our market about five weeks ago we had a big sting operation where in just our little downstate counties we had one hundred and thirty one indictments and since that time I've been told by our hospital, dentists and doctors that the request for prescription drugs has increased dramatically which tells it does play a role. Amendment #1 which is offered by Representative Kirkland, has to do with the monitoring devices for people put on home confinement and it allows defendants on periodic imprisonment to be supervised with the use of an approved monitoring device. I would therefore move to adopt Senate Bill 1923 in its amended form."

Speaker Breslin: "The Gentleman moves for the passage of Senate Bill 1923, on the question the Gentleman from Cook, Representative Young."

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

Speaker Breslin: "He will."

Young: "Which controlled substances does this apply to?"

Olson, M: "All of them. It would be all controlled substances,



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as best as I can tell. Any prescription drug that would be put out on the street for sale, Representative Young."

Young: "Thank you."

Speaker Breslin: "The Gentleman from Cook, Representative O'Connell."

O'Connell: "Question of the Sponsor."

Speaker Breslin: "State your question."

O'Connell: "Representative, I have Amendment #1 to Senate Bill 1923. Was this adopted?"

Olson, M: "It was adopted on the floor, yes. The Kirkland Amendment was adopted on the floor a few days ago. That was with regard to the monitoring device."

O'Connell: "Okay, so then an individual who is on probation or conditional discharge would have on his person at all times a monitoring device?"

Olson, M: "Could I refer that to the Sponsor of the Amendment, Representative O'Connell for an answer."

Speaker Breslin: "And who's that?"

Olson, M: "Representative Kirkland."

Speaker Breslin: "Representative Kirkland to answer Representative O'Connell's question."

Kirkland: "Yes, ready. Representative O'Connell. Okay. What's your question?"

O'Connell: "The question is, the monitoring device, this would be on the person who is under court probation or conditional discharge, this would be on his person at all times?"

Kirkland: "That's the way...it depends on the way the court you know or the court services authority imposes the sentence but when they are in the home, when they are under home incarceration yes, it's on them at all times."

O'Connell: "So even if the court does not require this monitoring device the probation or court services could?"

Kirkland: "Yes as another condition of probation. Now let me

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see, the probation or court services department decides what an approved monitoring device can decide what an approved monitoring device is...now which one...do you want to talk about? probation or do you want to talk about the bond situation. There's three separate situations one is when you're released on bond, one is under probation or conditional discharge, and one is under periodic probation."

O'Connell: "Well, let's talk about the probation."

Kirkland: "Okay."

O'Connell: "The probation is part of the sentencing which would be rendered by the court."

Kirkland: "Correct."

O'Connell: "What if the court says...does not address the whether or not the defendant would be required to have a monitoring device placed on him."

Kirkland: "Alright."

O'Connell: "Are you saying that the court services then could require that as part of the sentencing."

Kirkland: "The language of the statute and the new wording, first of all one of the conditions of probation can be under Section #10, serve a term of home confinement and then down below it defines what the conditions of that are and says and this is new language and if further deemed necessary by the court or by the probation or Court Services Department under a situation where the court has already deemed that home confinement should be a condition of probation be placed on the approved monitoring device."

O'Connell: "Well I just question whether or not a regulatory body or an agency can in fact make certain conditions as part of the sentencing or if that is purely the confine of the judiciary."

Kirkland: "It's the confine of the judiciary under that

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circumstance to indicate one of the terms of probation will be to serve a term of home confinement. That's old wording. The new wording says that if the court further decides it's necessary or if the probation or court services department further decides it's necessary they can add a condition of using an approved electronic monitoring device."

O'Connell: "That's my question. What constitutional or case law authority do you have to say that an agency can effect make certain conditions as part of a court rendered probation."

Kirkland: "Well, this is more a tool that the court agency can add to the courts condition of home confinement."

O'Connell: "Presently when a court orders probation they also set the terms of the probation."

Kirkland: "I suppose to an extent I think it's also there are some decisions made in the administration of that probation by the Court Services Department."

O'Connell: "But that is not merely a part of administration. This is an integral part of the probation. But I simply question, I am not arguing what the merits of what you are trying to do. I know this was before the Judiciary II Committee in a Bill but it did not say in the Bill that you had that the discretion would be in a court agency as opposed to a court."

Kirkland: "Well I guess I'd look at this way. And please give me your reaction. The Court Services Department would decide without an electronic monitoring device how the monitoring occurs by Probation Officers. For instance, it seems to me they could equally make the decision, an administrative decision as to how the monitoring would occur with an electronic monitoring device. A judicial decision as to whether or not...whether to allow home confinement or not in the first place and then the court can further make as

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its own decision or leave it up to the services department whether to add the device."

O'Connell: "Except that the court monitoring device as I understand would be to confine the person to a home. And that in effect amounts to a confinement."

Kirkland: "But that descision on confinement is made by the court. That's under the old language."

Speaker Breslin: "Bring your remarks to a close Representative O'Connell. Your time is up."

O'Connell: "This is an important question as to whether or not the court determines confinement or the court simply directs that they shall be on probation. If the court services says that it would be required to have a monitoring device which results in a confinement then that court agency is in effect sentencing and that's my concern."

Speaker Breslin: "Representative Kirkland under the circumstances you'll have one minute to close. Representative Kirkland."

Kirkland: "The simple answer is that under current Section 5-6-3 conditions of probation and conditional discharge, the initial decision on whether home confinement will be imposed is made by the court. That's under Section (a)10 no (b)10, (b)10, that's on page 4 of the Amendment, well let's see, do we have the Amendment here? Okay, that's on page 4 of the Amendment line let's see, wait a minute, where are we, where are we, page 5 of the Amendment line 18. Serve a term of home confinement. That is a decision that has to initially be made by the court before then either the court..."

Speaker Breslin: "Representative Myron Olson to close as well. Please be brief."

Olson, M: "Thank you, Madam Speaker, Members of the House. I don't want you to get caught up in this Amendment process

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and lose site of the basic substantive issue. The description and the moving of controlled substance prescription drugs into the illicit market. May I suggest that if the Amendment offered by Representative Kirkland is not in good form it will be caught up in the process by which the Governor reviews these Bills during the summer and we would probably have an Amendatory Veto. I move to accept Senate Bill 1923."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1923 and on that question all those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Representative Younger one minute to explain your vote. Do you wish to explain your vote? The Lady does not wish to explain her vote. Have all voted who wish? The Clerk will take the record. On this question there are 117 voting 'aye', none voting 'no' and none voting 'present', this Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 2123, Representative Parke. Terry Parke. Out of the record. Senate Bill 2257, Representative Countryman. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2257, a Bill for an Act in relationship to victims of crimes. Third Reading of the Bill."

Speaker Breslin: "Representative Countryman."

Countryman: "Thank you, Madam Speaker. I ask leave of the Body to move this Bill back to Second Reading for the purposes of an Amendment."

Speaker Breslin: "The Gentleman ask leave to return this Bill to the Order of Second for an Amendment. Is there any objection? Hearing none the Gentleman has leave, the Bill is on Second. Are there any Amendments filed, Mr. Clerk."

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

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Speaker Breslin: "Representative Bowman."

Bowman: "Thank you, Madam Speaker, Ladies and Gentleman of the House. Amendment #2 contains one of the provisions that was contained in House Bill 600 which passed this House unanimously only a few weeks ago but got stuck in the Senate Rules Committee. And we all know how that happens. So I am taking what I hope is the least controversial aspect of that Bill which is the right of a victim to make a preparatory statement and have it presented to the grand jury to be added to this Bill by way of Amendment. I ask for the House to join me in supporting adoption of this proposal."

Speaker Breslin: "The Gentleman has moved to adopt Amendment 2 to Senate Bill 2257, on that question is there any discussion? Hearing none the question is, 'Shall Amendment #2 be adopted'. All those in favor say 'aye', opposed 'nay', in the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Representative Countryman now ask leave for immediate consideration of this Bill on Third. Does he have leave? Hearing no objection he has leave. Does the Bill need to be read again, Mr. Clerk?"

Clerk Leone: "Senate Bill 2257, a Bill for an Act in relationship to victims of crimes. Third Reading of the Bill."

Speaker Breslin: "Representative Countryman."

Countryman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 2257, provides that it amends the Crime Victims Compensation Act. It provides compensation that may be awarded to victims of crimes for exploitation of a child in child pornography. Allows victim to recover the cost of counselling, it amends the Violent Crimes Assistance Act, requires the Attorney General to consult

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with DCFS in evaluating applicants for grants to provide services for child victims of sex offenses. It also provides for an additional member of the board entitled the Advisory Commission, the Advisory Commission which shall be the Director of the Department of Children and Family Services. Then we now have Representative Bowman's Amendment on it which we just did a minute ago which he explains which grants a victim the right to present a statement before a grand jury containing an account of the crime from the victims prespective. With that I would move its passage."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 2257, on that question is there any discussion? Hearing none the question is, 'Shall Senate Bill 2257 pass'. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 117 voting 'aye', none voting 'no', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Ladies and Gentlemen, before we go to the next order of business we would like to take a moment to make a special introduction if you will allow the Chair and Representative Mautino to do something very personal to their own district. Come up here Gentlemen. We want to introduce these fellows to you. Representative Mautino why don't you start."

Mautino: "Thank you very much, Madam Speaker. Ladies and Gentlemen of the House, it's indeed a pleasure and an honor for Representative Breslin and I to have this opportunity to welcome the Class A Baseball Champions of 1988, the St. Bede Bruins which are joining with us here for a presentation and a Resolution. At this time we would like

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to have the Clerk read the Resolution please."

Clerk Leone: "House Resolution 1624 offered by Representatives Mautino and Breslin. WHEREAS, the Members of this Body have taken great pride in recognizing the outstanding achievements of St. Bede Academy Varsity Baseball team and WHEREAS, it has come to our attention that the 1988 St. Bede Varsity team completed the season by winning the school's first State Baseball Championship. WHEREAS, led and inspired by head coach John Bellino and assistant coach Tim Burgess. The St. Bede Bruin baseball team won Illinois High School Association Class A Baseball Tournament held on June 7, 1988 at Lanphier Park in Springfield. And WHEREAS, the Bruins beat Waterloo in the semi-final 8 to 6 and went on the defeat Alton Marquette 6 to 3 in the championship game. And WHEREAS, the Bruins compiled a 25 to 4 record and finished the season with a 10 game winning streak. WHEREAS, on June 8, 1988 the championship Bruins were honored at St. Bede Academy in Peru with a celebration mass and rally. And WHEREAS, the numerous achievements of the St. Bede Academy Varsity Baseball team confirmed our belief that hard work and dedication are affective when you set goals and strive to achieve them. THEREFORE, be it RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS that we congratulate the members of St. Bede Academy Varsity Baseball team on winning the Illinois High School Association Class A Baseball Championship and that we commend them on their hard work and dedication and that we extend our best wishes to them for continued success in all their future endeavors and be it further resolved that suitable copy of this preamble and Resolution be presented to the coaches and each member of the Bruin baseball team."

Mautino: "Thank you, Mr. Clerk. Ladies and Gentlemen, joining



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with us on the podium is the St. Bede baseball team, Father Ron Marchino, principal of St. Bede Academy, Don Carlson, the Athletic Director and coach John Bellino. At this time we would like to have coach Bellino introduce his championship ball team. Coach Bellino."

Coach Bellino: "It's an honor to be here and I thank Mr. Breslin (sic - Ms. Breslin) and Mr. Mautino and Bureau and LaSalle counties and my baseball team from, this one here is Eric Krogulski, Steve Pomatto, Chuck Loebach, Mark Schneider, Eric Bubelis, Brad Koster, our MVP, Mike Schneider, Jim Perona, Mike DeAngelo who won the second game for us against Waterloo, Kenny Bima, Chris Clancy and I think that's all. Thank you."

Speaker Breslin: "The question is, 'Shall the Resolution be adopted'. All those in favor say 'aye', opposed 'nay', in the opinion of the Chair the 'ayes' have it, the Resolution is adopted. I want this Assembly to know that this team beat Majority Leader McPike's home team. Thank you Gentlemen, we appreciate your good work, and we hope you beat them again. Thank you. Ladies and Gentlemen, we are now going to the Special Order of Business dealing with education. On page 3 of the Calendar appears Senate Bill 1563, Representative Phelps. Representative Phelps. Out of the record. Senate Bill 1584, Representative Flowers. Mary Flowers, do you wish to proceed with this Bill? Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1584, a Bill for an Act to amend an Act in relationship to school meal programs. Third Reading of the Bill."

Speaker Breslin: "Representative Flowers."

Flowers: "Madam Chairman, and Ladies and Gentleman of the House. May I please have leave to return this Bill to Second for the purpose of removing an Amendment?"

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Speaker Breslin: "The Lady asks leave to return this Bill to the Order of Second for the purposes of tabling the Amendment. Does she have leave? Any objection? Hearing none, she has leave the Bill is on Second. What is your Motion Representative Flowers? Representative Flowers."

Flowers: "Madam Speaker I would like to Motion to table Amendment #1 please."

Speaker Breslin: "The Lady moves to table Amendment #1. Is there any discussion? The Gentleman from Cook, Representative Piel."

Piel: "Thank you, Madam Speaker. Would the Lady yield?"

Speaker Breslin: "She will yield. Excuse me, Representative Flowers."

Flowers: "Yes. Yes."

Speaker Breslin: "She will yield."

Piel: "Two questions Mary. First of all who is the Sponsor of the Amendment and what does the Amendment do please?"

Flowers: "Well the Amendment was in regards to education and the Sponsor of Amendment #1 was..."

Speaker Breslin: "Representative Flowers was the Sponsor of the Amendment Mr. Piel."

Piel: "Okay. If you would just explain to us a little...now is this a Committee Amendment or is this a Floor Amendment?"

Flowers: "It was a Committee Amendment."

Piel: "Fine. Thank you very much."

Speaker Breslin: "There being no further discussion the question is, 'Shall Amendment #1 be tabled'. All those in favor say 'aye', opposed 'nay', in the opinion of the Chair the 'ayes' have it, the Amendment is tabled. Are there any other Motions or Amendments?"

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

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

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Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Representative Flowers now ask leave for immediate consideration of the Bill. Does she have leave? Hearing no objections she has leave. Read the Bill on Third."

Clerk Leone: "Senate Bill 1584, a Bill for an Act to amend an Act relating to school meal programs. Third Reading of the Bill."

Speaker Breslin: "Representative Flowers."

Flowers: "Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 1584 establishes a special nutrition supplement program for pregnant and lactating students and permits the school board, welfare centers and other sponsors to operate the program. And I move for the passage of Senate Bill 1584."

Speaker Breslin: "The Lady has moved for the passage of Senate Bill 1584 and on that question is there any discussion? Hearing none the question is, 'Shall Senate Bill 1584 pass'. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 60 voting 'aye', 56 voting 'no', 1 voting 'present'. Representative McGann for what reason are you seeking recognition?"

McGann: "I was seeking recognition for a verification."

Speaker Breslin: "The Gentleman ask for a verification. Representative Flowers ask for a poll of the absentees. Proceed, Mr. Clerk."

Clerk Leone: "Poll of those not voting. Virginia Frederick is not voting."

Speaker Breslin: "Very good. The...proceed with the affirmative,

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Mr. Clerk. Representative Currie..."

Clerk Leone: "Poll of the Affirmative."

Speaker Breslin: "Excuse me, Mr. Clerk. Several people are seeking recognition to ask leave to be verified, Mr. McGann. Mr. McGann?"

McGann: "Withdraw verification."

Speaker Breslin: "The Gentleman withdraws his request for a verification. There are 60 voting 'aye', 56 voting 'no', 1 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 1702, Representative Ryder. Read...Clerk, read the Bill."

Clerk Leone: "On page six of the Calendar on the Order of Second Reading, Senate Bill 1702, a Bill for an Act to amend the School Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Breslin: "Any Floor Amendments?"

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

Speaker Breslin: "Withdraw #1. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "He says there are no further Amendments so the Bill moves to Third Reading. Representative Ryder asks leave...Has the Bill been read a second time previously, Mr. Clerk? Representative Ryder, the Bill has not been read a second time previously. The Constitution prohibits proceeding at this time. The next Bill appears on page six on your Calendar, Senate Bill 1839, Representative Braun. Out of the record. On page six appears Senate Bill 1840, Representative Braun. Out of the record. On page four appears Senate Bill 1856. Out of the record. On page two appears Senate Bill 1876, Representative Wojcik. Is the Lady in the chamber? Out of the record. On page four

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appears Senate Bill 2023. Out of the record. On page four appears Senate Bill 2028, Representative Hannig. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2028, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Hannig. Representative Hannig."

Hannig: "Madam Speaker, I ask leave now to bring this back for purposes of an Amendment."

Speaker Breslin: "The Gentleman asks leave to return this Bill to the Order of Second for the purposes of an Amendment. Does he have leave? Hearing no objections, he has leave. The Bill is on Second. Are there any Motions or Amendments filed, Mr. Clerk?"

Clerk Leone: "Floor Amendment #5 is being offered by Representatives Mautino and Countryman."

Speaker Breslin: "Representative Mautino. Representative Countryman, can you present this Amendment? Very good."

Countryman: "Thank you, Madam Speaker. This...this Amendment cleans up some language that we need to make Northern Illinois University...excuse me. I'm trying to finding my file."

Speaker Breslin: "We can't hear you, Representative Countryman."

Countryman: "I'm sorry. I'm trying to find my file. Just a minute. Let me get the file from here. This Amendment places the Illinois Institute for Entrepreneurship Education under the Board of Regents and it increases the Institute Board from thirteen to fifteen members and it makes other clarifying changes so that the institute is governed and controlled by the Board of Regents. It's effectively cleaning up what we did, I believe last year and subjected to the regulations and guidelines of the State of Illinois."

Speaker Breslin: "The Gentleman has..."

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Countryman: "It also, just a second, adds a provision which...no, I read that...deletes the provision in which the Amendment #1 which excluded school districts whose boundaries are changed due to annexation or disconnection from the Truth and Transaction...Truth and Taxation Act."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 5 to Senate Bill 2028 and on that question is there any discussion? Hearing none, the question is, 'Shall Amendment #5 be adopted'. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #6, offered by Representative Hannig and Giorgi."

Speaker Breslin: "Representative Hannig."

Hannig: "Thank you, Madam Speaker, Members of the House. Amendment #6 corrects a problem that we had with Amendment #1. The Bill basically deals with the State Board of Education and the Regional Superintendents and this Amendment clarifies Amendment #1 and I move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 6 to Senate Bill 2028. On that question, is there any discussion? Hearing none, the question is, 'Shall Amendment 6 be adopted'. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Representative Hannig now asks leave for immediate consideration of Senate Bill 2028 as amended. Is there any objection? Hearing none, he has leave. Read the Bill on Third, Mr. Clerk."

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Clerk Leone: "Senate Bill 2028, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Hannig."

Hannig: "Thank you, Madam Speaker, Members of the House. Earlier in the year, we debated a House Bill that deals with the number of State 'D' Mandates and that Bill was sponsored by Representative Mulcahey and unfortunately was defeated on Third Reading because of some controversial provisions of the Bill. What this Bill attempts to do with House Amendment #1 is to adopt and pass fifteen of those 'D' Mandates which were not controversial. The three controversial provisions which deals with immunizations, different types of histories, and higher eds., are not in the Bill, but the more or less agreed to part of the 'D' Mandates are in the Bill with Amendment #1. Amendment #2 which was...was...which was replaced...is replaced with Amendment #5, Amendment #3 which Representative Curran offered basically extends to January 1st of 1999 the taxing authority of school boards for alternative fire prevention and safety changes that would have expired shortly if not for this provision. Amendment #4 which Representative Hoffman offered and is a adopted, clarified reimbursements for half day extraordinary...half day special education provisions. Amendment #5 which we just adopted, clarifies and provides for the entrepreneur education which will take place at Northern Illinois University and Amendment #6 which we just adopted, is now identical to House Bill 2926 which was passed unanimously out of committee but never heard on the House Floor and simply provides that the State Board of Education shall require the regional superintendent of schools to promptly implement recommendations made in fiscal audits. And that's the provisions of the Bill and I'd be happy to answer any

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questions. I'd ask for your 'yes' vote."

Speaker Breslin: "The Gentleman...the Gentleman has moved for the passage of Senate Bill 2028 and on that question is there any discussion? Hearing none, the question is, 'Shall this House pass Senate Bill 2028'. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 117 voting 'aye', none voting 'no', 1 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 2116, Representative Harris. Is the Gentleman in the chamber? Out of the record. The next Bill...the next Special Order deals with public utilities. On page three appears Senate Bill 1626, Representative McPike. Out of the record. With leave of the Body, we'll go back to the Special Order of Business on Education, Representative Phelps has the first Bill. He has returned to the chamber. The...it's on page three of the Calendar. Senate Bill 1563, Representative Phelps. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1563, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Phelps."

Phelps: "Thank you, Madam Speaker, and Ladies and Gentlemen of the House. Senate Bill 1563 does a couple of things. Number one, it authorizes the school board to enter into agreements with the public and private colleges to establish and operate regional mathematics and science academies during the summer months. Now, this is a concept that's been around a couple of years and this is a much more compromised idea of a summer math and science academy, utilizing the universities because it really does not call for any new appropriation or funding other than what the



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local boards can agree to give to their summer program money if they would have any for that purpose or...or would want to designate any for that purpose for gifted children in math and science. But it also calls on the possibility of private monies and endowments to the universities, whatever means that even personal tuition money from the families that deem it necessary to send their children to the summer program at the universities. We would appreciate you support for that concept. Number two, the...the Amendment that Representative McNamara put on was a minimum funding level which really asks us as a Body of the General Assembly to appropriate money equal to the 1987 appropriation level to education. I appreciate your support."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1563. On the question, the Lady from Kane, Representative Deuchler."

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

Speaker Breslin: "He will."

Deuchler: "Representative Phelps, I have some concern about starting this program at this time. Are you aware that the math, science academy is starting programs very similar to this this summer?"

Phelps: "Only through rumor. I've not seen anything of detail."

Deuchler: "They are, they have been charged with the responsibility of an outreach statewide and are bringing in a number of student groups, will be continuing to do planning and institute programs such as this in the future and I would personally be very opposed to starting this program at this time until we give them a chance to do what they are constituted to do, to the Bill."

Phelps: "Representative Deuchler, I can understand your concern. Let me just share with you, I don't see these programs or

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this kind of program, whether instigated by the Math and Science people or the State Board of Education, or the board that we want to create through the local school...board of participation throughout this State. I don't see it threatening your program. As a matter of fact, those students that...that are successful in their summer program back home, close to their campus, close to their home, might be the very thing to cause them to come to Aurora the next year or so if they would qualify. So, don't really look at it as a threat. It could only enhance your program, possibly, but I will tell you this. Out of my district, I don't know if there is two or three out of eight counties that are even coming to the Aurora. So this is just a chance for people that are poor and maybe are not quite as used to being to big metropolitan areas, that want to get away from home, that might threaten them, to be at least get their foot in the door. It's an experience that might open a new world to them and therefore, come to your concept in Aurora. So give it a chance. This doesn't cost anything. It just...it's a alternative optional program that local school boards can participate in and people can even pay their own tuition. So I don't...I don't see the problem."

Deuchler: "To the Bill, Representative Phelps. You are saying to...to institute a new program and give it a chance. I am saying that the Illinois Math Science Academy is in its formative stage. It has been given this responsibility and will be expanding in the future. So I'm saying to you, to give them a chance to...to move forward. They are the premiere institution in gifted at the high school level. Let's see how that works out. Given another year. If...if there isn't enough input and opportunity for the high school students statewide, let's think about it then."

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

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

Speaker Breslin: "He will."

McCracken: "Has Amendment #1 been adopted?"

Phelps: "Yes it has, Representative."

McCracken: "Okay, thank you. To the Bill, I would defer to Representative Deuchler on her comments to the underlying Bill. But, we've discussed at length Representative McNamara's Amendment which is also part of this Bill which would require the Governor to recommend to the General Assembly and that the General Assembly appropriate in future years at least 26.63 percent of total state appropriations to elementary and secondary schools. That is, it would bind us in the future to a minimum level of appropriation. The minimum level of which would be a percentage of the General Revenue Fund, the Common School Fund, and the Common School Special Account Fund. Now, what that does is bind future General Assemblies. It takes the discretion away from General Assemblies. Those Bodies, or those persons here this Session, voting on this Bill will purport to bind future General Assemblies on their level of appropriation relative to total funds available in future years. I don't have to, I think, belabor the point of the inherent unwisdom of this. I believe it's a very bad Amendment. It makes what might be a good Bill, or an acceptable Bill, a very bad Bill. I think we should be voting against it."

Speaker Breslin: "There be...the Gentleman from Cook, Representative McNamara."

McNamara: "Thank you, Madam Speaker, Members of the House. The previous Gentleman's remarks were definitely not to the point. What the Amendment actually does is it gives the

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General Assembly the discretion to say how much money will be used to fund primary and secondary education. This is something where we have to be realistic about. If we say that education is #1 priority, we will fund that education. It doesn't bind this General Assembly because the General Assembly has the ability to change that amount of dollars each time. In fact, it gives the General Assembly the control for the educational dollars. The only problem I can see with that Amendment is maybe some of us cannot hide anymore and say, 'Yes, we're for education' and then not fund it. This is a realistic, the right way to approach it, the way to express our responsibilities towards education and it's a very good measure which passed by an exceeding majority when it was put on to the Bill. And I urge your support of the full Bill."

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

Phelps: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, when you look at this proposal, we see two features that should be very acceptable to all of us. Number one, we're asking that we have an alternative program throughout the State to utilize universities that are already in place that have facilities and resources through the summer to accommodate gifted children in math and science that may not be able the first year or second year to go to Aurora. Here we passed 700 million dollars to fund a project like that in one location of the state and here we're asking, really, no state money in many...in many cases, just to go to their local universities to utilize those facilities to enhance gifted programs. And then number two, we're talking about trying to secure a funding level that we all recognize as priorities. We're even talking about tax increases as priorities for education. And here is our

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chance to show that we have our priorities in check when we say the minimal amount of money should go to education each year. And to send that kind of message, I think, is very healthy. Let's give it a chance. I would appreciate your support."

Speaker Breslin: "The question is, 'Shall Senate Bill 1563 pass'. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 80 voting 'aye', 36 voting 'no', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. On the Special Order of Business dealing with public utilities, on page three on the Calendar appears Senate Bill 1626, Representative McPike. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1626, a Bill for an Act to amend the Energy Assistance Act. Third Reading of the Bill."

Speaker Breslin: "Representative McPike."

McPike: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Bill deals with the IRAF program that's been...that's been part of our statutes now for three years. Current law provides that low income individuals can pay 12 percent of their income towards their utility bills from December through April. This would extend that to a year round program. In addition, Representative Homer offered an Amendment the other day that would specify that the program would last for two years or until the amount of money that is provided for the program runs out, the earlier of the two time periods. I'd be glad to answer any questions. I move for passage of the Bill."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1626. On that question, is there any

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discussion? Hearing none, the question is, 'Shall Senate Bill 1626 pass'. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. The Gentleman from Cook, Representative Morrow, do you wish to speak? One minute to explain your vote."

Morrow: "Thank you, Madam Speaker. I would like to explain my vote. Even though I might have a possible conflict of interest, I will vote my conscience as the Representative of the 32nd District. Thank you."

Speaker Breslin: "Representative Rea, one minute to explain your vote. Representative Rea, did you wish to explain your vote? No. He declines to explain his vote. Have all voted who wish? The Clerk will take the record. On this question there are 84...85 voting 'aye', 23...Representative Bowman votes 'aye'...oh, excuse me. Representative Levin votes 'aye'. Am I correct, Representative Bowman, you wish to change your vote from 'present' to 'aye'? Would you change him, Mr. Clerk? Representative Wojcik votes 'no'. Vote Representative Wojcik 'no'. Representative Ewing, for what reason do you seek recognition?"

Ewing: "Madam Speaker, I wish to be recorded 'no' on this Bill."

Speaker Breslin: "Record Representative Ewing as voting 'no'. Representative Myron Olson votes 'aye'. Representative Williamson votes 'aye', Williamson changes her vote from 'no' to 'aye'. Okay, is that it? Representative Frederick goes from 'present' to 'aye'. On the question, there are 88 voting 'aye', 24 voting...89 voting 'aye', 24 voting 'no', 2 voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. As an accommodation to Representative McPike, I...the Chair would ask leave to go back to some Bills that had to be passed over. The first one is on page six of the Calendar under

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the Special Order of Business on State and Local Initiatives, Senate Bill 1794. Read that Bill, Mr. Clerk and Representative Giglio in the Chair."

Clerk O'Brien: "Senate Bill 1794, a Bill for an Act in relation to waste water treatment. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Any Floor Amendments?"

Clerk O'Brien: "No Floor Amendments."

Speaker Giglio: "Third Reading. Representative McPike, do you want to hear 2042? Mr. Clerk, read 2042, page seven of the Calendar."

Clerk O'Brien: "Senate Bill 2042, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative McPike, Laurino, McCracken, and Black."

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

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In 1984, we passed legislation which established procedures to address chop shop operations in the State and since then we have negotiated with the various industries involved in the...in the scrap processing and scrap cars trying to make the legislation we passed in 84 more acceptable. This Amendment is now a...an agreed Amendment between the Secretary of State's Office, the State's Attorney's and the Scrap Processors. I'd be glad to discuss it in detail, but I would say it's an agreed Bill that we've worked out over the last two weeks and I'd move for the adoption of the Amendment."

Speaker Giglio: "The Gentleman moves for the adoption of Amendment #1. All those in favor signify by saying 'aye',

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those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Alright, on the Order of Education appears Senate Bill 1876, Representative Wojcik. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1876, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Giglio: "The Lady from Cook, Representative Wojcik."

Wojcik: "Yes, Mr. Speaker and Members of the House. May I have leave to take this Bill to Second for the purpose of a technical Amendment?"

Speaker Giglio: "You heard the Lady's Motion. Does the Lady have leave? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "This Bill has been read a second time previously. Floor Amendment #2, offered by Representative Parcels and Wojcik."

Speaker Giglio: "Which Lady? Representative Parcels."

Parcels: "Thank you, Mr. Speaker. This is what we would call an Agreed Amendment. It was brought up in the committee when the Bill was passed, that perhaps we should make the guidelines for where these people could be soliciting a little firmer than just a 100 feet because if an office was upstairs or if there's a parking lot next door, the solicitations could be made within a 100 feet and still not accomplish the goal that the Bill was set out to accomplish. Therefore, this defines Public Aid Office as any Department of Public Aid building where persons may apply for or receive benefits and services and the parking areas connected with the building. This way the people will be more completely protected from these solicitations and I would move for the approval of Amendment #2 to Senate



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Bill 1876."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Amendment signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. The Lady now asks leave for immediate consideration by the Attendance Roll Call to hear this Bill. Mr. Clerk, does the Lady have leave by the Attendance Roll Call? Hearing none, leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1876, a Bill for an Act to amend Sections of the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Giglio: "The Lady from Cook, Representative Wojcik."

Wojcik: "Yes, Mr. Speaker and Members of the House, with the Amendment, the Bill specifically states that it will pro...prohibit private business and vocational schools from soliciting Public Aid...recipients for the purpose of enrolling them and also to allow them not to be harassed. I think that we have clarified the 100 feet, the parking lot, and we have worked with both sides of the aisle. Everything has been agreed to and I ask for its favorable passage."

Speaker Giglio: "Any discussion? The Gentleman from McLean, Representative Ropp."

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

Speaker Giglio: "She indicates she will."

Ropp: "Is the intent of this Bill to discourage or not allow the options for enrolling people on Public Aid in vocational schools or programs within a 100 feet of the Public Aid Office?"

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Wojcik: "Basically, it...applies to proprietary schools, private business colleges, cosmetologists, et cetera, beauticians."

Ropp: "Okay. Let me ask you, why would we want to do that if, in fact, we're trying to get people off of Public Aid by encouraging them to go to schools, vocational programs, learn a trade, get yourself off of Public Aid? Why would we say, 'You can't enroll anybody or even talk to them within a hundred feet'. It...wouldn't that be a good place to find a lot of people who are on Public Aid, who we're trying to help?"

Wojcik: "Representative, the object of this is not to deter the individual from going to a school or getting an education. What we are trying to do is we're trying to stop some of the un reputable schools from preying on the low income persons and that's the problem that they're facing. When they're waiting to get their Public Aid money or what have you, they are out there soliciting them and it's not the desirables that we're trying to attack, it's the undesirables."

Ropp: "We're trying to attack the undesirables so by doing that, we will also affect the desirables, is that right?"

Wojcik: "Actually, I think what you're looking at is...is a problem that they have and we're trying to weed out, if you will, the problem. And it applies to..."

Ropp: "Okay. I understand your problem now. What I didn't want to have happen would be attempting to discourage legitimate vocational programs from getting people who are on Public Aid enrolled and encouraged and excited about going back to work so that they could, in fact, get off Public Aid. I have the...problem has been resolved for me and I support your intent."

Wojcik: "That's good, Representative. Actually, we are not trying to deter, again may I reiterate that statement, we

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are not trying to deter them from getting a good education or going to a vocational school, whatever. We're certainly out there for them. But there is a problem and the problem is that the...the unreliable people are preying on them and I think that we have to curtail that type of activity and that's the reason for this Bill."

Speaker Giglio: "Representative Ropp, do you care to respond?"

Ropp: "I'm sorry. I wasn't listening to her. Did she have a question?"

Speaker Giglio: "No, she just made a statement. Do you care to expound on the Bill any more?"

Ropp: "No. I'll support the Bill. Thank you."

Speaker Giglio: "Thank you. Further discussion? The Lady from St. Clair, Wyvetter Younge."

Younge: "Will the Sponsor yield?"

Speaker Giglio: "She indicates she will."

Younge: "Representative Wojcik, you are attempting to keep...trade school owners who are trying to get and sign up Public Aid people for long contracts, from doing so close to the offices of the Public Aid?"

Wojcik: "That is correct."

Younge: "To the Bill, I think that that's a very good idea because right now, in the various places where the Public Aid is being made available, these trade...disreputable people are preying on Public Aid recipients and so, therefore, I think we should support this very good Bill."

Speaker Giglio: "The Lady from Cook, Representative Wojcik to close."

Wojcik: "I think you have heard the debate...there were some questions that have been clarified. I think it's an excellent Bill. We're going to help the young people to get an education, we're also going to stop them from being harassed with disreputable type of clients. So I ask for

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its favorable...passage."

Speaker Giglio: "The question is, 'Shall Senate Bill 1876 pass'. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'yes', none voting 'no', none voting 'present', and Senate Bill 1876 having received the Constitutional Majority is hereby declared passed. Representative Harris, Senate Bill 2116. Out of the record. Representative Parcells. Representative Parcells in the chamber? Out of the record. Representative Hoffman. Representative Hoffman in the chamber? He's meeting with the Speaker. Representative Ryder. Representative Ryder? Repre...Representative Dunn, John Dunn. Senate Bill 1773, Child Custody Violence Probation. Are you ready? Mr. Clerk, read the Bill. This is on page six of the Calendar under the Administration of Justice, Special Order of Business."

Clerk O'Brien: "Senate Bill 1773, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representatives Stange and Leverenz."

Speaker Giglio: "Representative Stange? Representative Leverenz? Amendment #2 to Senate Bill 1773. Representative Dunn."

Dunn: "I...I think if Representative Leverenz would withdraw Amendment #2, there's a later Amendment that Representative Stange, Representative Stern are going to offer which I

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think is the Amendment we wish to go with. So, if he would withdraw that Amendment, I would appreciate it."

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

Leverenz: "That's exactly what I was going to do. Thank you all."

Speaker Giglio: "The Gentleman withdraws Amendment #2. Amendment #2 is withdrawn. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative Stange, Leverenz and Stern."

Speaker Giglio: "Amendment #3, the Lady from Lake, Representative Stern."

Stern: "Well, I withdraw this...we'd like to withdraw this Amendment, please."

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

Clerk O'Brien: "Floor Amendment #4, offered by Representative Stange and Stern."

Speaker Giglio: "The Lady from Lake, Representative Stern on Amendment #4."

Stern: "Mr. Speaker and Members of the House, Amendment #4 permits grandparents to have a standing in a court situation seeking visitation rights. It is a Bill that passed out of here with no difficulty and got locked up in the Senate Rules Committee. Representative Stange is the Chief Sponsor and I am a Cosponsor."

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

Dunn: "As Sponsor of the Bill, I urge adoption of this Amendment and hope that we can put this Amendment on the Bill."

Speaker Giglio: "Further discussion. Hearing none, all those in favor of the Amendment signify...Representative Weaver from the County of Coles."

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Weaver: "Thank you...thank you, Mr. Speaker. I think your papers may have been covering the light. Will the Sponsor yield briefly?"

Speaker Giglio: "She indicates she will."

Weaver: "Representative Stern?"

Stern: "Yes, Sir."

Weaver: "Over here. Don't want to screw you into the ground."

Stern: "Right."

Weaver: "Am I to understand that you are asking for visitation rights for grandparents even in cases where there was no marriage that took place."

Stern: "That is correct, but it is only in cases where there is some evidence of substance abuse or alcoholism or some reason why the grandparents can stand as a friendly alternative to the children."

Weaver: "There would...there would somewhere in this have to be proven parental responsibility, right? Support rights?"

Stern: "This Bill does not grant the visitation rights. What it grants is standing for the grandparents to ask for visitation rights. To ask...to give the Judge the option of examining their qualifications for visitation."

Weaver: "I see. Thank you."

Stern: "Where they would not ordinarily have it because it's an ongoing marriage or it is no marriage at all. Right."

Weaver: "Okay. Thank you."

Stern: "You bet."

Speaker Giglio: "Further discussion? The Gentleman from Warren, Representative Hultgren."

Hultgren: "Will the Sponsor yield?"

Stern: "Sure."

Speaker Giglio: "She indicates she will."

Hultgren: "If there is no marriage and...what is the nature of the proceeding in which this visitation is going to be

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litigated?"

Stern: "A court proceeding where the grandparents of the child would ask for a visitation permission."

Hultgren: "You're...you're giving the grandparents, then, standing to come in and initiate court proceeding whereby they would be given some...some legal rights to the child. Is that right?"

Stern: "If the Judge decides it is in the best interest of the child. The best interest of the child involved are paramount in all these situations."

Hultgren: "Well, what...what standard of proof is going to apply in that situation?"

Stern: "I assume that the parents are in some way in difficulty, that there is a substance abuse or a alcoholism question here and that the grandparents are going to have to indicate why it is a good idea for them to have visitation rights. We are trying to find an alternative to leaving youngsters to deal with some of these problems by themselves."

Hultgren: "Well, if in fact the trigger on this visitation privilege is abuse or neglect, then isn't it appropriate that we really ought to be determining custody, rather than just visitation. We're going...you know, you're going to determine that the child is being abused so the grandparents can have them on the weekends but they go home to the abuse during the week?"

Stern: "Well, you're talking about a whole different situation, Representative."

Hultgren: "But isn't that the trigger by which this is to apply? There has to be abuse or neglect?"

Stern: "That...this...we are talking about ongoing marriages and therefore abuse or neglect or alcoholism or substance abuse or something is going to have to be used as an indicator of

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why these grandparents should be considered."

Hultgren: "You...you just said that this proceeding could be initiated in the absence of a marriage."

Stern: "In the absence of a marriage..."

Hultgren: "Yes."

Stern: "I suppose. I suppose, yes."

Hultgren: "I'm sorry. We're not communicating very well. You...you said it could be initiated in the absence of a marriage, but then you said we're only talking about situations where there is a marriage."

Stern: "I did not intend to say that if I did and I didn't think I had. We are talking about a relationship between a child and its blood grandparent. Whether there is a marriage, or whether there is...this is born to two young people who have not married. The grandparents wish to have visitation rights because they feel it is of the best interest of the child for them to do so. I'm not sure what it is you're...you would like me to respond, Representative."

Hultgren: "Well, my understanding is that that they're only entitled to that visitation if as a threshold matter, they can demonstrate that there is a...a case of abuse or neglect with the parent. Is that right?"

Stern: "The case can be filed and the request can be made if there is a pending proceeding for dissolution of marriage, legal separation, or if the divorce has been concluded and is being reopened."

Hultgren: "So then you're saying to me that there has to be a marriage proceeding, that it...that it...not simply in cases where there is no marriage. Is that right?"

Stern: "Just a moment, Representative, I'm being coached. Representative, I may have misled you. There appears to be no reference to an unmarried set of parents in this Amendment."



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Hultgren: "Okay. I, too, am being coached, Representative. So, if you'll bear with me. How much evidence of abuse or neglect needs to be demonstrated before the parent...grandparent would be entitled to visitation?"

Stern: "I assume enough to satisfy the Judge that it is in the best interest of the child for that visitation to take place."

Hultgren: "Well now, let me go back to an earlier question. The petitioner, that is the grandparents seeking visitation, must present evidence of the custodial parent or guardian has engaged in substance abuse or child neglect. I guess my question is, if there's a case of substance abuse or child neglect that endangers the child in some fashion, are we really not talking about a change of custody rather than simply visitation rights?"

Stern: "I don't believe we are in this Amendment. At this point, we are talking about visitation rights. All that is required, Representative, is that there be enough evidence to persuade the Judge that it is in the best interest of the youngster for the grandparents to be granted visitation. I don't think there's anything very complicated about this."

Hultgren: "Well, what I guess I'm saying, if...if the child is in danger with the custodial parents, then we really ought not to be talking about simply visitation with the grandparents, we ought to be talking about a change of custody to get them out of that dangerous, abusive, or neglectful situation. Do you not agree?"

Stern: "I don't think I would argue with that. That certainly makes good sense. But that is the next step in a whole different procedure."

Hultgren: "Well..."

Stern: "We're only talking about visitation here. We are not

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talking about custody."

Hultgren: "Okay. To the Amendment...Mr. Speaker. It seems to me that this...this Amendment is ill advised in terms of the welfare of the child. If, in fact, there's a case of abuse or neglect, then we ought to be talking about a change of custody and if grandparents want visitation, that's another matter. And we ought not to have any kind of a threshold with regard to proving abuse or neglect. So I would urge a 'no' vote on the Amendment. I...I think the Sponsor is well intentioned, but perhaps this Bill doesn't accomplish what she seeks to...to accomplish."

Giglio: "Further discussion? The Lady from Lake, Representative Stern to close."

Stern: "I would simply urge an 'aye' vote. I think this is a much less complicated Bill than the Representative indicates and it's a good Bill, good for children, and good for grandparents."

Giglio: "You heard the Lady's Motion. All those in favor of the Amendment signify by saying 'aye', those opposed 'nay'. In the opinion...All those in favor of the Amendment vote 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Amendment there are 40...92 voting 'yes', 22 voting 'no', 3 voting 'present' and the Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Senate Bill 2041, Civil Procedure Discharge Attorney. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2041, a Bill for an Act in relation to Retaliatory Discharge of an Attorney. Third Reading of the Bill."

Speaker Giglio: "The Representative from Macon, Representative

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Dunn."

Dunn: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Bill 2041 presents a...an option to...to those who find themselves in a difficult situation where they are attorneys whose entire livelihood is derived from employment most often in a corporation and doesn't happen often, most corporations act in good faith all the time, but there can and does and has occurred a situation where the attorney is asked to do something which he or she feels, in good faith, is in violation of law and the attorney is then placed on the horns of a dilemma. If the attorney does what the boss wants, the paychecks will continue to come in, but the attorney has done something which is wrong. If the attorney does what is right and refuses to follow the instructions of the boss, the attorney will be fired. That, in fact, did happen. The case went to court and a lot of people feel that the case resulted in bad law on behalf of the corporation. This Bill would provide the attorney an opportunity to...if fired, to sue for retaliatory discharge and I would ask for an 'aye' vote on this Bill."

Speaker Giglio: "Any discussion? The Gentleman from DeKalb, Representative Countryman."

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

Speaker Giglio: "He indicates he will."

Countryman: "Representative, in committee, I recall, at least the Illinois State Bar Association was opposed to this Bill. Is it opposed to the Bill and what about the Chicago Bar Association?"

Dunn: "To be honest with you and candid, it's my understanding that both of those bar associations are opposed to this legislation."

Countryman: "Thank you. I believe the reason that the bar

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associations were opposed to the Bill is that we're dealing with a delicate relationship, whether it's an in-house council or a private attorney who's hired and that is an attorney/client privilege. And there's a professional, a degree of professional responsibility between the client whether he's in-house or...and lawyer, whether he's in-house or not, to act in behalf of his client and with all confidence. And, in fact, to enact a statute like this which could allow somebody not to carry out the instructions of his client when his client gives him instructions, I think is bad public policy. The bar associations argued that we ought to consider this further, deliberate it more in light of the Code of Professional Ethics, and I think that that's a good approach. There may be a solution we can come to, but it's certainly not in this Bill and certainly not at this time. I think that this is an important...important question and I think it's...it's one which could force companies to maintain attorneys with whom they are dissatisfied. Now I'm one that generally supports these sorts of causes of action, but I don't think this is a good one. I think if you don't like your attorney, for whatever reason, you ought to have the right to discharge him, whether he's in-house council or not. So, I ask for a 'no' vote. Thank you."

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

McCracken: "Thank you, Mr. Speaker. I echo the remarks of the previous Speaker. This is...this is an oversimplified response to a complex issue. Merely to create a cause of action for discharge by an attorney who is unwilling to follow the dictates of his client, jeopardizes the attorney/client privilege in which the right to confidentiality rests with the client. So if this employee

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violates the wishes of his client, the only way he can bring the cause of action is by violating the confidence which was reposed in him by virtue of the relationship. This is an awful Bill. It...it has unbelievable problems that do not appear at first blush. It's just very improvident to be passing this legislation and I think we should all be voting 'no'."

Speaker Giglio: "Further discussion? The Gentleman from McDonough, Representative Slater."

Slater: "Thank you, Mr. Speaker. I rise in opposition to this Bill. As a practical matter, if you're in favor of lawyers and you like what lawyers do and you like lawyers, you ought to vote for this Bill. If you don't like lawyers and you don't like what lawyers do, you ought to vote against this Bill. I urge opposition."

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

Leverenz: "Will the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Leverenz: "Representative Dunn, are you an attorney?"

Dunn: "Why do you ask?"

Leverenz: "Pardon me?"

Dunn: "Why do you ask?"

Leverenz: "Well, I just wanted to...I wanted to know as it relates to the Bill."

Dunn: "Well, I am...I am licensed to practice law in the courts of this state, that is correct. I have been for quite some time."

Leverenz: "The Gentleman..."

Dunn: "Would you like my office phone number? Do you need your will updated?"

Leverenz: "No, I've...I've already called upon you for those services and I still have you on retainer. Now, the

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Gentleman on the other side of the aisle. I know it wasn't big enough to disclose. But, the Gentleman on the other side of the aisle said, 'What you're doing is very bad'. And for the Members on the House Floor that are not attorneys, we want to make sure that we can get three hours of credit at the University of Illinois or SIU Law School as we go through this debate. Would you please explain to me why the Gentleman with his hands folded, for fear that I use his...now waving his hands, should I use his name he can pop up on that issue by itself. But, explain to me why he's wrong so I can vote for your Bill."

Dunn: "I would do that, but the explanation would be way over your head, so I guess..."

Speaker Giglio: "The Gentleman from Cook, Representative O'Connell. Oh, I'm sorry, I thought you were finished. Representative Leverenz."

Leverenz: "Representative Dunn would hope that I was finished. But, no, I'm very interested to know because I respect you and the Gentleman that has his arms folded. But, Mautino and I always look to you for our legal advice, but please explain why he is wrong in his statements because I think he belittled what you said and said that it was a very simplistic explanation. And I don't think that you would do something like that."

Dunn: "It's basically the difference between having your arms folded and standing there with your arms all akimbo and you probably don't know that word either. The...I think we should move on with this Bill. In summary, in answer to the Gentleman's question, the...the bar associations are concerned with this legislation, particularly because it appears to impinge upon the attorney/client privilege. Nevertheless, there is an important issue which is raised by this legislation and that is what does one do when one

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finds oneself between a rock and hard place here as I explained earlier and this Bill will provide a way out of that dilemma."

Leverenz: "Thank you."

Speaker Giglio: "Further discussion? The Gentleman from Cook, Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker. I won't ask a question of the Sponsor. I will simply address my comments to the Bill. I think it's a good Bill. I think we have to look at a situation to fur...to best understand what this Bill will do. Presently, if you have an attorney who happens to be an employee of a corporation or another business entity, and if that attorney/employee is asked to do something or is compelled to do something that is against his best judgement, his ethical judgement, and he refuses to do that and as a result of that refusal, he is terminated from his employment, the current law, as stated in a recent case, would prevent that attorney from collecting damages on a retaliatory action against the employer. What this Bill does is places that attorney on the same playing field as any other employee who would have the basis for retaliatory action against a wrongful employer. I think we've got to make a distinction between an attorney who is an out-council that is an attorney...rather, an in-council attorney, an attorney who is also an employee, and an attorney who is out-of-house or separately employed attorney. That attorney, if he's asked to do something which is against his ethical judgement, can simply say, 'I do not wish to have you as a client'. An attorney whose sole income is based on the employer cannot simply say, 'I'm going to walk away from you'. That's his sole source of employment. What this Bill does is say that that attorney who is compelled to do something wrong now

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has...would have the retaliatory action against the employer. There are ways to protect the attorney/client relationship by a in-camera court proceedings where the confidential information can be restricted to the judge in terms...the fact finder in terms of deciding whether or not the retaliatory action had a basis in fact. I think it's a good Bill. I think it addresses a problem that may exist more than we care to admit. But I would stand in whole hearted support of the..."

Speaker Giglio: "Gentleman want to bring his remarks to a close? Proceed, Representative O'Connell."

O'Connell: "I just ask for a favorable Roll."

Speaker Giglio: "Representative Dunn to close."

Dunn: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. In closing, I would like to echo the remarks of the previous speaker. This is a good Bill. Situations not only can arise, but have already arisen where, it happen to be a lawyer, but a person who is an employee of a corporation was asked to do something which was not proper, violation of ethics or law, and refused to do it and was fired. The courts has said that person was just out of luck, had no job, and no remedy. This legislation would provide that a person who finds himself or herself in that situation has the option to go to court, to have a day in court, would raise the issue to...to confront to the employer with the situation and, if successful, to reap the benefits of a retaliatory discharge action successfully brought. Without this legislation, you can't do that so I would ask for an 'aye' vote."

Speaker Giglio: "The question is, 'Shall Senate Bill 2041 pass'. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all



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voted who wish? Mr. Clerk, take the record. On this question there are 35 voting 'yes', 63 voting 'no', 12 voting 'present'. Senate Bill having failed to receive the Constitutional Majority is hereby declared lost. Mr. Clerk, let the record reflect that Representative Breslin was voting 'aye' on that last Bill. Representative Mautino in the chamber? We passed over one of your Bills, Sir, on State and Local Government, 2193. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2193, this Bill was returned to the Order of Second Reading. Amendment #3 was adopted and the Bill was held on Second Reading."

Speaker Giglio: "Are there further Amendments?"

Clerk O'Brien: "I've got Motions."

Speaker Giglio: "You have Motions? Are there any Motions filed?"

Clerk O'Brien: "I got a Motion to table House Amendment #2 to Senate Bill 2193 by Representative Mautino."

Speaker Giglio: "The Gentleman moves to table Amendment #2 to Senate Bill 2193. All those in favor signify by saying 'yea', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment's tabled. Further Motions?"

Clerk O'Brien: "Motion to table House Amendment #3 to Senate Bill 2193 by Representative Mautino."

Speaker Giglio: "The Gentleman moves that Amendment #3 be tabled. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and Amendment #3 has been tabled. Are there further Motions or Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representative Mautino and Keane."

Speaker Giglio: "The Gentleman from Bureau, Representative Mautino on Amendment #4."

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Mautino: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This is the Amendment that was presented to us and questions were raised by Representative McCracken. I believe now we have a consensus that by virtue of adopting this Amendment, we would establish, or eliminate the dedicated funded provided for the funds that are assessed, those individuals obtaining DU...after obtaining their DUI and then eligible for a licensed, that funding will go to the General Revenue Fund and then be appropriated back to DASA. It's...I believe it's agreeable with the other side. I move for its adoption."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Amendment signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. The Gentleman now asks leave by the Attendance Roll Call that this Bill be heard immediately. Does he have leave? Hearing none, leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2193, a Bill for an Act to create the Drunk and Drunk Driving Prevention Fund. Third Reading of the Bill."

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

Mautino: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. The Bill in its current form provides for an increase in the assessment to obtain your license back after a DUI conviction. The current rate is \$30. This moves and establishes the fund to \$60 with that additional \$30 to be provided to the Alcohol Assessment individuals who under our existing law, the individual who

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has been charged must obtain that assessment. In cases where there are indigents, this is the fund that will pay to the counselors that provide that service to those indigents. It's a recommendation of the Advisory Board of DASA and that's the basis of the information. The Amendment we just adopted provided that the dedicated fund be eliminated. It goes into the General Fund and then appropriated back to DASA for use for the specific purpose and I move for its passage."

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

McCracken: "Thank you, Mr. Speaker. I also support this measure. By tabling Amendments 2 and 3 and adopting 4, any funds left over at the end of the fiscal year would automatically revert to the General Fund so that this fund could not accumulate...accumulate monies over and as a result of a number of fiscal years. That's an important safeguard, I think for this fund and obviously supported by the...the Department of Alcohol and Substance Abuse, also by the Secretary of State's Office. Thank you."

Speaker Giglio: "Further discussion? The question is, 'Shall Senate Bill 2193 pass'. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'yes', none voting 'no', 1 voting 'present'. Senate Bill 2193 having received the Constitutional Majority is hereby declared passed. The Order of Public Health and Safety, Representative Parcells. Senate Bill 2010, page four of the Calendar. Are you ready? Is the Lady ready? Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2010, a Bill for an Act to amend the

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Environmental Protection Act. Third Reading of the Bill."

Speaker Giglio: "The Lady from Cook, Representative Parcells on Senate Bill 2010, EPA cleanup lien."

Parcells: "Thank you, Mr. Speaker. Oh, I remember this Bill now, yes. The...this is the Bill that had us...we want to go back to Second for an Amendment."

Speaker Giglio: "The Lady asks leave to return the Bill back to Second Reading. On that question the Gentleman from Fulton, Representative Homer."

Homer: "Speaker, could we ask the Sponsor to take this out of the record momentarily until we can confer with her?"

Parcells: "Yes, I'd be happy to."

Speaker Giglio: "Mr. Clerk, take the Bill out of the record. The Bill will remain on Third Reading. Representative Hoffman. Is Representative Hoffman in the chamber? Representative Ryder. Representative Ryder on 2199. Are you ready, Sir? Mr. Clerk, read the Bill. This is on page four of the Calendar under Special Order of Business, Public Health and Safety. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2199, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is very similar to a Bill that we passed previously in its House Bill version. It requires the Department of Public Aid to promulgate specific rules concerning medicaid reimbursement to nursing homes for exceptional medical care. The rules that must be promulgated would assist in clarification of the requirements under this Act."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of 2199 vote 'aye', those opposed 'nay'. The voting

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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 117 voting 'yes', none voting 'no', and none voting 'present' and Senate Bill 2199 having received the Constitutional Majority...Representative O'Connell? Are you seeking recognition?"

O'Connell: "Thank you, Mr. Speaker. I have never stood on the floor to ask permission to introduce some distinguished guests, but in this case I'm compelled. I have the Mayor of Palos Hills, Mayor Gerald Bennett, Trust... Alderman Sharon Rush, Alderman Harriott Patrice, Alderman Ed Jones, and their wonderful staff and I'd like to ask the introduction of...of Mayor Bennett and his staff from Palos Hills."

Speaker Giglio: "Welcome to Springfield."

O'Connell: "One other introduction, I also have the Mayor of Brookfield, a good friend, Pierce McCabe."

Speaker Giglio: "Welcome. 2999, having received the Constitutional Majority is hereby declared passed. On the Order of Public Health and Safety appears Senate Bill 2201, Representative Ryder. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2201, a Bill for an Act to amend the Nursing Home Care Reform Act. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I'd ask leave of the House to take this to Second Reading for...for purposes of an Amendment."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it. The Bill is now on the Order of Second Reading. Mr. Clerk, read the

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Bill."

Clerk O'Brien: "This Bill has been read a second time previously.  
Floor Amendment #3, offered by Representative Ryder."

Speaker Giglio: "The Gentleman from Morgan, Representative  
Ryder."

Ryder: "Thank you, Mr. Speaker. This is an agreed to Amendment.  
It makes a clarification requested by the Illinois  
Department of Public Aid and I would ask for its passage."

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

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Read...the Gentleman now asks leave that  
Senate Bill 2201 by the Attendance Roll Call be heard at  
this time. All those in favor 'aye', those opposed 'nay'.  
The 'ayes' have it. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2201, a Bill for an Act to amend  
various Sections of the Nursing Home Care Reform Act.  
Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Morgan, Representative  
Ryder."

Ryder: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the  
House. This is a significant reform and changes in the  
Nursing Home Act...Nursing Home Care Act. It is now in a  
form in which it is an agreed Bill. There was an Amendment  
that was placed on the Bill previous to the one that we  
just put on that made changes acceptable to advocacy groups  
and to the nursing home industry. It is one that at the  
same time preserves the rights of those advocated by  
various groups, but also eliminates, reduces in many cases  
the kinds of regulatory problems that this industry has  
had. It is significant legislation and I would ask for its

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favorable approval."

Speaker Giglio: "Any discussion? Hearing none, all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 117 voting 'yes', none voting 'no', none voting 'present'. Senate Bill 2201 having received the Constitutional Majority is hereby declared passed. Representative Hoffman. Is Representative Hoffman in the chamber? Senate Bill 2117. Mr. Clerk, read the Bill. Yes...Representative...Out of the record. On State and Local Initiatives, Senate Bill 1599 was taken out of the record. Is Representative Novak in the chamber? This...appears on page three of the Calendar, State and Local Initiatives. Representative Novak, 1599. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1599, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Early this morning we discussed the merits of the Bill. I would just like to reiterate, recapitulate, that if you're for the agricultural industry in this State, you're going to be...should vote for this Bill. If you're concerned about the environment, if you're concerned about extending the life of landfills that we have currently in the State of Illinois, you should vote for this Bill. If you want to see industry in the State of Illinois, see a new market to produce an agricultural product, a biodegradable corn plastic, you should support this Bill. I'd like to ask for your 'aye' support, please."

Speaker Giglio: "On that question, the Gentleman from Vermilion,

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Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Gentleman yield for a question? Thank you. Representative, and I appreciate what you're trying to do here and I certainly agree with you about the benefits derived to our agricultural industry. However, let me just follow up with a question that came up this morning. I've been in contact with my mayor and you and I have talked about this. The largest city in my district has municipal garbage collection service and I think you know and we've talked about what a garbage truck costs. Our garbage trucks are not compartmentalized. They are compactors and while we can certainly pick up a separation of say of...of the landscaping waste in the biodegradable bags, the trucks are not equipped to do any separation. So in about every hundred houses, they'll compact that load so by the time they get to the landfill, then obviously we're going to have a problem and we're not going to be able to separate this out. We certainly have no quarrel with what you're attempting to do, but there's no way that the City of Danville could comply with this. They don't have the money to buy new compartmentalized garbage trucks. I...I guess the question is, would home rule cities be able to opt out of your Bill?"

Novak: "The Bill as it stands right now has noth...does not give any home rule communities to opt out of the Bill. We...Representative, we have two years to work on this. Any technical, minor situations can certainly be worked out. I think that the essence of this Bill is to get it on the Governor's desk because industry, Agritech, for example, which is in the Champaign area, ADM which is ready to go on this, they are so supportive of this. They want to help the ag industry and produce this new product. I



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think it's important and it's appropriate that we get it to the Governor's desk to get him to sign it, hopefully, and then we can work out these problems. I'm sure they could be worked out. They're minor, they're technical. But, it's going to be a tremendous environmental boom to this State. It's going to be, again, create...open up a new market for our...our home grown corn, and it certainly...enhances the situation with landfills. The landfill operators should...are very receptive to this idea. The National Waste...the National Solid Waste Management Association is for it."

Black: "I can certainly appreciate that and I...let me just reiterate. I don't have any philosophical problem with your Bill at all. And I think you're...I think you're pretty close to being on target. However, I did tell Mayor Jones that I would bring up the fact that even in...even in two years, there's no way that we could purchase all new garbage trucks in the City of Danville. So, obviously, we do have that practical problem that we obviously would have to work out and I don't know that we could work it out in two years or not. Let me just ask you one further question. The...the landfill that services most of my district is...is privately owned. Now, if that private owner refuses to set aside a compost area, is...does your Bill...excuse me, I must admit to you, I have not read the Bill, but does your Bill allow then...you're...we're going to tell that private landfill operator, 'Hey, you can't refuse to do this. You are going to accept this...lawn waste and you will set aside a compost area.'"

Novak: "Right. The Bill mandates that, Representative. It also mamandates... about property owners."

Black: "Alright. I want to make...I want to just to make that very clear. To the Bill, Mr. Speaker. I commend the

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Gentleman. I think that what he's doing with the agricultural industry is very, very commendable. I...there obviously are some problems in my district with this Bill. I'm certainly not going to vote against the Gentleman's Bill, but I would say to some of you that...that have some similar problems, perhaps a 'present' vote would be advisable in this case."

Speaker Giglio: "Further discussion? The Gentleman from Will, Representative Wennlund."

Wennlund: "Mr. Speaker, Ladies and Gentlemen of the House. With an average of four years left of landfill space in the State of Illinois, the time has come for this Bill. We have to start now. We can't wait four years from now or two years from now when 17 percent of the waste generated in Illinois is yard waste. That's what picks up 17 percent of every landfill in the State of Illinois. The time to start is now. It may be a tough thing to buy, but it can be done. It's a workable Bill. We've got to start making some effort to preserve the existing landfill space. This is one avenue. It's a good avenue and it should have our support and I appreciate everybody's support of this Bill. It's a good Bill."

Speaker Giglio: "Further discussion? The Gentleman from Lake, Representative Peterson."

Peterson: "Thank you, Mr. Speaker, Members of the House. Would the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Peterson: "Representative, let me outline a scenario. If this Bill became law in many of the suburbs in the Chicago Metropolitan Area, they have one truck picking up the refuse. Alright, they in fact do have the separate bags. But they're thrown in the same container and compacted in the same truck. They get to the landfill and they're

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dumped in the same spot. There's no separation. Alright, on July 1, 1990, you're law becomes effective. Do the waste haulers, then have to have separate compartments, separate pick ups which will escalate the cost because there's no way they're going to separate these compacted garbage trucks at the landfill. Could you answer that question for me?"

Novak: "The Bill does not...the Bill does not require waste haulers or landfill operators to...to provide separate vehicles. We know that's going to...we know most of these trucks have compacted trash. When the trash is dumped out, it's going to be the responsibility of the landfill operators to separate those bags and put them in the composting operation."

Peterson: "Well, what you're saying is, no matter how you pick up the trash, there's going to be a tremendous cost at the landfill, even though it's not mandatory here. I mean, why have the law if it's not mandatory. Why have the law if the waste hauler can continue to dump everything in one location. All we're doing is making the home owners separate the trash, separate the...the landscape waste by separate bags and it's all going to go in the same spot even after 1990. I think this is a bad Bill, Representative, because I don't think you outline some of the critical details which in my mind is going to escalate the cost for hauling waste and it's going to hurt the average property owner by raising those costs."

Speaker Giglio: "Further discussion? The Gentleman from Cook, Representative Rice."

Rice: "I'd like to ask the Representative some questions, please."

Speaker Giglio: "Proceed."

Rice: "When, in Chicago, in some of our wards, we are using a

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disposal unit, a plastic can. We are not allowed to place anything on the outside of those cans. I noticed this morning that you said something about a corn type bag. Okay, is that attractive to rodents?"

Novak: "Pardon me?"

Rice: "That bag could be attractive to rodents?"

Novak: "No, no. It's a biodegradable bag and the essence of the Bill is to set aside a composting area where the...where the bag which contains no less than 6 percent corn starch, that would cause the bag to degrade under the sun's ultraviolet rays and so that's why...that's why we want to put this composting site in the landfill area, so it can be...so it can turn into a mulch, some type of vegetative cover for nurseries and other agricultural uses. That's the...that the reason we want to set aside this...the landscape waste, is to extend the...extend the life of the landfills. Representative, the landfills in Chicago, as we well know, as a prime example, face a...face a...are at a very critical crossroads, in the State of Illinois. And this is...this begins to address the problem, to extend the life of the garbage that's dumped in the landfills in the City of Chicago as well as every landfill across the State."

Rice: "One more question. You recognize that in those districts up there, the people are upset about the landfill situation by 1990. Excuse me, yeah, 1990. If you allow this, in my particular district where the Chicago Bridge and Iron was, would they have to establish another transportation operation of distri...of distributing this stuff?"

Novak: "No. No."

Rice: "The...to the question."

Speaker Giglio: "Proceed."

Rice: "Our trucks now are scheduled to pick up these plastic

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containers. They have no room on their particular trucks for any bags of such. They don't have a bulk type trucking anymore. I am wondering, and I'm suggesting, that we sit down with this and bring those big...that particular metropolitan area in to talk about how they will be able to handle that...picking up that...those particular bags. Because I see it now as a problem, a serious problem. We don't need any additional taxes on us in honestly. And they are not going to bring any more trucks especially into those minority communities where we need the services and a person that has a bungalow, a five room bungalow is only...has one container outside which is not enough. You're talking about a second container and some areas, three containers. I feel this is a cost situation and we should really take a hard look at it and try to work out the problems before we deal with it. At this point, I would have to vote 'present' on that Bill."

Speaker Giglio: "Further discussion? The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Would the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Kubik: "I'm sorry, Representative, I missed part of the...I missed part of the discussion and I'd like to as you a couple of questions just for my own clarification. First of all, with regard to the biodegradable bags, where...is this still in the development stage or...or are these things available at this time?"

Novak: "They are available. They are...there's two businesses in the State of Illinois, for example, that's ready to go. The technology is there. Bags have been produced on a sample basis and they are ready for mass production."

Kubik: "They are ready for mass production. Are...are they out

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there now, I guess what I'm asking."

Novak: "No."

Kubik: "Why are...why are they ready and not actually out there?"

Novak: "They will be available very shortly. They're ready for mass production. They have been...they have been produced on a sample basis and I...I think there's a few Legislators in here specifically from ag communities that are aware of that, they have been produced on a sample basis, they're ready for mass production and this is the emphasis or a way to enhance the ability to market these bags as by the proposition of this Bill."

Kubik: "Well I guess one of the concerns that I've gotten back from some of my local communities is how can you mandate this kind of an action without actually having the product available and I guess my question is so that you know, we're...if we're going to do this how quickly will these things be available?"

Novak: "Representative that's why it's...that's why we have two years in the time limit. They'll be available this year for production. The Illinois Municipal League is very interested in this situation. They would like...they're encouraging this. They're very interested..."

Kubik: "So they're in support of the Bill?"

Novak: "Yes, Sir."

Kubik: "Okay, because it's one of the questions that some of my municipalities have asked."

Novak: "I understand."

Kubik: "Second question is, I...if as I understand the Bill correctly you a landfill operator cannot except a bag that...with clippings in it that is not biodegradable is that correct?"

Novak: "Pardon, I'm sorry, Representative."

Kubik: "I wondered under the Bill a landfill operator cannot

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except a bag that is not biodegradable with the clippings in it is that correct?"

Novak: "Yes."

Kubik: "Okay, who is responsible, who...what is the penalty and who is responsible under your Bill?"

Novak: "The Amendment #4 to the Bill provides that the local property owner will put the grass clippings in the corn starch based bag."

Kubik: "Okay."

Novak: "So the responsibility starts with the local property owner. The local home owner. And that's why we want to encourage the home owner when they bag their grass clippings, and some don't some throw them in the back yard and that's their prerogative. This Bill has nothing whatsoever to do with what they want to do with their grass clippings and landscape waste."

Kubik: "And what...Representative what occurs if they do not bag their grass clippings in a biodegradable bag? I mean what is the penalty? Is there a penalty?"

Novak: "Well there...it's an administrative citation. That's all it is. It's not a severe penalty, no."

Kubik: "Okay."

Novak: "But the landfill operators are not supposed to accept it."

Kubik: "Okay and..."

Novak: "Pardon me?"

Kubik: "I thought maybe you was offering a little more clarification to the question, the staffer."

Novak: "No, that's...what I was trying to say is that the responsibility rests with the home owner, the property owner. If they want to put their grass clippings in a bag and send it off to a landfill that the garbage truck is going to pick up, they have to put it in a biodegradable

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plastic bag."

Kubik: "Okay, and if they do not."

Novak: "And if they do not it is the responsibility of the landfill operator..."

Kubik: "Of the local municipality or village or city to cite them."

Novak: "Well not the municipality, the village, but not to accept the grass clippings in a plastic...regular polyethalene or polypropelene plastic bag."

Kubik: "Well I guess my concern is, how do we enforce the legislation if there's...you know if there's no penalty for not putting these things in a biodegradable bag? How do you...what if the guy says well I'm going to put them in a plastic bag, I don't care what you say. What happens at that point and time?"

Novak: "Well, the law stipulates under the Environmental Protection Act that you'll be cited for an administrative citation. Someone would have to turn someone in. I mean that's the way we do in all aspects in society, if someone violates a law, someones gotta be turned in. Correct? Otherwise it goes unnoticed."

Kubik: "But the State would be responsible for that or would it be the local municipality?"

Novak: "I would believe the local municipalities yeah."

Kubik: "Okay, so they would be in charge of citing somebody if they didn't properly follow the law?"

Novak: "Presumably yes."

Kubik: "Well, I guess that's one of the reasons why...I don't think we should be passing laws that aren't enforceable in some way. And that's my concern on this particular point, Representative. And I guess you don't really have an answer to whether there is any enforcement provision on it and that would certainly help alleviate some of my concerns



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on this Bill. Thank you, Mr. Speaker."

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

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Sponsor of this Bill has worked very diligently and has worked very hard with all the groups involved to make this a very good Bill. Now, the Bill is an excellent Bill. It's good for the farmers. It's good for our environment, all the environmental groups has signed off on it. It's good for business, the business groups have signed off on it. It's good for everyone, except for some of the Members on the other side of the aisle who are attacking the Sponsor because he is a target in the November election. They can't...they've been asking silly nilly questions and they can't even ask those questions with a straight face because they know it's a good Bill. It's a good Bill. It's good for everyone and it should pass soundly. Thank you."

Speaker Giglio: "The Gentleman from Peoria, Representative Tuerk."

Tuerk: "Mr. Speaker I move the previous question."

Speaker Giglio: "The Gentleman moves the previous question. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it. The previous question has been moved. Representative Novak to close."

Novak: "Thank you, Ladies and Gentlemen. Representative, I'd just like to respond to Representative Rice's concerns about the landfills in the City of Chicago. The City of Chicago is not opposed to this Bill, Ladies and Gentlemen. The city plans to construct a composting facility on the south east side and separately collect the leaves. So this...if the City of Chicago was against this, I certainly would have heard from them, but they're not against it and

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their encouraging this because it's going to help their landfill space and it will help the tipping...on the tipping fees. I ask for your support. Thank you."

Speaker Giglio: "The question is, 'Shall Senate Bill 1599 pass'. All those in favor signify by saying 'aye', those opposed 'nay'. The voting is open. Representative Barger one minute to explain your vote."

Barger: "Thank you, Mr. Speaker. In this particular discussion today the one who has shown the greatest knowledge of the subject is Representative Rice. Over the last 17 years I've been actively involved in waste disposal through cities, through the Illinois Municipal League, through the Du Quoin Valley Council, through the DuPage Mayors and Managers. As many cities as we have, we have that many different methodologies of disposing of waste. To inflict upon many of these this requirement is absolutely ridiculous. In the case of some of the areas in Chicago where they incinerate it doesn't matter what kind of bags you put the things in. In other areas the use of a biodegradable bag in any circumstance is highly desirable, because the garbage should be allowed to deteriorate. The use of the bags is a great idea, the mandate that only a portion be required to have it is ridiculous and untotally unnecessary. And I would advise very strongly not inflicting this requirement upon the municipalities because each individual one should solve their own problems. Thank you very much."

Speaker Giglio: "The Gentleman from Sangamon, Representative Curran."

Curran: "Thank you, Mr. Speaker. I'd just like it to be known that I'm voting 'present' on this legislation, not because it's not a great Bill which it is. Because I have a conflict of interest."

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Speaker Giglio: "The Gentleman from Dekalb, Representative Countryman one minute to explain your vote."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I guess I can read the handwriting on the wall, but this is one more infraction upon the personal freedoms. I can see us in July 2, 1990, leaving here, going home, starting to mow our lawns, say 'Oh by golly I don't have any biodegradable bags, I can't put my clippings in them'. Go to the neighbors house ask him if he's got any, he looks you in the face and said 'Oh you passed that law, you mean I can't put my clippings in a bag unless it's biodegradable? I won't be able to mow my lawn, we'll all have to buy sheep'. I just think we're infringing on freedoms beyond all comprehension with this thing, to make something effective for two years. So if we all want to buy sheep, I guess we ought to vote for the Bill."

Speaker Giglio: "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 95 voting 'yes'...Representative Parcels. On this question there are 95 voting 'yes', 9 voting 'no', 12 voting 'present'. Senate Bill 1599 having received the Constitutional Majority is hereby declared passed."

Parcels: "Mr. Speaker, a point of personal privilege, I'd like everyone to welcome back my predecessor and one of the finest Legislators Illinois has ever known, John Burkinbine."

Speaker Giglio: "Mr. Clerk let the record indicate that Representative Rice wanted to vote 'present' on that last Bill. Representative Parcels are you ready on 2010? On page 4 of the Calendar E.P.A. cleanup, Representative Parcels. Mr. Clerk, read the Bill. Senate Bill 2010 on page 4 of the Calendar."

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Clerk Leone: "Senate Bill 2010, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Giglio: "The Lady from Cook, Representative Parcels."

Parcels: "Thank you, Mr. Speaker. Could I have permission to take this back to Second for one Amendment?"

Speaker Giglio: "Does the Lady have leave? Hearing none, leave is granted. The Bill is now on Second Reading. Mr. Clerk, read the Bill."

Clerk Leone: "Floor Amendment #1 offered by Representative Parcels and Kulas."

Speaker Giglio: "The Lady from Cook."

Parcels: "Thank you, Mr. Speaker. When this Bill was permitted...presented in committee there were some objections to it and with leave of the committee I said I would not move the Bill forward and ask for passage until there was complete agreement. At this point we have agreement of all parties and there were many, 6 or 8, who have agreed to this Amendment. Let me tell you briefly what it does. As the Bill came from the Senate the E.P.A. was allowed to put a super lien on property that needed a clean up. The bankers and the Land Title Association and a few other groups, mortgage bankers, realtors, did not think it was fair that the E.P.A.s lien would supercede theirs. So the Amendment will remove that super lien provision and the E.P.A. will be allowed to...they'll have the ability to file a regular lien on the property. But it will not supercede anyone elses lien. I ask...this is very similar to a Bill which we sent to the Senate, my House Bill 3719 which went out of here with 115 votes. So I would ask that you accept this Amendment."

Speaker Giglio: "Any discussion? The Gentleman from Cook, Representative Kulas."

Kulas: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. The Lady is correct, the Amendment takes care of some of the problems that we had with the Bill in the committee. And I would also move for the adoption of Amendment #1."

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

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

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

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. The Lady now asks leave by the Attendance Roll Call that this Bill be heard immediately. Does the Lady have leave? Hearing none, leave is granted. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2010, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Giglio: "The Lady from Cook, Representative Parcells."

Parcells: "Thank you, Mr. Speaker. Ladies and Gentlemen, by telling you about the Amendment I have pretty much told you about the Bill. This does give the E.P.A. the right to lien property when there's hazardous waste on the property. And the E.P.A. is forced to clean it up if the owner of the property who has been given notice, he will be given notice ahead of time, if he does not choose to or is unavailable for cleaning it up, the E.P.A. will clean it up and put a lien on, in this case not a super lien, but a lien on the property so that the E.P.A. will be able to retrieve some of the costs, perhaps all of the cost of that clean up. I would move for the adoption of Senate Bill 2010."

Speaker Giglio: "Any discussion? The Gentleman from Fulton,

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Representative Homer."

Homer: "Question for the Sponsor."

Speaker Giglio: "She indicates she will."

Homer: "Representative Parcells the Amendment #1 that you put on the Bill, you indicate is the result of an agreement. I have a question though as to the import of that Amendment. It deals with this question. The Amendment talks about subsequent bonafide purchasers, but then it goes on to say who's rights in the real property arose prior to the filing of the notice. I'm not sure I under...that sounds like a contradiction, if their rights arose prior to the filing of the notice, how could they become a subsequent bonafide purchaser?"

Parcells: "This language was presented to us by the mortgage bankers, they or...no this was the Title Association, Land Title Association. They didn't think it was proper if you bought my property before the lien was filed, then I cleaned it up and you had no knowledge that this had hazardous waste which needed clean up. And I refuse to pay for it, you would then be stuck with that cost. This was the language that they chose to use, it seems clear enough to me, but..."

Homer: "Okay, well then maybe we can do it by legislative intent here. When the language talks about a subsequent bonafide purchaser, the word 'subsequent' refers to holder of legal title to the property, the word 'subsequent' does not apply to subsequent to the filing of the notice of the lien. It does not mean that, does it? It means..."

Parcells: "No, it does not."

Homer: "Means a subsequent purchaser of the property, but a purchaser of the property that occurred after the filing of the lien."

Parcells: "That was the intent."

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Homer: "Alright, thank you."

Speaker Giglio: "The question is, 'Shall Senate Bill 2010 pass'. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'yes', none voting 'no', 1 voting 'present'. Senate Bill 2010 having received the Constitutional Majority is hereby declared passed. Representative Hoffman. Mr. Clerk, on page 4 of the Calendar appears Senate Bill 2117. Read the Bill."

Clerk Leone: "Senate Bill 2117, a Bill for an Act to amend the School Code. Third Reading of the Bill."

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

Hoffman: "Thank you, Mr. Speaker. I'd like to return Senate Bill 2117 to Second Reading for the purpose of an Amendment."

Speaker Giglio: "Does the Gentleman have leave to return the Bill back to the Order of Second Reading? Hearing none, leave is granted. The Bill is now on Second Reading. Mr. Clerk, read the Bill."

Clerk Leone: "Amendment #1 is being offered by Representatives Hoffman and Steczo."

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

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 to Senate Bill 2117 does two things. First it addresses a problem that has developed in language that I passed five years ago, which allowed school districts who were in the process of consolidating to determine the difference in the indebtedness of both the districts and over a three year period the state would be

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involved in picking that difference up. What this Amendment does is changes the date of the audit to the June 30th...the June 30th prior to the filing of the petition and strikes 30 days prior to the referendum. What happens is people file a petition that's approved by the State Board and they can and apparently some have and are planning to take advantage of the good intentions of the General Assembly by driving one of the school districts in to debt to pay for the expenses of which would be used by the consolidated district. So this just clarifies the intention of the legislation which we passed two years ago and encourages to make it easier for people to do what is right. The second part of the Amendment addresses a similar issue that we addressed in another Bill earlier. It provides that one community college will be able to authorize a tax of 23 and 1/2 cents per hundred thousand assessed evaluation. They have to be eligible to receive an equalization grant. It also is subject to a back door referendum and it's about a three or four cent increase over what we passed in a previous Bill. Those are the two parts of the Bill, I'd be pleased to respond to any question. If not I move for the adoption of the Amendment."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Amendment signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, the Amendment's adopted. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. The Gentleman asks leave that this Bill be heard immediately. Hearing no objection leave is granted. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2117, a Bill for an Act to add Sections



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of the School Code. Third Reading of the Bill."

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

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In addition to the Amendment that I just explained, the original Bill directs the State Board of Education and the Department of Alcohol and Substance Abuse to develop policies for placing and educating children who have developed an alcohol and drug dependency. We have a variety of ways this is being approached across the state now and what this would provide would be a general uniform procedure of for dealing with the providing of educational services and determining the costs for children who are in residential schools. The recommendations will be presented to the General Assembly by January 1, 1989 and I move for the passage of Senate Bill 2117 as amended."

Speaker Giglio: "Any discussion? Hearing none the question is, 'Shall Senate Bill 2117 pass'. Excuse me the Gentleman from Warren, Representative Hultgren."

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

Speaker Giglio: "He indicates he will."

Hultgren: "Did I understand that this Amendment has a new tax levy for community colleges, is that right?"

Hoffman: "I'm sorry I didn't hear your question."

Hultgren: "Did I understand that this Amendment has a new tax levy for community colleges?"

Hoffman: "If it has a tax levy for community colleges? It has a tax levy for a particular community college located in the County of Cook."

Hultgren: "It only affects that one?"

Hoffman: "Yes."

Hultgren: "Thank you."

Speaker Giglio: "Further discussion? Hearing none, all those in favor signify by voting 'aye', those opposed 'nay'. The

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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 91 voting 'yes', 10 voting 'no', 12 voting 'present'. Senate Bill 2117 having received the Constitutional Majority is hereby declared passed. Next Order of Business is Revenue. On this Order of Business on page 5 of the Calendar appears Senate Bill 1534, Representative Keane. 1534, out of the record. 1562, Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1562, a Bill for an Act in relationship to Income Tax Refunds. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #2 offered by Representative Keane and Mays."

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

Keane: "Thank you, Mr. Speaker. Amendment #2 adds that the Local Government Distributive Fund and the Personal Property Replacement Income Tax Fund shall no longer be subject to the annual Legislative appropriation, but subject to a continuing appropriations. There's no revenue impact on the state, because the dedicated funds are belong...go to Local Government finally anyway. I'd move the adoption of Amendment #2."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Amendment signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, the Amendment's adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. On this Order of Business

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appears Senate Bills 1862. Out of the record. 2014, Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2014, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Representative Keane."

Keane: "Withdraw Amendment #2 please."

Speaker Giglio: "Withdraw Amendment #2, #2 is withdrawn. Are there further Amendments?"

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

Speaker Giglio: "Representative Keane."

Keane: "Leave to withdraw Amendment #3."

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

Clerk Leone: "Floor Amendment #4 offered by Representative Stange."

Speaker Giglio: "Representative Stange on Amendment #4."

Stange: "Withdraw Amendment #4."

Speaker Giglio: "Gentleman asks to withdraw Amendment #4. Amendment #4 is withdrawn. Are there further Amendments?"

Clerk Leone: "Floor Amendment #5 offered by Representative Keane."

Speaker Giglio: "Representative Keane on Amendment #5 to Senate Bill 2014."

Keane: "Thank you, Mr. Speaker. Amendment #5 is an Agreed Amendment. It's probably you could say, it's technical to the Bill. It's meant to replace two and three. The Bill

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as amended the Bill allows for mutually acceptable in lieu payment agreements and protection against coercive agreements. The burden of providing notice of any effected municipality or school district rests with the owner who must mail a copy of the exemption to the municipality in the school district in which the property is located. I move for the adoption of Amendment #5."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Amendment signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, the Amendment's adopted. Are there further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. State and Local Government appears Senate Bill 1780, page 2 of the Calendar, Enterprise Zone. Representative Keane...Mr. Clerk."

Keane: "Is there leave to return 1780 to Second Reading for purposes of an Amendment?"

Speaker Giglio: "Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1780, a Bill for an Act to amend the Illinois Enterprise Zone Act. Third Reading of the Bill."

Speaker Giglio: "The Gentleman asks leave to return this Bill back to the Order of Second Reading. Does the Gentleman have leave? Hearing none, leave is granted. Mr. Clerk, read the Bill."

Clerk Leone: "Floor Amendment #2 is being offered by Representatives Keane and Mautino."

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

Keane: "It's...this Amendment #2 changes the corrective or establishes an effective date. I move the Amendment of the Bill."

Speaker Giglio: "Any question on the Amendment? All those in favor signify by saying 'aye', those opposed 'nay'. In the

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opinion of the Chair the 'ayes' have it, the Amendment's adopted. Mr...Representative Keane."

Keane: "I...in error I gave the wrong Amendment. Amendment #2 allows the department to discertify enterprise zones. This...I misspoke on what Amendment #2 does. This is a DCCA the Department of Community and Commerce Affairs asked for this Amendment. Amendment #1 was the one that dealt with the effective date."

Speaker Giglio: "The Gentleman asks leave to reconsider Amendment #2. Does he have leave? Hearing none, leave is granted."

Keane: "I now move the adoption of Amendment #2."

Speaker Giglio: "Now the Gentleman moves the adoption of Amendment #2. And on that question the Lady from Lake, Representative Frederick."

Frederick: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield for a question? Will the Sponsor yield for a question?"

Speaker Giglio: "He indicates he will."

Frederick: "Representative Keane, I'm unclear about discertifying. Do you intend to certify only those enterprise zones which have been discertified by for cause or those ones that have been discertified in a joint action by DCCA and the Local Government? Or are you going to recertify for both reasons? I think it's unclear the way you've drafted it."

Keane: "I am told that DCCA would work with the local community to discertify those."

Frederick: "So for both reasons you could recertify..."

Keane: "So those that have an enterprise zone that don't use it DCCA would work with the local community so that they can get them off the record and give it out to someone who really wants it."

Frederick: "Okay. Then I stand in support of the Amendment."

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Thank you."

Keane: "Thank you."

Speaker Giglio: "Further discussion? Hearing none, all those in favor of the Amendment signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and Amendment #2 to Senate Bill 1789 is adopted...1780. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. Gentleman now asks leave by the Attendance Roll Call that this Bill be heard immediately. Does he have leave? Hearing no objection, leave is granted. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1780, a Bill for an Act to amend the Illinois Enterprise Zone Act. Third Reading of the Bill."

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

Keane: "Thank...there's a...can I make an inquiry of the Clerk please?"

Speaker Giglio: "Proceed."

Keane: "Maybe we ought to have the Clerk listen to this. An inquiry of the Clerk, on the Calendar on Page 2, on House...Senate Bill 1780, it doesn't show Amendment #1 had previously had been adopted. Is...can that be clarified?"

Speaker Giglio: "The Clerk informs the Chair that the Amendment was adopted on June 16th. So the Calendar is in error, Amendment #1 is adopted, has been adopted."

Keane: "Thank you, I just wanted to clarify that. That did lead to some confusion. Mr. Chair...or Speaker is the Bill on Third Reading?"

Speaker Giglio: "Mr. Clerk, did you read the Bill?"

Clerk Leone: "The Bill has been Read a Third time."

Speaker Giglio: "Proceed, Representative Keane."

Keane: "Thank you, Mr. Speaker. Basically the Bill as amended now provides the requests...makes the request so the

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Department of Commerce and Community Affairs statute....gives them statutory language to do what everybody wants in terms of getting rid of enterprise zone designations, which are no longer active. And I would ask for a favorable Roll Call."

Speaker Giglio: "Any discussion? The question is, 'Shall Senate Bill 1780 pass'. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 113 voting 'yes', 1 voting 'no', none voting 'present'. Senate Bill 1780 having received the Constitutional...on this...Representative Van Duynes, Mr. Clerk vote Representative Van Duynes 'aye'. On this question there are now 114 voting 'aye', 1 voting 'no' and none voting 'present'. Senate Bill 1780 having received the Constitutional Majority is hereby declared passed. Representative Hallock, Representative Hallock in the chamber? Senate Bill 2232, out of the record. Representative Breslin in the Chair."

Speaker Breslin: "Going to the Special Order of Business on State and Local Initiatives. On page 5 of the Calendar appears Senate Bill 1806, Representative Capparelli. The Bill is on Second Reading. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1806, a Bill for an Act to amend the North Eastern Illinois Planning Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "No Motions filed. Floor Amendment #2 is being offered by Representatives Capparelli and McAuliffe."

Speaker Breslin: "Representative Capparelli."

Capparelli: "Thank you, Madam Speaker. Amendment 1 amends the

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North Eastern Planning Act. It adds one Commissioner who is a member of the Commuter Rail Board of the Commuter Rail Division, and one Commissioner who is a member of the Suburban Bus Board of the Suburban Bus Division. I ask that we adopt the Amendment."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment 2 to Senate Bill 1806. And on that question is there any discussion? Hearing none the question is, 'Shall Amendment #2 be adopted'. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Going to the Special Order of Business on Higher Education, the first Bill is on page 5 on your Calendar, Senate Bill 145, Representative Matijevich. Is the Gentleman in the chamber? Representative Matijevich? Out of the record. On page 5 appears Senate Bill 1558, Representative Anthony Young. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1558, a Bill for an Act to amend an Act relating to the Private Business and Vocational Schools. Second Reading of the Bill. Amendments #1 and 2 were adopted in committee."

Speaker Breslin: "Any Motions or Amendments?"

Clerk Leone: "No Motions filed. Floor Amendment #3 is offered by Representative Leverenz."

Speaker Breslin: "Representative Leverenz. Representative Leverenz. Is the Gentleman in the chamber? The Gentleman does not appear to be in the chamber. Mr. Young what is your pleasure?"

Young: "I move to table Amendment #3."

Speaker Breslin: "The Gentleman moves to table Amendment 2 is there any discussion on that Motion. Hearing none...excuse



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me, it's Amendment #3. The Gentleman moves to table Amendment 3 to Senate Bill 1558. On that question is there any discussion? Hearing none the question is, 'Shall Amendment 3 be tabled'. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it, Amendment 3 is tabled. Any further Amendments?"

Clerk Leone: "Floor Amendment #4 offered by Representative Leverenz."

Speaker Breslin: "Representative Leverenz, the Gentleman is not in the chamber. What is your pleasure Mr. Young?"

Young: "Move to table."

Speaker Breslin: "The Gentleman moves to table Amendment 4. Any discussion? Hearing none the question is, 'Shall Amendment 4 be tabled'. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it, Amendment 4 is tabled. Any further Amendments?"

Clerk Leone: "Floor Amendment #5 offered by Representative Anthony Young."

Speaker Breslin: "Representative Young."

Young: "Thank you, Madam Speaker. Amendment #5 is more less a technical Amendment that adds definitions of enrollment time and elapse time. Provides that the department will review every two years instead of twice a year. I move for its adoption."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment 5 to Senate Bill 1558. And on that question is there any discussion? Hearing none the question is, 'Shall Amendment 5 be adopted'. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #6 offered by Representative Anthony Young."

Speaker Breslin: "Representative Young."

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Young: "Withdraw Amendment #6."

Speaker Breslin: "Withdraw #6. Any further Amendments?"

Clerk Leone: "Floor Amendment #7 offered by Representatives  
Turner, Parke and Flinn."

Speaker Breslin: "Representative Turner you're  
reco...Representative Turner you're recognized on Amendment  
7."

Turner: "Thank you, Madam Speaker, Ladies and Gentlemen of the  
House. House Amendment #7 amends the Proprietary School  
Reform Bill to establish a uniform refund policy to apply  
to all vocational schools. The Bill in its present form  
contains provisions allowing trade schools regulated by the  
Illinois State Board of Education to use the refund policy  
of their national accrediting agency while cosmetology and  
non-accredited trade schools are required to follow an  
alternate refund schedule. The inconsistency in this  
refund policy's in Senate Bill 1558 is discriminatory and  
House Amendment #7 simply tries to rectify this despairity  
by allowing cosmetology schools to use their national  
accreditation formula for refunds. I ask for your  
favorable adoption of this Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of  
Amendment 7 to Senate Bill 1558. On the question the  
Gentleman from Cook, Representative Young."

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

Speaker Breslin: "He will."

Young: "Representative does your Amendment make the refund policy  
better for the student or worse for the student?"

Turner: "Well my Amendment makes the refund policy consisting  
with all the proprietary schools here in the State. And I  
assume that the refund policy is good for students as well  
as the institutions."

Young: "Thank you, Madam Speaker. To the Amendment Ladies and

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Gentlemen as much as I hate to oppose my colleagues Amendment, I rise in opposition to the Amendment. The Bill was originally drafted with the refund policy as suggested by the cosmetologists. The cosmetologists negotiated this very complicated Bill separately from the vocational schools in order to avoid some of the provisions that the vocational schools are bound by and after negotiating their own refund policy which we accepted as they brought in. They came in at the last minute and asked for this change. It's not best for the student and I think the cosmetologists ought to be bound by their negotiations and I ask that the Amendment be defeated."

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

Flinn: "Thank you, Madam Speaker. I rise in support of the Amendment as one of the Cosponsors of the Amendment. It allows as the Sponsor, the Chief-Sponsor says it allows the cosmetologist schools to use their national accreditation association. And as ..... really the proprietor schools are being treated unfairly with the Bill as it's presently written. In order to make it a fair schools...a fair Amendment rather, or fair Bill, the schools such as Parkes Air College which is the oldest air school in the nation located in my town of Cahokia would be treated very unfairly without the Amendment. And I would support the Amendment, without the Amendment I will not support the Bill."

Speaker Breslin: "Representative Flinn for what reason do you seek recognition? Representative Young."

Young: "A Parliamentary inquiry Madam Speaker. I think the refund change that they seek to make Amendment #7 refer to Amendment #2, but on the actual Amendment it says line numbers of House Amendment #1 and therefore I think it's

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out of order."

Speaker Breslin: "The Gentleman has moved that the...has stated an inquiry as to whether or not Amendment #7 is out of order. We will look at that Amendment, meanwhile I'll recognize the Gentleman from Cook, Representative Parke on the Amendment."

Parke: "Thank you, Madam Speaker, Members of the General Assembly. I too rise in support of this. This Amendment in essence just brings parity to the other refund schedules that were gone...that have gone on. You know what we need to do is we...this is brought about because of some schools in the Chicago land area, maybe even some around the State, that we're not being fair to students. But one must remember that these proprietary schools and the cosmetology schools, you know, 95 percent of these schools are excellent schools that are providing a good service, providing vocational skills to people who need them most. And I think we have to not only be cognizant of the needs of the students but we also have to be aware of the schools that must provide these...must provide reasonable refund schedules so that they meet the needs of these students, but they have to at the same time allow those schools to be able to continue to function. To be able to continue to provide quality education to those. So I think that this Amendment is something that should go on to bring fairness to the overall Bill. I think the Bill is well meant. I think the Bill will do a good job, we must stop any school from being unfair to the students, but at the same time we have an obligation as a General Assembly to make sure that the schools also can live with these programs. So I rise in support of this Amendment."

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

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

Speaker Breslin: "He will yield."

Ropp: "In this Amendment the percentage increases, is this substantially higher than previous and as Representative Young mentioned why are you making these changes other than it's uniform?"

Turner: "Well I think that the issue of uniformity, I mean these schools are all trying to make people better in terms of providing some training. I don't see any difference between a cosmetology school, a truck drivers school or any other school. And I think if we've agreed on a refund policy why can't they be consistent? And I think that it's only fair that there's a consistent refund policy established so that regardless of what institution or what vocation you decide you want to go into you know what the refund policy's are for those particular schools."

Speaker Breslin: "Gentleman, I'm going to interrupt you here. We have looked at the Amendment, Representative Turner it is definitely out of order."

Turner: "Who's the Parliamentarian here? That's two days in a row."

Speaker Breslin: "Better to blame the person who drafted the Amendment than the Parliamentarian now. So the Amendment is out of order. Are there any further Amendments, Mr. Clerk?"

Clerk Leone: "Floor Amendment #8 offered by Representative Anthony Young."

Speaker Breslin: "Representative Young."

Young: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #8 is the Amendment drafted by the Attorney General and the States Attorney to clarify the criminal provisions in the Bill. It sets out those criminal...the criminal penalties that what those

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violations are and makes clear that a violation of any Acts under this Bill are a Business offense, unless those violations are created knowingly or knowingly with intent to defraud. And I move for its adoption."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 8 to Senate Bill 1558. On the question the Gentleman from Coles, Representative Weaver."

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

Speaker Breslin: "He will."

Weaver: "Representative on the criminal provisions here if a proprietary school such as a truck driving school that one of the previous Speakers referred to, if they indicate that they have a job placement service and an individual attends this class and is not placed in a job, would that be grounds for prosecution under this Amendment?"

Young: "Only if as part of their recruitment of individual student, they had said that they would get the student a job. Just having a job placement service does not guarantee that the individual will have a job."

Weaver: "Well if that guarantee is implied and perhaps two members of that class don't get jobs, if two members of that class don't get jobs is the first offense of the first student considered a misdemeanor and the second offense of the second student considered a Class IV Felony?"

Young: "I'm somewhat confused, Representative. I think we just said that as long as there was not a deliberate misrepresentation that they would get a job, it wasn't an offense period."

Weaver: "Well if they do guarantee a job, it would be misrepresentation then if they did not get the job, correct?"

Young: "Okay, now that is correct. Now under the terms of the Bill it would depend on whether that misrepresentation was

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just a failure to perform one of the representations in which case it would be only a business offense. The misdemeanor and subsequent felony provisions do not take place unless this is knowingly and with intent to defraud. So in your example if that truck driving school knew ahead of time that they could not get an individual a job, but they told that individual they would in fact get him a job the first time that happened it would be a Class A Misdemeanor. And the second time it happened it would be a Class IV Felony."

Weaver: "So that could technically happen within the same class of students could it not? If for example one of the students of a class that goes through there doesn't get a job another student of that same class does not get a job, that therefore would be the second offense, would then throw it into a Class IV Felony status."

Young: "Only if the representation was made where before the student entered, he entered with the understanding that he would get a job at the end of the program. And that the fact that he did not get a job was something the proprietary school knew before they...before the student entered."

Weaver: "Madam Speaker, to the Amendment."

Speaker Breslin: "Proceed."

Weaver: "I think perhaps he's got the right idea, but I'm a little bit nervous about perhaps two individuals in the same class going through thrusting this provision from a misdemeanor into a Class IV Felony even though it may be intentional. I think maybe we need a real hard look at this before we pass it out and perhaps we ought to vote down this Amendment and go on with the Bill. Thank you."

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

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Black: "Thank you very much, Madam Speaker. Would the Sponsor of the Amendment yield?"

Speaker Breslin: "He will."

Black: "Representative, correct me if I'm wrong, I think Floor Amendment #8 tries to address something that we brought up in the Higher Ed. Committee. And there was some concern expressed that if you were an officer of a corporation that owned and/or operated a proprietary school that not only that person directly responsible for the operation of said school, but all corporate officers could then be charged with a felony on a subsequent violation. I don't think that this Amendment clears that up am I correct?"

Young: "I think it does on page 3 of the Amendment, it defines person as an individual, corporation or other business entity. And it has to be the person who knowingly makes the misrepresentation."

Black: "Alright, and then I will defer to your judgement. What you're telling me is that perhaps just the secretary treasurer of the corporation who had no knowledge of the day to day operations of the school, would not then be liable for a Class IV Felony if a violation of the Act occurred."

Young: "You're correct Representative Black, he would not be."

Black: "Thank you very much."

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

Mulcahey: "Move the previous question."

Speaker Breslin: "That won't be necessary, Representative Young is recognized to close."

Young: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would just close by in response to some of the issues raised by Representative Weaver to point out that I think the Amendment is very tightly drafted. That it makes



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any false or misleading statements or representations merely a business offense and for the stricter criminal penalties to set in it's clear that the person must have known that these statements were false. And that he made them knowingly and with the intent to defraud. And I move for its adoption."

Speaker Breslin: "The question is, 'Shall the House adopt Amendment #8 to Senate Bill 1558'. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is on the adoption of the Amendment. Have all voted who wish? The Clerk will take the record. On this question there are 107 voting...108 voting 'aye', 2 voting 'no', 4 voting 'present' and the Amendment is adopted. Are there further Amendments?"

Clerk Leone: "Floor Amendment #9 offered by Representative McCracken."

Speaker Breslin: "Representative McCracken. Withdraw #9. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #10 offered by Representative McCracken."

Speaker Breslin: "Representative McCracken."

McCracken: "Thank you, Madam Speaker. Amendment #10 would make an Amendment to what constitutes an offense under this Act for purposes of civil remedies. And I direct the Body's attention to paragraph 2 on page one of Amendment...paragraph 1 on page 2 of Amendment #8. In listing those Acts which constitutes an offense subject to civil sanctions under the Act, the Bill makes reference to the Deceptive Business Practices Act. That Act currently does not require a showing of actual damage in order to sustain the cause of action. And I think that's always been a very glaring deficiency in that Act. And I don't think that we should carry over a mistake once made and

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make that same mistake a second time. So I think that if you're going to be able to have a civil remedy for an omission or a misrepresentation under this Act, you should be required to show damage, that is that you were deceived and that you suffered damage as a result thereof. It's currently not required under the Act. I think it's a bad...it isn't even a precedent, because apparently you're drawing from the Deceptive Practices Act. However, that was a very bad precedent and the mistake that should not be repeated."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 10 to Senate Bill 1558. All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair the 'ayes' have it, the Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Representative Young a fiscal note has been filed on this Bill as amended. For what reason do you seek recognition?"

Young: "Madam Speaker, all the Amendments we adopted did was clarified how the criminal penalties in this Bill how and when they would take affect and therefore I would move that the fiscal note does not apply."

Speaker Breslin: "The Gentleman has moved that the Fiscal Note Act does not apply. Is there any discussion on that question? Hearing none the question is...Representative McCracken on the question."

McCracken: "I don't know who filed that. And I think if that person may not be aware that he can address this issue...did I file it?"

Speaker Breslin: "Oh, he knows who filed it and he's not choosing to discuss the issue. The question is, 'Shall...does the fiscal note'...the question is, 'Is the Fiscal Note Act

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inapplicable'.'? All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Turner one minute to explain your vote."

Turner: "Well I was waiting to hear the Parliamentarians ruling on this fiscal note to see if we were going for three in a row. But I...I see when I'm losing."

Speaker Breslin: "The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Madam Speaker I would appreciate it if you would clarify the question upon which you are voting. I believe I heard you say that the question is, 'Is the Fiscal Note Act inapplicable'."

Speaker Breslin: "That's what I said."

Cowlshaw: "If you believe it is applicable then you vote 'no'."

Speaker Breslin: "That's correct."

Cowlshaw: "Thank you."

Speaker Breslin: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 77 voting 'aye', 24 voting 'no', 3 voting 'present'. And the Fiscal Note Act does not apply. So the Bill moves to Third Reading. The next Bill on this Order of Higher...excuse me, Representative Sutker."

Sutker: "Madam Speaker, and Ladies and Gentlemen of the House. In a matter of personal privilege I'd like to announce that this is a very momentous day for the Members of this Assembly. It is the 15th anniversary of the 39th birthday of my seatmate Jesse White. And Ladies and Gentlemen, Jesse White has a cake and there will be duplicate copies of the cake here available for all his friends on the floor and you're all invited to come over and partake of it. Is that not correct Jesse? That is correct and any extra expense that is entailed Sam Panayotovich will pick up. Thank you, Ladies and Gentlemen."

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Speaker Breslin: "Anyone else seeking recognition? Okay the next Bill dealing in the Special Order of Higher Education deals with...it's on page 6 of the Calendar. Senate Bill 1697, Representative Kulas. Is the Gentleman here? Out of the record. Okay Ladies and Gentlemen, we intend to go back to the Special Orders of Business, taking them from the top one more time and then we will move on to other Business. So we'll start at the top, State and Local Initiatives on those Bills that have not been moved. First one is Senate Bill 1795, out of the record. Senate Bill 1842, Representative Terzich. Representative Terzich. Out of the record. Senate Bill 2185, out of the record. On State and Local Government the first Bill is Senate Bill 1761, Representative Brunsvold. Out of the record. Where is Representative Brunsvold? He wished to call this next Bill, if you could locate him that would be good. We will move on. Okay we have to leave this Order of Business. I would recommend if you have Bills on the Special Orders of Business that you wish to have called today, you should be in your seat and be ready to call them. On Environment and Natural Resources, the next Bill is on page 4 of the Calendar, Senate Bill 1834, Representative Myron Olson. Are you ready to go on this Bill? Read the Bill."

Clerk Leone: "Senate Bill 1834, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Breslin: "Representative Olson."

Olson, M.: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. We would like to move House Bill 1834 I think the Clerk has a number of Amendments he would like to address."

Speaker Breslin: "The Gentleman asks leave to move this Bill back to the Order of Second Reading for the purposes of an Amendment. Does he have leave? Hearing no objection, he

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has leave. The Bill is on Second. Are there any Amendments filed Mr. Clerk?"

Clerk Leone: "Floor Amendment #3 offered by Representative Myron Olson."

Speaker Breslin: "Representative Olson."

Olson, M.: "Thank you very much. Amendment #3 to House Bill 1834 embodies a significant agreement reached over many months and indeed this week ten hours in negotiation. Which included Pollution Control Board, Environmental Protection Agency, the Department of Energy and Natural Resources, State Chamber of Commerce, The Sierra Club, Environmental Council, the Governors Office, and the Joint Committee of Administrative Rules. This is basically a rewrite of a rule making effort which has been undergoing much review in a long term sense..."

Speaker Breslin: "Excuse me, excuse me, Representative Olson. We've just located Amendment #2 which has not been acted on. The Sponsor is Representative Cullerton."

Olson, M.: "Madam Speaker may I address that?"

Speaker Breslin: "Yes."

Olson, M.: "I spoke with Representative Cullerton this morning on Amendment #2, he said he was prepared to withdraw it, but I would hold it if that would be satisfactory."

Speaker Breslin: "Very good, no your indications are correct #2 is withdrawn. And now we are on Amendment 3 and proceed with your remarks, Sir."

Olson, M.: "Thank you very much. I will just briefly go through some of the elements of Amendment #3 which are signed off on by the agencies I have just described. Among the things that we're doing here are giving the Department of Energy and Natural Resources more flexibility with regard to their impact studies. A clarification of the exemption to the definition of identical in substance which was a major

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sticking point between the various groups discussing it; clarified rule making as defined by Section 282 cannot be adopted by the Pollution Control Board using the identical substance rule making procedures; clarifies the publication of certain Pollution Control Board documents as being discretionary as rather than being mandated and registered; clarifies that persons proposing rule change Pollution Control Board shall provide information to the control board concerning economic impact. And eliminates possible internal conflicts on hearing requirements, provides that the Pollution Control Board may grant and adjust its standard prior to adopt in procedural rules. Provides a separate temporary exemption procedure for the Clean Air Act. Authorizes any person within 21 days after Pollution Control Board accepts a proposal for a required rule for hearing, may request Pollution Control Board to request that an economic study be done; clarifies that if the Pollution Control Board decides to adopt the required rule prior to completion of the impact study the department does not have to complete the study and also it indicates that after much time and much effort has been offered here we have a Bill that the entire industry is signed off on and is perhaps the most significant piece of legislation that JCAR is offering this year. In my seven years, it has a significant impact on what we're doing and I would move for the adoption of Senate Bill 1834 as amended."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 3 to Senate Bill 1834. All those in favor...is there any discussion? Hearing none the question is, 'Shall Amendment 3 be adopted'. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it, the Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

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Speaker Breslin: "Third Reading. Representative Olson now asks leave for immediate consideration of this Bill as amended. Does he have leave? Hearing no objection he has leave. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1834, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill."

Speaker Breslin: "Representative Olson."

Olson, M.: "Thank you again, Madam Speaker. I just announced the principle elements of this legislation. We have moved for the adoption of Senate Bill 1834."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1834. And on that question is there any discussion? Hearing none the question is, 'Shall Senate Bill 1834 pass'. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 117 voting 'aye', this Bill having received the Constitutional Majority is hereby declared passed. Going to the Order of Criminal Justice on page 4 appears Senate Bill 2127. Mr. Parke do you wish to have that Bill called? No. Out of the record. On the next Order of Bills dealing with Education we have some Bills on Second Reading that were not called. Representative Ryder's Bill and Representative Braun's Bill. Neither are in the chamber. Representative Wojcik, you have a Bill on page 2 on the Calendar, Senate Bill 1876. Do you wish to call that Bill? Read the Bill, Mr. Clerk. Excuse me, it was called earlier and it was passed? Okay, very good. Representative Harris has indicated he would well like to get back to that later. On the Bills on the...the Gentleman from DuPage, Representative McCracken."

McCracken: "I think this might be an appropriate time to go to

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Second Reading Bills. I realize most everything is on the Special Orders, but there are 8 or 9 that probably have not been called today for that reason. I would suggest we go to those as long as we have the opportunity."

Speaker Breslin: "Representative I said we were going to run through all of these Bills one more time, so that people could have their Bills called on the Special Order. So we are up to the Section on Revenue. Bills on Second Reading. Several of these Bills are on Second Reading and Mr. Keane is the Sponsor of those Bills. Is Mr. Keane in the chamber? On the Special Order of State and Local Government on page 3 on your Calendar appears Senate Bill 1762. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1762, a Bill for an Act to amend the Local Mass Transit District Act. Second Reading of the Bill. Third Reading of the Bill, I'm sorry."

Speaker Breslin: "Representative Brunsvold."

Brunsvold: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 1762 would address the Local Mass Transit District Act and would set up an alternative method for annexing properties. We discussed this Bill the day before yesterday when which Representative McCracken put on an Amendment to clarify the hearing procedure and it would address a situation where some local mass transit have problems annexing shopping centers where there are no voters registered. The initial method is by two thirds petitions signed by legal voters in that area. This would be an alternative method where the situation would deem it necessary that they use that procedure. So I would ask for your support and would answer any questions."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1762. And on that question the Lady from Sangamon, Representative Hasara."



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

Speaker Breslin: "He will."

Hasara: "Representative Brunsvold, if I'm annexed into a mass transit district am I assured of bus service?"

Brunsvold: "As much as anyone else would be of bus service. It's done by the board, the Mass Transit Board and they would be the ones that are appointed by your local elected officials and would be voting on where the bus routes would be located."

Hasara: "Okay, with all due respect to the Sponsor I rise in opposition to this Bill. I hope the Members of the House will realize I see a lot of the old hole in the donut provision in this Bill. I have lived in the Mass Transit District and paid taxes and not had bus service in my area. And this is another example of annexing people into a taxing district and not giving them a say in the matter. And many of them will be paying taxes and not having bus service to their areas. So if you want to bring up the same issues that were raised in a Bill that many of us didn't realize the implications of two years ago, I suggest you vote 'no' on this piece of legislation."

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

McCracken: "Thank you, I also oppose the Bill. I was hoping when I'd filed Amendment #3 that Amendment #2 would be adopted. And for that reason cannot support the Bill. That provision would have required a referendum and I think in light of what Representative Hasara has remarked that it becomes especially important for a referendum to be held. You know, why should...I guess the argument is if you can't do it by referendum, why don't we have them do it some other way so it gets accomplished. But I think that bags the issue. The issue is do your people want it and

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apparently if you can't pass the referendum then they don't want it. So although we've set up a practice of requiring referendum on this type of issue, now we're being asked that since that can't be accomplished we should change it so that the end can be accomplished regardless of the feelings or the wishes of the affected people. And I just think that's a bad idea. I wish Amendment #2 had gotten on to the extent we could facilitate that process, we would be happy to do so. But, I think the referendum is just too central to this entire issue to allow to let go. So I rise in opposition to the Bill."

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

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

Speaker Breslin: "He will."

Parcels: "You and I discussed this Bill to some extent yesterday and there's still one thing I'm confused on. If the city is going to annex property by referendum, then those people..."

Brunsvold: "Representative, there isn't any statutes now that call for a referendum. The law now does not..."

Parcels: "There are no annexations that call for..."

Brunsvold: "The law now does not ask for a referendum. The law says now that if an area is to be annexed it should require a petition signed by two thirds of the legal voters. Now that's not a referendum, that's simply a petition, then you have hearings. There's no referendum involved in the law now."

Parcels: "Well there are times when people are taken into a new district as I just had one in my community, where they are taken by referendum. They put the question to the voters in that district. And I wondered if on that ballot it would say and you will also now be in the Mass Transit District as well as in the town of XYZ. This doesn't cover

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that at all?"

Brunsvold: "There's separate taxing districts Representative.

This is not...that's not applied."

Parcells: "I know they are, but I'm saying the people may think they're going to XYZ town and not realize they're going to also be paying a tax to the Mass Transit District unless it is so stated on whatever it is, they're voting on."

Brunsvold: "Only if you're part of that Mass Transit District. You may not be part of that district."

Parcells: "Could you say that this Bill is not taxation without their knowledge?"

Brunsvold: "As I said yesterday this is a special situation that is only going to deal with four places in the State. And it addresses a particular situation where there is a shopping center or some area where there aren't any voters and the procedure is simply an alternative method. This is not a railroad job to try to annex territory's that don't want to be annexed. That is not the intent or the thrust of this Bill. It is simply to say we have a problem here, we can't go through the normal procedure so we must use an alternative procedure for example; the shopping center where you can't get two thirds of the legal voters, cause there aren't any."

Parcells: "I think you're well intentioned, because I know there's just the four areas that you're talking about. But when we put into the Illinois State Statutes some other community might take advantage of this and 'railroad' people into a taxing district that they don't even realize even though in your particular case this is not the case. But it could be."

Brunsvold: "Anybody on this floor that doesn't have a Mass Transit District and that's most of the people on this floor, aren't even involved in this. We're talking about

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the Quad Cities, Peoria, Champaign and Springfield. I mean that's basically who this Bill...the people of this Bill will address. And they want the alternative method because they can't annex areas under the present system. The way it operates now because there aren't any legal voters there. That's the thrust of the Bill. We've got appointed mass transit officials that are voting at the will of the people that appointed them and elected them to be in that position. And I'm sure they're not going to want to 'railroad' an area in to a Mass Transit District when the people don't want that. That's what the Amendment that Representative McCracken addressed was to make sure that hearing is there so everybody knows what's going on even though there aren't any voters in that area."

Parcells: "Well I can see...to the Amendment...or to the Bill, I can see that the Sponsor is certainly well intentioned. I would hope there would be another way to do this so that a year later I don't find out I was just eaten up by a Mass Transit District and I find it on my tax bill. Sometimes we would do this willingly, and we would vote to be in that Mass Transit District. But where we don't all of a sudden we're in it and it's really taxation without any voice in it and I would think that until we could work this out this would be better to vote against Senate Bill 1762."

Brunsvold: "Representative your areas is specifically exempted as they requested."

Speaker Breslin: "Excuse me, Representative Brunsvold that was not a question put to you. The Gentleman from Will, Representative Regan."

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

Speaker Breslin: "He will."

Regan: "Representative, I'm just trying to clarify in this mind. These are shopping centers..."

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Brunsvold: "Areas that would be like that that would require that would want bus service but because of the present statute they have no..."

Regan: "Are they presently shopping centers now or is it vacant land?"

Brunsvold: "Well they could be a shopping center."

Regan: "It's vacant land you're talking about?"

Brunsvold: "Well right now it could be, why would a vacant piece of property want bus service? You don't have that situation? I mean..."

Regan: "It is a shopping center. There are businesses there that want the bus service to come to their shopping center."

Brunsvold: "They're requesting that bus service. The..."

Regan: "Why don't we get two thirds of the business owners to sign an annexation agreement into it?"

Brunsvold: "Well I would assume that would be a good idea, because they would want the bus service there for the customers that would come on the buses of course."

Regan: "So...but you can't address that in your Bill to get rid of the concerns of the other people in this Assembly?"

Brunsvold: "There are appointed trustees by local elected officials that would make that decision at public hearings on a bus...or shopping center situation. So we do have local control here. Now you either trust those local officials or you don't."

Regan: "Thank you."

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

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

Speaker Breslin: "He will."

Black: "Representative, you've...I think you've done a good job of clearing up some of the questions that we had yesterday,

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but let me just ask you, let's give a supposition here if we could. A shopping center in the areas that you've talked about are very valuable pieces of property, probably on the assessor's books for in excess of in some cases millions of dollars. Okay, now the Mass Transit District annexes that shopping center or regional shopping mall whatever the case may be, the property tax would be a substantial amount of money would it not?"

Brunsvold: "Yes."

Black: "To that district for what will probably be five, six, seven buses per day or one or two bus stops per mall, I don't know, I guess the bottom line is when you might have a hundred and fifty or two hundred individual merchants in that shopping mall and the rents in those malls are not a minor cost of doing business, and all of the other costs of doing business notwithstanding. What safeguard does that merchant have if they say 'look we don't want to pay this property tax' because the owner of the mall is going to obviously distribute that cost among all of the tenants on probably a square footage basis. I guess I'm just a little confused on how that business owner may say 'no wait a minute, wait a minute I don't want this mall annexed into the Mass Transit District, because it will significantly effect my cost of doing business, probably more so than what I might expect to generate in traffic that the buses would bring'. So I guess the question to you, you know, how do they work that out? Do they have any rights of disannexation or any rights of petition or any rights of other than the hearing process?"

Brunsvold: "Well the hearing process with the trustees, you can argue the other side of the coin also, but these business people want the mass transit there and they're asking. That's why they've come to the board and asked for

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annexation. I don't envision at all a board going out and gobbling up some area that does not want the service. The direction is coming the other way Representative, from the shopping centers, wanting to be annexed because of the increased business. Not the other way around."

Black: "I just consulted with my young astrologer here who said perhaps that's the intent of your Bill. And I don't quarrel with that. But I guess, I guess I just have a little...maybe I'm getting cynical in my old age, I'm almost as old as Jesse White. But I just fear that a Mass Transit District may use this Bill and abuse the owner and developer and subsequently the tenants of a large regional shopping mall."

Brunsvold: "In response to that, Representative, any local elected official can abuse the constituency."

Black: "Oh surely not."

Brunsvold: "You know, that process goes on and of course there are some abuses, but you know, the Mass Transit District in these four areas are not going to go out and gobble up as I said before these areas against the wishes of those business owners of that area. I don't envision that at all happening. This is simply an alternative method that will be used very, very seldom in a case of annexations where there are no legal voters in that particular area."

Black: "Thank you very much, Representative. You've been very patient and I appreciate that."

Speaker Breslin: "Representative Flinn."

Flinn: "Madam Speaker, I've had enough, I think everybody else has. 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', opposed 'nay'. In the opinion of the Chair the 'ayes' have it, the main question is put."

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Representative Brunsvold to close."

Brunsvold: "To close I'd just like to say this is not the super city Bill. This is a different one, close to the same number, but it's not the same Bill. The Bill has been discussed at length and I would ask for your support."

Speaker Breslin: "The question is, 'Shall the House pass Senate Bill 1762'. All those in favor vote 'aye', all those opposed vote 'no'. This is final passage. Have all voted who wish? Sixty votes are required to pass this Bill. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 54 voting 'aye', 52 voting 'no', 10 voting 'present'. And Representative Brunsvold asked for postponed consideration. Put the Bill on postponed consideration, Mr. Clerk. Representative Matijevich has returned to the chamber. Representative Matijevich, do you wish to go to your Bill 145? No. Out of the record. Okay, Ladies and Gentlemen, the next Order of Business that the Chair would like to entertain is Nonconcurrency Motions, appearing on the Order of Concurrence, starting on page 7. Would you come to the well and give us your notices on any Bills that you wish to nonconcur on, that are filed on this Order of Business of Concurrence. Now, Ladies and Gentlemen, have you had an opportunity to run through the Order of Concurrence and determine whether you wish to nonconcur on your Bills? If you're ready, we're ready. I'll start at the top and read through the number of the Bills and when we get to your Bill if you wish to nonconcur, give me the signal and we'll go. Okay. It's on page 7 of the Calendar. The first Bill is House Bill 589, Representative Flinn. House Bill 812, Representative Steczo. House Bill 849, Representative McGann. House Bill 924, Representative Barnes. House Bill 1254, Representative Steczo. House Bill 1584,



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Representative Hicks. House Bill 2293, Representative Giglio. House Bill 2794, Representative Parcells. House Bill 2918, Representative Mays. House Bill 3100, Representative McPike. Would you move this Bill for a nonconcurrency. House Bill 3100. Representative McCracken, for what reason do you rise?"

McCracken: "Well, I...I'd be happy to accord you the courtesy of letting it move while you're in the Chair, but this is too important. I'm sorry. We are opposed to this Bill. We've had some not bitter but certainly some hotly contested debate on it. And I just think it's inappropriate to move while you're in the Chair."

Speaker Breslin: "Representative McPike in the Chair so that Representative Breslin can move to nonconcur."

Speaker McPike: "Representative Breslin."

Breslin: "Mr. Speaker, Ladies and Gentlemen, I move to nonconcur in Senate Amendment #1 on House Bill 3100."

Speaker McPike: "Lady moves to nonconcur in Senate Amendment #1 to House Bill 3100. And on that Representative McCracken."

McCracken: "I was mistaken. We apparently wanted it to go to conference as well so I didn't...I didn't mean to pull you out for no good reason. I would like to extend you the courtesy, I just assumed we didn't want it to move."

Speaker McPike: "Representative Keane."

Keane: "Thank you, Mr. Speaker. I've checked this out with the other side and I would move to extend the deadlines on Senate Rules..."

Speaker McPike: "Representative Keane. We're in the middle of a Motion."

Keane: "Pardon me."

Speaker McPike: "The Lady's Motion is to nonconcur in Senate Amendment #1. All those in favor say 'aye' opposed 'no'. The 'ayes' have it. The House nonconcur in Senate

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Amendment #1 to House Bill 3100. Representative Breslin in the Chair."

Speaker Breslin: "Representative Keane is recognized on a Motion. What is your Motion, Sir?"

Keane: "Thank you, Madam Chairman, I moved to extend the deadlines on Senate Bills 1534, 1862, and 2232 to June 30."

Speaker Breslin: "The Gentleman has moved to extend the deadline on the following Bills until the end of the Spring Session. Those Bills are Senate Bill 1534, 1862, 2232. You have heard the Gentleman's Motion and on that Motion the Gentleman from Livingston, Representative Ewing."

Ewing: "I...Madam Speaker, those are alright with this side of the aisle. And we will support that extension."

Speaker Breslin: "Is there any objection to the Gentleman's Motion? Hearing no objection the deadline on these three Bills has been extended until the end of the Spring Session by use of the Attendance Roll Call. On page 10 on the Calendar on the Order of Concurrence appears House Bill 3255, Mr. Keane, we're only taking those that you wish to nonconcur on. Do you wish to nonconcur? House Bill 3261, Representative Giorgi. Do you wish to nonconcur? House Bill 3273, Representative Hannig. Give me a Motion now if you want to roll your Bills, okay? Okay. House Bill 3278, Representative Mautino, do you wish to nonconcur? Nonconcur. Do you wish to nonconcur? Okay. House Bill 3303, Representative Wojcik. House Bill 3319. Out of the record. House Bill 3331, Representative Granberg, do you wish to nonconcur? No. House Bill 3335, Representative Granberg. House Bill 3380, Representative Capparelli. House Bill 3387, Representative Hicks. Mr. Hicks. Excuse me, Representative, we'll go back to Representative Capparelli's Bill, House Bill 3380. Do you wish to nonconcur in this Bill?"

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Capparelli: "There are two Amendments I...I want to nonconcur on Amendment #2."

Speaker Breslin: "The Gentleman moves to nonconcur on Amendment #2 to House Bill 3380. And on that question is there any discussion? Hearing...take this out of the record for a moment and we will see if we can work on it. Mr. Hicks, is he in the chamber? Where? Where? Mr. Hicks, do you wish to nonconcur in House Bill 3387? It deals with the School Code. House Bill 3389 out of the record. House Bill 3417, Representative Virginia Frederick. Virginia Frederick, do you wish to nonconcur? No. House Bill 3469, Mr. Kirkland. Do you wish to nonconcur? House Bill 3490, Mr. Ryder. Mr. Kubik. Mr. Kubik is recognized."

Kubik: "Madam Speaker, as a Joint Sponsor. Could I move to nonconcur that...with Representative Ryder and I have agreed to do so."

Speaker Breslin: "Surely. The Gentleman moves to nonconcur to Senate Amendment #1 to House Bill 3490. On that question is there any discussion? Hearing none the question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 3490'. All those in favor say 'aye' all those opposed say 'no'. In opinion of the Chair the 'ayes' have it. And the House does nonconcur on Senate Amendment #1 to House Bill 3490. House Bill 3491, Mr. Ryder. House Bill 3494, Mr. Ryder. House Bill 3512, Virginia Frederick. House Bill 3564, Mr. Kubik. House Bill 3565, Mr. Kubik. House Bill 3586, Mr. Cullerton. House Bill 3600...House Bill 3600, Representative Deuchler. House Bill 3607, Mr. Hultgren. House Bill 3612, Mr. Matijevich. House Bill 3626, Mr. McNamara. For what reason do you rise, Sir? House Bill 3636, Representative Cowlshaw."

Cowlshaw: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move to nonconcur in Senate Amendment #1 to House

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Bill 3636."

Speaker Breslin: "The Lady moves to nonconcur in Senate Amendment #1 to House Bill 3636. On that question is there any discussion here? Hearing none, the question is, 'Shall the House nonconcur in Senate Amendment #1 to House Bill 3636'. All those in favor say 'aye' all those opposed say 'no'. In opinion of the Chair the 'ayes' have it and the House nonconcur in Senate Amendment #1 to House Bill 3636. House Bill 3653, Representative Steczo. You are recognized."

Steczko: "Thank you, Madam Speaker. I would move to nonconcur with Senate Amendments #1 and 2 to House Bill 3653."

Speaker Breslin: "The Gentleman moves to nonconcur in Senate Amendment #1 and 2 to House Bill 3653. And on that question the Gentleman from Cook, Representative Steczo."

Young: "Yes. Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is not just for Representative Steczo, but could we ask that everyone who's nonconcurring could at least state why."

Speaker Breslin: "Okay. Representative Steczo, tell us why."

Steczko: "I'd be pleased to, Madam Speaker. There are...there are some...a few township issues that this House passed that did make...did not make out a set of rules that are important to the township officials of Illinois and so the thought would be to take those noncontroversial portions and use those on House Bill 3653. That's the reason it's going to conference."

Speaker Breslin: "The question is, 'Shall the House nonconcur on Senate Amendments 1 and 2 to House Bill 3653. All those in favor say 'aye' opposed 'nay'. In opinion of the Chair the 'ayes' have it. And the House nonconcur in Senate Amendments 1 and 2 to House Bill 3653. On page 12 on the Calendar appears House Bill 3666, Mr. Stange. If...if you

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don't want to make a Motion, shake your head no. That makes it very clear. Okay? House Bill 3668, Mr. Stange. House Bill 3671, Mr. Steczo. Do you want an... House Bill 3705, Mr. Keane. House Bill 3712, Mr. Harris. Do you want to nonconcur on this Bill? House Bill 3730, Mr. Mays. House Bill 3738, Mr. O'Connell. House Bill 3748, Mr. Black. Mr. Black. House Bill 3800, Ms. Currie. Ms. Currie. House Bill 3806, Mr. Shaw is recognized."

Shaw: "Yes. I would like to. Yes, Madam Speaker, I would like to nonconcur in Senate Amendment #1."

Speaker Breslin: "The Gentleman has moved to nonconcur in Senate Amendment #1 to House Bill 3806. Did you tell us why, Mr. Shaw? Mr. Shaw, you should tell the Body why you wish to nonconcur."

Shaw: "Oh, it's an Amendment that I don't...I think it's designed to kill a Bill and I don't particularly care for the Amendment."

Speaker Breslin: "The Gentleman has moved to nonconcur in Senate Amendment #1 to House Bill 3806. And on that question is there any discussion? The Gentleman from Adams, Mr. Mays."

Mays: "Thank you very much, Madam Speaker. You had called several Bills previous to House Bill 3730."

Speaker Breslin: "We're not going back at this time, Sir."

Mays: "Fine."

Speaker Breslin: "We are now in the middle of a Motion on Representative Shaw's Bill."

Mays: "Thank you."

Speaker Breslin: "Does anyone rise in opposition? Hearing none, the question is, 'Shall the House concur...nonconcur in Senate Amendment 1 to House Bill 3806'. All those in favor say 'aye' opposed 'nay'. In opinion of the Chair the 'ayes' have it and the House nonconcur in Senate Amendment 1 to House Bill 3806. House Bill 3810, Mr. McAulliffe.

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Mr. McAuliffe. House Bill 38...Mr. McAuliffe, do you wish to nonconcur? Okay. We're not taking Concurrence Motions, we are taking Nonconcurrence Motions. House Bill 3831, Mr. Olson. House Bill 3840, Representative Didrickson. Ms. Didrickson. Nonconcur. House Bill 3857, Mr. Daniels. Do you wish to nonconcur? Excuse me, on one appropriation matter, House Bill 3846. Mr. McPike."

McPike: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move to nonconcur on Senate Amendment #1. Senate Amendment #1 added one dollar to all the various lines in the GO Bond Act and the intent of this obviously is to get it into the committee, in the Conference Committee. So I move to nonconcur."

Speaker Breslin: "The Gentleman moves to nonconcur in Senate Amendment 1 to House Bill 3846 and on that question the Gentleman from Adams, Mr. Mays."

Mays: "Thank you very much, Madam Speaker. Will the Gentleman yield?"

Speaker Breslin: "He will."

Mays: "This is the annual Bond Bill, right? That we send to conference?"

McPike: "Yes. Yes."

Mays: "And do we ever send two Bond Bills to conference or just one?"

McPike: "We send this one and I...I would think that the build Illinois...No, I think just this one. Yeah that's the only one I can think of."

Mays: "Alright. We're, all be glad to join with you in this nonconcurring Amendment."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendment 1 to House Bill 3846'. All those in favor...'to nonconcur in Senate Amendment #1 to House Bill 3846'. All those in favor say 'aye' all those opposed say

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'no'. In opinion of the Chair the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to House Bill 3846. House Bill 3857, Mr. Daniels. Do you wish to nonconcur? Okay. House Bill 3911, Mr. White. House Bill 3914, Mr. McPike. Mr. McPike is recognized."

McPike: "Thank you, Madam Speaker. This is a RTA Shell Bill the Senate put on the technical Amendment. I know of no proposals at this time for the RTA, however, if something does develop, the intent of this was to put it in conference. So I move to nonconcur in Senate Amendment #1."

Speaker Breslin: "The Gentleman moves to nonconcur in Senate Amendment 1 to House Bill 3914. On that question is there any discussion? Hearing none, the question is, 'Shall the House nonconcur in Senate Amendment 1 to House Bill 3914'. All those in favor say 'aye' opposed 'nay'. In opinion of the Chair the 'ayes' have it and the House nonconcur in Senate Amendment 1 to House Bill 3914. House Bill 3930, Mr. Ryder. Mr. Ryder. House Bill 3968, Mr. DeJaegher. You wish to nonconcur? Nonconcur is what we're taking, Sir. House Bill 3982, Representative Ewing. Do you wish to nonconcur? House Bill 4011, Mr. Churchill. House Bill 4037, Mr. Kubik. The Chair recognizes Mr. Kubik on a Motion to nonconcur."

Kubik: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would move to nonconcur on Senate Amendment #1 so that we can go to conference. The reason we are going to conference is to work out on an agreement on the Welfare Reform Bill. I would appreciate your support."

Speaker Breslin: "The Gentleman has moved to nonconcur in Senate Amendment 1 to House Bill 4037. On that question is there any discussion? Hearing none. The Gentleman from Fulton, Mr. Homer."

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Homer: "Thank you, Madam Chairman. Will the Sponsor yield?"

Speaker Breslin: "He will."

Homer: "Would you...I am sorry, would you explain those Senate Bills again."

Kubik: "Representative, what we are talking..."

Homer: "I am sorry. You're moving to nonconcur. What's going to happen in conference?"

Kubik: "We would put the agreement, the Trailer Bill, to the Welfare Reform Bill into this legislation."

Homer: "What will be...what's the Bill to be added?"

Kubik: "The Bill will be the withholding...the agreement on withholding...wage withholding for the Welfare Reform Bill."

Homer: "I am having a hard time hearing you, Jack."

Kubik: "The agreement would be the...the Bill would be the agreement on the wage withholding for the Welfare Reform Bill. It's my...but it's my understanding that business and labor have...worked together and tried to come up with an agreement. That agreement would be put into this particular Bill."

Homer: "Alright, well, the original Bill responded to a recommendation by JCAR."

Kubik: "Correct."

Homer: "What's going to happen to the original Bill in conference?"

Kubik: "Representative, it is my understanding that that particular legislation has been amended into another Bill of which I'm not sure of which number it is, but it has been amended to another Bill."

Homer: "Okay, when that Bill...when that Bill...when you had that Bill on Third Reading in the House, this Bill. I asked you a question in debate. I said, 'Is this a Vehicle Bill for something else'. And you assured me it was not."



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Kubik: "I had no knowledge that we needed to use this particular Bill for an agreement. At that time I was under the impression that this was not a Vehicle Bill."

Homer: "Alright. Well, I have no, Madam Speaker, I have no objection to what's being done but I think that there was a statement made during the debate that this would not be used as a Vehicle Bill and now it's being used as a Vehicle Bill and perhaps that was without any forth knowledge by the...and I, knowing this...the integrity of this particular Representative, I am willing to accept that, but I think it's...I think we better be careful when we ask questions as to whether we allow a Bill to be used as a Vehicle and we say no and Members vote in reliance of those representations and then that Bill comes back and it's a vehicle. I think it sets a bad precedent and I think we ought to be careful not to...to engage in that conduct. But thank you."

Speaker Breslin: "Is there any further discussion? Any objection? Hearing none, the question is, 'Shall...shall the House nonconcur in Senate Amendment #1 to House Bill 4037'. All those in favor say 'aye' opposed 'nay'. In opinion of the Chair the 'ayes' have it. And the House nonconcur in Senate Amendment 1 to House Bill 4037. House Bill 4052, Mr. Olson. Bob Olson. House Bill 4053, Representative Olson is recognized. Representative Olson is recognized."

Olson, B.: "Thank you, Madam Speaker. I wish to move that the House nonconcur on Senate Amendment #1 to House Bill 4053."

Speaker Breslin: "The Gentleman has moved to nonconcur in Senate Amendment 1 to House Bill 4053. There's a request that you explain why you wish to nonconcur."

Olson, B.: "Yes. There is a technical matter wrong with Amendment #1. I understand it is just one word. And that

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the Department of Conservation and the Senate Sponsor, Senator Madigan, wish to move it to Conference Committee."

Speaker Breslin: "The Gentleman has moved that the House nonconcur in Senate Amendment 1 to House Bill 4053. And on that question the Gentleman from Fulton, Mr. Homer. Mr. Homer. Would you turn Representative Homer on. Thank you."

Homer, B.: "Representative Olson, I have a question for the Sponsor. Will the Sponsor yield?"

Speaker Breslin: "He will."

Homer: "It is our understanding that you're...you're asking for a nonconcurrence because you think it needs a technical Amendment?"

Olson, B.: "Senator Madigan told me there's one word in there, the word 'for' that they are having problems with, the Department of Conservation, and they want to take it to Conference Committee."

Homer: "Alright. Well, the problem, isn't that what does Senate Amendment #1 do? Didn't it change the word 'for'."

Olson, B.: "I'm not...I'm not sure, Sir."

Homer: "I think that's what the Senate Amendment did. I that he amended it in the Senate to do what you want...want to do so wouldn't you want to concur with that Amendment instead of nonconcur?"

Olson, B.: "No, I wish to nonconcur."

Homer: "Why would you want to nonconcur since he already did it?"

Olson, B.: "It's a Senate Amendment that Senator Madigan does not like."

Homer: "He put it on."

Speaker Breslin: "Gentlemen, could I suggest perhaps that you take it out of the record and not talk about this."

Olson, B.: "Out of the...out of the record. Out of the record."

Speaker Breslin: "Thank you. House Bill 4096, Mr. Black. House

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Bill 4154, Mr. Rea. House Bill 4171, Mr. Hensel. House Bill 4212, Mr. Berrios. House Bill 4282, Mr. Hicks. Yes. The Gentleman wishes to nonconcur. You are recognized on that Motion, Mr. Hicks. Representative Hicks."

Hicks: "Yes, Madam Speaker, Ladies and Gentlemen of the House. I would like to concur with Senate Amendment #1 but I would move to nonconcur with Senate Amendment #2."

Speaker Breslin: "We have not been doing that at this time, Mr. Hicks, so with leave we will take that out of the record. Ladies and Gentlemen, the next Order of Business appears on page 13 of your Calendar. It's the Speaker's Table Short Debate. There appears House Joint Resolution 194, Representative Hultgren. Representative Hultgren, the Chair is informed that you have an Amendment to this Resolution. Is that correct?"

Hultgren: "Yes. Amendment #1. I believe it has been filed."

Speaker Breslin: "Mr. Clerk, would you read the Amendment."

Clerk O'Brien: "Floor Amendment #1 offered by Representative Hultgren. Amends House Joint Resolution 194 on page 1 by deleting line 28 and 29. Inserting in lieu thereof the following; 'laboratory building in western Illinois and lease the complete laboratory building to the'."

Speaker Breslin: "Representative Hultgren on the Amendment."

Hultgren: "Yea. Yes. This...this makes a change in the resolved clause in the Resolution. Changing from a specific location to just a general location in western Illinois for the new veterinary laboratory."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 1 to House Joint Resolution 194. On that question is there any discussion? Hearing none, the question is, 'Shall the House adopt Amendment 1 to House Joint Resolution 194'. All those in favor say 'aye' those opposed 'nay'. In opinion of the Chair the 'ayes' have it,

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and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "The Bill then is ready for debate and presentation. Representative Hultgren is recognized."

Hultgren: "Thank you. House Joint Resolution 194 recognizes that currently the State operates a veterinary animal laboratory in Galesburg, Illinois. The laboratory building is in a serious state of disrepair. And the Resolution suggests that the Department of Agriculture construct a new laboratory building in western Illinois to continue that function and...and presumably to save the department the cost of maintaining the current laboratory in disrepair."

Speaker Breslin: "The Gentleman has moved for the adoption of House Joint Resolution 194. On that question is there any discussion? The Gentleman from Cook, Representative McNamara."

McNamara: "Thank you, Madam Speaker. I had a little bit of difficulty hearing the Gentleman. Did...if he would yield for a question. Okay. What I'm looking for is what is the cost for building this new laboratory facility?"

Hultgren: "The...the cost to the State would be presumably no new cost. They are currently maintaining a facility there. The Resolution calls upon the new building to be built with a private contractor and then lease purchase back to the State of Illinois. The department has indicated, they believe, that the lease purchase cost to the department will be roughly the same as the current cost of maintaining the existing facility which is nearing 50 years of age and apparently in a state of considerable disrepair."

McNamara: "Now, under the existing facility, is that lease from the State or is it a State building or what?"

Hultgren: "The...the existing facility is owned by the State as I

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understand it."

McNamara: "So what will happen to the existing facility then?"

Hultgren: "Well, if the existing facility is going to have any, any use, it's going to require, my understanding, tens of thousands of dollars of repair and replacement. That's the problem."

McNamara: "And it costs...then what you're suggesting is the existing facility will then probably be torn down."

Hultgren: "The Resolution doesn't address that."

McNamara: "I...I guess what my concern is is on this...is...is this unauthorization to build the new building where an existing building is and that authorization for that new building is contained as a lease-rent-back arrangement which will countermand our bidding procedure. And that's the only concern I have on it. Could you address that, please."

Hultgren: "Could you repeat the question, please."

McNamara: "Okay. I am concerned that the existing State building, which is owned by the State on State land, is then going to be torn down without any cost as far as how are we going to evaluate as to what that is going to cost. The second thing is is that it will be then leased so that it will countermand our building procedures of...of finding out how much of a cost putting out to bid since a leased building is not put out to bid and how that arrangement will occur. And whether or not this is the best economical thing to do for that area."

Hultgren: "Well, the Resolution, Representative McNamara, is introduced at the behest of the Department of Agriculture. And it's my understanding that they believe that this procedure would be a cost saving for them over and above the cost of maintaining the existing building because of its stated deterioration."

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McNamara: "So, again to understand then, that the cost of this transaction is as already in the appropriation budget or is just...Resolution just in the form of a suggestion to them."

Hultgren: "Now there's a line item currently in the budget for this."

McNamara: "And this would be the authorization to do that. A Resolution would authorize them to do it then."

Hultgren: "The department would take this as authorization. Yes."

McNamara: "Why do you need a Resolution to authorize it. Why couldn't it have been in regular substantive legislation. Why under a Resolution?"

Hultgren: "This...this was the procedure that the department chose to adopt under the circumstance."

McNamara: "Okay. This is a procedure that the department wished in order to get around the bidding contracts that would be involved in building a new facility or raising the existing one."

Hultgren: "Well the department is hoping to complete the facility without further incomburing the state's debt situation. That is to say they that would not issue bonds and that is why they have chosen a private contractor route."

McNamara: "To...to that Amendment. I would be very concerned that this is just another way of finding a way of spending dollars. It's another way of countermanding the bidding procedures for a State to build it out by the lease type of a program. I would much rather have seen if the department had come and put in substitutive legislation that would have authorized it, and also had it approved through the regular means. I would urge a 'no' vote on this Amendment."

Speaker Breslin: "The Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Madam Speaker. I rise in support of

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this Resolution. And it is a Resolution. Maybe we ought to have one of these things on every line item we have with every budget so it can spell out the specific intent of the General Assembly on issues such as this. It's obvious that this is a cost effective way to do...way to go. We did it in Centralia already. We're trying to do it somewhere in western Illinois or central Illinois right now. And this Resolution is simply spelling out what the needs and purposes are. I see nothing wrong with the Resolution. We have the money in the budget to do it. So it ought to be done. So I rise in support and would urge an 'aye' vote. And I think anybody that votes otherwise really doesn't know what they are voting about."

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

Hartke: "Thank you very much, Madam Speaker, Members of the House. I rise in support of this Resolution also. As I understand it, this facility is antiquated and the repair of this building is going to cost more than the lease...the lease purchase agreement and so forth. We are in need of a new laboratory in that area and I support this Resolution."

Speaker Breslin: "The Gentleman from Henry, Mr. Sieben."

Sieben: "Thank you, Madam Speaker. I rise in support of this Resolution and would like to answer some of Representative McNamara's concern on this...the procedure that is being used here. It's my understanding in the history of this veterinary clinic that it's been operated in the Galesburg area for a good many years at an old dilapidated facility on the old Galesburg Mental Health Center there. And for the past three years, I believe, Senator Bloom and former Representative Hawkinson had introduced legislation to raise the money, provide the money, to build a new facility and that was repeatedly vetoed because of lack of money to do that. So the Department of Agriculture, is facing a

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dilemma in order to continue to provide these veterinary services in this part of the State. They're in dire need of an adequate facility that they can maintain and serve the needs of agriculture in that area. And it is much more cost effective to use the money that they're currently spending to maintain this facility to put in a lease agreement on a facility built by a private contractor. So I really don't think we're circumventing any kind of bidding procedures here, we're just making much more appropriate use of the taxpayers dollar to provide these facilities and services in a more appropriate way. And I would urge a 'yes' vote on this Resolution."

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

Hultgren: "Thank you, Ms. Speaker, Members of the House. Would...would simply urge a 'aye' vote on the Resolution. I believe it's a cost saving measure for the State of Illinois. It's the same procedure that was used to build the...the other agricultural lab in southern Illinois. And it has the bipartisan support of both the leaders of the House Agriculture Committee."

Speaker Breslin: "The Gentleman has...the question...Representative Mautino, the Gentleman has closed on the Resolution. The question is, 'Shall the Resolution be adopted'. All those in favor...'shall House Joint Resolution 194 be adopted.' All those in favor say 'aye' opposed 'nay'. In opinion of the Chair the 'ayes' have it and the Resolution is adopted. Representative Mautino, for what reason do you seek recognition?"

Mautino: "If I may, Madam Speaker. I was under the impression that the Resolution before us being a House Joint Resolution would be the Membership would be provided the opportunity to vote on that Amendment. I don't know how we



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can send it out of here without a voice."

Speaker Breslin: "Resolutions are done on voice votes regularly unless they..."

Mautino: "Well, then...then the law needs to...Okay."

Speaker Breslin: "Unless the rules of the statute provide otherwise, I guess."

Mautino: "Then I apologize. Let me...let me then establish my rationale."

Speaker Breslin: "Certainly, you can explain your vote."

Mautino: "It's difficult to do, but I'll just be listed as a 'present' vote on this particular issue but I think the issue itself which has been around since 1970 is very important for this House to know about. This initial...this proposal which was promised to about four different areas being...that being Peoria, Galesburg, Kewanee, and Mendota and others, I find to be...to have it a very difficult situation to vote on for a specific area when in fact the administration going all the way back to Ogilvie has been using it as a carrot for Legislators in geographical areas for the last 15 to 18 years. I think that my colleague, Representative McNamara was exactly correct. The appropriation is in a line item for a facility in western Illinois. There is no reason in the world that we have to pass a Resolution doing what has been appropriated within a line item for specific lease purchase. And I just think it's ridiculous that it has to be before us after three Governors have played ping pong with it, with the General Assembly since 1970."

Speaker Breslin: "On the Order of Concurrences, Ladies and Gentlemen, we're going back to one Bill and one Bill only for a Motion to concur so that action can be taken on the Bill over the weekend. I guess there is a signing ceremony that the Governor wants to do or something over the

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weekend. So this Bill appears on page 13 of the Calendar and it is House Bill 3982. Representative Ewing. Representative Ewing is recognized."

Ewing: "Madam Speaker, I would like to have five minutes."

Speaker Breslin: "Five minutes."

Ewing: "Five minutes, yes."

Speaker Breslin: "Okay. I'm not sure we'll come back to it, Mr. Ewing. We are preparing..."

Ewing: "Well alright. But I still...I need five minutes, if you'll give it to me. Thank you."

Speaker Breslin: "Ladies and Gentlemen, now we have a special presentation made by Representative Ropp and Capparelli. What a team. Okay."

Capparelli: "Ladies and Gentlemen, we are going to play ball tonight. Now for the last 18 years we have won. We want you out there to help us and to receive the shirts we have a designated hitter for Mike Madigan, the Speaker, Gary LePalle, and of course, where's Lee Daniels? Oh, come on...come on up here Lee."

Ropp: "Madam Speaker. This game is going to be at Iles Park, of course, tonight, and it's going to be soon after 5:00 p.m. and as soon as we adjourn here we would like the team to come out and practice at 4:00 o'clock so we can be warmed up to carry on this traditional victory over the Senate."

Daniels: "On behalf of the Springfield White Sox, I mean...the House Members, we will once again show those overly lazy Senators that they don't know how to participate in sports and we'll once again make them look like fools as they are as we whip them silly into submission and reject their efforts to take control over the assembly and our process. So...so I expect my new found friends on the Democratic side of the aisle who will soon become aggressive baseball players on the Republican side of the aisle to work with us

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in beating the Senators and Gary..."

Gary LePalle: "On behalf of the Speaker, the Speaker wishes our team well as we do on legislative issues we will once again beat the Senate. So good luck. And our team will be a little faster this year since Panayotovich is over on the Republican side...at least on the Democrats. Good luck."

Speaker Breslin: "Representative Ewing is recognized on a Motion to concur on House Bill 3982. Mr. Ewing. Mr. Ewing."

Ewing: "Madam Speaker, Ladies and Gentlemen of the House. This Bill has three Senate Amendments on it. It was passed out of here overwhelmingly. All of these Amendments, I believe, are agreed to, and I will very quickly tell you what the Bill does. The original part of the Bill amended the Retailers Occupation Act to provide that the Department of Commerce Community Affairs shall have the power to promulgate rules and regulations to carry out the provisions relating to exemptions for businesses which make investments and which create new jobs. The first Amendment put on in the Senate dealt with clarifying that if a business is in an enterprise zone and exempt from paying utility taxes that that would apply to that business. The second Amendment authorized DCCA to receive and distribute federal funds to foster safe and decent housing for reimbursement of social services expenses in connection with emergency shelter for the homeless. And Madam Speaker, I would like to call on my Cosponsor, my hyphenated Chief Cosponsor, Representative Hicks to explain the third Amendment. Representative Hicks."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendment..."

Ewing: "Madam Speaker, Representative Hicks, my hyphenated Cosponsor wants to explain the third Amendment."

Speaker Breslin: "Okay. You are moving to concur in the

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Amendment..."

Ewing: "I am moving to concur, Yes."

Speaker Breslin: "I state the Motion. The Gentleman has moved to concur in Senate Amendments 1, 2, and 3 on House Bill 3982. And on that question the Gentleman from Jefferson, Representative Hicks to explain Amendment #3. Senate Amendment 3."

Hicks: "Alright. Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Amendment #3 was put on by Senator O'Daniel which is identical to House Bill 4111 which passed out of this House overwhelmingly which ex...extends the number of enterprise zones and increases that number from 65 to 67 by two. It takes care of those seven enterprise zones in the State who are qualified for the exemption. I would ask for its adoption."

Speaker Breslin: "You have heard the Motion. The Motion is...is there any further discussion? Gentleman from Livingston, Representative Ewing. For what reason do you seek recognition?"

Ewing: "Madam Speaker, are we waiting for the vote or is there a problem?"

Speaker Breslin: "We're waiting to see if the Amendments are technically correct. A Member has raised that as...as an inquiry. Just give us a chance to look it over."

Ewing: "Get back to this."

Speaker Breslin: "I will. We're...we're still on your Order of Business. The question is, 'Shall the House concur in Senate Amendments 1, 2, and 3 to House Bill 3982'. All those in favor vote 'aye' all those opposed vote 'no'. Voting is open. This is final passage. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 110 voting 'aye', none voting 'no', and none

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voting 'present'. This...and the House does concur in Senate Amendments 1, 2, and 3 to House Bill 3982. And this Bill having received the Constitutional Majority is hereby declared passed. Mr. Daniels is recognized on a Motion to nonconcur on House Bill 3857. Mr. Daniels."

Daniels: "Yes, Madam Speaker, Ladies and Gentlemen of the House. Senate Amendment #1 has some difficulties with it and we would like to move to nonconcur the Senate Amendment #1 to House Bill 3857."

Speaker Breslin: "The Gentleman has moved to nonconcur in Senate Amendment 1 to House Bill 3857. And on that question is there any discussion? Any discussion? Hearing none, the question is, 'Shall the House nonconcur in Senate Amendment 1 to House Bill 3857'. All those in favor say 'aye' opposed 'nay'. In opinion of the Chair the 'ayes' have it. And the House nonconcur in Senate Amendment #1 to House Bill 3857. Representative DeJaegher. We're going to go to your Order of Business. Going to the Speaker's Table, House Resolution 258 on page 14 on the Calendar. Representative DeJaegher is recognized."

DeJaegher: "Thank you, Madam Speaker, Members of the General Assembly. House Resolution 258 was accepted and adopted by the Citizens Assembly, a bipartisan group of Legislators. What this Resolution does is, it directs the Auditor General to conduct a management audit of the feasibility of consolidated of the various State Revenue Bond Agencies. The importance of the situation is that several Acts of Congress most notably a Tax Reform Act of 1986 has severely limited the ability to State and Local Governments to issue industrial revenue bonds and for that particular reason, I ask for adoption of House Resolution 258."

Speaker Breslin: "The Gentleman has moved for the adoption of House Resolution 258 and on that question is there any

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discussion? Hearing none, the question is, 'Shall the House adopt House Resolution 258'. All those in favor say 'aye' opposed 'nay'. In opinion of the Chair the 'ayes' have it. And the Resolution is adopted. The...Ladies and Gentlemen, we are going to go to Senate Bills, Third Reading. A Bill that needs an Amendment. The first Bill. It's on page 3 on your Calendar, Senate Bill 1470. Representative Bowman. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1470, a Bill for an Act to amend the Illinois Pension Code. Third Reading of the Bill."

Speaker Breslin: "Representative Bowman 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 he has leave. The Bill is on Second. Are there any Amendments filed, Mr. Clerk?"

Clerk O'Brien: "Amendments one through five have been withdrawn. Floor Amendment #6, offered by Representative Bowman."

Speaker Breslin: "Representative Bowman."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. The underlying Bill is a Bill to amortize the unfunded liabilities of the five state pension systems over a forty year period. This Bill passed the Senate last year. We discharged committee in the House and put it on our Calendar last year and then extended the deadline to this year. In so doing, many of the dates that are...were in the original Bill now need to be revised to reflect the delay of one year on acting in this legislation. This is a purely technical Amendment which does nothing more than to change the dates to advance all the dates by one year in the original legislation. I move for its adoption."

Speaker Breslin: "The Gentleman has moved the adoption of Amendment 6 to Senate Bill 1470 and on that question is there any discussion? Hearing none, the question is,

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'Shall Amendment 6 be adopted'. All in favor say 'aye' opposed 'nay'. In opinion of the Chair the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Yes. Leave the Bill on Third Reading. Move the Bill to Third. We come to the Special Order of Business on Higher Education. On page 6 on your Calendar appears Senate Bill 1697. The Bill is on Second Reading. Mr. Clerk, read the Bill on Second."

Clerk O'Brien: "Senate Bill 1697, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Any Motions or Amendments?"

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

Kulas: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, Amendment #1 just removes the effective date of July 1, 1988 and I move for its adoption."

Speaker Breslin: "Representative Kulas has moved the adoption of Amendment 1 to Senate Bill 1697. Is there any discussion? Hearing none, the question is, 'Shall Amendment 1 be adopted'. All those in favor say 'aye' opposed 'nay'. In opinion of the Chair the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

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

Mulcahey: "Everybody likes a little recognition once in a while. No, somebody turned my light on."

Speaker Breslin: "Okay. Ladies and Gentlemen, on the Special Order of Business dealing with state and local initiatives, on page 6 of your Calendar appears Senate Bill 1842,

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Representative Terzich. Mr. Clerk, read the Bill on Second."

Clerk O'Brien: "Senate Bill 1842, a Bill for an Act in relation to certain units of Local Government. Second Reading of the Bill. No Committee Amendments."

Speaker Breslin: "Representative O'Connell on Amendment #1. Excuse me, are there...are there any Motions filed, Mr. Clerk?"

Clerk O'Brien: "No Committee Amendments. Floor Amendment #1, offered by Representative O'Connell and Barnes."

Speaker Breslin: "Representative O'Connell."

O'Connell: "I withdraw Amendment #1."

Speaker Breslin: "Withdraw #1. Any further Amendments?"

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

Speaker Breslin: "Representative Terzich."

Terzich: "Withdraw Amendment #2."

Speaker Breslin: "Withdraw 2. Any further Amendments?"

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

Speaker Breslin: "Representative O'Connell."

O'Connell: "Thank you, Madam Speaker. Amendment #3 addresses the situation that exists in my district wherein a local sanitary district had its officials elected as opposed to being appointed about, I think it was two years ago. The problem exists, however, that in the election it did not provide for staggered terms so that when the terms expired in two years there will be...there would be no continuity of...of membership. This Amendment would provide for staggered terms and I would ask for its favorable adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 3 to Senate Bill 1842. On the question the Lady



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from Cook, Representative Pullen."

Pullen: "I would like to ask you a question, please."

Speaker Breslin: "Proceed."

Pullen: "Does the Amendment remove the underlying Bill or does it add to it?"

O'Connell: "It adds to it."

Pullen: "That's too bad. Thank you."

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

Clerk O'Brien: "Floor Amendment #4, offered by Representative Terzich and Cullerton."

Speaker Breslin: "Representative Terzich."

Terzich: "Yes. Madam Speaker. The Amendment #4 simply allows that the...rather than at the discretion of the director there only when that the determined that there is no vacancy exist at the another examination would be held. And I would move for its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 4 to Senate Bill 1842. And on that question, the Gentleman from DuPage, Representative McCracken."

McCracken: "I didn't quite follow what you said. Would you tell us what it does again, please?"

Terzich: "What it does is that on the Civil Service Exam it's extending the period from two to three years that the list may be held. So what it does is rather than have it at the discretion of the director to hold another test, that that other text would only be determined when such examinations are necessary because there is no vacancy exist."

McCracken: "So...it deletes that Section where he is able to appoint another as a special examiner and gives him

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authority not to hold an examination because no vacancy exists. Is that what it does?"

Terzich: "Yeah. It...it simply cuts back on the...on the discretion of the...of the director."

McCracken: "Alright. So, current law is that the examination should be held at least every two years..."

Terzich: "Or at the discretion of the director."

McCracken: "But it's not necessary. And here you're deleting that and requiring that it be held at least once every three years but only in the circumstances or he can not hold one at least every three years but only whether...only where no vacancy exists. Is that correct?"

Terzich: "That's correct."

McCracken: "Well, why do you...I can understand your desire to have fewer elections or examinations but, but why do you want to take away his discretion in determining that they are not necessary?"

Terzich: "Well, basically because of the fact that if there...if there is some names on the list or so on, that he can simply keep the list up and this...and wait for if they have some selected person or so but this simply would allow...simply state that once there is no vacancies that they can't hold the exam. It simply takes away his discretion."

McCracken: "Okay, to the Amendment. I...I think actually what the effect what this Amendment will be to allow the director what may appear on its face to be less latitude in opening the examinations for Civil Service but in effect, or in fact, will result in a greater ability to forestall the necessity of giving these examinations. It at the very least I don't think we want to have a threshold time period of three years when we now have two years. I think the practical effect of this will be to impede the entry into a

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full and complete Civil Service System at the Metropolitan Sanitary District. I think we should oppose the Amendment."

Speaker Breslin: "The Gentleman from Cook, Representative Cullerton on the Amendment."

Cullerton: "Representative. Yes, thank you, Madam Speaker, Ladies and Gentlemen of the House. I would invite you to reconsider the previous speaker. Reconsider this Amendment. Let me try to explain it. As I understand it, current law says that there's a requirement that these exams be held once every two years unless in the discretion of the director such examinations are not necessary. And what the Gentleman is trying to do with his Amendment is to change that because that can give unbridled discretion which can be abused. I will repeat that. The current law says examinations for an eligible list for each position in the classified service shall be held at least once every two years unless in the discretion of the director such examinations are not necessary. What the Amendment says is that they must be held at least once in every three years which is what the underlying Bill does but the big change in this Amendment is to say that the only time they can be cancelled is when the director determines that such examinations are not necessary because no vacancy exists. So there is no reason to give the test. So it's reforming a Section of the current law that would allow for the director to just do away with the Civil Service Exam. And it's replacing it with a...a Section which says the director cannot have that unbridled discretion. He can only have it when there's a situation when no vacancy exists, and then he cancels the test. And let me say that...that this is something which was explained to me by the lobbyist for the Metropolitan Sanitary District. They

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viewed it as a limitation of the discretion of the director but they viewed it as something which was an improvement to the possibility of an abuse. So I...I admit, it's a little confusing but I think if you look at it in the light of my explanation, I think and I hope that you would find it acceptable."

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

Terzich: "Well, as Representative Cullerton stated and as a...it's a good Amendment and therefore I would appreciate your support. Adopt Amendment #4."

Speaker Breslin: "The question is, 'Shall Amendment 4 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 83 voting 'aye', 28 voting 'no', 1 voting 'present'. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #5, offered by Representative Cullerton."

Speaker Breslin: "Representative Cullerton."

Cullerton: "I would...I would ask to withdraw...withdraw Amendment #5."

Speaker Breslin: "Withdraw the Amendment. Any further Amendments?"

Clerk Leone: "Floor Amendment #6, offered by Representative Cullerton."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Thank you, Madam Speaker, and Ladies and Gentlemen of the House. Amendment #6 removes the...that Section of the Bill that preempts home rule. I would be happy to answer any questions and would appreciate a favorable vote."

Speaker Breslin: "The Gentleman has moved for the adoption of

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Amendment 6 to Senate Bill 1842. On the question the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank...thank you. We don't have an engrossed copy of this as it comes to us from the Senate. I've got the Senate Amendments. Where is it that, as I look at the original Bill from the Senate, I don't...I don't see the home rule Sections you referred to."

Cullerton: "That was a Senate Amendment. I don't have the number, but I do have the enrolled...I'm sorry, strike that...the engrossed copy of the Bill and it's Section 10-46 in Chapter 24, new paragraph. It's in Section 1 of the Bill."

McCracken: "Okay. Now if you delete that Section is it the opinion of the Sanitary District that it still has this power? That it doesn't need to preempt in order to have the power?"

Cullerton: "No. The reason for this...this Senate Amendment has nothing to do with the Sanitary District, but nonetheless required a three-fifths vote and but because it preempts home rule and it...the...the request is for that that the merits of that provision be taken up in some other Bill."

McCracken: "Alright. So all of that's coming out."

Cullerton: "Right."

McCracken: "So is the effect then to delete the Senate Amendments?"

Cullerton: "That's correct."

McCracken: "Alright. Thank you."

Cullerton: "Just...just that one Senate Amendment. Just that one Senate Amendment that was offered dealing with the preemption."

McCracken: "Okay."

Speaker Breslin: "The question is, 'Shall Amendment #6 be adopted'. All those in favor say 'aye' all those opposed

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say 'no'. In opinion of the Chair the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "Floor Amendment #7, offered by Representative Terzich and Cullerton."

Speaker Breslin: "Representative Terzich."

Terzich: "I'll refer this to Representative Cullerton."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Yes. Thank you, Madam Speaker, Ladies and Gentlemen of the House. My understanding is that some communities that are in the Metropolitan Sanitary District, Madam Speaker, if I could defer to Representative O'Connell, this affects his district and perhaps he can explain the Amendment."

Speaker Breslin: "Does the Gentleman have leave to explain the Amendment? Representative Piel, do you object? Okay, Representative O'Connell on the Amendment, to explain...to present Amendment #7."

O'Connell: "Thank you, Madam Speaker. This Amendment affects my district and Representative Jane Barnes' district. It...there are several communities along the Cal-Sag Canal that are looking into ways of developing that area wherein private developers would come in on property that is owned by the Metropolitan Sanitary District and develop the area into a commercial area...commercial resort area. The issue was brought to us by Mayors of Palos Heights and the Village of Worth. The problem is that the MSD has a requirement that leases be for no longer than 50 years. It is clear that no developer would enter into a multimillion dollar investment for a lease that was not at least a 99 year lease. What Amendment 7 does is it...it it changes the 50 year requirement to 99 years and then provides for additional limitations and terms of what that lease hold arrangement would be. The Bill is important to our area,

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it warrants your support. I would ask for favorable adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment 7 to Senate Bill 1842. On the question the Gentleman from Cook, Representative Piel."

Piel: "Thank you, Madam Speaker. Will the Gentleman yield for a question, please?"

Speaker Breslin: "He will."

Piel: "John, would you explain how the...the lease payments are set up."

O'Connell: "Yes. Under...under sub-paragraph 7 and 8 they provide for the rental payments which if you'll...if you'll look at page 8 and page 9, it will explain precisely how the lease arrangements would be. Currently, the lease must provide a fixed annual rental payment for the initial five years of no less than six percent of the fair market value of the property. The property is to be reviewed every ten years. The annual rental payment may then be adjusted to reflect this review. The increase or decrease following the review may not exceed 30 percent of the previous year's payment. The Amendment requires a reappraisal and adjustment every ten years but also allows annual adjustments based on changes in the Consumer Price Index."

Piel: "One other thing. Could you explain to us, there some wording here and I'm not quite sure...Section...would you explain Section 8. It's on half way down page 9. The new Section that you have got underlined there."

O'Connell: "Well, this is a percent...if I read this correctly it is percentage of that lease arrangement which is common any shopping center development where the landlord would also get a percentage of revenues that are derived from the leasees business operations. This is a good clause for a landlord and that's what we have provided in the...in the

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lease arrangements."

Piel: "I think I...I maybe I haven't seen this type of a lease agreement before this lease wording, but I'm basically talking about lines 19 that it ought or may require additional compensation from the lessee or any sublessee in the form of services, including but not limited to solve waste disposal provided however, that such additional compensation. What...is there leu of payment there getting ready to solve waste disposal?"

O'Connell: "What this addresses if the developer would agree to clean out the area on behalf of the sanitary district that they would be able to do that as part of the rent...the..."

Piel: "In leu of certain compensation...in leu of certain compensation, then."

O'Connell: "Yes."

Piel: "Fine. Thank you very much."

O'Connell: "...and it would not be considered as the highest bid."

Piel: "Fine. Thank you very much."

Speaker Breslin: "Any further discussion? Hearing none, the question is, 'Shall Amendment 7 be adopted'. All those in favor say 'aye' opposed 'nay'. In opinion of the Chair the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Agreed Resolutions."

Clerk Leone: "House Resolution 1625, offered by Representative Madigan. 1627, offered by William Peterson and Virginia Frederick. 1628, offered by Representatives Pullen and Williamson. 1629, offered by Representative Tate et al. 1630, offered by Representative Pullen and Kulas. 1631, offered by Representative Terzich. 1632, offered by Representative Cullerton. 1634, offered by Representative



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Granberg. And 1635, offered by Representative Granberg."

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

Clerk Leone: "House Resolution 1626, offered by Representative Matijevich. And House Resolution 1633, offered by Representative Daniels et al."

Speaker Breslin: "Committee on Assignments. Representative McPike asks leave that the Clerk be given permission to read all Bills remaining on Second Reading a Second time and held on Second. And that will be done in Perfunctory Session. Is there any objection to that procedure? It's been done before. Hearing no objections the Clerk has leave to do that and now, Mr. McPike. Representative Leverenz is recognized for a Motion."

Leverenz: "Now?"

Speaker Breslin: "Now."

Leverenz: "What do I do now?"

Speaker Breslin: "Time to play ball. Make a Motion."

Leverenz: "I move we go play ball."

Speaker Breslin: "Representative Leverenz moves that allowing time for the Clerk in Perfunctory Session for the Reading of Bills on Second Reading and for other messages from the Senate, etc. that this House stand adjourned until 9:00 o'clock tomorrow morning. All those in favor say 'aye' opposed 'nay'. In the opinion of the Chair the 'ayes' have it. And this House stands adjourned until 9:00 a.m. tomorrow morning. Play ball. 9:00."

Clerk Leone: "On the Order of Second Reading. Senate Bill 1534, a Bill for an Act in relationship to tax increment financing. Second Reading of the Bill. Senate Bill 1581, a Bill for an Act to provide for the creation of the

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Kankakee River Valley Area Airport Authority. Second Reading of the Bill. Senate Bill 1795, a Bill for an Act to amend the School Code. Second Reading of the Bill. Senate Bill 1839, a Bill for an Act to amend the School Code. Second Reading of the Bill. Senate Bill 1840, a Bill for an Act to amend the School Code. Second Reading of the Bill. Senate Bill 1860, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. Senate Bill 1862, a Bill for an Act in relationship to taxes. Second Reading of the Bill. Senate Bill 1956, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. Senate Bill 2232, a Bill for an Act to create the Heritage Preservation Fund. Second Reading of the Bill. Senate Bill 1706, a Bill for an Act in relationship to taxation. Second Reading of the Bill. Senate Bill 2174, a Bill for an Act in Relationship to Motor Registration. Second Reading of the Bill. Introduction and First Readings. House Bill 4294, offered by Representative O'Connell et al, a Bill for an Act to add Sections to an Act concerning Financial Institutions in Illinois. First Reading of the Bill. House Bill 4295, offered by Representative Bowman et al, a Bill for an Act in relationship to comprehensive budget control in amending certain here in name. First Reading of the Bill. House Bill 4296, offered by Representative Bowman et al, a Bill for an Act in relationship to state budgets and Appropriation Bills. First Reading of the Bill. House Bill 4297, offered by Representative Bowman et al, a Bill for an Act to establish the Joint Budget Committee of the General Assembly to provide for its powers and duties. First Reading of the Bill. Introduction of First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #29, offered by Representative

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Bowman et al, resolved by the House of Representatives that the 85th General Assembly of the State of Illinois, the Senate concurring herein, that there should be submitted the electors of the state for adoption or rejection that the General Election next occurring at least six months after the adoption of this Resolution. A proposition to amend Section 9 of Article 4, Section 2, of Article 8 of the Constitution will read as follows: Section 9, Vehicle Procedure; A) Every Bill passed by the General Assembly shall be presented to the Governor within 30 Calendar days after its passage. The foregoing requirement shall be judicially enforced. If the Governor approves the Bill, he shall sign it and it shall become law. If the Governor does not approve the Bill, he shall veto it by returning it with his objections to the House in which it originated. Any Bill not so returned by the Governor within 60 days after it is presented to him shall become law. If recessed or adjourned of the General Assembly prevents the return of the Bill, the Bill and the Governor's objection shall be filed with the Secretary of State in such 60 calendar days. The Secretary of State shall return the Bill and objections to the originating house promptly upon the next meeting of the same General Assembly at which the Bill can be considered. C) The House to which the Bill is returned shall immediately return the Governor's objection upon its journal. If within 15 calendar days after such entry that House by a record vote of three-fifths of the Members elected passes the Bill, it shall be delivered immediately to the second house. If within 15 calendar days after such delivery, the second house by a record vote of three-fifths of the Members elected pass the Bill it shall become law. The Governor may reduce or veto any item or appropriation of the Bill presented to him. Portions of the Bill not

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reduced or Veto shall become law. An item Vetoed shall be returned to the house in which it originated and may become law in the same manner as a Vetoed Bill. An item reduced in amount shall be returned to the House in which it was originated and may be restored to its original amount in the same manner as a Veto Bill except that the required record vote shall be a majority of the Members elected to the house. If a reduced item is not so restored it shall become the law as the reduced amount. The Governor may return a Bill together with specific recommendations for change to a house in which it originated. The Bill shall be considered in the same manner as the vetoed Bill that the specific recommendations may be accepted by the record vote of the majority of the Members elected to each house. Such Bills shall be presented again to the Governor and if he certifies that such acceptance conforms with his specific recommendations, the Bill shall become law. If he does not so certify, he shall return it as the Vetoed Bill to the house in which it originated. Notwithstanding the other subsections of this section, a Bill or portion of a Bill appropriating money or a reduced restored or vetoed item of appropriations shall not become law if at any time it would otherwise become law, the aggregated appropriations for the fiscal year including the appropriation made by the Bill or a portion of the Bill or a reduced restored or vetoed item of the appropriations exceed funds estimated by the General Assembly to be available during that year. Article 8, Section 2, State Finances. The Governor shall prepare and submit to the General Assembly at the time prescribed by law a State Budget for the ensuing fiscal year. The budget shall set forth the estimated balance of funds available for appropriations at the beginning of the fiscal year. The

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estimated receipts and a plan for expenditures and objections during the fiscal year of every department authority, public corporation, Quasar Public Corporation of the state, every state college and university, and every other public agency created by the state, but not of units of local government or school districts. The budget shall also set forth the indebtedness and contingent liabilities of the state and such other information as may be required by law. Opposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget. The General Assembly, by law, shall make appropriations for all expenditures of public funds by the state. Appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year. The General Assembly, by law, shall provide for the enforcement of this subsection schedule. This Amendment takes effect upon its adoption by the electors of this state. First Reading of this Constitutional Amendment."

Clerk O'Brien: "Perfunctory Session shall be back in order. Messages from the Senate. A message from the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives the Senate concurred with the House of Representatives in passage of Bills of following title together with Amendments in the adoption which instructs to ask concurrence to the House to wit; House Bills #2569, 3007, 3010, 3442, 3462, 3489, 3590, 3767, 3888, and 2993, pass the Senate as amended June 23, 1988.' Linda Hawker, Secretary. There being no further business, the House now stands adjourned."

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