

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

124th Legislative Day

June 28, 1988

Speaker Breslin: "The hour of 11:00 o'clock having arrived, the House will come to order. I would ask Members to be in their seats. The Chaplain for today will be Pastor Greg Lockett of the Lincoln Land Baptist Church in Springfield. Pastor Lockett is the guest of Representative Bob Olson. I invite our guests in the gallery to rise and join us in the invocation."

Reverend Greg Lockett: "Father this day we thank Thee and we praise Thee for all things and for another day in which we have to come and to live and to bring glory unto Thy name. We pray for every single Representative that is here that Thou might be with them in a very special way and may they be mindful of their constituency, of those that have nominated, elected them and brought them to this place of position in power in which they have. And may they use their position rightfully and honestly in all truth before their constituents as well as before Thee. We pray that you'll endow them with knowledge and wisdom...from on high as to know what to do and how to go about it and how to vote with all the facts that are presented before them. We'd ask, Father, for Thy blessing now upon this Session. Be with this great state and our Governor. Lead, guide and strengthen each and every person as we look unto Thee. In Jesus name, Amen."

Speaker Breslin: "Representative Ropp will lead us in the pledge."

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. Representative Piel, do you have any excused absences?"

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Piel: "All present and accounted for, Madam Speaker."

Speaker Breslin: "Very good. Representative Matijevidh."

Matijevidh: "Madam Speaker, we have no absences on this side of the aisle, but I'd also like to rise. On my desk today is a letter to each Member from the Retired State Employees Association. And I only rise because I noticed lately, creeping onto our desks, in violation of the laws, and I take no position on what they say, but creeping onto our desks in violation of the rules are letters from this or that special interest group, clearly in violation of the rules. Also lately, and sometimes I've agreed and sometimes I've disagreed, the doormen have been besieged with position papers that...for every Member of this House and I don't think that's the intent of...that also...the violation of the intent of the Rules. And I would remind anybody in a position of power, here, that the only way you can give something while we're in session is an individual Member going to each Member with this or that paper. That's the only way they can do it and so I would ask whoever is responsible, that we don't get...we've only got two days left, but I noticed that's been creeping here, lately and I was part of the Rule that said, 'Don't do that any more,' a few years back and it's been working pretty good. But lately it's been creeping and I don't want it to creep anymore."

Speaker Breslin: "Representative Matijevidh, your point is very well taken. Ladies and Gentlemen, I think you are unaware of the rule dealing with the distribution of literature on the House Floor. It is not appropriate for any association to distribute literature on the House Floor. It is only appropriate for those items that are not the official business of this House to get distributed if it comes from an individual Member to another individual Member. It is

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not appropriate, for instance, for a Member to come to this Floor before the Session begins and to distribute the literature himself or herself. That is not the way that Members are to be communicated with within the Assembly. If you have a communication with other Members it should be sent by the interoffice mail to their offices. So I hope there will be no further infractions of the rule. 118 Members answering the Roll Call, a quorum is present. Representative Piel, for what reason do you seek recognition?"

Piel: "Thank you, Madam Speaker. I think the Members on our side of the aisle feel sort of left out because we didn't get the copies on our side of the aisle, so we'd like to see what they look like. So, maybe, in fact, probably, it's just that John Matijevich, they probably felt he was the swing vote and they decided to give him the literature for whatever it was for or against, but we haven't seen it over here, yet."

Speaker Breslin: "Representative Ropp is recognized for a special introduction. Please give your attention to Representative Ropp."

Ropp: "Thank you, Madam Speaker. It is a real pleasure for me to introduce to you a young Lady that is symbolic of young America as well as symbolic of the outstanding people we have in the 88th Legislative District. I'm happy to introduce to you all Miss Illinois Teen, Kathleen McClellan and her parents and grandparents are in the balcony in the rear and I'd kindly like for you to greet her, Kathleen."

Kathleen McClellan: "Thank you, Mr. Speaker, Mr. Ropp, Ladies and Gentlemen. It's such a thrill and honor to be here today as a representative of Illinois teens. And it's really nice of you to take time out of your schedule to honor my achievement. I'll be doing my best to make sure that

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Illinois is well represented in the national competition and I'm leaving for that in a week and I hope that you'll all be watching the live telecast, it's July 25th at 8:00 o'clock on CBS. Thank you."

Speaker Breslin: "Agreed Resolutions."

Clerk O'Brien: "House Resolution 1656, offered by Representative Matijevich. 1658, Stange. 1659, Black. 1660, Hasara. 1662, Stephens. 1663, Mulcahey."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, we have examined the Resolutions and they are agreed to. I move the adoption of the Agreed Resolutions."

Speaker Breslin: "The Gentleman has moved the adoption of the Agreed Resolutions. The question is, 'Shall they be adopted?' All those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Agreed Resolutions are adopted. General Resolutions."

Clerk O'Brien: "Senate Joint Resolution 136, offered by Representative Black. 139, Giglio and DeLeo. House Joint Resolution 2...oh, that's Giglio and Daley. House Joint Resolution 213 by Ronan. House Joint Resolution 214, Mautino. House Resolution 1661, Martinez."

Speaker Breslin: "Committee on Assignment. Death Resolution."

Clerk O'Brien: "House Resolution 1657, offered by Representative O'Connell with respect to the memory of Vincent J. McNerny."

Speaker Breslin: "Representative Matijevich moves the adoption of the Death Resolution. All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Death Resolution is adopted. Representative Tuerk is now recognized for a special introduction. Give the Gentleman your attention, please."

Tuerk: "Madam Speaker and Members of the House, we've already

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recognized one young Lady here this morning. I'd like to introduce another young Lady who has brought much glory to the State of Illinois and she is Miss Illinois National Teenager and her name is Tracey Cassens from my district in Peoria. She will be competing in the National Pageant in Hawaii in August, August 3-9 and I'd like for you to give her a warm welcome. Accompanying her today is her grandmother, Mrs. Fran Cassens and they're from Peoria and I'd like to have Tracey say just a few words to the body."

Tracey Cassens: "Thank you. Good afternoon. It's a pleasure to be here today. I am Miss Illinois National Teenager and I will be proud to represent the State of Illinois at the finals in Hawaii, August 3-9. It will be on TV, so I hope you all tu...tune in. It'll be August 8th and root me on as much as you can because I'll be very nervous. Thank you."

Tuerk: "Thank you, Tracey, and we shall be rooting you on and thank you, Madam Speaker, for the privilege."

Speaker Breslin: "Ladies and Gentlemen, it is the plan of the Chair to begin this morning's business on the Order of nonconcurrency, excepting those Bills that are appropriation matters. I would hope that Members would come to the Floor so that we may proceed on these Bills. Representative Piel, for what reason do you seek recognition?"

Piel: "Just an inquiry of the Chair, Madam Speaker. When we go to Concurrence, are we going to start back at the very beginning or are we going to start where we left off yesterday? Could you tell me?"

Speaker Breslin: "I don't know, but I'll...I'll look that over. I don't know...my Calendar isn't marked where we left off, but I'll look it over."

Piel: "I think we're about ten...fifteen Bills from the end. I

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can tell you for sure if you want to know. Thank you."

Speaker Breslin: "Ladies and Gentlemen. Ladies and Gentlemen. Ladies and Gentlemen, Representative Mays is recognized for a special introduction. Please give the Gentleman your attention."

Mays: "Thank you very much, Madam Speaker. You know, in my eight years as a State Representative, I haven't prevailed upon the House to do this kind of ceremony very often and I've watched my colleagues as they bring the sports teams up from the various regions throughout this whole state and honor them. It's my privilege today to be able to introduce to you the Quincy High School...Senior High School Quiz Bowl Team. They've had the distinction and the honor of winning the State of Illinois Quiz Bowl Title back to back this year and last year. They also participated in a...a National Quiz Bowl Tournament down in New Orleans just this past week and they finished in the top 16 and...for that reason, I thought it was appropriate that we ask for a little bit of time and attention from the colleagues in the House. We have with us Senator Donohue and also the coach of the Quiz Bowl Team since its inception ten years ago or so, Beth Young. I'd like to turn it over to Beth to introduce the Quiz Bowl members and make a few comments."

Beth Young: "Thank you very much. I appreciate your efforts, Jeff, and yours also, Laura. These students have worked very diligently for the last few years. They've won two state tournaments back to back. We're very proud of their record. This year they are 53 and 3 before they went to nationals. Last year they are 61 and 3. So we are very pleased about that too, Jeff. If I could introduce the students at this time, starting over on my right, behind Jeff, Jennifer Distelhorst, Mary Klinger, Dave Holsinger in

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the back, Dana Morrell, Billy Twadle, John Wallman, Mark Wikoff, Gavin Habb, Ted Blazle, and the captain of the team, the little guy on the end dressed like Paul Simon, Matt O'Neil."

Mays: "Again, our congratulations to you for your achievements. You've held the banner of the state high and we certainly appreciate this particular achievement. Thank you very much, Madam Speaker. Thank you."

Speaker Breslin: "Representative Mulcahey, are you seeking recognition? I don't see that your light is turned on. That is the proper method for seeking recognition, Representative Mulcahey."

Mulcahey: "Thank you, Madam Speaker, I just saw those kids leave and just a quick comment that I was eliminated from our Quiz Bowl Team right off the bat and the first question they asked me was if I knew Lincoln's Gettysburg Address and I said, 'Heck, I didn't even know he moved.' So I didn't...didn't last very long on that one."

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

Leverenz: "I'd ask leave of the Body to give the previous speaker the right to revise and extend or expand his remarks in the record."

Speaker Breslin: "Okay. We have discussed this matter with Representative Piel and it is the decision of the Chair to start on the Order of Concurrences where we left off yesterday and that is on page five at House Bill 3968. Representative DeJaegher."

DeJaegher: "Thank you, Madam Chairman and Members of the General Assembly. I concur with Senate Amendments #1 to House Bill 3968. Senate Amendment #1 was formerly House Bill 3321 which was Representative Hannig's Bill and basically this Bill passed the House by a margin of 111 to 102. What it

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does, it coordinates...a mailing list and...the cost that would be associated with this particular Amendment would be born by those people requesting the information that would pertain to...to school board agendas, budgets, audits, and board meetings. And if they requested this information, of course, this would be provided by them and of course, they would be also...have to pay for that type of service. That's the extend of number...Amendment #1 and hopefully that you will concur and be supportive of this Amendment."

Speaker Breslin: "Representative DeJaegher, the Calendar reflects that two Amendments were adopted in the Senate. What is your pleasure with regard to Senate Amendment #2?"

DeJaegher: "I concur with Senate Amendment #2 also."

Speaker Breslin: "Will you tell us what that Amendment does?"

DeJaegher: "Basically, this is Amendment #2 and...what this does, it provides that community college boards shall establish a seniority list similar to the...the proviso that's from K-12 districts. Basically, our school districts do have it. This has not been done by our community colleges, but hopefully that...they will establish a senio...a tenure list as similar to what we provide for in...in your local school grade systems."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendments 1 and 2 to House Bill 3968. On the question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker. I...I wish the Gentleman would reconsider his position. The underlying Bill appears to be okay and Amendment #1 appears to be no problem. However, Amendment #2 is a substantial change in hiring and firing or lay off practices currently engaged in...in this state. And I think the provisions of Senate Amendment #2 in particular are very onerous. Now, I understand wanting to provide notice for an employee who's going to be laid

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off. However, in this Amendment, if you fail to comply with the 60 day requirement, the employee is automatically employed for the next ensuing year. So, I think the penalty for not complying with the 60 day notice requirement is all out of proportion to the point of the duty in the first place. The point of the duty in the first place is not to stop the lay offs. It is not to penalize the school district. The point of the dismissal of the notice is to give the employee as much reasonable notice as is possible in order that he may make other arrangements. But failure to make the 60 day rule, resulting in ensuing employment for the next year is absolutely not in keeping with the duty imposed upon the school. What if, in fact, for some reason a 60 day notice does not get accomplished, the school district is out of money, but since it didn't comply with the 60 day rule, say...say it gave 59 days notice. Then, in fact, they have to budget or have monies for an extra teacher, a teacher who was to be laid off precisely because of budget problems. So I think it's all out of balance. It's a very onerous provision. I certainly don't disagree with the underlying concept of giving notice, but Senate Amendment #2 is absolutely awful. We should resist this Motion to concur and at the very least ask the Gentleman to consider nonconcurring."

Speaker Breslin: "Any further discussion? Hearing none, Representative DeJaegher to close."

DeJaegher: "With all...with all due respect to Mr. McCracken, Tom, I feel that this basically, this Bill is not as erroneous as you are leading us to believe and I persist that we go ahead with the adoption of Amendment #2 also."

Speaker Breslin: "The question is, 'Shall the House concur on Senate Amendment #1 and 2 to House Bill 3968?' All those

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in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Cowlshaw, one minute to explain your vote."

Cowlshaw: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. In explaining my vote, it is my belief that Amendment #2 places an inordinate and an unfair burden upon our schools. We have made every effort during this Session to attempt to be of help to our schools. This is no help at all. If we defeat this Motion, then the Sponsor can present another Motion to concur in Senate Amendment 1 and nonconcur in Senate Amendment 2. He would then have a Bill that is a help to schools. All of you who are voting 'yes', when you go home and face your school people, I hope you will have a good excuse for why you voted in this way. Thank you."

Speaker Breslin: "Have all voted who wish? This is final passage. Have all voted who wish? The Clerk will take the record. On this question there are 78 voting 'aye', 39 voting 'no', 1 voting 'present' and the House does concur in Senate Amendment #1 and 2 to House Bill 3968 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3987, Representative Homer. Out of the record. House Bill 4009, Representative Wait."

Wait: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, House Bill 4009 basically would have the ASC office just make the conservation districts and locally make recommendations with regards to water restrictions when you're dealing...drilling a hundred thousand gallon or more well capacity. Also Amendment #1 that was put on in the Senate would say that the limitations we have for the water here in Illinois for barium, radium, and flouride would be those the same that were enacted by the U.S. Department of EPA. I would move for concurrence."

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Speaker Breslin: "The Gentleman has moved to concur in Senate Amendment #1 to House Bill 4009 and on that question is there any discussion? Hearing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4009?' 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', none voting 'no', 1 voting 'present'. The House does concur in Senate Amendment #1 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 4011, Representative Churchill."

Churchill: "Thank you Madam Speaker, Ladies and Gentlemen of the House. Senate Amendment #1 to House Bill 4011 merely adds an immediate effective date. It was requested by the Emergency Services Disaster Agency because of the potential problems with the drought that we have. They felt that it would be best to get the Act up and get it going so that if some...something need...was needed by the department that they could go into effect. So I would ask to concur in Senate #1 to House Bill 4011."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment...has moved to concur on Senate Amendment #1 to House Bill 4011. Is there any discussion? Hearing none, the question is, 'Shall the House Concur in Senate Amendment #1 to House Bill 4011?' 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'. The House does concur in Senate Amendment #1 to House Bill 4011 and this Bill having

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received the Constitutional Amendment...the Constitutional Majority is hereby declared passed. House Bill 4052, Representative Olson. Out of the record. On page six appears House Bill 4096, Representative Black. Out of the record. House Bill 4125, Representative Shaw. Mr. Shaw."

Shaw: "I move to concur in Senate Amendment #1...Senate Amendment #1 to House Bill 4125."

Speaker Breslin: "Can you tell us why, Sir?"

Shaw: "Would...the Amendment changes the revocation to suspension, the penalty relative to driver's privileges as it results through driver's conviction for the following offenses. It's about ten offenses associated with this Amendment and I move for its...to concur."

Speaker Breslin: "The Gentleman moves to concur in Senate Amendment #1 to House Bill 4125. On the question the Gentleman from DeKalb, Representative Countryman."

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

Speaker Breslin: "He will."

Countryman: "Can you tell us what offenses are involved in this Senate Amendment?"

Shaw: "Yes. If a person, if a person is convicted of a...of having drugs in the automobile that's within an amount of over 30 grams, that person's license would be suspended for one year on a first offense and on a second, a subsequent offense, his license would be suspended for five years."

Countryman: "Now is that 30 grams is only cannabis, is that right?"

Shaw: "Right. That's right."

Countryman: "It's five grams on a controlled substance?"

Shaw: "That's right. That would be..."

Countryman: "And the person must be the driver of the automobile?"

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Shaw: "Right."

Countryman: "And he must...he must be found guilty of this while operating the motor vehicle?"

Shaw: "Right."

Countryman: "So a mere passenger would not be included, is that correct?"

Shaw: "No. No."

Countryman: "Now the other language which says a person has been convicted of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, and so forth, are those in the existing law now for revocation of driver's license?"

Shaw: "Yes. Yes it is."

Countryman: "What does this do different than existing law does?"

Shaw: "The only thing that it does is add the driver of an automobile who's delivering controlled substance or cannabis...is remove his drive...driving...his or her driving privileges for being a dealer."

Countryman: "Does this make the suspension of the driver's license discretionate...discretionary as opposed to mandatory?"

Shaw: "It...it changes from a revocation to a suspension."

Countryman: "So suspension means it's discretionary."

Shaw: "Right."

Countryman: "As opposed to mandatory on the Secretary of State."

Shaw: "Right."

Countryman: "So that envisions that the Secretary of State then could reinstate the drivers license after doing whatever he felt was appropriate, giving a hearing and..."

Shaw: "It would be done automatic under the provision of this Bill. The Secretary of State..."

Countryman: "Alright."

Shaw: "At this...he didn't feel as though that he wanted to go

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through all those hearings and you would have to create a whole new department if we did it the other way."

Countryman: "And as I understand it, Senate Amendment #1 does not change the offense of drug induced homicide at all, is that correct?"

Shaw: "No. Right."

Countryman: "Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4125?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted wish? The Clerk will take the record. On this question there are 106 voting 'aye', none voting 'no', and 12 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 4125 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 4154, Representative Rea. Present your Motion, Sir."

Rea: "Thank you, Madam Speaker, Members of the House. I would move to concur with Amendments 1 and 2 of House Bill 4154. What this does is primarily technical changes, clarification of language, and taking care of obligations that were in the original legislation."

Speaker Breslin: "The Gentleman man has moved to concur in Senate Amendment #1 and 2 to House Bill 4154. On the question, the Gentleman from DuPage, Representative McCracken."

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

Speaker Breslin: "He will."

McCracken: "Representative, as to Senate Amendment #1, how significant is it if you know that the decisions of DMM will now be subject to the Administrative Review Law? And what that means, of course, is limited circuit court and appellate court review, largely limited to questions of

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law. Has there been a change, do you know? Or is...in...in practice that's...that's what is going on today?"

Rea: "It's my understanding that it would be an advantage to the department and others that are dealing with it because of the time frame as it relates to the administrative decisions."

McCracken: "I'm...I'm sorry. I couldn't hear you."

Rea: "Okay. It's my understanding that it would be an advantage to the department and others that are dealing with it because of the time frame on the administrative decisions."

McCracken: "And their decisions would be accorded much more weight in any appeal from the administrative hearing level and I suppose that would favor the department. Is that the purpose of it?"

Rea: "Not necessarily, no."

McCracken: "Okay. What about the speci...specification that Members of the board cannot be eligible for the State Employee's Retirement System? What significance is there of that?"

Rea: "Because of the small amount of service that's provided, this would avoid having to take deductions from the board."

McCracken: "Okay, thank you."

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

Piel: "Thank you, Madam Speaker. Will the Gentleman yield for a question?"

Speaker Breslin: "He will."

Piel: "Representative Rea, could you do me a favor and...explain exactly what Amendment #2 does?"

Rea: "Amendment #2 just makes a very minor technical change by adding the language 'in excessive or unreasonable amounts.'"

Piel: "Because the way our definition is here is that it loosens

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up the restrictions on the amount of gas that may be released into the open air of a drilling site. Is that correct?"

Rea: "This actually...it's an interpretation of the Department of Mines and Minerals and others that there's no change that this just clarifies."

Piel: "Because the way...the way our definition says it alters the definition of waste in the Oil and Gas Act, and loosens the restrictions on the amount of gas that may be released into the open air of a drilling site. My question to you would be...is this Amendment agreed to by the EPA?"

Rea: "We have had no objections from EPA on it. I'm sure that if...if they had any objections, they would have, you know, would have talked to us. As far as I know, there's been agreement, you know, by everybody that's been concerned."

Piel: "Does the EPA know about it Jim? I mean, have they been consulted as far as the Act goes?"

Rea: "Well, I...I know they're aware, that the Act is there and I assume that they would be aware of the...the Amendment there."

Piel: "True. I realize..."

Rea: "It is supported not only by the Petroleum Council and...but also the Oil and Gas Association as well as the Illinois Department of Mines and Minerals."

Piel: "But...to your best knowlege, you don't know if the EPA knows of the loosening of the restrictions?"

Rea: "This I...I could not tell you. I do know that there has been no objections from the EPA."

Piel: "Okay. Thank you. No further questions, Madam Speaker."

Speaker Breslin: "Representative Rea to close."

Rea: "I would just ask a favorable vote on concurring with Amendments 1 and 2 of House Bill 4154."

Speaker Breslin: "You have heard the Gentleman's Motion. Shall

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the House concur in Senate Amendments 1 and 2 to House Bill 4154? All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. 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'. The House does concur in Senate Amendments 1 and 2 to House Bill 4154. This Bill having received the Constitutional Majority is hereby declared passed. House Bill 4171, Representative Hensel."

Hensel: "Thank you, Madam Speaker, Members of the House. I move to concur with Senate Amendment #1 to House Bill 4171. The Senate Amendment allows the Department of Public Health to maintain a two signature checking account to refund insufficient fees received pursuant to the Vital Records Act. What has happened is the department for the last year and half has been doing this and when the auditors came in and reviewed their accounts, they decided that it wasn't legal. So what we're trying to do now is to allow the department to legally have this checking account so it'll still be maintained. The language in the Bill is patterned after the authority granted the Secretary of State for the maintenance of a checking account used to refund insufficient fees and I ask for a favorable vote."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendment #1 to House Bill 4171. On that question is there any discussion? Any discussion? Hearing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4171?' 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 116 voting 'aye', none voting 'no', and none voting 'present'. The House does concur in Senate Amendment #1 to

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House Bill 4171 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 4179, Representative Wyvetter Younge. Excuse me, Anthony Young. Out of the record. House Bill 4192, Representative Piel. Representative Piel."

Piel: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I would move to concur with Senate Amendments #1 and #2. Senate Amendment #1 basically provides that annual licenses under the Act will be issued on...and...on December 31st and will expire...will be issued on January 1st and will expire the 31st of every year rather than, you know, breaking down the dates according to when they applied. Also, it states that out of state businesses shall...would be subject to licensure under the Act. Amendment #2 basically clarifies that all insurance transaction conducted by the licensees...under the Consumer Installment Act, shall be in accordance with the Insurance Code and I would move for concurrence on Amendments #1 and 2."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendments 1 and 2 to House Bill 4192 and on that question is there any discussion? Any discussion? Hearing none, the question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 4192?' All those in favor vote 'aye', all those...excuse me. The Gentleman from Fulton, Representative Homer."

Homer: "Well, I was going to ask a question. I see the Roll Call's open. Maybe the Gentleman could explain his vote and I'll explain mine. I noticed your...the Senate Amendment 2 that provides that banks selling insurance would be subject to the Insurance Code. It's my understanding that House Bill 2525 still in the Rules Committee would...would the Sponsor simply clarify that

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aspect of the Bill?"

Speaker Breslin: "Representative Piel."

Piel: "I'm glad he brought it up. It's businesses which are under the Consumer Installment Loan Act and not under the Banking Act. And it has nothing to do with banks that deals with consumer...the Consumer Loan Act. And so this has nothing to do with banks selling insurance whatsoever."

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

Wennlund: "Thank you, Madam Speaker. Representative Homer raised an interesting question. Who does it permit to sell insurance is the question? All types of insurance, it says. All types."

Speaker Breslin: "Representative Piel, do you have an answer to that question? You would be recognized for that."

Piel: "I'll explain my vote the second time. This...I've been told I've already explained my vote. Basically, what it is, it's businesses who presently are under that Act, the Consumer Loan Act, and household finance would be an example, where under the...they are...under certain aspects of the Consumer Installment Loan Act. But has nothing to do with the Banking Act if that's what you're thinking. It has nothing to do with banks selling insurance whatsoever."

Speaker Breslin: "Have all voted who wish? The Gentleman from Cook, Representative Parke. One minute to explain your vote."

Parke: "Yes, I'm not sure I understand that answer. Will...will we be...may I ask the Sponsor one more time one other question? I'm sorry this has now brought up some new perspectives that I think are worthy of discussion."

Speaker Breslin: "That's fine."

Parke: "Representative Piel, are you saying that other institutions, whether it's banking now will be able to sell

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insurance under this? Is that what you're trying to say, that you're going to open up a new group of businesses?"

Piel: "Right. No. No. Businesses...businesses presently, under the Consumer Installment Loan Act, can sell insurance and basically this states that...it's clarifying because it deals with the licensees. Licensees are usually, you know, into this area of it, are out of state licensees because before the out of state people did not have to have licenses and this clarifies that they do have to have licenses under this Act."

Parke: "Do you know if you've talked to any of the...insurance..."

Speaker Breslin: "Proceed, Representative Parke."

Parke: "Thank you, Madam Speaker. Have you checked with any of the other groups on this Amendment or is this a new concept?"

Piel: "The insurance industry has no problems with it and the Department of Insurance has no problems with it. It's just clarifying the Act the way it stands right now."

Parke: "Thank you, Madam Speaker."

Speaker Breslin: "The Clerk will take the record. On this question there are 109 voting 'aye', none voting 'no', 6 voting 'present'. The House does concur in Senate Amendment #1 to House Bill 4192 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 4212, Representative Berrios. Representative Berrios."

Berrios: "Thank you, Madam Speaker, Members of the Assembly. I move to concur on Senate Amendments 1 and 2 to House Bill 4212. Senate Amendment 1, merely sets a maximum fee that can be charged under this Act and Amendment #2 sets the number of directors that can be non-financial people."

Speaker Breslin: "The Gentleman has moved to concur in Senate

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Amendment #1 and 2 to House Bill 4212 and on that question is there any discussion? Hearing none, the question is, 'Shall the House concur in Senate Amendment #1 and 2 to House Bill 4212?' 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. Representative Hallock, you are already recorded as voting 'aye'. There are 114 voting 'aye', none voting 'no', none voting 'present'. The House does concur in Senate Amendments 1 and 2 to House Bill 4212 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 4220, Representative Kirkland. Out of the record. Ladies and Gentlemen, we'll now proceed on to the Order of Nonconcurrency on page six on the Calendar. The first Bill is Senate Bill 959. Representative Capparelli on a Motion to nonconcur. Out of the record. Senate Bill 1581, Representative Novak. Representative Novak is recognized."

Novak: "Thank you, Madam Speaker, Members of the General Assembly. I now move to refuse to recede in Senate action on House Amendments 1, 2, 3, and 4 and request a Conference Committee."

Speaker Breslin: "Representative Novak, would you restate your Motion, please. Restate your Motion."

Novak: "Thank you, Madam Speaker. I now move to refuse to recede from Senate action on House Amendments 1, 2, 3, and 4."

Speaker Breslin: "Okay. I think the board is wrong, Mr. Clerk. It's got too many Amendments up there, not in order, so the Gentleman's Motion is to refuse to recede from House Amendments 1, 2, 3, and 4 and on that question, the Gentleman from Cook, Representative McNamara."

McNamara: "Thank you, Madam Speaker. Could he explain a little bit about those Amendments that he's refusing to recede and

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what the Conference Committee is going to have?"

Speaker Breslin: "Representative Novak."

Novak: "Right. Amendment number...from my recollection, Amendment #1 made the site specific to Kankakee County. Amendment #2 added 25 million dollars in general obligation bonds for noise abatement credits for schools, industry, and residential areas that surround Midway Airport and O'Hare. And Amendment #3 specified Midway Airport more specifically as far as the bonds are concerned for the noise abatement and Amendment #4 set up the...the workings of the Airport Authority in Kankakee County with three members appointed by the county board chairman from Kankakee County and two members appointed by the Will County board. Has no bonding authority."

Speaker Breslin: "Any further discussion? Hearing none...the Lady from Cook, Representative Didrickson."

Didrickson: "I just...thank you, Madam Speaker. I just am rising to say that I think the Senate action was the correct action. What Representative Novak has done here with this Bill, with this Amendments has...is premature. There is no particular siting available yet for that third airport, if there is to be an airport which means that setting up an authority structure is premature. The sound proofing of homes is premature. I think the Senate was absolutely correct in their action."

Speaker Breslin: "The Gentleman from Will, Representative Regan. He indicates he does not wish to speak. The question is, 'Shall the House refuse to recede from House Amendments 1, 2, 3, and 4 to Senate Bill 1581? All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the House refuses to recede from House Amendment 1, 2, 3, and 4. Don't you want to request a Conference Committee? Okay?"

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Berrios: "Yes, Madam Speaker. Madam Speaker, I did request that."

Speaker Breslin: "I see. The Gentleman asks for a Conference Commi...a Conference Committee report...Conference Committee will be appointed. Senate Bill 1697, Representative Kulas. Out of the record. Senate Bill 1706, Representative Hicks. Out of the record. Senate Bill 1795, Representative Flowers. Out of the record. On page seven appears Senate Bill 1842, Representative Terzich."

Terzich: "Yes, Madam Speaker, I move that the House do not recede from Amendments 3, 4, 6, and 7 on Senate Bill 1842."

Speaker Breslin: "Representative Terzich has re...moved to refuse to recede from House Amendments 3, 4, 6, and 7 to Senate Bill 1842. And on that question, is there any discussion? Hearing none, the question is, 'Shall the House refuse to recede from House Amendments 3, 4, 6, and 7 to Senate Bill 1842?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the House refuses to recede from House Amendments 3, 4, 6, and 7 to Senate Bill 1842 and Representative Terzich requests a Conference Committee...a Conference Committee. A Conference Committee will be appointed, Sir."

Terzich: "Thank you."

Speaker Breslin: "Senate Bill 1856. Out of the record. Senate Bill 1958, Representative Parke. Representative Parke."

Parke: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I would ask that we would refuse to recede from House Amendment #7 and ask for a Conference Committee report to be established."

Speaker Breslin: "The Gentleman moves to refuse to recede from House Amendment 7 to Senate Bill 1958. Will you tell us your reasons, Sir?"

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Parke: "There has to be an agreement on the wording of the Amendment, for clarification to...to meet the concerns of my Democratic colleagues."

Speaker Breslin: "Is there any discussion? Hearing none, the question is, 'Shall the House refuse to recede from Amendment 7 to Senate Bill 1958 and ask for a Conference Committee...and shall a Conference Committee be appointed?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The House refuses to recede from House Amendment 1 to Senate Bill 1958 and a Conference Committee will be appointed. Senate Bill 2127, Representative Parke."

Parke: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I ask for...I refuse to recede from House Amendment #2 and ask for a Conference Committee report to be established."

Speaker Breslin: "Would you give us your reasons, Sir?"

Parke: "Yes, we have a concern as to the request of the State's Attorney's Office whether or not a lien can be...whether or not we could put mon...monies in...collect monies on a fine if there's a lien, because we need a legal clarification, we must have a Conference Committee report to study it."

Speaker Breslin: "The Gentle...the Gentleman has moved to refuse to recede from House Amendment #2 to Senate Bill 2127. On that question, is there any discussion? Hearing none, the question is, 'Shall the House refuse to recede from House Amendment 1 (sic Amendment 2) to Senate Bill 2127? All those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the House refuses to recede from the House Amendment to Senate Bill 2127 and a Conference Committee will be appointed. Senate Bill 2147, Representative Granberg. Out of the record. Senate Bill 2257, Representative Countryman."

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Countryman: "Thank you, Madam Speaker. I move to recede from House Amendment #2."

Speaker Breslin: "Can you tell us why, Sir?"

Countryman: "House Amendment #2 was an Amendment by Representative Bowman which was a part of House Bill 600, he'd asked to put the Amendment on this Bill. It went over to the Senate and the Senate refused to concur. I don't think it'll do any good to appoint a Conference Committee because it's really unrelated to the Bill and because the Senate refuses to concur. The underlying Bill is a Bill for the Department of Children and Family Services, and it deals with the Violent Crimes Act and we passed the underlying Bill, I believe, without any opposition. So I think we ought to recede from this Amendment and send the Bill to the Governor's desk that way."

Speaker Breslin: "Are you indicating that you...you wish to recede from this Amendment? You are moving to recede from this Amendment?"

Countryman: "That's correct. My Motion is to recede from the Amendment. So this would be final action."

Speaker Breslin: "Very good. Okay. The Gentleman has moved to recede from the House Amendment #2 to Senate Bill 2257 and on that question, the Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Madam Speaker. The Amendment in question is identical to a...a Bill which I had sponsored which passed the House almost unanimously and got stuck in the Senate Rules Committee. So I prevail on the Sponsor to add this because it appeared at the time that it was noncontroversial. However, I did promise him that if the Senate refused to concur, I would support a Motion to recede and so I will support the Gentleman's Motion that we recede from House Amendment #2."

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Speaker Breslin: "There being no further discussion, the question is, 'Shall the House recede from House Amendment #2 to Senate Bill 2257?' All those in favor vote 'aye', all those opposed vote 'no'. This is final action. Have all voted who wish? Vote Representative Peterson from Lake 'aye'. Representative Peterson from Lake County, W. Peterson. Thank you. 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'. The House does recede from House Amendment #2 to Senate Bill 2257 and this Bill having received the Constitutional Majority is hereby declared passed. Ladies and Gentlemen, we are now going back to the Order of Concurrences, starting at the beginning on page three on your Calendar, appears House Bill 3024, Representative Steczo. Representative Steczo."

Steczko: "Thank you, Madam...thank you, Madam Speaker. I would move to concur with Senate Amendment #1 to House Bill 3024. The Amendment is technical in nature and just simply changes the word 'person' to 'persons' and I would so move and ask for the House do concur in this Amendment."

Speaker Breslin: "The Gentleman moves to concur in Senate Amendment #1 to House Bill 3024 and on that question, is there any discussion? Hearing none, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3024?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. 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'. The House does concur in Senate Amendment #1 to House Bill 3024 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3085, Representative Cullerton. Out of

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the record. House Bill 3096, Representative Matijevich."

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House, I am now moving to concur with Senate Amendments 1, 2, and 3 to House Bill 3096. Amendment #1 is...means nothing because it's deleted by Amendment #2. Amendment #2 requires all sales on service of hearing aids in excess of \$50 or more to include a receipt or contract to be given by the seller. It adds a provision which makes the supervisor and the employ...employee jointly and separately liable for any acts of the temporary certificate holder relating to the practice of fitting or dispensing hearing aids. It changes the fee schedule for certificates and gives the department the authority to impose fines for violation of the Act. Amendment #3 adds a provisions...stating that the persons certified by the state shall be deemed to have met the minimum standards to provide hearing aid evaluations. I now move to concur with those three Amendments, Madam Speaker."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendments 1, 2, and 3 to House Bill 3096 and on that question, the Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Will the sponsor yield?"

Matijevich: "Yes."

Speaker Breslin: "He will."

Kubik: "Representative Matijevich, as we spoke yesterday, what I'd like to do is ask you a question so that...we're perfectly clear on the intent of Amendment...Senate Amendment #3."

Matijevich: "Yes."

Kubik: "For purposes of legislative intent, does the term 'evaluation' used in Senate Amendment #3 imply testing of human hearing without the precautions required by the Act?"

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Matijevich: "No."

Kubik: "Okay. So what we're basically saying is that...the rest of the Act will...this portion of the legislation Senate Bills...Senate Amendment #3 will be consistent with the rest of the Act."

Matijevich: "That's correct."

Kubik: "Okay. Great, it's a fine Bill. It's been around for quite a while. All of the parties have worked together to come up with this legislation. I strongly support the Bill."

Matijevich: "Thank you."

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

Hallock: "Will the Sponsor yield?"

Speaker Breslin: "He will."

Hallock: "Does this in any way impact on the mail order hearing aid services?"

Matijevich: "Not that I'm aware of, John."

Hallock: "Thank you very much."

Speaker Breslin: "There being no...the Gentleman from Vermilion, Representative Black."

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

Speaker Breslin: "He will."

Black: "Thank you. Representative, I...it's a little noisy in here and I haven't been able to hear all of your questions. I...I'm sure your intent is honorable and it looks to be a very good Bill. But if you would, just clarify for me, what impact would this Bill have on someone who has been in the hearing aid selling and...installation....I guess, if you will, business, say for 35 years? Will it have a...a negative impact on their business?"

Matijevich: "I don't think it would have a negative impact. All

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that this Bill does is clarify that the certificate holder shall meet the minimum standards required by the state. Therefore, I don't think it would have any impact on that party."

Black: "Thank you very much, Representative."

Speaker Breslin: "Representative Matijevich has moved that the House concur in Senate Amendments 1, 2, and 3 to House Bill 3096. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 115 voting 'aye', none voting 'no', and none voting 'present'. The House does concur in Senate Amendment #1, 2, and 3 to House Bill 3096 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3125, Representative Ewing. Out of the record. We're skipping over all of the appropriation matters, Ladies and Gentlemen, so turn to page four on the Calendar. The next Bill appears to be House Bill 3331, Representative Granberg. Mr. Granberg, do you wish to move this Bill on concurrence? Representative Granberg."

Granberg: "Thank you, Madam Speaker and Members of the House. I'm moving to concur with Senate Amendments 1 and 2. Senate Amendment #1 is merely I think...House Bill 2958 which passed in the House on the Consent Calendar. It was amended to the Bill in the Senate. It is now Senate Amendment #1. Senate...another portion of Senate Amendment #1 is House Bill 2959 which also passed the House on the Consent Calendar. It is amended onto this Bill in the Senate because they...were not...were not released from the Rules Committee. So they passed unanimously in the Senate and they also passed unanimously in the House. So that would be Senate Amendment #1. Senate Amendment #2 also

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adds House Bill 2960 which passed the House on the Consent Calendar. It passed the House here unanimously and then it also passed the Senate unanimously. It adds 2960 and I...excuse me...Senate Amendments 1 and 2 merely add House Bills that have passed here unanimously in May and I would move for the concurrence in Senate Amendments #1 and 2."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendment #1 and 2 to House Bill 3331 and on that question, the Gentleman from DuPage, Representative McCracken."

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

Speaker Breslin: "He will."

McCracken: "Representative, I...I'm looking at Amendment #3 which I guess was a House Amendment regarding the competency of a witness to testify. What is the substance of the hearsay exception you want to create in the underlying Bill? Can you explain that for me?"

Granberg: "Representative McCracken, if you want me to deal with the Bill itself and not the Amendments, because that Bill passed from the House unanimously as well."

McCracken: "I know. But I'm...but the analysis says somewhere that there's a hearsay exception created. Okay. This is Committee Amendment #1."

Granberg: "Representative McCracken, I've just been informed that that Amendment was withdrawn."

McCracken: "Amendment #3 was withdrawn, yeah, that's to the witness competency. I was thinking about the hearsay exception."

Granberg: "Representative McCracken, Amendment #1, I think codified the Common Law Rules in regard to hearsay. In addition, it provides that certain statements made by a child under 13 years of age would be admissible in civil cases despite the hearsay if it describes an act of child abuse or an unlawful sexual act performed in the presence

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of or on the child. Or it is testimony of another that such child made such statements to the person testifying and the court determines that the statement is at least minimumly reliable and the child either testifies at the proceedings or there is corroborative evidence of the content of the child's statements. So in civil proceedings you are expanding...you are correct, you are expanding the hearsay exception because you're allowing the child to testify in civil cases."

McCracken: "Okay. Alright. Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall the House concur in Senate Amendment #1 and 2 to House Bill 3331?' 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 118 voting 'aye', none voting 'no' and none voting 'present'. The House does concur in Senate Amendments 1 and 2 to House Bill 3331 and this Bill having received the Constitutional Majority is hereby declared passed. Representative Stephens, for what reason do you seek recognition?"

Stephens: "Thank you, Madam Speaker. On a point of personal privilege, the St. Louis Cardinals are not doing well, but all is not lost in South Western Illinois. I have with me on the House Floor today a young guest who not only hit a home run last night in a little league game, but went on to pitch a no hitter and his team was obviously victorious. I'd like to introduce Steve Blandon."

Speaker Breslin: "Welcome. Welcome, Steve. Hey! A homerun! Okay. The next Bill is House Bill 3335, Representative Granberg. Can you hit a homerun on this? You're a lot bigger."

Granberg: "Mada...Madam Speaker, if I could just take this out of

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the record for a moment."

Speaker Breslin: "Okay."

Granberg: "Thank you."

Speaker Breslin: "The batter is not up. Out of the record. House Bill 3379, Representative Saltsman. Out of the record. On page five, House Bill 3380, Representative Capparelli. Out of the record. House Bill 3408. House Bill 3408, Representative Berrios. Representative Berrios."

Berrios: "Thank you. This is the same Bill we took out of the record yesterday. I move to concur on Senate Amendment 1, 2, 3, 4, and 5. Senate Amendment #1 is technical. Senate Amendment #2 is an Illinois Commerce Commission dealing with the mess...messenger service industry. It allows them to put their logos on the side of 9,000 vehicl...pound vehicles or less. Amendment #3 is a relocation Amendment for the Department of Nuclear Safety. Amendment #4 is an Amendment by the Department of Transportation. It basically redefines state agency and displaced persons. And Senate Amendment #5 is an Amendment that would allow any county board to use motor fuel taxes for construction of any county highway. I move for the adoption."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendments 1, 2, 3, 4, and 5 to House Bill 3408. On the question, the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker. Well, since this is Representative Berrios's last Bill before he goes on to bigger and better things back home, I think we should all be voting for it. Good luck, Joe."

Speaker Breslin: "The question is, 'Shall we adopt Representative Berrios's last Bill?' Representative Leverenz has a...Representative Leverenz has a point to make."

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Leverenz: "I...I would like to point out to the Sponsor that the previous speaker endorsed him going on that bigger and better things. I think that's just great. But if we go too fast here, we could end up with nothing to do for two or three hours and we would be forced to go back and make phone calls and do our mail. So kind of drag this out and let him enjoy the flavor of it all."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendments 1, 2, 3, 4, and 5 to House Bill 3408?' 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 111 voting 'aye', none voting 'no', 7 voting 'present'. The House does concur in Senate Amendments 1, 2, 3, 4, and 5 to House Bill 3408. And this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3442, Representative Ewing. Out of the record. House Bill 3448, Representative McAuliffe. Representative McAuliffe."

McAuliffe: "Thank you, Madam Speaker. I move to nonconcur in Senate Amendment #4 to House Bill 3448."

Speaker Breslin: "Can you tell us why?"

McAuliffe: "Because they want to put...they want it as a vehicle to put some more...put some more Amendments in it in a Conference Committee."

Speaker Breslin: "Can you tell the Body what those Amendments are, please? Explain...explain it to the Body, please. That's the procedure here."

McAuliffe: "Amendment #4 takes out all the measures that the House put in."

Speaker Breslin: "The Gentleman has moved to nonconcur in Senate Amendment #4 to House Bill 3448, on the question is there any discussion? Hearing none, the question is, 'Shall the

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House nonconcur in Senate Amendment #4 to House Bill 3448?'
All those in favor say 'aye', all those opposed say 'no'.
In the opinion of the Chair, the 'ayes' have it and the
House nonconcur in Senate Amendment #4 to House Bill 3448.
House Bill 3462, Representative McPike. Out of the record.
House Bill 3512, Representative Frederick, Virginia
Frederick."

Frederick: "Thank you, Madam Speaker, Ladies and Gentlemen of the
House. I move that the House nonconcur with Amendment #1."

Speaker Breslin: "Why?"

Frederick: "Amendment #1 provides that...one moment, please.
Okay. Amendment #1 really is a clarification the way a tax
credit is figured for a new corporation and apparently
people had problems with that Amendment so I would like to
send it back to the Senate."

Speaker Breslin: "The Lady has moved to nonconcur in Senate
Amendment #1 to House Bill 3512. On the question, the
Gentleman from Fulton, Representative Homer."

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

Speaker Breslin: "She will."

Homer: "May I ask, Representative Frederick, what your intention
will be with regard to Senate Amendment 2?"

Frederick: "I would like to concur with Senate Amendment 2."

Homer: "And, further questions. Senate Amendment 2 is well it's
become known as home equity for the superconducting
supercollider?"

Frederick: "Right."

Homer: "And it...does that Amendment have two aspects to it, one
of which would be that the State of Illinois would hold
harmless units of local government that lose any revenue as
a result of the acquisition of the property for the purpose
of the superconductor?"

Frederick: "Yes. That's correct."

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Homer: "Does it also add the other aspect of...of the home equity provision for devaluation of residences that may occur surrounding this site?"

Frederick: "Yes. Yes."

Homer: "So what you're asking is to nonconcur with Amendment 1 to concur with Amendment 2 in which case, if we did that, the Bill would go back to the Senate and if the Senate were to recede from Floor Amendment 1, then the Bill would go on to the Governor with just simply the...the home equity provisions in it."

Frederick: "That's correct."

Homer: "Thank you. Madam Speaker, to the...to the Motion. The Lady, I can understand who wishes to offer this Bill, wants this action followed by Senate action to be final action on the Bill. I don't think that would probably be in the best interest of the Body. The Second Amendment is a very substantial one that opens the possibility of the state treasuries for purposes of home equity around the superconductor site. It's unlike the home equity provisions we considered earlier which would allow the residents of the district to self impose a property tax in order to fund home equity. This one is different. It wants the state revenues to...to underwrite the home equity. Although we all want, I think, the superconductor to come to Illinois, during these austere times, I think we should have the right to question the wisdom of a proposal which would have the state underwrite...units of local government and homeowners in an area that actually, in more likelihood, would stand to gain, not lose, by these provisions. But the Motion that we have before us is to nonconcur in Senate Amendment 1 which, as I read it is a...is a good Amendment. It's an Amendment that would help attract business to the State of Illinois. It would

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provide an incentive to businesses who come here and enlarge their work force. So I don't...I don't understand the rationale behind nonconcurring with this Amendment. I do understand her rationale that the Lady would like to concur with Senate Amendment 2. I don't think that that Motion should be sustained, however. What I would suggest the Lady do is nonconcur in both Amendments 1 and 2 and put the Bill into conference and let us...let both Bodies then consider the final version of the Bill. And I think that would be the preferred method so if...in lieu of that, if the Lady does not wish to nonconcur, then I would ask the Body to..to refuse the Lady's Motion and to vote 'no' on this Motion to nonconcur on Floor Amendment #1."

Speaker Breslin: "Any further discussion? The Lady from Lake, Representative Frederick."

Frederick: "If...if nonconcurring is offensive to the Gentleman, I would be glad to move that we concur with Senate Amendment #1."

Speaker Breslin: "Then what is your...then what is your intent on Senate Amendment #2?"

Frederick: "Pardon me?"

Speaker Breslin: "Then what is your intent on Senate Amendment #2?"

Frederick: "I would like to concur with it also."

Speaker Breslin: "So your Motion is to concur with Senate Amendments 1 and 2 to House Bill 3512 and on that Motion, the Gentleman from Fulton, Representative Homer."

Homer: "Madam Speaker, I move to divide the question."

Speaker Breslin: "The Gentleman moves to divide the question and that will be allowed. We will take Senate Amendment #1 first and then Senate Amendment #2. The question before the House is, 'Shall the House concur in Senate Amendment #1 to House Bill 3512?' All those in favor vote 'aye', all

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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 117 voting 'aye', none voting 'no', and none voting 'present' and the House does concur in Senate Amendment #1 to House Bill 3512. Representative Frederick is now recognized for a second Motion."

Frederick: "Yes. Now, I move that the House concur on Senate Amendment 2 and maybe I could explain that Amendment, please?"

Speaker Breslin: "Surely."

Frederick: "Yes. Amendment #2 to House Bill 3512 has three parts. The first provides that for five years after acquiring property for the construction of the superconducting supercollider, the Department of Revenue shall make payments in lieu of taxes to the county to be distributed to all taxing districts in which the property is located. These funds will be appropriated each year for five years to the Department of Revenue for that purpose. The second part includes an insurance fund which provides for an escrow account in the state treasury to compensate real property owners for damages caused by the superconducting supercollider. And finally there is a home equity provision which provides for payments by the department to owners of residential real property who sell their property within three years and from whom a subservice interest has been acquired. If a decline in fair market value is experienced, the compensation is equal to 80 percent of the difference between the original value of the property and the sale price. I move concurrence with Amendment #2 to House Bill 3512. Madam Speaker, I'd like to take this Bill out of the record."

Speaker Breslin: "Out of the record. The next Bill is House Bill

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3548, Representative Wojcik. Out of the record. House Bill 3666, Representative Stange. Out of the record. House Bill 3671, Representative Steczo. Out of the record. House Bill 3705, Mr. Keane. Representative Keane. Out of the record. House Bill 3730, Representative Mays, Mr. Mays. Out of the record. House Bill 3767, Mr. McPike. Out of the record. House Bill 3930, Representative Ryder. Out of the record. House Bill 3987, Representative Homer. You are recognized for your Motion. Representative Homer is recognized."

Homer: "Thank you, Madam Speaker. I would move to concur with Senate Amendment #1. The underlying Bill provided a funding mechanism for the probation services programs throughout the circuits by allowing the court to impose up to a \$25.00 monthly fee as a condition of probation. Senate Amendment #1 simply makes clarifies that, first of all the fee shall not exceed \$25.00 per month. And it also provides that the funds shall be subject to appropriation by the county board. I would move your favorable consideration."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendment #1 to House Bill 3987 and on that question is there any discussion? Hearing none the question, the Gentleman from DeKalb, Representative Countryman."

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

Speaker Breslin: "He will."

Countryman: "Representative Homer, the matters now subject to appropriation by the county board but is it for a specific for probation services. I mean that's what the fee is for so is it in a specific fund for probation services?"

Homer: "It is my understanding, Representative Countryman, that the language in the Amendment is restrictive in that the

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appropriation can only come following request by the chief judge of the circuit court in that the utilization of the funds is limited for the use of probation services."

Countryman: "Okay, as long as it's limited to probation services, it satisfies me. Thank you."

Homer: "Thank you."

Speaker Breslin: "The Gentleman from Kane, Representative Kirkland."

Kirkland: "Alright. Apply statewide Tom?"

Homer: "Yes."

Kirkland: "And do you have an estimate or an idea of what you'd like it to raise, what you think it will raise? In a year."

Homer: "Right. The problem there is the fact that it's discretionary and permissive with the court. The judge is allowed to impose a fee up to \$25.00 but is not required to impose any fee so it's impossible to know how well utilized the provision would be, Representative Kirkland. Without that information it wouldn't be possible to estimate the revenues."

Kirkland: "Alright. Just to the Bill, Madam Speaker, I think it's a good idea. This program is an important one to be adequately funded. Thank you."

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

Hallock: "Thank you, will the Sponsor yield?"

Speaker Breslin: "He will."

Hallock: "Several years ago during the time when many counties had some trouble financially and I think some are probably still in that predicament, the counties would borrow from different funds to try to meet the current obligations. And I assume repay those at a later date, could counties do that, could county governments borrow from this fund,

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utilize it for county operations and then be paid at a later date?"

Homer: "No this would be a separate fund and would not be available for interfund transfers to other funds. It would be strictly limited to probation purposes."

Kirkland: "Thank you."

Speaker Breslin: "The Gentleman from Coles, Representative Weaver."

Weaver: "Thank you, Madam Speaker. Will the Sponsor yield for a brief question?"

Speaker Breslin: "He will."

Weaver: "Representative, this fund will it be directed specifically back or can it be directed specifically back to the circuit clerk's office?"

Homer: "I'm not sure I understand. Could you explain."

Weaver: "Well the reason I bring up the question is last year we passed a Bill that provided for a child support payor to pay a fee to the circuit clerk's office and the circuit clerk's were under the impression that this money was to go to help offset some of the expenses of their collection of child support. It seems as though we're now requiring the circuit clerk's office to collect this money for parole and with that extra work load, they am I to understand correctly they will not see any of this money to help offset the cost of that mandate."

Homer: "Right. There would be no direct receipt by them, of course, to the extent that this allocation free's up other monies in the counties budget, I suppose they could receive some economic advantage. But I'd remind you that a few years ago in response to concerns expressed by circuit clerks for the collection of these fees we awarded a stipend of 3,500 dollars a year to those circuit clerks to compensate them for that purpose and I've heard no such

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complaints since we've done that other than from other county officer's who wanted a similar stipends."

Weaver: "Would it be your opinion then that the circuit clerks would be for or against this Bill?"

Homer: "I haven't heard. We've had the Bill in, Representative, since the beginning of the Session and it's been the subject of discussion in committee hearings and we haven't heard yet from the circuit clerk's one way or another. So I can't tell you what their position is."

Weaver: "Okay. Thank you."

Speaker Breslin: "The Gentleman from Warren, Representative Hultgren."

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

Speaker Breslin: "He will."

Hultgren: "This requires a convicted defendant to pay a fee to the circuit clerk. Frequently in criminal actions a defendant will also be required to pay restitution to a crime victim and that too is paid to the circuit clerk typically by court order, is that right Tom? You've been there before in the prosecutor's office so you know how that's done. Isn't it conceivable that in a situation where a defendant was of limited means that to require him to pay this fee to the circuit clerk while he was on probation if he's also required to pay restitution at the same time may in fact delay payment of restitution to the crime victim because the county is taking \$25.00 off the top?"

Homer: "The key I think is the term authorizes. This Bill simply authorizes the judge in an appropriate case where the judge has determined the ability of the defendant to pay to impose this fee. I would hope that the court would balance the interest of the victim against the wisdom of imposing this fee and reserve this fee for those defendants that

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have an obvious ability to make the payments. This is not a required fee as some of our others have been. This is a permissive one and the court would first have to determine the defendants ability to make the payments."

Hultgren: "So your relying then on the judge to exercise discretion in imposing the fee in such a manner that did not if you will infringe upon the restitution process for the victim."

Homer: "Right. And that's a valid concern and that's why it's discretionary."

Hultgren: "Is there provision here for the probationer to petition the court based upon a change of circumstance? You know, it's not untypical for these folks to have been marginal employment situations where the fee might be imposed based upon one set of circumstances at the time the period of probation began but due to a change in circumstances during the probation period circumstances might change and the probationer might not have the same ability to pay."

Homer: "Right. The fee would be a condition of probation and in current law there is provision for any party to file a Motion to modify the terms of probation based upon a change of circumstances. So, yes, under that circumstance the defendant would have a remedy that being Motion to modify the terms of probation the court would have the ability to do that."

Hultgren: "Thank you, that answers the questions I had."

Speaker Breslin: "The question is, 'Shall the House concur on Senate Amendment #1 to House Bill 3987?' 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 109 voting 'aye', none voting

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'no' and 6 voting 'present'. The House does concur in Senate Amendment #1 to House Bill 3987 and this Bill having received the Constitutional Majority is hereby declared passed. House Bill 4052, Representative Olson."

Olson: "Thank you, Madam Speaker. I move to concur on Senate Amendment #1 to House Bill 4052. This Amendment was House Bill 3841. It extended the beaver trapping season and passed this House 116 to 0 to 1 but died in Senate rules. I ask for the support of my colleagues in concurring on this Amendment."

Speaker Breslin: "The Gentleman moves for the concurrence in Senate Amendment #1 to House Bill 4052, on the question the Gentleman from Fulton, Representative Homer."

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

Speaker Breslin: "He will."

Homer: "Is there a humane society issue involved in this?"

Olson: "I don't recall the humane society, I was in the committee on this, I don't recall the humane society being there."

Homer: "So no one's expressed opposition to this proposal."

Olson: "I can't hear you."

Homer: "No one has expressed opposition?"

Olson: "There was no opposition."

Homer: "Thank you."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4052.' 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 111 voting 'aye', none voting 'no' and none voting 'present', the House does concur in Senate Amendment #1 to House Bill 4052 and this Bill having received the Constitutional Majority is hereby declared passed. On page 6 appears House Bill 4096, Representative

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Black."

Black: "Thank you very much, Madam Speaker. I would move to concur with Senate Amendment #1. All Senate Amendment #1 does to the underlying Bill would be to include the Illinois Community College Board FY89 formula distribution for grants administered by the Community College Board based on the BHE's recommended funding levels. The reason I would recommend we concur and pass this out in case additional funding becomes available it would enable the Community College Board to take advantage and make use of those increased funds. With that I would move that we concur with Senate Amendment #1 on House Bill 4096."

Speaker Breslin: "The Gentleman moves to concur in Senate Amendment #1 to House Bill 4096 and on that question is there any discussion? Any discussion? Hearing none the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4096?' 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 116 voting 'aye', none voting 'no' and none voting 'present'. The House does concur in Senate Amendment #1 to House Bill 4096. House Bill 4179, Representative Anthony Young. Out of the record. House Bill 4220, Representative Kirkland."

Kirkland: "Thank you, Madam Speaker. I move to concur in Senate Amendment #3. The underlying Bill enlarges the..."

Speaker Breslin: "Excuse me, Representative Kirkland. The Chair informs me that on House Bill 4096 I did not declare the Bill passed. At this time I would declare that the Bill reached its Constitutional Majority and is hereby declared passed. Excuse me, Representative Kirkland. Proceed."

Kirkland: "Alright. The underlying Bill enlarged the corporate

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district corporate limits of the Metropolitan Sanitary District to annex some land in Barrington Township. The Amendment #3 in the Senate provides that county zoning has precedence over municipal zoning restricted to DuPage County with respect to areas identified by the county board in DuPage as flood plains or flood ways inside the limits of the municipality when the county zoning is more restricted. And this would pre-empt home rule."

Speaker Breslin: "The Gentleman has moved to...restate your Motion, Representative Kirkland. Do you move to concur..."

Kirkland: "To concur in Senate Amendment #3."

Speaker Breslin: "In #3 and what is your plan on 1 and 2 again?"

Kirkland: "I don't, I think 1 and 2 are taken off. I don't think they're on."

Speaker Breslin: "My printout has three Amendments but the Calendar only has the one Amendment that being Senate Amendment #3 and the Clerk indicates that the message is only on Amendment #3. So. Okay. The question before the House is, 'Shall the House concur in Senate Amendment #3 to House Bill 4220? And on that question the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker. I come from DuPage County which would be subject to this change in the law, a very fundamental change in the law, and I rise in absolute unalterable opposition to this Amendment. This Amendment stinks. We should, nobody should be voting for this Amendment. It alters beyond recognition the traditional areas of concern in relationship between counties and villages. For flood control purposes all that was necessary was done last year. There is no need to do this Amendment. It is a...this reeks havoc on local governments, nobody should be for this regardless of where you're from. It's got to be a 'no' vote on this Amendment

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and I hope it never sees the light of day again. As far as the underlying Bill I'm all for it, I want to help Representative Kirkland, I suggest that at least in the first instance the better way to do that is to not concur in this Amendment and to send it to a Conference Committee. A Conference Committee we will all be watching very closely because we don't want it to come back again, however in deference to Representative Kirkland I'd be happy to support that Motion and keep my eyes open for this thing coming back in a different guise. This is an absolutely terrible Amendment. Our people in DuPage County are opposed to this Amendment, we ought to all be opposed to this Amendment."

Speaker Breslin: "The Gentleman from Fulton, Representative Homer."

Homer: "Yes, will the Sponsor yield?"

Speaker Breslin: "He will."

Homer: "I'm really confused by this as our Members on this side of the aisle wanting to be helpful to DuPage County. The reason is Representative McCracken who is an eloquent spokesman for that county is in opposition and yet we note that it was Senator Phillip who offered the Amendment. Apparently there is a dispute here within the county between DuPage municipalities and the county board and so it looks like this is a turf battle. Would you, does your Amendment, is your Amendment on the side of the county in these issues unless the county pre-empts the municipalities?"

Kirkland: "It appears to be that, yes."

Homer: "And so Senator Phillip, his Amendment would be in favor, would be supported by the county board of DuPage County, right?"

Kirkland: "Correct."

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Homer: "And does this Amendment only deal with DuPage County?"

Kirkland: "Yes. Very definitely"

Homer: "But the municipalities, the Mayors, would be with Representative McCracken, in opposition?"

Kirkland: "Correct."

Homer: "So the decision on this side is whether we prefer the DuPage County Board or the Village Boards of DuPage County."

Kirkland: "Well stated."

Homer: "Maybe one of you then from DuPage, and I know you're not, Representative Kirkland, but could give us the merit of the argument so we can try to decide this."

Kirkland: "We have a change in plan here. We will be ready to take an alternative approach if this fails."

Homer: "Well at this point, Madam Speaker, to the Motion. I would suggest that the appropriate vote on this side of the aisle at this time until the other side gets its signals clear on this issue would be a 'present' vote and so I would urge you to vote 'present'."

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

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

Speaker Breslin: "He will."

Klemm: "Representative Kirkland, are we having a problem in this area that you're aware of where the flood plains are being built in perhaps in municipalities and that's what's causing some of the flooding and the county wishes to address that problem?"

Kirkland: "I think that's the case. What's been observed is some homes already built that have been in flood plains and suffered from the recent flooding. When people have gone to observe those homes they've seen new homes being built right next door and those homes are also in a flood plain

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and have been approved never-the-less for construction by the municipal zoning boards and counsels."

Klemm: "Does this Bill require the county then to identify these flood plains or flood ways so that at least there'll be some advance warning not to perhaps build in those areas? Or how is it handled?"

Kirkland: "I'm not sure, I may need help on that one, I think I've lost my..."

Klemm: "Well basically..."

Kirkland: "I don't know whether the Bill provides for the county identifying the areas."

Klemm: "Do the municipalities suffer from flooding?"

Kirkland: "IDOT already identifies the flood plains."

Klemm: "Alright. So do municipalities that suffer from flooding of their homes do they come to the county for relief or to the state for relief or is it a local issue? Cause why then are we changing the law if you will to require the counties from..."

Kirkland: "I don't think we're talking about relief as much as trying to prevent the homes from being built in the flood ways and the flood plains in the first place and Senator Phillip I think has identified that some municipalities simply aren't responding to you know situations that don't make sense."

Klemm: "Are there some municipalities that don't have zoning residential zoning requirements safeguards to prevent them from building?"

Kirkland: "Or you know from what he's observed aren't enforcing them adequately."

Klemm: "Alright. I can certainly see a problem there. Thank you very much."

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

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Barger: "Thank you, Mr. Speaker. For those who are interested in this Bill and how it ended up the way it is, the DuPage County Board is opposed to the passage of this Amendment. I have a piece here out of the Daily Journal that's the local newspaper, that says the county board is opposed to it. Mr. Phillips introduced the Bill without contacting the county to find out about it. The municipalities are opposed to it because the responsibility for flood control normally rests with the Mayor and the city council who are responsible to the people. And in DuPage County there is a County Storm Water Management Committee which is made up of people appointed by the county and people from the DuPage Mayors and managers which is the group that represents the cities. All of these groups are against it and we would appreciate it very much if everyone would vote 'no' on this and kill this Amendment which is not in the best interest of either the county, who doesn't want it, or the cities who don't want it. So please vote 'no' on this Bill. Thank you."

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

Leverenz: "Will the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Leverenz: "Isn't this a follow up from the flooding legislation that we passed last year to help DuPage and there was quite a controversy over building in the flood plain at in DuPage County?"

Kirkland: "I don't think it's directly related to that but I guess it's a follow up with another approach."

Leverenz: "And time after time the municipalities end up for one reason or another allowing some developer to build in the flood plain to the extent that now you are in a posture of having to pick up and move whole households to get them out

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of the flood plain."

Kirkland: "That's what he's observed, you bet."

Leverenz: "And that the Amendment was offered primarily to solve that problem and sometimes we have to protect the municipalities from themselves."

Kirkland: "Well that's the purpose behind the Amendment. Yes."

Leverenz: "And that it would pre-empt the municipality from doing anything and put the county board in control. Is that correct? The answer is yes."

Kirkland: "If under the Amendment if the county board adopted an Amendment with a zoning restrictions relating to this area municipalities would not be able to have their standards be below what the county board has set. It would have to be as strict or stricter than municipality...municiple zoning loss."

Leverenz: "Well Ladies and Gentlemen of the House, not living in DuPage County sometimes you're reluctant to do something for someone else that's rather close to you. But time after time I understand one of the reasons for this is, the municipalities end up saying well the state allows it so we're going to do it and there isn't any real clear cut authority in what they're doing there and that's why the Amendment was offered in the Senate. I would encourage your 'aye' vote which will do two things. One allow the unit of local government, in this case the county, to rule on the problems that it has and secondly we will dispose of another Bill making it only about 60 more Bills that we have to do anything with so I'd encourage an 'aye' vote and help these folks and protect them from themselves."

Speaker Giglio: "The Lady from Kane, Representative Deuchler."

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

Speaker Giglio: "He indicates he will."

Deuchler: "Representative Kirkland I'm wondering if you are aware

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of the extremely awkward position that Aurora finds itself in in regard to DuPage County. That part of Aurora that is in DuPage County in regard to the 100 million dollar bond issue and with DuPage County coming in and designating large areas that are in the municipality under the guise of flood plain designations but very possibly with the idea of taking certain areas out of economic development. Are you aware of that situation?"

Kirkland: "I was not."

Deuchler: "To the Amendment. I would certainly be opposed to it. This has been a problem. I think Representative Barger, represented very well the situation of the municipalities and the counties. Aurora is planning, has done some economic development in that area that is in DuPage County and this would further empower DuPage County to come over and impose it's will on a municipality that is doing an excellent job in terms of flood plain management and also economic development and this would be extremely deleterious to us. Please vote 'no'."

Speaker Giglio: "Representative Hensel."

Hensel: "Thank you, Mr. Speaker. Inquiry of the Chair. The Sponsor mentioned that it affected home rule communities and I would just ask how many votes it would take to pass this?"

Speaker Giglio: "I would take that under advisement when the parliamentary gets back up here Representative and if it's alright we'll continue with the discussion. There are a dozen lights blinking here on your side of the aisle."

Hensel: "Thank you."

Speaker Giglio: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. With all due respect to my colleague, Representative McCracken, and those in DuPage County, I

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think this is an excellent Amendment. The only problem with this Amendment is it doesn't go statewide. Anybody who has lived in a district where there is flooding knows that the reason that it's a good idea to give counties zoning authority and even states if we could give the state zoning authority is that municipalities can't police themselves. They can't think in regional terms. In the chase for the all mighty tax dollar through the development they just can't seem to control themselves so this makes a lot of sense it makes a lot of sense to some Cook County Villages that are downstream from some of the streams in DuPage County and I think it's an excellent Amendment. It makes a heck of a lot of sense to do this on a Regional basis rather than an individual basis and you know after we had the floods we all came down here and said we've got to do some tough things to make our zoning laws a little bit better. We did some good things last year, I don't think we did enough. This is an excellent Amendment if you believe in flood control and if you believe in trying to make sure that there's a regional approach to the problem you ought to vote for this Amendment."

Speaker Giglio: "Further discussion? The Gentleman from Kane, Representative Kirkland to close."

Kirkland: "Well I'm very happy to carry this fine Amendment for Senator Philip and I would add that if it does not get the record...I would add that if it does not get the requisite number of votes I'd be prepared to vote for nonconcurrency or I mean to move for nonconcurrency."

Speaker Giglio: "Representative McCracken."

McCracken: "Speaker, point of order. Did you close? Alright. I believe it does require 71 votes and before we open the Roll Call I'd like that decision."

Speaker Giglio: "Representative McCracken, the parliamentarian

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informs the Chair that it does require 71 votes. So the question is, 'Shall the House concur with Senate Amendment #3 to House Bill 4220?' And on that question all those in favor 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 question there are 51 voting 'yes', 49 voting 'no', and 9 voting 'present' and the House does not concur with Senate Amendment #3. Representative Kirkland."

Kirkland: "Yes, now I'd like to move to nonconcur in Senate Amendment #3 please."

Speaker Giglio: "Representative McCracken."

McCracken: "I think it's time to put this Bill to rest, I make a...well no, I think that's the right Motion but I think we should oppose the Motion. Let's kill this Bill and put it behind us so everybody ought to...I want a Roll Call and I want a 'no' vote on this Motion."

Speaker Giglio: "The question is, 'Shall the House non concur with Senate Amendment #3 to House Bill 4220.' All those in favor vote 'aye', all 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 question there are 14 voting 'yes', 84 voting 'no', and the Gentleman's Motion fails. Representative McCracken."

McCracken: "Speaker I've talked with my leader and we are opposed to that Amendment, however, I do want to accommodate Representative Kirkland so with that understanding and for that reason I move to reconsider the vote by which the Motion failed having voted on the prevailing side."

Speaker Giglio: "Representative Kirkland."

Kirkland: "Seems like a good idea. Maybe a voice vote even."

Speaker Giglio: "Well the Bill as it now stands it just stays in

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the record. Do you want to call it again? Representative Kirkland."

Kirkland: "I'd like to move again to nonconcur to Senate Amendment #3."

Speaker Giglio: "The Gentleman moves to nonconcur with Senate Amendment #3 to House Bill 4220. Representative Klemm."

Klemm: "Mr. Speaker parliamentary inquiry the issue had been declared defeated. Now there may be a Motion on the floor by Representative McCracken to reconsider, however, you haven't acknowledged that therefore it'd be certainly inappropriate for Representative Kirkland now to on his own valition to make a Motion that you would honor. The Bill has been defeated unless it's reconsidered there's no more discussion on that Bill."

Speaker Giglio: "Representative Piel."

Piel: "Yes you're allowed two votes on nonconcurrency. Correct, Mr. Speaker?"

Speaker Giglio: "Pardon?"

Piel: "Am I correct?"

Speaker Giglio: "Pardon? Would you restate your statement?"

Piel: "Representative Kirkland is in the right. He has got two votes on a nonconcurrency Motion."

Speaker Giglio: "I think we explained this the other day, there's no limitation as to how often you could call the Bill back. It stays where it's at."

Piel: "Then Representative Kirkland can restate his Motion."

Speaker Giglio: "And he just made the Motion, that's why we're addressing it again. Really McCracken's Motion is not needed."

Piel: "I agree. We don't need to reconsider the vote. Representative..."

Speaker Giglio: "That's true. We do not have to reconsider the vote. The Bill was run through and a few minutes later

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Representative Kirkland asked to be heard again and that's what we did. You want to put it again Representative Kirkland?"

Kirkland: "For the last time perhaps I move to nonconcur on Senate Amendment #3."

Speaker Giglio: "The Gentleman moves to nonconcur with Senate Amendment #3 to House Bill 4220 and on that question the Gentleman from Cook, Representative Leverenz."

Leverenz: "I'm confused now. I have a point of...inquiry of the Chair. Are they going to do this by voice vote?"

Speaker Giglio: "Yes."

Leverenz: "Now I can request a Roll Call?"

Speaker Giglio: "Yes."

Leverenz: "I'm doing that."

Speaker Giglio: "Request a Roll Call. Alright all those in favor to nonconcur with Senate Amendment #3 to House Bill 4220 vote 'aye', and 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 question there are 61 voting 'yes', 50 voting 'no', and the House does nonconcur with Senate Amendment #3 to House Bill 4220. Representative McCracken."

McCracken: "Has a Conference Committee been requested and appointed? Oh, yea, alright, I'm sorry."

Speaker Giglio: "On page 4 of the Calendar some of the Representatives were not here. We'll go back and try to pick up some of those now they are here. House Bill 3335, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Thank you, Mr. Speaker, Members of the House. House Bill 3335 and the Senate Amendments to it I would move to concur with. This concludes a package of approximately nine House Bills that were part of a child abuse and child protection package

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that were introduced this Spring and that passed this House unaniously. Senate Amendment #1 includes two of the House Bills that passed this House on the Consent Calendar but could not get out of the Senate Rules Committee. They were amended in the Senate, passed the Senate unaniously and I would ask for concurrence in those. The first part of House Amendment or Senate Amendment #1 adds the aggravated kidnapping to the definition of a forceful felony. The second part of Senate Amendment #1 provides for a new felony offense of patronizing a juvenile prostitute. Senate Amendment #2 passed this House, it does not deal with the child protection package but it was amended in the Senate. It passed this House, I think it was sponsored by Representative Levin, deals with the offense of ethnic intimidation. It passed this Senate, it was amended on in the House, and I would move that we concur with Senate Amendments 1 and 2."

Speaker Giglio: "Further discussion? Hearing none, all those in favor of the Gentleman's Motion vote 'aye', those opposed 'nay'. 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' and the House does concur with Senate Amendments #1 and 2 to House Bill 3335. And this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3379, Representative Saltsman."

Saltsman: "Yes, thank you, Mr. Speaker. I do concur with Senate Amendments #2, 3, and 4."

Speaker Giglio: "The Gentleman moves that the House do concur with Senate Amendments #2, 3, and 4 to House Bill 3379 and on that question the Gentleman from Perry, Representative Goforth. Representative Goforth."

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Goforth: "Would the Sponsor yield please?"

Speaker Giglio: "He indicates he will."

Goforth: "What's the purpose of this Amendment, Representative?"

Saltsman: "Yes, Representative Goforth, this Amendment is designed to resolve the Constitutional questions created by the Supreme Court's decision in the Spinelli versus Emmanuel Lutheran of Evangelical Congregation Incorporated case 11811-2d389515ne2d1222 of 1987 in which the Supreme Court declared the Personnel Records Act to be unconstitutional."

Goforth: "What was the reason used by the court to declare this statute unconstitutional?"

Saltsman: "The court determined that the Act was vague and not providing sufficient guidance to employers as to the kinds of records that must be disclosed. The court believed that the exemption of Section 10(c) is vague because of the words 'management planning' in the context of documents used for promotions of job assignments for promotions and job assignments. The court noted a Section 2 requirement for disclosure of documents concerning promotion, transfer or the employees qualifications for employment is inconsistent with the exception of dealing with job assignments and promotions and that the employers of ordinary intelligence can or can not determine with reasonable certainty which personnel documents are or are not subject to disclosure. For these reasons the court declined to order disclosure of this, of the information on the grounds that the provisions of the statutes or vague and uncertain."

Goforth: "Well could you tell me how this Amendment cures this Constitutional defect?"

Saltsman: "The Section 10 Amendment has been completely revised to make it more clear as to the kind of employment

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documents that are to be disclosed to the employees. The Section 2 provision requiring disclosures have been left alone. The second Section 10(c) exception has been revised to demonstrate that management planning documents may be exempt from disclosure because they affect more than one employee and deal with broad base development and operational issues of a business."

Goforth: "Okay. Now if such management planning and documents are exempt how can an employee obtain personal records that deal with such matters as say promotion or transfer?"

Saltsman: "The exception does not apply to traditional employee related materials that involve an individual employee and are used in determining an individual employees qualifications for employment, promotion, transfer, additional compensation or in determining an employees discharge or discipline. Employee personnel records normally contain evaluations by supervisors, personnel action forms including discipline, wage rate increases, notice of injury, sick leave, lay-offs or separation notices. Letters of references and job status reports are the kind of information which may be disclosed under action two under Section 2 of the Act which are not exempt under the Section 10(c). Where the management planning documents are used for the purpose of determining an individuals qualification for employment, promotion, transfer, additional compensation, discharge or discipline such materials would have to be disclosed. For instance, a recommendation for an employees wage increase or other innumeration transaction in the exemption of such intensity should be disclosed. I also want to thank the Caterpillar Tractor Company in particular for lending us our attorneys, their attorneys, to work with the attorneys from labor to come with that part of the agreed Amendment."

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Goforth: "Okay. Thank you, Representative, no further questions."

Speaker Giglio: "Further discussion? The Gentleman from Macon, Representative Dunn."

Dunn: "Thank you, Mr. Speaker. I just think we should point out that sometimes we hear criticisms about the quality of debate in here and the debate on this Bill up to this point has been on a very high level of intellectual capacity on the part of both the Gentlemen, Legislators, engaged in this debate and I commend them both for this extemporaneous exchange of questions and answers and I think we could all benefit from their example in the future. Thank you very much to both of you."

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

Didrickson: "Thank you, Mr. Speaker, Members of the House. I rise in support of the Gentleman's Motion here. This Bill, Personnel Records, we had opposed originally because it opened up the management planning tools to the individual personnel to a..."

Speaker Giglio: "Proceed."

Didrickson: "At any rate, I would just like at least this side of the aisle to recognize and understand that I rise in support of the Gentleman's Motion. This has been an agreed Motion, it does not include the management planning tools being opened up which was what our original opposition to it was. It's a good Amendment, a good Motion and I would encourage 'aye' votes."

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

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

Speaker Giglio: "He indicates he will."

Black: "Thank you. Representative I think you've done an

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outstanding job of working out this Bill and I commend you for that, I just have one question, I'm sure you can answer this for us. There is a pre-emption of home rule in Senate Amendment #3. I think it's drafted in such a way that we're not going to have a major problem with this pre-emption, but if you could just perhaps enlighten a few of us that always have a problem with pre-emption of home rule I would be most grateful for that."

Saltsman: "Yes, Representative Black, probably one reason is I don't think there's a \$50,000.00 cost factor on it."

Black: "Thank you very much."

Speaker Giglio: "The Gentleman from Will, Representative Regan."

Regan: "Thank you, Mr. Speaker and Members of the House. Will the Sponsor yield for a question please?"

Speaker Giglio: "He indicates he will."

Regan: "Does this mean that the, that this compromise that the Illinois Chamber has withdrawn its opposition?"

Saltsman: "I haven't had any opposition since the associated employers and the Caterpillar Tractor Company attorney's worked with labor lawyers to make sure the right wording was in there to take care of management's rights and they are satisfied now that management's rights are well protected and the largest employer in the State of Illinois is not opposed to this legislation. And I think that if they can stand it just about anybody can."

Regan: "Thank you."

Speaker Giglio: "Representative Saltsman to close."

Saltsman: "I think that this Bill has been debated enough when it was here in the House the first time. The Amendments that are on it are ones we expected to be put on in the Senate and I ask for its passage."

Speaker Giglio: "You heard the Gentleman's Motion, 'Shall the House concur in Senate Amendments #2, 3, and 4 to House

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Bill 3379?' And on that question all those in favor vote '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 118 voting 'yes', none voting 'no'. And the House does concur with Senate Amendments #2, 3, and 4 to House Bill 3379 and this Bill having received the Constitutional Majority is hereby declared passed. Representative Ewing. Representative Wojcik. Representative Wojcik, House Bill 3548."

Wojcik: "I think that we should take it out of the record. I don't believe that there's an agreement on it yet."

Speaker Giglio: "Out of the record. Representative Stange, House Bill 3666. Out of the record. Steczo, 3671. Mr. Clerk. Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. I rise to concur with Senate Amendment #1 to House Bill 3671 which was offered in the Senate by Senator Mahar. It provides that the DuPage County Forest Preserve District when they own two golf courses adjacent to each other and two club houses serving both golf courses may enter into a lease agreement with any person with respect to such property so they may be able to lease one of the club houses. And my understanding is that the Shriners are interested in one of the club houses and that's the purpose for doing so and I would move to concur with the Senate Amendment."

Speaker Giglio: "The Gentleman ask to take the Bill out of the record. Representative Keane. Representative Mays. Representative Mays in the chamber? Representative Ryder. Is Representative Ryder in the chamber? Representative Young. Anthony Young, in the chamber? Representative Ropp."

Ropp: "Thank you, Mr. Speaker. If I might indulge in a moment,

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I'd like to have the House chamber welcome some 25 Republican women from McLean County that are down here visiting the House in Session. The Chairman just happens to be my wife this year and my mom is also present and I would hope that the House would welcome the Ladies in the rear of the chamber, if you please. Thank you."

Speaker Giglio: "Representative Homer."

Homer: "Thank you, Speaker. The Gentleman who was just speaking I didn't recognize him and I've never seen him here before. How did he get on the floor?"

Speaker Giglio: "Representative Kulas."

Kulas: "Thank you, Mr. Speaker. I've got a Senate Bill 1697 a nonconcurrency which was called previously but I was busy in the task force. I'd like to have that called now."

Speaker Giglio: "On page 6 of the Calendar on a nonconcurrency...Senate Bill 1697. Representative Kulas."

Kulas: "Thank you, Mr. Speaker. I would move that the House refuse to recede from House Amendment #1, that a Conference Committee be appointed."

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 Motion carries. Representative Stange."

Stange: "3666."

Speaker Giglio: "You want to hear 3666?"

Stange: "Yes, to concur."

Speaker Giglio: "Representative Stange on House Bill 3666. Representative Stange."

Stange: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I concur on Senate Amendment #1 on House Bill 3666. The effect of this Amendment, it moves landfill waste from a definition of a special waste instead amends the definition of pollution control waste to landfill waste. I

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urge your 'aye' vote."

Speaker Giglio: "Any discussion? Hearing none, you heard the Gentleman's Motion, all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 105 voting 'yes', none voting 'no', 4 voting 'present'. Representative LeFlore votes 'aye'. On this question there are 108 voting 'aye', none voting 'no', 4 voting 'present' and the House does concur with Senate Amendment #1 to House Bill 3666 and this Bill having received the Constitutional Majority is hereby declared passed. Representative Keane. House Bill 3705, out of the record. Representative Ryder. Do you want to call House Bill 3930? Did you want to go home, did you say? Did you say you wanted to go home? The House will be at ease."

Speaker Giorgi: "House...House...no, House Joint Resolution 192, Representative Stange. On the Speaker's table Calendar page 9."

Stange: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. House Joint Resolution 192 creates a joint subcommittee with the House and the Senate Transportation Committee to investigate the May 8, fire at the Illinois Bell Telephone Company switching center located in Hinsdale, Illinois. The subcommittee is directed to study the circumstances surrounding the fire and the problems resulting from it. Some of the questions that are still unanswered are on how the fire was started in the first place after eight weeks after the fire we still have no idea what caused this fire. Why no alarm was connected to the fire house, why the Illinois Commerce Commission had no emergency system in place, some of the other questions

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would be why...what would it cost for a second back up system for Illinois Bell. What would that system cost? Why no security system was in place? And why no halum system was in place? Do we need a technical emergency preparedness plan, possibly, to deal with future disasters, not only with Illinois Bell but possibly with the various electric companies, communication companies, gas companies, and so forth. This fire cost an estimated 150 million to 200 million dollars for the residents in our district and probably even more so surrounding half of the state. We want to make sure this fire, this type of a fire or emergency doesn't happen again in Illinois. And I urge your 'aye' vote."

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

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The citizens of Illinois demand, demand, that this kind of situation do not repeat itself again in the future. This Resolution allows a study to look at the issue of a communication system breakup that we cannot allow to have happen again. The loss of money, the loss of time, the loss of convenience, the threatening of life cannot be allowed to have happen again. Safe guards must be taken and put in place. We must look to the future to make sure that recommendations are made by this task force via this Amendment that we end up having a study of that issue to make sure that we come up with recommendations that will fulfill having this not repeat itself in the future. I ask for a 'yes' vote on this very important legislation."

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

Black: "Thank you very much, Mr. Speaker. I just simply rise in opposition to HJR 192, not a very popular thing to do I'm

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sure, but let me just pose a couple of questions, hypothetical. One it creates a committee of the General Assembly. I don't have any expertise to investigate that fire. I'm sure I won't be on the committee anyway. But I question whether the expertise exist in this Body to investigate that fire. I really think that this fire it is serious, the Gentlemen who have spoken make it very clear that it's a serious nature and I think that's why the Illinois Commerce Commission has already taken pains to see to it that this is being investigated, will not occur if at all possible ever again, I really think that we're in the domain of the Illinois Commerce Commission and I'm not sure we need another Joint House Senate Committee to investigate something that I question rather we have the expertise to lend much insight to in the first place."

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

Leverenz: "Thank you, Mr. Speaker. The prior Speaker I think hit the nail on the head exactly why we should stick our own nose into this thing and find out why, where, how it happened, who didn't get notified, so this never happens again. To leave it to the Illinois Commerce Commission would be probably just as disasterous as the fire of May 8th. They have a difficult time recommending who should or shouldn't have an increase and in their last instance recommended that Com-Ed should get an increase. That's why they shouldn't handle it. This simply provides oversight, same thing that we do through the audit commission when we have a special audit. We have the talent, we can acquire the talent to get the answers that we need. I encourage your 'aye' vote and adopt the Resolution."

Speaker Giglio: "The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. The person in charge of the investigation that is currently underway, the group in charge rather, is the State Fire Marshal's office. Last week the State Fire Marshal's office very kindly agreed to hold a briefing for those of us who are Legislators who live in the area of this tragic fire. There were only three Legislators who bothered to go to the meeting, to find out what was being done with this investigation, Representative Barnes, Representative Kubik, and I. I was very pleased with the professionalism that was evidenced by the Representatives from the State Fire Marshal's office. There are of course others involved in that investigation including some independent individuals who I believe are recognized nationally as investigators of the causes of fires, and of course there are some engineers from the Illinois Commerce Commission. These are the people who have the professional background and the knowledge that is needed to make this investigation. There is no one that I know of who is a member of either the House or the Senate at this time who has any extensive and professional background in the investigation of fires and in particular a fire involving any number of chemicals and other items that are not typical in a household fire. Finally I keep seeing these Resolutions that say we are going to have still another committee and Mr. Speaker, all though it is not Christmas I would still like to mention that God so loved the world that He did not send a committee."

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

Williamson: "Thank you, Mr. Speaker. I rise in opposition to this. If we support House Joint Resolution 192, we'd be setting a precedent here in Illinois to go out and investigate fires at our choosing. We're down here arguing about tax dollars and how we're going fund education, how

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we're going to fund mental health, and here we go again putting together another committee to investigate a fire that's already being investigated. I strongly ask for a 'no' vote on this. I don't like the idea of the State of Illinois getting involved with deciding what happened in fires. If we do it with this fire, then why don't we do it with any other fire that happens in the State of Illinois. I ask for a 'no' vote."

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

Stange: "Thank you, Mr. Speaker. This is a very critical Resolution. We're talking...discussing the various problems that encountered what happened in this fire. Thank God nobody, no one was killed because of lack of no telephone system in place. There's talk that an alarm system, instead of going to the fire department in Hinsdale, went to Springfield, Illinois, two hundred miles away. There's talk that a first alarm was two hours before the second alarm where they've totally ignored the first alarm two hours before the supposedly second alarm started. In Chicago, McCormick Place burnt down twenty years ago. The Legislature investigated that fire to make sure that that never would ever occur again at McCormick Place. This is certainly a lot more important than the McCormick Place fire. The number of thousands of people affected by this fire is overwhelming. I sometimes wonder if someone is not trying to cover up the cause of this fire. This is a needed Resolution and I certainly urge your 'aye' vote."

Speaker Giglio: "All those in favor of House Joint Resolution 192 vote '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? No. Mr. Clerk, take the record. On this question there are 56 voting 'yes', 55

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voting 'no', and House Joint Resolution 192 having received, having failed to received the Constitutional Majority is hereby declared lost. Representative Stange."

Stange: "Consideration."

Speaker Giglio: "The Gentleman ask leave, hearing none, leave is granted. This Bill will remain on postponed consideration. Representative Kubik, House Resolution 1513. Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 1513 which is Sponsored by myself and Representative Currie, is the result of a...what it would do is direct the Department of Public Aid to lead an interoffice assessment of both the state's expedited child support enforcement procedures and options for other forms of expedited processees. Requires the Department of Public Aid to report its findings back to the General Assembly by November 1, 1988. Mr. Speaker, I apologize, we, could I have leave to bring this back to Second Reading for the purposes of an Amendment?"

Speaker Giglio: "Does the Gentleman have leave? Hearing none, leave is granted. Mr. Clerk, read the Resolution."

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

Speaker Giglio: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 would require the commission on intergovernmental co-operation to under take a study of the financial impact of the immediate income withholding on employers and employees in the state and provide a report back to the Illinois General Assembly by October 1st of 1989. My understanding is that this particular Amendment is approved by both labor and management and I would appreciate your 'aye' vote on the Amendment. And move for

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its adoption."

Speaker Giglio: "You heard the Gentleman's Motion. 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 Amendments adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Now on the Resolution. Representative Kubik as amended."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 1513 includes Floor Amendment #1, which we just adopted, and also it would provide that we would look at the subject of expedited child support enforcement procedures in the state. This has come as a result of citizens council on public aid and the commission, the Inter...Intergovernmental Co-operation Commission, which has been looking at this particular issue also. They would report back their findings by November 1, 1988. I approved...I would ask for your 'aye' vote on the Resolution."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Resolution signify by voting 'aye', those opposed 'nay'. This is final action. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'yes', none voting 'no' and none voting 'present', and House Resolution 1513...1513, having received the Constitutional Majority is hereby declared passed. Representative Flowers, on page 6 of the Calendar, Senate Bill 1795. The Lady from Cook, 1795."

Flowers: "Mr. Speaker, Ladies and Gentlemen of the House. I refuse to recede to Senate Bill 1795 and would request a Conference Committee be appointed."

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Speaker Giglio: "You heard the Ladies Motion. The Lady refused to recede from the Senate Amendments 1, 2 and 5 on Senate Bill 1795. All those in favor say 'aye', those opposed 'nay'. In the opinion of the Chair, the Lady from DuPage for what purpose do you rise Ma'am?"

Cowlshaw: "Mr. Speaker, when you finish relating that I would ask to be recognized."

Speaker Giglio: "The House refuses to recede from Senate Amendments to Senate Bill 1795 and request a Conference Committee. All those in favor say 'aye', those opposed 'nay', in the opinion of the Chair the 'ayes' have it and a Conference Committee be called. The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. I have a parliamentary inquiry."

Speaker Giglio: "Proceed."

Cowlshaw: "When the vote was taken on the Resolution sponsored by Representative Stange, I would first like to read you House Rule #40 which applies to postponed consideration. It says when a Bill is voted on final passage and receives at least 47 affirmative votes the Chief Sponsor may before the result is announced place the Bill on order of postponed consideration. My recollection, Mr. Speaker, is that you had declared that Resolution lost and then the Sponsor asked for it to be put on postponed consideration. If my recollection is correct then the Bill has no right to be on postponed consideration. So I would ask if you would please go back and review the order in which those two events happened and I would ask for a ruling from the Chair as to whether, because of the Rule, if you had already announced the outcome there was no right for the Sponsor to put it on postponed consideration and thank you very much."

Speaker Giglio: "If I recall, first the Chair did not go to

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another Order of Business right after the vote was taken and right after that the Gentleman asked leave for postponed consideration. Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, that's not what the Rule says. The Rule does not say that until you have proceeded to the next Order of Business the Sponsor may still place the Bill on postponed consideration. The Rule says and I quote directly from Rule #40, 'the Chief Sponsor may before the result is announced place the Bill on postponed consideration'. Which means of course that once the result is announced the Sponsor may not do that. And I would renew my inquiry as to whether in fact you had announced the result before the Sponsor asked for postponed consideration. And I would appreciate an answer to that inquiry."

Speaker Giglio: "The Gentleman from DeKalb, Representative Countryman, are you seeking recognition Sir?"

Countryman: "Thank you, Mr. Speaker. I have parliamentary inquiry too. Can a Resolution be placed on postponed consideration? Or must it be a Bill?"

Speaker Giglio: "According to Rule 43 the parliamentarian informs the Chair yes they can. Representative Matijevich, do you seek recognition, Sir?"

Matijevich: "Only to say that the Chair I think is operated under what has always been the tradition of this House, is that until you go to the next Order of Business we have always allowed the Sponsor to ask for postponed consideration. If that's bending the Rule I think that has been the tradition of the House that because it's very often the Sponsor has not been recognized and because the Roll Call has been announced the Chair has not recognized the Sponsor when the Sponsor had intent to put the Bill on postponed consideration so I think the Chair is being fair in this

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instance to what was the Sponsors intent even though it may have come after the announcement."

Speaker Giglio: "The Resolution will remain on postponed consideration. Representative Wojcik, House Bill 3548. The Lady from Cook, Representative Wojcik. Take the Bill out of the record, Mr. Clerk. On page 3 of the Calendar on the Order of Concurrence Appropriation Bills, Representative Leverenz, House Bill 3150. Representative Leverenz."

Leverenz: "Thank you. On House Bill 3150 I would move to non concur in Senate Amendments 1, 2 and 3 and ask that a Conference Committee be established."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor say 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and a Conference Committee be formed. House Bill 3162 Representative Leverenz. Representative Leverenz on House Bill 3162."

Leverenz: "Move the House not concur in Senate Amendment #1. That a Conference Committee would be appointed."

Speaker Giglio: "You've heard the Gentleman's Motion. All...Representative Mays."

Mays: "Would the Gentleman yield for a question?"

Speaker Giglio: "I think he's going right over to you, your microphone, Sir."

Mays: "Well which Amendment are we not concurring in? Just Amendment #1; that's the only Amendment, right?"

Speaker Giglio: "Yes."

Mays: "Then that has the mandatory arbitration program for Cook County is that correct?"

Leverenz: "Your analysis read the same as mine?"

Mays: "How...what can you tell the Body about the mandatory arbitration program? I always thought, I was always told that it's a way to speed up the case processing for civil

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cases in the county, you know, throughout the state and I was told that we had set up a pilot in Winnebago that's just been running great. I was told that we've got a fee Bill going through the legislature already passed that can help fund it and I'm just wondering why we're not concurring with the Senate Amendment that would expand it to probably the farthest backlogged county in the state."

Speaker Giglio: "Representative Leverenz."

Leverenz: "Matijevich."

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

Matijevich: "Mr. Speaker, as Sponsor of the Bill I have no problem going to Conference Committee but I agree with the remarks of Jeff Mays with regard to the mandatory arbitration that it is working and it will work and it will save some money. I have some assurances from the chairman of the Appropriations I Committee that that will be protected in a Conference Committee and with that in mind I can go along with my side of the aisle naturally but I have deep concern that the Supreme Court be treated properly in a Conference Committee and Chairman Leverenz has given me that assurance."

Speaker Giglio: "Representative Mays."

Mays: "Thank you very much, Mr. Speaker. I thank you for recognizing me again. I didn't get a chance to close, I appreciate Representative Matijevich's thoughts as well as Representative Leverenz's thoughts. I have been in conversations with the Supreme Court on this matter. I indicated to them as recently as very recently ago that I thought the Bill should would be concurred in and so I would oppose the Motion to nonconcur and I would ask for a Roll Call in a 'no' vote."

Speaker Giglio: "Representative Leverenz."

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Leverenz: "Well, I'm so confused. I want to take this out of the record."

Speaker Giglio: "Take the Bill out of the record, Mr. Clerk. House Bill...Representative Mays, 3199. House Bill 3199. The Gentleman from Adams, Representative Mays."

Mays: "Thank you very much, Mr. Speaker. I move to concur in Senate Amendments #1 and 2 on the Department of Insurance. Senate Amendment #1 was a net reduction in the Department of Insurance's budget. It reduced GRF to the 88 estimated expenditure level to the reduction of about 25,000 dollars. It reduced equipment to the 88 estimated expenditure level, it reduced the director's travel and staff services and added 28,000 to restore field travel. That was Amendment #1. Amendment #2, oh and on Amendment #1 there was a net reduction of 36,800 dollars. Amendment #2 added 12 million dollars general fund to provide funding for the estimated deficit for CHIPS and...may I pull this Bill out of the record please?"

Speaker Giglio: "Out of the record, Mr. Clerk. On page 7 of the Calendar on nonconcurrence appears Senate Bill 1856 the Gentleman from Cook, Representative Williams."

Williams: "Thank you, Madam...Mr. Speaker. I would like to move to refuse to recede from Amendment #3 and ask for a Conference Committee report be appointed, a Conference Committee be appointed."

Speaker Giglio: "You heard the Gentleman's Motion. Any discussion? Hearing none all those in favor say 'aye', those opposed 'nay', and the Gentleman's Motion carries. Are the photographers of the House on both sides of the aisle in the chambers? The Republican and Democrat photographers. Would you please come to the center of the well? The veterans would like a word with the photographers on both sides of the aisle. Is the

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Parliamentarian in the chamber? Would the Parliamentarian please come to the Speaker's stand. Mr. Polluk. Representative Leverenz, for what purpose do you..."

Leverenz: "I have an inquiry of the chair relative to the question on the trivia contest."

Speaker Giglio: "Can you hear me?"

Leverenz: "Can you hear me? I can hear you. Can you hear me?"

Speaker Giglio: "Can you hear me?"

Leverenz: "I can hear you. Can you hear me? An inquiry of the chair, I was asked on the trivia contest and I thought you might have an answer. What are we doing?"

Speaker Giglio: "The House is at ease."

Leverenz: "Thank you for pointing that out because it looked like family day here on the House floor."

Speaker Giglio: "That's the way it should be. It should be family day everyday. Everybody gets together like a big happy family on either side of the aisle. Representative Bugielski, are you seeking recognition, Sir? Representative Hicks, on page 6 of the Calendar, Senate Bill 1706. Thank you, Mr. Hicks."

Hicks: "Mr. Speaker, Ladies and Gentlemen of the House. I would like to nonconcur. I would move to nonconcur with Senate Amendment #1 to..."

Speaker Giglio: "The Gentleman moves to refuse to recede from House Amendment #1 to Senate Bill 1706. You heard the Gentleman's Motion. Any discussion? Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you. Representative, as I understand it, one of the Am...one portion of this Amendment which we thought would be only for JCAR and not controversial is proven not to be the case. What about receding from the Amendment and pass the Bill out in its original form? I was under the impression that would accomplish what you wanted to

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accomplish."

Hicks: "Well, the last conversation I had with the Members from JCAR and those affected by it were that they did want House Amendment #1 on it, and by refu...by refusing to recede then we can see if we can't work out those differences. I know there are differences on House Amendment #1 that we thought were going to be not controversial but have turned out to be quite controversial. I think we would rather...maybe Representative Olson might have a comment to that. If he'd like to I'd certainly take those comments."

McCracken: "No, no, that's fine. Alright."

Speaker Giglio: "Representative Hicks."

Hicks: "Thank you, Mr. Speaker. I...I would ask to refuse to recede from House Amendment #1 and ask for a Conference Committee."

Speaker Giglio: "Alright, you have heard the Gentleman's Motion, he refuses to recede on House Amendment #1 to Senate Bill 1706. Any discussion? Hearing none. All those in favor signify by saying 'aye' those opposed 'nay'. In opinion of the Chair the 'ayes' have it, and the Motion carries. Page 5 of the Calendar appears House Bill 3462, Representative McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendment #1 to House Bill 3462. This is the Responsible Property Transfer Act. The Senate added one Amendment that would deal with retailers. This would provide that the Bill itself did not intend to include retailers and the consumer goods on the retailers shelves. The situation arises where a retailer may have a automotive repair shop that would have...would have come under the provisions of the Bill and this would...would state that the retail store itself would not come under the provisions of the Bill but that the

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particular piece of property dealing with potentially dangerous chemicals would. It's an Agreed Amendment and I move to concur."

Speaker Giglio: "You heard the Gentleman's Motion. Any discussion? Hearing none, all those in favor of the Gentleman's Motion 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? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 118 voting 'yes', none voting 'no', none voting 'present' and the House does concur with Senate Amendment #1 to House Bill 3462. And this Bill having received the Constitutional Majority is hereby declared passed. Representative Bugielski, for what purpose do you rise, Sir?"

Bugielski: "Thank you, Mr. Speaker. Just since there's a little lull over here I was wondering if we could help out our dear friend from VFW, Larry Diprima, because he's got some citations from the Disabled American Veterans, and I don't want him to become a Disabled American Veteran trying to get these Representatives down here. So if I call your name please come down over here, see Larry Diprima to receive your citation. Representative Ray Christensen. Representative Mary Lou Cowlshaw. Representative Barbara Currie. James DeLeo. John Dunn. Tom Ewing. Virginia Frederick. Karen Hasara. Don Hensel. Doug Huff. Roger McAuliffe. John O'Connell. Terry Parke. Al Ronan. Bill Peterson. Fred Tuerk. Art Turner. And LeRoy Van Duyne. Because our dear friend, Larry Diprima, wants to take a picture with you. Thank you."

Speaker Giglio: "Messages from the Senate."

Clerk O'Brien: "A message from the Senate by Ms. Hawker,

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Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their Amendments of the following Bills to wit; Senate Bills 1689, 1719, 1839, 1840, 1860, 2022, 2079, and 2185. Action taken by the Senate June 28, 1988. Linda Hawker, Secretary."

Speaker Giglio: "The Gentleman from Perry, Representative Goforth."

Goforth: "Thank you, Mr. Speaker. Wow, let's have a little attention in here. Thank you. I've been asked to announce that since we don't know how long we're going to be in here this afternoon that this afternoon between 3:00 and 5:00 O'clock, Good Lord willing maybe we'll be out of here, but the Police Associations since we have been so kind to them over the last few years are going to give us free fish over at Sam's between 3:00 and 5:00 O'clock. They certainly do appreciate all your support and they invite everybody, that's not just the Legislature, all the staff or anyone else who wants to come over. Thank you very much."

Speaker Giglio: "Representative Leverenz."

Leverenz: "Yes, Sir. Do you have the answer to that trivia question?"

Speaker Giglio: "We're going to proceed with the Appropriation Bills. Are you ready, Sir?"

Leverenz: "I'm so glad. Here's the one you've all been waiting for."

Speaker Giglio: "House Bill 3162, Representative Leverenz."

Leverenz: "I would move the House nonconcur with Senate Amendment #1 and a Conference Committee would be appointed."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', those opposed 'nay'. In opinion of the Chair the 'ayes' have it. The Motion carries. House Bill 3199, Representative Mays. Is

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Representative Mays in the chamber? 3199, Sir."

Mays: "Thank you very much, Mr. Speaker. I think all the signals are square. I would move to nonconcur in Senate Amendments #1 and 2 on House Bill 3199 and request that a Conference Committee be appointed."

Speaker Giglio: "You heard the Gentleman's Motion. Any discussion? Hearing none, all those in favor signify by saying 'aye' those opposed 'nay'. In opinion of the Chair the 'ayes' have it, and the Motion carries. House Bill 3204, Representative Mays...3203...3203. Representative Tate, 3203."

Tate: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur on Amendment #1 which reduces a merit compensation increases for personnel except for their rehabilitation schools and community programs. I move to nonconcur on Senate Amendment #2 which adds 1,583,000 which is an 18 cent rate increase for personal care attendants. And I move for a Conference Committee."

Speaker Giglio: "The Gentleman moves to concur with Senate Amendment #1 to House Bill 3203. And on that Motion all those in favor vote 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? 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 115 voting 'yes', none voting 'no', and 1 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 3203. Gentleman now moves to nonconcur with Senate Amendment #2 to House Bill 3203. All those in favor signify by saying 'aye' those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and the Motion carries. House Bill 3204, Representative Mays, 3204."

Mays: "Thank you very much, Mr. Speaker. I move to nonconcur with Senate Amendment #1 and ask that a Conference

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Committee be appointed."

Speaker Giglio: "You heard the Gentleman's Motion. Any discussion? All those in favor signify by saying 'aye' those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and the House nonconcur with Senate Amendment #1 to House Bill 3204. House Bill 3205, Representative Mays."

Mays: "I move to nonconcur in Senate Amendments #1, 2, 3, 4 and 5 on House Bill 3205 and request that a Conference Committee be appointed."

Speaker Giglio: "You heard the Gentleman's Motion to non...Representative Mays, was that...was that 1, 2, 3, 4, 5 or just 2, 3, 4, 5? You want to concur in Senate Amendment #1? The Gentleman wants to nonconcur with Senate Amendments #1 through 5 in House Bill 3205. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and the Motion carries. House Bill 3210, Representative Mays."

Mays: "Thank you very much, Mr. Speaker. I move to concur with Senate Amendment #1, one second. In Senate Amendments #1 and 2."

Speaker Giglio: "The Gentleman moves to concur with Senate Amendments #1 and 2 to House Bill 3210. And on that Motion all those in favor signify by voting 'aye', those opposed 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Tuerk, vote Mr. Tuerk 'aye'. On this question there are 117 voting 'yes', none voting 'no', none voting 'present'. And the House does concur with Senate Amendments #1 and 2 to House Bill 3210. And this Bill having received the Constitutional Majority is hereby declared passed. Representative Mays on House Bill 3225."

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Mays: "Thank you very much, Mr. Speaker. I move to concur in Senate Amendments #1 and 2."

Speaker Giglio: "You heard the Gentleman's Motion on House Bill 3225. Any discussion? Hearing none, all those in favor signify by voting 'aye', those opposed 'nay'. This is final action. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question 117 voting 'yes', none voting 'no', 1 voting 'present', and the House does concur with Senate Amendments #1 and 2 to House Bill 3225. And this Bill having received the Constitutional Majority is hereby declared passed. House Bill 3227, Representative Mays."

Mays: "Thank you very much, Mr. Speaker. I move to nonconcur on all Senate Amendments on the Department of Transportation budget and request that a Conference Committee be appointed."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor of the Gentleman's Motion signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and the House nonconcur in Senate Amendments 1 through 4 to House Bill 3227. House Bill 3228, Representative Mays."

Mays: "Thank you very much, Mr. Speaker. I move to nonconcur in Senate Amendments #1, 2, and 3 on House Bill 3228."

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, and the House does nonconcur with Senate Amendments 1 through 3 to House Bill 3228. The Lady from Cook, Representative Wojcik."

Wojcik: "Yes, Mr. Speaker. For the point of personal privilege, I would like to enlighten the Members of the House and let them know that there are members from the Illinois

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Municipal Treasurers Association in the back room. This is a first for them. They have never been on the House Floor so why don't you all come on back and meet them. Thank you."

Speaker Giglio: "Welcome to Springfield. House Bill 30...3231, Representative Mays. Representative."

Mays: "Thank you very much, Mr. Speaker. I move to nonconcur in Senate Amendment #1 on House Bill 3231."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', all those opposed 'nay'. In opinion of the Chair the 'ayes' have it, and the House does nonconcur with Senate Amendment #1 to House Bill 3231. House Bill 3233, Representative Tate. Representative Tate. Out of the record?"

Tate: "No. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3223 (sic - House Bill 3233), I move to nonconcur on Senate Amendment #1."

Speaker Giglio: "House Bill 3233. Gentleman moves to nonconcur. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Motion carries. House Bill 3237, Representative Mays."

Mays: "Thank you very much, Mr. Speaker. I move to nonconcur in Senate Amendments #1, 2, and 3 on House Bill 3237."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', those opposed 'nay'. In opinion of the Chair the 'ayes' have it, and the Motion carries. House Bill 3240, Representative Mays."

Mays: "Thank you very much, Mr. Speaker. I move to nonconcur in House Bill...in Senate Amendment #1 to House Bill 3240."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', those opposed 'nay'. In opinion of the Chair the 'ayes' have it. The Motion carries. House Bill 3242, Representative Mays."

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Mays: "Thank you very much, Mr. Speaker. I move to nonconcur in Senate Amendment #1 to House Bill 3242."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', those opposed 'nay'. In opinion of the Chair the 'ayes' have it and the Motion carries. House Bill 3403, Representative McCracken, 3403."

McCracken: "I move to nonconcur in Senate Amendments 1, 2, 3 and 4 and send it back to the Senate and maybe they'll see the light."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor of the Gentleman's Motion signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and the Motion carries. On nonconurrence on page 6 of the Calendar appears Senate Bill 1751, Representative Tate. Senate Bill 1751, ordinary contingent expense of the Department of Alcohol and Substance Abuse."

Tate: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We refuse to recede on House Amendment #9 which is the...the seven percent increase, the COLA, for the departments line of service providers."

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, and the Motion carries. The House refuses to recede House Amendment #9...9 and a Conference Committee is requested. Senate Bill 2151, Representative Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move that we do recede from House Amendment #1 to Senate Bill 2151."

Speaker Giglio: "Hearing the Gentleman's Motion, all those in favor vote 'aye', those opposed 'nay'. This is final action. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr.

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Clerk, take the record. On this question there are 113 voting 'yes', none voting 'no', and 3 voting 'present', and the House does recede from House Amendment #1 to Senate Bill 2151, and this Bill having received the Constitutional Majority is hereby declared passed. On Supplemental Calendar #1 appears Senate Bill 1689, Representative Leverenz."

Leverenz: "Thank you, Mr. Speaker. I would move that the House refuse to recede in House Amendment #1 and that a Conference Committee would be appointed."

Speaker Giglio: "You heard the Gentleman's Motion. Any discussion? Hearing none, all those in favor of the Gentleman's Motion signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair they 'ayes' have it, and the Motion carries. Senate Bill 2022, Representative Mays. Supplemental Calendar #1, Senate Bill 2022."

Mays: "I move to re...refuse to recede from...and would request that a Conference Committee be appointed."

Speaker Giglio: "The Gentleman moves to refuse to recede on House Amendments #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15 and 16. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Motion carries. Senate Bill 1719, Representative Levin. Is Representative Levin in the chamber? Senate Bill 1839, Representative Braun. Representative Kulas...1860, Senate Bill 1860, Representative Berrios. Excuse me Representative Berrios."

Berrios: "Speaker."

Speaker Giglio: "Yes."

Berrios: "I wish to refuse to recede on House Amendment #4 to Senate Bill 1839. And I ask for the Conference Committee."

Speaker Giglio: "Senate Bill 1839, the Gentleman moves to refuse to recede from House Amendment #4 and a Conference

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Committee be requested. All those in favor say 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it. The Motion carries. Senate Bill 1840, Representative Berrios."

Berrios: "Thank you, Mr. Speaker. I...I request that we refuse to recede on House Amendment #1 to Senate Bill 1840 and I request a Conference Committee."

Speaker Giglio: "You heard the Gentleman's Motion, the House refuses to recede from House Amendment #1 to Senate Bill 1840 and a Conference Committee be requested. All those in favor say 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and the Motion carries. Senate Bill 1860, Representative Kulas."

Kulas: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move that the House refuse to recede from House Amendment #6 and a Conference Committee be appointed."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor of the Gentleman's Motion signify...Representative McCracken."

McCracken: "Yes. Just...just a question or two. Was Amendment #6 an Agreed Amendment when it went out of here? It seems to me it was. Wasn't it?"

Speaker Giglio: "Representative Kulas."

Kulas: "Yes, Representative McCracken. Amendment #6 was the Amend...Amendment that was agreed to by most of the parties, not all the parties, but most of the parties. Amendment #5 was another agreement that had some agreement but not all the parties so I think that this Bill should go back to Conference Committee and all these differences should be resolved. It's an important matter of fees and that's why I...I wouldn't want to accept the Senate's recommendation that we recede from House Amendment #6."

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McCracken: "Okay, thank you."

Speaker Giglio: "You heard the Gentleman's Motion. The House refuses to recede from House Amendment #6 to Senate Bill 1860. All those in favor say 'aye' those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and the Motion carries. And a Conference Committee be appointed. Representative Dunn. Well Goforth. Excuse me, Representative Goforth, Senate Bill 2079. That's your Bill, Sir? Senate Bill...2079. Are you the Sponsor of 2079...Senate Bill?"

Goforth: "Can we take it out of the record for just a second?"

Speaker Giglio: "It creates the Hamiltonian Commission."

Goforth: "Out of the record."

Speaker Giglio: "Out of the record. Representative Matijevich."

Matijevich: "Speaker, before you take that out of the record, I was going to ask Representative Goforth if he is listening. I understand this...the people from out East that represent the majority of the Hamiltonian Society voted yesterday wrongfully. We know not to bring the Hamiltonian back to DuQuoin. I wondered how you'd say in your eastern dialect how you feel about that. Maybe we ought, ought to have a new commission called the Goforth Commission, have a new pace...pacing race called the Goforth Race that will make the Hamiltonian look like nothing, but give us your choice words on what those out easterners did yesterday."

Goforth: "Thank you, John. I really can't say what I would love to say, as you well know. I think in case of the Hamiltonian out east is what happens sometimes in this Legislature. In fact, I think it just happened a few minutes ago in this Legislature. The Hamiltonian Society could care less about the horsemen. All the horsemen wanted that race to come back, we would have made it to Kentucky Derby of Harness racing like it was before when it

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was here in Illinois, but since they have the power as the same with this Legislature, they don't seem to care what the people think, what the horsemen, the ones that wanted to race, what is best for the race. They don't care. All they want to do is set up in their big air-conditioned box and tell the poor people what to do. Well, I'll guarantee you, they made a mistake on that race and I guarantee you a lot of people around this General Assembly is also making a mistake, cause someday it'll come back to haunt them. But we will make the world trot here in Illinois, the Kentucky Derby of harness racing. And they made the biggest mistake in their life. Thank you, John."

Speaker Giglio: "Representative Goforth, do you still want this out of the record? Representative Goforth on Senate Bill 2079."

Goforth: "Thank you, Mr. Speaker. I refuse to concede to Amendment #1 and request Conference Committee."

Speaker Giglio: "You heard the Gentleman's Motion. All those in favor signify by saying 'aye', those opposed 'nay'. And the House refuses to recede on House Amendment #1 to Senate Bill 2079 and a Conference Committee be requested. Representative Keane, are you seeking recognition? Representative Keane."

Keane: "Yes, I am. I would like to ask the Chair why my Bill was moved when I wasn't here."

Speaker Giglio: "The Chair was informed that you had given the Chair permission to have Leverenz carry your Bill. If it's against your wishes, I would suggest that you ask for a reconsideration by which the vote was taken and we will redo the Bill again with your presence. Representative Keane."

Keane: "On what basis did the Chair assume I had given Representative Leverenz my approval to handle the Bill?"

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Speaker Giglio: "Well, the word that the..."

Keane: "Is it in writing someplace?"

Speaker Giglio: "...that the Chair had received was that you had given permission. Representative Keane."

Keane: "The word was wrong, and I would hope that in the future that you check the word with the Sponsor of the Bill."

Speaker Giglio: "The Chair will so acknowledge your request."

Keane: "Thank you."

Speaker Giglio: "Senate Bill 2185, Representative Braun on Supplemental #1. Lady from Cook, Representative Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move that the House refuse to recede from House Amendments 2 and 3 to Senate Bill 2185 and that a Conference Committee be appointed."

Speaker Giglio: "You heard the Lady's Motion. Any discussion? Hearing none, all those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it. And the House refuses to recede from House Amendments #2 and 3 and that a Conference Committee be requested. Senate Bill 1719, Representative Levin."

Levin: "Mr. Speaker. I would also refuse to recede with respect to House Amendments 1 and 2 on the Senate Bill 1719 and ask that a Conference Committee be appointed."

Speaker Giglio: "You heard the Gentleman's Motion. Any discussion? Hearing none, all those in favor signify by saying 'aye', those opposed 'nay'. And the House refuses to recede on House Amendments #1 and 2 to Senate Bill 1719 and a Conference Committee be requested. On concurrences on page 6 of the Calendar appears Senate...House Bill, House Bill 4179, Representative Morrow."

Morrow: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1 to House Bill 4179."

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

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discussion? 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 115 voting 'yes', none voting 'no', none voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 4179. And this Bill having received the Constitutional Majority is hereby declared passed. The Order of the Chair now will be to go back to concurrences on page 3 of the Calendar. This will be the last time before we finish up so anybody that has their Bill they want to pass today, please let the Chair know and on that order appears House Bill 3125, Representative Ewing. Representative Ewing in the chamber? House Bill 3125."

Ewing: "Mr. Speaker. Didn't we concur in one of these Amendments and then we took it out of the record? Yes, I took it out of the record. One of the Amendments that was concurred in but not the...not the first Senate Amendment, the second one was. Is that correct?"

Speaker Giglio: "Representative Ewing. On the 27th there was a Motion to nonconcur. What...and then there's a Motion filed to concur. What's your pleasure?"

Ewing: "I will accept the Motion to concur."

Speaker Giglio: "Alright. The Gentleman moves that the House do concur with Senate Amendment #1 to House Bill 3125. And on that question the Gentleman from Cook, Representative McNamara."

McNamara: "Thank you, Mr. Speaker. Could he explain as to what since this will be final passage. Could he explain as to what the Senate Amendment does."

Speaker Giglio: "The Gentleman from Livingston, Representative Ewing."

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Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. This is the Amendment which Representative Breslin and I had some disagreement about yesterday. She wanted to concur in this Amendment and I did not. I had since checked it with the people who were interested in this Bill and they feel that the Amendment is acceptable. So I am now changing my position to that of Representative Breslin. The Amendment says that if it's a citizens group or not for profit organization that has participated in the proceedings, they do not have to pay up front for their transcript on appeal."

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

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

Speaker Giglio: "He indicates he will."

Homer: "Tom, so that I understand the posture of the Bill, let me ask you some questions. The underlying Bill would say that...that where there's a review proceeding from a decision of the county board with regard to regulation of garbage disposal areas, that the plaintiff in that case must pay for the preparing and certifying of the record. So that's something to help counties. Is that correct?"

Ewing: "That's correct. Right now they...they have to pay for it, Representative Homer, but they don't have to pay for it up front and sometimes the county has to go to court to try to collect the money they put out to provide these transcripts."

Homer: "I see. So current law does require the plaintiff to pay but at the cost assessed against the plaintiff, not...he doesn't have to pay for it up front."

Ewing: "That's correct."

Homer: "Alright, then House Amendment 1 said that will also apply this to landfill sightings as well as garbage locations."

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Ewing: "Yes."

Homer: "And then the Senate Amendment that you're wanting to concur in would say 'yes' that's true except that citizens groups and not..non profit organizations would be exempt. In other words they would not have to pay up front."

Ewing: "That's correct."

Homer: "They would still have to pay but not up front?"

Ewing: "That would be my understanding that they would still be required to pay and they would not...but not up front. I think it's probably wise to say here that at least my understanding of this Amendment would mean that citizen groups that have participated in the...in the proceedings would have to be some organized citizens group, not you and I going in and saying we are a citizens group. They would have to have been a party to the proceeding in some organized fashion so that just anyone gathering together can't go in and say they are a citizens group."

Homer: "Right. Okay, but...but if the county would rule against the developer, then the developer would be the plaintiff and the developer would have to pay the money up front to appeal."

Ewing: "That's right."

Homer: "It sounds pretty good."

Ewing: "Ho, it's very good."

Speaker Giglio: "Further discussion? The Lady from LaSalle, Representative Breslin."

Breslin: "Thank you, Mr. Speaker. Ladies and Gentlemen, I stand in support of Representative Ewing's Motion. Thank you."

Speaker Giglio: "All those in favor of the Gentleman's Motion 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 112 voting 'yes',

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none voting 'no', and none voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 3125. And this Bill having received the Constitutional Majority is hereby declared passed. Representative Ewing on House Bill 3442."

Ewing: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. Did we...we haven't concurred in either of these Amendments. The first Amendment was put on which would allow for county boards with the population of over 100,000 and under 3,000,000 to provide for stipends for their County Health Department members. Amendment...Senate Amendment #2 provides that the Water Well Construction Code can be administered by counties and the...these counties can issue the permits for these wells. If they don't the state will be required to do that and I would move for a concurrence in both Amendments."

Speaker Giglio: "You heard the Gentleman's Motion. Any discussion? The Gentleman from Fulton, Representative Homer. Representative Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen. On the administering the Water Construction Code, this Amendment allows or authorizes the Department of Public Health to designate either municipal or other health departments as its agents, not just counties."

Speaker Giglio: "You heard the Gentleman's Motion, 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? Have all voted who wish? Mr. Clerk, take the record. On this question there are 106 voting 'yes', 4 voting 'no', 5 voting 'present'. And the House does concur with Senate Amendments #1 and 2 to House Bill 3442. And this Bill having received the Constitutional Majority is

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hereby declared passed. Representative Frederick, Virginia Frederick, are you ready on 34...3512? Out of the record. Representative Wojcik, House Bill 3548."

Wojcik: "Mr. Speaker, and Members of the House. I move to nonconcur with Senate Amendment #3 and ask for a Conference Committee."

Speaker Giglio: "You heard the Lady's Motion. Any discussion? Hearing none, all those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and the Motion carries. Representative Steczko. Out of the record. Representative Keane. Representative Keane in the chamber? Representative Keane. Representative Preston."

Preston: "I...I'll be glad to handle Representative Keane's Bill in his absence."

Speaker Giglio: "Do you have Representative Keane's permission? Representative McCracken?"

McCracken: "Representative Wojcik wanted to concur in Amendments 1 and 2 so we need to take that vote as well."

Speaker Giglio: "Alright. Let's go back...let's go back to Representative Wojcik's Bill. House Bill 3548, the Lady asks that we concur in Senate Amendments #1 and 2. All those in favor...all those in...Representative. Representative Homer."

Homer: "Mr. Speaker, parliamentary inquiry, what was the previous Motion that passed? There was a Motion to nonconcur on Amendment 3, was that the Motion?"

Speaker Giglio: "Correct."

Homer: "And that Motion passed by a voice vote."

Speaker Giglio: "Correct."

Homer: "Now there's a Motion to do what?"

Speaker Giglio: "What the Lady wants to concur with Senate Amendments #1 and 2 to that Bill, to House Bill 3548."

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Homer: "Alright. What...I have a question for the Sponsor."

Speaker Giglio: "Proceed."

Homer: "Representative Wojcik."

Wojcik: "Yes."

Homer: "If the...if we join with you and concur in the...your Motion, then the Bill would go back to the Senate. What do you understand that the Senate will do with respect to the nonconcurrency on Amendment 3?"

Wojcik: "What they're going to do, Representative, is work out the argument that is involved around Amendment #3."

Homer: "Well, how will they do that? Will they...will they ask for a Conference Committee?"

Wojcik: "I did ask for a Conference Committee."

Homer: "Well, how can you concur then...what good would it do to concur on Amendments 1 and 2. I mean, if you're in Conference Committee there's no sense in concurring."

Wojcik: "Representative, I've been advised to concur with Amendment #1 and 2. Now I will seek a technical answer."

Homer: "Well, Mr. Speaker. Did I understand that the Sponsor said that she requested a appointment of a Conference Committee? She can't do that on a House Bill in any event. That has to be done after the Senate refuses to recede, so I guess, I'm a little confused."

Speaker Giglio: "Well, it...the Lady from Cook, Representative Wojcik."

Wojcik: "Yes. If I may explain. There was some confusion on this side of the aisle as to what I wanted to do with the Bill. The original intent is I moved to nonconcur with Senate Amendment #3 and I asked for a Conference Committee. That is it. I'm not doing with any...any concurring with 1 or 2. I am nonconcurring with Senate Bill #3 and asking for a Conference Committee."

Speaker Giglio: "Representative Wojcik, the Senate would have to

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refuse to recede and ask for a Conference Committee on Senate Amendment #3. All...all you could ask for is to nonconcur in #3."

Wojcik: "Then I nonconcur with Senate Amendment #3."

Speaker Giglio: "Alright. The Lady now moves that the House nonconcur, Senate Amendment #3. Representative Homer."

Homer: "Speaker, there still needs to be some action taken with respect to Amendments #1 and 2. Is it my understanding that the Lady now moves to concur? Well, may I..."

Speaker Giglio: "We just did it backwards. We will take...we'll take 3 and nonconcur and we'll take a Roll Call vote to accept 1 and 2."

Homer: "Alright. Well, let me...let me make a suggestion. And of course, the Lady's in control of her Motion..."

Speaker Giglio: "Excuse me, Representative Homer. Excuse me. Representative McCracken."

McCracken: "Since the Lady wants a Conference Committee, I think she wants to nonconcur in all three Amendments by a voice vote."

Speaker Giglio: "Representative Wojcik."

Wojcik: "That is correct. The problem we have here is this is being hastily done because there still is not an agreement, and I have agreed now to let the Bill go into a Conference Committee so that they can agree. So that is what my intention is."

Speaker Giglio: "The Lady moves now that we nonconcur with Senate Amendments #1, 2, and 3 to House Bill 3548. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and the Motion carries. And the House nonconcur in Senate Amendments #1, 2 and 3. Representative Mays, 3730. Read...read the Bill. Mr. Mays on House Bill 3730."

Mays: "Thank you very much, Mr. Speaker. I move to concur in

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Senate Amendment #1 to House Bill 3730. The Amendment basically clarifies the Department of Conservation's intent and they are supportive. So I move to concur."

Speaker Giglio: "You heard the Gentleman's Motion, 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? Have all voted who wish? Mr. Clerk, take the record. On this question there are 117 voting 'yes', none voting 'no', and the House does concur with Senate Amendment #1 to House Bill 3730, and this Bill having received the Constitutional Majority is hereby declared passed. Representative Ryder, 3930. Out of the record. Representative Granberg, Senate Bill 2147. On the Order of Nonconcurrency page 7 of the Calendar."

Granberg: "Thank you, Mr. Speaker, Members of the House. I would ask that the House nonconcur with House Amendments...with Senate Amendments, Mr. Speaker, refuse to recede with the House Amendment 1 and 4 and ask for appointment of Conference Committee."

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, and the House refuses to recede from House Amendments #1 and 4 to Senate Bill 2147 and a Conference Committee be requested. House Resolutions."

Clerk O'Brien: "House Resolution 1664, offered by Representative DeJaegher and 1668, by Representative Countryman."

Speaker Giglio: "Representative Matijevich."

Matijevich: "Yes. I would move the adoption except 1668 is a Death Resolution. But I would move the adoption of 1664, Mr. Speaker, and Members of the House."

Speaker Giglio: "You heard the Gentleman's Motion. All those in

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favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Resolution has been adopted. General Resolution."

Clerk O'Brien: "House Resolution 1667, offered by Representative O'Connell."

Speaker Giglio: "Speaker's Table. Death Resolutions."

Clerk O'Brien: "House Resolution 1665, offered by Representative Anthony Young with respect to the memory of Willy Tucker. House Resolution 1666, offered by Representative Johnson with respect to the memory of Victor E. Treat, Sr. House Resolution 1668, offered by Representative Countryman, with respect to the memory of Victor 'Vic' Frank Sarich."

Speaker Giglio: "Matijevich, Representative Matijevich moves the adoption of Death Resolutions. All those in favor signify by saying 'aye', those opposed 'nay'. In opinion of the Chair the 'ayes' have it, and the Resolutions are adopted. Representative McPike now moves that the House stand adjourned until tomorrow at 11:00 O'clock, Wednesday, June 29. All those in favor say 'aye' those opposed 'nay'. The House now stands adjourned."

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