

STATE OF ILLINOIS  
87th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

72nd Legislative Day

June 25, 1991

Speaker McPike: "The House will come to order. The Chaplain for today is Reverend James Lyons from St. Peter's Parish in Volo, Illinois. Reverend Lyons is the guest of Representative Klemm. The guests in the balcony may wish to rise and join us for the invocation."

Reverend Lyons: "Oh mighty God, we know that You wish us to restore all things on earth to You. As we are correctly concerned about our state budget, help us also to be concerned about budgeting proper time for You, our Creator. As we are correctly concerned about reapportionment, help us also to be concerned about reapportioning special space for You, our Creator in each of our lives. As we are properly concerned about our state deficit, help us also to be concerned about our deficit in regard to Yourself, realizing that all...all that we have we owe to You. Help us always to have the peace and the joy of knowing that we are doing Your will. Oh loving Lord, our God. Amen."

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

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

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

Matijevich: "Mr. Speaker, we're all here."

Speaker McPike: "Mr. Kubik."

Kubik: "Thank you, Mr. Speaker. Let the record reflect that Representative Klemm is excused today."

Speaker McPike: "Thank you. Mr. Clerk, take the record. Take the record, Mr. Clerk. 117 Members answering the Roll Call, a quorum is present. Messages from the Senate."

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Clerk O'Brien: "A message from the Senate by Ms. Hawker, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in passage of Bills with the following titles, to wit; House Bills #319, 373, 376, 384, 393, 395, 505, 545, 581, 629, 631, 633, 634, 636, 637, 639, 640, 641, 642, 643, 644, 645, 646, 647, 649, 650, 651, 652, 654, 655, 656, 657, 658, 659, 660, 736, 737, 808, 887, 888, 1048, 1155, 1608, 1811, 1850, 1853, 1854, 1878, 1891, 2005, 2010, 2012, 2040, 2139, 2147, 2250, 2352, 2418 and 2510, together with the attached Amendments, and the adoption of which I am instructed to ask concurrence of the House, passed the Senate as Amended June 24, 1991, Linda Hawker, Secretary of the Senate."

Speaker Giglio: "Consent Calendar, Third Reading."

Clerk O'Brien: "Consent Calendar, Third Reading, Second Day. Senate Bill 19, a Bill for an Act to amend the Credit Card Issuance Act. Senate Bill 51, a Bill for an Act relating to county superintendents of highways. Senate Bill 56, a Bill for an Act to amend the Illinois Act on the aging. Senate Bill 65, a Bill for an Act to amend the Drainage Code. Senate Bill 68, a Bill for an Act to amend the Livestock Dealer Licensing Act. Senate Bill 83, a Bill for an Act in relation to veterans of the Persian Gulf. Senate Bill 86, a Bill for an Act to amend the Counties Code. Senate Bill 94, a Bill for an Act to amend the Children and Family Services Act. Senate Bill 98, a Bill for an Act to amend the Illinois Lottery Law. Senate Bill 106, a Bill for an Act to amend the Hospital Licensing Act. Senate Bill 108, a Bill for an Act to amend the Civil Administrative Code. Senate Bill 111, a Bill for an Act to amend the Public Utilities Act. Senate Bill 152, a Bill for an Act to amend the Illinois Insurance Code. Senate

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Bill 165, a Bill for an Act to amend the Illinois Municipal Code. Senate Bill 188, a Bill for an Act to amend the School Code. Senate Bill 190, a Bill for an Act concerning the Kaskaskia Commons. Senate Bill 203, a Bill for an Act to amend the Illinois Municipal Code. Senate Bill 225, a Bill for an Act to amend the Public Grain Warehouse and Warehouse Receipts Act. Senate Bill 248, a Bill for an Act to amend the Adoption Act. Senate Bill 251, a Bill for an Act to amend the Code of Civil Procedure. Senate Bill 253, a Bill for an Act to amend the Wildlife Code. Senate Bill 265, a Bill for an Act to amend the Counties Code. Senate Bill 280, a Bill for an Act to amend the Meat and Poultry Inspection Act. Senate Bill 283, a Bill for an Act to amend the School Free Lunch Program Act. Senate Bill 312, a Bill for an Act to amend the Regulatory Agency Sunset Act. Senate Bill 380, a Bill for an Act to amend the Joint Tenancy Act. Senate Bill 386, a Bill for an Act to amend the Code of Civil Procedure. Senate Bill 426, a Bill for an Act to amend the Boat Registration and Safety Act. Senate Bill 427. Senate Bill 427 is removed from the Consent Calendar. Senate Bill 433, a Bill for an Act to amend the Public Community College Act. Senate Bill 442, a Bill for an Act to amend the Public Aid Code. Senate Bill 506, a Bill for an Act to amend the Municipal Code. Senate Bill 510, a Bill for an Act to amend the Nursing Home Care Act. Senate Bill 539, a Bill for an Act to create the Community Mental Health Equity Funding Act. Senate Bill 549, a Bill for an Act to amend the Downstate Forest Preserve District Act. Senate Bill 563, a Bill for an Act to amend the Illinois Parentage Act. Senate Bill 567, a Bill for an Act to amend the Illinois Public Library District Act. Senate Bill 591, a Bill for an Act to amend the Trust and Trustees Act. Senate Bill 600, a Bill for an

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Act to amend the Emergency Medical Services System Act. Senate Bill 609, a Bill for an Act to amend the Local Library Act. Senate Bill 630, a Bill for an Act to amend the Illinois Income Tax Act. Senate Bill 638, a Bill for an Act to amend the Dental Student Grant Act. Senate Bill 643, a Bill for an Act to amend the School Code. Senate Bill 646, a Bill for an Act to amend the Health Finance Reform Act. Senate Bill 656, a Bill for an Act to amend the Attorneys Lien Act. Senate Bill 672, a Bill for an Act to amend the Municipal Code. Senate Bill 706, a Bill for an Act to amend the Abused and Neglected Long Term Care Facility Act. Senate Bill 717, a Bill for an Act to amend the Marriage and Dissolution of Marriage Act. Senate Bill 721, a Bill for an Act to amend the Uniform Commercial Code. Senate Bill 727, a Bill for an Act to amend the Illinois Act on the Aging. Senate Bill 751, a Bill for an Act to amend the Illinois Farm Development Act. Senate Bill 758, a Bill for an Act to amend the Illinois Alcoholism and Other Drug Dependency Act. Senate Bill 759, a Bill for an Act to amend the Alcoholism and Other Drug Dependency Act. Senate Bill 782, a Bill for an Act to amend the Corridors of Opportunity and Development Act. Senate Bill 789, a Bill for an Act to amend an Act in relation to children. Senate Bill 811, a Bill for an Act to amend the Downstate Forest Preserve District Act. Senate Bill 825, a Bill for an Act to amend the School Code. Senate Bill 912, a Bill for an Act to amend the Fire Protection District Act. Senate Bill 945, a Bill for an Act to amend the Emergency Telephone System Act. Senate Bill 986, a Bill for an Act to amend the Municipal Code. Senate Bill 1025, a Bill for an Act to amend the Illinois Insurance Code. Senate Bill 1060, a Bill for an Act to amend the Clinical Social Work and Social Work Practice



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Act. Senate Bill 1066, a Bill for an Act to amend the Parentage Act. Senate Bill 1077, a Bill for an Act to amend the Nursing Home Care Act. Senate Bill 1119, a Bill for an Act to amend the Illinois Insurance Code. Senate Bill 1172, a Bill for an Act to amend the State Comptroller Act. Senate Bill 1191, a Bill for an Act to amend the School Code. Senate Bill 1193, a Bill for an Act to amend the Wildlife Code. Senate Bill 1205, a Bill for an Act to amend the Family Practice Residency Act. Senate Bill 1223, a Bill for an Act to amend the Infant Mortality Reduction Act. Senate Bill 1281, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1293, a Bill for an Act to amend the Unified Code of Corrections. Senate Bill 1294, a Bill for an Act to amend the Unified Code of Corrections. Senate Bill 1331, a Bill for an Act in relation to emergency medical services for children. Senate Bill 1337, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. Senate Bill 1342, a Bill for an Act to amend the Municipal Code. Senate Bill 1343, a Bill for an Act to amend the Counties Code. Senate Bill 1380, a Bill for an Act to amend the Public Aid Code. Third Reading of these Senate Bills."

Speaker Giglio: "You heard the Clerk read the Bills on the Consent Calendar. There are some Bills that the Sponsors would like to take back to the order of Second Reading for the purposes of an Amendment. Those that have any, please inform the Chair...and as of this moment, there are two Bills and the first Bill is Senate Bill 98, Representative Munizzi. Lady have leave to take the Bill back to Second? Hearing none, leave is granted. Bill's on Second."

Clerk O'Brien: "Floor Amendment #2 offered by Representative Currie and Munizzi."

Speaker Giglio: "Representative Munizzi on Amendment

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#...Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. This Amendment just strengthens language that was adopted in the House Revenue Committee to this Bill requiring that an applicant for a lottery license show evidence that he or she in terms of his or her business is in compliance with city and county taxes, fees, and so forth. So I move the adoption of the Amendment."

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

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

Speaker Giglio: "Indicates she will."

Black: "Representative, why is the...why is the lottery so adamantly opposed to this Amendment?"

Currie: "Representative, you'd have to ask the lottery. We tried to work hard with the lottery to find out whether local communities could provide this information in a timely fashion, we talked specifically to the Director of Revenue in the City of Chicago, and to the people at the Treasurer's office of the County of Cook on the theory that if Chicago and Cook County can do it, so can everybody else. Our information from both those sources was that the information that would be required by the applicant under these terms would be easily and quickly made available. So we did try to work with the lottery, we offered various kinds of language, and unfortunately the lottery's final decision was they were not prepared to work with us on this project."

Black: "Alright. I appreciate the fact that you've tried to work with them, and I do appreciate the honesty of your answer, but Mr. Speaker and Ladies and Gentlemen of the House. If this Amendment is added to the Bill, this will cause the

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Lottery Department to potentially work with over 6600 municipalities statewide, and this is...make no mistake about it, this is going to result in the delay of licensure or relicensure for a lottery sales agent. Due to appropriation cuts we've already made, the lottery staff has been reduced, so that we're going to compound the problem as to how many weeks it might be before that agent could be back on line. Any time you delay a sales agent from going on line, you're going to cost the lottery sales, and that costs the common school fund money. I really think what we're asking here, is that the lottery, which was not created to be an enforcement arm, we're asking the lottery now to become an enforcement or regulatory arm for various agencies and whether or not their taxes are paid, I don't believe that's why we created the lottery, it's...we wanted to enhance the Common School Fund, and in all due respect to the Sponsor, I think this Amendment will hamper that, and could cost perhaps two or three million dollars to the Common School Fund. So with that in mind, I would rise in opposition to the Lady's Amendment, and ask that you join with me in a 'no' vote."

Speaker Giglio: "Representative Currie."

Currie: "Thank you, Mr. Speaker. Let me just point out that under this Amendment, the Lottery need do nothing. The Amendment merely requires the applicant to provide proof that the applicant is not a tax deadbeat, that the applicant is in fact current in respect to business license fees, and property taxes and so forth. We're dealing here only with cities and municipalities. Our understanding is the applicant can easily meet the terms of this proposition, and I think that it would be an odd situation if we in the General Assembly wanted to say that lottery licensees ought to be people who are deadbeats when it

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comes to paying their local as well as their state taxes. So this Bill requires nothing of the lottery, but merely to receive the information from the applicant. That information is easily accessed by the applicant, so I urge adoption of this Amendment."

Speaker Giglio: "Representative Parke. Representative Munizzi. Further discussion? Hearing none, all those in favor of the Amendment signify by saying 'aye', opposed 'no'. In the opinion of the Chair, a Roll Call should be taken. All those in favor vote 'aye'...of the Amendment...all those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Take the record...Mr. Black. Representative Black."

Black: "Thank you very much, Mr. Speaker. I'm not sure there's 71 people over there, but I don't want to delay the work of the House so I won't make the request for verification, but until everyone's here, it'd be a lot simpler if we just vote our own switch."

Speaker Giglio: "Point is well taken. On this question, there are 71 voting 'yes', 45 voting 'no', and the Amendment carries. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. The Lady asks now that the...does she have leave by the Attendance Roll Call to have this Bill returned back to the Order of the Consent Calendar? Hearing none, leave is granted. The Bill is on the...Representative Black objects. Take it off the Consent Calendar and leave it on Third Reading, Representative...or, Mr. Clerk. Alright, on this same order appears Senate Bill 1337, Representative McNamara. Representative McNamara. Proceed."

McNamara: "I'd like leave to return this Bill to Second Reading for the purposes of an Amendment. Leave to return the Bill

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to Second Reading for the purposes of an Amendment."

Speaker Giglio: "You heard the Gentleman. Does the Gentleman have leave? By the Attendance Roll Call, hearing none, leave is granted, the Bill's on the Order of Second Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "This Bill's been read a second time previously. Floor Amendment #1, offered by Representative McNamara."

Speaker Giglio: "Representative McNamara."

McNamara: "Thank you, Mr. Speaker and Members of the House. What Amendment #1 does, it becomes the Bill. It is precisely the same Bill with the exception that it puts it in the House form as it was passed out of this House. It is...creates a new Act on the pay-per-call services. It does many of the same things, it changes our...the advertisement procedures, and the computer to computer exceptions that were put on in the Senate. This becomes the Bill and makes both Bills precisely the same. I urge for its approval."

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

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Gentleman now asks leave to have this Bill returned to the Order of the Consent Calendar. Does the Gentleman have leave by the Attendance Roll Call? Hearing none, leave is granted. The Bill will return to the Order of the Consent Calendar from which it was taken off, Mr. Clerk. The Lady from Cook, Representative Stepan. Representative Stepan. Senate Bill 108."

Stepan: "Yes. Mr. Speaker. Amendment #2 is a technical Amendment that replaces line seven through 16..."

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Speaker Giglio: "The Lady now asks leave to have this Bill brought back to the Order of Second. Does the Lady have leave? Hearing none, leave is granted, the Bill's on Second. Mr. Clerk, read the Bill."

Clerk O'Brien: "This Bill's been read a second time previously. Floor Amendment #2, offered by Representative Stepan."

Speaker Giglio: "The Lady from Cook, Representative Stepan on Amendment #2."

Stepan: "Yes. Mr. Speaker, Amendment #1 that we had on the Bill replaced lines nine through 16 on the Bill. Inadvertently we need to change that to line seven through 16."

Speaker Giglio: "You heard the explanation. Does the Lady...you have heard the Motion, does the Lady have leave for the Amendment to be adopted? Hearing none, leave is granted...excuse me, all those in favor of the Amendment vote 'aye', opposed vote 'no'. 'Ayes' have it, the Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Lady now asks leave by the Attendance Roll Call to have this Bill returned to the Order of the Consent Calendar. Does the Lady have leave? Hearing none, leave is granted. The Bill will return to the Order of the Consent Calendar from which it came, Mr. Clerk. Mr. Clerk, the Chair's been informed that there was a problem with Senate Bill 108. This Bill has to be brought back to the Order of Second Reading because Amendment #1 has to be tabled. So the Senate Bill 108...the Lady asks leave to bring this Bill back to the Order of Second Reading, and you...does the Lady have leave? Hearing none, leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "This Bill's been read a second time previously. A Motion to table Amendment #1 by Representative Stepan."

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Speaker Giglio: "The Lady asks leave to table Amendment #1. Hearing none, leave is granted, Amendment's tabled. Are there further Amendments?"

Clerk O'Brien: "Amendment #2 has been adopted. No further Amendments."

Speaker Giglio: "Third Reading. Does the Lady have leave again to have this Bill go back to the Order of the Consent Calendar? Hearing none, leave is granted, and the Bill will return to the Order of the Agreed Bill listing. Thank you, Representative Stepan. Mr. Clerk, will you reread the two Bills that were amended."

Clerk O'Brien: "Senate Bill 108, a Bill for an Act to amend the Civil Administrative Code. Third Reading of the Bill. And Senate Bill 1337, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. Third Reading of the Bill."

Speaker Giglio: "Before we go to the Order of Consent Calendar, we're going to read the Senate Bills that are on Third Reading...Second Reading, on the Agreed Bill listing. Mr. Clerk, read those Senate Bills. Yes. Call the Bills individually, Mr. Clerk in case there are Amendments. On that Order, on Second Reading appears Senate Bill 62, Representative Lang. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 62..."

Speaker Giglio: "Take it out of the record, Mr. Clerk. Take it out of the record. Alright, on this Order, there appears Senate Bill 269, Representative Laurino. Representative Laurino in the chamber? Representative Brunsvold on 298. Oh, I'm sorry. Representative Laurino. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 269, a Bill for an Act to amend the interest Act. Second Reading of the Bill. No Committee or Floor Amendments."

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Speaker Giglio: "Third Reading. Senate Bill 298, Representative Brunsvold. Representative Brunsvold. Representative Wojcik. Representative Wojcik. Representative Brunsvold. You have a Bill. It's on Second Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 298, a Bill for an Act to amend the Illinois Savings and Loan Act. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Any Floor Amendments?"

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

Speaker Giglio: "Representative Brunsvold on Amendment #1 to Senate Bill 298."

Brunsvold: "Thank you, Mr. Speaker. Will the Clerk...is there Amendment #2 under my name also? Amendment #1 was flawed. Withdraw Amendment #1."

Speaker Giglio: "Withdraw Amendment #1, Mr. Clerk. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #2 offered by Representative Brunsvold."

Speaker Giglio: "Representative Brunsvold."

Brunsvold: "Amendment #2 would simply add a realtor to the Financial Advisory...Residential Advisory Board, and that's all it does. It's an Agreed Amendment, and I'd ask for the adoption of Amendment #2."

Speaker Giglio: "Any discussion on the Amendment? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it, the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Alright, back to Senate Bill 62, Representative Lang. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 62, a Bill for an Act to amend the



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Public Utilities Act. Second Reading of the Bill.

Amendment #1 was adopted in committee."

Speaker Giglio: "Are there any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2 offered by Representative  
Currie."

Speaker Giglio: "Amendment #2. Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. This makes a technical change in the Amendment that was adopted to this Bill in committee. That Amendment would provide the opportunity for people voluntarily to check off on their telephone bills to provide for access for poor people to the federal Link-Up II program, and this is a technical Amendment suggested by the Commerce Commission. I know of no opposition and would urge your support."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it, the Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Alright, on this Order appears Senate Bill 317, Representative Ronan. Representative Ronan in the chamber? Out of the record. Representative Hasara. Senate Bill 502. Representative Hasara on Senate Bill 502. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 502, a Bill for an Act to create the Health Care Decision Central Registry Office. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Giglio: "Any Motions filed?"

Clerk O'Brien: "No Motions filed. No Floor Amendments."

Speaker Giglio: "Third Reading. Mr. Clerk, read Senate Bill

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317."

Clerk O'Brien: "Senate Bill 317, a Bill for an Act to amend the Interest Act. Second Reading of the Bill. No Committee or Floor Amendments."

Speaker Giglio: "Third Reading. Representative Hicks. Senate Bill 551. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 551, a Bill for an Act to amend the Savings Bank Act. Second Reading of the Bill. No Committee or Floor Amendments."

Speaker Giglio: "Third Reading. Representative Santiago. Senate Bill 660. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 660, a Bill for an Act to create the Currency Reporting Act. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Representative Santiago on Amendment #1."

Santiago: "Yes. Thank you, Mr. Speaker. Amendment #1 is a technical Amendment, it's an Agreed Amendment, it's an Amendment which was agreed by the IBA and the Illinois Retail Association. I move 'do passage'."

Speaker Giglio: "Any discussion on the Amendment? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair, the Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Black."

Speaker Giglio: "Representative Black on Amendment #2. Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Amendment #2 clarifies the term financial institution in the Currency Reporting Act which does not include an office, department, or agency or

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other entity of state government. It's a technical Amendment to clarify the language of the Bill. I move for its adoption."

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

Clerk O'Brien: "Floor Amendment #3, offered by Representative Kubik and Santiago."

Speaker Giglio: "Representative Kubik or Representative Santiago on Amendment #3."

Santiago: "Yes. Thank you, Mr. Speaker. This is an Agreed Amendment, so I move 'do passage'."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Senate Bill 678, Representative Capparelli. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 678 a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Representative Capparelli."

Capparelli: "The Amendment's just an effective date. The Act shall become law upon its signing. It's the effective date. I don't think there's any problem."

Speaker Giglio: "Any discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. Has this Amendment

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been printed and distributed? We do not have it."

Speaker Giglio: "The Clerk informs the Chair the Amendment hasn't been distributed. Mr...Representative Black now has a copy. Representative Black."

Black: "Just a question of the Sponsor. Is it your intent to send this to Conference Committee with this amended?"

Capparelli: "Yes, it is."

Black: "Alright. Okay."

Speaker Giglio: "All those in favor of the Amendment say 'aye', opposed 'no'. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Representative...Senate Bill 689 has been placed on the Order of Interim Study. Representative DeLeo, are you seeking recognition? Smoking is in the rear of the chamber. Senate Bill 894, Representative W. Peterson. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 894, a Bill for an Act to amend the Unified Code of Corrections. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Any Floor Amendments?"

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

Speaker Giglio: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. This Amendment just removes one of the programs that the Department has. It would cost them an extra \$1,000,000 this year. It's not necessary, and I move for it's adoption."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Representative John Dunn.

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Senate Bill 993. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 993, a Bill for an Act to amend the Corporate Fiduciary Act. Second Reading of the Bill. No Committee or Floor Amendments."

Speaker Giglio: "Third Reading. On the next Order, we're going to go to the Order of Third Reading, Senate Bills for the purpose of those that want to bring their Bills back to the Order of Second Reading for the purpose of an Amendment. On the Special Calendar, Supplemental #1, the yellow Calendar on your desk, and on that Order, Representative Hasara."

Hasara: "Thank you, Mr. Speaker. Senate Bill 1312 I move to move back to the Order of Second Reading for purposes of an Amendment."

Speaker Giglio: "You heard the Lady's Motion. Does the Lady have leave to bring this Bill back to the Order of Second Reading? Hearing none, the Bill is on the Order of Second Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "This Bill's been read a second time previously. Floor Amendment #1 and 2 were withdrawn. Floor Amendment #3, offered by Representative Hasara."

Speaker Giglio: "Representative Hasara on Amendment #3 to Senate Bill 1312."

Hasara: "Thank you, Mr. Speaker. Amendment #3 provides concurrent jurisdiction between the state and the federal government for two federal buildings. It simply permits the state to enforce state laws on the property of these buildings. I move for its adoption."

Speaker Giglio: "Any discussion on the Amendment? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

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Speaker Giglio: "Third Reading. The Lady now asks leave to bring this Bill back to the Order of the Supplemental Calendar on Third Reading. By the Attendance Roll Call, does the Lady have leave? Hearing none, leave is granted. The Bill is on the Order of Third Reading again. Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker. I too have a Bill on Third Reading on this Agreed List I'd like to take back to Second for the purposes of an Amendment. The Bill is Senate Bill 1202."

Speaker Giglio: "You heard the Gentleman's Motion. Does the Gentleman have leave? Hearing none, leave is granted. The Bill is on the Order of Second Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "This Bill's been read a second time previously Floor Amendment #1, offered by Representative Mautino."

Speaker Giglio: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Specifically, Senate...Amendment #1 to Senate Bill 1202 changes the name of the Illinois Emergency Services and Disaster Agency to the Illinois Emergency Management Agency. This is the request of Director Stevens and the Department, and I move for its adoption. We no longer have a disaster agency, but a management agency."

Speaker Giglio: "Any discussion on the Amendment? Gentleman from LaSalle, Representative Walsh."

Walsh: "Mr. Speaker, I have Senate Bill #154 that I..."

Speaker Giglio: "Excuse me. No, your light's on. Are you questioning Representative Mautino's Amendment? We're on Senate Bill 1202, and your light was on. Okay. Any discussion? Representative Black."

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

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Speaker Giglio: "He indicates he will."

Black: "Representative, this is...I assume the Department is in favor of this?"

Mautino: "It's their Amendment, yes."

Black: "And all it does...is because the Federal Agency is now 'FIMA', and so we (sic we're) just going to be kind of in concert with what the Federal Agencies call..."

Mautino: "Management Agency rather than Disaster."

Black: "Alright. Good idea. Good idea."

Speaker Giglio: "Any further discussion? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. The Gentleman asks leave to put this...you don't need leave. Back on the Order of Third Reading. Okay. Representative Walsh."

Walsh: "Mr. Chairman, I have Senate Bill 154. I'd like to have leave to bring it back to the Order of Second Reading for an Amendment."

Speaker Giglio: "You heard the Gentleman's Motion. Does the Gentleman have leave? Hearing none, leave is granted. Senate Bill 154 is now on Second Reading. Read the Bill, Mr. Clerk."

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

Speaker Giglio: "Representative Walsh."

Walsh: "Alright."

Clerk O'Brien: "By Representative Walsh."

Walsh: "This is an Amendment which would add 10 days to the date of the issuance of the summons to the employee in regard to the jury summons, and it also adds the official responsible for issuing the summons may advise the juror of his rights under this Act by printed insert with the summons or on the

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summons relief itself."

Speaker Giglio: "Any discussion on the Gentleman's Motion? Representative Black."

Black: "Thank you very much, Mr. Speaker. Maybe I can talk very slowly. I don't think these Amendments are getting out in a timely fashion, so I would ask the Chair if the Gentleman's Amendment, and I'm not sure we have any opposition to the way he explained it, but we simply don't have it. Has it been printed and distributed?"

Speaker Giglio: "The Clerk informs the Chair that the Amendment has been distributed, Representative Black. Perhaps you can get a copy of it."

Black: "Yeah. Mr. Speaker, an inquiry. Let me ask a question of the Sponsor. We've seen...this is Amendment #...this is labeled #1. It adds the 10 days, and the board says #2."

Clerk O'Brien: "Amendment 1 was adopted previously. It changed to 10 days of the date of issuance of the summons of the employee."

Black: "Alright. Well, that's the one we have here. We don't have #2."

Speaker Giglio: "The Chair's been informed that Amendment #2 is actually Amendment #1 that's been adopted, so there is no 2. So Amendment #1 has been adopted to Senate Bill 154. Is there any discussion on this Amendment? Hearing none...all those in favor...Representative Black, we didn't do anything. Representative Black."

Black: "Mr. Speaker, an inquiry of the Chair. I just want to make sure the record is clear on what we've done here so we don't have to have an argument later on. Our records indicate that Amendment #1 was adopted on the 21st of June. Now, we've brought this back to adopt Amendment #2 and there is no Amendment #2. So let's just make sure the record is clear, what Amendment is on the Bill? The record



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should clearly show that Amendment #1, sponsored by Representative Walsh, is on the Bill, already adopted, and there is no Amendment 2."

Speaker Giglio: "That's correct."

Black: "And that is correct and the record will so reflect."

Speaker Giglio: "That's correct."

Black: "Thank you very much."

Speaker Giglio: "So, Amendment #1 has been adopted, and is on the Bill to Senate Bill 154, so no need to bring it back, although it's back, now we'll bring it back to Third. Put the Bill back on the Order of Third Reading on the Supplemental Calendar #1, Mr. Clerk. Are there any other Bills that have to be brought back to Second on this Order? Representative Kulas."

Kulas: "On Senate Bill 1231, Mr. Speaker, I have an Amendment, an Agreed Amendment with the other side that I'd like to adopt."

Speaker Giglio: "The Gentleman asks leave to bring the Bill back to the Order of Second. Hearing none, leave is granted. The Bill now is on the Order of Second Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "This Bill has been read a second time previously. Floor Amendment #1, offered by Representative Kulas."

Speaker Giglio: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Perhaps the Sponsor might want to take this out of the record, we don't have that Amendment either. Has the Amendment been printed and distributed?"

Speaker Giglio: "The Chair has been informed that the Amendment hasn't been distributed, Representative Kulas. There's a copy of the...there's 11 copies over here at the well, Representative Wennlund."

Kulas: "Well, if I may, Mr. Speaker, Representative Wennlund

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might check with John Cross or Bill Pedersen. This is an Agreed Amendment which just changes the effective date in order to send this back to the Senate, cause this is a Vehicle Bill, and there's nothing in there."

Wennlund: "Could you just pull it out of there for a couple of minutes."

Kulas: "Take it out of the record, Mr. Speaker."

Speaker Giglio: "Take it out for a minute. Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. We now have a copy of the Amendment. It's an agreed upon Amendment, and Representative Kulas is correct, and just go ahead and run the Bill."

Speaker Giglio: "Alright. The Bill...Senate Bill 1231 is on the Order of Second, there's Amendment #1 offered by Representative Kulas. Any discussion on the Amendment? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it, the Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Senate Bill 564, Representative Deering asks leave to have this Bill by brought back to the Order of Second Reading for the purpose of an Amendment. Does the Gentleman have leave? Hearing none, leave is granted. The Bill's on Second. Mr. Clerk, read the Bill."

Clerk O'Brien: "This Bill's been read a second time previously. Floor Amendment #4, offered by Representative Mautino."

Speaker Giglio: "Representative Mautino on Amendment #4 to Senate Bill 564."

Mautino: "Thank you very much. I believe this is an Agreed Amendment from both sides of the aisle. It eliminates the Capitol itself, the complex here that we're in from the

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provisions for serving beverages. It includes only now the state library, and I think it's agreed, and I move for its adoption. I know it's agreed."

Speaker Giglio: "Any discussion on the Gentleman's Motion? The Gentleman from Champaign, Representative Johnson."

Johnson: "Just so I understand. This Amendment would change the law so that we could now serve alcohol in the Capitol after the Amendment, where we can't before?"

Speaker Giglio: "Representative Mautino. Representative Mautino, Representative Johnson asked a question. Representative Johnson, would you want to repeat that again?"

Johnson: "Yeah. Am I correct in saying that now we don't serve alcohol in the Capitol, after this Amendment we would be able to serve alcohol?"

Mautino: "No, that's not true. After this Amendment, you would not be able to serve alcohol in the Capitol, we would be able to serve it in the Hall of Flags, and I... there was a request for...some receptions had wine at the library and the Hall of Flags."

Johnson: "Unfortunately, because there's 19 people around me, I couldn't hear anything you said. Can you repeat that?"

Mautino: "The response to your question is no, it would not allow for alcohol to be served here in the Capitol, but it would be in those buildings that are exempt now, which are Revenue and it would add to it the library for the Hall of Flags, that's all."

Johnson: "Okay. Thanks."

Speaker Giglio: "All those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it. The Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Are there any other Bills on

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this Order that Sponsors would like to be brought back to the Order of Second Reading for the purposes of an Amendment? Hearing none, these Bills are on Third Reading. Mr. Clerk, what's the status of the Consent Calendar?"

Clerk O'Brien: "All Bills on the Consent Calendar have been read a third time. Two Bills were removed from the Consent Calendar, Senate Bill 98 and Senate Bill 427. All other Bills on the Consent Calendar have been read a second...a third time."

Speaker Giglio: "Alright. The Chair is prepared to adopt the Consent Calendar. All those in favor of the Bills that are on the Order of the Consent Calendar will vote 'aye', those that are against will vote 'no'. This is final action. All those in favor vote 'aye', opposed 'no'. The voting is open. This is final action on the Consent Calendar of the following Bills that are posted on the Board. 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 117 voting 'yes', and none voting 'no', and these Bills, having received the required Constitutional Majority, are hereby declared passed. The Chair is now going to the Order of Special Calendar, Second Reading, Human Services. We're going to do all Second Readings, and then we'll go to Third. Alright. Human Services, Second Reading appears Senate Bill 9, Representative Levin. Out of the record. Representative Phelps on 435. Representative Phelps. Out of the record. Representative Homer. 500. Out of the record. Human Services, Third Reading. Representative Munizzi. The Lady from Chicago, Representative Munizzi. Out of the record. Senate Bill 1105, Representative White. Jesse White. Out of the record. Senate Bills, Third Reading, Constitutional Officers, Representative Martinez.

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Senate Bill 271. Out of the record. Agriculture and Environment Second Reading, Representative Kulas you have two Bills. Representative Kulas in the chamber? Out of the record. Representative Peterson. W. Peterson. Senate Bill 1437. Out of the record. 1427. Out of the record. Representative Trotter, are you seeking recognition?"

Trotter: "Yes, I am, Mr. Speaker. It has been brought to my attention that yesterday on Senate Bill 629, that I was recorded on the Roll Call as voting 'aye'. If that in fact is so, I would like for the record to show that my intent was to vote 'no' on Senate Bill 629."

Speaker Giglio: "Let the record so indicate, Mr. Clerk. On the Order of Agriculture and Environment, Third Reading. Representative Currie on Senate Bill 947. Out of the record. Representative Hannig. 1048. Representative Hannig. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1048, a Bill for an Act to amend the Natural Resources Act. Third Reading of the Bill."

Speaker Giglio: "Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This as amended is just a shell Bill, and I'll tell you what our intentions are with it. We'd like to pass the Bill and put it in committee, have it available in case we have any additional proposals that we have to deal with...with...either this Session, or in the Veto Session, or any other issues that may arise that we would need to address during the Veto Session. If none of those requirements come up we'll simply let the Bill sit in Conference Committee, and that's all we need to do with the Bill, and I'd ask for a 'yes' vote."

Speaker Giglio: "Any discussion? Hearing none, all those in favor signify by voting 'aye', opposed 'no'. This is final action. Have all voted who wish? Have all voted who wish?"

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Have all voted who wish? Representative... Have all voted who wish? Mr. Clerk, Representative Olson votes 'aye'. Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 114 voting 'yes', 1 voting 'no'. Senate Bill 1048 having received the required Constitutional Majority, is hereby declared passed. Representative Hartke, Senate Bill 1364. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1364, a Bill for an Act in relation to promotion of gasohol. Third Reading of the Bill."

Speaker Giglio: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. Senate Bill 1364 requires the Department of Energy and Natural Resources to develop a public education program on the benefits of gasohol and requires the Secretary of State to include the Department's material in driver's license and registration vehicle mailings. It has an immediate effective date."

Speaker Giglio: "Any discussion? Hearing none, all those... Representative Black."

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

Speaker Giglio: "Indicates he will."

Black: "It's your intent not to run any of the Floor Amendments you had filed with this Bill?"

Hartke: "At this time, no. No."

Black: "Alright."

Speaker Giglio: "All those in favor signify by voting 'aye', 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? Representative McAfee votes 'aye'. Mr. Clerk, take the record. On this question, there are...on this question there are 113 voting 'yes', none

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voting 'no', and Senate Bill 1364, having received the required Constitutional Majority, is hereby declared passed. Senate Bill 1365, Representative Hartke. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1365, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. Third Reading of the Bill."

Speaker Giglio: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. Senate Bill 1365 prohibits any person from making false and misleading statements about ethanol, and I'd appreciate everyones support on this piece of legislation."

Speaker Giglio: "Any discussion? Hearing none, all those in favor vote 'aye', 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? Take the record, Mr. Clerk. On this question, there are 113 voting 'yes', none voting 'no', and Senate Bill 1365 having received the required Constitutional Majority, is hereby declared passed. We're going to go back to the Order of Senate Bills, Second Reading. On this Order, Representative Kulas on 923. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 923, a Bill for an Act to amend the Environmental Protection Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Giglio: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Giglio: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2 offered by Representative Kulas."

Speaker Giglio: "Representative Kulas."

Kulas: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2 is an Agreed Amendment by the

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departments, and all it adds is to knowingly cause, threaten or allow distribution of water, and I'd move for its adoption."

Speaker Giglio: "Any discussion on the Amendment? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it, the Amendment's adopted. Further Amendments?"

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

Speaker Giglio: "Representative Homer on Floor Amendment #3."

Homer: "Thank you, Mr. Speaker. This Amendment was suggested to me by the Tazewell County Board and State's Attorney. They have a landfill in Tazewell County called Pekin Metro which is the recipient of a considerable amount of out-of-state solid waste, and has also been asked to receive and is receiving wastewater treatment sludge primarily generated from the State of New Jersey. The courts have determined that it is not possible to enact legislation...or to provide...or prohibit the reception of out-of-state sludge because of the commerce clause to the Constitution. What this Amendment would do would be empower, however, the imposition of a fee on wastewater sewage sludge, but only in those instances where the generator has not been licensed by the Illinois Environmental Protection Agency, so that the focus of the Amendment would be to address the issue of where sewage sludge is imported from outside the state, so as to allow the county or municipality owning the landfill to impose a reasonable fee on the generator of that sludge. I would try to answer questions...would move the adoption of the Amendment."

Speaker Giglio: "Any discussion on the Amendment? Representative Wennlund."

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



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Speaker Giglio: "Indicates he will."

Wennlund: "Does this also apply to sludge that is imported in from out-of-state, Representative Homer?"

Homer: "Well, it applies to any sewage sludge from wastewater treatment where the generator does not have a permit from the IEPA, so it would apply to out-of-state generators as well as to illegal or unlawful generators within the State of Illinois."

Wennlund: "Does this also apply to sludge that's being land applied? Apparently a lot of municipalities are land applying sludge to their sewage treatment plants."

Homer: "No, if they have a permit from the EPA, then they would not be, they would remain exempt, and would not be allowed...there would be no fee authorized, so long as they were permitted by the EPA for the process that they're utilizing."

Wennlund: "Who would it apply to I guess is the bottom line of what I'm trying to find out?"

Homer: "I'm sorry. What was that?"

Wennlund: "Who would it apply to, because...any landfill would be permitted or they wouldn't be in existence."

Homer: "No, it's not the landfill where the permit question arises, it's the generator of the sewage sludge...has to be permitted in Illinois. If they're not permitted in Illinois, then this fee would apply. So what we're addressing here is the issue in my district where New Jersey is importing its sewage sludge into a landfill in Pekin in Tazewell County, and they want to be able to assess a fee, and this was drafted by the Tazewell County State's Attorney's office to authorize the imposition of a fee on this out-of-state sewage sludge."

Wennlund: "Thank you for the explanation. We support the Amendment. Thank you."

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Speaker Giglio: "Further discussion? Representative Kulas."

Kulas: "Thank you, Mr. Speaker. I too rise to support Amendment #3. I do this as a concession to Representative Homer who asked...who needed a vehicle for this Amendment. This Bill was originally introduced by the Attorney General's office, and if there's any problem with this Amendment, it will be removed in the Senate, and I would move for its adoption."

Speaker Giglio: "Any further discussion? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it, the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Representative Kulas on 989. Out of the record. Out of the record. Representative Currie, do you wish to have Senate Bill 947 called? Out of the record. Representative Parke. Representative Parke. 988. Is the Gentleman in the chamber? Out of the record. Representative Keane on 1167. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1167, a Bill for an Act to amend the Uniform Commercial Code. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Any Floor Amendments?"

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

Speaker Giglio: "1169, Mr. Clerk. The wrong number's up there."

Clerk O'Brien: "Senate Bill 1169, a Bill for an Act to amend the Deposit of State Moneys Act. Third Reading of the Bill."

Speaker Giglio: "Representative Keane."

Keane: "Thank you, Mr. Speaker. I'd ask for leave to return the Bill to Second Reading."

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

Clerk O'Brien: "This Bill has been read a second time previously."

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Floor Amendment #1 offered by Representative Keane."

Speaker Giglio: "Representative Keane."

Keane: "Thank you, Mr. Speaker. Floor Amendment #1 clarifies that savings and loan associations will receive from the State Treasurer a daily balance statement rather than the Treasurer receiving it from them, and the statement received shall be verified by the receiving institution. I move the adoption of Amendment #1."

Speaker Giglio: "Representative Black."

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

Speaker Giglio: "Indicates he will."

Black: "Representative, it is a little hard to hear today, but if I understand what you're saying...I mean, could you allay my fears that if the banks are not being asked to...savings and loans and banks are not being asked to report on a monthly basis, given what has happened around the country, is that good public policy at this time?"

Keane: "They're going to be getting a daily balance statement."

Black: "Rather than monthly?"

Keane: "And they're going to be getting that from the Treasurer, and then the Treasurer...one copy will be retained, and then they will verify it. They will verify what they've gotten."

Black: "Are you aware of any opposition to this Bill?"

Keane: "I'm not aware of any. I don't...first time I've seen it."

Black: "Did the..."

Keane: "The underlying Bill...I don't think has any opposition."

Black: "Is this the...was this initiative from the Treasurer's Office, is that where it came from?"

Keane: "That's correct. It is."

Black: "Thank you."

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

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. You know that fellow that gave you that job, Mr. Keane? You'll have to go talk to that fellow that gave you that job. Third Reading. Representative Keane, you have a Bill on the Order of Second under Economic Development. 195. You care to call that one? Mr. Clerk, read the Bill. Senate Bill 195."

Clerk Leone: "Senate Bill 195 on page 12 of the Calendar. A Bill for an Act to amend the Civil Administrative Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Representative Keane."

Keane: "Thank you, Mr. Speaker. Floor Amendment 1 increases the number of members in the Economic Development Board from 19 to 20. I move its adoption."

Speaker Giglio: "Any discussion on the Amendment? Hearing none, all those in favor of the Amendment say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments."

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

Speaker Giglio: "Representative Keane."

Keane: "Thank you, Mr. Speaker. Amendment #2 amends the Corridors of Opportunity and Development Act, provides that individual Corridor Councils are limited to 8% of their annual appropriation for the Department. I move its adoption."

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

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

Speaker Giglio: "Representative Keane on Amendment #3."

Keane: "Thank you, Mr. Speaker. Amendment #3 adds community action agencies to areas of expertise for legislative appointments. I move the adoption."

Speaker Giglio: "Any discussion on Amendment #3? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it, the Amendment's adopted. Further Amendments?"

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

Speaker Giglio: "Representative Keane."

Keane: "Thank you, Mr. Speaker. This states that the primary rather than sole purpose of DCCA is to manage the State Economic Development Program. It suggests rather than requires a cost-benefit analysis in evaluating the effectiveness of the remaining economic development programs, and it increases Economic Development Board...it renews that Amendment #1 from 19 to 20, and increases the Governor's appointment power from nine to 10. I move its adoption."

Speaker Giglio: "Any discussion on the Amendment? Hearing none, all those in favor say 'aye', opposed 'no'. In the opinion of the chair the 'ayes' have it, the Amendments been adopted. Are there further Amendment?"

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

Speaker Giglio: "Representative Keane on Amendment #5."

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Keane: "Thank you Mr. Speaker, Amendment #5 provides that any person are business entity convicted under the laws of a felony shall not do business with the state from the date of the conviction until two years after the date of completion of the sentence. That provides that an individual that individual corridor councils are limited to amount not to exceed 8% instead of 3% of their annual appropriations from the department; provides the Governor's appointment shall balance the composition of the board among the previously stated areas of expertise...assuring an equitable number of industry representatives in relation to trades and labor union representatives in that geographic representation is achieved. I move the adoption of the Amendment."

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

Hultgren: "Will the Sponsor yield?"

Speaker Giglio: "Indicates he will."

Hultgren: "Representative, I'm not sure I understand the change in the Amendment that prohibits certain businesses from doing business with the State of Illinois under the Purchasing Act. What is the current prohibition? If they...the analysis of the Amendment that I show here indicates that you're changing this so that if the business has been convicted under the laws of Illinois they would be prohibited. Does that mean that...that a business that had perpetrated a fraud under the laws of Indiana could then come into Illinois and do the same thing, I'm...what's the current status of the law and how does this change that current law?"

Keane: "Alright, have you got the Amendment in front of you?"

Hultgren: "No, I only have an explanation of the Amendment."

Keane: "Okay, on line...let me read lines 12 and 13 for you."

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'Unless otherwise provided no person or business entity convicted of a felony shall do business with the State of Illinois or any state agency', and that's how it reads now. Amendment #5 would say unless otherwise provided no person or business entity convicted under the laws of Illinois of a felony shall do business with the State of Illinois or any state agency and it goes on."

Hultgren: "So, then Representative we are narrowing that prohibition?"

Keane: "That's correct."

Hultgren: "And in fact, the illustration that I offered a moment ago could occur, if this Amendment is adopted. You could commit a felony in Indiana and then come to Illinois and try and do business, is that right?"

Keane: "That's correct. What we're..."

Hultgren: "Why would we want to do that?"

Keane: "If you have a national concern...let's say you have a national company take...American Can Company, if in fact, they have committed a crime let's say they have ten, fifteen thousand employees nationally...You cannot prohibit them and I don't think it's fair to prohibit them from doing business nationally, but rather to limit it I can see where you would limit them doing business in the state where one of their employees committed a felony, but not on a national basis. It's not equitable."

Hultgren: "I understand, but I'm not entirely sure that I come to the same conclusion that you do. Thank you."

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

Davis: "Thank you, Mr. Chairman. Will the Gentleman yield for questions? I'm sure he will. Representative, I wish you'd kind of explain again that section that says, if you're convicted of a felony...if you're convicted of a felony you

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can't do business with the State of Illinois."

Keane: "The present law is that if you're convicted...if a member of a corporation is convicted of a felony anywhere in the United States, that person...that corporation cannot do business in Illinois. This would limit that to if you're convicted...if a employee is convicted in the course of business is convicted of a felony within the State of Illinois, then he cannot do business in the State of Illinois."

Davis: "Is this before or after he served sentence?"

Keane: "After the completion of the sentence."

Davis: "Alright, when a person has served a sentence, they've gotten out of prison, for one year they can't do any business with the State of Illinois. Is that correct?"

Keane: "From the date of the conviction to the completion of the sentence they cannot do business in the State of Illinois."

Davis: "From the date of the conviction."

Keane: "Through the completion of the sentence."

Davis: "Are you talking about the individual or their business?"

Keane: "Well, whoever's been sentenced. It's usually an individual who has been sentenced."

Davis: "Well, let's say an individual owns a business and the individual is sentenced and another relative is still in the business and he continues to operate, can they continue to business with the State of Illinois? Or are we saying this person gets more than convicted and going to prison that neither can they earn a living?"

Keane: "The law is not clear. All this says is that a national let's take an international business that might have an employee of which might have committed a felony in the State of Washington, is by our law prohibited from doing business in Illinois. We're saying in that case we are only saying if you are not...if you've committed an



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employee of IBM has committed a crime in Washington...the State of Washington you cannot preclude IBM from going after state business in Illinois. Only if the crime...only if the felony is committed in this state will it be prohibited."

Davis: "Is this making the law more stringent? Is it making it..."

Keane: "No, it's actually making it more lenient because you're not...nationally you're not taking away the national market, only that state in which the crime has been committed."

Davis: "It's making the law more lenient? If you...In other words, if you commit a crime currently anywhere in the country two years after your sentence you cannot do business in the state of Illinois? Now, this Bill says within one year you can do business."

Keane: "No, this Bill says only in the state...only if you are prohibited from doing business in the State of Illinois only if you've committed the felony in this state."

Davis: "But, if you committed it somewhere else, you can do business?"

Keane: "It does, that's right."

Davis: "Isn't that kind of strange?"

Keane: "No, because..."

Davis: "We're going to penalize people, they get a greater penalty if they they do the crime in Illinois than if they went to Indiana or Wisconsin, right?"

Keane: "No, what you're looking at, if you would consider a national firm a firm that does business in all fifty states. Okay, that would mean that...and they might have forty or fifty thousand employees. If some employee in Hawaii commits a crime in the course of business, a felony in the course of business in Hawaii, under our laws that

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national or international firm cannot do business in Illinois. All this says is to be precluded from doing business in Illinois you have to do the crime in Illinois."

Davis: "Thank you very much."

Keane: "You're welcome."

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

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. Moving back one, under Banking, Third Reading, appears Senate Bill 988, Representative Parke. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 988, a Bill for an Act to amend the Illinois Savings and Loan...Illinois Savings Banking Act. Third Reading of the Bill."

Speaker Giglio: "Representative Parke."

Parke: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Bill as amended now amends the Foreign Bank Office Act, the State Pension Code and the State Monies Act, to add obligations of the International Financial Corporation to the list of permissible investments. The current investment list consists of the Inter-American Development Bank, the African Development Bank, the Asian Development Bank and the International Bank for Reconstruction and Development. It amends the Savings and Loan Act and the Savings Bank Act to permit investments in grade marketable obligations of the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the International Financial Corporation. Amends the Insurance Code to allow the investment and obligations issued or guaranteed by the International Financial Corporation.

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Provides that an insurance company may invest more...may not invest more than 5% of its admitted assets and the obligations. It is my understanding there is no opposition to this Bill."

Speaker Giglio: "Any discussion? Hearing none, all those in favor signify by voting 'aye', 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. Parke. Representative Parke."

Parke: "Thank you, Mr. Speaker. Let me check something. Has Floor Amendment 1 been adopted to this Bill? Could we check on that?"

Speaker Giglio: "Mr. Clerk, has Amendment #1 been adopted to Senate Bill 988?"

Parke: "Mr. Speaker, it is my understanding that Amendment 1 was not adopted and that, quite frankly, is the Bill. Could I ask the indulgence of the Body to dump this Roll Call and move it back to Second for the purposes of an Amendment, of which I have just stated?"

Speaker Giglio: "Alright, Mr. Clerk...The Gentleman asks leave to take Senate Bill 988 back to the Order of Second Reading. Dump the Roll Call. And, does the Gentleman have leave to bring Senate Bill 988 back to the Order of Second Reading? Representative Black."

Black: "Just an inquiry of the Chair, I think we need to be very careful about dumping Roll Calls. I'm not in opposition to that. Did you take the record on that?"

Speaker Giglio: "No."

Black: "If you took the record then we ought to reconsider but you didn't take the record?"

Speaker Giglio: "No."

Black: "Alright, 'cause I just think we ought to be very careful about dumping Roll Calls. But if you didn't take the

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record, fine, let's roll it."

Parke: "Thank you, Mr. Speaker."

Speaker Giglio: "The Gentleman asks leave to bring this Bill back to the Order of Second. Hearing none, leave is granted. The Bill is on Second. Mr. Clerk, read the Bill."

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

Speaker Giglio: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment 1 is in fact the Bill of which we just previously voted. I would ask, unless there's questions, for us to adopt Amendment 1."

Speaker Giglio: "Any discussion on Amendment #1? Hearing none, all those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading."

Parke: "Thank you, Mr. Speaker. And, again, I had explained it previously. I appreciate the courtesy of the Body..."

Speaker Giglio: "The Bill will be on the Order of Third Reading. We're not going to hear any Bills that were brought back and amended on the same date."

Parke: "So, we'll do it tomorrow?"

Speaker Giglio: "Tomorrow, yes."

Parke: "Thank you, Mr. Speaker."

Speaker Giglio: "Representative Phelps, you have a Bill on Second Reading, under Human Services, Senate Bill 435. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 435, a Bill for an Act to amend the Radiation Protection Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment 1 is an agreed Amendment between the Dental Society and the Department of Nuclear Safety. And would raise the inspection fee for x-ray machines from the current \$45.00, which is for every three years, to \$55.00 for every five years. And this change is being made to offset the revenue loss to the Department of Nuclear Safety that will take place by extending the inspection cycle two years. We're going from three to five years and raising from \$45.00 to \$55.00. So, this Amendment will in effect make the changed revenue neutral. Appreciate your support."

Speaker Giglio: "Any discussion on the Gentleman's Amendment? Hearing none, all those in favor say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. On the Order of Economic Development, Third Reading, appears Senate Bill 484, Representative Rotello. Representative Rotello. Out of the record. Representative McPike. Out of the record. On the Order of Government Operations, Second Reading, appears Senate Bill 837, Representative Trotter. Trotter. Representative Trotter, Second Reading, Government Operations, Senate Bill 837. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 837, a Bill for an Act to create the Local Government Health Care Fund. Second Reading of the Bill. Amendment #1..."

Speaker Giglio: "Representative Trotter."

Clerk Leone: "...was adopted in committee."

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Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Representative Churchill. Representative Black."

Black: "Thank you very much. May I ask the Sponsor to wait just about thirty seconds? Representative Churchill was in a meeting and he's on his way to the floor as we speak."

Speaker Giglio: "Alright, take the Bill out of the record for a minute, Mr. Clerk. Alright, alright, there seems to be a lot of confusion. The Chair would like to announce that all those persons that are not authorized to be on the House floor, will kindly remove themselves. People who are not part of staff or elected Representatives, would you kindly leave the chambers? Okay, on that Order of Government Operations, Second Reading, appears House Bill 838, Representative Bugielski. Representative Bugielski in the chamber? Bugielski? Out of the record. How about Senate Bill 891? Out of the record. Representative Capparelli on 908? Out of the record. Representative Keane on 1167. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1167, a Bill for an Act to amend the Uniform Commercial Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments? Representative Keane, we're looking for the Amendment. Did you file this Amendment, Representative Keane?"

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

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Keane: "Thank you, Mr. Speaker. Senate Bill...Amendment #1 is a simple Amendment, it changes from \$7.50, for the maximum amount in the initial agreed version of a banker's Bill that they can charge a commercial account, to \$4.50. It's an agreement between the merchants and the bankers. I move its adoption."

Speaker Giglio: "Any discussion on the Gentleman's Motion? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. I've had a lot of discussions with a lot of people on this piece of...this Amendment to Senate Bill 1167. It seems that the Bankers Association are in agreement with the Illinois Retail Merchants. But, when I talked to my people back home, my small independent retail merchants, they're not crazy about this piece of legislation at all. I think this is a bad Amendment. It makes the Bill somewhat better but still unacceptable. And I would urge the defeat of this Amendment."

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

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

Speaker Giglio: "Indicates he will."

Ropp: "Representative Keane, does this just reduce the amount of money that would be charged for an insufficient fund check?"

Keane: "No. This...This deals with the bank and the...the bank and the commercial account. Usually, the retailer or the businessman who deposits a check. It does not go to the customer. It's for returned checks between the bank and the merchant or the commercial businessman, who deposits the check, taken in the course of trade from some other one...some other person. It in no way affects the personal...the person who comes in and writes a check at a

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store, his charges."

Ropp: "I didn't understand you very well. But are you saying that the businessperson, the grocery store, is not held liable or is held liable for insufficient funds?"

Keane: "No. If you walked into a grocery store, and you gave...and I was the grocer and you gave me a check and then I sent that check on to my bank and then they sent it on to your bank and then it came back. All this Bill deals with is the cost between me, as the grocer, and my bank. There's a fee and they've agreed, both the bankers and the merchants have agreed, to this fee as a compromise, \$4.50."

Ropp: "How 'bout the individual that had the insufficient funds?"

Keane: "It doesn't do anything to that person. That person is not addressed in this Bill. That law stays the way it is."

Ropp: "Okay. So, but the agreement is that the grocery store person will pay a penalty? Is that right or wrong?"

Keane: "Yes. The merchant, not the customer of the merchant but the merchant and the bank, they have up to...up to \$4.50. They can enter into..."

Ropp: "\$4.50?"

Keane: "That's right."

Ropp: "Well, why should the merchant be charged for that anyway?"

Keane: "That occurs in 49 states presently."

Ropp: "I don't care. Why...The question is, why should the merchant be charged with an insufficient check, if the individual is the person who is with delinquent funds? Why should that merchant be charged?"

Keane: "Well...a couple of reasons. The merchant has access to the customer the banker does not, to collect moneys. The merchant has the ability to collect \$25.00 from a person who does a bad check, the banker does not. There's no...The merchant can take...there are some merchants who are very good at looking at checks. There are other



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merchants that are not. And it is very difficult for anyone to look at the banker and say, you're responsible for an irresponsible merchant. The other thing is that the \$4.50 is a cap. There are many commercial accounts where the volume is so great that this piece is waived."

Ropp: "Is it against the law right now, for the banks to charge merchants a penalty, now?"

Keane: "That's right."

Ropp: "Okay. So, those merchants that are being charged illegally, can they go back to that bank and say, you now should repay me because you've charged me so many dollars for insufficient."

Keane: "The merchants...the merchants and the banks can enter into agreements. There are more individual agreements between merchants and banks...If you're at Jewel or if you're at Dominicks or if you're a Safeway store, you actually have a lot better deal than...and you can work a better deal and your account is more lucrative, than if your Joe Mottserats with the corner market."

Ropp: "Okay, I guess, my final question is, I don't see how a grocery store clerk will be able to determine by the look in the eye of the person writing a check, whether or not there are sufficient funds the first time. I could see if there is delinquency the first time, then you would say...you would question them. But how does a merchant, a grocery store operator clearly determine whether or not that check's any good?"

Keane: "Generally, if you go into most retailers they have a check service, that if you cash a check they run your check through a check service before they approve it. And then that check service will guarantee it. Many of them have, for instance, your local Jewel and Osco and that, they have...they do it themselves. They have their own

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process."

Ropp: "Well, how about. Okay, how about the mom and pop operations that may not have..."

Keane: "The mom and pop are at risk, if they don't buy check credits service, they're at risk. They have decided to take that chance."

Ropp: "Okay, thank you."

Speaker Giglio: "Representative Homer."

Homer: "Thank you, will the Gentleman yield?"

Speaker Giglio: "Indicates he will."

Homer: "Representative Keane, the...just a brief history of this, a few years ago maybe four or five years ago, we passed a Bill at the request of the Retail Merchants that prohibited the assessment of a fee by the bank, on other than the individual who wrote the check. Is that correct?"

Keane: "That's my understanding."

Homer: "So that where you have a merchant who accepted a bad check and then the merchant deposited that check in its bank, and there were insufficient funds to honor the check, then the practice had been that the banks were charging the merchant a set amount for the transaction. And the Bill we passed prohibited those charges. Is that correct?"

Keane: "Generally, what happens is the customer gives a check from the customer's bank. The merchant deposits the check in his bank which is generally different. The merchant's bank then forwards the check for payment to the customer's bank, is told that it's insufficient, there are not sufficient funds, returns it to the merchant's bank and it goes back that line."

Homer: "Okay. So, in other words, what happens is you have two innocent parties: you've got the merchant who took the check and the merchant's bank, who may or not be also the bank of the person who wrote the check."

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Keane: "Well, I would think that the customer's bank is somewhat innocent too."

Homer: "Well, it could be that the customer and the merchant have the same bank. But the more common case is where the customer has a different bank and the merchant's bank has to do the transaction and had no ability under the law we passed, to assess the merchant for the handling of that check. And so the banks have come in with this Bill, they wanted to be allowed to charge \$7.50. The agreement, as I understand it, is that the bank would be allowed to charge \$4.50. That's what this Amendment would say. Now, there was another part of this Bill though, that had to do with how much the merchant could charge the customer. And, under the current law it was \$10.00. This Bill would establish an amount of \$25.00. Does the Amendment reduce that amount of \$25.00?"

Keane: "No, it does not."

Homer: "Alright, well I had understood that the \$25.00 was put in to appease the merchant when the \$7.50 charge was going to be imposed. But, now that we're lowering the \$7.50 to \$4.50, why aren't we also lowering the \$25.00 to something less?"

Keane: "Well, that was part of the agreement with the merchants."

Homer: "Well, the problem though there is, and it is that, the merchants and the bankers agree but the customers don't have a lobbyist. And, so they're not a party to that agreement."

Keane: "Well, the...both the \$25.00 and the \$4.50 are maximums. If...if someone kites a check in the thousands of dollars then the merchant may easily spend over \$25.00 to collect it. If it's a \$10.00 check that bounces then, obviously, the merchant would have a difficult time getting \$25.00 out of the customer. So, both of them are maximums. As I said

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in an earlier debate, the \$4.50 is only a cover...a top, it doesn't have to be on every transaction."

Homer: "Okay, I don't think the...Representative Keane, the \$25.00 is not a maximum, that's a minimum. The merchant can charge the person the greater of \$25.00 or the actual cost of collection. And the current law was \$10.00 or the cost of collection. So that what we're doing is increasing by 250% the amount the merchant can charge. To the...Mr. Speaker to the Bill, I'm going to support the Amendment...I don't think the Amendment goes far enough. I think in all fairness that the \$25.00 should be reduced, not because I have empathy for customers who write bad checks, however, there are circumstances where husband and wife may have a joint account and there is innocent misunderstanding as to the balance in the account, and there may be an occasional case where someone has an overdraft not as an attempt to defraud, but simply as an inadvertent problem or a temporary problem. And in the ordinary course of events the merchant can simply recirculate the check and it will be honored upon the second presentment. Now, the fact is that this Bill was put in by the bankers. They wanted to be able to charge \$7.50 to the merchant. And to throw a bone to the merchant they increased the amount the merchant can charge the customer from \$10.00 to \$25.00. Now the merchants entered into an agreement with the bankers on the fee, and they agree that a reasonable fee would be \$4.50. But there's nobody at the table representing the customers. And to make the Bill consistent, it seems to me that we, since we're lowering the fee that the banks can charge the merchants, we ought to proportionately lower the amount that the merchants can charge the customer. And I would suggest a figure of \$15.00 would be more than sufficient to reflect the agreement between these parties. So, I'm going

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to support the Amendment but I would reserve my right to oppose the Bill and would urge the parties and the Sponsor to put on another Amendment lowering the \$25.00 that the customer can be charged to a figure that would be more reflective of the agreement that the merchants and the bankers have entered into. I would suggest a figure of \$15.00."

Speaker Giglio: "Inaudable Tape."

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative Keane, I don't understand the dialogue here, other than just trying to agree on prices. But this is the agreed Bill between the Illinois Retail Merchants and the Illinois Bankers Association, right?"

Keane: "Correct."

Parke: "This is the Bill."

Keane: "That's right."

Parke: "Now, to the Bill, Ladies and Gentlemen of the Body. If this Bill does not pass, then you are going to be forced with making a decision between siding with one group, the Illinois Retail Merchants, or siding with the other side, the Illinois Bankers Association. They've worked this out, this is their agreement, they represent their people. I don't know what the dialogue is about. Let's pass this Bill out and let them have their compromise."

Speaker Giglio: "Inaudable Tape"

Davis: "Thank you, Mr. Speaker. I think, Representative, the dialogue is, who represents the consumer."

Keane: "Pardon me, I didn't..."

Davis: "Representative Keane, we're talking about two levels of fees. We're talking about, am I correct? You're talking about..."

Keane: "No, the Amendment...the Amendment is only one fee."

Davis: "The Amendment is a fee that does what?"

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Keane: "It reduces the fee that a bank can charge the merchant."

Davis: "Wait, Mr. Speaker, could you get some order in here so I can hear this Gentleman, please?"

Keane: "The Amendment reduces the fee that the bank can charge the merchant. As the Bill came from the Senate, it was \$7.50, the Amendment reduces it to a maximum of \$4.50. That's all the Amendment does."

Davis: "So, this is my question: the bank is now going to charge a fee to the commercial business establishment and they're also going to charge a fee to the customer. Is that correct, the individual?"

Keane: "No. No. This...this Amendment only deals with the fee between the bank and the commercial customer."

Davis: "And the Bill itself?"

Keane: "The Bill itself goes into much more detail. As Representative Homer indicated, the Bill itself allows the merchant to charge a person who puts a non-sufficient, a bounced check, \$25.00."

Davis: "Okay, you know, I think people that right bad checks usually go to jail but people who accidentally overdraw their account, at this point, we're going to give them a severe punishment. Is that right?"

Keane: "Well, now, we're only on the Amendment."

Davis: "Okay, we're on the...I think I'm going to have to agree with Representative Homer there. We're going to put the Amendment on it and then defeat the Bill. Thanks."

Speaker Giglio: "Inaudable Tape"

Keane: "Move the adoption of the Amendment...Move the adoption of the Amendment."

Bugielski: "Thank you Mr. Speaker, Members of the House. Amendment #1 deals with the Recorder of Deeds Office in the county of

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Cook only and it is a raise of fees in the Torrens Department.

And this is asked for Cook County."

Speaker Giglio: "Representative Black."

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

Speaker Giglio: "He indicates he will."

Black: "Representative, we've only had this Amendment about thirty minutes. But I remember you and I have talked about this. This only affects Cook County?"

Bugielski: "Right...It stipulates right in there, 'in counties of the third class' which confused me. And counties of the third class is only Cook County."

Black: "So, you're raising fees on certain documents to be recorded? How about court fees?"

Bugielski: "That's in another Bill."

Black: "That's in another Bill?"

Bugielski: "Right, this is just in the Recorder of Deeds in the Torrens Department."

Black: "Okay, so this is just the Recorder of Deeds. You're raising fees. It doesn't affect anybody but Cook County and there isn't any stipend. There's no stipend in here for auditors or recorders?"

Bugielski: "No...that's...no."

Black: "And I have your good word that it does not affect any county but Cook?"

Bugielski: "Counties of the third class and they're assuring me that that is only Cook County."

Black: "Well..I'm sure you're confused."

Bugielski: "That...that confused me, Representative."

Black: "You of all people wouldn't call Cook County a third class county now, would you?"

Bugielski: "I don't know why they have it like that. I asked why you couldn't just say in counties of over 600,000 people."

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Black: "Well, we have to cut through this legal mumbo jumbo here.

In other words, counties of the third class, the only county that's included in that class is Cook. Correct?"

Bugielski: "Correct."

Black: "Well, I know you to be a man of your word. And if that's the case, I have no objection to your Amendment."

Bugielski: "Thank you."

Speaker Giglio: "Further discussion? Representative Hartke."

Hartke: "Will the Sponsor yield? Will the Sponsor yield?"

Speaker Giglio: "Indicates he will."

Hartke: "Representative Bugielski, this is an increase in fees and I have no objection to Cook County raising their own fees. My question is, why is this increase necessary and what do you plan to use the increase for?"

Bugielski: "For the court operations."

Hartke: "Are the court operations running in deficit right now?"

Bugielski: "Yes, they are."

Hartke: "By what amount and what amount will this projective raise?"

Bugielski: "That I don't know. They're raising it from..."

Hartke: "Then maybe you should have tripled it."

Bugielski: "They're raising it from \$8.00 to \$15.00 in some cases. It's just, you know, there's several fees in there that not that large a rate. These are all small costs to begin with. They are not large fees. These are the fees...the increases are the fees. that they need...feel that they need to run the court system adequately."

Hartke: "This is for the recording of deeds and so forth in Cook County. Correct?"

Bugielski: "Recorder of Deeds Office."

Hartke: "The Illinois Realtors Association have agreed to this?"

Bugielski: "The who?"

Hartke: "The Illinois Realtors Association."



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Bugielski: "Nothing was said to me on the contrary."

Hartke: "Okay, thank you very much."

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

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. Representative Laurino in the Chair."

Speaker Laurino: "Senate Bills, Third Reading. Senate Bill 441, Representative Currie. Representative Currie. Representative Currie. Senate Bill 441, out of the record. Senate Bill 763, Representative McPike. Out of the record. Senate Bill 843, Representative Capparelli. Out of the record. Under Insurance, page 15, Senate Bill 1338, Representative Williams. Read the...read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1338, a Bill for an Act to amend the Insurance Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Laurino: "Any Motions or Floor Amendments?"

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

Speaker Laurino: "Representative Williams."

Williams: "Withdraw Amendment #1."

Speaker Laurino: "Withdraw Amendment #1. Further Amendments?"

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

Speaker Laurino: "Representative DeLeo, Amendment #2 on Senate Bill 1338."

DeLeo: "Thank you, Mr. Speaker. Amendment #2 to Senate Bill 1338 will make it...that improper claims practice when insured is representative. It will make that the claims practice

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for any property insurance company insuring dwellings to require any insured that is represented by an attorney or public adjuster, to comply with the same procedures...different procedures from presenting the claim otherwise, complying with an insurance provision, than the insurer would require if the insured had not been representative. I'd ask for the adoption of Amendment #2."

Speaker Laurino: "Further discussion? Seeing none, Representative DeLeo...Representative Black."

Black: "Thank you very much, Mr. Speaker. Would the Sponsor yield?"

DeLeo: "Yes, he will."

Speaker Laurino: "Indicates he will."

Black: "Representative, I have to be real honest with you here. I have no idea, even after your explanation and even after I've read the Amendment, what in the world this does."

DeLeo: "Representative, the insurance companies have two types of standards. When they're dealing with a claim, let's take a very simple explanation. Your house burns down tonight."

Black: "I certainly hope not but go ahead."

DeLeo: "I don't hope...I hope it doesn't either. The insurance company advertise that they're fastest settled, do you want...They come in there tomorrow and they want to give you a settlement check for \$152,000. Well, what happens is a lot of times the consumer doesn't realize what's the extent of their losses and they have to hire a fire adjuster, a public adjuster or an attorney, to get their actual claim. The insurance company has standards where they set it differently, they start treating the file differently than what they do with you as an individual. This is protecting the consumer and asking the insurance companies to have the same standards, whether dealing with you or an adjuster or with an attorney."

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Black: "Alright, do you mean in...they actually have these...Would this be written in a policy or is it just a practice?"

DeLeo: "That's correct. That's correct. They have different standards of how they will settle a claim based on who's representing who. I think this is a very important Amendment for the consumer. The consumer sometimes doesn't realize the loss that they have in a claim."

Black: "Alright, I appreciate your patience. I...Perhaps somebody more familiar with the insurance industry than I am might wish to ask you a question, because it is complicated. And I appreciate your time and your patience, your explanation."

Speaker Laurino: "Someone with a little more experience, Representative Mautino, the Chairman of Insurance."

Mautino: "Thank you. Will the Gentleman yield? Representative DeLeo, if I remember the current provisions, each policy whether it's a private citizen or a business has the proof of loss provision. Is that not true?"

DeLeo: "That's correct."

Mautino: "Now, in your scenario about the home being destroyed, that proof of loss is normally waived so that the person gets the check the next day or the next week, without having to go through the whole process of the proof of loss. Is that not true?"

DeLeo: "That's correct."

Mautino: "And what your Amendment would do would provide that that proof of loss would apply to everyone, which would normally then slow down that process. Would it not?"

DeLeo: "That's correct."

Mautino: "Why would you want to slow down that process?"

DeLeo: "Because sometimes in the emergency settlements, and there are provisions where we can give them partial settlements,

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people get...have the consumer has been ripped off, Dick. What's happened is that they forget what, as they walk through, when an insurance adjuster walks through your bedroom. And doesn't realize that...four weeks later you realize that there was two pairs of lizard shoes, four pairs of cowboy boots, that were burned in that fire. And sometimes you need time to present this proof of loss. What this is...What this is doing is it's presenting. It's like when your car is stolen. You tell them that your golf clubs, four sets, you're an expert golfer like Representative Ronan, you have four sets of 'Pings' in your trunk, the insurance company wants you to present that bill of sale for the reimbursement. And what this is saying is that they will reimburse you but they want a proof of loss."

Mautino: "Well, is that not normally waived in all instances?"

DeLeo: "It can be waived."

Mautino: "Alright, let me...I'm not familiar with the attorneys or...What did you call them, public what?"

DeLeo: "The fire adjusters or public adjusters."

Mautino: "Public adjusters. How does that process work? In other words, when I have a loss at my home, I call my agent, he gives me a check. For example, if a bicycle is taken from the kid's garage or whatever, that proof of loss is waived and that check comes to that individual, like in Plainfield with the tornado. Now, where does this other individual get involved?"

DeLeo: "Your house is destroyed in Plainfield, let's go back to take your example. The tornado hits Plainfield and an adjuster's out there four minutes later and says, 'I'm going to give you a check for 98,000 for your reimbursement of your house. First of all, you as a consumer are not an architect, a builder, a roofer, a plumber. You have no

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idea what the replacement cost is at that moment. A public adjuster or a fire adjuster or a professional comes in and walks through your premises and says, 'There's 32 two by fours, 17 yards of pipe, so many shingles for your roof'. And he does a cost replacement estimate and presents it to the insurance company, so you're not coming up shortfall when you're rebuilding that home. Sure they want to make a fast claim. The fast claim is to help the insurance companies. A fast claim is not for the consumer. That's why the consumers have a tendency to be ripped off. When you're going through, after a traumatic experience like that tornado, you don't know the clothes, you don't know right now in your closet how many suits. You have suits in your home and your hometown is Spring Valley and you have suits here in Springfield. You don't know what was lost until you go through there. And that's why a public adjuster will come through there and say an expert. They'll bring an expert team of engineers in there to rebuild that home. They'll bring an expert team of carpenters, an expert team of plumbers to see what it cost to redo that bathroom. I don't think it's beneficial for a consumer of Illinois to take a check on the spot from an insurance company. I think the only people that will get hurt in those examples is the consumer, all those policy holders. Fast settlements are not beneficial. Fast settlements are for the insurance companies to close that file."

Mautino: "To the legislation, the Amendment then. Representative DeLeo makes a good case but I think there would be a lot of concern, if in fact people would not receive that immediate response from an insurance company. If we had to put everything down and file a form on a proof of loss, you're going to eliminate the immediate service that's provided.

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So, these people, in the case of that home, would have the opportunity to contract and build for another one. I'm not certain why we would...loss for everything that is...since now it is waived by the insurance company. I think we'll delay the process. And you just going to end up having a lot of consumers that are going to have to fill out a lot of forms in order to get their claims resolved by the insurance company. And I'm not certain that it should...It just befuddles me as to why we should be doing this. I'm not going to support the Amendment."

Speaker Laurino: "Inaudable Tape"

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Body. I think there's some real confusion on this. Let me point out that the case that was pointed out, that if we have a major catastrophe and they come out there and three hours later they're writing a check out to you, just does not make sense. That is not in reality what happens out there. They write a check, an expense check. They write it out there because you need a new car or you need to rent a car. You need a place to live for your children. You need food. You need housing. That's what that does. You have six months, up to six months, to submit it. Now what this Bill does, it says that they want an itemized breakdown of every claim submitted on a casualty policy. That's ridiculous. If you have golf clubs stolen out of your trunk of your car, you call your insurance company and you...your agent and say, 'I have had my clubs.' They will ask you over the phone, 'How much did you pay?' You say, \$250.00. They will send you a check for \$250.00. They're not going to ask for an itemized breakdown and a receipt, that normally doesn't happen. What they do, what this Bill does, is it takes and it gives public adjusters, people who get paid. This is what this Bill does. And it requires you to submit

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an itemized breakdown using a public adjuster or an itemized breakdown either way. When you do that, if you get a claim for \$1,000 through a public adjuster, the insurance company can no longer deal with you as a client. They can only deal through this public adjuster. So, if the adjustment is made that it's \$1,000 in expenses, that public adjuster will take \$100.00, \$200.00, \$300.00 out of that check as their expense and turn over the remainder to you, the consumer. This is not a good Bill. This is an anticonsumer. We do not need public adjusters, unless you choose to take one. Why should we require everybody in this state filing a claim, to be forced to use this kind of a system. The system works now. This Amendment is not necessary. I would ask that you do not pass this. And I would like a Roll Call vote on this."

Speaker Laurino: "Inaudable Tape."

Parcells: "Thank you, Mr. Speaker. Ladies and Gentlemen, at first flush, this looks like a good Amendment. But it really isn't because it takes away the consumer's choice. If you want to hire a lawyer, if you want to hire an adjuster that's just fine. But, right now, if the bicycle's stolen out of my garage, that afternoon they may come to my house with a check. If this Bill goes through, I've got to follow, we have no choices anymore, I've got to follow and file forms and it could be weeks before I'm paid for that. People should have the right to choose. The people in Plainfield needed money now. We saw them getting those checks. They would never get those checks that quickly. Right now we have that choice, you can do it either way you want. You can work for yourself or you can have someone else work for you. If this Amendment is adopted there will only be one way and for the smallest loss, you're going to have to fill out great lengths of

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forms. And it's ridiculous and people should have the choice to do it either way they want. I would ask for a 'no' vote on this Amendment."

Speaker Laurino: "Inaudable Tape."

DeLeo: "Thank you, Mr. Speaker...In closing, it's very, very simple, this is a consumer Bill. Anybody that knows...a car in the last four or five years, knows that 90% of the automobiles sold do not come with radios. Everybody gets a high class radio, a sound system as they call them today, speaker, booster, tweeters, amplifiers and everything else put in these automobiles. And to have your car stolen and ask the insurance company that...you want your stereo replaced without a receipt, a broker or agent or company will laugh at you. They ask for a receipt, they don't come out and just give you a check and tell you to spend \$800.00 on a stereo, \$300.00 on mag wheels, absolutely not. They want proof of loss and this is what this Bill does, proof of loss. Sure some of those people got checks in Plainfield, Illinois but those people aren't getting what they're entitled to. This is a good consumer Bill. I ask...vote on this Amendment on Senate Bill 1338."

Speaker Laurino: "Inaudable Tape."

Williams: "To explain my...I just wanted to let it be known that this is not a hostile Amendment. The Sponsor had talked to me about this, if that makes any difference to you, I believe it's a good Amendment and has a good purpose. And I would ask for more 'aye' votes."

Speaker Laurino: "Inaudable Tape."

Hartke: "To explain my vote, I really don't think this is a hostile Amendment but I don't think it's very friendly either to the consumers, so I'm voting 'no'."

Speaker Laurino: "Inaudable Tape."

Parke: "Yes, Mr. Speaker, if this gets the required number to go



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on the Bill I'd like a verification of the Roll Call."

Speaker Laurino: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative DeLeo? Poll the absentees, Mr. Clerk."

Clerk Leone: "A Poll of those not voting. Farley. Lou Jones and McGann. No further."

Speaker Laurino: "Representative Shirley Jones wishes to be recorded as 'aye'. This Amendment, having received 56 'aye', 54 'nay', 4 voting 'present', is hereby declared passed...adopted. Oh, I'm sorry, excuse me, Representative Parke asks for a verification. So, the Chair is in error. Poll the affirmative votes."

Clerk Leone: "Poll of those voting in the affirmative. Balanoff. Brunsvold. Bugielski. Burke. Capparelli. Curran. Currie. Davis. DeJaegher. DeLeo. Edley."

Speaker Laurino: "Mr. Clerk, Representative Matijevich wishes to be verified. Representative Parke, Representative Matijevich wishes to be verified. Continue, Mr. Clerk."

Clerk Leone: "Edley. Flinn. Flowers. Giglio. Giorgi. Hicks. Homer. Hultgren. Shirley Jones. Kulas. Lang. Laurino. Levin. Marinaro. Martinez. Matijevich. McAfee. McAuliffe. McGuire. McPike. Munizzi. Novak. Obrzut. Phelan. Phelps. Preston. Rice. Richmond. Ronan. Saltsman. Santiago. Satterthwaite. Schakowsky. Schoenberg. Shaw. Steczo. Stepan. Trotter. White. Williams. Wojcik. Wolf. Woolard. Anthony Young. Wyvetter Younge and Mr. Speaker."

Speaker Laurino: "Any questions of the Affirmative Roll Call. Representative Parke."

Parke: "Yes, Representative Homer?"

Speaker Laurino: "Who did you say? Who did you say? Representative Parke, would you repeat?"

Parke: "Representative Homer?"

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Speaker Laurino: "Homer. Representative Homer in the Chair...in the...Representative Homer? Remove him. Representative J. Hoffman, for what reason do you rise? Representative Hoffman wishes to be recorded as 'aye'. Proceed, Representative Parke."

Parke: "Representative Edley? I see him."

Speaker Laurino: "He's right here in the well."

Parke: "Representative Hicks? I'm sorry, see him. Representative Farley? He's not voting? Thank you."

Speaker Laurino: "Representative Hultgren wishes to be verified."

Parke: "Representative Keane?"

Speaker Laurino: "Representative Schoenberg wishes to be verified."

Parke: "Yes."

Speaker Laurino: "Representative Keane, Jim Keane? Is the Gentlemen in the chamber? Representative James Keane? He's voting 'present' and he's in the rear of the chamber."

Parke: "Representative Mulcahey?"

Speaker Laurino: "Mulcahey's voting 'no'. He's with you."

Parke: "I need new glasses. Representative Lang?"

Speaker Laurino: "Representative Lang is right in the aisle."

Parke: "Representative Laurino?"

Speaker Laurino: "I'm in the Chair."

Parke: "Oh, he's in the Chair. Representative, let's see."

Speaker Laurino: "Representative Parke, I think you're being dilatory."

Parke: "Representative Flowers?"

Speaker Laurino: "Representative Flowers is in her chair."

Parke: "Representative...I can see you. Representative Phelps?"

Speaker Laurino: "Representative Phelps is in his chair."

Parke: "Representative Matijevich?"

Speaker Laurino: "He got leave to be verified."

Parke: "That's right. Representative Giorgi?"

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Speaker Laurino: "Three straights and you're out there. He's in his chair."

Parke: "Okay, I have no others, thank you."

Speaker Laurino: "This Amendment, having received 56 'aye' and 54 'nay', passes. Further Amendments?"

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

Speaker Laurino: "Representative Williams on Amendment #3 to Senate Bill 1338."

Williams: "Thank you, Mr. Speaker. Senate...Amendment #3 to Senate Bill 1338 requires insurance companies selling auto and homeowners insurance, to annually disclose to the Department of Insurance the number of insurance policies applied for and insurance policies issued, including renewals, insurance policies cancelled or not cancelled and loss data by zip code. The reason for this is because we've experienced in the Chicago area, in particular, we find that there is gross discrepancy between the rates charged in one zip code as opposed to another. It's part of what they ask you for in the information in determining what rate you will pay. So, if, in fact, they're doing this and we're trying to figure out, and we've always felt that there's been some degree of both redlining and some degree of inequity or at least not fairness based upon actual loss and actual data, that in fact, the Amendment #3 would give us the information necessary to determine whether or not the rate set and the method set by zip code is, in fact, fair and equitable and does not...hone in the insurance companies and prevent them from redlining by zip code. And I'd ask for a favorable vote on Amendment #3 to Senate Bill 1338."

Speaker Laurino: "The Gentleman moves for the adoption of Amendment #3 to Senate Bill 1338. Is there further

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discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. Would the Sponsor yield? Representative, we talked about this at some length in a committee. What...And, I know it's hard to quantify, but every time we put these kinds of reporting restrictions, it adds to the clerical load of companies. Would you have any idea of what...how much of this cost is passed on to the policyholder?"

Williams: "Quite honestly, I don't know but I do know that without this, I don't know how much cost is being passed on inappropriately through different zip codes. So, I think either way it's a give or take depending upon how you look at it."

Black: "Well, I...And, I appreciate where you're headed but, I mean, zip codes sometimes cut across neighborhoods and boundaries. And I don't know how far we can go with this. I guess we can go with township boundaries, municipal boundaries, county boundaries. It goes on and on and on. I'm just not totally convinced that what you're going to do here is really going to save anybody any money. In fact, the more we require and the more we say they have to report, it seems like the more money it costs us. So, as I did in committee, and it's certainly no surprise to you, I intend to vote 'no' on the Amendment."

Speaker Laurino: "Further discussion? Representative Parcels."

Parcels: "Thank you, Mr. Speaker. Ladies and Gentlemen, this is a bad Amendment. But, over and above that, I'd like to tell a little story about this Bill, and I hope you freshman, especially, are listening. I picked this Bill up when it came to the House, it sat on the Calendar for several days and I picked it up. A particular lobbyist then came to my office and asked if I would give the sponsorship to someone else. I said, 'I'll be happy to,

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the Bill looks fine to me and I'll give it to him, if nothing's going to happen with the Bill.' 'Oh no, we don't need anything to happen with the Bill.' So, we went into the committee, my name was still on the Bill, I asked the Bill to be passed and put it on the Consent Calendar. But, this particular lobbyist then went to Representative Williams, whom I have no problem with. He did not do this, it was not his maliciousness. But the lobbyist went to him and said, 'We're going to put the Bill in your name now, pull it off the Consent Calendar, we'll put on any kind of Amendment we want.' This Amendment has been tried before. It was tried in the Insurance Committee where it received only six votes and it needs twelve. It does not do well. It is needless. It's costly. It will cost the department several hundred thousand dollars. They already have the right to collect all this information. We all know that the reason, for instance, my daughter pays more for her automobile insurance in Chicago than I do is there are more accidents in Chicago. It makes sense. If I lived there I'd pay more than I pay now. And if I lived in Springfield I'd pay even less than I pay now. The department has the right to collect this information right now, if they felt it was necessary. They don't think it's necessary to do this and, therefore, it is a very bad Amendment. I'd like you all to know, however, that I feel as if I was put upon on this Bill, not by the Sponsor but by the particular lobbyist who told me it would not be tampered with if I gave it to another Sponsor. I feel I have been cheated on this and I would ask for your 'no' vote."

Speaker Laurino: "Further discussion? Representative Pederson."

Pederson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Insurance Department already has all kinds of information. They...It's very easy for them to use card

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information to determine whether there's any redlining going on. If there's a redlining problem then the people that are affected should be going to the Insurance Department now getting this straightened out. All this does...We also have a cost containment report every year with all kinds of information, they don't even use all of that. The problem is with this, it's just a lot of additional, useless information that serves no purpose. It cost more money both for the state and the insurance companies. It will increase all our costs and, it's just not needed. So, if there's a problem, we suggest that perhaps you go to the Department of Insurance and tell them what it is and let them check it out. Because the data is already there. I urge a 'no' vote on this."

Speaker Laurino: "Further discussion? Representative Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. To the Bill...To the Amendment, I'm wondering ow you would figure out how to rate auto and homeowner policies in areas of high loss. There's some areas and we all know it, that every time you close the window you hit somebody's fingers There are areas that have to be charged higher rates because they have higher losses. If we accept this Amendment you that are downstate will be paying the losses throughout the whole state. This is a way to equalize rates throughout the whole State of Illinois. And, I don't think many of you would like to have that happen. I urge a 'no' vote."

Speaker Laurino: "Further discussion? Representative Weller."

Weller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's my understanding the the goal of the Sponsor of this Amendment is that he wants to equalize rates throughout the State of Illinois. And, while I can understand why he wants to do that, I think it's important

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that we recognize who's going to pay for this Amendment. There are two sets of people that are really going to pay. Number one, it's the taxpayers. It's my understanding this will cost taxpayers of Illinois \$100,000 to implement this this next fiscal year. And the second thing, is that downstaters are going to pay for this Amendment. If you come from suburban areas, if you come from northwestern Illinois, if you come from western Illinois, southern, eastern and everywhere outside the City of Chicago, you're going to pay higher rates as a result of this Amendment. Ladies and Gentlemen, I ask for a Roll Call vote on this Amendment."

Speaker Laurino: "Further discussion? Seeing none, Representative Williams to close."

Williams: "Yes, well, in response I'd like to say that the Bill does not equalize rates around the state. The Bill says give us the information so that we'll know the basis of your rates. Right now, if you live in the inner city of Chicago you pay a humongous amount of money. And you pay it, not only based upon Chicago but which particular zip code that you happen to live in especially with auto insurance. The first question they ask you, is what zip code do you live in. And, so we're just basically saying, if you make your rates on that basis and you're telling us day in and day out that we must pay two and three and four times the amount of other zip codes in other areas, at least be able to justify what you charge us. At least be able to prove to us that, in fact, you're rates are not based upon some preconceived notion that things are worse here as opposed to there. This is only a Bill that ask for fairness...an Amendment. And, I'd ask for an 'aye' vote."

Speaker Laurino: "The Gentleman asks for the adoption of Amendment #3 to Senate Bill 1338. All those in favor

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signify by voting 'aye'...Representative Black, for what reason do you arise?"

Black: "I was just going to explain my vote once you started the process."

Speaker Laurino: "You spoke in debate, Sir."

Black: "Well, I just wanted to explain my vote."

Speaker Laurino: "All those in favor indicate by voting 'ay'e, opposed nay'. The board is open. Have all vote who wish? Have all voted who wish? Have all voted who wish? Take the recordc, Mr. Clerk. This Amendment having received 44 'ayes', 63 'nays', 0 voting 'present'. Fails. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Laurino: "Third Reading. Senate Bill 830, Representative Currie. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 830, a Bill for an Act to amend the Illinois Insurance Code and Health Management Organization Act...Maintance Organization Act. Third Reading of the Bill."

Speaker Laurino: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. This Bill is about cancer prevention and cancer care and cancer cure. We have, over the last several years, tried to make sure that women have periodic preventive mammograms so as to stay healthy and stay free of breast cancer. We've made some real inroads in that area. Currently, we require insurers to provide coverage for preventive mammograms. And we are finding more women are going to their doctors for regular annual checkups or checkups on schedules, as prescribed by the American Cancer Society. Unfortunately, what we're finding in the State of Illinois, even though we require insurers to provide that preventive mammography screening, we're finding that women who have fibrocystic



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conditions are discovering that their policies are having added to them riders that say, that these women will not be covered should ever they develop a breast disease. The point of this Bill is to say, since the medical indications say, that a fibrocystic condition is not a reason to deny insurance coverage, to refuse to renew a policy or to exempt treatment of the breast from an existing insurance policy. 90% of all women have breast lumps at some time or another during their lives, have in effect, a fibrocystic condition. 95% of those breast lumps are not precursors of cancer, are not evidence of a likely development of cancer, are not correlated in any way with the disease breast cancer. This Bill, Senate Bill 830, excludes from its provisions the 5% of breast lumps that are precancerous. But it says about the other 95% that an insurer may not deny coverage, may not refuse to renew, may not cancel and may not provide a rider excluding breast cancer or breast disease treatment for women whose breasts are lumpy. This is a high priority Bill, the highest priority Bill, for the Illinois Chapter of the American Cancer Society. It has a great deal of support from women's organizations and from other health care organizations as well, including the Illinois College of Pathologists. This Bill is simply about making sure that when we encourage women to do preventive health care, that they don't find out at the end of the day that their willingness to make sure that they're living healthy lives, means that at some time down the road they develop a disease, they aren't cut out from the cost of providing that care. As I say, 5% of breast lumps do lead to...pathologically speaking, are precursors of breast cancer. Those lumps are specifically excluded from the provisions of this Bill. But for the 95% of the fibrocystic conditions that have nothing to do with cancer

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and for the 90% or more of Illinois women whose doctors will find a fibrocystic condition, I ask you to vote 'yes' on Senate Bill 830."

Speaker Laurino: "Representative...Frederick do you seek recognition? Representative Ryder."

Ryder: "Thank you, an inquiry of the Chair, please. Would you ask the Clerk to examine the Bill to determine if any Amendment was adopted either in House Committee or on the House floor?"

Speaker Laurino: "I think you just asked him."

Ryder: "Oh, I'd be glad to ask him. Mr. Clerk, were any Amendments adopted in Committee or on the House floor?"

Clerk Leone: "On the Order of Second Reading, on June 18th 1991. Amendment #1 lost on the House floor."

Ryder: "Could you specifically, Mr. Clerk, with the indulgence of the Chair, tell me if Amendment #2 has been adopted? The answer is 'no', Tony."

Clerk Leone: "There are no Amendments on the Bill. No House Amendments on" this Bill."

Ryder: "Thank you. Mr. Speaker, with your indulgence, may I ask a question of the Sponsor?"

Speaker Laurino: "Proceed."

Ryder: "Thank you. Representative, during the time of presentation of this Bill in committee, did you indicate that you'd be willing to work with those of us who had some problems with your Bill concerning definitions of fibrocystic conditions? Did you make that indication to us?"

Currie: "Representative, my recollection is that in committee there was discussion about cosmetic surgery. I do not recall discussion of definitions."

Ryder: "Representative, has the American Cancer Society, and the insurance companies been working even up until this morning

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on definitions that would define fibrocystic conditions?"

Currie: "My understanding, Representative, is that there is an Amendment that was filed to this Bill after it reached Third Reading that would exclude from the coverage of this Bill most women with a fibrocystic condition. It is my understanding that there has been no agreement on the part of the American Cancer Society that this Bill requires any further Amendment."

Ryder: "Representative, has not the American Cancer Society been in discussion on an Amendment? Has not the American Cancer Society been in negotiations on an Amendment, even up until this morning?"

Currie: "It is...hey, I am the Sponsor of the Bill, it is my understanding that there have been no discussions that are likely to lead to any kind of an agreement to amend, and I would point out to you that the Amendment filed to the Bill in no way meets the purpose and point of this measure."

Ryder: "Mr. Speaker, if I may, to the Bill."

Speaker Laurino: "To the Bill."

Ryder: "Thank you. We had an elaborate discussion in committee for over an hour on this particular Bill, at which time there was great concern raised because fibrocystic condition was acknowledged by the American Cancer Society to be a non-condition. It just simply wasn't something they were concerned about, and frankly, they said they wanted to see it eliminated. However, under this Bill, fibrocystic condition continues to be something for which people can bill...their doctors can bill, and insurance companies have to pay. The Sponsor indicated in Committee that we could work towards a definition, and I have knowledge that that work continued over the weekend, and in fact continues this very day. If the Sponsor's not part of that, that's not what was indicated in committee. That's

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not my understanding. So, until such time as that is done, I suggest that you vote 'present' or you vote 'no', but let's do what we suggested we'd do in the Committee, and not pass this Bill until such time as those negotiations is closed. For that reason, we stand opposed to the Bill at this time. Thank you, Mr. Speaker."

Speaker Laurino: "Further discussion? Representative Leitch."

Leitch: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As many of you in this House know, I'm a strong advocate for mammography legislation, and indeed was a Sponsor of the original mammography Bill, and I'm a Sponsor of this Bill, but I would rise to echo what my friend Representative Ryder has just indicated, the problem with this Bill presently, is that this Bill needs to tighten the term fibrocystic, and it's not an issue about which we have to guess. The American College of pathology has different categories of this condition, they can very easily be added by way of Amendment to this Bill, it is something that if I am correctly informed an Amendment right now is being drafted which would add these protections to the Bill. I would like to also emphasize, I voted against the insurance industry Amendment in committee because I felt that Amendment went too far, and was gutting the Bill, but the Amendment that we need on this Bill is a very reasonable Amendment, and one that we ought to wait to pass, and then send the Bill out of here with 118 votes on it. So for that reason I would join Representative Ryder and urge others of you in the chamber, for right now please vote 'present' on this legislation."

Speaker Laurino: "Further discussion? Representative Frederick."

Frederick: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to support Senate Bill 830. I am a co-Sponsor of that Bill, and if the insurance industry

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really had a problem with the Bill, it would have seemed that they might have come to me and expressed that reluctance to have the Bill passed in its present form. I heard absolutely nothing from the insurance industry. As you know, the Bill applies to fibrocystic disease of the breast, and it affects 90% of all women in this country, and less than 5% of those people have a precursor to cancer condition. So it seems to me that at the moment, the insurance industry is not playing fair with the women in this state. I urge your support for Senate Bill 830."

Speaker Laurino: "Further discussion? Representative Parcels."

Parcels: "Mr. Speaker, Ladies and Gentlemen, I was in that committee too, and I also was under the impression that the insurance committee and the Cancer Society...insurance people and the Cancer Society could get together and come up with a definition. The very articulate surgeon that came that day to speak to us, told us...I believe he said to me that 100% of women at some time or other in their life have fibrocystic condition. It's not a disease, it's a condition, and that we...all females have it...some men by the way have also have this, and therefore...he also then...I asked the most important question, does having a fibrocystic condition in any way correlate to the amount of breast cancer, and he said absolutely not. So fibrocystic condition does not relate to the cancer at all, but evidently some claims are being made to these insurance companies, that are calling it fibrocystic disease, or in other ways trying to collect on insurance when every woman has it, and it has nothing to do with cancer, no relationship to cancer whatsoever. So at this time, if they are not able to put in the wording that they think is necessary, I would also ask you to vote 'present', although I hope we can bring this Bill back and send it out with 118

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votes eventually. In the meantime, I did have one question, if I might, Mr. Speaker, of the Sponsor. Would the Sponsor yield? Mr. Speaker, would the Sponsor yield for just one question?"

Speaker Laurino: "After your statement I'm sure he will...or she will."

Parcells: "Thank you. It was the...in the Bill it says, if I can find the line here...with an increased disposition to the development of breast cancer. You see, that says quite the opposite I think of what the doctor said. The doctor indicated to me that fibrocystic condition is in no way correlated to any degree with cancer, your chances are as good of having cancer with or without the fibrocystic condition at that point in your life. Therefore, the last line of the Bill which says unless the condition is diagnosed by a breast biopsy that demonstrates an increased disposition to the development of breast cancer. That makes it sound like the fibrocystic condition is related to cancer, and I'm wondering why that isn't...why that is good wording there."

Currie: "Representative, I hope this is responsive. That last line, I believe, was added as an Amendment in the Senate in an effort to try to respond to concerns raised by insurers. The point of that language is to say, for the 5% of breast lumps that are pathologically indications of a precursor to the development of breast cancer, then the provisions of this Bill do not apply. 5% of fibrocystic conditions pathologically speaking imply an increased likelihood of the development of breast cancer. That last line was an exclusion from the Bill to say that if you're talking about a breast lump that does indicate an increased likelihood that the individual will develop breast disease, then the provisions of this Bill do not apply."

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Parcells: "Thank you. I have to say, Ladies and Gentlemen, that I really think that employers or insurers would not know what this means. How are they going to point to that when this very fine surgeon said to us there is no correlation between cancer and fibrocystic. I agree that this fibrocystic condition should not be treated separately, but I think we ought to allow the insurance industry to put in the definition they want, and therefore I too would ask for a 'present' vote at this time, but I hope we'll be able to bring it back and send it out of here with 118 votes as amended. Thank you."

Speaker Laurino: "Further discussion? Representative Curran."

Curran: "Mr. Speaker, I have a couple questions for the Sponsor if she'll yield. Representative, will this legislation prevent the continuing submission of claims to employers for fibrocystic conditions?"

Currie: "I don't know quite what claim one would put to an insurer for a fibrocystic condition. Insurers are required to provide preventive mammograms. Fibrocystic condition is not synonymous with an illness that requires or needs cure."

Curran: "Well, I had two questions for the purposes of legislative intent, but let me go a little bit further then, on this particular one. I remember the testimony was given in committee that sometimes, possibly not oftentimes, physicians will indicate a fibrocystic condition as the reason for submitting...reason for doing certain surgical procedures on the woman. Will this legislation change that at all, will it improve the situation where physicians now put down as their reason for doing surgery, fibrocystic condition?"

Currie: "Representative, my answer would be this. An insurance company that accepts a claim for cosmetic surgery that is

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not in any way required by the presence of disease, should be rejecting that claim, and that opportunity to reject is true with or without Senate Bill 830. The testimony we heard in committee had to do with people who were doing cosmetic surgeries on women for whom there was no underlying illness, no underlying problem that required treatment. Any insurance company worth its salt ought to be rejecting that claim unless the policy specifically permits cosmetic surgery as one of the required payments from the insurer."

Curran: "I think the insurance companies' answer might be that they would be sued if the doctor gave a reason for doing that surgery, and then they denied, under the current law, they denied payment of that claim."

Currie: "They'd win in a minute, because no doctor would get on the stand and say that a fibrocystic condition is one that requires in and of itself any kind of treatment, care or cure."

Curran: "Well, we heard testimony to the contrary of what you just said in committee."

Currie: "We heard from the insurance industry that they aren't businesslike enough to decide to reject claims for cosmetic surgery. And even if they aren't able to make that sensible sound business judgement, the fact that they can't cope with inappropriate cosmetic surgeries is no reason why we should not protect the one in nine women in this state and in this country who are likely to develop breast cancer during the course of their lives, and why we should not be able to help those women get the preventive care that they need in order to be able to keep those cancers from killing them."

Curran: "It seems to me then that possibly according to earlier question and testimony and from my general observation of



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the whole point, that it might be better if we define this non-condition so that we...so that women with fibrocystic breasts are no longer discriminated against, and the condition is properly defined. I think that possibly what we have run into here is the lack of a proper definition to accomplish the good purpose that you intend for this legislation. No further questions, Mr. Speaker."

Speaker Laurino: "Further discussion? Representative Kulas."

Kulas: "I move the previous question."

Speaker Laurino: "Gentleman moves the previous question. All those in favor indicate by saying 'aye'...'nays'. The 'ayes' have it. The previous question is put. Representative Currie to close."

Currie: "Thank you Mr. Speaker and Members of the House. I think it's a simple and straightforward Bill. If we want to encourage women to do preventive care, if we want to encourage women to get their mammograms, to see their doctors, if we want to stop women in this state from dying early, untimely, unnecessary and very painful deaths from breast cancer beyond cure, please vote for Senate Bill 830."

Speaker Laurino: "The Gentleman asks for passage of Senate Bill 830. All those in favor will indicate by voting 'aye', opposed 'nay'. This is final passage. Representative Regan."

Regan: "Thank you, Mr. Speaker. In order to explain my vote, this sets a terrible precedent. This says to the insurance underwriting department that there's a condition...previous condition, and yet they must insure it. It's a terrible precedent, I urge a 'present' vote because there's a somatic problem here. It's in the language that's causing the problem. It's in the definition by the doctors claiming that they have this condition following it up with

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surgery, which could be cosmetic or it could not be cosmetic. I think there's a compromise going on, I think we should push it back, and let that happen."

Speaker Laurino: "Representative Hasara. One minute to explain your vote."

Hasara: "Thank you, Mr. Speaker. I think the record should show that although there's been a lot of talk about who got together with whom to work this Bill out, that the Cancer Society was never contacted during the time this Bill was in the Senate. It has just been since it has come over here, and so it is true there is no agreement, but I think that everyone should know that the Bill was in the Senate for several months and the American Cancer Society was not contacted at that time."

Speaker Laurino: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 109 'aye', none voting 'no', 8 voting 'present', having received a Constitutional Requirement, is hereby declared passed. Page 16 of the Calendar, Senate Bill 1455, Representative Madigan, Representative Lang will handle the Bill for Representative Madigan. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1455, a Bill for an Act to amend the General Assembly Operations Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Laurino: "Any Motions or Floor Amendments? Oh no, I'm sorry."

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

Speaker Laurino: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Amendment #1 is a technical Amendment so we that can put this Bill regarding the General Assembly Operations Act into a Conference

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Committee. I urge adoption."

Speaker Laurino: "Gentleman moves for the adoption of Amendment #1 to Senate Bill 1455. Seeing...Any discussion? Representative Parke."

Parke: "Thank you, Mr. Speaker. Can you give...Representative, can you just tell us what the intent of this legislation will be?"

Lang: "Well, you can ask, but I don't have an answer."

Parke: "Thank you."

Speaker Laurino: "Further discussion? Seeing none, Gentleman asks for adoption of Amendment #1 to Senate Bill 1455. All those in favor indicate by saying 'aye'...'nay'. 'Ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Laurino: "Under Municipal, County and Conservation Law, Second Reading, appears Senate Bill 221 on page 12. Representative Steczo. Out of the record. Senate Bill 511, Representative Brunsvold. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 511, a Bill for an Act to amend the Public Officer Prohibited Activities Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Laurino: "Any Floor...no (sic any) Motions or Floor Amendments."

Clerk Leone: "No Motions filed, and no further Floor Amendments."

Speaker Laurino: "Third Reading. Senate Bill 616, Representative Keane. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 616, a Bill for an Act to amend the Municipal Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Laurino: "Third Reading. Any Motions or Floor Amendments?"

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

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Representative Keane."

Speaker Laurino: "Representative Keane. The Chair is in error, the Bill is on Second Reading. Representative Keane."

Keane: "Thank you, Mr. Speaker. Floor Amendment #1 deals...amends 616 to discuss the messages...the business of transmitting (sic-transmitting) messages by means of magnetic waves. Basically, we're talking about car phones and portable phones. The Amendment was...they thought was able to take care of the problem, it is not. I move the adoption of the Amendment, though, so that the Bill can be moved into a conference and we will...they will continue to try to work out the agreement dealing with the transmission of messages by radio waves. I'd be happy to answer any questions in terms of the thrust of the Amendment, but ask just...it is going to turn the Bill into a vehicle and it'll be coming back again."

Speaker Laurino: "Further discussion? Representative Black."

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

Speaker Laurino: "Indicates he will."

Black: "Thank you. Representative, I don't have any problems with you taking this to Conference Committee, but one of the things I think we need to look at, and let me see if you're on the...if you and I are on the same track. The confusion exists now that some of these municipalities want this tax if the tower is located within that municipality, and I think we're trying to head toward...it's a tax will be collected where the person or the business utilizing that service is located, not necessarily just the tower. Is that where we're headed?"

Keane: "The...yeah. I don't know that that's...there's some modification of that. Right now, there...they thought they had some arrangements made, there were some objections to

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the way it came up, they...we can't solve it now. They want to continue to work on it."

Black: "Okay. Well, it needs some work, and I support your efforts to put it in conference."

Keane: "Thank you."

Speaker Laurino: "Further discussion? Seeing none, Representative Keane moves for the adoption of Amendment #1 to Senate Bill 616. All those in favor indicate by saying 'aye', opposed 'nay'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Laurino: "Third Reading. Senate Bill 846, Representative Morrow. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 846, a Bill for an Act to amend the Counties Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Laurino: "There's a Fiscal Note requested. The Bill will remain on Second. Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I've asked for a Fiscal Note for over a week on Senate Bill 846, I've yet to receive it. I would like to move for passage of...Mr. Speaker, I'd like to make a Motion that the Fiscal Note is inapplicable on Senate Bill 846."

Speaker Laurino: "Representative Black, for what reason do you arise, Sir?"

Black: "Well, just to object to the Gentleman's Motion. This requires an expenditure of state dollars. It obviously has a fiscal impact, so the Fiscal Note would have to be applicable. I would object to the Gentleman's Motion that it would not be applicable."

Speaker Laurino: "Representative Morrow."

Morrow: "Thank you, Mr. Speaker. I wish to remove my Motion."

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Representative Black would like to make a comment."

Speaker Laurino: "Representative Black."

Black: "Yeah. Thank you very much, Mr. Speaker. We think the Gentleman is making a good faith effort to get the Fiscal Note, and I think the Department of Revenue should get that for him, and make every effort to comply, and if that's the case, if he misses the deadline, I will have no objection to hearing his Bill on immediate consideration. I'm not saying we'll remove our objection to the Bill, but I don't want a technicality to prevent the Gentleman from at least having a vote on his Bill."

Speaker Laurino: "Representative Morrow, there's an Amendment #2 that was filed by you. Would you prefer to have that heard and put it on the Bill now?"

Morrow: "No, Sir. No."

Speaker Laurino: "You want to leave the Bill on Second as is?"

Morrow: "Right. Leave it on Second."

Speaker Laurino: "Fine. Thank you. Out of the record."

Morrow: "Thank you, Mr. Speaker."

Speaker Laurino: "Senate Bill 992, Representative Williams. Representative Paul Williams in the chamber? Senate Bill 992. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 992, a Bill for an Act to amend the Special Services Area Tax Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Laurino: "Any Motions or Floor Amendments?"

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

Speaker Laurino: "Representative Williams. Amendment #2."

Williams: "Yes. Floor Amendment #2...corrected adds the Appellate...floor...oh yes, okay. This is on the wrong Bill here. Sorry about this. This deals with special service of tax areas and what it says is that...I'm trying to find

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the analyst. Let's see, this...two...it replaces...an Amendment to the Municipal Code that relates to the judgement for special taxes or assessments, provides that if a judgement is not recorded within 60 days, it is not a valid lien against the property. What it does, is that when you set up special service areas, the liens that are then may come across or other things if they haven't been recorded then the property owner doesn't know any way that the lien has been...that a special service area has been set up. This is an Agreed Amendment between the City of Chicago and the...I believe the Municipal League that allows them more days. We took out the requirement that they have an extraordinary amount of information to appease everyone. This is just to give the property owners notice that a special service tax area has been set up, and it just requires that a copy of the ordinance establishing it be filed with the Recorder of Deeds within 60 days, nothing more. I don't know of any real opposition now at this point in time."

Speaker Laurino: "The Gentleman moves for the adoption of Amendment #2 to Senate Bill 992. All those in favor indicate by saying 'aye', opposed 'nay'. The 'ayes' have it and the Amendment's adopted. Further Amendments?"

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

Speaker Laurino: "Representative Williams."

Williams: "Okay. Well,..this becomes the Bill, so I would assume...actually, apparently Amendment #2 is out of order, but Amendment #3 becomes the Bill, and does the same thing that I said Amendment #2 does. So if we adopt Amendment #3, it would do away with Amendment #2, and if I am correct, maybe I should take it back and remove Amendment #2. In fact, let me do that. Can I take this back, remove

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Amendment #2, and then adopt Amendment #3 which is as I explained Amendment #2. Well, actually Amendment #3 replaces everything after the enacting clause, so if we adopt Amendment #3, it in and of itself would do away with Amendment #2, but Amendment #3 is as I explained Amendment #2. It basically just requires that when you set up a special service area, that that particular area be recorded, and that it be recorded within 60 days from the...of the assessment role is confirmed. Its purpose is to give people notice of the fact, and other individuals that there is a lien against the property, dealing with special service areas."

Speaker Laurino: "Representative Black."

Williams: "Now they're telling me that 2 may be out of order. Can we remove...can we go back...take number 2 off, and adopt #3."

Black: "Well, I like #2. I don't know. Where are we here? #1, 2? #2, you did such a good job explaining #2, but I think you do need to withdraw it."

Williams: "Right. Right. So, we are going to, to avoid any confusion, we would like to withdraw Amendment #2, and adopt Amendment #3."

Black: "Well, now let the record reflect, we weren't confused over here. We knew you were going to withdraw Amendment #2."

Williams: "I was confused. Okay..."

Black: "Alright, well, now the record is straight."

Williams: "I was confused. I admit it. Right."

Black: "I believe you might want to table Amendment #2."

Williams: "Table Amendment #2. I'd just like to get some attention...right now."

Speaker Laurino: "Gentleman moves to table Amendment #2 to Senate Bill 992. All those in favor indicate by saying



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'aye'...'nay'. 'Ayes' have it, Amendment is tabled.

Proceeding with Amendment #3, Representative Williams."

Williams: "I believe it's been explained a number of times."

Speaker Laurino: "The Amendment has been explained. Is there any discussion on Amendment #3 to Senate Bill 992? Seeing none, Gentleman moves for the adoption of Amendment #3 to Senate Bill 992. All those in favor indicate by saying 'aye', opposed 'nay'. The 'ayes' have it, the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Laurino: "Third Reading. Senate Bill 1006, Representative Giorgi. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1006, a Bill for an Act to amend the Fire Investigation Act. Second Reading of this Bill. Amendment #1 was adopted in committee."

Speaker Laurino: "Any Motions or Floor Amendments?"

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

Speaker Matijevich: "Representative Brunsvold. Is the Gentleman in the chamber? Amendment #2 on Senate Bill 1006 Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #2...would the Clerk, I've got Amendment #1 and 2...could the Clerk read the LRB number on this Amendment?"

Clerk Leone: "Amendment #1 was adopted in committee. Amendment #2 is LRB8707135RWcham02."

Brunsvold: "Is that 01 or 02?"

Clerk Leone: "02 is Amendment #2, 01 is Amendment #3."

Brunsvold: "Okay. Alright. Amendment #2 would actually be the same provisions as were prescribed on the original Bill as it came from the Senate with the exception that instead of 2% of the moneys, it would be 10%. Raise that from 2% to

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10%, and insert the word 'fire' in front of equipment to define exactly the equipment that the Fire Marshall could use for these low interest loans, and the key word here is 'may'. I'll let everybody know that the Fire Marshall may do this or he may not do this, so those are the provisions of this legislation allowing him to loan money to volunteer fire departments as he may wish to do in a low interest situation to help them with their equipment or their buildings, and I ask for the adoption of Amendment #2."

Speaker Laurino: "Further discussion? Representative Black."

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

Speaker Laurino: "He indicates he will."

Black: "Representative, if you put...it's my understanding, if you put this back on the Bill, and we go up from 2% to 10%, then the Governor has to...the Governor's Office has to oppose the Bill because of...or the Amendment, because of the extraordinary use of the money in the Fire Prevention Fund, and I know that the next Amendment is something you and I have worked on for a couple of years, and I just wonder if...any chance we could get you to withdraw #2, so we maybe can get this Bill on the Governor's desk with a reasonable chance of signing it."

Brunsvold: "I don't know why the Governor would care about the Amendment #2, being it's 'may', and the Fire Marshall is instructed not to make these loans why then he wouldn't do it, and it's the voluntary fire departments. We have a fund here of about \$10,000,000 or \$12,000,000 available that's sitting there and not being used and it seems to me that if the Fire Marshall chooses to make some low interest loans, and there are loans, as the Bill came from Senator Holmberg in Rockford, then it would be at his discretion. I don't know why the Governor would oppose this."

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Black: "He may have hit a cord there. You said this is strictly permissive?"

Brunsvold: "It's permissive. It says he may, may be used by the State Fire Marshall."

Black: "And has an absolute limit on the amount of dollars that could ever be used, right?"

Brunsvold: "Pardon?"

Black: "It has a limit on the amount of dollars that could be used."

Brunsvold: "Fifty percent or \$50,000, whichever is less would be the amount that...would be the maximum that any volunteer fire department could have access to. It appeared to me in committee as we discussed Representative Giorgi's Bill, that 2% would be very limiting, and 10% would allow a few more volunteer fire departments, if they wish to apply for a loan, they could, and that would only be with the approval of the Fire Marshall. And we've had some problems around the state, where some of the volunteer fire departments have been using money to buy TV's and microwaves, so I've tried to put language in there that would pre-empt them from doing that, and only use it for fire equipment. The Fire Marshall is not opposed to this Bill as long as it says 'may'."

Black: "And the fire districts are in favor of it?"

Brunsvold: "Yes. In fact, I talked to my volunteer fire department in my little community of Milan, and they were very supportive of the idea, not that they may not ever use it, but it's something in case they would have problems they could have access to maybe \$50,000 on a loan basis only."

Black: "How many dollars are usually left over in that fund every year? Do you know?"

Brunsvold: "Right now, there's \$10,000,000 to \$12,000,000 in

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there, and when that money runs in excess, it then is...some of it is deposited in GRF when it gets much higher than that."

Black: "Alright. You've answered all my questions, and I appreciate the time that you've spent on it, and I would hope maybe we could get a change of heart here very quickly. Thank you."

Speaker Laurino: "Further discussion? Seeing none, Representative Brunsvold moves for the adoption of Amendment #2 to Senate Bill 1006. All those in favor indicate by saying 'aye'...'nays'. The 'ayes' have it, the Amendment is adopted. Further Amendments?"

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

Speaker Laurino: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Amendment #3 now is the Bill that we sent out of here, it's 2197 which was the fire distributors cleanup Bill. It went to the Senate Committee, and in Senate Committee they thought the Bill was going to be used for a fireworks Bill, and they killed the Bill in the Senate. It went out of here 113 to nothing if I remember correctly, and the Bill simply would take the fire distributors and I've eliminated the Board, tried to structure the Board, Representative Black and I have worked together on this, restructure the Board and make a level playing field for the big fire distributors and the little guys, and also reduce the fees to \$100, \$200, \$300 depending on your class. I would ask for the adoption of Amendment #3."

Speaker Laurino: "Any discussion? Seeing none, the Gentleman moves for the adoption of Amendment #3 to Senate Bill 1006. All those in favor indicate by saying 'aye', opposed 'nay'. The 'ayes' have it, the Amendment is adopted. Further

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Amendments?"

Clerk Leone: "No further Amendments."

Speaker Laurino: "Third Reading. Senate Bill 1409, Representative Brunsvold. Out of the record. Senate Bill 1426, Representative Ropp."

Clerk Leone: "Senate Bill 1426..."

Speaker Laurino: "I don't see Ropp. Is Representative Gordie Ropp on the...in the chambers? Out of the record. Going back to...we will proceed with Third Reading, Senate Bill 216, Representative Steczko. Read the Bill, Mr. Clerk."

Clerk Leone: "On page 6 of the Calendar. Senate Bill 216, a Bill for an Act to amend the Counties Code. Third Reading of the Bill."

Speaker Matijevich: "Representative Steczko."

Steczko: "Thank you, Mr. Speaker and Members of the House. Senate Bill 216 is a Bill that increases the maximum compensation that a member of the Cook County Sheriffs Merit Board may receive from \$10,000 to \$15,000. The Merit Board and the Sheriff's Office in Cook County is a position that we in the General Assembly created. They have three board members, and they've not had a raise in a number of years. The County Board has no objections, and at the request of members of the House, there has been language that's been added that exempts this Bill from the State Mandates Act, so in fact the county would be responsible for providing these increases. I would answer any questions, but would ask for your favorable votes."

Speaker Laurino: "Further discussion? Seeing none, the Gentleman asks...moves that...moves for the passage of Senate Bill 216. All those in favor will indicate by voting 'aye', those opposed 'nay'. This is final passage. The vote is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk."

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Representative Curran."

Curran: "Mr. Speaker, once this matter is closed, I have a Point of personal privilege that I'd like to mention."

Speaker Laurion: "Have all voted who wish? Representative Rice wishes to vote 'aye'. Representative Hartke wishes to be voting 'aye'. Representative Stepan wishes to be recorded as 'aye'. Any more changes? This Bill, having received 73...Representative Pullen, for what reason do you arise? She would prefer to be voted 'no'. This Bill, having received 73 'ayes', 37 'nays', 3 voting 'present', having received the required Constitutional Majority, is hereby declared passed. Senate Bill 229, Representative Keane. Excuse me. Representative Curran, for what reason do you arise, Sir?"

Curran: "Thank you, Mr. Speaker. We have been joined by a vacationing State Representative from another state, State Representative Gwen Welsheimer, from Wichita, Kansas has been traveling through various states, and she stopped in Illinois, in Springfield, she's sitting at my desk, she's from Wichita, Kansas. I'd like you all to make her feel welcome in Springfield."

Speaker Laurino: "Welcome to Springfield. Senate Bill 229, Representative Keane. Read the Bill, Mr. Clerk. Lou Jones. Excuse me. Excuse me, Jim. For what reason does Lou Jones arise?"

Jones, L.: "Thank you, Mr. Speaker. I rise to request leave for the Members of the Reapportionment Committee, which will be meeting in room 114 at 2:00, and I ask that they be recorded as excused."

Speaker Laurino: "Thank you, Representative. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 229, a Bill for an Act to amend the Counties Code. Third Reading of the Bill."

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Speaker Laurino: "Representative Keane."

Keane: "Thank you, Mr. Speaker. Senate Bill 229 increases by two the size of the Cook County Sheriff Merit Board, and provides for staggers of the term of the two additional members, and provides that no more than three, currently two, members of the board may be of the same political party. Move the passage of Senate Bill 229."

Speaker Laurino: "Chair is going to interrupt Representative Keane's testimony at the moment to indicate that the Members of the Reapportionment Committee...the Chairman of the Reapportionment Committee has asked leave of the House that they be on Excused Roll Call so they will be able to attend the meeting downstairs. Does she have leave? We'll use the Attendance Roll Call. All those in favor, indicate by saying 'aye', opposed 'nay'. The 'ayes' have it. The Representatives do have leave. Now, Representative Keane moves for the adoption or the passage of Senate Bill 229. Seeing no discussion, the question is, 'Shall Senate Bill 229 pass?' The question is, 'Shall Senate Bill 229 pass?' All those in favor will indicate by voting 'aye', those opposed will vote 'nay'. The board is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 94 'ayes', 13 'nay', and 2 voting 'present', having received the required Constitutional Majority, is hereby declared passed. Senate Bill 443, Representative Giorgi. Out of the record. Senate Bill 461, Representative Steczko. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 461, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Third Reading of the Bill."

Speaker Laurino: "Representative Steczko."

Steczko: "Thank you, Mr. Speaker and Members of the House. Senate

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Bill 461 amends the Metropolitan Water Reclamation District Act to increase the salaries of members of their Civil Service Board by \$2500 per year. There are 3 members of the Civil Service Board, and they investigate a number of things, hold full trials, and do the rest. They're created by this General Assembly. We, based upon questions that were asked to us by other Members, have exempted this from the State Mandates Act so the District itself would pay for the increases. And this Bill is being put forth at the request of the District itself. I would answer any questions. If not, I would ask for a favorable... 'yes' votes."

Speaker Laurino: "Further discussion? Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Just so that everybody knows, this is a pay increase. It is a pay increase for the Civil Service Board of the Metropolitan Water Reclamation District, and if you have any problems with voting for a pay increase, you may want to pay attention to this Bill and vote accordingly."

Speaker Laurino: "Further discussion? Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The previous Representative was correct. This is a pay increase. It's a pay increase of \$2500 a year. It isn't going to break anybody. If we can't afford to pay these people \$2500 a year more, we're in bad shape."

Speaker Laurino: "Representative Pullen."

Pullen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. It's not we that are going to be paying for this pay increase, and it's not the district that's going to be paying for this pay increase, it's the taxpayers of the Metropolitan Water Reclamation District, and I think we need to keep that in mind. It will come from property taxes. Thank you."



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Speaker Laurino: "Further discussion? Seeing none, Representative Steczo to close."

Steczko: "Thank you, Mr. Speaker and Members of the House. As I mentioned before, this Bill would require an increase totally of about \$7500 out of a district that has a total appropriation or annual expenditures of over \$500,000,000, so the amount of money is miniscule. They do do a number of extremely important functions, and they're created by we here in the General Assembly. We here in the legislature last year, rejected out of hand efforts to change the system in hiring practices of the district. If we're going to have the hiring practices as they are, as we told the district last week, then we deserve to have a competent Merit Board, and the only way that a competent Merit Board is going to be able to function, is if you get good people. So as Representative McAuliffe said, the couple dollars we're seeking here under the total \$500,000,000 appropriation is insignificant, and I would ask for your 'yes' votes."

Speaker Laurino: "The question is, 'Shall Senate Bill 461 pass?' All those in favor indicate by voting 'aye', opposed 'nay'. This is Third Reading. Have all voted who wish? Have all voted who wish? Representative Steczo."

Steczko: "Thank you, Mr. Speaker. I just wanted to take a moment to explain my vote, and just trying to remind the Members of the House what happened in this chamber last Friday, when the Members had an opportunity to change the water reclamation district hiring practices, and give the hiring practices back to the Board. When confronted with that or given that option, we all voted, overwhelmingly, to keep the hiring practices with Civil Service. So now, having this three member Board to do a lot of heavy additional work, requires a decent amount of compensation. They

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haven't had their compensation increased since 1985. All we're asking here is to allow the district to do that. We can do it. They would like to do it on their own, we're the only ones that can. So, it seems to me to be consistent with the actions that we took last week, that we need to be able to allow them the small, small, small increase. As I mentioned, the total increase for these people, total increase, three people, \$2500 per person, is a total of \$7500 in a district that has an annual budget of over \$500,000,000. I would ask for your 'aye' votes please."

Speaker Laurino: "Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative Steczo."

Steczko: "Thank you, Mr. Speaker. I'd ask for a Poll of the Absentees, please."

Speaker Laurino: "Mr. Clerk, Poll the Absentees. Representative Hicks wishes to be recorded as 'no'. Representative Wait, for what reason do you arise?"

Wait: "Vote 'no', please."

Speaker Laurino: "Representative Wait wishes to be recorded as 'no'."

Clerk Leone: "Poll of those not voting. All of the Members are voting who are not recorded as absent or excused."

Speaker Laurino: "Representative Steczo, for what reason do you arise?"

Steczko: "Thank you, Mr. Speaker. Postponed Consideration, please."

Speaker Laurino: "The Gentleman asks for leave to put this Bill on Postponed Consideration. Leave being granted, Bill will be so posturized. The Chair would like to remind the Members of the House that there are a number of legislators that are down in the reapportionment hearing, and if you do have a controversial Bill, I suggest that you do not call

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it. I repeat, if you have a controversial item, please do not call the Bill. Thank you. Senate Bill 593, Representative McAfee. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 593, a Bill for an Act to amend the Fire Protection District. Third Reading of the Bill."

Speaker Laurino: "Representative McAfee."

McAfee: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I offer for your consideration Senate Bill 593 which amends the Fire Protection District Act. It basically provides to allow for a three-member elected board to be increased to a five-member elected board by petition and referendum. It also allows for the filling of certain vacancies should there be absences or vacancies on the Fire Protection District, and also allows for better information in the referendums for the voters. The Fire Protection District Association, as well as the firefighters support it, I know of no opposition."

Speaker Laurino: "Further discussion? Seeing none, Representative McAfee moves for the adoption...the question is, 'Shall Senate Bill 593 pass?'...Representative Parke, for what reason do you arise?"

Parke: "In talking to...thank you, Mr. Speaker. In talking to people in my fire protection area, they are in agreement with this legislation, and I would ask my colleagues to vote for this Bill."

Speaker Laurino: "Further discussion? Seeing none...question is, 'Shall Senate Bill 593 pass?' All those in favor indicate by saying 'aye', opposed 'no'. The vote board is open. Vote 'aye' or 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. This Bill, having received 98 'ayes', 0 'nay', 0 voting 'present', having received the required Constitutional Majority, is hereby declared passed. Senate

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Bill 659, Representative Williams. Senate Bill 659."

Clerk Leone: "Senate Bill 659, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

Speaker Laurino: "Representative Williams."

Williams: "Yes. Senate Bill 659 amends the Criminal Code to deal with appointment of counsel and setting of fee schedules as it relates to those particular counsels. Senate Bill...what it does is it basically raises the amount that the appointed counsels can receive in certain cases from misdemeanors through the appellate process. It changes...there's a little schedule in there that say changes from \$40 an hour up to \$100 an hour time, and then from \$30 to \$75 from out of court the maximum for misdemeanors \$3,750 and they allow for the appellate...on appeals...appointed counsels on appeals can make a maximum of \$2,500. Its just a reality Bill. It says right now you can't find appointed counsels at these particular rates, and this Bill is meant to deal with inequities that exist now. I don't know of any real opposition to this Bill, I haven't even heard from the counties. This is a Bill that just makes it possible...It's a due process requirement and I ask for an 'aye' vote."

Speaker Laurino: "Further discussion? Representative Hultgren."

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

Speaker Laurino: "Indicates he will."

Williams: "Yes."

Hultgren: "Representative Williams, I have a summary of the Bill before me, and it indicates that this takes the fee schedule which is now applicable in Cook County, and makes that same fee schedule applicable in the 101 other counties of the State of Illinois. Is that correct?"

Williams: "That is correct. At first I thought it was for Cook only, but the other counties said that they wanted in, so

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they made it applicable to the entire state."

Hultgren: "I'm sorry, Representative. I saw your mouth move, but there was so much noise I couldn't hear what you said."

Williams: "I was saying, originally it was set for Cook County only, but the other...but the Illinois State Bar and the other counsels from around the state said that it should be applicable to the whole state, so it was made applicable to the whole state."

Hultgren: "Well, do you have in this fee schedule an hourly rate that court appointed attorneys would be entitled to be reimbursed by the county?"

Williams: "That is correct."

Hultgren: "What is that rate?"

Williams: "It changes from court time, that means in court, and these are still under what would be the normal rate that many attorneys charge. From presently it's at \$40 an hour for court time, it would change it to \$100 an hour for court time. For out of court time it changes from \$30 to \$75, and it creates a maximum for misdemeanors and a maximum for felonies. It basically brings the fee schedule closer even though it doesn't take it up to what private attorneys charge, it makes it closer to reality, making it easier to find an attorney that will accept these assignments."

Hultgren: "Thank...Representative, thank you very much for explaining that, and if I may just comment for those folks who represent downstate communities as I do, while this fee schedule certainly is probably fair in Cook County and in fact may be fair in many downstate communities, these fees would be an increase over what the court appointed attorneys are currently being compensated in my area of the state, and thus this would represent a mandate to the counties that they would be forced to pay if this fee

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schedule were to apply in the downstate counties. I would just caution those who represent a downstate...particularly downstate rural counties that this may in fact impose an additional cost on your county board, and you may want to take a second look at this as currently drafted, because it does apply statewide. Thank you."

Williams: "If I may respond briefly. I originally had it for Cook County only. We were asked to amend...to make it statewide, and that in fact I heard no opposition from any other counties or from any other parties that come to me and express any opposition, so that's all I can say."

Speaker Laurino: "Further discussion? Seeing none, Representative McAfee to close."

Williams: "I move that...'do pass', Senate Bill 659."

Speaker Laurino: "Representative Williams to close. Representative Williams moves for the adoption...or passage of Senate Bill 659. All those in favor indicate by voting 'aye', opposed 'nay'. The question is, 'Shall this Bill pass?' The board is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. Representative Williams, for what reason do you arise?"

Williams: "I just would like to at least talk to my colleagues...I'd least like to get this to a Postponed Consideration. I think there's some misconsideration (sic misconception) about this. This is something that I understand is desired by the county in order to be able to meet their particular due process mandates as it relates to the appointment of counsel in different areas. What we are really talking about is a fair schedule. You can't get a counsel for \$40 an hour. You just cannot get legal representation for \$40 dollars an hour. It's a fair Bill, and I would hope that I could get at least enough 'aye'

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votes to take this on Postponed Consideration, clear up any confusion, and then move on. This came out of the Senate with 54 votes. The Amendments for downstate were at the request of downstate, it originally had Cook County only, and I would hope that we could get a few more 'aye' votes on this, to...at least to the point where I could get this to Postponed Consideration. I really think that there's some mistake and misunderstanding about it, it's not controversial...don't really understand the opposition."

Speaker Laurino: "Representative Granberg, for what reason do you arise? Representative Granberg wishes to be voted 'aye'. Representative Shaw. 'Aye'. Representative Dunn, for what reason do you arise?"

Dunn: "Thank you, Mr. Speaker. I'd like to explain my vote. Many years ago when I was new in the General Assembly, we had similar legislation and similar confusion. Sometimes, people are suspicious that lawyers are trying to pull one over on people. This Bill provides that the maximum which can be paid to an attorney, forget the hourly rate, the maximum which can be paid to an attorney who is appointed to represent a criminal defendant in a misdemeanor case is \$375. The maximum which can be paid to a private attorney appointed to represent a criminal defendant in a felony case is \$3,125. That means that no matter how many hours the attorney works, no matter what the attorney has to do, the fee is capped. We need, according to our Constitution, to provide counsel for criminal defendants who cannot afford to pay, and private attorneys who are appointed even though there is a public defender, when the public defender for one reason or another has a conflict of interest, may represent two defendants in a case, has a conflict, can't represent them both, the court appoints a private attorney. Sometimes these attorneys can't afford to do these kinds of

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cases free, but in most instances these are young lawyers starting out who do not have a large income to begin with, they cannot afford to do this work free. The compromise which has been struck in this legislation is to say that the hourly rate will be increased, but there will be a cap. So those of you who are cautious and conservative, pay attention to the cap. If you check back home with any lawyer you know, they will tell you that \$375 is certainly not too much to charge for a misdemeanor case, nor is \$3125 too much to charge maximum for a felony case especially if the attorney has to go through the time, expense, preparation and effort, distress...whatever else is involved, with a criminal trial. We need more green votes up here if we're going to follow through with our state and federal Constitutional requirements to protect those who are charged with a crime. The purpose of this legislation, as the purpose of our Constitution is to provide protection to individual defendants just on the outside chance that an innocent person might be arrested and that there will be a book full of rights available to those people so that the system will spring them out. If we don't approve this kind of legislation, we decrease the chances for innocent victims to be kicked out by the system, and we increase the chances that those people will suffer and languish in jail when they should not. This is good legislation, I urge everyone to vote 'aye'."

Speaker Laurino: "Representative Novak, for what reason do you arise? No. Representative Phelps votes 'aye'. Representative Sam Wolf votes 'aye'. Representative McGuire votes 'aye'. Representative Kulas votes 'aye'. Representative Obrzut votes 'aye'. Representative Rotello votes 'aye'. Representative Edley votes 'aye'. Representative Walsh votes 'aye'. The Gentleman's looking



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for one more vote to put this on Postponed Consideration. Representative Homer votes 'aye'. Representative Williams requests that this Bill be put on Postponed Consideration. Does he have leave? Leave being granted, the Bill will be so reported. I again caution the Members, if you have a controversial Bill, or you think it's controversial, please do not call it. There are a number of people attending a reapportionment meeting in Room 114. Next Bill is Senate Bill 887, Representative Giglio. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 887, a Bill for an Act in relation to township general assistance tax levies. Third Reading of the Bill."

Speaker Laurino: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is the Township Bill that was run once before. It has an Amendment. Now it's the Bill, it's Senate Bill 887, and once again, I'd like to remind the Body, what this does, this does not eliminate townships in Cook County or anyplace in the State of Illinois. This would allow the people to petition to put the question on the ballot to allow the people to speak. Several people have asked, well just what the intent of this. The intent is that speaking from my own township, what happens to be the largest township in the state, I have all or part of 17 different towns in this township, and people want some tax relief. Every town except about two or three in my township are in debt. My town alone is over \$2,000,000 in debt. The biggest Republican town of South Holland is over \$1,000,000 in debt. Harvey Illinois is \$2,000,000. My little town of Phoenix which is just like East St. Louis can't raise \$250 to run a two inch water line to a building to employ 50 people. Many people feel like I feel, that township

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government is a government that should have went out in Cook County, simply because the taxpayers of Cook County have spent millions and millions of dollars bringing county services out to the suburban area through the mini-centers that we have. We did some research with the Legislative Reference Bureau. Let me give you some idea, because some people from downstate were questioning whether or not this would take money out of the state treasury. Right now, in Cook County alone, the townships are sitting on over \$3,000,000 in reserves just in the general assistance fund. They've already taken out over \$300,000 from the Motor Fuel Tax Fund. We can go on and on and on on what these people are doing with money that actually should be given to the local communities. My mayors and managers have told me don't come back to the district, Giglio, if you can't bring back that surcharge. Every one of 'em with the money that they've spent, or they contribute from their towns to the township government feel that they can use this money, they can use this money for the towns in which they live. It's a shame that some of the township officials who are scaring these senior citizens who are calling my office and I know they're calling your office, telling the people not to vote to eliminate township government. By the time my secretary gets through explaining, they ask my secretary why the township officials are lying to them, telling them that we're going to eliminate this form of government. We're not going to eliminate it. We're going to let the people within each township eliminate township government if they so desire. Let me remind the Body, two or three weeks ago, we passed a Bill out of here to allow the people of Cook County to eliminate school treasurers. We allowed them to put that provision on the ballot. We voted last week to eliminate the office of Cook County Instructions. We're

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not going to allow people to discontinue township government with this Body by your vote, we're just going to allow the people to put the question on the ballot, take it back to the people, and let the people decide. Isn't that what this is all about? Let the people decide what they want to do if they want. Let the debate go on. Let those that believe in township government stand up and say why their tax dollars should be kept, and why they should continue these services, and let people like myself and other people discuss the issue and say why it should be abolished, but if we don't give 'em that opportunity in Cook County to do so, they'll never have these debates. This issue will never come township by township, and that's why we put it by township by township instead of the whole county, 'cause there's a lot of townships that do do good, especially in the rural area, downstate. They need township government, 'cause they don't have any municipal government, so this is what this is all about. Ladies and Gentlemen, I would really ask, let the people decide and give them the opportunity to decide by voting for this Bill, and let's take it back and let the people do what they should do, have open debate and...don't do that...Frank, you threw me off balance. Ladies and Gentlemen, I would ask for your favorable support. If there's any questions, I'd be happy to answer."

Speaker Laurino: "Further discussion? Representative Hartke."

Hartke: "Black. Black. Black."

Speaker Laurino: "Representative Black."

Black: "Well, thank you very much, Mr. Speaker. I think the Sponsor has given an absolutely brilliant summation of his Bill, I think we all know what's in it, and I would move the previous question."

Speaker Laurino: "The Gentleman moves the previous question. All

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those in favor indicate by saying 'aye', opposed 'nay'. The 'ayes' have it, the Amendment is...the Motion is...move the previous Bill is adopted. All those in favor will...the question is, 'Shall Senate Bill 887 pass?' All those in favor will indicate by voting 'aye', those opposed 'nay'. The board is open. Have all voted who wish? Have all voted who wish? Representative Giglio."

Giglio: "Mr. Speaker, you know, I...my co-Sponsor Schoenberg didn't even have a chance to explain his vote or talk about this. You know, this is terrible. Take the Bill out of the record."

Speaker Laurino: "Bill is out of the record. The Bill is out of the record. Representative Matijevich, for what reason do you arise?"

Matijevich: "Mr. Speaker, I thought you forewarned everybody if they had a controversial Bill they shouldn't call it. I think he was forewarned."

Speaker Laurino: "For what reason does Representative Lang arise?"

Lang: "Thank you, Mr. Speaker. It's not often that I find myself agreeing with Mr. Black on a point of Parliamentary Order, however, Mr. Black, although a little too violently is correct. That vote should not come down off the board, and I think many of us on the floor would like to see that go back up there in some shape or form."

Speaker Laurino: "Representative Black, for what reason do you arise?"

Black: "Mr. Speaker, I apologize for my outburst, but as the Chair is well aware, once you have started that Roll Call, you can't dump it. It's an abject violation of the rules. I would ask you as a man of integrity to reverse that ruling, put that Roll Call back up. The man was forewarned, he knows and you know that you can't dump that

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Roll Call once you've started the Roll Call procedure. If you persist in this, you leave me no choice but to do something that I don't want to do and no Member of this Body would want to do 99% of the time, and that is I will ask to overrule the Chair, and I don't want to do that, and don't force me to do that. You know you cannot dump that Roll Call once you've started it. He cannot take that Bill out of the record once we've started a vote."

Speaker Laurino: "Representative Giglio, for what reason do you arise?"

Giglio: "I don't understand, Mr. Speaker. Of course, I'm not a lawyer by trade, but I thought a Member is in control of his Bill all the time. I don't know what rule that says that you can't take it out. It's my understanding is that the Bill...the record was not set, and I can't see why I can't take it out."

Speaker Laurino: "Representative Ewing, for what reason do you arise?"

Ewing: "The last speaker, with all due respect to my friend Frank Giglio, he knows that's not true. He's been in the Chair many, many times. No Speaker, no Speaker, how ruthless, has ever pulled that type of trick in the 17 years that I've been in here. Whenever the vote's up there, then the Bill either goes up or down, or your side can put enough votes over there to give him Postponed Consideration, but that's the only thing he can do. And Mr. Speaker, I really think if you want to run this House and you want to get on with the business, you'll put it back up there. These are the kind of things that waste all our time down here. Let's follow the rules. That rule is set in cement."

Speaker Laurino: "Representative Olson."

Olson, B.: "Thank you, Mr. Speaker. Does the Speaker or the Sponsor think that 24 hours is going to make that much

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difference. Let's solve this in an amicle (sic amicable) way, and put the Roll Call back up on the board."

Speaker Laurino: "Representative Dunn. Representative Matijevich."

Matijevich: "Mr. Speaker, I always side with the Chair, but I think what you made was an honest mistake. Everybody could tell it was an honest mistake, and it is in violation of the rules and my suggestion would be, and this is for Frank Giglio too, just ask for a new Roll Call and get it over with because it is an express violation of the rules."

Speaker Laurino: "Representative Parke."

Parke: "Thank you, Mr. Speaker. I'm just curious, and I think what we're looking for is an answer out of the dilemma. Maybe we can ask the Parliamentarian under what rule do you feel as the Chair which you have made that Motion to dump the Roll Call. Can we ask the Parliamentarian for a ruling whether or not you can do that, and then maybe you can take action according to what the Parliamentarian would say on that. I know we're looking for an answer out of this, and..."

Speaker Laurino: "Representative Giglio, for what reason do you arise?"

Giglio: "Mr. Speaker, I believe some of my colleagues. I truthfully was under the impression that you could take it out until the Roll Call was actually printed or taken, and if that's the case, I'm not going to delay the proceedings of the House. We can put it back on and roll it, and I'll just make one statement and that'd be fine. Go ahead. Do what has to be done the way it's supposed to be done. I'm not here to disrupt the proceedings of the House."

Speaker Laurino: "Representative Black."

Black: "I appreciate the Gentleman's spirit. I know the Bill is important to him, but clearly Rule 38(b) says that once the

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Roll Call has been started, a Bill may not be taken from the record, that's Rule 38(b). I appreciate Representative Giglio's willingness to try and accommodate all Members on this question."

Speaker Laurino: "The question is, 'Shall Senate Bill 887 pass?' All those in favor will indicate by voting 'aye', opposed will vote 'nay'. The board is open. Have all voted who wish? Have all voted who wish? Representative Giglio?"

Giglio: "Well, I just want to say, it's really sad that we don't give the people in the State of Illinois, or those people just in Cook County, this Bill doesn't pertain to the whole State of Illinois just in those townships in Cook County, the opportunity to choose, the opportunity to put something on the ballot. We just voted a Bill, Representative McAfee just had it before mine, the same, same provision to allow the people to vote and put a question on the ballot for referendum, and I can't see why this Bill is no different than that one and the Bill we passed out of here two weeks ago to allow the people in Cook County to choose to take the school treasurers out of the school business that's been provided for. It's really sad. I thought this Body was the one that would provide the government for the people, by the people, but I guess not. We had more votes on the Amendment that we had on the Bill. Perhaps...I can only say those township officials really did a good number on a lot of people."

Speaker Laurino: "Have all voted who wish? Take the record, Mr. Clerk. This Bill having received 19 'ayes', 77 'nays' and 0 voting 'present', fails. Senate Bill 1030, Representative Munizzi. Out of the record. Senate Bill 1042, Representative DeLeo. Out of the record. Senate Bill 654, Representative Hicks. Read the Bill, Mr. Clerk."

Clerk Leone: "On page 13 of the Calendar. Senate Bill 654, a

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Bill for an Act to amend the Service Occupation Tax Act.  
Second Reading of the Bill. There are no Committee  
Amendments."

Speaker Laurino: "Any Motions or Floor Amendments?"

Clerk Leone: "No Motions. Floor Amendment #1 is being offered by  
Representative Hicks."

Speaker Laurino: "Representative Hicks on Amendment #1 to Senate  
Bill 654. Representative Giglio in the Chair."

Speaker Giglio: "Representative Hicks."

Hicks: "Mr. Speaker, an inquiry of the Chair. Is there more than  
one Amendment filed to...just one?"

Speaker Giglio: "Amendment #1."

Hicks: "Take the Bill out of the record please."

Speaker Giglio: "Take the Bill out of the record. Is there a  
Roll Call on this, Mr. Clerk?"

Clerk Leone: "There is no Roll Call."

Speaker Giglio: "Okay. Take it out of the record.  
Representative Shaw. Senate Bill 487. Gentleman from  
Cook, Representative Shaw. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 487, a Bill for an Act to amend the  
Residential Mortgage License Act. Second Reading of the  
Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

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

Speaker Giglio: "Representative Shaw."

Shaw: "Yes. Thank you, Mr. Speaker and Ladies and Gentlemen of  
the House. Amendment #2 is an Amendment to...that would  
satisfy some concerns that the realtors had in arranging  
closing on residential mortgages, and I ask for the  
adoption of the Amendment."

Speaker Giglio: "Any discussion on the Gentleman's Motion? The  
Gentleman from Will, Representative Wennlund."



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Wennlund: "Will the Sponsor yield?"

Speaker Giglio: "Indicates he will."

Wennlund: "Representative, is this...was this proposed by the Illinois Realtors Association?"

Shaw: "I beg you pardon?"

Wennlund: "Was this proposed by the Illinois Realtors Association?"

Shaw: "Right. They are in agreement with the Amendment."

Wennlund: "Who objects to it?"

Shaw: "Nobody objects to it. All the concerns have been satisfied with this Amendment here."

Wennlund: "And the mortgage bankers are on board also?"

Shaw: "I beg your pardon."

Wennlund: "The mortgage bankers are on board also?"

Shaw: "Right."

Wennlund: "Thank you very much."

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

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. Representative Hicks on Senate Bill 654. Read the Bill, Mr. Clerk. We're back to 654, Representative Hicks."

Clerk Leone: "Senate Bill 654 has been read a second time previously. Amendment #1 is being offered by Representative Hicks."

Speaker Giglio: "Representative Hicks."

Hicks: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #1 to Senate Bill 654 is the same as...what I'm doing with Amendment #1 is placing the same Bill that was 1422 originally, in the House, which was the Illinois Foundation Act. This is exactly what House Bill

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1422 was that passed with some 80 votes out of this House,  
and I ask for adoption of Amendment #1."

Speaker Giglio: "Any discussion on the Motion?  
Hearing...Representative Wennlund."

Wennlund: "Mr. Speaker, will the Sponsor yield?"

Speaker Giglio: "Indicates he will."

Wennlund: "Representative, can you tell us what the Illinois  
Foundation Act is, and what it costs, and what it's all  
about?"

Hicks: "Yes, Sir. Representative, what this does, is it  
works...the Foundation is set up to work with DCFS in  
obtaining federal funds and working towards the Foundation  
being able to make Illinois available for additional  
Federal moneys. That's something we've worked with the  
Department, I think the Department is in agreement with the  
Bill as I know it to be. It's something I've worked on  
quite hard, and I think it makes us available for more  
federal money."

Wennlund: "Does this in effect create a depository for federal  
funds? Is that what the purpose is?"

Hicks: "I don't know if I would call it a depository, Sir. It  
certainly works with the Department in order to be able to  
try to attract more dollars that then would be available to  
kids in Illinois through different types of things that we  
currently are not doing. It's something I worked with  
with the Director, in which they also had a program  
called...in which they were going to attempt to do this,  
but I think we've come to a consideration that this might  
be a better approach to it."

Wennlund: "Is DCFS supporting this?"

Hicks: "Yes."

Wennlund: "And who in fact controls the Illinois Foundation, or  
will control it under this Amendment?"

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Hicks: "I believe that that's set up...a foundation of trustees are set up within the Bill, and how that works...the appointments, I believe, are made...let me look Representative, I would have to find that in the Bill. The board consists of 11 members with six executive officers for a for-profit enterprises, two executive officers...a not-for-profit enterprise and one representative...labor organization...two individuals with expertise in early childhood development education, and they would serve as non-voting members. Non-voting members then would be the Governor, the Director of Children and Family Services, Director of Guardianship and Advocacy Authority, and one ex-officio member each appointed directly by the Speaker of the House, the House Minority Leader, the President of the Senate and the Senate Minority Leader, and then designated Representative of the ex-officio Member may, or any designee of those may serve. The Governor shall select the foundation chairman from among the voting members."

Wennlund: "Is this going to be housed in DCFS's budget?"

Hicks: "No, there is no appropriation. It's a separate foundation, there is no appropriation whatsoever from the state for this, and there will not be. I mean, it's a separate foundation altogether."

Wennlund: "There's no GRF money?"

Hicks: "No GRF money, none intended, none proposed."

Wennlund: "Okay. Thank you."

Speaker Giglio: "Further discussion? All those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it, the Amendment's adopted. Are there further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. Representative Hicks on Second Reading, Real Estate Law, you have 556. Do you wish to

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have that called? 556. Real Estate Law. Out of the record. Okay, on the Order of Real Estate Law, Third Reading, Senate Bill 778, Representative Schoenberg. Out of the record. Transportation, Representative Matijevich, Second Reading, Senate Bill 1061. Out of the record. Representative Obrzut, 1016. Jeff Obrzut. Senate Bill 1016, Aeronautics Aid. Technical Bill. Third Reading. Do you wish to have this Bill called, Sir? Do you wish to have this Bill called? Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1016, a Bill for an Act to amend the Illinois Aeronautics Act. Third Reading of the Bill."

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

Obrzut: "Thank you, Mr. Speaker. Senate Bill 1016 was amended in committee and the Amendment became the Bill. The Bill creates the Permanent Noise Monitoring Act. It would require a permanent O'Hare noise monitoring system that would be run by the Illinois Department of Transportation. Such a monitoring system would provide a much more accurate picture of the extent of O'Hare's noise. This would be a big help in evaluating any future noise control measures and would help pinpoint the loudest flights so corrective noise abatement measures could be taken. The Bill is strongly supported by the O'Hare Citizens Coalition, and passed out of the Executive Committee 13 to nothing. I would appreciate an affirmative vote."

Speaker Giglio: "Any discussion? Question is, 'Shall Senate Bill 1016 pass?' Excuse me. Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Here we go again when at a time when the State of Illinois is 1.7 billion dollars in debt, we're going to take and we're going to spend a million and a half for a noise monitoring system around O'Hare. Now, it's not that it isn't needed, and it's not that the people around O'Hare

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don't need some relief, but, all it's going to do is monitor the noise. It's not going to do anything about the noise, planes are still going to come in, they are going to fly out, and the noise is still going to be there, all we are going to do is spend a million and a half dollars of GRF out of the Department of Transportation to monitor the noise. We don't need anybody to tell us how loud it is. We can all hear it and everybody who lives around O'Hare can hear it, and has to live with it everyday. But merely monitoring it isn't going to make any difference. We're talking about spending a million and a half dollars when we can't pay health care providers in Illinois, \$660,000,000, we can't pay other debts in Illinois amounting to 1.7 million dollars, here we are trying to spend a million and a half dollars, and you all ought to know that. And when it comes time that we see the budgets back here, and when it comes time to see what the Governor has to do to these Bills to bring the State of Illinois back to fiscal responsibility, that's when votes like this are going to come to roost. A 'no' vote is a proper vote on this. The time is not now. Maybe a few years, when the State of Illinois gets back on a sound financial footing and pays its bills, then we can afford to talk about these types of programs and doing something about the noise."

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

Ryder: "Thank you, Mr. Speaker. We can't afford this. It's a million and a half dollars going to his district. I'm not getting that, you're not getting that, just to monitor the sound. I'll tell 'ya something. They're going to monitor the sound near O'Hare field, and you know what they're going to find out? It's loud. We're going to pay a million and a half dollars and we're going to find out they got loud noise there. Save the money. We can't afford it."

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This is not a good way to be spending a million and a half bucks when you're talking about cutting education, when you're talking about cutting human services."

Speaker Giglio: "Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is an idea which has germinated from the north and northwestern suburbs. Its proponents have been both Republicans and Democrats, and in matter-of-fact when this...a similar measure was killed in the Executive Committee, it's so important to be able to have some kind of empirical knowledge as to how homes are being impacted by airport noise, that Representative Obrzut and myself have brought this idea back. It had the support of the other side of the aisle, it's the identical measure, and I would urge your favorable vote."

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

Harris: "Thank you, Mr. Speaker. A question of the Sponsor."

Speaker Giglio: "Proceed."

Harris: "Representative, the figure has been put out, a million and a half dollars, is that accurate? Is it going to cost a million and a half dollars to do this?"

Obrzut: "Representative Harris, it'd be a million as start up cost and about \$500,000 each year to monitor according to the Department of Transportation. That's their figures."

Harris: "Is it GRF?"

Obrzut: "Yes."

Harris: "Okay. Well, to the Bill, Ladies and Gentlemen of the House. You know, we are going to find out as one of the previous Speaker says, that we do this monitoring, it's going to be loud, and the fellow who said that was being coy. There's a reason for finding out whether the loudness is at 100 decibels or 110 decibels or 120 decibels, because federal law says that as it gets louder, they're going to

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kick in dollars and cents to help the problem, so it's important to find out indeed how loud is loud. It's a million and a half dollars which the people up in that area around O'Hare probably think is a million and a half dollars well spent. They probably don't get enough of the money back from Springfield that they send down, and I think we probably ought to send this out of here, probably going to be worked out somewhere in a Conference Committee on the IDOT budget, so let's vote 'yes', let's tell them that we're concerned about the problem up there, and we'll work it out. Maybe we can...not be a million and a half but get it down to a more manageable number, where we can still give those people up there some service. Let's send this out of here with a 'yes' vote."

Speaker Giglio: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker and Members of the House. I would just like to remind the Members of the Body that for the last 10 years, every year that this House has been in Session we have dealt with the noise problems at O'Hare field. Whether it be runway construction, whether it be noiseproofing houses, whether it be other matters that relate to noise at O'Hare. So, what the Gentleman seeks to do in this Amendment, which also is supported by the coalition that is trying to confront the O'Hare problems, is to try to monitor the noise, not only to determine the extent and to determine how loud is loud, but also to determine the impact of any future measures that they might try to propose, to come down here. It could be shifting flights, it could be shifting landing patterns, it could be a number of things that they might be able to determine by monitoring the noise at O'Hare field, and it's been such a big issue for 10 years, if the passage of this Bill, that would allow us perhaps to formulate some conclusions is a

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help, I think it's well worth it to pass it, so maybe we can try to resolve the problem one way or other finally for once and for all."

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

Pullen: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I agree with the previous Speaker except in one respect. He indicated that for the last 10 years or so we've dealt with problems around O'Hare every Session. I would say we've tried to deal with them, but we've never dealt with problems around O'Hare. Now we have the opportunity, because there is what people informally call a 'Target' Democrat from an O'Hare district, Sponsoring this Bill, to actually do something to deal with the problems around O'Hare, because now the Chair will allow reasonable consideration of a Bill which can give a little bit of help to the people in the O'Hare area. I agree with what the previous Gentleman from Cook also said, that this would be an important step forward for the people in that area. There are such systems in place at six to eight major airports around the country, but not around O'Hare, even though it's the busiest, even though it's very probably the noisiest. That's one place where responsible, actual noise monitoring just has not taken place, and indeed the solutions that could come for the people who live near O'Hare, do need to have data, not only to back them up, but actually to lead us to those solutions so that they can be worked out in a responsible manner. The people who are to be helped by this Bill are not represented by any other form of government that could do it other than the State of Illinois, because O'Hare affects people across county lines certainly across city lines, certainly across township lines, and so the Gentleman's Bill which looks amazingly like a Bill that I lost in the Executive Committee within



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minutes before he brought this in and amended his Bill, the Gentleman's Bill would be appropriate for the State of Illinois to handle, and it is needed to give us the data that suburban residents and residents of the City of Chicago need and that the City of Chicago and the State of Illinois need in planning the future of O'Hare and other areas of the state that might benefit from airport operations. It is...it was a good Bill when it was in Republican hands, and it is a good Bill even in Democrat hands, and I would urge my colleagues who have supported our efforts for justice...peace and justice around O'Hare in the past to join the Gentleman now in his effort to pass this Bill. Thank you."

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

McAuliffe: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I heard some people previously saying that it's not a problem for them, the noise at O'Hare airport. Well, I can guarantee it's a problem if you live near O'Hare airport. I live underneath the flight path that the airplanes take when they come in to land, and every 45 seconds when a plane flies over you have to stop talking 'till the plane gets out of the way. And the closer you get to the airport, the worse it gets. If you live in Bensenville, or if you live in Park Ridge, live in the western part of the 41st or the 38th ward, it's a big, big problem, and a million and a half dollars to study this problem, and calculate it and see just how loud the noise is, is certainly not too much. We spend a lot more money than that down here on a lot more foolish projects than this. I've supported a lot of projects for people downstate. I know this noise problem is not a problem for people downstate, but if you come to Chicago, come out to

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my backyard on a hot summer day, and try to sit out there and have a hot dog, you couldn't do it because it's too noisy, absolutely too noisy. And the closer you get to the airport the worse it gets. So to hear people say this is not a major problem, it's not a major problem in southern Illinois, but it's a hell of a problem in Chicago and the suburbs around Cook County."

Speaker Giglio: "Representative Obrzut to close."

Obrzut: "Thank you, Mr. Speaker. I just want to agree with the previous speaker. It is an important Bill, not only for my district, but the surrounding districts around O'Hare, and I'd appreciate an affirmative vote. Thank you."

Speaker Giglio: "The question is, 'Shall Senate Bill 1016 pass?' All those in favor vote 'aye', opposed 'no'. This is final action. Representative McGann. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question there are 64 voting 'yes', 28 voting 'no', and Senate Bill 2016 having received the required Constitutional Majority, is hereby declared passed. On Veterans, Second Reading appears Senate Bill 37, Representative Granberg. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 37, a Bill for an Act in relationship to compensation of Persian Gulf veterans from Illinois. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker Giglio: "Any Floor Amendments?"

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

Speaker Giglio: "Representative Novak."

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

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House. Floor Amendment #2 is basically House Bill 59 that passed out of the Veterans Affairs Committee that provides contract referrals and preferences to veteran owned businesses. The provision must be attained within three years of the effective date, defines contracts, the state contracts funded exclusively with state funds which are not subject to federal reimbursement. It excludes state construction grants at the request of...and the accommodation of the Associated General Contractors, and I ask for its adoption."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Amendment signify by saying 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it, the Amendment is adopted. Further Amendments?"

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

Speaker Giglio: "Representative Novak."

Novak: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #3 simply allows veterans who have received a Purple Heart award and those that belong to the Purple Heart Association to be entitled to the same benefits listed in Senate Bill 37 as a veteran who has a service connected disability, and I ask for its adoption."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it, the Amendment is adopted. Further Amendments?"

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

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

McNamara: "Withdraw."

Speaker Giglio: "Withdraw Amendment #4. Further Amendments?"

Clerk Leone: "No further Amendments."

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Speaker Giglio: "Third Reading. Children and Family Law, Second Reading appears Senate Bill 930, Representative Currie. Representative Currie in the chamber? Out of the record. Children and Family Law, Third Reading. Representative Balanoff. Senate Bill 915. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 915, a Bill for an Act to amend various Acts relating to safe school zones. Third Reading of the Bill."

Speaker Giglio: "Representative Balanoff."

Balanoff: "Mr. Speaker, I'd like to bring the Bill back to Second for the purposes of an Amendment."

Speaker Giglio: "Does the Gentleman have leave to return the Bill to the Order of Second for the purposes of an Amendment? Hearing none, leave is granted, the Bill's on Second. Read the Bill, Mr. Clerk."

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

Speaker Giglio: "Representative Homer. Representative Balanoff."

Balanoff: "Either one of us."

Speaker Giglio: "Representative Homer."

Homer: "Thank you, Mr. Speaker. This is a cleanup Amendment. The underlying Bill pertains to deliveries of controlled substances in safe school zones, and the Bill wants to expand the definition of safe school zones to include school buses and also to make it applicable 365 days a year any time of day or night. The...however, when the Bill was drafted, it made some changes, but wasn't consistent and did not make others. This Amendment would make the Bill consistent by making this definition consistent throughout the provisions of the relevant Act. So this is a matter we discussed in committee. I would move the adoption of the Amendment."

Speaker Giglio: "Any discussion? Representative Black."

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

Speaker Giglio: "Indicates he will."

Black: "Representative, we appreciate you working with us on some of the concerns we had about this Bill, but we're still a little confused about the firearm provisions being drafted adequately and that we now seem to think that the firearm provisions change the various titles but don't change the substantive language of the applicable paragraphs. And I...I'll defer to your expertise in those matters to make sure we have a Bill here that does what we think we all want it to do. You may want to take a look at that. And again, we do appreciate you working with our staff on what we thought were some weaknesses in the Amendment, and we're prepared to support you, but we still are a little shaky on whether or not the substantive language of this paragraph is what you really want it to be."

Homer: "The...let me just look at it very briefly here. I think that the...I think the Amendment does take care of that concern. The concern that you raised previously, Representative Black, was...had to do with page 10 of the Bill, and the subsection 2 had the language, but subsection 1 did not. You raised the question, which was a good one, why does it...why was it omitted from subsection 1, and the way I...the instructions to LRB was to make it consistent, and as I read their Amendment, I think they do that..."

Black: "Okay."

Homer: "They do it in a creative drafting way, but if you look on the Amendment, line 11 it says on page 10 lines 3, 5, 9 and 11, by inserting after 'school', wherever it appears, regardless of the time of day or the time of year, so that they change the drafting slightly to make it more artful, but I do believe that they took care of your concern."

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Black: "Okay, I...you know, as time grows late, I think I'm prepared to join you in passing this, and then if there are some problems and our staffer would like to talk to you, let's get it ironed out in the Senate."

Homer: "Does your staff think there is a problem still?"

Black: "I still think there is some minor problems with it, but let's send it over to the Senate, and I'm sure we can get it worked out."

Homer: "Alright. Thank you. I appreciate that."

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

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. We're going to go back to Senate Bill 930, Representative Currie's Bill. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 930, on the Order of Second Reading page 14, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Representative Currie and Johnson."

Speaker Giglio: "Representative Johnson."

Johnson: "Yes. Technical Amendment and I move for its adoption."

Speaker Giglio: "Any discussion? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it, the Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. Alright, going back to the Order of Third Reading, Children and Family Law, appears Senate

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Bill 1107, Representative Ropp. Is Representative Ropp in the chamber? Out of the record. Representative Giorgi. Representative Giorgi in the chamber? Out of the record. Alright, on the Order of Criminal Law, Second Reading. Representative McGuire on Senate Bill 11. I mean 116. Senate Bill 116. Out of the record. Representative DeJaegher. Senate Bill 151. Out of the record. Representative Burke. Representative Burke on 446. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 446, a Bill for an Act to amend the Illinois Controlled Substances Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "Representative Burke."

Burke: "Yes, Mr. Speaker. I wish to withdraw Floor Amendment #1."

Speaker Giglio: "Withdraw Amendment #1, Mr. Clerk. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Giglio: "Third Reading. Senate Bill 1111, Representative Shaw. Senate Bill 1111. Representative Shaw. Read the Bill, Mr. Clerk. 1111."

Clerk Leone: "Senate Bill 1111, a Bill for an Act to create the Alternative Sentencing Job Training Act. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Giglio: "Third Reading. Representative Hartke on Senate Bill 1147. Out of the record. Criminal Law, Third Reading. Senate Bill 263, Representative Petka. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 263, on the Order of Third Reading. Senate Bill 263, a Bill for an Act to amend the Criminal

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Code. Third Reading of the Bill."

Speaker Giglio: "Gentleman from Will, Representative Petka."

Petka: "Thank you, Mr. Speaker. With leave of the House, I would like to return this Bill to Second Reading for purposes of some Amendment."

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

Clerk O'Brien: "This Bill's been read a second time previously. Floor Amendment #2, offered by Representative Petka."

Petka: "Thank you, Mr. Speaker. Amendment #2 would change the title of the Bill and insert language which would permit a court to distribute certain statistical information concerning a person to be tested to the Illinois Department of Public Health. This is in response to a matter which has been publicized recently in the newspaper. I would move for its adoption."

Speaker Giglio: "Any discussion on the Gentleman's Motion? The Gentleman from Cook, Representative Levin."

Levin: "Will the Gentleman yield?"

Speaker Giglio: "Indicates he will."

Levin: "Can you tell this Body how much this Amendment would cost? Is there a projection from the Department on what this would cost?"

Petka: "Well, Representative, I don't believe that we're talking about a cost here. We're talking about gathering the statistical information which would be turned over to the Department of Public Health."

Levin: "So, you're just gathering statistical information here? Is this information that's already available?"

Petka: "This is not mandatory, so it wouldn't cost anything. It would simply require that information after a court order has been received be sent to the Department of Public



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Health."

Levin: "Somebody's got to collect this information. The Amendment says the judge shall, however, cause statistical information concerning the person tested, to be reported to the Illinois Department of Public Health. Statistical information about what? Their income, the house they live in, what kind of statistical information are we talking about here. This is very general."

Petka: "The information will be contained in a later Amendment, Representative."

Levin: "Alright; we'll wait."

Speaker Giglio: "Representative Petka."

Petka: "Excuse me, Sir. I didn't hear the question. I can't hear above the noise."

Speaker Giglio: "Representative Levin, were you asking Representative Petka a question? He says he didn't hear it."

Levin: "Yes. I was wondering what statistical information we were talking about, and he indicated this Amendment is not complete. I don't think we can support an Amendment that doesn't give us complete information. So I would urge a 'no' vote so we can find out what kind of statistical information we are talking about here. This is a blank check for any kind of statistical information on any subject at any cost. You know, and the cost of getting this information can run into the millions of dollars. We don't know what this is."

Speaker Giglio: "Was that a question? Is that a statement? Is there an answer?"

Petka: "Mr. Speaker, I cannot hear the Gentleman."

Speaker Giglio: "Representative Petka indicates he can't hear you. Further discussion? Representative Petka to close. Oh, I'm sorry. Representative Curran, do you want to

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make...Representative Curran."

Curran: "I just rise in strong support of Representative Petka's Amendment. All he wants to do is gather information on an extremely important topic, one that's important to all of us for an extremely small amount of money, and I think it's something we should have done a long time ago."

Speaker Giglio: "Representative Petka."

Petka: "Well, thank you very much, Mr. Speaker. The issue has been debated. I would simply move for adoption, and I would ask for a Roll Call vote."

Speaker Giglio: "All those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it. The Amendment is adopted. Further Amendments?"

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

Speaker Giglio: "Representative Petka."

Petka: "Well, thank you very much, Mr. Speaker. Amendment #3 in pertinent part provides that a court order may be sought from a circuit court for the production of patient records, from any physician, dentist, or other health care provider who has been diagnosed as having been infected with the HIV virus or other identified causative agent. Whenever this order has been obtained, it would permit the Department of Public Health to take the patients name, his address, and his telephone number from the records for the purpose of contacting and disclosing to that patient to inform that patient that he has been or may have been exposed to the HIV virus. It also permits the Department by rule to choose to obtain the names of only patients who may have had invasive procedures performed. That term invasive is described in the Amendment. The...also it permits the Department to delegate patient notification to local departments of public health. Upon the issuance of that

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order, the court shall impose certain safeguards against unauthorized disclosure. With that, I move for its adoption, Mr. Speaker."

Speaker Giglio: "Representative Homer."

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

Speaker Giglio: "Indicates he will."

Homer: "Representative Petka, I noticed you also have Amendment #4, which...let me ask you a question. What is your intention with respect to Amendment #4?"

Petka: "Well, it was...Amendment #3 was ruled out of order. We were going to go with #4, Representative."

Homer: "So, Amendments 3 and 4 are..."

Petka: "#2 is on the Bill now, Representative."

Homer: "Okay, but why...since the...our staff says the only difference with 4 and 3 is that 4 amends the Bill as amended, and since you just amended the Bill, why wouldn't you go with 4 instead of 3?"

Petka: "I believe that's a legitimate inquiry. Perhaps I can have a ruling from the Parliamentarian in connection with this? Representative..."

Homer: "Well, it seems to me...I don't know, I haven't...it seems to me you would want to withdraw 3 and we could move to 4 is what it would look like."

Petka: "Mr. Speaker, I'd like to withdraw Amendment #3 please."

Speaker Giglio: "Withdraw Amendment #3, Mr. Clerk. Further Amendments?"

Clerk O'Brien: "Floor Amendment #4, offered by Representative Petka."

Petka: "Thank you, Mr. Speaker. Amendment #4 is exactly as Amendment #3 that I had described earlier, and with that I would open up for questions, and I would also move for its adoption."

Speaker Giglio: "Any discussion on the Amendment? Representative

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Homer."

Homer: "Thank you. Again, will the Gentleman yield? Representative Petka, the Amendment that you have, was this in the form of a Bill that was introduced earlier or is this new matter?"

Petka: "It was not in the form of any Bill that I am aware of, Representative."

Homer: "The Bill talks about invasive procedures. What is that? Is that defined somewhere in the Bill?"

Petka: "It is an invasive procedure...is defined as what is invasive as described as for the Centers for Disease Control. They have a definition of that term."

Homer: "My information is that there is no definition of invasive in the procedures of the Centers for Disease Control. Do you have contrary information?"

Petka: "Representative, I believe that information is in error. I believe there is a definition which is contained that describes that procedure."

Speaker Giglio: "Representative Petka, are you waiting for an answer or what?"

Homer: "I was waiting for an answer. Do you know the answer to the question?"

Petka: "Representative, I have a copy of that definition in my hands. You're free to see it. It's from August 21st, 1987, report issued by the United States Department of Health and Human Services, Public Health Service, Atlanta Center for Disease Control, Atlanta, Georgia."

Homer: "Do they define invasive?"

Petka: "Yes. That is correct."

Homer: "How do they define it?"

Petka: "An invasive procedure is defined as a surgical entry into tissues, cavities or organs or repair of major traumatic injuries, one; in an operating or delivery room emergency

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department or outpatient setting, including both physicians and dentists' offices, two; cardiac catheterization and angiographic procedures, three; vaginal or cesarean delivery or other invasive obstetric procedure during which bleeding may occur, or four; the manipulation, cutting or removal of any oral or perioral tissues including tooth structure which bleeding occurs or the potential for bleeding exists."

Homer: "Representative Petka, your Amendment also would seem to allow the Department to obtain an order from the Circuit Court for the production of patient records from physicians, dentists, or other health care providers who have been diagnosed as having HIV virus. How would the Department know what providers have been diagnosed as having the virus? How would they have that information, or how would they come by that information?"

Petka: "This section would work only in those instances or cases where the individual infected has been reported to the Department."

Homer: "But how would the Department know what providers have been diagnosed as HIV positive?"

Petka: "On the form that an individual is filling out, Representative, there is a box which indicates that if the person that is filling out the form is one of the health care professionals, he must indicate that on the form."

Homer: "I didn't understand. We didn't hear that answer."

Petka: "When the person is diagnosed with AIDS, there is a report that is submitted to the Department. On that report, there is a box or a section in which the individual indicates that he is a health service or health care provider."

Homer: "What is there in the law that requires...how...again, I don't understand. The Department, before it could seek a court order, would have to have evidence of a diagnosis."

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How would it come by this evidence? They don't get reports now from hospitals or doctors about who's been diagnosed, so how would they know who was diagnosed as HIV positive?"

Petka: "Representative, they receive reports...the Department of Public Health with...from people who have been diagnosed with AIDS."

Homer: "They get, as I understand it, they do get diagnosed cases of AIDS, but exposure to the HIV virus or the presence of the virus prior to the diagnosis of AIDS, would not be available, would it?"

Petka: "That is correct under the current procedures, but that's not necessarily true that they would not change those procedures, Representative."

Homer: "Has the...has the Department of Public Health taken a position on the Amendment?"

Petka: "The...to the best of my knowledge, the most recent information I have, Representative, is that they have taken no position, but they are seeking guidance in connection with this issue."

Homer: "Has this language been submitted to the Department of Public Health?"

Petka: "The answer is 'yes'."

Homer: "And they have not given back any position at this time?"

Petka: "The only response that I am aware of that they have given is that the language is quote 'doable'."

Homer: "And the AMA or the Illinois State Medical Society, have they been provided with a copy of the Amendment?"

Petka: "Yes."

Homer: "And what position have they taken, either/or?"

Petka: "They have no expressed...they have not expressed a position on any of this. I might add, though that the dentists have signed off on this language."

Homer: "Alright. Mr. Speaker, to the Bill...to the Amendment."

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You know, it's clearly something that must be of concern to all of us, particularly in light of the case here in Springfield, with the dentist and the previous case in Florida, and the other cases where medical providers who have been diagnosed at some point of having AIDS have treated patients, and any right thinking person would be concerned about that. The problem is that as we give a willy-nilly consideration to these Bills, it makes it very difficult to know whether we're adopting good, sound public policy, and the reason is because these matters are very complex, and ought to be examined by the various experts and the parties who would be required to implement the legislation. I've seen it happen many times in my tenure here where some news event hits, we react, and then after we pass something we're told that we've made the situation worse, or that we didn't consider all of the ramifications of the problem. As I understand it, as we address this Bill, the AMA is meeting to discuss this and other AIDS related issues. I think it's a poor policy for us to take Amendments that were just conceived perhaps in the last 24 hours, and be expected to take a vote on the merits, because, as we do that, experience says that we make mistakes. These are the kind of proposals that ought to be considered, but they ought to be done so in a methodical and orderly way, and I would hope that at the very least, and this is probably the kind of Amendment that will pass, because I think many Members want to do something to protect patients of infected providers including me. But I'm concerned as we take that action because we may well be doing more harm to the problem than we are doing good, and I would just urge that we give these ideas an opportunity to be reviewed and to have comments and to make sure that the Bills that we pass are legal and protect the rights of

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all of the parties concerned. This is a Senate Bill if this Amendment is put on, the Bill goes to the Senate. It's my hope that if that happens that the Bill will go to conference and perhaps that will give us a chance to more fully consider the merits of this Amendment. So, although I have great reservation about whether we should be acting at this point in time on this Amendment, I think it's the kind of thing that's probably going to pass out of here, and in spite of anything that I or anyone else may say to the contrary. But I would urge that we slow down, put on the brakes, and make sure that we're doing something that addresses the problem in a legal, ethical and medically valid manner."

Speaker Giglio: "Representative Curran."

Curran: "Thank you, Mr. Speaker. I rise in support of Amendment #4, and I do so out of my respect for Representative Petka, and also considering my respect for Representative Homer. I do so because this Amendment is permissive. It does not obligate this Department to do anything for certain. The first word in the Amendment is the word 'may'. It says 'may' seek an order from a circuit clerk. It doesn't say you have to, but when we talk about protecting rights, let's keep in mind what's really being protected here. In Springfield, we have a physician who died of AIDS. Hundreds of people, I'm sure if not more than that were cared for by this dentist...I'm sorry, not a physician. Hundreds of people were cared for by this dentist. They do not have the right under current law to find out if they should be concerned about HIV virus. I think that is the group of people we ought to be concerned about protecting, not some rule that we have now which seems, in light of this current situation, to be foolish and counterproductive to the overwhelming public health. I think Representative



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Petka has been very calm and very patient and has crafted a very fine proposal. It is permissive, I don't think it should cost anything. I think we should all support this, and then I think we will be doing our job to protect the health and safety of the citizens of Illinois. Thank you."

Speaker Giglio: "Representative Hasara."

Hasara: "Thank you, Mr. Speaker. I rise in heavy support of Amendment #4. As you know, this issue in Illinois has all of a sudden come to the forefront and just because it's an issue for Central Illinois, at this point more than any other area of the state I would remind you that several weeks ago the Department of Public Health issued statistics that show that over 100 health care professionals have been diagnosed with AIDS in this state. We don't know where they are, but they very well could be in your district. So, while my district is being focused on as we speak, this is an issue that I feel is the most important surely the most sensitive issue with which we will deal during this legislative Session. The previous speaker certainly speaks correctly when he says it is complex. There are so many questions to be resolved about how we're going to handle this serious situation. Let me name a few of them. If in fact patients are going to be notified should health care workers be notified, in the case of their patients who have AIDS. What are we going to do with the health care workers who possibly will have a profession that is ruined if patients are in fact notified? Who is going to be liable and not liable in cases of law suits? Those are just a few of the very serious questions that are going to have to be addressed. But, let me tell you that this problem has been around now for ten years and we can no longer say because it's complex we're going to let it go beyond the June 30th deadline. It absolutely cannot because if it does

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there...it will be another year before we pass legislation and I happen to know of over a thousand patients who I know will want to be tested when they can be notified that their dentist has died of AIDS. I beg you if for no other reason, please, as a personal favor to me please vote 'yes' on this Amendment. At the very least send it to Conference Committee, so that we have another five days or so to address some of these important considerations. Whether we like it or not I feel that Illinois is soon going to be at the forefront of this issue not only because of the case in my district but of the cases that are probably out there in your districts as well. Our numbers are in my opinion staggering and extraordinarily high and we must address this problem. I have been working on this for several months and I feel that we are close to reaching some kind of an agreement certainly for the Dental Society to come across yesterday and say they are in total support of patient notification in the case of dentists, I think is a huge step forward and I certainly admire them for it. As you know, your constituents overwhelmingly support patient notification. So look at this issue. Yes, there are many unresolved questions, but in one case of health care worker...of a health care worker who has died there is no reason to make these patients wait another year to be able to find out what has happen to them so that they can be tested. My theory has been all along to try and reach a solution and a disclosure that is going to be the least painful to all involved. It will be painful, there is no question, but let's work to solve this before the end of Session in a way that the Department of Public Health can in a good manner notify these people and tell them where they can go to be tested. Please vote 'yes' on this Amendment, and I ask for a Roll Call vote."

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Speaker Giglio: "Representative Ronan.

Ronan: "Thank you, Mr. Speaker. I rise against this Amendment.

As both the previous speakers who spoke in favor of it made their position, clearly stated there are a lot of complex questions with this Amendment. Now is not the time for precipitous action. The Center for Disease Control at the national level is establishing cogent rational reasonable public policy that then we can adopt here in the State of Illinois. Of course, the situation that occurred is tragic but now is not the time for a knee-jerk reaction where we don't do a proper job as Members of the General Assembly. This is an ill-conceived poorly drafted Amendment. There's no reason to move forward with it at this time, and I urge my colleagues to vote against it. Let's wait till we have sufficient rational public policy that does not discriminate the...involving the thousands of health care professionals of this state who do an excellent job and are willing to move in the right direction. Let's not move too quickly and establish bad public policy that we're going to regret next year. We've done that in the past in the General Assembly, let's not make that same mistake today. I urge a 'no' vote."

Speaker Giglio: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker, just like the previous speaker I also oppose the Amendment for this reason. At this very time this national problem is receiving attention from among others the American Medical Association. These people are now debating the very item that we are and I would suggest to you, that they are better prepared to make some decisions that would guide us in making our decisions. This is not something that we immediately react to, it's something that we need to make some decisions and make those decisions in a deliberative manner. As an end

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result, I would suggest that this kind of reaction is not what we need to be doing, and for that reason I would stand in opposition to this Amendment."

Speaker Giglio: "Representative McCracken."

McCracken: "I rise in support of this Amendment, and I think it's clear beyond a shadow of a doubt the health professionals in our country have let us down. The news from Chicago and the convention yesterday was about homosexuals picketing saying that there should be no disclosure of these people. When are we going to start balancing life against what is claimed to be a Civil Rights issue. This is not a civil rights issue. This is not worrying about someones practice. This is life and death. How many people have to die before the AMA will take a stand? Now yesterday the dentists did the right thing and came forward in support of this. We can no longer defer to those who ask us to wait. It's been a ten year problem in the making, people are dying everyday. They are as close to us as Representative Hasara's district minutes away from here. The health professionals have failed us, I say we defer to them no longer."

Speaker Giglio: "Representative Petka, to close."

Petka: "Well, thank you very much, Mr. Speaker. The issue certainly has been fully debated, and I just reiterate the remarks of the last speaker. I think that the point has come that we take appropriate action, and please understand that we're talking about the department setting up a procedure, a rule making authority to do what really needs to be done and is supported by the overwhelming number of people in the State of Illinois. Those of you going out to your constituents are going to have a awful hard time explaining why we should continue to hold back and not disclose to them that they have perhaps been infected with

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the HIV virus, because they're dealing with a service care provider who was infected. I think the time has come, next year may be too late. Let's save some lives this year and let's get on by adopting this Amendment. So once again I move for its adoption and a Roll Call vote."

Speaker Giglio: "The question is, 'Shall the Amendment be adopted?'" All those in favor say 'aye', 'no'. Representative Hasara asks for a Roll Call. Representative Hasara requested a Roll Call vote. All those...you don't want to take this out of the record do you? All those in favor will vote 'aye'. All those opposed will vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question there's 76 voting 'yes', 28 voting 'no' and the Amendment's...Representative Santiago votes 'present'. On this question there is 75 voting 'yes', 28 voting 'no' and the Amendment's adopted. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Representative Kubik in the Chair."

Speaker Kubik: "If I could have your attention please, briefly. If I could have your attention, briefly, I'd like to introduce and welcome some people from Brookfield Zoo. They are the ones who took care of the young people in Room 400 today, and taught them a little bit about the environment, about animal life and about nature and as you know we've declared today Zoo Day. Now there would be many that argue that it's Zoo Day every day in the Legislature, but today we have decided to call it Zoo Day and Mr. Clerk we have a Resolution. Could we please read the Resolution."

Clerk O'Brien: "House Resolution 766, offered by Representative Kubik."

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WHEREAS, The mission of the Chicago Zoological Society and Brookfield Zoo is to enhance appreciation of the earth's biological heritage by providing for the recreation and education of people, the conservation of wildlife, and the discovery of biological knowledge; and

WHEREAS, For more than 50 years, Brookfield Zoo has served the citizens of Illinois, helping us to better understand our natural world; and

WHEREAS, Brookfield Zoo is recognized as a world-wide leader in animal conservation and for its support of research into the continuing preservation of the animal kingdom; and

WHEREAS, June 1-30 is National Zoo month, a celebration designed to focus public attention on the role of zoos in wildlife education and conservation; and

WHEREAS, Brookfield Zoo celebrates Zoo Day at the Illinois State Capitol on Tuesday, June 25, 1991; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Governor to declare Tuesday, June 25, 1991, Brookfield Zoo Day; and be it further

RESOLVED, That a suitable copy of this preamble and resolution be presented to Governor Edgar, the Director of the Department of Conservation, the President of the Chicago Zoological Society and the Director of Brookfield Zoo."

Speaker Kubik: "Mr. Clerk, I would move that the Resolution be adopted. All those in favor say 'aye', opposed say 'no'. The Resolution is adopted. And, I'd like to thank the members of the Brookfield Zoo...'Dolson' Program and of course, B.Z. Bear, who is up front there. B. Z. Bear, who entertained many of your sons and daughters today. If I

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could introduce just briefly, Jean Lindsner, who is the Manager of the 'Dolson' Program at the Brookfield Zoo for a couple of words that...Jean."

Jean Lindsner: "Thank you very much and good afternoon. It was a pleasure working with your children this afternoon and this morning, learning about rain forests and deserts. The 'Dolsons' are volunteer educators at Brookfield Zoo, who are trained to work with the public and conservation messages. So, hope that you all will come to visit us and enjoy the time that you spend with the 'Dolsons' at the Brookfield Zoo, sometime in the near future. Thanks very much."

Kubik: "Thank you for your attention. As Jean says, you're always welcome at Brookfield Zoo and thank you all."

Speaker Giglio: "We're going to return one Bill from Third on the Consent Calendar. Representative John Dunn, on Senate Bill 175, for the purpose of an Amendment. The Gentleman moves that Senate Bill 175 be brought back to the Order of Second Reading for the purpose of an Amendment. The Gentleman asks leave to take Senate Bill 175 back to the Order of Second Reading. Does the Gentleman have leave? Hearing none, leave is granted. The Bill's on the Order of Second Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "This Bill's been read a second time previously. Floor Amendment #1, offered by Representative John Dunn."

Speaker Giglio: "Representative Dunn."

Dunn: "Thank you, Mr. Speaker. Senate Amendment or House Amendment #1 is technical and it corrects what was actually an error in Enrolling and Engrossing. I ask for adoption of Amendment #1."

Speaker Giglio: "Any discussion on Amendment #1? Hearing none, all those in favor of the Amendment say 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and

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the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Dunn."

Speaker Giglio: "Representative Dunn."

Dunn: "I ask leave to...as Chief Sponsor of Amendment #2, I ask leave to withdraw Amendment #2."

Speaker Giglio: "Withdraw Amendment #2, Mr. Clerk. Are there further Amendments?"

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

Speaker Giglio: "Representative Dunn."

Dunn: "Thank you, Mr. Speaker. Floor Amendment #3 again makes technical changes. I ask for adoption of Amendment #3."

Speaker Giglio: "Any discussion on Amendment #3? Hearing none, all those in favor of the Amendment say 'aye', opposed 'no'. In the opinion of the Chair the 'ayes' have it, the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Return the Bill back to the Order. Under Criminal Law, Third Reading, appears Senate Bill 264, Representative J. Hoffman. Do you wish to have this Bill called? Mr. Clerk, read the Bill. Senate Bill 264."

Clerk O'Brien: "Senate Bill 264, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Giglio: "The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Mr. Speaker, Ladies and Gentleman of the House. This Bill provides that the proof of possession of property recently stolen, unless reasonably explained, may give rise to an inference that the person knew or circumstances induced him to believe the property had been stolen. It also provides that proof of purchase or sale of stolen



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property at a price substantially below the fair market value, unless reasonably explained, may give rise to an inference that the person buying or selling the property knew of the circumstances that originally induced the person to believe that the property was stolen. This is for the purposes to essentially codify. People versus Stock, which is an Illinois Supreme Court Case. It also would give prosecutors a tool in the State of Illinois, to be used when we're talking about the problem with burden of proof for obtaining control for a person committing theft, when they have control wrongly over stolen property. I believe that this is a good Bill, a good piece of legislation, a tool for prosecutors and I urge your 'aye' vote."

Speaker Giglio: "Any discussion? Representative Wennlund."

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

Hoffman: "Yes."

Wennlund: "What the Amendment...Amendment #1 was adopted?"

Hoffman: "Yes."

Wennlund: "With Amendment #1, it deletes the provisions of this Bill. It says unless it's satisfactorily explained, in other words, the proof of purchase of possession of property recently stolen, unless it's satisfactorily explained, gives rise to an inference. Now why was the...so a guy's possessing property, he may not know is stolen, he may have bought the wrist watch from somebody, and he can explain in fact he bought it from the pawn shop. Now you're taking that out and what does that do?"

Hoffman: "It was insert...what was reinserted is reasonably explained. That's the wording from the case of People versus Stock, which is the Supreme Court decision in Illinois. It's a reasonable explanation instead of satisfactorily explained."

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Wennlund: "I see. Thank you very much. Thank you."

Hoffman: "Same thing, it means the same thing. Just codifying the court language."

Speaker Giglio: "The question is, 'Shall Senate Bill 264 pass?' All those in favor vote 'aye', opposed 'no'. The voting is open. This is final action. Have all voted who wish? Take the record Mr. Clerk. On this question there are 115 voting 'yes', none voting 'no', and Senate Bill 264 having received the required Constitutional Majority, is hereby declared passed. Senate Bill 278, Representative Regan. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 278, a Bill for an Act to create the Open Parole Hearing Act. Third Reading of the Bill."

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

Regan: "Thank you, Mr. Speaker and Members, of the House. Senate Bill 278 addresses the Open Parole Hearings Act. It allows victims of violent crimes to present evidence at parole hearings, requires that victims be given notice of future parole hearings and also protects them. Their victim impact statement may be disclosed to the parole applicant, but only if the disclosures would not promote violence on behalf of the witnesses of the victims. It allows...it requires that the victim impact statement not be reviewed by the parole applicant when it will create a risk of threats or physical harm to the victim or witnesses on the victim's behalf and I'd vote for...and I'd ask for its adoption."

Speaker Giglio: "Any discussion? Hearing none. All those in favor signify by voting 'aye', 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? Mr. Clerk...Representative Mulcahey, 'aye'. On this question...take the record, Mr. Clerk. On this question

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there are 103 voting 'aye', 2 voting 'no' and Senate Bill 278 having received the required Constitutional Majority, is hereby declared passed. Representative Currie, 468. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 468, a Bill for an Act in relation to a Sentencing and Juvenile Dispositional Review Task Force. Third Reading of the Bill."

Speaker Giglio: "Representative Currie."

Currie: "May I have leave, Mr. Speaker, to bring this Bill back to Second Reading for purposes of an Amendment?"

Speaker Giglio: "Does the Lady have leave? Hearing none, leave is granted. Bring the Bill back to the Order of Second Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "Floor Amendment #2, offered by Representative Currie."

Speaker Giglio: "Representative Currie."

Currie: "Thank you, Mr. Speaker and Members of the House. In Judiciary Committee we amended the Bill to clarify that the sentencing review task force would work within the Department of Corrections. It was...some viewed the Amendment as not being quite as clear on that point as the Amendment might have been, so this Amendment clarifies the intent of the original Amendment, to house the task force within the State Department of Corrections. So, I'd be happy to answer questions and would appreciate your support for the adoption of the Amendment."

Speaker Giglio: "Any discussion? Representative Wennlund."

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

Speaker Giglio: "She indicates she will."

Wennlund: "How does the Department of Corrections feel about this?"

Currie: "I think that they are fine with this. They were fine with the original Amendment and as I say, I think that was

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the intent of the original Amendment. This just clarifies what we intended to do by the Amendment that was adopted in House Judiciary II's Committee."

Wennlund: "Is this going to cost the Department of Corrections any money?"

Currie: "I don't believe so."

Wennlund: "Is it going to...does this create another layer of bureaucracy in the Department?"

Currie: "No, it doesn't. The point of the Bill is to create a task force composed of specified people that would look at the sentencing structure in Illinois, with particular emphasis on the possibility of discriminatory sentencing. The juvenile..."

Wennlund: "I'm sorry, I can't hear, I'm sorry. Mr. Speaker."

Currie: "The underlying Bill creates a task force to address the question of sentencing structures in the State of Illinois, with particular emphasis on discriminatory sentencing. The juvenile groups are of the view that they are under a federal mandate, in fact, to accomplish that review and that's all that this Bill is about."

Wennlund: "Thank you very much."

Speaker Giglio: "Further discussion? All those in favor of the Amendment say 'aye', opposed 'no'. In the opinion, of the Chair the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. Representative Curran on 588. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 588, a Bill for an Act to amend the Illinois Controlled Substances Act. Third Reading of the Bill."

Speaker Giglio: "Representative Curran."

Curran: "Okay, thank you, Mr. Speaker. What Senate Bill 588 does

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is it amends the Controlled Substances Act and it requires prescribers to obtain separate registration for each principal place of business for professional practice, where the applicant dispenses or administers controlled substances. Then there was an Amendment that I added on behalf of the State Medical Society which simply allowed doctors not to have to go through a lot of extra rigamarole in several different cases. For example, if a doctor dispensed or prescribed controlled substances, in several different hospitals, you would just have to have the license in his own place of business. I don't think that there is any opposition. I don't think there's been any votes cast against this Bill. I'll be glad to answer any questions and ask for a favorable Roll Call."

Speaker Giglio: "Any discussion? Representative Wennlund."

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

Speaker Giglio: "He indicates he will."

Wennlund: "Was...Amendment #1 was put on at the request of the Illinois State Medical Society?"

Curran: "House Amendment #1 would have been put on at the request of the Illinois State Medical Society."

Wennlund: "And does this Bill require if you had four offices, you'd have to register each office?"

Curran: "With the Amendment...it is my understanding that if...the principal location of the doctor's business, that location would have to be licensed and then the others would not."

Wennlund: "Thank you very much."

Speaker Giglio: "The question is, 'Shall Senate Bill 588 pass?' All those in favor vote 'aye', 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? Take the record, Mr. Clerk. On this question there are 111

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voting 'yes', none voting 'no' and Senate Bill 588, having received the required Constitutional Majority, is hereby declared passed. Representative Trotter, 'aye'. Representative Munizzi on Senate Bill 781."

Clerk O'Brien: "Senate Bill 781, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

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

Munizzi: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 781 increases the penalty which prohibits the Secretary of State from issuing a new drivers license or permit for violation of the Cannabis Control Act or the Illinois Control Substances Act, while operating a motor vehicle. There are other restrictions on it that would make repeat offenders a five year limit on their new license or permit. It also will suspend and revoke the license or permit of a person found guilty of a illegal possession of the substances as defined in the Cannabis Control Act. This is one of the first preventive measures that we can take with regard to DUI laws and drunk driving laws or intoxicated laws. I don't think we need to wait until somebody dies or gets maimed or disfigured because of this type of accident. President Bush has signed into law that the Federal Highway Administration, can withhold 5 to 10% of federal highway funds unless the states revoke or suspend licenses for those drug violations that not necessarily need to involve a motor vehicle. But he also indicated that he will reward states with federal funds for such programs. I think that this is our way of demanding respect for the driver's licenses and the driver's license holders in our state. Let driving be a privilege and not a right and that we need to do something to curtail the problems that we're having here in the State of Illinois. I ask for your favorable vote."

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Speaker Satterthwaite: "Representative Satterthwaite in the Chair. Is there anyone seeking recognition? Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. Will the Sponsor yield? You mentioned in the...in your debate on the issue that it will have an effect on DUI laws in Illinois. What does this do for DUI?"

Munizzi: "It puts it in compliance with the DUI laws, making the drug abuse violations comparable."

Wennlund: "Oh, so, this Bill doesn't have anything to do with driving under the influence of alcohol?"

Munizzi: "No."

Wennlund: "It only deals with driving under the influence of drugs?"

Munizzi: "Yes."

Wennlund: "Or does it go beyond that and deal with possession?"

Munizzi: "It deals with possession also, that based on the conviction of one that is convicted of possession of illegal drugs based on the Cannabis Control Act and the Illinois Controlled Substances Act that they too would have their license suspended for a year."

Wennlund: "Does that have to be possession of a controlled substance within the vehicle or does it apply if you're charged with or convicted of possession of a controlled substance at your home?"

Munizzi: "I believe that it is possession of a controlled substance, wherever."

Wennlund: "Anywhere? So, if a person is convicted of possessing a controlled substance, a tenth of a gram of marijuana, he then gets his...even though he may have that possession at his home, he's going to lose his drivers license?"

Munizzi: "Yes."

Wennlund: "Can you tell me why the Illinois State Bar Association

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is opposed to this Bill?"

Munizzi: "No, I can't, but I can tell you that DASA and the various other law enforcement agencies are in favor of the Bill."

Wennlund: "Well, is it perhaps one of the reasons that they are opposed to the Bill is because the mere possession of a controlled substance has no relationship to persons driving a vehicle or whether or not they are impaired to drive a vehicle, merely because they possess this controlled substance. Is that correct?"

Munizzi: "It's a conviction of possession of a controlled substance. I don't think that it's as simple or miniscule as you make it seem. Possession is a portion of this particular Bill. There is a provision for being under the influence of drugs also."

Wennlund: "Thank you. To the Bill. Ladies and Gentlemen, of the House. You ought to take a serious look at this Bill because what it does is it says that if a person is convicted of possession of a gram of marijuana on a street corner or in his home or at the corner tavern or anywhere, he'll lose his drivers license, which has no relationship to his ability to drive. The mere possession, the mere possession of the slightest amount of a controlled substance like marijuana will cause a suspension of his drivers license and that's a pretty dangerous precedent to set. But take a look at it and if you have some problems with it, you ought to be careful on your vote."

Speaker Satterthwaite: "Representative Dunn."

Dunn: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I too rise in opposition to this legislation. There are some very serious concerns about this Bill. It is easy and we all want to create a record that says we are tough on criminals. We have our jails and prisons bursting



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at the present time. What this legislation says as the previous speaker has just indicated, is that it connects unrelated offenses. It connects possession of certain controlled substances with loss of the privilege of driving. In most, if not in all of our criminal statutes at the present time, first offenders, even those convicted of felonies, receive probation on the first offense and if the probation officer says to the person convicted, 'do you have a job,' the person says 'yes', the probation officer says, 'you better get in your car and drive to work'. The purpose is to keep people off the streets, to keep them in places of employment, and especially in these times when it's tough to get and hold a job. One aspect of this legislation which could be removed by Amendment in Conference Committee as the previous speaker has indicated, will result in the loss of driving privileges for possession unrelated to driving. Possession in home, possession anywhere, and furthermore, if I read this Bill correctly, it also relates to possession by juveniles and they lose their driving privileges. Juveniles are the people who need to be kept, off the streets, to be kept busy. If they have a chance to flip burgers, they should be able to work for minimum wage, get in a car, drive to flip those burgers, even if they are on supervision or probation or parole. The important thing is to keep them busy and activated. If you take away their drivers license they have only two options, stay at home or walk the streets and if they walk the streets, we all know they've placed themselves in a bad environment, they have already probably exercised poor judgement among their peers. It's almost sending them to a certain conviction process which will wind up with them as an inhabitant in a penitentiary at our expense. This is well intended legislation. The

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Sponsor is trying to address problems in her area and many other parts of the State of Illinois. The problem can be articulated and solved differently. I would urge the Members to defeat this legislation in its present form, and participate and help in the solution of the problems the Sponsor has and to avoid throwing babies out with the bath water and to encourage our youngsters to go to work, stay off the streets, stay in school, do what's right and not send bad signals to them. This is a bad Bill in its present form and should be soundly defeated."

Speaker Satterthwaite: "Representative Ackerman."

Ackerman: "Thank you Madam Speaker. I rise on a point of personal privilege. We have a young lady in the gallery with us today that I would like to introduce. Miss Lida Bickner from Snyder Village in Metamora, and she'll be celebrating her 100th birthday next month. Let's give her a round of applause."

Speaker Satterthwaite: "Congratulations and happy birthday. Representative Williams."

Williams: "Yes. I too rise in opposition to this Bill. Senate Bill 781 sets about on a new path which we're already been down before, which the courts have already ruled against, which in spite of your dislike of drugs, or your dislike of anything else, this sends a signal. It says that we are about, in an attempt to stop something, evade the entire area of law that says you must have some connection to the particular remedy or the particular sort of penalty the crime being connected. This says that if you get stopped anywhere or any how, you end up losing your license for something thathad nothing to do with you driving. That's just wrong. If any of you have any children that might be involved, whether you like it or not, it is not fair to say that they lose their jobs, to say that they

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lose their credibility, to say that they lose because they don't have a license they can't go to work. This is a bad concept and a bad Bill. I urge you to at least stand up for the Constitution. If you don't want to do anything else, stand up for the Constitution. This has been argued in court and won time and again where you cannot have a penalty that is not connected to the crime that was committed and that's what this does. I urge a 'no' vote."

Speaker Satterthwaite: "Representative Matijevich."

Matijevich: "Madam Speaker, will the Lady yield to a question?"

Speaker Satterthwaite: "She indicates she will."

Matijevich: "Pam, I was going to vote for this and then I've been listening to the discussion on the floor. Let's take this hypothetical. Let's say one of our daughters or sons is driving a motor vehicle and as very often happens they have their friends in the vehicle too, and unbeknownst to the daughter or son, somebody sitting on the passenger side opens up the glove compartment and puts marijuana in that glove compartment and a month later, the son or daughter has an offense and a search is made of the vehicle and in that vehicle they find the marijuana and that's illegal possession. That son or daughter, by this Bill, could be found...taking away their driving privilege, even though they were not aware of that possession. Isn't that right?"

Munizzi: "The person that is tried and convicted of the possession, would be the one that loses his license. And I tend to think that you would not want to hang out with somebody who is going to set you up and put drugs in your glove compartment when you're unaware."

Matijevich: "But, Pam, what hap...what very often happens, even if somebody is guilty of the possession, they always say to the arresting officer, I didn't know it was there. In this instance, the person really didn't know it was there and

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that's really the problem I have, because here's a person who truthfully didn't know it was there, could be found guilty of illegal possession, even though they weren't, and then take their driving privileges away. That creates a real problem for me."

Munizzi: "But, that would be up to the judge to determine whether someone is guilty of possession or not. It's up to the courts."

Matijevich: I am aware of that too. But, I think that party who was driving that vehicle, and that marijuana may be in his glove compartment unbeknownst to him, really could be a victim of circumstances and I have a real problem with that."

Speaker Satterthwaite: "Representative Lang."

Lang: "Thank you, Madam Speaker, Ladies and Gentleman. I can't say it much better than the last few speakers have said it. Firstly, this Bill is unconstitutional. It doesn't make sense and it's just plain wrong public policy to apply a drivers...the privilege of driving to these kinds of criminal activities. Penalties are supposed to fit the crime that you are penalizing. It simply does not make any sense to say if you are convicted of a crime that is not driving related, to take away somebody's drivers license. Why don't we say that if you're convicted of one of these crimes you can't buy a new pair of shoes for two years or you can't have any other privileges. What is the point of relating driving to these crimes? We have gone down this road as Paul Williams has said, several times. We've had a proliferation of Bills over the last two or three years. Each one of them trying to punish people with their drivers license, for crimes that have nothing to do with driving an automobile. It's bad public policy not to have the punishment to fit the crime, not to have the penalty fit

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the crime. It's bad public policy. It's unconstitutional and it's besides all that, it's unfair to the people you're punishing with these rules and regulations. They truly make no sense. We need to have public policy and laws on the books to enforce where there's a relation between the act and the punishment and I would urge you very strongly to vote 'no' on this Bill."

Speaker Satterthwaite: "Representative Laurino."

Laurino: "Madam Speaker, I move the previous question."

Speaker Satterthwaite: "You've heard the Gentleman's Motion. All in favor say 'aye', opposed 'nay'. The 'ayes' have it and the previous question is put. Representative Munizzi to close."

Munizzi: "Thank you, Madam Speaker. In closing, Ladies and Gentleman, I'd just like to state that this is based on conviction, not mere possession, but mere conviction by a court of law. Driving is a privilege and not a right. The statutes don't say that you must drive when you are sixteen years old, they say you shall be allowed to drive when you're sixteen years old. While many of you may think this is unconstitutional, I tend to leave it up to the judge, the same judges that are going to determine whether someone is guilty of possession of the crime. We cannot reward people who have no respect for being able to drive with all their faculties about them. Those under the influence of drugs, or that are known users of drugs, do not deserve to be behind the wheel of a vehicle. Why do we have to wait until someone dies, then everybody gets all up in arms and worried, oh, my goodness, someone died in a drunk driving accident. Many of you know people who were killed because of a drunk driver or a driver that was under the influence of drugs. We need to put an end to that type of accidents that are...those type of accidents that are happening in

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our state. I ask for your favorable Roll Call on this Bill that is controversial. Yes, I agree, but it is something that we need to do to demand respect of the privilege of driving that we allow people in this state. I ask for a favorable Roll Call."

Speaker Satterthwaite: "The question is, 'Shall Senate Bill 781 pass?' All in favor vote 'aye', opposed vote 'no'. 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 48 voting 'yes', 52 voting 'no', 10 voting 'present'. The Bill having failed to receive a Constitutional Majority, hereby is declared lost. Representative Munizzi on Senate Bill 999. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 999, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Munizzi."

Munizzi: "Madam Speaker, I ask leave of the Body to take this back to the Second Reading for the purpose of two Amendments. Two brilliant Amendments."

Speaker Satterthwaite: "The Lady asks leave to bring the Bill back to Second Reading for purposes of an Amendment. Is there any objection. Hearing none. The Bill is returned to Second Reading. Mr. Clerk, read the Bill."

Clerk O'Brien: "Floor...the Bill's been read a second time previously. Amendment #1, offered by Representative Munizzi."

Munizzi: "Thank you, Madam Speaker. Senate Bill 999...all these people, I hope they are off for the Fourth of July for the fireworks...Senate Bill 999 in it's original form amends the Code of Criminal Procedure to permit the court upon motion of a victim or its own motion, to order a defendant charged with certain sex offenses to undergo HIV testing."

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Amendment #1 clarifies the language to state that this can happen after finding at a preliminary hearing that if probable cause to believe that an accused has committed a violation of this code or after an indictment is returned, charging an accused with a violation of the Code at the request of the person who is the victim in violation of this section, that the prosecuting State's Attorney can seek an order from the court to compel the accused to be tested for the HIV infection. I move for the passage of this Amendment."

Speaker Satterthwaite: "Is there anyone seeking to discuss the Amendment? Seeing no one...Representative Stern."

Stern: "Madam Speaker, will the Lady yield to a question?"

Speaker Satterthwaite: "She indicates she will."

Stern: "How does this differ from the Bill we heard in Committee, Representative? This sounds the same."

Munizzi: "It wasn't specific on the language of being after an indictment. We had to change it to state after an indictment of the person. The initial Bill just said that a person charged with just certain sex offenses and this clarifies the language with regards to an indictment or probable cause."

Stern: "Or probable cause, but there is...is a difference is there not between having been indicted and having had probable cause shown?"

Munizzi: "Yes."

Stern: "I just would urge that you all consider the possibility that if we are going to make this kind of thing constitutional we should wait until the charged individual has been convicted. I think to require this kind of testing prior to conviction somehow falls short of the letter and spirit of 'innocent until proven guilty'. I think a 'no' vote is an appropriate vote here."

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Speaker Satterthwaite: "Representative Munizzi to close. Excuse me, Representative Lang."

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

Speaker Satterthwaite: "She indicates she will."

Lang: "Pam, why does this Bill relate to people who are charged rather than the people who are convicted?"

Munizzi: "Because I think that the victims in this case need to know if they have been infected with the HIV case. We lose sight of the victims not only being taken through the torment of the actual incidents that has happened to them and this is after they are formally charged with a case either by indictment or probable cause of the court, that they need to be tested. They need to know."

Lang: "What risk is there to the person who may have been abused by this person who is charged, if you just wait a little while until we determine whether that person is convicted?"

Munizzi: "Wait a little while?"

Lang: "What is the risk of waiting until the person is convicted?"

Munizzi: "I think that, as one who would be a victim of a crime, I would want to know immediately. I want...I think that in a case like this...currently they can take blood samples. This would require the HIV testing to determine whether or not you have been infected with the HIV virus and this implies notification of it. And I personally think that you would want to know as soon as possible if you've been double victimize."

Lang: "Thank you, Madam Speaker. To the Amendment. I think it's well intentioned and I think the Sponsor is attempting to address a serious problem, but I think this leaves us open to some very severe constitutional questions. There's a due process problem here. There's a constitutional problem here and I definitely agree with Representative Stern, I



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think we're opening up a serious situation when we say someone who's charged, who may be innocent of a crime, is going to be subjected to medical testing against his or her will. I think it's inappropriate. I think it's wrong and I think it's unconstitutional and I would very strongly urge a 'no' votes."

Speaker Satterthwaite: "Representative Petka."

Petka: "Thank you very much, Madam Speaker and Members of the House. I rise in support of this Amendment. First of all there has been statements made about the Amendment possibly being unconstitutional. Under current Illinois law and discovery rules, the state prior to the trial of this case, but after preliminary hearing and after indictment, just like the language of this Amendment, can ask for a court order to take the blood of a defendant in a case and that is set up by Supreme Court Rule. Now all this Amendment will do, will be permit the...after the blood is tested, if there is a finding that is infected with the virus, it will simply permit disclosure of that finding to the accused. We're not talking about anything which is unconstitutional. For God's sake, this came from the Supreme Court. I urge adoption."

Speaker Satterthwaite: "Representative Pullen."

Pullen: "Thank you, Madam Speaker. I too rise in support of the Lady's Amendment which simply provides clarification of a very excellent underlying Bill. It deals with the rights of rape victims. I think this is a very important issue and it is drawn in such a way that certainly it is constitutional, certainly it respects the rights of the accused as well as the rights of the victim. In fact, for a change, the rights of the victim will be protected if this Bill passes. The accused is protected and this is not mandatory testing. This gives the victim the right to seek

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a court order through the State's Attorney. The only thing mandatory about it is that if the victim requests the State's Attorney to seek a court order, he has to seek it, so the defendant has every opportunity to present evidence in court why he should not be tested. If this were mandatory, that might be a problem, but the Lady has drawn the Bill in such a way that there is no question that the rights are balanced and it's about time. I urge adoption of the Lady's Amendment and ultimately the Bill and Mr. Speaker...Madam Speaker, excuse me, I request a Roll Call on this Amendment."

Speaker Satterthwaite: "Representative McCracken."

McCracken: "I rise in support of the Amendment as well. I don't think it's correct to analogize or to treat this required blood testing as punishment, with all of its attendant rights on behalf of the defendant which may accrue. This is not to punish the defendant, this is to determine whether there is a public health problem. The reason the Bill waits until after indictment or preliminary hearing in a finding of probable cause, is to give the defendant even greater protection than he would have if this were merely a public health issue. So this is wrong to think of this as punishment, it is a public health issue. It is available to the court and for the protection of the witness only after a finding of probable cause made either by a Grand Jury or by a presiding Judge. This has no constitutional infirmity, it is a public health issue. We wait until after probable cause is established. It is done for the benefit and protection of the alleged victim, period, it is not punishment."

Speaker Satterthwaite: "Representative Santiago."

Santiago: "Thank you, Madam Speaker. I rise in support of this Amendment. I've heard a couple of speakers mention the

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constitutional rights, well what about the constitutional rights of the victims. The victims have constitutional rights and what this Amendment does is, it just protects the public. That's all it does, it protects the public. And it protects their constitutional rights and we should stand for the rights of the victims. Thank you very much."

Speaker Satterthwaite: "Representative Davis."

Davis: "Thank you, Madam Speaker, Ladies and Gentleman. I just think that the intent is certainly extremely noble and we do want to concern ourselves with the right of any victim, however, this legislation says that an innocent person can become a victim because someone has falsely accused them. For example, if I want to know if someone has the AIDS virus, I could just go and point out Reverend Rice and say Reverend Rice has attacked me and they could grab him and test him even though he hasn't ever seen me. You know what I mean. So they can test him and when I go to court I could be proven to be the biggest liar, making up the largest stories on an innocent gentleman like Reverend Rice, but here he has been victimized by coming into court and being tested for HIV and even if he were the guilty party, it certainly would not, let's shall we say, eliminate this disease or whatever, from having been transferred to the proposed victim. But I think because we live in a democracy, because we live in a democracy, as Grace Stern pointed out, you're innocent until proven guilty and because one accuses you, you do not become treated as if you were guilty already, and I urge a 'no' vote and quickly."

Speaker Saterthwaite: "Representative Weller."

Weller: "Thank you, Madam Speaker. I rise in support of Representative Munizzi's Amendment. You know if we took time to read the papers this morning, we may have noticed

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that a Chicago police officer was bitten by a demonstrator outside the AMA convention. I certainly feel that that police officer deserves the right to know whether or not that person who bit him has AIDS. That's why this Amendment is important and I believe that's why it deserves to be adopted and passed into law. I urge an 'aye' vote."

Speaker Satterthwaite: "Representative Munizzi to close."

Munizzi: "Thank you Madam Speaker and Ladies and Gentlemen. I ask for your favorable supporting vote on this Amendment. This isn't just random testing that you can point a finger at somebody. This...the Senate Bill is amended. It mandates the HIV testing to a defendant charged with criminal sexual assault or aggravated criminal sexual assault and warrants that this be done. I ask you for your support in this Amendment."

Speaker Satterthwaite: "The question is, 'Shall Senate Bill 999 pass?' All in favor vote 'aye', opposed...excuse me, excuse me. The question is, 'Shall Amendment #1 on Senate Bill 999, be adopted?' All in favor say 'aye', opposed 'no'. In the opinion of the Chair we will...in the opinion of the Chair, we will have a Roll Call. All in favor vote 'aye', opposed vote 'no'. Have all voted who wish? Have all voted who wish? Mr. Clerk take the record. On this question...on this question there are 97 voting 'yes', 16 voting 'no', 1 voting 'present' and the Amendment is adopted. Any Further Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representative Pullen, Munizzi and Petka."

Speaker Satterthwaite: "Representative Pullen."

Pullen: "Thank you, Madam Speaker. First I would like to thank the Lady sponsoring the Bill for cooperating in the presentation of this Amendment and for cosponsoring the Amendment with me. This Amendment would provide for the

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testing for HIV of persons who have been investigated and found indicated in the sexual abuse of a child and I urge it's adoption."

Speaker Satterthwaite: "Representative Homer."

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

Speaker Satterthwaite: "She indicates she will."

Homer: "In your Amendment, Representative Pullen, you refer to when the Department, which is the Department of Children and Family Services or what Department is that?"

Pullen: "It is the Department of Children and Family Services. That's who deals with child sexual abuse."

Homer: "And it talks about, 'on the basis of an indicated report', what is an 'indicated report'?"

Pullen: "An 'indicated report' is the Department's determination after thorough investigation that sexual abuse of a child has taken place and that the party named in the 'indicated report' is the perpetrator."

Homer: "Where did you get that definition?"

Pullen: "That's the way the Department functions and the term used by the Department to formalize it's findings."

Homer: "Well, if you look at the statutes that precede your added section, their reference to reports are reports of suspected child abuse or neglect and there's a process by which those suspected...those reports of suspected child abuse or neglect are to be filed with a central registry. Now is that the indicated reports to which you refer?"

Pullen: "Representative, that is the term used in the statute, but it is...but the term 'indicated report' is the term used by the Department when a case has been fully investigated and found to be a case of child sexual abuse and the person indicated in the report is determined by thorough investigation to be the perpetrator."

Homer: "Has there been an adjudication in any court that that

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person is the perpetrator of sexual abuse of the child?"

Pullen: "As I'm sure..."

Speaker Satterthwaite: "Representative Pullen."

Pullen: "Thank you. As I'm sure you realize, Representative, the child abuse statute is a statute by which such cases are investigated without the involvement of the court at this stage and that is why this Amendment is phrased in terms of seeking the cooperation of the perpetrator or seeking a court order and not a case of mandatory testing."

Homer: "And, on line 11 and 12 of your Amendment you refer to reports...report that a sexually abused or neglected child is likely to have been exposed to HIV. What is a 'sexually neglected' child?"

Pullen: "Well, it doesn't say 'sexually neglected', it says sexually abused or neglected child."

Homer: "So, what that means then is the alternative is either a 'sexually abused' or a 'neglected child'. Now what..."

Pullen: "'Neglected'...'sexually abused' or 'neglected child' likely to have been exposed to the blood or other body fluid of the perpetrator in a manner that could result, in a transmission of immunodeficiency virus. You must read the entire sentence or the entire phrase, Sir, and not pull things out of context for the sake of debate."

Homer: "Okay, a neglected child may be a child who is not shepherded to school, is a truant, or who is not bathed regularly or it could be something completely separate and apart from sexual abuse. Is that not so?"

Pullen: "Yes, it could, but I doubt that that child would be found to have been likely to have been exposed to the blood or other body fluid of the perpetrator in a manner that could result in the transmission of HIV."

Homer: "Madam Speaker, to the Amendment. I supported the previous Amendment because the Lady had a threshold where

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before a defendant could be ordered to undergo HIV testing at the request of a victim, there was a requirement that the defendant have been charged with a crime and that there be a probable cause finding either at a preliminary hearing or an indictment, that there was probable cause that the person committed that crime. I believe in balancing the issues that that's a reasonable standard, by which we would allow the victims to have a test required of the defendant even though it's prior to the finding of guilt. There's some who disagree with that. Some would have it after the finding of guilty. The Lady's original Bill had it after charge. She amended it to provide that the test would come into play after indictment or by a grand jury or after preliminary hearing. I think her Amendment puts the Bill in the proper shape and provides the proper balance of interest, but this Amendment #2, while I'm certain it's well intended, is based upon reports of suspected abuse and neglect, would require the Department to have someone examine for HIV...on exposure to HIV virus, on the basis of perhaps unfounded reports, on the basis of allegations that have nothing to do with sexual contact, having to do with allegations of neglect where there has been no filing of a criminal charge, no filing of a petition in juvenile court even alleging this misconduct, when the bureaucrats at DCFS determine that this report of suspected behavior may have resulted in the likelihood or possibility of exposure to blood or other body fluids by a perpetrator. I mean the Bill...the Amendment, in all due respect, is drafted so loosely and based upon hearsay and innuendo without even an allegation, let alone a finding of probable cause without any pending court case, let alone any conviction, and while we all want to safeguard the interests of those who may have been exposed, I don't think that it serves our

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constituents or it's good public policy to adopt a Salem witch hunt mentality on these matters where we subject people to this kind of governmental interference where there's not even a charge pending against the individual. And I supported the Lady's previous Amendment and think it's the right thing to do, there's no way that I'm going to be a party to this kind of a witch hunt, this kind of McCarthyism, this kind of mentality, that would subject people to being dragged into court where there's not...on the basis of some suspected report that may not even involve an allegation of sexual assault or sexual abuse. So, let's not get carried away with ourselves, let's weigh each of these issues that come before us. And the proper vote on the previous Amendment was 'yes', clearly the proper vote on this one is 'no'. The balance of scales has swung heavily in the other direction. I hope we stand together and oppose this overreaching attempt in Amendment #2."

Speaker Satterthwaite: "Representative Stern."

Stern: "Will the Lady yield?"

Speaker Satterthwaite: "She indicates she will."

Stern: "Representative, do I understand that the Department of Public Health would have to pay for this testing?"

Pullen: "Would you repeat that, please?"

Stern: "Do I understand from your Bill that the Department of Public Health would pay for this testing?"

Pullen: "The Amendment provides that the cost of the tests, any tests so ordered, shall be paid by the Department of Public Health and in satisfying the requirements, the Department of Public Health may perform the tests in its own lab."

Stern: "And if we in the future pass legislation that would require testing of prisoners in our penitentiaries, would that also be paid for by the Department of Public Health



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instead of the Department of Corrections?"

Pullen: "That would depend on that legislation. This has nothing to do with testing of prisoners, yet."

Stern: "You don't think this would create a precedent?"

Pullen: "I think the Department of Public Health's current testing practices, by providing HIV testing in their labs for other departments of government, already provides a precedent, but that does not necessarily mean that it would take place under any future legislation. We're talking about this Amendment, Representative."

Stern: "Well, I think the Department of Public Health would not be too happy about the apparent precedent this set. Let me say, I am not nearly as sure as I used to be what I think about AIDS transmission and AIDS legislation, but I have great apprehensions about treating as criminals people who have not been convicted as criminals. And I want to say the implication that AIDS can be transmitted through toilet seats and door knobs is the kind of thing I think we should kill right now, by defeating this Amendment. I think this is rather misleading and dangerous implications. I urge a 'no' vote."

Speaker Satterthwaite: "Representative Kulas."

Kulas: "Thank you, Madam Speaker. Madam Speaker, we're in the last week of the...our Session. Tomorrow is the Third Reading deadline. We are debating Amendments and Bills which have been debated on the House Floor previously. I ask the Chair to limit debate or to at least use the time so that we can move on with the business of this House."

Speaker Satterthwaite: "Representative Pullen to close."

Pullen: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Amendment has nothing to do with HIV transmission from doorknobs and this Sponsor has never, ever, said that HIV can be transmitted from door knobs. I

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do not believe that. Nor, is this Amendment relating to any mandatory testing scheme. It provides for the Department to seek a cooperation from a perpetrator of child sexual abuse, who has been determined to be the perpetrator in the Department of Children and Family Services thorough investigation in cases where the child is likely to have been exposed to the blood or other body fluid of the perpetrator in a manner that could have result in the transmission of AIDS virus. If the perpetrator refuses to submit voluntarily, it authorizes the Department, not does not require the Department, but authorizes the Department to seek a court order to test. Naturally the person who is the subject of that would be able to provide evidence in court why he should not be tested. This Amendment does not seek to change the entire system whereby child sexual abuse is investigated and whereby determinations are made about perpetrators of child sexual abuse in this state. Those cases typically are handled by the Department of Children and Family Services and this Amendment is written in conformance with the practices of the Department of Children and Family Services and its duties to investigate and determine cases of child sexual abuse. Those who believe that this should be subject to some sort of indictment process do not understand that that is not the way the child advocacy system of this state, works. This is written in accordance with the child abuse statute because that is the kind of case about which we are talking in this Amendment. I urge an 'aye' vote and I request a Roll Call."

Speaker Satterthwaite: "The Lady's Motion is for adoption of Amendment #2. All in favor vote 'aye', opposed voted 'no'. The voting is open. Have all vote who wish? Have all voted who wish? On this question, there are 74 voting

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'yes', 24 voting 'no', 12 voting 'present'. Representative Johnson wishes to be added as voting 'aye' making 75 voting 'yes'. The Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Satterthwaite: "Third Reading. We will now move to Order of Elections, Third Reading. Mr. Clerk, Senate Bill 922, please read the Bill."

Clerk Leone: "Senate Bill 922, a Bill for an Act in relationship to back door referenda. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Steczko."

Steczko: "Thank you, Madam Speaker, Members of the House. Senate Bill 922 is a Bill that first seeks to standardize provisions as they relate to the numerous back door referenda provisions that we have in our statutes. In addition and I will defer in a moment to Representative Stern, there are a number of Election Code agreed provisions in this Bill as well. At this time, Madam Speaker, I would like to defer to Representative Stern."

Speaker Satterthwaite: "Representative Stern."

Stern: "Madam Speaker and Members of the House and Sponsor. I apologize. I am ineptly handled this. We need to take it back to Second Reading to change the effective date. That's all."

Steczko: "Madam Speaker, I'd so move."

Stern: "And I apologize to you for not having touched base."

Speaker Satterthwaite: "The Gentleman moves to return the Bill to Second Reading. Is there any objection? Hearing none, the Bill is on Second Reading. Mr. Clerk read the Bill."

Clerk O'Brien: "On the Order of Second Reading, Floor Amendment #8, is being offered by Representative Stern."

Speaker Satterthwaite: "Representative Stern."

Stern: "Again, my apologies. The Senate Sponsor pointed out to me that this deals...the main body of the Bill deals with

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making uniform the provisions for back door referenda and some of these may be in process. So, instead of having this effective immediately upon passage, it needs to be made effective January 1, 1992 and that's what the Amendment calls for. I ask your..."

Speaker Satterthwaite: "Representative Olson. Myron Olson?"

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. The Republican side joins with Representative Stern in moving for the adoption of this Amendment."

Speaker Satterthwaite: "Representative Wennlund."

Wennlund: "Inquiry of the Chair. Was Floor Amendment #7 withdrawn or defeated?"

Speaker Satterthwaite: "Mr. Clerk can you indicate the status of Amendment #7?"

Clerk Leone: "Floor Amendment #7 lost on the Order of Second Reading."

Speaker Satterthwaite: "Representative Stern to close."

Stern: "You have heard it all."

Speaker Satterthwaite: "The question is, 'Shall Amendment #8 be adopted?' All in favor say 'aye', opposed 'nay'. The 'ayes' have it and Amendment #8 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Satterthwaite: "Third Reading. Representative Stern? Representative Steczo is recognized for Third Reading of the Bill. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 922, a Bill for an Act in relationship to back door referenda. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Steczo."

Steczko: "Thank you, Madam Speaker. As I previously explained, Senate Bill 922 contains language that standardizes backdoor referenda procedures, something we have been seeking to do for a long, long, time and in addition

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contains a number of agreed upon Election Code provisions and I would ask for your 'aye' votes."

Speaker Satterthwaite: "The Gentleman moves for the passage of Senate Bill 922. All in favor vote 'aye', opposed vote 'no'. The voting is open. Have all voted who wish? Representative Stange wishes to be voting 'aye'. Have all voted who wish? Mr. Clerk, take the record. On this question there are 95 voting 'yes', 8 voting 'no', 12 voting 'present'. The Bill having received the Constitutional Majority, is hereby declared passed. Let the record reflect that the Body gave leave for hearing that Bill on Third Reading previous to the vote. We're now going to go back to Bills on Second Reading and the next Special Order is Elementary and Secondary Education. Representative Deering on Senate Bill 645. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 645, a Bill for an Act to amend the School Code."

Speaker Satterthwaite: "Out of the record. Representative Hannig on Senate Bill 973. Mr. Clerk read the Bill."

Clerk Leone: "Senate Bill 973, a Bill for an Act to amend the School Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Satterthwaite: "Any Motions filed?"

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

Speaker Satterthwaite: "Representative Hannig."

Hannig: "Yes. Please withdraw Amendment #2."

Speaker Satterthwaite: "Withdraw Amendment #2. Any further Amendments?"

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

Hannig: "Yes, thank you Madam Speaker, Members of the House."

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This Amendment does a number of things. Number one, it deletes everything after the enacting clause and at the request of some of the Republicans in the Committee and the Nurses Association, it removes the reference to administer...administrators dispensing medication at the request of Representative Levin and Tenhouse and some of the other Members of the Committee. It clarifies the position, our position, that nothing in this section shall prohibit a school district from adopting guidelines for self administration of medication. At the request of Representative Cowlshaw, Walsh and Hartke and others, it provides that nothing in this section shall prohibit any school employee for providing emergency assistance to students and at the request of the Illinois Association of School Administrators, it adds language that it is state policy that medicine should be discouraged from from...given at the school to students at school, unless absolutely necessary. It is supported by the Illinois Education Association. The Illinois Nurses have no opposition to it and I understand now that the Illinois Association of School Administrators, with this Amendment, have no problem with the Bill, and I'd move for its adoption."

Speaker Satterthwaite: "Representative Dunn. Representative John Dunn?"

Dunn: "Thank you, Madam Speaker. The question which comes to my mind at this moment is does the language prohibit a school district from utilizing the services of a public health nurse or other qualified health care professional for the purposes of administering medications and treatments?"

Speaker Satterthwaite: "Representative Hannig?"

Hannig: "Yes, thank you, Representative. Just to clarify that, let me say that this language would not prohibit a school

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district from employing qualified health care professionals to administer medication and treatment to students and I hope that clarifies your question."

Dunn: "That answers that."

Speaker Satterthwaite: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. The concern in the Committee principally I think centered around the fact that the Bill as originally presented simply required that school districts use administrators for this purpose and it seemed to offset nearly any school district employee, if it was the choice of that local school district knowing that person's particular qualifications wanted to be the person to be given this assignment, the school district should be free to make that choice. Now, the language of this Amendment says under no circumstances shall teachers or other nonadministrative school employees, except certified school nurses, be required to administer medication to students. I submit to you, Madam Speaker and Members of the House, that that says in slightly different language exactly what this Bill said in Committee when we raised the objections to it. It limits the choices of local school districts as to how they want to handle this problem. Now, Madam Speaker, I know this is a very sensitive problem and I most certainly understand that teachers ought not to be required to administer medications to students when in fact they are not trained in that kind of procedure and are probably fearful about the liability. On the other hand, it seems to me that this is the kind of very sensitive issue that each local school district is best qualified to decide for itself, knowing its own people. I would point out to you that at one time in the school district where I once served on the school board, we had a school secretary

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who had been a nurse. Now, under this legislation that person could not be asked to be the one to give medication to students, because that is a nonadministrative person. Therefore, I think, although I certainly appreciate the fact that the Sponsor has gone to a good deal of trouble to draft this Amendment, I stand in opposition to this Amendment and if this Amendment is adopted, I stand in opposition to this Bill, because this is not something that ought to be decided here. Thank you."

Speaker Satterthwaite: "Representative Schoenberg."

Schoenberg: "Thank you Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this Amendment primarily because of the financial constraints that each of us in our respective school districts find ourselves. I believe in a perfect world we would want to have a situation where we could make, on a case by case determinations as to how the personnel responsibility should be distributed, but in this particular case, I feel that we have no alternative but to support this measure so that school districts can accommodate the financial constraints that they are under and yet offer essential services to their students."

Speaker Satterthwaite: "Representative White."

White: "Will the Sponsor respond to a question?"

Speaker Satterthwaite: "He indicates that he'll yield."

White: "Does this Bill...is this a state wide measure?"

Hannig: "Representative, it, as far as I know, would apply to all school districts in the state. I don't know what the situation is in Chicago."

White: "I work for the school system in Chicago and working in the area of physical education, we are not allowed to give a student an aspirin. And so I'm just wondering who is responsible if by chance someone were to become ill as a result of a teacher administering drugs or aspirin or



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whatever the case may be to a student? Who is going to assume responsibility for this?"

Hannig: "Is that a question, Representative?"

White: "That is a question. Who will be responsible if something happens to that student?"

Hannig: "Representative, the thrust of the Bill is to provide teachers with an opportunity when they feel that they are being asked to do something that they are not qualified to do, to opt out. And of course the...it would be up to the school district to provide some type of alternative method and of course the best method is to try to deal with the problem outside of the school district, and in fact we put that language in the Bill, that we urge all parents to try to arrange to give their students...their children medication before school or after school perhaps, if they can do it themselves during lunch time."

White: "Oh, so this Amendment will allow the teacher to opt out of prescribing..."

Hannig: "Yes..."

White: "...administering medication to a student."

Hannig: "That's correct."

White: "Well then, if that is the case, I am in support of this Amendment."

Speaker Satterthwaite: "Representative Leitch."

Leitch: "Thank you, Madam Speaker. For purposes of the record, I thought I heard someone indicate that the superintendents are not opposed to this Bill? I am informed that the superintendents of the large, larger urban district association are opposed to both the Amendment and the Bill."

Hannig: "Just to clarify that Representative. 'Linda Neff' to who represents the Illinois Association of School Administrators, says that with this Amendment that they are

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not opposed to the Bill. There may very well be some others who are opposed the Bill, but even so, I would urge you to adopt the Amendment because I believe that the Amendment makes the Bill better regardless of whether you are for it or not."

Leitch: "Thank you."

Speaker Satterthwaite: "Representative Hannig to close."

Hannig: "Yes, thank you..."

Speaker Satterthwaite: "To close on the Amendment."

Hannig: "Yes, thank you, Madam Speaker, Members of the House. As I said in the introduction, much of the language that is in this Bill has come to us because of discussions in Committee, at the suggestions of the Republicans and the Republican staff, at the suggestion of the Illinois Association of School Administrators, the Illinois School Nurses and the Illinois Education Association. And again, whether or not you support the Bill, I think you should understand that this Amendment does make the Bill better. It's along the same lines of the Amendment that we adopted, in Committee, but it clarifies...it clarifies that Amendment and it provides that the Amendment, if it would become law, would make the Bill more workable. So, while some may have opposition I would ask that they reserve that opposition for Third Reading and at this time that we adopt the Amendment. So, I would urge a 'yes' vote."

Speaker Satterthwaite: "The Gentleman moves for adoption of Amendment #3. All in favor say 'aye', opposed, 'no'. The 'ayes' have it and Amendment #3 is adopted. Further Amendments?"

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

Speaker Satterthwaite: "Amendment #4 is withdrawn. Further Amendments?"

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Clerk Leone: "There are no further Amendments."

Speaker Satterthwaite: "Third Reading. On the Special Order of Higher Education, Second Reading, there appears Senate Bill 1353, Representative Turner. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1353, a Bill for an Act to amend an Act to provide for partial tuition waivers, Second Reading of the Bill."

Speaker Satterthwaite: "Any Amendments filed?"

Clerk Leone: "There are no Committee or Floor Amendments."

Speaker Satterthwaite: "Third Reading. Well, we're on Seconds now. On legalized gambling, Second Reading, appears Senate Bill 378, Representative Brunsvold. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 378, a Bill for an Act to amend the Open Meetings Act. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Satterthwaite: "Any Motions filed."

Clerk Leone: "No Motions filed."

Speaker Satterthwaite: "Any further Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representative Sieben and Ryder."

Speaker Satterthwaite: "Representative Sieben."

Sieben: "Thank you, Madam Speaker. At this time I understand there is some discussion on this legislation and at this point I would withdraw Amendments #2 through 10, filed under my name on this Bill."

Speaker Satterthwaite: "Representative Sieben, would you repeat your message?"

Sieben: "Yes. Thank you, Madam Speaker. My Motion would be to withdraw Amendments #2 through 10 on Senate Bill 378."

Speaker Satterthwaite: "The Gentleman moves to withdraw Amendments 2 through 10. Is there any discussion? Seeing none, the Amendments are withdrawn. Any further

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Amendments?"

Clerk Leone: "Floor Amendment #11, offered by Representative Ryder and Sieben."

Speaker Satterthwaite: "Representative Ryder. Take the Bill out of the record, please. We'll go back to Senate Bill 645 for Representative Deering. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 645, a Bill for an Act to amend the School Code. Second Reading of the Bill. There are no Committee Amendments."

Speaker Satterthwaite: "Any Floor Amendments?"

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

Speaker Satterthwaite: "Representative McGann."

McGann: "Yes. I'd like to withdraw Amendment #1."

Speaker Satterthwaite: "Amendment #1 is withdrawn. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Satterthwaite: "Third Reading. Senate Bill 826, Representative Keane. Is the Gentleman in the chamber? Yes. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 826, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Keane."

Keane: "Thank you. Leave to return the Bill to Second Reading for purpose of an Amendment."

Speaker Satterthwaite: "Gentleman asks leave to return the Bill to Second Reading for purposes of an Amendment. Representative Black."

Black: "Madam Speaker, an inquiry of the Chair. I need to go back one Bill. Senate Bill 645. We didn't hear whether the Amendment...the Floor Amendment was withdrawn, or adopted."

Speaker Satterthwaite: "Floor Amendment #1 was withdrawn, and the

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Bill was moved to Third Reading."

Black: "Alright. Thank you."

Speaker Satterthwaite: "Representative Keane asks leave to return Senate Bill 826 to Second Reading for purposes of an Amendment. Does he have leave? Seeing no one seeking recognition, leave is granted. Mr. Clerk, read the Bill."

Clerk Leone: "On the Order of Second Reading. Floor Amendment #1 is being offered by Representatives Santiago, Burke and Capparelli."

Speaker Satterthwaite: "Representative Santiago."

Santiago: "I move to withdraw Amendment #1."

Speaker Satterthwaite: "Amendment #1 is withdrawn. Any further Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representative Santiago and Capparelli."

Speaker Satterthwaite: "Representative Santiago."

Santiago: "Yes. I move to withdraw Amendment #2."

Speaker Satterthwaite: "#2 is withdrawn. Further Amendments?"

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

Speaker Satterthwaite: "Representative Keane."

Keane: "Thank you, Madam Speaker. This Bill, the underlying Bill has been a Vehicle Bill for the Chicago Agricultural School. The Amendment, all the Amendment does, is it protects...there's a private group that's helping the school in a construction project...it's namely the Chicago Board of Trade has become involved with the Chicago Agricultural School. The Amendment goes to limit the leasing of property for other than agricultural purposes. I'd be happy to answer any questions, ask for the adoption of Amendment."

Speaker Satterthwaite: "Representative Black."

Black: "Thank you very much, Madam Speaker. The Gentleman was

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explaining...the board shows Amendment #3, and his explanation went far beyond the copy of what we have for Amendment #3. Our file shows Amendment #3 is just immediate effective date."

Keane: "I'm sorry. Withdraw Amendment #3."

Speaker Satterthwaite: "Amendment #3 is withdrawn. Further Amendments?"

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

Keane: "I'd like to thank Representative Black for correcting the situation, and use my explanation for 3 as the explanation for 4. Move the adoption of the Amendment."

Speaker Satterthwaite: "Representative Cowlshaw."

Cowlshaw: "Well, Madam Speaker, we're not all trying to help Representative Keane decide what to do with his own Bill, but in addition to the fact that I too noticed that the explanation on 3 was in fact 4, and 4 is precisely what you agreed this Bill would be used for, but do you in fact really not want 3, because that's got your effective date? Don't you want both 3 and 4?"

Keane: "There is an effective date in 4."

Cowlshaw: "Oh, there is. Alright. Very good. We'll get this straight, yet Representative Keane."

Keane: "Well, I appreciate the help."

Cowlshaw: "That's alright. Thank you. I stand in support of Amendment #4."

Speaker Satterthwaite: "The Gentleman moves for the adoption of Amendment #4. All in favor say 'aye', opposed 'nay'. The 'ayes' have it and Amendment #4 is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Satterthwaite: "Third Reading. On Criminal Law, Second Reading, there appears Senate Bill 785, Representative

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Munizzi. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 785, a Bill for an Act to amend the Juvenile Court Act. Second Reading of the Bill. There are no Committee or Floor Amendments."

Speaker Satterthwaite: "Third Reading. On the Order of Professional Regulations, Second Reading. Representative Levin has Senate Bill 325. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 325, a Bill for an Act to amend the Plat Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Satterthwaite: "Any Floor Amendments?"

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

Speaker Satterthwaite: "Representative Levin."

Levin: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Amendment #1 simply guts the Bill. My intention is to put this in Conference Committee. There are discussions that are going on between the title companies and the surveyors, and this would allow us to continue those discussions."

Speaker Satterthwaite: "Representative Black."

Black: "Thank you very much, Madam Speaker. Will the Sponsor yield?"

Speaker Satterthwaite: "He indicates he will."

Black: "Representative, I appreciate your remarks, but you had a rather clean Bill here and it got out of the Senate with 54 'aye' votes, was suggested by the land surveyors, and now you're going to send it to Conference Committee, I assume. What is your purpose besides just general discussion between title companies and surveyors? What is...do you have an intention for this Bill?"

Levin: "Yes. The intention...the Chicago Title and Land Title Association, when the Bill was in Committee, had raised

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objections with the specific language of the Bill. They felt it did not accomplish the goal that the land surveyors wanted to accomplish. My commitment was that we would not go with legislation that the title companies would not agree to. They have been trading language, and they're about two words apart at this point in terms of reaching an agreement. My intention is to put this Bill in a conference, so that the agreement that they are able to reach in terms of this subject matter can come to fruition."

Black: "Alright. But it's your intention that the agreement will revolve around the platting?"

Levin: "Yes."

Black: "Not going to expand it into some other area?"

Levin: "No. My intention is to use this Bill for resolving the surveyor's problems."

Black: "Alright. Thank you very much, Representative."

Speaker Satterthwaite: "Representative Deering."

Deering: "Will the Sponsor yield?"

Speaker Satterthwaite: "He indicates he will."

Deering: "Representative, does the Senate Sponsor know you're gonna change the Bill with the Amendment?"

Levin: "Yes. I've talked with Senator DeMuzio, and have also been in touch with Bob Church, from the...who's President of the Illinois Land Surveyors about...talked to him today in terms of putting this Bill in Conference Committee, yes."

Deering: "Thank you."

Speaker Satterthwaite: "Representative Levin to close."

Levin: "Simply ask for adoption of Amendment #1."

Speaker Satterthwaite: "The Gentleman asks for the adoption of Amendment #1. All in favor say 'aye', opposed say 'no'. The 'ayes' have it and Amendment #1 is adopted. Any



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further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Satterthwaite: "Third Reading. Okay. We'll go back now for Senate Bill 378. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 378, this Bill's been read a second time previously. Amendments..."

Speaker Satterthwaite: "Amendments 2 through 10 were withdrawn and we were ready for Floor Amendment #11. Representative Brunsvold."

Brunsvold: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Just a few minutes ago I took my name off of this Bill and the Chief Sponsor is now Representative Zeke Giorgi, so Zeke will now proceed with Senate Bill 378."

Speaker Satterthwaite: "Mr. Clerk, I believe there is a Floor Amendment #11 filed."

Clerk O'Brien: "Floor Amendment #11, offered by Representative Ryder and Sieben."

Speaker Satterthwaite: "Representative Ryder. Representative Sieben."

Sieben: "Thank you, Madam Speaker. Floor Amendment #11 that we have here provides for riverboat gambling on Lake Michigan if patrons are carried to another port on Lake Michigan for gambling prior to return, and I would move for the adoption of Floor Amendment #11."

Speaker Satterthwaite: "Is there any discussion? Representative Giorgi."

Giorgi: "Madam Speaker, I didn't hear the explanation of the Amendment, but if the Amendment has to do with other than video lottery, I would suggest that you might withdraw your Amendment because this is a brand new thrust to this Bill. This has to do with something we've talked about for quite some time in the General Assembly, and he's made it possible for me to use his Bill to present the video

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lottery concept that we've talked about, and have anticipated for quite some time here. I'd appreciate it if you withdrew your Amendment, because it really won't pertain to this Bill."

Sieben: "Well, Madam Speaker, I believe the Amendment does pertain to the underlying nature of the Board, and I understand...or to the underlying nature of the Bill, I understand that Representative Giorgi does hope to present a later Amendment on this Bill that would deal with video gambling. But as he indicated, this is a subject that we've been discussing for some time in the General Assembly, and it's our understanding there are negotiations going on currently on this issue of gambling. And for that reason I think we would prefer to present each of our Amendments to get 'em into the public record and indicate some of the concern that we have in this issue. So again, I would move for the adoption of Floor Amendment #11."

Giorgi: "Madam Speaker..."

Speaker Satterthwaite: "Representative Giorgi."

Giorgi: "Madam Speaker, to expedite the business at hand, I'll move for the adoption of Amendments #11 to 20. There'll be no argument about...does that meet with Mr. Sieben's approval? All your Amendments I think are yours and Representative Ryder's. 11 through 20."

Sieben: "That's correct. Amendment #11 through 20 are Ryder-Sieben Amendments, but Madam Speaker, I believe there's a Motion on the Floor to adopt Amendment #11."

Giorgi: "I move to accept the Amendments 11 through 20."

Sieben: "Thank you."

Speaker Satterthwaite: "All in favor of accepting Amendments 11 through 20 on this Bill say 'aye', opposed 'no'. The 'ayes' have it, and the Amendments are adopted. Any further Amendments?"

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Clerk Leone: "Floor Amendment #21, Giorgi - et al."

Speaker Satterthwaite: "Representative Giorgi."

Giorgi: "Madam Speaker and Members of the House. Amendment 21 has to do with new powers for the Lottery Control Board. This Bill attempts through the Lottery Control Board and through their expertise and their experience in the field of lotteries, to regulate and license video games such as blackjack, keno, bingo and so on. The Lottery Control Board shall have sole authority to approve any...or disapprove any games which would be played under this Act. The Lottery Control Board would license everyone associated with video games such as keno, bingo, blackjack, and the amount of money anticipated from legalizing the games that the Lottery Control Board with control to complete computer systems, monitor systems, so that there be no leak at any of the terminals because of the policing of the video system, and what this would do, would raise in the neighborhood of almost \$200,000,000 a year for the State, so that we could alleviate some of our pressure on our General Revenue Fund. Now, what would happen would be that the Lottery Control Board would set any system of rules and regulations controlling the manufacture to the placement of the machines in locations, and they will control the percentages of wins. There'd be complete control of the machines in that...any machines, cash boxes and so forth would be recorded on the computer, any machine open for service would be...on a computer, any coins put in the machine will be recorded in a main computer like we do with our lottery now, any payouts would be recorded. There'd be no cash transactions at the terminal location, and it's...today I understand that Maine...the State of Maine and the State of Oregon have also passed legislation through both Houses and are sitting on the Governor's desk.

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The redeeming feature of this video lottery control is that it seems that there is at least \$200,000,000 that could be gleaned by the state from legalizing machines that are now in place and are being used solely for entertainment. I'll answer any questions of any Member that feels they need to know more about it."

Speaker Satterthwaite: "Representative Black."

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

Speaker Satterthwaite: "He indicates he will."

Black: "Representative, as I understand Floor Amendment #21, we get into gambling devices, coin operated gambling devices with video screens, a lot of high technology. Would it be fair to say in other words that this might be video poker?"

Giorgi: "You use that connotation of poker. I like to use the word keno, bingo, blackjack, lottery...you know, 21. That's an ugly word you're using."

Black: "I can certainly understand that. We just had a semantics difference. I can understand that, but, you know, Representative, many of us here in the House look to you for guidance on these issues. I mean after all, you are the father of the lottery, you've put a lot of money in the Common School Fund over the years. We kind of look to you for guidance, and in that light, the very agency that you started, the Lottery Department, are they in favor of this concept?"

Giorgi: "Well, in the 17 years that I've been associated with the lottery, would you believe that I have never influenced the decision of the Lottery Control Board. My guess is...they've been so successful with the lottery, and there were a lot of gloom and doom sayers when we commenced the lottery in 1973, now we're about \$7,000,000,000 later, we've made about 700 new millionaires in Illinois. I have

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a lot of faith in the integrity of the lottery. There has been not one instance where the lottery's been put on the carpet for some unethical procedure or something nefarious that might have occurred. The Lottery Control Members are chosen by the Governor, appointed by the Governor, confirmed by the Senate, and it's unethical for any of us to impugn their integrity. I've never done that in 17 years."

Black: "Well, and Representative, I wouldn't even begin to suggest that you would. A man of your integrity, we know that you have not interfered in the operations of the Board, or the lottery, and your reputation is well-deserved, and we know that you started the lottery, but I only point this out, Madam Speaker and Ladies and Gentlemen of the House, because the very entity that the Representative sponsored, is on record of opposing this concept. And the only reason they oppose this concept, is that they think the revenues generated by the lottery that this Gentleman was...you know, had the foresight to begin, now they're concerned that about 40% of the lottery profits would be cannibalized by video poker revenues, and only return maybe a single digit return to state coffers. So, I...while I have all the respect in the world for the Sponsor, and he knows probably as much about this topic as anyone in the House, I would simply say to you that the Illinois State Lottery rises in opposition to this, and urges us to vote 'no', and simply says, I think, that it needs a considerable amount of study and additional work before we siphon off any of the profits of the lottery that indeed the Sponsor had the foresight to begin, so maybe this is an idea whose time is...not yet here, and perhaps we should vote 'no' on this Amendment."

Speaker Satterthwaite: "There are several Members seeking

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recognition. The Chair wishes to announce that it is our intent to try to go through all of the remaining Bills on Special Order on Second Reading before adjourning tonight, and so, in order to accommodate that, we may wish to limit debate on individual Amendments. Representative Ropp."

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

Speaker Satterthwaite: "He indicates he'll yield."

Ropp: "Representative, again, for the record, just so that there is clarity, do I understand that this has no attempt to provide additional funds for education, or does this just go into the General Revenue Fund?"

Giorgi: "This is generally the substantive language...is what this is, and the funds that go into a special lottery fund controlled by the Lottery Control Board, and what is appropriated from that fund is beyond me. In other words, it's not my Bill."

Ropp: "Okay. So it's not money that has been earmarked to go into education or roads or any other thing, it's just to go into the..."

Giorgi: "No Sir. No Sir. You're right."

Ropp: "Would it not be more supportive to attempt to use it as add-on money for education in order to get it passed?"

Giorgi: "Well, I think if you're going to put into education, you ought to do it by indexing through a formula as to what education gets now so that this money would be over and above what they've been getting by index. We don't want the same method that was perpetrated with the lottery of 1973. The reason Walker signed that Bill was because the RTA was going to be \$70,000,000 to \$100,000,000 short in subsidies, and he said send me the lottery Bill and I'll sign it. But the myth got started that lottery funds would go to schools, and it took us from 1973 to 1985 to put that into law, and then we snookered the people by not indexing

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the money by saying what is indexed now for education, this is over and above that. And if you want to do that, that's...your prerogative."

Ropp: "I guess I would just say, I'm not sure how we're all going to vote on this, but it's interesting in a time when we need revenue in the State of Illinois, and some people say 'Well, this is going to cut into the lottery by 30 or 40 or 50%', but if you add 50% more to the lottery the sum total, that's another two or three hundred million that we don't have, which is...sounds like a reasonable approach to raising revenue. We always get in the idea, well, do the church groups want it, is it ethical and all of that. I think you can take our hats off with some degree of pride that the lottery itself has been well run, we certainly has not been involved with scandals. I think the riverboat gambling that ultimately will come seems to have that same good well managed procedure that should play well in the state, and until something serious happens, why it looks like a good way that the state has been generating money without forcing a single person to put that first dollar into it."

Speaker Satterthwaite: "Representative Matijevich."

Matijevich: "Madam Speaker and Ladies and Gentlemen of the House. For those who may be inclined to vote against this Amendment, let me remind you that when we voted for the Bingo Act many years ago, I mean it was a hot issue, and everybody said what that would do to the State of Illinois and the hoodlums that it would bring, etcetera, and it didn't do that, and we knew it wouldn't do that. When we passed the lottery there was even greater invitations from so many of the opposition that the underworld would come into play, and it didn't do that, and we knew it wouldn't do that. When we went into off-track betting, the same

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thing was said. Riverboat gambling, the same thing was said, but I want to make one more point that I think is most important. If we do adjourn here at 6:30, I challenge any of you to go to someone here in Springfield. You'll see a video poker game, and you know you will. Go to your hometown. Go to southern Illinois. Go to Central Illinois. You'll see video poker games. You see 'em up north, and what is the State of Illinois getting in revenue from that? Zilch. Absolutely nothing, absolutely nothing. And here by legalizing what is being done today, we have the opportunity of gaining \$200,000,000 at least. Now if you want to throw that away, vote against it, but you're only fooling yourself, because the fact that it's going on now, and many of the problems people have said with other types of gambling haven't occurred, so and I would urge an 'aye' vote."

Speaker Satterthwaite: "Representative Balanoff."

Balanoff: "Speaker, I move the previous question."

Speaker Satterthwaite: "The Gentleman moves the previous question. All in favor say 'aye', opposed 'nay'. The 'ayes' have it and the previous question is put. Representative Giorgi to close."

Giorgi: "Madam Speaker, and Members of the House. The anticipated tax on this activity by the lottery people would amount to, in the next two years, to 18% of the adjusted gross, and those of us that were involved in riverboat gambling insisted on a 20% tax of the adjusted gross. We think we can get this up to 20% so that they're all on equal footing, but I say to you that all of you are aware of the video lottery machines, you're aware of the integrity of the Lottery Control Board, you're aware of the integrity of the Governor, this is all under the tutelage of the Governor, and the computers today are so



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sophisticated that the computer will tell you if the machine was opened for service, that the machine was opened for coins, if the machine was...it has registers, every nickel, dime or quarter that goes into the machine, it registers and gives a cash register receipt as to what is to be paid out. It's a fool proof method. I think it's time the General Assembly mentality reached this and seek this money, because we could certainly use the \$200,000,000 which is a conservative figure. It's a conservative figure. I urge support of the Amendment, and appreciate an 'aye' vote, and if you feel you have more questions, we can take it up on Third Reading."

Speaker Satterthwaite: "Gentleman moves for the adoption of Amendment #21. All in favor say 'aye'...Representative Weaver."

Weaver: "Madam Speaker, I'd like to request a Roll Call vote on this."

Speaker Satterthwaite: "The Gentleman requests a Roll Call vote. On this question, all in favor vote 'aye', all opposed vote 'no'. Voting is open. Representative Weaver."

Weaver: "Thank you, Madam Speaker. To explain my vote. I think here's another opportunity where we're attempting to pass a gambling measure based upon the backs of education. We have not been convinced that the lottery money is going to education, we've never been convinced that riverboat gambling money is going to education, and now we're trying to pass video gaming on the backs of education. Education has never benefited from gambling, and I don't see why we should push it again. A 'no' vote is the only way out."

Speaker Satterthwaite: "Representative Weller."

Weller: "Thank you, Madam Speaker. An explanation of my vote. I think this Amendment deserves a 'no' vote basically for two reasons. You know, we look at the return on the gambling

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dollar for lottery revenues for our schools and we get about 40%. Under this Amendment, we'll only get 5 1/2%. Right there it shortchanges our schools and shortchanges the taxpayers if you feel there is a reason to support this Amendment. Second thing is, you know frankly, isn't there only a certain amount of gambling and entertainment dollars out there? How many ways are we going to slice the gambling dollar and try and spread it around? Ladies and Gentlemen, this legislation, this Amendment deserves a 'no' vote. I hope there'll be more red votes up there."

Speaker Satterthwaite: "Representative Wennlund."

Wennlund: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This is all an exercise in futility anyway. The Governor has already twice stated he's going to veto the Bill, so let's just kill it now, and be done with it before it gets stabbed with the veto pen."

Speaker Satterthwaite: "Representative Burzynski."

Burzynski: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. First of all, just to explain my vote, I'd like to indicate I just recently completed a questionnaire with constituents in my district. In that questionnaire I asked their comments in regards to the lottery, which is funding education, and whether a superfund prize should exist to whether or not those funds should go directly towards education. They indicated education. Secondly, overwhelmingly, I'd say...by 95%. Secondly, I'd like to indicate that I also asked, should we legalize additional forms of gambling in the State of Illinois? Again, 80% of those responding indicated they were opposed to additional forms of legalized gambling in the State of Illinois. Therefore I feel we should not try and balance our State's Budget on the backs of gambling or our educational process. Therefore I vote..."

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Speaker Satterthwaite: "Have all voted who wish? Representative Giorgi."

Giorgi: "Madam Speaker, with all the respect that I can muster, Representative Burzynski, Northern Illinois University which is in your district took the survey of Northern Illinois, on the taxes that are most odoriferous to the people. The property tax was number one, the income tax was second, sales tax were third. What they found in surveying people in the Northern Illinois University area was, they wanted to rely more on gambling dollars. Now that's just for your edification."

Speaker Satterthwaite: "Representative Hicks."

Hicks: "Thank you very much, Madam Speaker and Ladies and Gentlemen of the House. You know, it's amazing. I did quite a little bit of work on the video poker Bill itself, and I've even held some meetings in some of your districts. I was in Representative Klemm's district in which we had about 130 people come to that meeting. In that, I took a poll while we were in that meeting with some 130 people, because I was attempting to look at trying to spend money to build new schools in Illinois, and wanted to dedicate at leastwise \$100,000,000 a year of this money to go towards building new schools. And whenever I asked the people in that meeting how many people were opposed to this if we dedicated that money to building new schools in the State of Illinois, there were six people that held up their hand, and I asked how many people then were for it. We had well over 100..."

Speaker Satterthwaite: "Bring your remarks to a close."

Hicks: "Well over 100 people who were for that type of situation. I asked how many of those people were not for that for any reason other than the moral issue, and those six people said they had no other objections to the Bill other than

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the moral issue of it whatsoever. You know, you talk a little bit about the lottery itself, in 19...let me give you a couple of numbers. In 1972, we..."

Speaker Satterthwaite: "Representative Olson, Myron Olson."

Olson, M.: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Just briefly, I came here 9 1/2 years ago, our budget was \$15,000,000, now we're over 26, and it's always been indicated to us if we just add one more gambling measure it will take care of our financial problems. This is our biggest deficit in the history of the time I've been here, I suggest a 'no' on the Amendment."

Speaker Satterthwaite: "Representative Hultgren. Excuse me. Representative Sieben."

Sieben: "Thank you, Madam Speaker, to explain my vote. Ladies and Gentlemen, to me it's a sad day that gambling is not just a tolerable evil that we try to control in this state, but becoming an integral part of public policy and a funding source for a variety of programs in this state, and unfortunately our state is becoming addicted to this source of revenue. We're becoming dependent on it. We're actively promoting the morally corrupting activity, and we're becoming as hooked on these kind of activities as a compulsive gambler. These type of activities prey on human weaknesses and some of our basic fundamental weaknesses. Probably it hits hardest on those who can least afford to lose this kind of money. Just another form of regressive taxation, and for many it's a painless form of a painful, very painful taxation. I believe it's wrong for the state to exploit the weakness of its citizens, and I believe the state is rapidly developing an addiction to revenue gambling receipts."

Speaker Satterthwaite: "Representative Burzynski on a Point of Personal Privilege."

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Burzynski: "Point of Personal Privilege, thank you. Sorry, Madam Speaker. In all due respect to Representative Giorgi and Northern Illinois University, their polls have been proven to be wrong in the past, otherwise some of us wouldn't be in this chambers today if we had believed them all. Thank you."

Speaker Satterthwaite: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 60 voting 'yes', 52 voting 'no', 2 voting 'present' and the Amendment is adopted. Any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Satterthwaite: "Third Reading. Senate Bill 834, Representative Brunsvold. Representative Giorgi, has Representative Brunsvold turned all of these Bills over to you? No. Representative Brunsvold, do you wish to have this Bill on Second Reading? Out of the record. Also, 1086. Out of the record. On Professional Regulations, Second Reading, appears Senate Bill 835, Representative Hicks. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 835, a Bill for an Act to amend the Liquor Control Act. Second Reading of the Bill."

Speaker Satterthwaite: "Any Amendments filed?"

Clerk Leone: "There are no Committee Amendments. There is a Floor Amendment."

Speaker Satterthwaite: "Any Floor Amendments?"

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

Speaker Satterthwaite: "Representative Bugielski. Is the Gentleman in the chamber? Representative Bugielski on Amendment #1 on Senate Bill 835. It appears we have the wrong Amendment. Just a moment."

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

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Representative Hicks."

Speaker Satterthwaite: "Representative Hicks on Amendment #1."

Hicks: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. Amendment 1 to Senate Bill 835 simply combines Senate Bill 689 into 835 and deals with the foreign importer into the Fair Dealing Act, codifies that all into the Liquor Control Act. It also keeps the underlying Bill which deals with the Federal enclave, dealing with lowest price alcoholic beverages that currently are offered to the armed services and allows that those liquor...those portion of the Liquor Control Act and all types of alcoholic beverages are then not sold into the black market. Happy to try to answer any questions."

Speaker Satterthwaite: "Is there any discussion? Representative Black."

Black: "I just have one question of the Sponsor. Representative, this Bill, unless I'm mistaken, this Bill was on an agreed Bill list, Senate Bill 689, and so I don't understand why it was pulled off and amended onto 835."

Hicks: "Representative, there was some people that had some problems with it. We worked to try to get those problems taken care of. I took it off the agreed bill list because I told people before that I wouldn't move 689 or any of the rest of 'em until we had some agreements. That was one of the reasons..."

Black: "I can certainly appreciate and understand that, but I...there's no difference, there's not even a comma's worth of difference in the Bill, is there?"

Hicks: "No, there is not."

Black: "But...but you just had to do it for an agreement?"

Hicks: "Yes. That's right."

Black: "Alright. Okay. Thank you."

Speaker Satterthwaite: "Is there any further discussion?"

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Representative Hicks to close."

Hicks: "I just ask for your 'aye'...for the adoption of Amendment #1."

Speaker Satterthwaite: "The Gentleman moves for the adoption of Amendment #1. All in favor say 'aye', opposed 'no'. The 'ayes' have it and Amendment #1 is adopted. Any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Satterthwaite: "Third Reading. Senate Bill 962, Representative McPike. Do you wish to have the Bill called on Second Reading? Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 962, a Bill for an Act to amend the Illinois Public Accounting Act. Second Reading of the Bill."

Speaker Satterthwaite: "Any Amendments filed?"

Clerk Leone: "Amendment #1 was adopted in Committee. There are no Motions filed and no further Amendments."

Speaker Satterthwaite: "Third Reading. Representative Balanoff, Senate Bill 964. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 964, a Bill for an Act to amend the Humane Care for Animals Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Satterthwaite: "Any Floor Amendments?"

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

Speaker Satterthwaite: "Representative Balanoff."

Balanoff: "Madam Speaker, Senate Bill 964 strengthens dog abuse laws, and this Amendment addresses objections to the Bill. The Amendment clarifies that units of government and non-profit groups do not need to pay a fee. It eliminates the requirement for concrete dog runs, and deletes vague language regarding striking or confining a dog, and I know of no opposition to this Amendment."

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Speaker Satterthwaite: "The Gentleman moves for the adoption of Amendment #1. All in favor say 'aye', opposed 'nay'. The 'ayes' have it and Amendment #1 is adopted. Any further Amendments?"

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

Speaker Satterthwaite: "Representative Stern."

Stern: "Madam Speaker and Members of the House. Amendment 2 would prohibit the use of the leghold trap in Illinois. This Bill has been before us before, sometimes more successfully than others. I urge you to consider the number of children and pets that get caught in leghold traps, and the amount of pain that is inflicted on animals. This is not nature's way, and I urge your support of this Amendment."

Speaker Satterthwaite: "Representative Ropp."

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

Stern: "You bet."

Ropp: "By chance, is this Amendment of a Bill that didn't quite get out of committee for the last 50 years?"

Stern: "No. I have voted on it on the floor, Representative, but it didn't get out of committee this year. The Sponsor, myself, felt that it was a committee stacked against the Bill, so we are trying it again."

Ropp: "Are the people who really are involved in trapping, let's say those people who actually do this for a profession or a hobby, are they in support of this Bill?"

Speaker Satterthwaite: "Trapping for a hobby?"

Ropp: "Sure. A lot of people go out and trap for a hobby or form of relax..."

Stern: "That sounds like an oxymoron. Fun trapping? Make an animal weep today? Is that what this is about?"

Ropp: "I don't know. I've really never heard an animal really



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weep."

Stern: "I can tell you that I have 160,000 people in support of this, and I'll be glad to read you the list of organizations which includes the Fund for Animals, Association of Veterinarians for Animal Rights, the 'ASSISI' Animal Foundation, the 'ELSO' Wild Animal Appeal, the Anti-Cruelty Society. There are great many people in support of this, and I should add that there are folks...that there are things in this Bill which permit exceptions. You can trap nuisance animals on your own land, for instance, with a leg hold trap under this Bill."

Ropp: "The Bill allows you to trap on your own land with this kind of trap that you're trying to prohibit?"

Stern : "The prohibition does not apply for persons trapping nuisance animals on land the person owns, rents or leases, or for state employees trapping to alleviate an emergency threat to public health."

Ropp: "Is this a profession to which you are attempting to have some effect? There are some people who do this for a profession. You're actually potentially taking away from their vary vocation."

Stern: "I think, Representative Ropp, that this is a time when women are wearing fewer furs and many more woolens and plush and fun furs that are not real animals. You know, on Brookfield Zoo day, it does seem to me that we ought to be able to summon a majority of 'aye' votes for this Bill."

Ropp: "Well, I would certainly stand in opposition to this. It certainly seems that it is an attempt by a lot of the animal rights people who frankly have...in my opinion have very little experience with what animals are put on this earth for, and it seems like since the people who are involved in trapping are certainly opposed to this kind of legislation, we think that this Amendment ought to be

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opposed."

Speaker Satterthwaite: "Representative Brunsvold."

Brunsvold: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. As Chairman of the Municipal and Conservation Law Committee, we heard this Bill as 192 for an hour and 20 minutes. This Bill had a fair hearing in House Committee. It was opposed by Conservation, the Trapping Association, most of the conservation groups in this state, the Illinois Retail Merchants Association opposed this legislation. We talked at length on the economics of this issue, and in Northern Illinois alone there is over \$18,000,000 in fur trapping in the fur industry, in the Trapper's Association just in the northern part of this state. And it will take jobs away from people, and it is not an effective way...there's no other effective way of controlling the varmints...pests in this state than a leghold trap, and all the leghold traps you've seen with steel jaws, with teeth on them have been outlawed anyway. We're talking about a leghold trap that does not have those teeth. They presented traps in committee that were 15 and 20 years old. They don't use those anymore. I would advise the House to vote this Amendment down as we did in committee, resoundingly with a 'no' vote."

Speaker Satterthwaite: "Representative Doederlein."

Doederlein: "Thank you, Madam Chairman. Would the Representative yield for some questions?"

Speaker Satterthwaite: "She indicates she will."

Doederlein: "Do you know how many animals are trapped in the State of Illinois?"

Stern: "No ma'am, I do not."

Doederlein: "Do you think that there's a lot of 'em trapped?"

Stern: "Why don't you give us your testimony, madam? I don't know the answer."

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Doederlein: "You have on here that no person could trap unless they own, rent or lease. Now, I know a lot of trappers that are called to different farms to do trapping. This means that they could not go to those places to trap, because it wouldn't be on their land."

Stern: "No. On the contrary. All I am saying is that they may not use a leghold trap on land they do not own, rent or lease. They may use other forms of trapping which are available."

Doederlein: "But this is their tool and trade. They know how better to trap than you and I do. They have taken lessons, they are educated in trapping, they obey the trapping laws, and most of these people are called to duty to catch animals on other peoples' property, so this would mean that they couldn't go to those other peoples' property and use their tools of their trade, right?"

Stern: "They could not use a leghold trap. They could use a box trap."

Doederlein: "Well, this is a tool of their trade, and I believe that you're putting a burden on a profession here. Thank you."

Stern: "You're welcome."

Speaker Satterthwaite: "Representative Stern to close."

Stern: "Alright. Just briefly, Madam Chairman, I would say the Committee did indeed give it a full hearing. I felt well-treated except that I did feel that it was the country folks and the gun folks and the folks who believe in 'going after those varmints' and who put aside the humane concerns of some of us who support this legislation. I think this is important legislation, even though the Committee didn't. There are other ways to trap. This simply bans the leghold trap and requires the Department of Conservation to teach trapping to those who only know about leghold traps. There

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are other ways, folks, and I can only tell you that the cats and dogs that have been caught in these traps would thank you for an 'aye' vote on this Amendment."

Speaker Satterthwaite: "The Lady moves for the adoption of Amendment #2. All in favor say 'aye', opposed 'no'. The 'ayes' have it and the Amendment is...the 'nos' have it and the Amendment is defeated. Are there further Amendments?"

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

Speaker Satterthwaite: "Representative Parcels."

Parcels: "Thank you, Madam Speaker. Would you please withdraw Amendment #3."

Speaker Satterthwaite: "Amendment #3 is withdrawn. Any further Amendments?"

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

Speaker Satterthwaite: "Representative Parcels."

Parcels: "Thank you, Madam Speaker. This is the Bill...or the Amendment that would outlaw in the State of Illinois the use of the Draize or a similar test for eye irritancy or skin irritancy used primarily on rabbits. This is a very cruel Bill, you've heard a lot about it in the past. I want you to know that it is absolutely unnecessary. There are over 100 cosmetic companies right now that don't use it. There are other tests available or those companies would be in trouble right now. Those who say the FDA insists on it are wrong. How could these hundreds of companies, big name companies not use this test if it was necessary. They are using alternate tests which are in the end actually cheaper. Optometrists have testified on this Bill that they don't use this information at all. Dermatologists don't use this information at all. Court cases are not decided because this test was done on

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rabbits, and if you saw pictures of animals that are blinded and caustic materials used so that they are actually burned to the bone on their skin, I don't see how you could possibly vote against this Bill. I want it understood that the Bill is not for medical testing, this does not include that. It is not pharmaceutical testing, it is strictly for cosmetics and household products. That is all it covers, and I would ask for your 'aye' vote. It is a very humane Bill, and if you are opposed to being inhumane to animals, I would ask you to vote 'aye' on this Amendment."

Speaker Satterthwaite: "Representative Ropp."

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

Speaker Satterthwaite: "She indicates she will."

Ropp: "Representative, in all due respect, is this the same good Bill that you've had for several years dealing with baby rabbits and tender..."

Parcells: "It does not deal with baby rabbits, it deals with any animals, rabbits primarily, and yes, and it has come out of committee, the Judiciary Committee unanimously two years in a row."

Ropp: "I guess as someone who has lived on a farm for a long time and seen a lot of rabbits come and go, it seems to me that...it seems to me that we have turned aside what animals maybe have been brought on this earth for to attempt to provide research and development that Ladies and Gentlemen have saved many many eyes and many many lives of people, and to think that we're going to place more emphasis on the value and the importance of animals, even though I am an animal lover, it seems to me that our priorities are a little bit out of whack, that really we should not be attempting to try to save these kinds of research developments if in fact there are no other means

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in which to provide the tests. To my understanding, this particular kind of test is one that is still vital, it is still useful in preserving the eyesight of people like you and I and all of your citizens, particularly in the area for lotions, perfumes and cosmetics and so forth. I think this is not an Amendment that you want to support. I think animals certainly, even though we want to save as many as we can, we should not support this Amendment."

Speaker Satterthwaite: "Representative Weaver."

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

Speaker Satterthwaite: "She indicates she will."

Weaver: "In reading through your Bill, and I want to compliment you on your tenacity, it took me three years to get my 'Bunny Bill' passed, but in reading through the Bill, to clarify a point here, it indicates that suit may be brought by the Attorney General or State's Attornies for whenever any other party has reason to believe that any person is using, has used or is about to use a testing method. Would that mean that I as a private individual would have right to sue under this Bill?"

Parcells: "Yes, but of course you'd have to prove that...I said 'yes' but you would have to prove that in fact, as you would in any court case, that you are correct and they are using an illegal method of testing."

Weaver: "Well, it provides me grounds that if I think they are about to conduct this test, I can sue?"

Parcells: "Well, and if you could prove they are about to, yes, you could sue, but that doesn't mean you're going to win. If they can prove they weren't about to, then you don't win and they do."

Weaver: "I'm sorry. I couldn't hear."

Parcells: "I said if you can prove that they were going to use

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the test, yes, you win. If they can prove that they had no intention of using the test, then they win."

Weaver: "Could this not lead to a lot of frivolous lawsuits or..."

Parcells: "Oh, I think not."

Weaver: "...if for example, if I have a problem with your company, all I have to do is claim that you are going to use this test, and then take you into court and you would have to prove that you were not going to use this test, whether you had any idea to use it or not."

Parcells: "Well, you have gone...of course, you have stretched this a lot farther. People aren't going to do that for no reason because it's costing them to go to court also, so there's no reason for them to take you to court. Furthermore, hundreds and hundreds of cosmetic companies are already eliminating this test and using other very fine tests that are probably superior to this test anyway."

Weaver: "Could you...well, as we used to do with my mother when she said eat your food, children in Europe are starving, can you name me three?"

Parcells: "Eye tests?"

Weaver: "Three companies that don't use it."

Parcells: "Revlon, yes I can name you at least three. What is...there's about five really big names..."

Weaver: "All I want's three of them."

Parcells: "Estee Lauder, Revlon, Avon. You said three, that's three."

Weaver: "Okay. Thank you."

Parcells: "But I've got a list which I can supply you with, and it's 100."

Weaver: "Thank you."

Speaker Satterthwaite: "Representative Flinn. Monroe Flinn."

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

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Speaker Satterthwaite: "You've heard the Gentleman's Motion. All in favor say 'aye', opposed 'nay'. The 'ayes' have it and the previous question is put. Representative Parcells to close."

Parcells: "Thank you, Madam Speaker. In answer to some of the previous questions, this is not a matter of rabbits can be done without, this is not a matter of you're going to be blinded, this is cosmetic testing. You're not going to be blinded with cosmetics. We're not talking about important eyedrops for glaucoma, we're not talking about pharmaceuticals or medical testing, we're talking about the humane treatment of rabbits. Don't need these tests, a hundred companies already use the I-tech test and others which are better and cheaper. And I would ask for your 'aye' vote and I'd ask for a Roll Call vote on this Amendment."

Speaker Satterthwaite: "The Lady moves for the adoption of Amendment #4. All those in favor vote 'aye', those opposed vote 'no'. 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 'aye', 47 voting 'no', 12 voting 'present' and the Lady's Motion is adopted...the Lady's Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Satterthwaite: "Third Reading. On the Special Order, Civil Law, Second Reading, appears Senate Bill 182, Representative Granberg. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 182. A Bill for an Act concerning ethics in government. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Satterthwaite: "Representative Black, for what reason do you arise?"



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Black: "I was under the impression there's still some negotiation going on on this Bill. Perhaps I'm wrong. I didn't think it was quite time for this Bill yet, but I may be in error."

Speaker Satterthwaite: "Well, this is the last day for Second Reading. We're trying to move Bills to Third today. Representative Granberg, can we take the Bill out of the record momentarily and come back to it when you've had your discussion? On the Order of State and Local Government, Second Reading, Representative Steczo on... Representative Regan, for what reason do you arise?"

Regan: "Madam Speaker, inadvertently voted 'no' on the Draize eye test. That's Amendment 4 on 964. I'd like to register as a 'yes' vote please, for the record."

Speaker Satterthwaite: "The record shall reflect your wishes. On Second Reading, State and Local Government, Senate Bill 750. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 750, a Bill for an Act to amend the Illinois State Agency Historic Resources Preservation Act. Second Reading of the Bill. No Committee Amendments."

Speaker Satterthwaite: "Any Floor Amendments?"

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

Speaker Satterthwaite: "Representative Steczo."

Steczko: "Thank you, Madam Speaker. The Amendment #1 is purely technical in nature and I move for its adoption."

Speaker Satterthwaite: "Would you repeat that, Representative Steczo."

Steczko: "Yes, Madam Speaker. The Amendment is purely technical in nature, and I would move for its adoption."

Speaker Satterthwaite: "You've heard the Gentleman's Motion. All in favor say 'aye', opposed say 'no'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

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Clerk O'Brien: "No further Amendments."

Speaker Satterthwaite: "Third Reading. Representative Capparelli on Senate Bill 779. Out of the record. Are we ready to go back to Senate Bill 182? We will go on then to...okay. We're ready on Senate Bill 182. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 182, a Bill for an Act concerning the ethics in government. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Satterthwaite: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Satterthwaite: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Long...Lang."

Speaker Satterthwaite: "Representative Lang."

Lang: "Thank you, Madam Speaker. Amendment #2 represents the culmination of negotiations between both sides of the aisle, including the leaders on both sides of the aisle. On the issue of ethics reform, lobbyist registration reform. The Amendment is comprehensive, the Amendment I should tell you has the approval of Common Cause who as you know has been working very hard for a number of years to try to bring serious ethics reform legislation before the Legislatures of all 50 states. Let me briefly tell you what's in this. On the issue of lobbyist registration, first it just simply defines what lobbying means. Then it goes on to say as follows, it requires that lobbyists report twice a year in January and July the total amount expended by the lobbyists in connection with lobbying state government, and that portion of the expenditures made by the lobbyist for each of his clients. Also requires reporting of each individual expenditure for travel, lodging, entertainment, meals, etc. for over \$50. These items...these must be itemized, not in the aggregate, but

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as individual expenditures. The lobbyists are also required to notify the recipients who would be listed on their report prior to the filing deadline. Finally, as it relates to lobbyist registration, the Secretary of State is given rule-making authority over the administration of the Act. As it relates to the Governmental Ethics Act, briefly, this Amendment adds the offense of collusion with a public official, it adds provisions restraining nepotism, or the hiring by a public official of a relative or someone from the employee's household, and it revises the language of the statement of economic interest form to make it more understandable. Further, the Bill...the Amendment exempts teachers other than those serving on a Chicago local school council from the requirement of filing a statement of economic interest. Finally, the Amendment creates the Executive Branch Ethics Act. This codifies an Executive Order issued by Governor Thompson some years ago, and creates a Board of Ethics and requires all appointees by the Executive Department to file the appropriate statement of economic interest. The Board is given various duties in regards to carrying out the Executive Branch Ethics Act. Ladies and Gentlemen of the House, it's appropriate that this Body address these issues. The issue of ethics and lobbyist reform is sweeping the nation. There are people in your district that I'm sure have contacted you. There's a great cry from our citizens relative to these issues because there's some distrust, and sometimes rightfully so, between our citizens and this Legislature and all elected officials, and it's up to us to rebuild that bridge of trust between our Body and the people we serve. The best way to begin that process is to begin by taking this small bite, if you will, of the ethics apple, and to begin to make steps toward real meaningful reform in the areas of

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ethics and lobbyist reform. I ask your 'aye' votes."

Speaker Satterthwaite: "Representative Leitch."

Leitch: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This ethics issue and the related proposals are proposals with which our conference has grappled with throughout this Session. I rise in support of the Gentleman's Amendment, it's an Amendment which has been agreed upon by both sides of the House. We agree that it is a start...an important new start in the area of ethics and government, and it's a modest proposal, but one in the right direction. I think perhaps the most significant piece of this legislation is the more detailed required reporting by lobbyists. I think it's important that lobbyists also have to notify members of what amounts are in those reports, and all in all it's a balance and I think good Amendment, and I recommend it to Members of our side as well."

Speaker Satterthwaite: "Representative Stern."

Stern: "Madam Speaker and Members of the House. I rise in support of this Amendment. There's a lot of good stuff in it. But mainly, there's House Bill 1428 as far as I'm concerned is included, which rewrote the statement of economic interest so you and I could understand what it was we were signing, and also removed classroom teachers from the requirement to file. Besides all the other good stuff, those are important initiatives. I urge your 'aye' vote."

Speaker Satterthwaite: "Representative Lang to close."

Lang: "Thank you, Madam Speaker. This represents negotiations between the leaders and others, and I urge your 'aye' vote."

Speaker Satterthwaite: "The Gentleman moves the adoption of Amendment #2. All in favor say 'aye', opposed 'nay'. The 'ayes' have it and Amendment #2 is adopted. Any further

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Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Satterthwaite: "Third Reading. We will now go to Government Operations, Representative Santiago on Senate Bill 424. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 424, a Bill for an Act to amend the School Code. Second Reading of the Bill. No Committee Amendments."

Speaker Satterthwaite: "Any Floor Amendments?"

Clerk O'Brien: "Floor Amendment #1, offered by Representative Anthony Young and Levin."

Speaker Satterthwaite: "Representative Young. Representative Santiago."

Santiago: "Can you please read it a second time and hold it?"

Speaker Satterthwaite: "The Bill has been read a second time. Mr. Clerk, hold the Bill on Second Reading. On the Order of Municipal, County and Conservation Law appears Senate Bill 846, Representative Morrow. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 846, a Bill for an Act to amend the Counties Code. Second reading of the Bill. Amendment #1 was adopted previously."

Speaker Satterthwaite: "Any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Morrow."

Speaker Satterthwaite: "Representative Morrow withdraws Amendment #2."

Morrow: "Withdraw Amendment #2, Madam Speaker."

Speaker Satterthwaite: "Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Satterthwaite: "Has a Fiscal Note been filed?"

Clerk O'Brien: "Fiscal Note is filed."

Speaker Satterthwaite: "Third Reading. On the regular Calendar

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on page 13 appears Senate Bill 728, Representative McAfee.  
Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 728, a Bill for an Act to amend the  
Trust and Trustees Act. Second Reading of the Bill. No  
Committee Amendments."

Speaker Satterthwaite: "Any Floor Amendments?"

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

Speaker Satterthwaite: "Representative McAfee."

McAfee: "Madam Speaker, I'd like to withdraw Floor Amendment #1  
please."

Speaker Satterthwaite: "Amendment #1 is withdrawn. Any further  
Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative  
McAfee."

Speaker Satterthwaite: "Representative McAfee."

McAfee: "Thank you, Madam Speaker, Ladies and Gentlemen of the  
General Assembly. Floor Amendment #2 basically deletes the  
portions of the Bill to work out hopefully...makes it a  
vehicle and hopefully to work...sends a Conference  
Committee to work out the differences we have between the  
Chicago Bar Association, State Bar and the Corporate  
Fiduciaries."

Speaker Satterthwaite: "You've heard the Gentleman's Motion to  
adopt Amendment #2. All in favor say 'aye', opposed 'nay'.  
The 'ayes' have it, and Amendment #2 is adopted. Any  
further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Satterthwaite: "Third Reading. On the Special Order,  
State and Local Government, appears Senate Bill 1189,  
Representative Matijevich. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1189, a Bill for an Act to create the  
Commission on Economic and Productivity in State

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Government. Third Reading of the Bill."

Speaker Satterthwaite: "Representative Matijevich."

Matijevich: "Madam Speaker, could I have leave to return the Bill to the Order of Second Reading for the purposes of an Amendment?"

Speaker Satterthwaite: "The Gentleman asks leave to bring the Bill back to Second Reading. Seeing no one seeking recognition, he has leave, and the Bill is on Second Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "This Bill's been read a second time previously. Floor Amendment #2, offered by Representative Matijevich."

Speaker Satterthwaite: "Representative Matijevich."

Matijevich: "Madam Speaker, the Amendment has been offered by AFSCME. The underlying Bill has to do with the study to review operations and administration of state agencies to bring about economy and productivity. The Amendment would...is for the involvement of state employees in this study, and would provide for representatives of public employee labor organizations in the study, and I would move for the adoption of the Amendment #2."

Speaker Satterthwaite: "You heard the Gentleman's Motion. Is there any discussion? There is not. All in favor say 'aye', opposed 'nay'. The 'ayes' have it and Amendment #2 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Satterthwaite: "Third Reading. On the Special Order, Revenue, Second Reading appears Senate Bill 497, Representative Bugielski. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 497, a Bill for an Act in relation to a tax exemption of certain proceeds of amendatory service charge on food and beverages. Second Reading of the Bill. No Committee Amendments."

Speaker Satterthwaite: "Any Floor Amendments?"

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

Speaker Satterthwaite: "Representative Hartke."

Hartke: "Thank you very much, Madam Speaker. We're still working on this proposal, and I made an agreement to continue to work on it, so I withdraw Amendment #1."

Speaker Satterthwaite: "The Amendment's withdrawn. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Bugielski."

Speaker Satterthwaite: "Representative Bugielski."

Bugielski: "Thank you, Madam Speaker and Members of the House. Amendment #2 is purely technical in nature, so I ask for its adoption."

Speaker Satterthwaite: "Representative Wennlund."

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

Speaker Satterthwaite: "He indicates he will."

Wennlund: "Is the purpose of Amendment #2 to put into a conference?"

Bugielski: "I don't know if it's going to go to a Conference Committee. They just wanted to get it back into the Senate, Representative."

Wennlund: "What's the purpose of it."

Bugielski: "It's purely technical, and they just wanted to get it back to the Senate."

Wennlund: "Then, what's the purpose of the whole Bill?"

Bugielski: "The purpose of the Bill is...that was the tipping and gratuity Bill that we had previously."

Wennlund: "And negotiations are continuing?"

Bugielski: "Yes, they are."

Wennlund: "Okay. Thank you."

Speaker Satterthwaite: "The Gentleman moves for adoption of Amendment #2. All in favor say 'aye', opposed say 'nay'."



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The 'ayes' have it and Amendment#2 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Satterthwaite: "Third Reading. Senate Bill 707, Representative McGann. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 707, a Bill for an Act to amend an Act concerning grants by the Department of Mental Health and Disabilities. Second Reading of the Bill. No Committee Amendments."

Speaker Satterthwaite: "Any Floor Amendments?"

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

Speaker Satterthwaite: "Representative McGann."

McGann: "Amendment #1...Madam Speaker and Members of the Assembly, Amendment #1 just deletes the effective date, the immediate effective date, that's all it does. I'd ask for adoption of Amendment #1."

Speaker Satterthwaite: "Any discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. We requested a Fiscal Note on this. Has it been filed?"

Speaker Satterthwaite: "Representative Black, I didn't hear your comment."

Black: "We had requested a Fiscal Note on this Bill. Has a Fiscal Note been filed?"

Speaker Satterthwaite: "The Fiscal Note has been filed."

Black: "Thank you."

Speaker Satterthwaite: "The Gentleman moves for adoption of Amendment #1. All in favor say 'aye', opposed 'nay'. The 'ayes' have it, the Amendment is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Satterthwaite: "And the Fiscal Note has been filed. The Bill will move to Third Reading. Representative Currie on

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Senate Bill 792. Out of the record. Representative Keane on Senate Bill 1218. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1218, a Bill for an Act in relation to revenue anticipation notes issued by the state. Second Reading of the Bill. No Committee Amendments."

Speaker Satterthwaite: "Are there any Floor Amendments?"

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

Speaker Satterthwaite: "Representative Edley."

Edley: "Thank you, Madam Speaker. I move to table Amendment #1."

Speaker Satterthwaite: "Amendment #1 is withdrawn. Any further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Edley."

Speaker Satterthwaite: "Representative Edley."

Edley: "Thank you, Madam Speaker and Ladies and Gentlemen of the General Assembly. The general...this...Amendment #2 allows the General Assembly to appropriate monies from any special funds in the state treasury other than the Bond Fund, Revolving Fund, Highway Fund, or a fund designated as a state or federal trust fund. I would ask for a favorable Roll Call."

Speaker Satterthwaite: "Representative Black."

Black: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Amendment. Unfortunately I should have arisen at the last Amendment as well. These Amendments basically we've seen before, I believe in Senate Bill 954, and perhaps one other House Bill. What you're doing, if you accept these Amendments, you are stripping funds, and there are some exceptions, as the Gentleman said, from the end of the year balance and put it into General Revenue Fund. Now that may seem to be a very attractive idea given the fiscal problems we have

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now, but just for example, you can just take one agency and it said, if these Bills become law, we will not be able to process and meet payroll and other vouchers because the cash balances go negative around the end of FY '92 and would remain negative for much of FY '93. Now, I don't have any problem with what the Gentleman is attempting to do, but many of you have already called out in the hallway today by various lobbyists who finally figured out what this would do to their projects or their programs, and they said, well now, if you're going to take money out of this fund or that fund, make sure you don't take it out of this fund, because this fund funds domestic violence shelters or whatever the case may be. Well, I don't think we can run that way. If the Gentleman's Amendments go on the Bill and the Bill should become law, you will be stripping most if not all of the funds in the State of Illinois to get additional dollars. Now, that may be attractive, given the fiscal condition of this state, but in the long run I really don't think this is good public policy, and we simply will be robbing Peter to pay Paul, and the only problem is a year from now, Paul is going to be broke as well. So, I don't think it solves anything and I would urge a 'no' vote on this Amendment."

Speaker Satterthwaite: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. For those of you who are concerned about particular funds, it is our understanding that we are looking at funds such as the Violent Crime Victim's Assistance Fund, the Children and Family Services Children's Service Fund, the Downstate Public Transportation Fund, the Environmental Protection Permit and Investigative Fund, the Illinois Health Facilities Planning Fund, the Nuclear Safety Emergency Preparedness Fund and the Park and Conservation

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Fund. These are all potential funds that could be reallocated under this Amendment, so, if you're concerned about any of those particular subject areas, you ought to be concerned about this Amendment. The Amendment on its face sounds like a very attractive Amendment, but as the previous Speaker indicated, that we very well could be robbing Peter to pay Paul. It doesn't make sense. We create special funds for a reason, and under this Amendment we will destroy those funds or take money out of those funds, it to me is not good public policy. The General Assembly created these funds for specific reasons so that we couldn't do this type of raiding of these funds. So we ought to be against this Amendment, and I would hope that anyone who is concerned about those particular funds would oppose this Amendment. Thank you."

Speaker Satterthwaite: "Representative Ropp."

Ropp: "Thank you, Madam Speaker. I too stand in opposition to this Amendment because there are several programs that many of us have worked on over the years, and just recently have been in a position to begin to fund them in the manner that they should be, in the areas of providing safety for motorcycle driving, or senior citizens, or health care, and certainly we are really sending a wrong message to these people after we have worked so hard and after the Legislature has clearly designated these programs for adequate funding. I know, and I certainly respect the Legislator's intent to say here's an opportunity we can glean some money right away. This is a short term solution to a very long term concern that the Legislator has already established several years ago. I urge you a 'no' vote."

Speaker Satterthwaite: "Representative Weaver."

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

Speaker Satterthwaite: "He indicates he'll yield."

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Weaver: "Representative, I think to get a better idea myself as to what funds you may want to access with this Bill, let me throw a couple at you and see if it is your understanding that these are funds that your Bill will allow us to take the money from and put it into General Revenue Fund. Will the Bill allow us to take money from the Ag Premium Fund?"

Edley: "If it's...listen, if it's not included in the exceptions, they would be allowed to be taking from it at our discretion. This is not an Appropriation Bill. This strictly...this simply gives the General Assembly the authority to appropriate funds. We still have to appropriate. None of the previous speakers were speaking to the Bill here. We've not..."

Weaver: "Okay. Does the Bill allow us, or does the Bill provide the authority for us to take money from the Deferred Compensation Fund?"

Edley: "Deferred Compensation? I don't think so."

Weaver: "Are there any funds that you have exempted with this Bill?"

Edley: "Any Bond Fund, Revolving Fund, Highway Fund, state or federal Trust Fund."

Weaver: "Okay. So there are...Madam Speaker, to the Amendment. We have a list here of about 15 or 20 funds, many of which we have our own personal money invested in. If you want to have the money that you have put into your deferred compensation fund taken and put it into General Revenue, vote for this Amendment. If you want the Ag Premium Fund raided and put into General Revenue, vote for this Amendment. If you want the Pension Fund raided and put into General Revenue, vote for this Amendment. This would allow the authority to take money from all kinds of funds that we have set aside for specific purposes, and put them into General Revenue. We don't want to do that."

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Speaker Satterthwaite: "Representative Edley to close."

Edley: "Thank you, Madam Speaker. The previous speakers are throwing out red herrings on this. This is simply giving the General Assembly the authority to appropriate monies. We have to decide what funds we're going to take them from and what. You know, we have hundreds of millions of dollars of past due bills. We have pharmacies and nursing homes and hospitals that are going out of business, and yet we have surplus balances in many of our funds, funds totaling tens of millions of dollars. This...the funds that you...that some of the previous speakers alluded to...the excess balances removed from those funds would have no impact, no impact on their operations in FY 92. And we've met with the Bureau of the Budget and they agree there are excess funds out there to get. Isn't it unconscionable that the State of Illinois has tens of millions of dollars idly setting in hundreds of different funds while our nursing homes and hospitals and pharmacies go unpaid while our nursing homes and pharmacies refuse access to the citizens of this state for health care. It's ridiculous. Many times you hear your constituency say government ought to operate more like a business. Is there any business that would allow hundreds of funds to stand with idle balances while they couldn't pay their rent or they couldn't pay their employees? No, business in this country would do the way...would operate the State of Illinois does. This simply gives the General Assembly the authority to transfer funds and we'll have to at a later date decide what funds are appropriate and need to be transferred. I ask for a 'aye' vote."

Speaker Satterthwaite: "The Gentleman moves for the adoption of Amendment #2. All in favor say 'aye', oppose 'no'. The 'nos' have it and the Amendment is lost. Further

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Amendments?"

Clerk O'Brien: "Floor Amendment #3 offered by Representative Satterthwaite and Keane."

Speaker Satterthwaite: "Representative Keane."

Keane: "Thank you, Madam Speaker. Amendment #3 adds to the Bill a revision to the Illinois Farm Development Act. The Illinois Farm Agricultural Loan guarantee fund provides since 1990 that one half of one percent of interest earned by the fund is for use by the U of I Ag research...for research purposes. This Amendment proposes to increase the amount to one percent, the other interest earned goes into the GRF. The reason we are doing this is this fund does not...money's have been removed from this fund. I move the adoption of the Amendment."

Speaker Satterthwaite: "Representative Dunn for what reason do you rise?"

Dunn: "Well, point of inquiry, Madam Speaker. The Gentleman Sponsor of Amendment #2 asked for a Roll Call vote during his opening remarks. The Amendment...and he is joined by a sufficient number and the Amendment is still on the board. We've not lost the Amendment. The Gentleman is entitled to a Roll Call vote according to the rules of this chamber and I would ask the Speaker to provide us with a Roll Call vote on Floor Amendment #2."

Speaker Satterthwaite: "The Chair would remind Members that we are well passed the hour at which we were expecting to adjourn tonight. We still have business to accomplish. If people wish to have Roll Call votes they need to explicitly ask for that. I did not hear the Gentleman ask for a Roll Call vote and we are on another Amendment at this time. We are now on Amendment #3, Representative Kubik. Representative Kubik."

Kubik: "Question of the Sponsor?"

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Speaker Satterthwaite: "He indicates he'll yield."

Kubik: "Representative perhaps you could reiterate exactly what this Amendment does and...because I'm not quite sure we're all together on this one."

Speaker Satterthwaite: "Representative Keane."

Keane: "Thank you, Madam Speaker. I'll go over Amendment #3 again. Amendment #3 adds to the Bill a revision to the Illinois Farm Development Act. As it presently exists the U of I agricultural research purposes get...for research purposes gets half of one percent the interest earned by the Ag Loan Guarantee Fund. This Amendment increases it to one percent simply because of the...there's less money init and to continue to give the university the same amount of money it has got in the past. we have to increase from one half of one percent to one percent. I move the adoption of the Amendment."

Kubik: "Excellent explanation. I believe we stand in support of the Amendment."

Speaker Satterthwaite: "Representative Black."

Black: "Thank you very much, Madam Speaker. I believe this is the Bill that you and I and others on the Higher Education Committee have talked. Or the Amendment, I'm sorry, and I think it's extremely important for the University of Illinois, and as spokesman Kubik said, we stand in support of the Amendment."

Speaker Satterthwaite: "The Gentleman moves for the adoption of Amendment #3. All in favor say 'aye', opposed 'no'. The 'ayes' have it and Amendment #3 is adopted. Any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Satterthwaite: "Third Reading. On the Order of Counties and Townships, Senate Bill 443, Representative Giorgi. Mr. Clerk, read the Bill."



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Clerk O'Brien: "Senate Bill 443, a Bill for an Act concerning the regulations of electricians. Third Reading of the Bill."

Speaker Satterthwaite: "What order is the Bill on, Mr. Clerk?"

Clerk O'Brien: "Third Reading."

Speaker Satterthwaite: "Representative Giorgi, you wish to bring the Bill back to Second Reading for purposes of an Amendment? Representative Giorgi."

Giorgi: "Madam Speaker, there are two Amendments being prepared for this Bill, but I'd like the Bill read. I'd like the Bill read a second time so we can take it up tomorrow with the Amendments. These are by request Amendments...both sides of the aisle."

Speaker Satterthwaite: "So you want the Bill brought back to Second Reading tonight?"

Giorgi: "I'd like to..."

Speaker Satterthwaite: "The Bill has been read on Second Reading and Third Reading."

Giorgi: "Leave it on Second, then, if it's read a second..."

Speaker Satterthwaite: "Bring it back to Second Reading and hold it there. That will be done. Representative DeLeo on Senate Bill 506. Representative DeLeo moves to reconsider the vote by which Senate Bill 506 passed on the Consent Calendar. Representative Black."

Black: "Inquiry of the Chair. This was on Consent as I understand it?"

Speaker Satterthwaite: "Yes. The Bill passed on Consent."

Black: "When did we pass the Consent Calendar on this Bill?"

Speaker Satterthwaite: "Earlier today, I'm told."

Black: "Earlier today. Okay. Alright."

Speaker Satterthwaite: "The Gentleman asks leave to reconsider the vote by which Senate Bill 506 passed. Is there leave...for that Motion? All in favor say 'aye', all opposed 'no'. The 'ayes' have it and the Bill is to be

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reconsidered. Leave to use the Attendance Roll Call for that purpose. Leave is granted. Now the Gentleman ask leave to return the Bill to Second Reading for purposes of an Amendment. Does he have leave? Leave is granted. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 506, this Bill has been read a second time previously. Amendment #2 by Representative DeLeo."

Speaker Satterthwaite: "Representative DeLeo."

DeLeo: "Thank you, Mr. Speaker. Amendment #2 would change the executive director of the State Fire Marshal's Office salary in the amount of \$55,000 or the amount set by the Compensation Review Board, whichever is greater. Currently, the executive director of the Office of State Fire Marshal is paid way below any other directors or state agencies. This money does not come out of GRF. Let me repeat, this money does not come out of GRF, it comes from the fire prevention fund. I move for its adoption."

Speaker Satterthwaite: "Representative there appears to be a error in...in Amendment #1."

DeLeo: "I move to table Amendment #1. Amendment #1 has the salary at \$65,000, so I'd like to table Amendment #1 and go with Amendment #2."

Speaker Satterthwaite: "Amendment #1...is withdrawn...there further discussion? (Inaudible Tape) Amendment #2. Further discussion?"

Persico: "Thank you, Madam Speaker. A brief question of the Sponsor. Hello. Maybe you can help us understand the motivation behind a 70% increase for the Fire Marshal as...I understand this is not GRF, but is this a good thing to do, giving the directors, one of the directors a 70% increase in a year that's so fiscally tight for us."

DeLeo: "Representative, it's not a 70%...if you know, we withdrew Amendment #1 which moved him to \$65,000. Amendment #2

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reduces it to \$55,000. It's a 30% increase. Again, it didn't come out of GRF funds in a fiscally tight year. This comes out of the Fire Prevention Fund, and if you're familiar with the Fire Prevention Fund, any insurance companies outside the State of Illinois who write fire protection insurance, have a special two percent tax we passed years ago, that goes into the Fire Prevention Fund. That fund generates annually around \$2,000,000 for our Fire Prevention Fund, so there's more than excess money if the director's salary, the State Fire Marshal's salary is not even on line with the other directors. I believe the Fire Marshal is appointed by the...serves by appointment by the...of Governor, and I think the Governor is a Republican, I'm not sure."

Persico: "Is...yes, just one other question. Is this...to your knowledge, is the current director, is he a retired fireman?"

DeLeo: "A retired policeman?"

Persico: "Fireman."

DeLeo: "Yes."

Persico: "Is he currently drawing a pension from being a retired fireman?"

DeLeo: "I have no idea."

Persico: "Yes, he is. That's the right answer. Yes, he is, so he's currently getting a pension from being a retired fireman and you're going to give him a 30% increase. Well, it was 70, but I understand he's changed it, so it's coming down...he's getting...he's going to be making pretty good money, isn't he?"

DeLeo: "I hope some day that you're in that position, Representative."

Persico: "Well I hope so...I hope I'm successful too, some day, but..."

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DeLeo: "...twenty years here..."

Persico: "I just question if this is the right time, whether it's GRF or the Fire Prevention Fund or whatever, for an increase of this size. Thank you."

Dunn: "Thank you Madam Speaker and Ladies and Gentlemen of the House. I would just like to...the Sponsor of the Amendment has indicated that there's \$2,000,000 in this fund...this provides for this pay raise. The Amendment would be...which would have authorized use of funds like this for all the..."

Cowlshaw: "Very quickly, Madam Speaker. I had a whole series of meetings with the State Fire Marshal, and people from his office earlier this year on this Fire Prevention Fund when I was working on my school sprinkler Bill, and I kept appealing to them about the fact that I would appreciate it if there was any money at all in that fund that they might be willing to make that available for us to help subsidize the installation of sprinkler systems in brand new schools. Repeatedly, I mean repeatedly, I was told there was not even one-half of a penny in that fund that was left to do anything. It was all committed, but all of a sudden there's money to give the Fire Marshal a salary increase. I find that very interesting."

(INAUDIBLE TAPE.)

Black: "Well, thank you, Madam Speaker. Maybe I won't need to explain my vote, but an earlier speaker said the money was in a special fund to pay him. Well when you adopted Amendment #1 to Senate Bill 1218, it said that any money in a special fund will be appropriated to GRF, so there isn't any money in there to pay him. A 'no' vote is the right vote."

(INAUDIBLE TAPE.)

Deering: "Withdraw the Amendment, Madam Speaker."

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(INAUDIBLE TAPE.)

Black: "Thank you very much, Madam Speaker. I just want to rise in support of the Gentleman's Resolution and Motion. I think Illinois ranks 44th in the amount of federal tax dollars and we send to Washington that we get back. And I think the Gentleman's on the right track. We need to figure out why we are so low in getting our tax dollars back from Washington. It's a good Resolution. Let's pass it."

(INAUDIBLE TAPE.)

Weaver: "Thank you, Madam Speaker. Inquiry of the Chair. Is Amendment 1...has it been adopted on this Bill."

(INAUDIBLE TAPE.)

Weaver: "Thank you."

(INAUDIBLE TAPE.)

Olson: "Thank you, Madam Speaker, Ladies and Gentleman of the House. This is the Republican Conference. We will have a caucus in room 300 very briefly, immediately at the Adjournment tonight. Republicans in 300 immediately after Adjournment tonight."

(INAUDIBLE TAPE.) Clerk O'Brien: "Bill for an Act to amend certain Acts in relation to the use of Illinois coal. Senate Bill 458, a Bill for an Act concerning backstretch employees at Illinois race tracks. Senate Bill 500, a Bill for an Act to amend an Act relating to payment for hospital services. Senate Bill 502, a Bill for an Act to create the Health Care Decision Central Registry Act. Senate Bill 531, a Bill for an Act to amend the Prevailing Wage Act. Senate Bill 534, a Bill for an Act to amend the Code of Civil Procedure. Senate Bill 556, a Bill for an Act to create the Commercial Real Estate Brokers Lien Act. Senate Bill 628, a Bill for an Act to amend the Emergency Medical Service System Act. Senate Bill 770, a Bill for an Act to

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amend the Human Rights Act. Senate Bill 654, a Bill for an Act to amend the Service Occupation Tax Act. Senate Bill 779, a Bill for an Act to amend the State Treasurer Act. Senate Bill 792, a Bill for an Act to amend the Revenue Act. Senate Bill 805, a Bill for an Act to amend the Juvenile Court Act. Senate Bill 834, a Bill for an Act to amend the Liquor Control Act. Senate Bill 837, a Bill for an Act to create a local government health care fund. Senate Bill 838, a Bill for an Act to amend the Counties Code. Senate Bill 891, a Bill for an Act to amend Counties Code. Senate Bill 907, a Bill for an Act to amend the Clerks of Court Acts. Senate Bill 908, a Bill for an Act to amend the Counties Code. Senate Bill 963, a Bill for an Act to amend the Court Reporters Act. Senate Bill 980, a Bill for an Act to amend the Banking Act. Senate Bill 1002, a Bill for an Act to amend the State Property Payment Act. Senate Bill 1061, a Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 1086, a Bill for an Act to amend the Riverboat Gambling Act. Senate Bill 1097, a Bill for an Act to amend the Public Community College Act. Senate Bill 1147, a Bill for an Act to amend the Unified Code of Corrections. Senate Bill 1160, a Bill for an Act to amend the Associate Judges Act. Senate Bill 1161, a Bill for an Act to create a Community Buildings Complex. Senate Bill 1249, a Bill for an Act to amend the Illinois Aeronautics Act. Senate Bill 1282, a Bill for an Act to amend the Private Detective, Private Alarm, and Private Security Act. Senate Bill 1404, a Bill for an Act relating to First 1991 Revisory Act. Senate Bill 1405, a Bill for an Act relating to the First 1991 Revisory Act. Senate Bill 1406, a Bill for an Act to create the Codification Plan Act. Senate Bill 1407, a Bill for an Act to create the Codification Plan Act. Senate Bill 1409, a Bill for an

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Act to codify the Fish Code. Senate Bill 1410, a Bill for an Act to revise a Metropolitan Water Reclamation District Act. Senate Bill 1426, a Bill for an Act to create the County Jail Inmates Act. Senate Bill 1427, a Bill for an Act to amend the Illinois Low Level Radioactive Waste Management Act. Senate Bill 1451, a Bill for an Act to amend the Emergency Telephone Act. Senate Bill 1471, a Bill for an Act to amend the Illinois Aeronautics Act. Second Readings of these Senate Bills. The Bills will be held on Second Reading. Senate Bill 98, a Bill for an Act to amend the Illinois Lottery Law. It was removed from the Consent Calendars, read a second time and held on Second Reading. Senate Bill 427 was taken from the Consent Calendar and re...moved to Second Reading. It's a Bill to amend the Criminal Code. Second Reading of the Bill and it will be held on Second Reading. There being no further business the House now stands Adjourned."

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