

STATE OF ILLINOIS  
84th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

132nd Legislative Day

June 23, 1986

Speaker McPike: "The House will come to order. I wonder if the Pages could hold it down a little. Members will be in their seats. The Chaplain for today will be the Reverend Ken Leaman, Pastor of Knox Presbyterian Church of Naperville. Reverend Leaman is a guest of Representative Mary Lou Cowlshaw. The guests in the balcony please rise and join us in the invocation."

Reverend Leaman: "Let us unite in prayer. Almighty God, You have blessed us and it is with thanksgiving that we come before You. You have given us a nation that is rich in resources, land that is productive and a people of determination and a pioneering spirit. We thank You for the freedom and opportunity that are ours. Help us all to uphold justice, truth and righteousness and to stand above selfishness and personal gain. May we see our position not in terms of privilege, but of responsibility - not to be served, but to serve. May we live not just for today, but plan for tomorrow. Forgive us when we have been sloppy in our preparation, narrow in our vision and selfish in our ambitions. O God, help us to remember all the people; that each one is special in Your sight. And may we remember the children, our great resource for tomorrow. Lord, we pray for our Governor and people in positions of administration. Guide them to rule well. We pray for the people of our Legislature and of this House of Representatives, who set the policies and make the laws. Give to them wisdom, guidance, vision and a concern for all the people. And may each one, at the close of this Session, be able to say, 'It is good. I have done my best.' As their labors are laid before Your throne of grace, God, help each person here to be a statesman, rather than just a politician and to strive for the good of all, rather than just special interests."

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In the Lord's Name, we pray. Amen."

Speaker McPike: "Be led in the Pledge of Allegiance by Representative Ropp."

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

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

Piel: "Yes, Mr. Speaker, Mr. and Mrs. Thomas McCracken had a baby this morning. We're not sure if it's a boy or a girl, but he's excused for today and tomorrow."

Speaker McPike: "Representative Matijevich, do you have any excused absences?"

Matijevich: "No, no excused absence, Mr. Speaker."

Speaker McPike: "Thank you. Take the record, Mr. Clerk. 117 Members answering the Roll Call, a quorum is present. Page 14, Consent Calendar Third Reading. Mr. Clerk."

Clerk O'Brien: "Consent Calendar Third Reading. Senate Bill 1858, a Bill for an Act to amend the Illinois Public Labor Relations Act. Third Reading of the Bill."

Speaker McPike: "The question is, 'Shall the Consent Calendar pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill, Senate Bill 1858, having received a Constitutional Majority, is hereby declared passed with 109 'ayes' and no 'nays'. Page two of the Calendar, Senate Bills Third Reading - Special Order of Business, Economic Development, appears Senate Bill 1700, Representative Keane. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1700, a Bill for an Act to amend an Act in relation to municipal tax increment allocation financing. Third Reading of the Bill."

Speaker McPike: "Representative Hallock, for what reason do you

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rise?"

Hallock: "My understanding was that this Bill is going to be held until later on this afternoon."

Speaker McPike: "Representative Keane."

Keane: "Thank you, Speaker. There's this Member that has an Amendment that we've agreed on and he's not here. I'd like to take the Bill out of the record for a bit and come back to it later."

Speaker McPike: "It's an agreed Amendment?"

Keane: "Yes."

Speaker McPike: "Would you like to proceed with it now, if it's an agreed Amendment?"

Keane: "I have no problem."

Speaker McPike: "Representative Hallock."

Hallock: "Why don't we just hold the Bill. Why don't we hold the Bill."

Speaker McPike: "Very well. Take the Bill out of the record. Senate Bill 1706, Representative Hastert. Is the Gentleman here? Representative Hawkinson, did you want to handle the Bill?"

Hawkinson: "I think I can handle the Bill."

Speaker McPike: "Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1706, a Bill for an Act in relation to high impact businesses and various tax incentives related thereto. Third Reading of the Bill."

Speaker McPike: "Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. The original Bill, which is still in the Bill, amends the Illinois Enterprise Zone Act and the Illinois income tax. It corrects an error that came out of Enrolling and Engrossing last year in which foreign trade subzones were inadvertently left out of the high impact business program. This clarifies that subzones are to be included. Amendment #1, which was added in the

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House, provides that DCCA may certify up to 13 enterprise zones each year, up to a maximum of 60 and also amends the Metropolitan Civic Center Support Act in the same manner that House Bill 3078 did, which passed by over a hundred votes and was tied up in Senate Rules. Basically provides that certain civic centers may retain the interest on their grants. I'd be happy to answer... try to answer any questions."

Speaker McPike: "The Gentleman moves for the passage of Senate Bill 1706. Is there any discussion? Being none, the question is, 'Shall Senate Bill 1706 pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 113 'ayes', no 'nays', none voting 'present'. Senate Bill 1706, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2123 is out of the record at the request of the Sponsor. Senate Bill 2255. Representative Richmond? Representative Phelps, can you handle that Bill? Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2255, a Bill for an Act to amend an Act in relation to rural economic development..."

Speaker McPike: "Out of the record. Senate Bill 2285. Representative Mautino? Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2285, a Bill for an Act to establish regional groups and develop corridors of opportunity. Third Reading of the Bill."

Speaker McPike: "Representative Mautino."

Mautino: "Mr. Speaker, it is my intention to take it back, but we're awaiting that Amendment, if I may."

Speaker McPike: "You would..."

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

Speaker McPike: "What would you like..."

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Mautino: "... until the Amendment gets up here."

Speaker McPike: "Out of the record, awaiting an Amendment. The Chair would remind the Membership that today is the deadline for Third Reading. And if you take your Bill out of the record, there's a chance that we will not get back to it. Proceeding, page three of the Calendar, Senate Bills Third Reading - State Administration, appears Senate Bill 2165, Representative Daley. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2165, a Bill for an Act to amend an Act in relation to the prevention and penalties of the offense of driving under the influence by a person under age 21. Third Reading of the Bill."

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

Daley: "Thank you, Mr. Speaker, and Members of the House. Senate Bill 2165 as amended provides for the right of action by Illinois residents against out of state sellers of alcohol liquors who cause the intoxication of an individual who later injured someone or damaged something in Illinois. The Bill also provides specific penalties for those individuals under 21 years of age found guilty of driving under the influence of alcohol. I'd be happy to answer any questions."

Speaker McPike: "The Gentleman moves for the passage of Senate Bill 2165. And on that, the Gentleman from DeKalb, Representative Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. With the Amendments that are now on this Bill, I believe this is a good piece of legislation, and I rise in support of this legislation and ask you to support Representative Daley in passing it. What it will do now, we've run a couple of Amendments on a couple of Bills and I think we've found the problems. But this Bill, as it

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presently stands, will provide a cause of action for injuries which occur within the State of Illinois, even if the alcohol is sold outside the State of Illinois. I think that's good law. I think that will protect many of the Illinois residents, particularly the innocent third parties who are injured as a result of an intoxicated driver, hitting them or striking them in some way within the bounds of the State of Illinois. In addition to that, the problem with the media which came up in the Judiciary Committee has been amended off of the Bill and is not there. We've taken out the problem that arose with regard to the manufacturers and distributors. So, all those things are not problems. I've been around to talk to you about these things but, you know, they're really cleared up. The Bill is in good form, and I'd ask for your favorable support on it. Thank you."

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

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

Speaker McPike: "He indicates he will."

Dunn: "Are the provisions still in this Bill about revocation of drivers' license for people under the age of 21 convicted of drunken driving?"

Daley: "Yes, they are."

Dunn: "And do those provide that revoca... If I understand this correctly, the revocation is for a period of one year, but at the end of the year, if you're still not 21 years of age, you have to apply for a hardship permit until you're 21. Is that correct? So that, in fact, you don't get your driver's license back until you become 21 years of age."

Daley: "No, at the end..."

Dunn: "If it's more than year after. If you're 17 years old, you'd have three or four years without a driver's license before you could get it back. Is that correct?"

Daley: "At the end of the second year, you can be ..."

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Dunn: "Pardon me?"

Daley: "At the end of the second year, you can be reinstated upon... fully, if the Secretary of State..."

Dunn: "Is that a shall or a may? Is that optional at the Secretary of State or not?"

Daley: "It is optional."

Dunn: "It is optional?"

Daley: "It is up to the Secretary of State."

Dunn: "So, the... it is possible that someone 16 or 17 years old could lose their license until they're 21 years of age or for a four or five year period under this Bill, is that correct?"

Daley: "That's correct."

Speaker McPike: "Representative Dunn, anything further?"

Dunn: "I didn't hear an answer to my question."

Speaker McPike: "He said that is correct, Sir."

Daley: "I said that is correct."

Dunn: "Mr. Speaker and Ladies and Gentlemen, to the Bill."

Speaker McPike: "Proceed."

Dunn: "With all due respect to the Sponsor and to the... there are parts of this Bill that I think are good, but the provision which makes a penalty for a loss... revocation of a driver's license for someone under the age of 21 possibly three to four to five times as severe as the penalty to one who is over 21 years of age, seems to me to be inequitable. It is an unfair distinction in our laws to single out this particular class of licensed drivers and say to them, because you happen, by accident of birth, to be within a certain age category, you shall be treated more harshly than people who were born earlier than you. And that is not right. We have a problem on our highways. We all know that. We have drinkers who cause accidents. Teenage drinking is certainly a problem, but middle age drinking is

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a problem also. We have attacked the problem uniformly across the boards, and I don't see any reason to treat youngsters more harshly than middle age people. If we are to send a signal to youngsters to be responsible, we should say to them that we expect you to behave as adults and you'll be treated as adults and our laws provide for penalties for adults and you shall receive those penalties. Instead what we are saying is we presume you are going to be more irresponsible than adults and, in view of that, we will treat you more harshly than adults. That is completely opposite the philosophy of raising and rearing children and it is a bad concept, and I respectfully urge defeat of this Bill in its present form until this provision can be taken out."

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

Pullen: "Like to ask the Sponsor a question, please."

Speaker McPike: "He will yield."

Pullen: "Is Amendment #3 on the Bill now?"

Speaker McPike: "Representative Daley."

Daley: "It is. Yes."

Pullen: "Yes. Is this Amendment designed to allow for the serving of alcoholic beverages at Navy Pier?"

Daley: "No, rivers, not Navy Pier."

Pullen: "Could you tell me what the Amendment does, please, and is there any way that his mic could be turned up? I can't hear him at all."

Daley: "It is for rivers, Representative. It is not for Navy Pier."

Pullen: "Since I can't hear you, I will state what the analysis that I have in front of me says and I would like you to tell me whether this is accurate. "Provides the alcoholic beverages may be sold in any building belong to or under control of any city, village or incorporated town and



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located on or adjacent to a pier extending into or over the waters of a navigable river.' What does that do?"

Daley: "Representative, I'll defer to Representative Mautino."

Pullen: "Speaker, could you call on Representative Mautino, please? He seems to have the answer."

Speaker McPike: "Representative Mautino."

Mautino: "Representative Pullen, that was the Amendment that was requested by Representative McMaster and Representative Homer, Representative Koehler because there are marinas that are... have been operating for 20 or 30 years selling beverages but they are on city property. This Amendment allows them to continue the business as they have in prior years by adding rivers to that Section. That's all it does."

Pullen: "Are these private businesses that are leasing property from the city?"

Mautino: "They are... No, the marinas belong to the city, and what they do is they lease out the business on those facilities. They sell gas, candy, food, alcoholic beverages, etcetera, and have done so for many years. Now, they've found out, when they examined the law, that there was no provisions that would allow them to get licensure unless we change the state law. And I think... That request was made by Representative McMastert and Koehler for the Henry Marina and the Fulton Marina."

Pullen: "Does that mean that these are private businesses that have been selling liquor without license for all these years and now they think they need one?"

Mautino: "They... No, they've had licenses both from the state and the local city. No one realized that there was no provision in there that would allow them to renew their licenses until this year. So, the cities now, without this legislation, have no authority to issue the license to

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those same marinas that have been operating for many years."

Pullen: "These are private business', is that correct?"

Mautino: "Yes."

Pullen: "And it is.. and this Bill... this Amendment is for the purpose of renewing the licenses that already exist for private businesses at city owned marinas."

Mautino: "Yes, Ma'am."

Pullen: "Thank you."

Speaker McPike: "Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of the Gentleman's Bill. He definitely has worked with Representative Countryman in cleaning up some of the language as originally passed the Senate dealing with the Dram Shop. And, as a result, what we have now is a situation where if someone is drinking in an adjoining state and comes back home to Illinois and is killed as a result of being drunk or kills someone else, the Dram Shop law will apply in that other state. Now, it does... it does make... make it tougher for a drunk driver who is under 21 to get his license back. But you have to understand that about... only about 8.7 percent of all of our drivers are under 21, and, yet, they are involved in about 20 percent of all the drunk driving convictions that we have throughout the state. That figure has remained constant throughout the last few years. The provision that was just explained was put on for some downstate Legislators who indicated that there was a problem with liquor sales. The only problem at all that I can see with this Bill, if there is any, is that it's Representative Daley's first Bill. But, other than that, I can't... I can't think of anything wrong. Well, okay, it's his second Bill, so there's nothing wrong with this Bill, and I think

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everybody should support it."

Speaker McPike: "Representative Hawkinson. Representative Giglio in the Chair."

Hawkinson: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Daley: "Yes."

Hawkinson: "Representative, I couldn't hear your answers to Representative Dunn regarding the main portion of the Bill. And Representative Cullerton indicated that it was tougher for an underage driver to get the license back. But I'm trying to determine how much tougher. The original Bill would not have allowed any restricted driving permit during the first year, the year of the revocation. Did Amendment 8 change that?"

Daley: "That is the same. It is the same."

Hawkinson: "That's the same? So, there can be no restricted driving permit for the first year."

Daley: "For... for the first year."

Hawkinson: "And then after the first year, is the restricted driving permit still restricted to the hours of 9:00 to 5:00?"

Daley: "I'm sorry. At the end of the first year?"

Hawkinson: "Yeah, at the end of the first year, an underage person would become eligible for restricted license. The LIS printout indicates that originally the Bill provided that that would only be valid between the hours of 5:00 a.m. and 9:00 p.m. Is that still correct?"

Daley: "It is the same."

Hawkinson: "So, if they happen to work... a 19 year old working second shift at a factory would not be eligible for a restricted driving permit even the second year."

Daley: "I'm sorry. I stand corrected. It was changed. Correct."

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Hawkinson: "So, there's no time restriction on the restricted driving permit now."

Daley: "Correct. Correct."

Hawkinson: "Just like any other restricted driving permit."

Daley: "Correct. And at the end of the third year, it would be up to the Secretary of State."

Hawkinson: "If they..."

Daley: "To give them a full license."

Hawkinson: "If the person's 19 years old, married, has a child and is working... has a job supporting that child, there would be no way to get a restricted driving permit during the first year?"

Daley: "Correct."

Hawkinson: "Thank you."

Speaker Giglio: "Further discussion? Representative Ropp."

Ropp: "Mr. Speaker, would the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Ropp: "Representative, there's two provisions that I'd like for you to explain to me. One is the provision that deals with advertising, primarily either in or out of state, that have younger people who are eligible to drink. Is that still in the Bill, and could you explain it? Out of the Bill? Okay. Then the other provision is one that stated there should be education in the juvenile provision of alcohol and substance abuse. Is that not currently in use now, or is this an added provision, and what is it?"

Daley: "It is an added provision to explain further the problems of drinking and driving within schools."

Ropp: "Well, isn't it true..."

Daley: "The Depart..."

Ropp: "Isn't most of that alcohol and substance abuse programs now that deal with youth, is it true that they don't really get involved in the hazards of drinking and driving now, or

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what in the world is that young, youthful program doing if they don't deal with that now?"

Daley: "I believe, Representative, it's more clarification to include as part of the substance abuse education and an awareness and effectiveness of driving under the influence. It's a little more broader."

Ropp: "Okay. In other words..."

Daley: "And the Depart..."

Ropp: "... this further emphasizes the concern that young people should have dealing with driving after they have been drinking."

Daley: "That is correct."

Ropp: "Okay, thank you."

Speaker Giglio: "Further discussion? Hearing none, Representative Daley, to close."

Daley: "I would... Mr. Speaker, I would just ask for a favorable Roll Call."

Speaker Giglio: "Gentleman asks that Senate Bill 2165 pass. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 96 voting 'yes', 12 voting 'no', 4 voting 'present'. And Senate Bill 2165, having received the Constitutional Majority, is hereby declared passed. Now we're going to go back to page two of the Calendar and pick up Senate Bill 2255, Representative Richmond. Representative Richmond ready? Representative Richmond, on Senate Bill 2255. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2255, a Bill for an Act in relation to rural economic development and amending various Acts in relation thereto. Third Reading of the Bill."

Speaker Giglio: "Representative Richmond."

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Richmond: "Mr. Speaker, we're in the discussion stage with Mr. Vinson, and could I possibly have this taken out of the record for 20 or 30 minutes and get back to it? Could I have this taken out for 20 or 30 minutes? Mr. Vinson and I are having some discussions concerning this very important Bill."

Speaker Giglio: "Take the Bill out of the record, Mr. Clerk. Alright. The next Order of Business, on page three of the Calendar, Senate Bills Third Reading - Consumer Protection. Senate Bill 1805, Representative Panayotovitch. Out of the record. Senate Bill 1946, Representative Ryder. Representative Ryder in the chamber? Are you ready on Senate Bill 1946? Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1946, a Bill for an Act to amend an Act in relation to nursing care facilities. Third Reading of the Bill."

Speaker Giglio: "Representative Ryder on Senate Bill 1946. Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill is a result of negotiations between a number of different people with the Illinois Department of Public Aid and some long term care. It provides some new language concerning the handling of patients at nursing care homes that are... become... should be involuntarily discharged, and the Bill is now in the form that is agreeable to all folks. And I would ask for an affirmative vote."

Speaker Giglio: "Gentleman asks that the House pass Senate Bill 1946. And on that question, Representative... the Lady from DuPage, Representative Cowlshaw."

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

Speaker Giglio: "He indicates he will."

Cowlshaw: "May I inquire whether there still remains in this legislation any material that has to do with registering a

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complaint about the care of a patient in a nursing home?"

Ryder: "The only language in the Bill that refers to complaints, Representative, is the requirement of the Department to follow up on complaints that are received with on site visits or other methods."

Cowlshaw: "But that does not basically change what we presently have in the law which is not only that these complaints must be followed up, but that they may be made anonymously. That is not changed?"

Ryder: "That's correct. That's still part of the law."

Cowlshaw: "Thank you very much."

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

Currie: "Thank you, Mr. Speaker. Will the Sponsor yield to a couple of questions?"

Speaker Giglio: "He indicates he will."

Currie: "As I understand it, Representative Ryder, last year when we passed House Bill 1410, which dealt with discrimination in long term care facilities against Medicaid clients, the Department took a full year to promulgate regulations to make sure that those Medicaid clients would be protected against discrimination. My concern about Senate Bill 1946 is the question, when will the Department of Public Health adopt regulations pursuant to this Act? Will there be a one year time period during which involuntary transfers may happen without following rules and regs adopted by the Department and without guaranteeing due process hearings after the event for people who might feel they should never have been transferred in the first place?"

Ryder: "Representative, I've discussed that issue with the Department and I believe that they're very sensitive to the long time that it took to obtain the previous regulations that you discussed. As a consequence, their sensitivity

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would lead them, as they've assured me, to promulgate rules far before the length of time that it took to get the rules in the previous occasion. In the event that they are unable to continue to make those assurances to me throughout this legislative process, then I would strongly suggest that our cohorts in the Senate might wish to take a look at the effective date of the Bill, and I might suggest that to them."

Currie: "And would you then ask the Department of Public Health whether they are prepared, not just interested in, but prepared to adopt emergency regulations that will be in effect at the point of which this Bill becomes effective, or alternatively you will ask the Senate Sponsors to move the Bill to a later effective date?"

Ryder: "Representative, I will be... I have assured you privately, and I indicate publicly that I will request that they move very quickly on this and with the alternative of taking a look at that effective date in the Senate. Yes, Ma'am."

Currie: "Well, I hope that you encourage them to commit to adopting emergency regulations. Thank you."

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

Levin: "Would the Gentleman yield?"

Speaker Giglio: "He indicates he will."

Levin: "Okay. A couple of questions. I notice you have some language in here dealing with visits, on site visits where there are complaints. In talking to the Director, it's my understanding that the current departmental policy or interpretation of the law is that if there are duplicative complaints, in other words, the same complaint is made day after day, that there's not a requirement to go out every day and go through the same procedure needlessly. Does



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this intend to change that interpretation in any way?"

Ryder: "No."

Levin: "Okay. Second question is, a situation has come up in terms of at least one of the nursing homes in my district - and I would dare say I probably have more nursing homes than any other district in the state - where an individual is very disruptive, does not want to participate in the plan which has been set out for him in terms of treatment and is disruptive of other patients. Will this ... What will this do as far as making it possible to involuntarily transfer or possibly deal with such a situation?"

Ryder: "Representative, if I understand your question correctly, it's concerning the current procedure for involuntary removal of a resident, and it's my understanding that the current language simply places into law the current practice. It's not the intention of this law to change the current... the current practice in that fashion. But I may have misunderstood your question since there was a lot going on over on this side."

Levin: "Okay. You know, the... you know, my understanding of the current laws is that there is substantial restrictions on involuntary transfers. You know, certainly, one of the requirements is that if you place somebody in a nursing home, particularly a psychiatric facility where, you know, there's a course of treatment for that individual which that individual should comply with, and that's the way that that nursing home can best serve that individual - we've run into situations as far as at least one of the nursing homes in my district, which is considered one of the very best in the state, where there is a patient who is totally unwilling to comply with the course of treatment and disrupts the other patients and knows that under current... or believes that under current procedures, there is no way

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to initiate a proceeding to involuntarily transfer him; therefore, he continues to do whatever he wants. I'm wondering if this would affect that?"

Ryder: "Representative, my understanding of this Bill indicates that it may provide an opportunity for that situation to be taken care of, but there's no language in here that specifically deals directly with the kind of problem that you... you indicate, in that it's not a patient that is causing an eminent danger to his own health and to the health of patients."

Levin: "Okay. Thank you."

Speaker Giglio: "Further discussion? Hearing none, seeing none, Representative Ryder, to close."

Ryder: "Thank you, Mr. Speaker. A lot of people worked very hard on this Bill, and their combined efforts have produced a superior quality of a Bill. And I would ask for your affirmative vote for a Bill that will have significant impact in the nursing home area."

Speaker Giglio: "Gentleman asks that the House pass Senate Bill 1946. This is final action. The voting is open. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 108 voting 'aye', 2 voting 'no', 3 voting 'present'. Senate Bill 1946, having received the Constitutional Majority, is hereby declared passed. Representative McGann, on Senate Bill 2271. Are you ready, Sir? Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2271, a Bill for an Act to amend the Mental ... to the Health Maintenance Organization Act. Third Reading of the Bill."

Speaker Giglio: "Representative McGann."

McGann: "Thank you, Mr. Speaker and Members of the Assembly."

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Senate Bill 2271 amends the Health Maintenance Organization Act in relationship to membership requirements of the nine member Board. It requires at least four of the members have an affiliation with an HMO. Second part is an Amendment that was provided by Representative Pangle which is an Amendment to the Medical Emergency Service Systems Act. It incorporated the provisions of House Bill 1332 which unanimously passed this House but was held in the Senate Rules. It further attempts to satisfy the Department of Public Health. It incorporates many of its recommendations. It's a good piece of legislation. I'd ask for your green vote and happy to answer any questions in regards to Senate Bill 2271."

Speaker Giglio: "Gentleman asks for the passage of Senate Bill 2271. And on that question, hearing none, all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 114 voting 'yes', none voting 'no' and none voting 'present'. And Senate Bill 2271, having received the Constitutional Majority, is hereby declared passed. On page three of the Calendar appears Senate Bills Third Reading - Business Regulation. Senate Bill 96. Representative Ropp. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 96, a Bill for an Act to amend the Psychiatrists' (sic - Psychologists') Registration Act. Third Reading of the Bill. Psychologists, that is."

Speaker Giglio: "Representative Ropp."

Ropp: "Thank you, Mr. Speaker and Members of the House. This Bill no longer is a psychologists' Bill. It is... has been amended and deals with the Dietetic Practice Act and the Respiratory Care Practice Act. Some of you may wonder why

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in the world we need to license and regulate dieticians. I can assure you there have been recent cases where people have been so directed by people who claim to be dieticians with supplemental diets and have received very severe physical harm. In the same likeness in the respiratory care provision, there have been people who have not received the quality of training that they should in giving this kind of respiratory care, and it is felt by many that these two provisions should be licensed. And I'm offering that today so that we can have quality care for those people who also need dietetics, as well as respiratory care dealing with heart and cardiac functions within one's physical anatomy. I welcome your support and would be happy to answer any questions you might have."

Speaker Giglio: "Gentleman asks for the passage of Senate Bill 96. And on that question, the Gentleman from St. Clair, Representative Stephens."

Stephens: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to this Bill. The... With all due respect to the Sponsor, he says that it's going to... to increase the benefits to the public. They are already being served well. They don't need... It's an absolutely unnecessary Bill. They don't need to be registered... or regulated. It's going to drive up the cost of health care which is already outstripping many parts of the economy. We can't afford to add increased costs to the health care profession, especially in this area. There's limited benefit and more government regulation. If you believe in telling the people back in your district that they should pay more for health care, then you should vote for this Bill. If, however, you think that we ought to do everything we can in cost containment in health care, then you should be opposed to it. Thank you."

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Speaker Giglio: "Further discussion? The Gentleman from Kankakee, Representative Pangle."

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

Speaker Giglio: "He indicates he will."

Pangle: "Do you, Representative, feel that if, in fact, they are licensed, that there will be an increase in hospital costs?"

Ropp: "I personally don't think there should be any increase in the hospital costs in assuring that you receive quality care."

Pangle: "But you're not sure that since they would be licensed, that they, in fact, might demand more salary since they are state licensed?"

Ropp: "Well, some people might say there would be a small increase. I guess I would say that the assurance of being taken care of with respiratory health care a very vital and important one and, if there are additional costs, which, in my judgement would be minimal, if any, that it would be worth whatever the small cost might be. But I don't see that it would be any major increase."

Pangle: "But you do admit, in fact, there would be some additional hospital costs. Another question I may have, Representative."

Ropp: "Well, let me say when you get an aspirin that is a rather substantial cost and, to me, getting proper respiratory care is oftentimes more beneficial than one more aspirin."

Pangle: "Another question I have, will the anesthesiologists... anesthetists be able to perform and administer in the operating room?"

Ropp: "It is my understanding that they would. I wouldn't see why they wouldn't."

Pangle: "Do you feel that they're competent as a anesthesiologist or registered nurse anesthetist to be able to work within

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an operating room?"

Ropp: "These would be under the supervision of another doctor or the physician that would be in charge."

Pangle: "Which would be an additional cost for... in the operating room itself, since they would be present? Is that true, would you think?"

Ropp: "It's my understanding that respiratory therapists really don't work in an operating room."

Ropp: "But this Bill is so broad and so open that, in fact, if it should pass and they are licensed, they will be able to do that. Is that correct?"

Ropp: "It's not my understanding that that's the case."

Pangle: "I think... I think that is, and I think that if we would pass this Bill, that we would, in fact, be increasing costs - to the Bill, Mr. Speaker - would be increasing costs. And, in fact, it would endanger, I would think, in an operating room, the trained doctor, anesthesiologist and I would certainly urge a 'no' vote."

Speaker Giglio: "The Gentleman from Centralia, Representative Friedrich."

Friedrich: "Would the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Friedrich: "Representative Ropp, does this include dieticians?"

Ropp: "If the dieticians currently would meet the standards that are prescribed by the Board and have met those standards, they would be called and would become licensed."

Friedrich: "But they'd have to be licensed in Illinois."

Ropp: "They would have to be licensed if they were in the practice of giving dietetic directions to individuals."

Friedrich: "Are you familiar with what it takes to become a registered dietician in the United States now?"

Ropp: "Well, I read the regulations that I had before me."

Friedrich: "Well, let me tell you. My daughter happens to be a

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registered dietician. She has her master's degree, plus a lot more education, plus an internship and so on. She can be... She can practice anywhere in the United States, and I don't think any hospital in the United States would turn her down because she didn't have an Illinois license. Now, I assume this same kind of thing is true of the other people you're talking about. I can't believe any hospital in Illinois would hire anybody as a dietician that wasn't a registered dietician with the National Dietetic Association. I can't believe that they would hire a respiratory therapist that wasn't qualified. And that's... isn't this where these people work - in a hospital - a respiratory therapist? Where do they work?"

Ropp: "They do work in hospitals, usually in the hospital room."

Friedrich: "Do you know of any hospital that would hire an unqualified respiratory therapist or dietician? I think what... Let me just address the Bill. I don't think you can answer it. I think you're just adding another layer of government and another bunch of people over in Registration and Education and another bunch of people that have to be licensed when, now, these people have to have specialized training. They are recognized nationally by their organization and by the schools who qualify them. And we need this like we need a hole in our head."

Ropp: "I appreciate your support."

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

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

Speaker Giglio: "He indicates he will."

Dunn: "Are the dietician provisions in this Bill similar or perhaps even identical to the legislation proposed last year?"

Ropp: "Yes, they are."

Dunn: "Then, Mr. Speaker and Ladies and Gentlemen of the House, I

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rise in support of this legislation. As you may recall, we had legislation last year to license dieticians in the State of Illinois. That legislation was approved by this chamber. It was approved by the Senate, sent to the Governor, was approved during the override Session again by this chamber with sufficient votes to override the Governor and fell, if I recall correctly, one vote short of overriding the Senate. So, the concept of licensing dieticians has recently approved overwhelming support by this chamber and the entire General Assembly. And it's time to enact the legislation which they have been requesting and working so hard for for a couple of years here. And I would ask your 'aye' vote to do what the professionals themselves feel needs to be done. They are a fine group of people. They are hard workers. They are requesting this from their own organization. This is what they want. We should do it. Let's support this vote, and let's put a green vote up there for the dieticians."

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

Parcells: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in opposition to this Bill, along with the Illinois Association of Nurses, the Illinois Hospital Association, the Department of Registration and Education - et al. I shall address that part of the Bill which deals with the Dietetic Practice Act, since the field of nutrition is an area in which I have considerable study and am quite knowledgeable. The stated reason for this Act is to safeguard the public. However, the Department of Registration and Education, which is adamantly opposed to the Bill, informs me that this licensure is absolutely unnecessary for the safety of the public, as there is already sufficient legislation presently in the statutes in



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the Medical Practice Act to cover all of the cases of abuse raised by the dieticians. Furthermore, the very people who would be licensed under this Act are already licensed by the American Dietetic Association. This further licensure would only serve to create an exclusive monopoly for them and up their income considerably. I think the most concise and correct statement that can be made about this grab for monopoly was made by a former Member of this House, Representative Harold Katz, whom many of you remember, served as a Democrat Member of this Assembly for many years, and he enjoyed the respect and affection of both sides of the aisle. I spoke with Representative Katz when he recently visited us here in Springfield, and I asked if I might have his permission to share with you his remarks about this Bill. He stated that he would be delighted to have me read from a letter he wrote telling his thoughts about a Dietetic Practice Act. He said he doesn't get very involved in our activities in Springfield any more, but he thinks this Bill is so terrible he encouraged me to tell all of his former colleagues his thoughts about it. And I quote directly. 'The above Bill is misguided, contrary to sound public policy and not in the public interest. It is yet another attempt to misuse the licensing function to grant a public monopoly to a private group. There are differences of opinion about nutrition, and it is ridiculous for one group, the American Dietetic Association, to set itself up as the arbiter of what is permissible and what is not permissible in this field.' End quote. Ladies and Gentlemen, I have a great deal of respect for the American Dietetic Association and all of its members. They do a fine job and they serve the public well. However, they do not have a corner on the market of nutritional knowledge. Dietetics is a field of science

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which is directly related to food management and the technology of food preparation and preservation, rather than being at the forefront of nutritional science as it relates to research and information. The study of nutrition draws from the expertise of a variety of different fields, not just from dieticians. The background of medical doctors, nutritional biochemists, biologists, physiologists, chiropractors and nutritionists, all who have gone through reputable academic programs and training are well suited to provide nutritional information and counseling. This Bill will eliminate most of those other professions from counseling. What a shame that would be and it is these very professionals who have made these contributions to the field of human nutrition that have been the cornerstone of our ever increasing knowledge in this field. This Bill would stifle their research. And we, the citizens of Illinois, will be the losers when the dietetic monopoly takes over. Nobel Prize Winner, Linus Pauling, whom you all know from his contributions with the work with vitamin C, Roger Williams, the biochemist from Texas who discovered 'panathetic' acid and folic acid, Nathan Pritikin, who has done so much for our understanding of dietary causes of heart disease..."

Speaker Giglio: "Excuse me, Representative. Could you give the Lady your attention, please? Continue."

Parcells: "Jane Brody, the science writer for the New York Times. These are but a few of the people who have led the way in nutritional discoveries. Not one of them is a dietician and not one of them would be able to counsel in the State of Illinois if this Bill is enacted in spite of their superior nutritional knowledge. And now, let us examine the cost. You better believe it will cost us plenty, not only in the tax dollars needed to set up, regulate and

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administer this Act, but also in the fees that will be charged by the dieticians now that they have their monopoly. This is not only my opinion, but also the opinion of 'Marilyn Haskey', President of the American Dietetic Association in 1984 who wrote in the April 1984 Journal of the American Dietetic Association the following, from which I quote directly. 'Those in the professions who have examined honestly the true purpose served by licensure have acknowledged quickly that those professional groups which seek licensure are motivated primarily by the anticipated benefit to the members of the profession. Although the stated purpose of licensure is to benefit the public, few pleas for licensure have come from the public. Further, rarely has the public's need for licensure been definitely demonstrated. Campaigns for licensure have been orchestrated by practitioners as a way to identify and protect their areas of endeavor.'"

Speaker Giglio: "Would you bring your remarks to a close, please?"

Parcells: "Yes. This Bill would not only take away our citizens' right to choose what professional they would like to counsel them nutritionally, but it would push up their costs tremendously. What is really unfortunate is that these rising costs will be the most harmful to those who need this counseling the most, persons with low incomes and the elderly. The General Assembly is always looking for ways to help our senior citizens and our economically disadvantaged. The passage of this Bill would not help them. Quite to the contrary, it will hurt them, because it will be removing nutritional counseling from their economic grasp. And don't forget the hospitals. We ask them to contain their costs, and now we're going to have their costs in this area skyrocket. And the story will be the

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same for our schools. They must have one or two dieticians on staff, and they will not thank us for adding yet another increased cost to their already strained budgets. And one point that nobody else has brought up is that if you take a close look at the Bill, Section 4, paragraph 6 and 7, the very dangerous people that we are supposedly being safeguarded against will still have the right to hawk their worthless or dangerous products or market their fad foods or fad diets. Do you remember the high protein diet from which several people died because of lack of potassium? That product and its salesmen would still be legal under this Act. This Bill doesn't make good sense, and it certainly doesn't make good law. Ladies and Gentlemen, I encourage your 'no' vote on this misguided, special interest legislation."

Speaker Giglio: "Thank you. There are approximately ten more people that want to speak on this Bill. May I remind the Body that we did not put a time we were going to adjourn tonight. So, we're going to work very, very late. So, if you want to take those remarks into consideration in your debate, please do so. Representative Terzich."

Terzich: "I was wondering. I didn't hear all of Representative Parcells' statements. Could she repeat that, please? Representative Ropp, where did you get this Bill? I mean, what is it supposed to do? Is it going to decrease or increase costs for medical care?"

Ropp: "No, it's to give you the assurance that when you seek therapeutic advice dealing with your diet, that you're going to receive it from qualified personnel, rather than... rather than to take advice from any willy-nilly that might be around attempting to give you all kinds of wisdom on what you should eat."

Terzich: "Well, who do you take your advice from?"

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Ropp: "My wife."

Terzich: "Is she a dietician?"

Ropp: "She's probably the best cook in the state."

Terzich: "Well, besides that. However, would they be covered under any malpractice or anything? I mean, have we had any deaths or anything because of malnutrition or someone didn't have... Why do we really need to have these people registered or licensed, I mean?"

Ropp: "Well, I have here a script..."

Terzich: "I mean, where did this come from? Who told you that?"

Ropp: "I have a script, too, of about 15 pages I'm sure that you would like for me to read that deal with instances where people have been given thoughts on how to use certain vitamins because of people who might have had acne or something when, in fact, that was not the case. The individuals that were given direction on what to eat for nutritional standards, many of them have not received what they were to receive in improving their health. They ended up they were getting sicker. Additional causes for their illness came forth, because they were not getting the proper treatment based on someone who had knowledge and skill."

Terzich: "You don't really believe that, do you?"

Ropp: "Well, if it comes out of the American Medical Association, it has to be gospel truth."

Terzich: "Well, all... Well, okay. All of these people now from what I understand, if it's under the insurance - these people work for a hospital, or are these independent contractors, such as a doctor or a psychologist, a dentist. I mean, these are individual contractors that bill the patient directly. Do the dieticians or respiratory therapists, do they work for a hospital, or do they have their own independent organization where they bill the

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patient directly?"

Ropp: "They might have their independent organization. They may work for a hospital. They may... maybe whatever you like."

Terzich: "No, I'm serious. I mean, where... where does a respiratory therapist work, or a dietician? Don't they work for hospitals, or do they have a doctor's office or something of this nature where..."

Ropp: "The respiratory therapists would be under a doctor's care. A nutritionist, a dietician would not necessarily have to be under a doctor's care. You could... anyone could, assuming they had the standards and the qualifications, could set up a dietetic business or profession, giving counsel for..."

Terzich: "Well, are you saying, then, if I had a problem with a diet or anything of that nature, I would go to some storefront that says, 'I'm a registered dietician' and that they would give you medical advice about a diet or weight problem or something like..."

Ropp: "I don't... I don't think they'd give you medical advice. They would give you nutritional advice, if you appeared to have certain irregularities in color and so forth. I think they would work in coordination with a doctor, of course, too."

Terzich: "You... Well, do you think or do they work in coordination with him? I'm serious about this. I mean, you don't go to a dietician's office. I assume you would go to a doctor if you had problems, and he would recommend a diet or something of that nature. I've never heard of a dietician that has an office that you would go directly."

Ropp: "Well, there are dieticians..."

Terzich: "Or respiratory therapists either, as far as that's concerned."

Ropp: "There are dieticians who work in schools and give menu

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planning for students. Those people are in the business of giving proper nutrition and that's what this basically is; it's a nutritional qualification providing that you have certain standards to be eligible to give this kind of counsel for one's physical needs, nutritionally."

Terzich: "Would they be covered under any health insurance plan?"

Ropp: "I really don't know whether they would or not?"

Terzich: "Would they be eligible for reimbursement for medical expenses under a health insurance policy?"

Ropp: "You mean the dietician?"

Terzich: "Respiratory therapist, dietician, psychologist."

Ropp: "I don't think we cover that in the Bill."

Terzich: "Thank you."

Speaker Giglio: "Representative Vinson, Gentleman from DeWitt."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. I rise in support of Senate Bill 96, and I do so after very careful consideration - pardon me - of what is in this Bill. I think there are two points that need to be borne in mind very carefully when this House deliberates Senate Bill 96. First of all, Senate Bill 96 provides for a reasonable process of regulating dieticians in the State of Illinois. I'd like you to consider the nature and the state of the population of people in Illinois, and I'd like you to think about what has happened in the course of our lifetimes as population and demographic changes have occurred in Illinois. First of all, in... in the past, we saw an enormous baby boom. That baby boom necessitated the construction of an enormous school program throughout the state. More recently, we've seen the construction of numerous prisons throughout the State of Illinois to deal with the aging of that baby boom and the kind of anti-social characteristics that sometimes occur when you get a big influx of population. That baby boom is now

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approaching middle age. The people in that generation are now dealing with the health problems of the middle aged people in this country. The single most important characteristic of that group is their concern and their devotion to healthfulness. More approaches to providing good health for those people have been tried in recent years than almost anything else in the marketplace. You constantly find diet books. You constantly find new approaches to diet as one way of providing health for those of us who are now approaching middle age. That is a constant market out there. Anybody who has taken the time to read the literature understands that many of the proposed diets are, in fact, dangerous to your health and not good for your health. They are a threat to your health. They are a threat to the health of the people of this state. And when you know and when you recognize that obesity is associated with so many dangerous, so many dangerous problems in health care then you recognize the importance of having legitimate, honest, medically-founded advice on diet. We cannot afford a situation in Illinois where every person who, in a previous century, might have been selling snake oil for... as a health care nostrum, comes back in this century to provide dietary advice and to destroy the health of the people of Illinois. That is one of the things this Bill is designed to avoid, to provide sound, solid, medically well-grounded health care advice on diet for the people of Illinois. For that reason, I would support Senate Bill 96. There's a second aspect to Senate Bill 96 that's equally important and that is the respiratory therapist aspect. Now, I find it amazing that the primary arguments taking place about respiratory therapy and about licensing respiratory therapists and regulating them is that the hospitals are afraid it might



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cost them money. No health care provider in Illinois is more unregulated, more... operates on a more free market basis than the hospitals. And, yet, when you go back and you look at health care statistics about providers in Illinois, there's also no group that has a lower standard of care than hospitals, general speaking, statewide. They do not approach the level care provided in nursing homes in Illinois. And, yet, they want to avoid having a decent regulatory scheme placed on the books of the statutes for respiratory therapists. If they came in and said the same thing with regard to doctors or with regard to nurses, we'd laugh them out of the room. A respiratory therapist can be just as important. And that's the second reason I would urge support for Senate Bill 96. I would urge an 'aye' vote on Senate Bill 96 because it's good for health care in Illinois."

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

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

I rise in support of Senate Bill 96 and just to answer a few questions of the some of the previous speakers. Senate Bill 96, the licensed dieticians and respiratory care therapists was requested by the people in this profession.

They want to be licensed to give better care to the patients. Presently, the following states license respiratory care therapists: Texas, California, Arkansas, Iowa, New Mexico. They've found to have no increase in hospital care because they are licensed in those states. The respiratory care therapists, if they're licensed, will be able to go and give therapy at a home. When someone is released from the hospital, to cut the costs down, they'll be able to give therapy to that patient. And all this is done under doctor supervision. They don't operate on their own. They won't be practicing on their own. It's all

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doctor supervision. As far as the nurses being against this Bill, as Chairman of the Committee on Registration and Regulation, I held hearings in my office, meetings with the nurses and their people representing the respiratory care therapists. And their attorney told them it doesn't affect them. It doesn't affect them, but they think it's going to take jobs away from the nurses. That's why they're opposing it. As far as the Department of Registration and Regulation opposing the Bill, they oppose every licensing Bill that comes up. They don't want anymore new licensing Bill. But this Bill will give better care to the patients in the hospital. Presently, there is no testing for respiratory care therapists. The test is voluntary. In many hospitals, yes, they do hire unqualified therapists. This will bring better care to the people of the State of Illinois, and we need this piece of legislation. I urge your 'yes' vote."

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

Hoffman: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I will be brief in my opposition to this legislation. I think most of the arguments against it have been given. I would point out that, for starters, we're talking about an initial cost, at least this is the estimate from Department of Registration and Education, 90,000 dollars to start this program up. It is unnecessary. We don't... we don't need it. And for those reasons, as well as the other reasons which have been carefully articulated by the opponents, I stand in opposition to this legislation."

Speaker Giglio: "Gentleman from St. Clair, Representative Flinn."

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

Speaker Giglio: "Gentleman moves the previous question. All

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those in favor say 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Gentleman from McLean, Representative Ropp, to close."

Ropp: "Thank you, Mr. Speaker and Members of the House. This is an issue that I think has real importance today. One of the things that all of us are concerned with is that our health is so vital and so very important to us. We all want to live as long as possible. There happen to be people, tragically enough, who are in our profession to give counsel to our individual selves that do not have the education, nor the qualifications, to give direction on diets and nutritional standards within... that are acceptable. This Bill attempts to address that situation, to make sure that those people who are giving advice on nutrition and diets have the qualifications and the skills that are required so that we can feel pleased and safe when we ask for their counsel. I guess I'd ask you, when you say that these are rather costly licensures and whether or not they have any value - we, currently, today, license barbers, and we license beauticians - and I guess I would ask you, is it not more important to license someone who has concern for your individual health? The occupational therapists and physical therapists license started in 1979. Since then, health care costs have gone down in that area. I'm asking you today to support this Bill for the quality assurance and the quality care that we ought to be guaranteed and assured to our citizens in the State of Illinois. I ask your support. Thank you."

Speaker Giglio: "Gentleman asks that the House pass Senate Bill 96. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Representative Richmond, the Gentleman from Jackson, to explain his vote."

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Jackson: "Thank you, Mr. Speaker, very briefly. First, I'd like to compliment the Sponsor for having a Bill that has nothing to do with milk solids and... But, you know, this issue I have problems - a lot of people in my district do - with the therapeutic part of it, but I firmly believe that the... that the dietetic portion of the Bill is extremely important. And I... my personal involvement through the nursing homes, I would not want the type of advice that's being given to nursing homes for some of our very dear people that are victims there... or residents, to come from some health food store or whatever. And I feel secure when I know that those... that type of advice is being given, and I think this Bill, in that regard, is good. But I have problems with the other part of it. Obviously, it's not going to pass. I'm going to vote 'present' and hope that the two issues can be separated in the future. Thank you."

Speaker Giglio: "The Lady from Champaign, Representative Satterthwaite, one minute to explain your vote."

Satterthwaite: "Mr. Speaker, Members of the House, it's clear that we're not going to get the votes for passage. I am going to vote 'yes' and the reason I am going to vote 'yes' is that I think that these two areas that we're dealing with do, in fact, need to have some definition in our statutes. Perhaps this is not the best way and some accommodation needs to be made to the nursing profession in order to make sure that they are working in cooperation with the respiratory therapists in particular. But I think that we will find the costs of medical care will, in fact, go up even more if we have unqualified people in the roles of respiratory therapist or, in fact, in the roles of dieticians if they are not giving appropriate care to the patients. And for that reason, we must come back later with a Bill that will address these two professions."

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Speaker Giglio: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 33 voting 'yes', 62 voting 'no', 10 voting 'present'. And Senate Bill 96, having failed to receive the Constitutional Majority, is hereby declared lost. We're going to go back to Second Readings on Special Order of Business. And the first Bill on Local Government is Senate Bill 2078. Senate Bill 2078, Mr. Clerk."

Clerk Leone: "On page 14 of your Calendar, Senate Bill 2078, a Bill for an Act to amend an Act relating to eminent domain. Was read a second time previously. Amendments #2, 3, 4 and 5 were adopted previously. Next Amendment is Floor Amendment #6, being offered by Representative Cullerton."

Speaker Giglio: "Representative... Representative Cowlshaw, do you want to take this for Representative McCracken?"

Cowlshaw: "Mr. Speaker, if I may please. I, until this moment, was unaware of the fact that apparently Representative McCracken is about to become a father today for... once again. I am... would like, if I may, to take this out of the record just a moment, since I really wasn't prepared and didn't realize that Mrs. McCracken is..."

Speaker Giglio: "Fine, okay. Take it out of the record, Mr. Clerk. Representative Cowlshaw look at the Amendments. On page 13 of the Calendar on Second Reading appears Senate Bill 1634. Representative Phelps. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1634, a Bill for an Act relating to home repair fraud. It's been read a second time previously. Amendment #1 was adopted in Committee."

Speaker Giglio: "Any Motions filed?"

Clerk Leone: "There are no Motions filed."

Speaker Giglio: "Any Floor Amendments?"

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

Speaker Giglio: "Representative Homer, on Amendment #2 to Senate Bill 1634."

Homer: "Thank you, Mr. Speaker, Ladies and Gentlemen. Amendment #2 becomes the Bill creating the Illinois Home Repair Fraud Act. It is very similar to prior versions of the Bill. It provides that it's an offense for a person to enter to a home repair contract when he does so fraudulently and when he also misrepresents material fact, uses or employs deceptions, enters into an unconscionable contract or fails to comply with the Assumed Name Act in the statute. It also is an offense if a person knowingly damages the property of another with the intent to enter into agreement or misrepresents himself for another to be an employee or agent of the federal, state or municipal government with the intent to cause a person to enter into a home repair contract. And it establishes various penalties under the Act. Be happy to answer any questions. I would ask that Amendment #2 be adopted."

Speaker Giglio: "Gentleman asks that Amendment #2 be adopted. On that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, Mr. Speaker, I wonder if the Gentleman would yield for a question?"

Speaker Giglio: "He indicates he will."

Vinson: "Representative, does this have the tough penalties recommended by the Attorney General in it? Is that what the Amendment includes?"

Homer: "Well, yes, they're fairly substantial penalties, particularly where the victim is a senior citizen."

Speaker Giglio: "They're not the watered down penalties that the Speaker had wanted?"

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Homer: "Well, I'm not sure what the Speaker had wanted. There had been negotiations ongoing between the Speaker's Office and the Attorney General's Office with regard to the Bill, and I'm not sure who signed off on which provision. But the Bill does have some strong medicine for those who would attempt to defraud citizens in the area of home repair fraud, particularly if those citizens are senior citizens."

Vinson: "Alright. Well, I just am concerned because I know that many of us believe that this concept is a desirable concept and we want to see the kind of tough penalties recommended by the Attorney General, rather than the watered down approach the Speaker's favored."

Homer: "Thank you for your support."

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

Cullerton: "Yes, will the Sponsor yield?"

Speaker Giglio: "Representative Homer is the Sponsor."

Cullerton: "Representative Homer, how does this Amendment differ from the... the Bill in terms of watering down provisions or strengthening provisions?"

Homer: "I think the main... the main change in the Amendment had to do with page two of the Amendment, Section 3, misrepresentation of a material fact. And the penalty was changed now for a conviction, where it's over 1000 dollars contract, it would be a Class 3 Felony. If it's under 1000 dollars, it would be a Class A, unless it was a second offence which would then become a Class 4. And it's my understanding that the original version had the first offense for less than 300 dollars at a Class 4. Now what we've done is increased the threshold to 1000 dollars and also make the first offense of less than 1000 a Class A Misdemeanor."

Cullerton: "And you view that as an improvement to the Bill."

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Homer: "I'm fully satisfied. I think that's a fair penalty considering the circumstances of that provision, yes."

Cullerton: "And this is supported by the Attorney General, as far as you know?"

Homer: "Yes"

Cullerton: "And is the House Bill that we passed, is that... has that been amended in the Senate, do you know?"

Homer: "I'm not sure of that."

Cullerton: "Okay."

Homer: "We passed a House Bill that is in the Senate, and I'm not sure of the status of that Bill."

Cullerton: "In other words, if that comes back to the House, we can put it in a posture so that we can amend that to do basically the same thing as what this Bill does, right?"

Homer: "I can see no reason why that wouldn't be the posture and the position of the parties of interest. This Bill..."

Cullerton: "But this is the way you'd like it to go to the Governor, the way it's drafted?"

Homer: "Yes, yes."

Cullerton: "Okay, fine. Thank you very much. I support the Amendment. I think it's not a watering down at all of the Bill, but an improvement of the Home Repair Fraud Act. And I should compliment Representative Homer and also Representative Phelps for their hard work in this area. He should adopt the Amendment."

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

Regan: "Thank you, Mr. Speaker. Will the Sponsor yield for a question? Quickly, Representative, there was an agreement with the Illinois retailers originally on this Bill. Do you know if this goes opposed to what that original agreement was?"

Homer: "The... the Amendment incorporates the concerns or the



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agreement that were expressed by IRMA."

Regan: "Thank you very much."

Speaker Giglio: "The Gentleman from Cook, Re... excuse me. The Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. Will the Sponsor yield for a question or two?"

Speaker Giglio: "Indicates he will"

Hawkinson: "Representative, does the Amendment become the Bill?"

Homer: "Yes."

Hawkinson: "In looking at page two of the Amendment, Section 3, Subsection 1, it talks about misrepresentates a material fact relating to the terms of the contract. I assume most contractors are legitimate as well as the fly by night people that this Bill is aimed at represent that the work that they're going to do is going to solve a particular problem, whether it be redoing a portion of the house, a kitchen, a bathroom, et cetera. If you represent that you're work is going to be sufficient to solve a problem and it doesn't, does that subject you to criminal penalties?"

Homer: "No, not if it were an innocent misrepresentation. But the..."

Hawkinson: "How will you define the difference between normal breach of contract, which we're all familiar with, and failure to... failure to live up to one of the implied warranties that might apply to the case? And how would you distinguish those normal breaches from criminal conduct?"

Homer: "Well, the key word, Representative Hawkinson, would be on line 22. It says that person commits the offense when he knowingly misrepresents a material fact or confirms anothers misimpression which is false and it also provides on line 27 that he does not believe to be true. And further, that he does not intend to perform or knows will

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not be performed. So, the element of knowledge or scienter that's normally required for a criminal offense is clearly set out in the Amendment. And I think any typical contract breach that certainly did not entail this element of scienter would not be covered under this provision."

Hawkinson: "Thank you."

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

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, I rise on a point of personal privilege because my good friend and seatmate, the newest nominee for Congress, Dennis Hastert from the 14th Congressional District and our next Republican Congressman from that district just arrived on the floor. I'd like to welcome him back. Dennis?"

Speaker Giglio: "Representative Homer to close."

Homer: "Thank you, Mr. Speaker. I believe... "

Speaker Giglio: "Excuse me. Excuse me a minute. Representative Vinson, for what purpose do you rise, Sir?"

Vinson: "Just to point out that Mr. Hastert demonstrates what happens when you get a haircut."

Speaker Giglio: "Representative Homer to close."

Homer: "Thank you, Mr. Speaker. I think we've had a full discussion of the Bill, the Amendment to the Bill. I would simply ask for favorable adoption of House Amendment #2."

Speaker Giglio: "The Gentleman asks for the adoption of Amendment #2 to Senate Bill 1634. All those in favor signify by saying 'aye', those 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. Mr. Clerk. Third Reading. This Bill is on Third Reading. Read the Bill."

Clerk Leone: "Senate Bill 1634, a Bill for an Act relating to

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home repair fraud. Third Reading of the Bill."

Speaker Giglio: "Representative Homer... Representative Phelps on Senate Bill 1634. Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I believe since #... Amendment 2 became the Bill and there's been a full hearing, I would just like to say that there's been a lot of people tried to... that have assisted in trying to make this Bill to become what it is and very similar to House Bill 3302 that we sent over to the Senate. So, I feel that this is at least a formidable start in trying to address the fraudulent behavior that we have in this area and that the senior citizens especially will now have some of... recourse to the state's attorneys' offices that, up to this previous time, have not had the law that they could have really dealt with these kind of criminals, so I ask for your support and to... pass this legislation, 1634. Thank you."

Speaker Giglio: "The Gentleman asks that Senate Bill 1634 pass. All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'yes'... excuse me. Berrios votes 'aye'. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'aye', none voting 'no' and none voting 'present'. Senate Bill 1634, having received the Constitutional Majority, is hereby declared passed. On the Order of Consumer Protection appears Senate Bill 2000."

Clerk Leone: "On page 14 of the Calendar, Senate Bill 2000, a Bill for an Act to amend an Act in relationship to regulation of insurance rates, has been read a second time... "

Speaker Giglio: "Representative Levin, do you want to handle

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2000? We're going to move this to Third Reading, Representative... Representative Levin. We're going to move this to Third Reading, Representative... Representative Levin. Mr. Clerk, read the Bill. Move... Representative, hold on. Representative Vinson, for what purpose do you rise, Sir?"

Vinson: "I thought you said that you were going to move Mr. Homer's Bill to Third Reading."

Speaker Giglio: "Take the Bill out of the record, Mr. Clerk. Alright, now we're going back to page three of the Calendar, Senate Bills Third Reading, Business Regulation. On that Order of Business appears Senate Bill 1673, Representative Kubik. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1673, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker Giglio: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1673, the Senate Bill that deals with the subject of transportation, it... the underlying Bill authorizes the Department of Transportation to designate lane usage for trucks and cars on multi-lane highways. Basically, it's an attempt to solve a local problem in my district and Representative Stange's district. The Bill further serves as a vehicle for a number of Amendments, all of which have been agreed to by the various parties and also by the... by both sides of the aisle, so I will quickly go through the Amendments so that we can move this thing along. The first Amendment which was adopted was offered by Representative Mays and Berrios and authorizes garbage trucks and tow trucks to operate on primary roads and state highways. As you may recall, these vehicles were previously authorized to operate on these highways prior to 1983. At that time, legislation revising several parts of

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the Motor Vehicle Code was enacted and the exemption for garbage trucks and tow trucks was inadvertently left out. IDOT is neutral and has no problem with this particular Bill. The second Amendment was a Saltsman - Mautino - Mays - Giglio and Hawkinson Amendment. This is an agreed legislation for the towing industry. This Amendment represents the adoption and regulations enacted a year ago for the towing industry worked out under the guidance of the ICC. Third Amendment adopted was by Representative Berrios. This Amendment was designated to prevent businesses from having vehicles towed off their property without either notifying the vehicle owner or law enforcement official or properly posting notice that the vehicle may be towed away. The fourth Amendment adopted to this legislation is offered by Representative Breslin on behalf of the Secretary of State. It eliminates the exemption for payments of quarterly fees for those trucks which register in the last month of the calendar year. The Amendment was previously House Bill 3277 passed out of the House 110 to 0. It did not get out of the Senate Rules Committee. Amendment #7 corrects a technical error. It's offered by Representative Ronan, providing for a verification of an individual's residence by his driver's license in case... where there is an individual who has a post office box number for an address. The last Amendment which was adopted was Representative Stern's Amendment. This Amendment provides that no person shall drive a school bus and utilize its identification and safety equipment when transporting children in connection with activity... an activity of a youth camp or child care facility. This particular Amendment was also a House Bill which passed out of the Assembly unanimously. The Bill is a... as I pointed out, it's a series of Amendments that have all been agreed

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to on both sides. The proponents include the Secretary of State, the Professional Towing and Recovery Operators of Illinois, the Illinois Towing Association, the Midwest Truckers, the Chicago and Suburban Refuse and Disposal Association. I would move for its adoption and be happy to answer any questions. Thank you."

Speaker Giglio: "The Gentleman asks for the passage of Senate Bill 1673. And on that question, Representative Cullerton, the Gentleman from Cook."

Cullerton: "Yes, will the Sponsor yield?"

Speaker Giglio: "He indicates he will."

Cullerton: "Representative, I know that, as the Sponsor of the original Bill, it's difficult sometimes to explain the effect of all the Amendments, especially when there's so many of them, but there's one Section of Amendment #3 that I wanted to ask you a question about, and it deals with the ability... first of all, it deals with the issue of towing cars, and it does seem to give a right for someone to enter into a car for the purposes of moving it when it's illegally parked there. And I just wondered if you could give me an idea if you know the purpose of legislative intent, what is meant to be covered and what, perhaps more important, is not meant to be covered by giving this right. This can be found, by the way, on page four of the Amendment #3, Section 8, and it says, 'No removal of a vehicle... ' I'm sorry, #9... Paragraph #9. 'The entry of vehicle for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care.' Does that mean, for example, that they can pop the lock on the car with a coat hanger? Can they, you know... They can

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enter the car, but can they break into the car? That's probably what the question is. I would think that they perhaps should not be allowed to break into the car unless it's considered to be reasonable care, and then they're liable for damages occasioned by that."

Kubik: "Representative, what we're... the intent is that the... some reasonable care will be taken on the part of the person entering the car. I would think that the definition of 'reasonable care' would be... "

Cullerton: "Well, you see, the reason why it's important is, on the face of it, it's a burglary. So, you break into someone's car, it's a burglary. And so, we're giving someone permission to enter into a car without... presumably without the permission of the owner. We're definitely giving that permission, then. It's definitely without the permission of the owner. So, in order to protect the people who are breaking into these cars, for their sake as well as the people that own them, I think we should have a... some type of a legislative exchange here, indicating what we really mean by this, so... for example, do you want to allow the owner of the lot that the car is illegally parked in or the owner of the property that it's illegally parked in, you want to give them the authority to break into a car, you know, like... by using a hanger or something like that and popping the lock, or do you just want to say that if the door is open and they can open the car and they can put it in neutral and they can move it away, off the lot or out of the way of some other cars. I mean, there's a... kind of a broad set of activity here which we are... seem to be authorizing, and I think we should just have it more defined."

Kubik: "Well, Representative, for the part... purpose of legislative intent, I would agree with your previous

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statement."

Cullerton: "The more limited form."

Kubik: "Correct."

Cullerton: "So that you're not, by this... authorizing people to break into cars and commit burglaries but rather, if it's necessary for them to remove a vehicle from private property if it can be done by using reasonable care, which means not breaking into the car, but rather opening the car door, perhaps putting it in neutral and then moving or pushing the car or actually using the keys. Maybe the keys would be in the car, to move the car with the owner's keys, then that would be allowed."

Kubik: "Correct."

Cullerton: "Is that what you say the intent is?"

Kubik: "Correct."

Cullerton: "Okay, thank you."

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

Sutker: "Will the Gentleman yield?"

Speaker Giglio: "He indicates he will."

Sutker: "Representative, do these... "

Kubik: "I can see it now, Cal."

Sutker: "... Vehicles that you're referring to in the Amendment - Amendment #3 - require proper licenses? Do all of the posting and notice requirements that you stipulated in Amendment 3 refer also to vehicles that are abandoned?"

Kubik: "Representative, since this Amendment was sponsored by Representative Berrios, I would yield to him to answer that particular question."

Sutker: "I'd like to refer my question to Representative Berrios. The question is, are the posting and notice requirements in Amendment 3... do they refer to nonlicensed vehicles and abandoned vehicles as well as properly licensed vehicles



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which may be located on private property?"

Berrios: "Basically, what the Amendment does... it was sponsored in part by the towing industry. Basically, all it says is that if there is a car on private property, that the owner of that property should have a sign posted to notify an individual that he shouldn't park there and where the car is going to go. It also says that the towing company that does tow it has to notify the police department within a half hour. All the regulations and stipulations in the Amendment basically are in effect in Cook County and DuPage County. This just makes it state-wide."

Sutker: "Well, the question I have relates to abandoned vehicles or non-licensed vehicles. How do you determine who to submit notices to, and do you have to submit such notices?"

Berrios: "That's covered under... that's totally different from what this Bill is doing. This is saying, 'I've got a piece of property. You come in and tow a car off that property, you, in actual right, don't have my permission to do that. And then, you end up paying a towing facility fifty dollars or whatever the heck it is, for that service. Now... This Bill basically... This Amendment basically says that you... I, as the owner, have to have something written between you... myself and the towing company before a scavenger service or towing service comes in and takes a car off my property."

Sutker: "Well, who's liable or responsible when a towing company removes a vehicle which... which appears to be abandoned and does not have a license plate on it?"

Berrios: "From where?"

Sutker: "From private property."

Berrios: "From private property? The... Basically, from what I understand, the towing company, if that car is not claimed within a certain amount of time, can sell that car for

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scrap."

Sutker: "Well, can they remove the abandoned vehicle which is not licensed from private property without exposing themselves to liability under this Bill? I'm trying to determine how we can help the owner of private property when abandoned vehicles are left on his premises."

Berrios: "I... I would presume that I... if I had an abandoned vehicle on my property, I could have it removed, yes."

Sutker: "So, this Bill does not exact a penalty against an owner... "

Berrios: "No, no."

Sutker: "... When a abandoned vehicle is left on his premises?"

Berrios: "Correct."

Sutker: "Thank you."

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

Levin: "Would the Gentleman yield?"

Speaker Giglio: "Indicates he will."

Levin: "It might be... I guess, Representative Berrios, because my question is with respect to Amendment #3. Okay. Representative, I understand that Amendment #3 would apply the identical provisions that currently apply in Cook County, to the rest of the state. Is that correct?"

Berrios: "Yes."

Levin: "So that there's nothing in Amendment #3 or in the Bill dealing with towing that would affect Cook County. Correct? No. And is it your intention that the same interpretation be given of this Amendment #3 that is given currently to the law that affects... affects Cook County?"

Berrios: "Yes."

Levin: "Alright. You know, I think it's a good Amendment. I think it's a good Bill. The question it dealt with here is, under current law in Cook County and apparently in

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DuPage, we have regulation of towing services. It was something that came out of my district where we have Lincoln... Lincoln Towing, and some years ago, a lawsuit was brought by the State's Attorney of Cook County that found that without a law, the towing services did not have a lien, and as a result, could not legally tow, even if they had permission from the property owner. We then passed legislation to give the towing services in Cook County a lien and to trade off for regulation, and it's my understanding that the towing companies in the rest of the state are now concerned that they don't have a lien and that if they were towing off of private property, they would, in effect, be acting illegally. So, this would establish the same kind of regulation that exists in the Chicago metropolitan area, which I think has proven to be pretty effective, has resolved 99 percent of the problems that come up with respect to towing services. And so, you know, I would strongly support Amendment #3 and the Bill."

Speaker Giglio: "Representative Kubik to close."

Kubik: "Thank you, Mr. Speaker. I appreciate Representative Cullerton for his clarification and legislative intent. As I pointed out, these Amendments are agreed to by both sides of the aisle. I would appreciate your 'aye' vote. Thank you."

Speaker Giglio: "The Gentleman asks that Senate Bill 1673 pass. All those in favor signify by voting 'aye' those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', none voting 'no', 1 voting 'present'. Senate Bill 1673, having received a Constitutional Majority, is hereby declared passed. On page three of the Calendar, Senate Bills Third Reading, under Business Regulation appears

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Senate Bill 1798, Representative Friedrich. Mr. Clerk,  
read the Bill."

Clerk Leone: "Senate Bill 1798, a Bill for an Act to amend the  
Illinois Vehicle Code. Third Reading of the Bill."

Speaker Giglio: "Representative Friedrich."

Friedrich: "Mr. Speaker and Members of the House, this is  
identical to a Bill we sent over to the Senate which deals  
with the two groups who are... the 'Chop-Shop' Bill, and  
it's been agreed off on by the State's Attorney of Cook  
County, the Secretary of State, both of the organizations  
of rebuilders and the parts people. It's rather lengthy  
and a little complicated. I'd be glad to answer questions  
or I'd be glad to give you the details. It went out of  
here before, I think, 116 to 0."

Speaker Giglio: "The Gentleman asks that Senate Bill 1798 pass.  
And on that question, all those in favor signify by voting  
'aye', those opposed 'nay'. The voting is open. Have all  
voted who wish? Have all voted who wish? Have all voted  
who wish? Mr. Clerk, take the record. On this question,  
there are 113 voting 'yes', none voting 'no', none voting  
'present'. Senate Bill 1798, having received a  
Constitutional Majority, is hereby declared passed.  
Committee Reports. Mr. Clerk."

Clerk Leone: "Committee Reports. The Committee on Rules has met  
pursuant to Rule 29-c(3) and the following Bills have been  
ruled exempt on June 23, 1986: House Bills 1556 and House  
Bill 3656. Also referred to Rules Committee were the  
following Bills which have been reported back as follows:  
'do adopt' House Joint Resolution 218 and House... and  
Senate Joint Resolution 101. A Message from the Senate by  
Mr. Wright, Secretary. 'Mr. Speaker, I am directed to  
inform the House of Representatives that the Senate has  
concurred in the House in the passage of Bills of the

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following title: House Bill 787 together with attached Amendments; Senate Amendment #1 and Senate Amendment #2 passed the Senate as Amendment June 19, 1986. Kenneth Wright, Secretary."

Speaker Giglio: "Page three of the Calendar under Business Regulation appears Senate Bill 1838, Representative Countryman. Mr. Clerk, read the Bill. 1838."

Clerk Leone: "Senate Bill 1838, a Bill for an Act to amend an Act in relationship to limited partnerships and corporations. Third Reading of the Bill."

Speaker Giglio: "Representative Countryman."

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

Speaker Giglio: "The Gentleman asks leave to bring back Senate Bill 1838 to Second Reading. Does the Gentleman have leave? Leave is granted. Mr. Clerk."

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

Speaker Giglio: "Thank you, Mr. Speaker. Amendment #3 represents a compromise that's been worked out over the weekend between the various parties dealing in this Bill. In essence, what it does is requires an amendment to a limited partnership when the aggregate amount of cash in description in the statement of the aggregate agreed value and other property or services contributed by the partners in which the partners have agreed and contribute as changed. Such filing will occur within 90 days after the end of the fiscal year of the partnership during which there's been a change in that amount of the capital contribution. There have been some suggestions earlier at we do this within 90 days after the change. We came agreement that it should be done once a year as with

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corporations, and that that once a year should be a set date, that set date being with 90 days after the end of the fiscal year. I believe it's a good Amendment and I ask for its adoption."

Speaker Giglio: "The Gentleman asks for the adoption of Amendment #3 to Senate Bill 1838. And on that question, all those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Further Amendments."

Clerk Leone: "Floor Amendment #4, offered by Representative Cullerton and Countryman."

Speaker Giglio: "Representative Cullerton on Amendment #4, Senate Bill 1838."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move for the adoption of Amendment #4 which I'd like to say simply removes the clarifying language. I always thought that was a great explanation for an Amendment but no one was paying attention. Removes the clarifying language so that the Bill remains confusing. No, seriously, it eliminates the duplicative recording requirement, so it's really a technical Amendment."

Speaker Giglio: "The Gentleman moves for the adoption of Amendment #4 to Senate Bill 1838. All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Amendment #4 is adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Giglio: "Third Reading. Mr. Clerk, read the Bill. The Gentleman asks leave to have the Bill heard in immediate consideration on Third Reading. Does the Gentleman have leave? Leave is granted."

Clerk Leone: "Senate Bill 1838, a Bill for an Act to amend an Act in relationship to limited partnerships and corporations."

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Third Reading of the Bill."

Speaker Giglio: "Representative Countryman."

Countryman: "Thank you, Mr. Speaker. The Bill as amended now adopts portions of the Revised Uniform Limited Partnership Act, makes several changes in the Business Corporation Act of 1983. The number... A number of changes, many of which have been worked out between the Revised Uniform Limited Partnership Act and the original Uniform Limited Partnership Act are now... have been worked out in accordance with what should be good Illinois law. What it does briefly is, establishes guidelines regulating limited partnership names, requires that limited partnerships maintain a registered agent and office in Illinois, establish a procedure for ... of process similar to that for corporations, provides for adoption of assumed names, sets forth procedures for the formation of limited partnerships by the filing of a certificate of limited partnerships, the Amendments thereto, which we dealt with in the Amendments just a minute ago, defines in detail the powers, duties and liabilities of limited and general partners including certain voting rights for limited partners, defines and... allowable types of contributions to the partnership for the interest therein, provides for an assignment of limited partnerships' interests to facilitate public training... trading, permits, under the Business Corporation Act, and it permits a reduction of paid-in capital by charging against each other an amount that is the result of a deficit arising from an operating loss or some other form of loss and clarifies that language was amended some years ago. The reasons for this Bill is, it's... will facilitate trading of limited partnerships. It will grant to limited partners and general partners more rights to deal with each other, clarify those rights, allow

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limited partnerships from out of state to register to within the state, provides for an office where the limited partnership agreements will be held subject to the rights of each of the partners to review those things. I believe these are good Amendments, and I'd ask this Body to adopt it, and I'd move for its passage."

Speaker Giglio: "The Gentleman asks for the passage of Senate Bill 1838. And on that question, all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', none voting 'nay', 1 voting 'present'. Senate Bill 1838, having received the Constitutional Majority, is hereby declared passed. Representative Flinn? Representative Breslin in the Chair."

Speaker Breslin: "Mr. Clerk, read the Bill. 1855."

Clerk Leone: "Senate Bill 1855, a Bill for an Act to amend an Act concerning administrative duties relating to credit union insurance. Third Reading of the Bill."

Speaker Breslin: "Representative Flinn."

Flinn: "Thank you, Madam Speaker. Senate Bill 1855 is another JCAR Bill, and it amends the Credit Union's Act, Unemployment Insurance and Income Tax Act, all three of those. And basically, what it does, it grants statutory authority to those departments to do what they're already doing. We... as a matter of practice. We also had Amendment #3, which would permit state chartered credit unions to buy bonds such as Israel bonds which can be done now with the federal chartered credit unions, and I will answer any questions and ask for an 'aye' vote."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1855. And on that question, is there any



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discussion? Hearing none, the question is, 'Shall Senate Bill 1855 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? This is final action. Have all voted who wish? The Clerk will take the record. On this question, there are 113 voting 'aye', none voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2037, Representative McGann. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2037, a Bill for an Act relating to the imposition of state occupation and use taxes. Third Reading of the Bill."

Speaker Breslin: "Representative McGann."

McGann: "Thank you, Madam Speaker, Members of the Assembly. Senate Bill 2037 is the mail order sales legislation. It amends the state occupation and use tax to revise the definition of retailers and service men maintaining a place of business in Illinois to include out of state businesses which advertise in Illinois itself to Illinois residents. The Bill is targeted directly at the out of state companies that conduct sales within Illinois and presently do not collect the Illinois state sales tax. It specifies that if a vendor advertises within this state, then that advertisement qualifies as a vendor present within the state, and therefore, requires the out of state vendor to collect and remit the sales tax. This truly is a pro-Illinois business legislation, and I'd ask for your 'aye' vote, and I would be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 2037. And on that question, is there any discussion? Hearing none, the question is, 'Shall Senate Bill 2037 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final

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passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 109 voting 'aye', 2 voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill... Senate Bill 2084. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2084, a Bill for an Act to amend an Act in relationship to trusts, trustees and trust companies. Third Reading of the Bill."

Speaker Breslin: "Representative Capparelli."

Capparelli: "Thank you, Madam Speaker. Senate Bill 2084 adds a new paragraph to the Trust and Companies Act. It makes it clear that after a bank holding company buys a bank, the newly owned bank may carry on acting as a trustee for all trusts held by the bank under its ownership. It also makes it clear that a bank holding company may carry on its trust business at any of the facilities owned by the bank, and I'd ask for a favorable Roll Call."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 2084. And on that question, is there any discussion? Hearing none, the question is, 'Shall Senate Bill 2084 pass? All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? The Clerk will take the record. On this question, there are 112 voting 'aye', none voting 'no', and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page four on your Calendar appears Senate Bill 2087, Representative Daley. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2087, a Bill for an Act to amend the Liquor Control Act. Third Reading of the Bill."

Speaker Breslin: "Representative Daley."

Daley: "Thank you, Madam Speaker and Members of the House. I

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would like to ask leave to bring this Bill back to Second Reading... Reading."

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

Clerk Leone: "There is a Motion to table. 'I move to table Amendment #2 to Senate Bill 2087,' filed by Representative Daley."

Speaker Breslin: "Representative Daley on the Motion."

Daley: "I move to table the... Amendment #2."

Speaker Breslin: "The Gentleman moves to table Amendment #2. And on that question, Representative Piel."

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

Speaker Breslin: "He indicates he will."

Piel: "Representative Daley, under normal circumstances, you know, I would think that the person being the Sponsor of it would want something to say. Have you talked to Representative Cullerton in reference to it? It was his Amendment."

Daley: "Yes, I have. Yes, I have."

Piel: "And how did the Amendment pass, and what is the reason for wanting to table it?"

Daley: "I'm sorry, Representative... "

Piel: "I mean, was it a voice vote, was it a unanimous voice vote to put that Amendment on, and my question would be then, why do you want to table it?"

Speaker Breslin: "Representative Daley, tell the Members why you wish to table Amendment #2."

Daley: "It is agreed... it's agreed with Representative Cullerton."

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Piel: "That's not... that doesn't tell me anything. My question is, 'Why was it put on in the first place?' Was a unanimous type of a vote to put it on and why, you know, an agreement with somebody else to table an Amendment is not a reason for tabling it. My question is, 'Why are you tabling it?'"

Speaker Breslin: "Excuse me, Representative Daley. Representative Mautino has agreed to answer this question for you, if you wish. Representative Mautino on the question."

Mautino: "Thank you very much, Madam Speaker. The Majority Leader, Representative McPike asks that this Amendment be provided on Second Reading, and he agreed to not pursue it if, in fact, we contacted the spirits and wine wholesalers from out of state and it was found to be not favorable. At that point, I informed him, as well as Representative Cullerton and Representative Daley, and Representative Daley has very kindly and graciously agreed to table that Amendment, and I agree in total with his evaluation because the underlying Bill is a very good Bill. This Amendment makes it a bad Bill, and we support his efforts to table Amendment #2."

Speaker Breslin: "Representative Piel, are you finished with your questions?"

Piel: "No further questions, thank you."

Speaker Breslin: "Representative Cullerton, on the Motion to table."

Cullerton: "No, I... Yes, I just wanted to confirm that I was the Sponsor of the Amendment that... I've agreed to have the Amendment taken off the Bill."

Speaker Breslin: "The question is, 'Shall Amendment #2 be tabled?' All those in favor say 'aye', all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have

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it, and the Amendment is tabled. Are there any further Motions or Amendments?"

Clerk Leone: "No further Motions or Amendments."

Speaker Breslin: "Third Reading. Representative Daley now asks leave for immediate consideration of Senate Bill 2087. Does he have leave? Hearing no objection, he has leave. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 2087, a Bill for an Act to amend the Liquor Control Act. Third Reading of the Bill."

Speaker Breslin: "Representative Daley."

Daley: "Thank you, Madam Speaker and Members of the House. Senate Bill 2087 amends the Liquor Control Act. When a licensee appeals to the State Commission, a... after a second or subsequent suspension for the revocation of a local liquor control... commissioner within a 12 month period, the suspension or revocation shall be in effect until the reversal of the local liquor control commissioner action has been taken. In essence, if there's two violations within a period of one year, they lose their license."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 2087. And on that question, the Gentleman from Cook, Representative Piel."

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

Speaker Breslin: "He will."

Piel: "Representative Daley, now with the Amendment #2 removed, I know that there was opposition to the... to the Bill, I think, there were some different groups, the Beer Distributors and some other groups were opposed to the Bill. What is their stance now as far as the Bill is concerned?"

Daley: "They're in favor of the Bill."

Piel: "So, in other words, is Amendment #2 off the Bill? They've

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got no opposition to the Bill?"

Daley: "Correct."

Piel: "Thank you very much."

Speaker Breslin: "Representative Shaw."

Shaw: "Yes, will the speaker yield, please?"

Daley: "He will."

Shaw: "Will the Sponsor yield? I'm sorry."

Daley: "Yes. Yes, I will."

Shaw: "Yes, Representative Daley, I was on my way to my seat, here and I was... had some concern about what the Amendment does that you put on... you stated that if you have two violations in one year... if a liquor establishment have two violations in one year, the... that you would automatically lose your license?"

Daley: "I'm sorry... Would you repeat the question? Would you repeat the question?"

Shaw: "It was my understanding that if a liquor establishment have a... well, I understood you to say, if liquor establishment have a... two violations in one year, that the establishment would lose their license."

Daley: "Suspension. It... That is correct"

Shaw: "Wait a minute. If they have a suspension... Would you turn Representative Daley's mike on, please? I can't hear him."

Daley: "Would you repeat the question? It requires repeated violators to discontinue operations of business even pending State Commission's rehearing."

Speaker Breslin: "Representative Shaw."

Shaw: "No, I heard you. My question is, is... if you have two suspensions... if a liquor establishment have two suspensions in one year... that's not what you're saying?"

Daley: "Go ahead, Representative."

Shaw: "In one year, that you would lose your license? That the

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liquor establishment would lose their license?"

Daley: "No, no, it does not say that. I'm sorry."

Shaw: "Well, what does the Amendment do?"

Daley: "The... The Bill."

Shaw: "What does the Bill do?"

Daley: "The Bill, as I stated, Representative, requires repeated... requires a repeated violator to discontinue operation of business even pending State Commission's rehearing."

Speaker Breslin: "The Gentleman from... are you finished, Representative Shaw?"

Shaw: "Okay."

Speaker Breslin: "The Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Madam Speaker. I wonder if the Sponsor might yield for a question?"

Speaker Breslin: "He indicates he will."

Daley: "Yes."

Vinson: "Representative, at one point in this, and I'm not quite sure where we are in this Bill at this state of the proceedings, but at one point there was a great deal of controversy in regard to Amendment #1, which I believe was offered by the Speaker, Mr. Madigan. Is that correct?"

Daley: "Amendment... Amendment 2 was taken off. Amendment 1...  
":

Vinson: "Amendment 2 was taken off?"

Daley: "Yes."

Vinson: "So, Amendment 2 is not on the Bill?"

Daley: "That is correct?"

Vinson: "Is Amendment 1 on the Bill?"

Daley: "It was withdrawn."

Vinson: "What? Amendment 1 is not on the Bill either. So, Mr. Madigan's Amendment and Mr. Cullerton's Amendments are not

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on the Bill."

Daley: "That is correct."

Vinson: "Now, is there any perceived... any provision in the Bill that says when transferring alcoholic liquor from one license premise to another, 'alcoholic liquor' will mean spirits or wine and will not mean beer?"

Daley: "No. No."

Vinson: "Okay. So, that provision is not in the Bill."

Daley: "No. That is off."

Vinson: "Okay. Now, what does the Bill do, the way it is now?"

Daley: "The Bill as it is written now would require repeated violators to discontinue operations of business, even pending State Commission's rehearing. It requires the State Commission to expedite rehearing of such cases."

Vinson: "So, there is nothing in the Bill that discriminates against beer distributors as opposed to other retailers or middle men in the distribution of liquor."

Daley: "No, that is correct."

Vinson: "Okay, thank you."

Speaker Breslin: "The... Representative Daley to... Excuse me. Representative Sutker on the question."

Sutker: "Will the Sponsor yield for a question, please?"

Speaker Breslin: "He will."

Sutker: "Representative Daley, the State Commission hears these appeals. Can you tell me what the normal length of time is between the expediting of an appeal and the final decision with respect to a local license?"

Daley: "Six weeks to four months. Six weeks to four months."

Sutker: "Is there any provision for a quick hearing for the purposes of allowing a licensee to return to business on his second appeal?"

Daley: "No, but this Bill would require the State Commission to expedite such a hearing."



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Sutker: "So, you're suggesting that such a licensee could be out of business for a period up to six weeks until the appeal decision is rendered by the State Commission."

Daley: "That is correct."

Clerk Leone: "Supplemental Calendar #1 is now being distributed."

Speaker Breslin: "Representative Daley to close."

Daley: "Thank you. Thank you, Madam Speaker. I would ask for a favorable Roll Call."

Speaker Breslin: "The question is, 'Shall Senate Bill 2087 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 103 voting 'aye', 5 voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Under the Order of Senate Bills Third Reading, Special Order of Business - Civil and Criminal Law appears Senate Bill 522. Representative Homer. Representative Homer. Out of the record. Senate Bill 1320, Representative Ewing. Out of the record. Senate Bill 1564, Representative Kirkland. Ladies and Gentlemen, this is a Special Order of Business. If you have Bills appearing on this Order of Business - Civil and Criminal Law, please be in your seats and prepared to present your Bill. We don't have a lot of extra time today. Representative Vinson, for what reason do you rise?"

Vinson: "I might point out that on the Calendar, that Special Order appears to be called for 2:30, and... "

Speaker Breslin: "Oh, I'm five minutes early."

Vinson: "That's right."

Speaker Breslin: "Excuse me."

Vinson: "And that's why probably if you went down the Calendar,

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you'd probably get a lot more business done, because people have caught on to your Special Order of Business and they believe that you're going to call them on time. Now you're not even calling them on time."

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

Flinn: "Well, I move for a 10 minute recess."

Speaker Breslin: "You weren't recognized for that purpose, Representative Flinn. Representative Ewing on Senate Bill 1320. Representative Vinson, for what reason do you rise?"

Vinson: "If you'd like, I'll provide you with a list of Bills that Members are prepared to call and would like to see called."

Speaker Breslin: "No, Sir. I would not like that."

Vinson: "Most of them are marked by holes on the Calendar you've been given."

Speaker Breslin: "Representative Ewing. Senate Bill 1320. It's on page four on your Calendar."

Clerk Leone: "Senate Bill 1320, a Bill for an Act to create the General Not-for-Profit Corporation Act. Third Reading of the Bill."

Speaker Breslin: "Representative Ewing."

Ewing: "Madam Speaker and Ladies and Gentlemen of the House, this piece of legislation is a very substantial piece of legislation. It emanates from the Secretary of State's Office and is a rewrite of the General Not-for-Profit Corporation Act of the State of Illinois. It is involved. It has been highly studied in both the Senate during the last year. It was thoroughly debated in the House Judiciary Committee, amended to take into consideration suggestions of several Members of that Committee. I would, along with the proponents of this Bill, be glad to answer any questions that might arise on the Bill. It is a

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technical rewrite of the Not-for-Profit Corporation Act of the State of Illinois. And I would move for its passage and be glad to answer any questions."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1320. And on that question, the Gentleman from... The Gentleman from McHenry, Representative Klemm."

Klemm: "Thank you, Madam Speaker. Would the Sponsor yield for a question?"

Speaker Breslin: "He will."

Klemm: "Just one fast question, Tom, and that would be for those organizations that are incorporated under the non-for-profit... not-for-profit organizations, would they have to change their bylaws or any change that they internally would have to do because of this passage?"

Ewing: "Representative, this would not affect corporations that are not not-for-profit corporations."

Klemm: "Alright. Particularly, I'm thinking of the... the community civic organizations in our communities that are for animal welfare and the other things that they incorporate them... "

Ewing: "Well, now, those could very well be not-for-profit corporations. This Bill won't affect their charter. They don't have to be rechartered under this Bill, but it is a rewrite of that law. It does not, in my understanding, put any greater burden on them than they have been under before to file with the Secretary of State and that type of thing."

Klemm: "Alright, thank you very much."

Speaker Breslin: "Representative Cullerton on the question."

Cullerton: "Yes, Representative Ewing, I have a question about Amendment #2. That was Representative McCracken's Amendment. Since he's not here today, perhaps it might be difficult for you to answer. I just wondered if you could

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tell me whether or not that requirement is limited to directors or officers of a not-for-profit corporation, or does it involve trustees as well? Trustees would be a very broad group of people who serve on a not-for-profit corporation... "

Ewing: "It says 'officers and directors', Representative."

Cullerton: "Oh, okay. So, it's limited to officers and directors?"

Ewing: "That's correct."

Cullerton: "Fine, thank you."

Ewing: "That would be my interpretation of it."

Cullerton: "Thank you."

Speaker Breslin: "Do you have any further questions, Representative Cullerton?"

Cullerton: "I don't think they have... "

Speaker Breslin: "No? Representative Ewing to close."

Ewing: "Ladies and Gentlemen of the House, I ask your support for this Bill. It's a modernization of our Not-for-Profit Corporation Act in this state. I think it's been well studied. I think it's been well crafted and drafted to do the job, and I would ask for your support."

Speaker Breslin: "The question is, 'Shall Senate Bill 1320 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Levin, one minute to explain your vote."

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would just like the record to reflect that on this Bill, since there are provisions relating to condominiums in here, I have filed with the Clerk, a letter indicating I'm of counsel to a law firm that represents condominiums."

Speaker Breslin: "The Clerk will take the record. On this question, there are 110 voting 'aye', 1 voting 'no' and

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none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1564, Representative Kirkland. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1564, a Bill for an Act to amend the Juvenile Court Act. Third Reading of the Bill."

Speaker Breslin: "Representative Kirkland."

Kirkland: "I believe it needs to be brought back... or, could I have leave to have the Bill brought back to Second Reading?"

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

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

Speaker Breslin: "Representative Kirkland."

Kirkland: "Amendment #2 does the same thing as Amendment #1, make... but there was a technical problem with Amendment 1."

Speaker Breslin: "The Gentleman moves for the adoption of Amendment #2 to Senate Bill 1564. Is there any discussion? Hearing none, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #3, offered by Representative O'Connell."

Speaker Breslin: "Representative O'Connell on Amendment #3. The people in the center aisle... Do you wish to withdraw Amendment #3?"

Kirkland: "I'd like to withdraw Amendment #3."

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

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Representative Kirkland, there's a question in the Clerk's well. Do you want to leave Amendment #2 on the Bill... or rather, Amendment #1 on the Bill?"

Kirkland: "Yes, yes. It was drawn to do that."

Speaker Breslin: "Are there any further Amendments, Mr. Clerk?"

Clerk Leone: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Kirkland now has leave for immediate consideration of Senate Bill 1564. Is there any discussion? Hearing none... Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1564, a Bill for an Act to amend the Juvenile Court Act. Third Reading of the Bill."

Speaker Breslin: "Representative Kirkland."

Kirkland: "Thank you. The Bill amends the Juvenile Court Act by deleting for all counties except Cook, which was the affect of Amendment #1, to take Cook out - Cook County - the language restricting minors adjudicated under delinquent... under the Juvenile Court Act from performing public service work as a condition of probation... conditional discharge or under a continuance under supervision, performing that work outside his or her municipality or townships. And in Cook County... the county would become the new restriction of residence."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1564. And on that question, is there any discussion? Hearing none, the question is, 'Shall Senate Bill 1564 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 109 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed."

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Representative Homer is back in the chamber. With leave of the Body, we will go back to his Bill, Senate Bill 522. Clerk, read the Bill."

Clerk Leone: "Senate Bill 522, a Bill for an Act to amend an Act to create the offenses of first degree murder and second degree murder. Third Reading of the Bill."

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker, Ladies and Gentlemen. This Bill is identical to House Bill 913 which passed out a few weeks ago. It creates new offenses of first degree murder and second degree murder, replacing the current terminology, which we use, 'murder', would be the identical elements that would be in the proposed first degree murder Section, and then, instead of voluntary manslaughter, this Bill suggests that we have a second degree murder and that in those cases where there are mitigating circumstances, such as serious provocation, that would serve as a justification for reducing a murder charge to a voluntary manslaughter, and now a first degree murder charge to a second degree murder charge that the defendant, and not the state, would bear the burden of proving the mitigating circumstance, and that's in order to avoid the anomaly that's found in the current statutes, whereby the state is required to prove beyond a reasonable doubt all of the elements of the offense, including the mitigating circumstance, which, in many cases, the state does not wish to prove. So, this... this is a proposal that's come out of lengthy Law Review articles and studies, the legal scholars. Judge Steigman from Champaign County has been involved in the process as well as Jim 'Haddad', who is a former first assistant state's attorney and a renowned legal scholar from Cook County and others who have worked over the years. We've had special hearings in the summer.

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We had one last year at the Civic Center with our Judiciary Committee, and I would say that I would be happy to answer any questions, and I would then simply ask that we support the Bill."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 522. And on that question, Representative Cullerton."

Cullerton: "Yes, thank you, Madam Speaker and Ladies and Gentlemen of the House. I rise in support of this Bill. The same Bill which was in the form of a House Bill was voted on and passed out of this Committee, and I wasn't here. Someone voted me 'present'. I think that they thought that, perhaps, I normally would not be in favor of this, but I think this is something which is basically very fair. It's also very significant. We are going to be changing the definition of voluntary manslaughter in this state. We're going to be eliminating the term 'voluntary manslaughter'. We're going to have murder 1 and murder 2. And what we're doing, however, is not to change the elements of the offense of voluntary manslaughter, but we're basically changing the burden of proof to the defendant. And the reason why that's fair is that voluntary manslaughter is really a less culpable form of murder. It's murder with extenuating circumstances, and normally, the defendant is the one who wishes to bring to the attention of the jury or a Judge those extenuating circumstances, but the way the law works now is that the... the state has the burden of proving this, and so, you have some situations where juries have come back, where they're guilty of murder and guilty of voluntary manslaughter, saying that the state proved murder, plus they proved the extenuating circumstances. And these cases have gone to the Supreme Court and they have indicated that it is indeed



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a very confusing area. Now, what the effect, then, of this Bill would be is to say that the burden of proving those mitigating factors should be on the defendant with a preponderance of the evidence. The jury would be instructed that in those cases of murder, in which they find it's more likely or not that mitigation is present, then they should find the defendant guilty of the less culpable homicide, that would be of murder 2. It would be murder in the second degree. I think that it's a fair change. I think it's something that which the state is entitled to. I don't think it works any hardship on the defendant, since he is the one or she is the one who, in most cases, is in a better position to prove the mitigating factors, and I think it's a definite plus. This Bill is important to pass today because it will go to the Governor. And for those reasons, I would appreciate your support for the Bill."

Speaker Breslin: "The question is, 'Shall Senate Bill 522 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 101 voting 'aye', 4 voting 'no', and 8 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. We'd like Representative Daniels, Minority Leader Daniels, in the Chair for a special introduction."

Daniels: "The privilege that I have right now is to introduce a Gentleman to you from Sweden. And in Sweden, as you know, there's just one House, called the House of Parliament, and this Gentleman is the Minority Leader in the Swedish Parliament, which makes him very special to the right side of the aisle. And I've been working on his name very carefully right now, and I'm going to do my best, but he'll

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repeat it for you to see how close I got to it. This is Mr. Bengt Westerberg. That's true, he says, that's true. That is his name. And I want to introduce to... him to you, and would you please give him a warm welcome? Mr. Westerberg of Sweden has been invited to the United States under the auspices of the International Visitor Program of the United States Information Agency. The visitors program is being coordinated here in Springfield, and he has been escorted through Springfield and through the United States on his recent trip, so will you please join me in granting him our very special warm welcome. Would you like to say a few words?"

Bengt Westerberg: "Thank you very much. I must admit that I am never speaking before in another Parliament than our own, and it feels quite different to stand here in front of a lot of unknown people, but it is nice to be here, and I hope that you'll work hard now, because I've heard that you have only a few days left on this Session. We finished in Sweden in the beginning of June, and now I have holidays until the beginning of October when I will go on working. Thank you for your attention."

Daniels: "Thank you very much."

Speaker Breslin: "Senate Bill 1576, Representative Parcells. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1576, a Bill for an Act to amend the Liquor Control Act. Third Reading of the Bill."

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

Van Duyne: "Thank you, Madam Speaker. I'd just like to make an observation. Maybe it has something to do with our own educational curriculum in this United States, and especially in the State of Illinois, and I'd like to compliment the Gentleman on his knowledge of the English

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language. I wonder just how our peerless, fearless leaders would fare if they ever had the honor to be presented to the Swedish Legislature. I doubt that they would be that exceptional."

Speaker Breslin: "Good point, Representative Van Duyne. Representative Parcels on Senate Bill 1576."

Parcels: "Thank you, Madam Speaker. Senate Bill 1576 amends the Liquor Control Act to make it a Class C misdemeanor for a person to rent a motel or hotel room knowing it will be used for the purpose of unlawful drinking by minors. This... This Bill seeks to close down a loophole in the law. Currently, if a person allows underage drinking in their residence, they commit an offense, even though they do not actually provide the liquor. However, if the same person rents a hotel room for... for underage children and lets them use it for a drinking party, there is no offense committed. This will close that loophole. I'll be happy to answer any questions."

Speaker Breslin: "The Lady has moved for the passage of Senate Bill 1576. And on that question, Representative Vinson."

Vinson: "Madam Speaker, I'm sorry to interrupt Representative Parcels' explanation of her Bill on a point of order, but I noticed that you appeared to have skipped over House Bill 1570. You called 1564, and then you went to 1576 next on this Order, and I would call your attention to the fact that 1570 is there, too. And I had no problem with dealing with Representative Parcels' Bill and then coming back to it, but I would not want you to lose that in the... in some subtle shuffle."

Speaker Breslin: "I don't have that on my Calendar."

Vinson: "Well, look and Civil and Criminal Law on page two."

Speaker Breslin: "Oh, that's on the Order of Second Reading, so what we have been doing is going through to the end and

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then going back and picking up all those Bills that need to move from Second to Third. So, that was the reason for that... "

Vinson: "So, you will come back to it at the end of this Order of Business?"

Speaker Breslin: "Traditionally, that's what we will do. We're... We're going right down page four and over on to page five. Is there any further discussion on Representative Parcells' Bill? Representative Hawkinson."

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

Speaker Breslin: "She will."

Hawkinson: "Representative, is Senate Amendment #1 still on this Bill?"

Parcells: "What was Senate Amendment #1?"

Hawkinson: "The LIS printout indicates that it restores as a petty offense to knowingly permit a gathering at one's residence, of two or more where any one or more is under the age of 18 and is unlawfully possessing or consuming an alcoholic beverage, and the underage person leaves the residence in an intoxicated condition."

Parcells: "I believe that Amendment was removed in the House."

Hawkinson: "If it... If it's been removed... "

Parcells: "I believe that was removed in the Senate, Representative Hawkinson, before it came over here. It's not in the engrossed Bill, as we have it."

Hawkinson: "Well, it indicates on the... on the printout that it was adopted, offered by Senator Kustra and adopted, and then was placed on the Order of Third Reading and passed."

Parcells: "And it doesn't show it as being removed?"

Hawkinson: "The printout does not show it as being removed. Well, I have... I have some questions about Senate Amendment 1, if it's still on the Bill... "

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Parcells: "Alright. I show Senate Amendment #1 in the House... "

Hawkinson: "Could we... Could we inquire of the Clerk?"

Parcells: "We deleted... "

Hawkinson: "Madam Speaker, could I inquire of the Clerk if Senate Amendment 1 is... is part of this Bill?"

Speaker Breslin: "Yes, Mr. Clerk. And on that question, Representative Cullerton."

Cullerton: "The... The only thing that was done with our... in our House Amendment #1 was to strike lines 19 through 28 of the Senate Bill, which dealt with posting a warning notice, a requirement that a hotel and motel post a warning notice and also dealt with the contracts that were to be included in each hotel and motel contract if they're a guest. That's all that the... the House Amendment did to the Senate. I think the Gentleman's question is, did we... does the Bill keep Senate Amendment #1, and it appears that it does. In other words, Senate Amendment #1 was not removed in the Senate before it was passed and came over here."

Speaker Breslin: "Mr. Clerk, can you tell us about Amendment #1?"

Clerk Leone: "Senate Amendments #1 and 2 were adopted in the Senate. The Bill was passed on Third Reading, and House Amendment #1 has been adopted onto the Bill."

Speaker Breslin: "Representative Parcells to answer Representative Hawkinson's questions, now."

Parcells: "House Amendment #1 removed what were Senate Amendments #1 and 2 discussing... which brought up that the hotel and motel must post a warning sign, and also, then, the next Amendment was that they should have it as part of their contract. The Hotel Association said that was an undue burden, and the Senate Sponsor asked me if I would please remove it here in the House."

Hawkinson: "I understand. I think what Representative Cullerton

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and you have just indicated, so you're indicating, then, that the LIS printout regarding the creation or the restoration of a petty offense dealing with a gathering in an individual's residence is not in this Bill."

Parcells: "That is correct. It is not."

Hawkinson: "Thank you."

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

Parcells: "I would encourage your 'aye' vote for this good piece of legislation."

Speaker Breslin: "The question is, 'Shall the House pass Senate Bill 1576?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 102 voting 'aye', 4 voting 'no', and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1577, Representative Parcells. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1577, a Bill for an Act to amend the Liquor Control Act. Third Reading of the Bill."

Speaker Breslin: "Representative Parcells."

Parcells: "Thank you, Madam Speaker. This is the companion Bill. This is the Bill that, for the same offense which we just discussed, which made that a Class C misdemeanor, this is the liability part of that Bill which any adult person who rents a room for a minor for the purpose of a party would then be liable for that action if that person has an accident as a result of the intoxication from that party."

Speaker Breslin: "The Lady has moved for the passage... passage of Senate Bill 1577. Is there any discussion? Hearing none, the question is, 'Shall Senate Bill 1577 pass?' All those in favor vote 'aye', all those... Representative Van

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Duyme? Excuse me."

Van Duyme: "Yes, thank you, Madam Speaker. I'm... I'd like to tell Representative Parcels that I'm in the... in the catering business, and we do have a hall that I rent out to people who have their wedding receptions and things like that, and we also do have host liability and dram shop insurance. Are you talking about something in addition to what we already have now? Is there any kind of a word in there that says you knowingly have to rent... rent to a minor, or... "

Parcels: "This is with the intent and the primary purpose of a underage party for the purpose of drinking. It would not cover things such as weddings or bar mitzvahs where it's a family function."

Van Duyme: "Okay. Thank you."

Speaker Breslin: "The question is, 'Shall Senate Bill 1577 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 93 voting 'aye', 13 voting 'no', and 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1711, Representative Satterthwaite, Clerk, read the Bill."

Clerk Leone: "Senate Bill 1711, a Bill for an Act to amend the Illinois Domestic Violence Act. Third Reading of the Bill."

Speaker Breslin: "Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House, Senate Bill 1711 as it was amended in the House Judiciary Committee, provides for one additional remedy under the Order of Protections for domestic violence.. in the Domestic Violence Act. That additional remedy prohibits

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the respondent from entering or remaining in a residence or household while the respondent is under the influence of alcohol or drugs and constituting a threat to the safety and well-being of the petitioner or the petitioner's children. That is all that the Bill does now. Other provisions were deleted in Committee, and I believe that we have the Bill in good shape. The other... the other minor change that it makes is to clarify, in the current option, that the petitioner is... is not able to destroy either real or personal property, and I would ask for passage of Senate Bill 1711."

Speaker Breslin: "The Lady has moved for the passage of Senate Bill 1711. Is there any discussion? Hearing none, the question is, 'Shall Senate Bill 1711 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 105 voting 'aye', 4 voting 'no' and 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1942, Representative Pullen. Clerk, read the Bill. Excuse me. Representative Harris, for what reason do you rise?"

Harris: "On a point of order, Madam Speaker."

Speaker Breslin: "State your point."

McCracken: "Thank you. On the point of order of babies, I'd like to simply say that my good friend and roommate and our colleague, Representative McCracken, his wife just had a nine pound baby boy."

Speaker Breslin: "A boy. We wish them all well. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1942, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."



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Speaker Breslin: "Representative Pullen."

Pullen: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 1942 as amended in Committee is identical to House Bill 3262 which has already passed the House but got stuck somewhere in the Senate, I think in Rules, because of the fact that we had their Bill over here, and they prefer us to pass their Bill. This Bill would create a series of crimes against the unborn which are equivalent to crimes against the born. That is, the intentional homicide of an unborn child, voluntary or involuntary manslaughter, reckless homicide, battery and aggravated battery of an unborn child. It replaces the current Illinois feticide law which has been found to be, although well-meaning, not adequate for protecting wanted unborn children. It specifically does not apply to any abortion situation, does not apply to the mother involved. It is addressed to situations where a third party attacks or otherwise injures the unborn child or, in fact, kills the unborn child. I urge favorable consideration of Senate Bill 1942."

Speaker Breslin: "The Lady has moved for the passage of Senate Bill 1942. And on that question, the Gentleman from Cook, Representative Preston."

Preston: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. I wanted to commend the Sponsor of this Bill for being very earnest and forthright in her presentation of the Bill and in her willingness earlier to amend the Bill to take care of problems. I believe in the concept of this Bill, but as I explained to Representative Pullen in the past, I cannot support this Bill because of the equation of the intentional homicide of an unborn with the intentional homicide of a human being born alive. Both, under this Bill, would be murder, and I think the law must

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make the distinction between the homicide of a fetus and the homicide of an individual born alive. So, for that reason I'm voting 'present', but I believe that Representative Pullen made a very earnest, forthright attempt to make this Bill workable, and she believes in it very honestly, and I, as honestly, believe that I must vote 'present' for the reason I explained."

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

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

Speaker Breslin: "She will."

Ropp: "This is a very important issue, and I think one that needs a lot of discussion. I guess as I read this in our synopsis, it states that the new definition for 'unborn child' is an individual of the human species from fertilization until birth. Does that mean now that in all U.S. censuses, that those fertilized fetuses will now be classified as one, for census purposes?"

Speaker Breslin: "Representative Pullen."

Pullen: "No, as a matter of fact, the Bill defines 'unborn child' for purposes of this Section. It applies only to this statute."

Ropp: "Well, is that a definition now that could eventually become accepted as the U.S. Census counting process?"

Pullen: "Only if the United States Congress and President passed a law that so declared."

Ropp: "Okay, thank you."

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

Young: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. As the House will recall when we voted on the House version of this Bill, I presented the argument that I felt this Bill was unconstitutional because it changed the definition of when human life began. There have been

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arguments in Committee over how 'Rowe versus Wade' should be interpreted, and how it should be applied to this Bill. Just for the sake of you who may not have seen it, recently, the United States Supreme Court rules on another case involving the issue of abortion and when human life begins. To further my argument, I'd like to read to you language from the Supreme Court's decision. This decision was written and entered on June 10th of 1986. In that decision, the majority of the court said, I think it should be obvious that the states' interest in the protection of a embryo, even if that interest is defined as protecting those who will be citizens, it increases progressively and dramatically as the organism's capacity to feel pain, to experience pleasure, to survive and to... to react to its surroundings increases day by day. The development of a fetus and pregnancy itself are not static conditions, nor is it an answer to argue that life is a static condition. There is no arbitrary line separating a fetus for a child. A fetus is not a person and cannot be treated as such a person. This was from a Supreme Court decision June 10th of this year. By changing the definition of when human life begins in this state, we are, in fact, going directly against the Supreme Court decisions in this area. This Bill will be found unconstitutional if we pass it; therefore, we shouldn't pass it."

Speaker Breslin: "Representative Pullen to close. Excuse me. Representative Stephens, did you wish to speak on this Bill?"

Stephens: "Thank you, Madam Speaker. Yes, just only to say that first of all, I don't... I don't think that whether our Supreme Court makes a decision that's wrong should preempt us from making... passing a law here in Illinois that we think is right; and secondly, to point out the fact that I

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think we're seeing some changes in the structure of our Supreme Court and subsequently, we'll see some more intelligent decisions. Thank you."

Speaker Breslin: "Representative Hawkinson on the question."

Hawkinson: "Thank you, Madam Speaker. We passed an identical House Bill 3262 with 73 votes. The constitutional argument was raised then and is repeated here, only to indicate in distinction to the last speaker, I do not think that this Bill is unconstitutional. I think that the decision earlier quoted from as well as the decision just quoted from are cases involving the balancing of rights and definitions in the context of abortion decisions. This is not an abortion Bill. This is a Bill dealing with the protection of the unborn child in another setting and I think it's constitutional and deserves your green vote."

Speaker Breslin: "Representative Pullen to close."

Pullen: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Bill does not define life, although I wish it did. It defines an unborn child, it defines an unborn child for purposes of this Act. The definitions that the Supreme Court has been struggling with trying to impose upon us, deal with conflicting interest, that is, the right of the state to protect potential human life, which some of us believe is, but even the Supreme Court can see it's potential human life, with the so-called right of the mother to terminate a pregnancy early. There is no conflicting right in this Bill because what we're talking about is criminal acts. We are talking about acts performed by people who have no interest that can override the interest of the mother. And the interest of the mother, under this Bill, is to have her child, because this Bill deals with wanted pregnancies. We've debated this Bill and the one like it at some length, but I would like

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to read for just a moment from a letter that I received from a Gentleman in McHenry, Illinois, after House Bill 3262 passed. He says, 'My personal thanks for sharing the feeling that in some way I had helped to put an end to the negligent fetal homicide crimes against an unborn child. This has been a long 21 month crusade for me filled with much anguish and misunderstanding of an antiquated Criminal Code law that allowed a Judge on September 13, 1984 to rule against my granddaughter, Amy Adele, an eight month fetus as not being counted as a victim in a drunken driver's homicide charge only because she wasn't born alive. This was an horrendous, inexcusable insult in that she wasn't allowed the opportunity to be born and died of suffocation and injuries sustained as a direct result of the auto crash that also took the life of her mother, my 23 year old daughter, 'Cheryl ...' on July 12, 1984. I will say I was a bit doubtful around the 1st of May that it would be passed into law. Those that fear the word 'fetus' should have stopped to realize that they, too, were once considered one of these species, but I was elated by your call to hear the Bill passed with 73 votes, elated in knowing that a woman's choice to be pregnant and to have her baby could not be revoked any more by a drunken driver, yet saddened to think that Amy Adele couldn't even be counted in our state's 1984 printed statistics as a victim of a crime. Her only acknowledgment of ever being here is inscribed upon the gravestone and in my heart. Please vote 'aye'.'

Speaker Breslin: "The question is, 'Shall Senate Bill 1942 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 86 voting 'aye', 18

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voting 'no', and 11 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1957, Representative Homer. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1957, a Bill for an Act in relationship to criminal law. Third Reading of the Bill."

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker. I'd ask leave to return to the Order of Second for the purpose of an Amendment."

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

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

Speaker Breslin: "Representative Hartke."

Hartke: "Withdraw Amendment #3."

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

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

Speaker Breslin: "Representative Hartke."

Hartke: "Ladies and Gentlemen of the House, Amendment #4 is House Bill 2969. It was passed through here in the House with, I do believe, 111 votes 'aye'... no, 104 votes 'aye', passed through Committee and got killed over in the Senate. With House Bill 2969, now Amendment #4, it changes the form for the demand for payment, which the payment must be made by the recipient of a non for... not sufficient check prior to the instituting of a civil action. I urge your support for this Amendment."

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

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Amendment #4 to Senate Bill 1957. And on that question,  
Representative Cullerton."

Cullerton: "Yes, I'm sorry, I couldn't hear the explanation.  
I... first of all, #3... you did not proceed with #3. Is  
that correct?"

Hartke: "That's correct."

Cullerton: "So, #4 is the... basically, the previous Bill and  
then with an addition... and the addition, was that the  
subject matter of another Bill?"

Hartke: "Yes, it is."

Cullerton: "And what was the status of that other Bill?"

Hartke: "On the other Bill, House Bill 2969, passed this House  
and moved to the Senate and was not heard in the Senate..."

Cullerton: "It passed the House this year?"

Hartke: "Yes, it did."

Cullerton: "What was the number of that Bill?"

Hartke: "2969, and it passed this House 104 to 11."

Cullerton: "2969?"

Hartke: "Yes."

Cullerton: "Okay. Thank you."

Speaker Breslin: "The question is, 'Shall Amendment #4 to Senate  
Bill 1957 be adopted?' All those in favor say 'aye', all  
those opposed say 'no'. In the opinion of the Chair, the  
'ayes' have it. The Amendment is adopted. Are there any  
further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Third Reading. Representative Homer...  
Representative Levin, for what reason do you rise?"

Levin: "There is an Amendment #5."

Speaker Breslin: "Mr. Clerk, do you find an Amendment #5?"

Levin: "Which, in fact, has been printed and distributed."

Clerk Leone: "Floor Amendment #5. Correction. Floor Amendment  
#5 is being offered by Representative Vinson and Levin."

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Speaker Breslin: "This Bill remains on the Order of Second Reading. And Representative Levin, on Amendment #5."

Levin: "This is a very unusual sponsorship on an Amendment. Amendment #5 is a response to the concern expressed by Representative Vinson to Amendment #2, which I put on this Bill, which dealt with individuals who are convicted of lying on their immigration forms as far as their associations with the government of Nazi Germany. Representative Vinson's concern was simply if an individual is ultimately found to have had... to have been misidentified that this... that this Amendment should not apply to that person and that's basically what this Amendment does, is that it provides a mechanism for restoration of rights."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #5 to Senate Bill 1957. Is there any discussion? Hearing none, the question is, 'Shall Amendment #5 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Breslin: "Representative Homer now asks leave for immediate consideration of Senate Bill 1957 as amended. Does he have leave? Hearing no objection, he has leave. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1957, a Bill for an Act in relationship to the Criminal Code. Third Reading of the Bill."

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker, Ladies and Gentlemen. The Bill as amended now does a variety of things, and I'll just skip over them very quickly and would be happy to come back and answer in detail, questions the best I can about any of the



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specifics. First of all, the main Bill, which is intact, was recommended by the Illinois Retail Merchants' Association to address the problem in the Retail Theft Act or retail theft occurrences, whereby a individual takes an item out of the store or takes it for a refund when that item had never been purchased, to make it clear within the Act that that is a criminal offense punishable the same as other retail thefts, depending on the value. The Bill also amends the Criminal Trespass to Real Property Act to make it clear that it applies to land or a building, not just to land without a building. The next thing it does is the portion Representative Levin had presented it make a denial of benefits - state benefits - to those individuals who have been deemed by a United States Immigration Judge to be associated formerly with the Nazi government or its allies and it enumerates those benefits to which those individuals would not be allowed. Finally, the portion of the Bill that Representative Hartke amended has to do with the portion of the statute dealing with civil liability for deceptive practices, whereby a merchant or other recipient of a bad check is required to give notice to a writer of that bad check, and his an Amendment that would simply require that there be evidence that the demand was sent by certified mail as opposed to existing language of requiring there to be an actual delivery. I would be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 1957. Is there any discussion? Representative Young, on the question."

Young: "Yeah, will the Sponsor yield?"

Speaker Breslin: "He will."

Young: "Okay. Now, with the adoption of Amendment #4, Representative, what would be the effect if, in fact, there

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was a certified mail sent, but it was not delivered?"

Homer: "Thank you, Representative Young. And I'll... I'll defer that question to Representative Hartke, whose Amendment this is."

Speaker Breslin: "Representative Hartke."

Hartke: "Yes, Representative Young, in... is... it's presently done now, if a notice of a nonsufficient fund check was sent to an individual and they... by certified mail, and they refuse to accept that letter, they cannot be brought to court. All they had to do was refuse to sign for that certified letter. And with the Amendment now as it stands, if that letter is sent, that constitutes the notification."

Young: "So, even if it winds up being clear that the person may be moved or something, but definitely did not receive the letter, they still will be held with knowledge of a lawsuit as far as the court is concerned?"

Hartke: "If this letter is sent to the last known address of that individual, the last known address, that constitutes that the letter was sent, yes."

Young: "So, it would not be a defense under this Bill that it was never received and that the person had no knowledge of the proceedings."

Hartke: "I do believe that if the individual who was sent that letter is... in good faith, he would have a forwarding address, correct?"

Young: "No, I won't agree to that."

Hartke: "Why wouldn't you?"

Young: "Well, if he doesn't have a forwarding address, Representative, but he's clearly not at the address that it was sent, would the court still have jurisdiction based on this Amendment?"

Hartke: "I think this Amendment... what it's attempting to do is to... is to stop flagrant that abuse of this loophole in

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the law."

Young: "Well, I understand what it's attempting, but I'm wondering what it would actually do if we pass this into law. What if somebody's on vacation for three weeks or a month and is not there when the mailman comes? If the mailman brings this back to its source of origin..."

Hartke: "This is just to get him into court. Now, he can always to defend himself when he gets there."

Young: "Yeah, but he won't get there if he doesn't have knowledge of the proceedings. That's what I'm asking about."

Hartke: "I think, then, he would be served with a summons, correct? And then he could show up in court."

Young: "Well, this Bill doesn't seem to mention a summons and... Well, to the... to the Amendment and the Bill, Ladies and Gentlemen. I understand the intention of the Amendment and even though it may be a good intention, I think that the language of this Amendment, once it's actually sent, somebody could have knowledge, could be held to have knowledge of a lawsuit, when, in fact, they would not have knowledge of the lawsuit, someone could have a judgment against them and never actually have their day in court. And as this Amendment is written, I would ask for a 'no' vote."

Speaker Breslin: "Representative Countryman, on the question."

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

Speaker Breslin: "He will."

Countryman: "Representative Homer, I'm the type that forever loses those receipts that you get in the little things in the store, and if I want to take something back to the store to get a refund or exchange it or whatever, are they going to accuse me of having stolen it because I don't have the receipt?"

Hartke: "Well... Thank you. In order to prove the allegation,

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there would have to be a showing that you ... a return or attempted to return the merchandise without paying the full amount thereof, and so, I guess, at that point, it becomes an evidentiary question, and certainly, there would be other methods for you to establish you had paid beyond the production of a receipt. There is nothing in this language that requires you to have a receipt or to produce a receipt."

Countryman: "So, it would be your understanding that you would have to prove that the property was obtained without authority in the first instance just as you would almost in any other theft case. Is that right?"

Hartke: "Well, it would be the burden of the state to prove beyond a reasonable doubt the elements of the offense, including that you had failed to pay for the merchandise. I would like to think that if, in fact, your only sin was that you lost the receipt, that a case would never get to court through the ordinary investigation. I'm certain that, hopefully, prudent law enforcement would screen out such a case."

Countryman: "Well, I know you'd like to think that, but is that what the Bill states, I mean, that you'd have to have proof of more than just a lost receipt?"

Hartke: "No. There's no requirement in here of any kind of proof. It just simply says that any individual who, with the intent to defraud the merchant, returns or attempts to return any merchandise for a refund for which that individual has not paid for, and so, those are the elements. There's no mention in here of receipts. That's certainly a matter of... it would go to the evidence, but it's not a requirement that you would have a receipt."

Countryman: "It would not apply to a situation where somebody bought something at one store and then returned it to

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another store, would that be the case, where somebody bought a, you know, a widget and widgets are sold at two types of stores, and inadvertently, your wife or somebody sends you back to the wrong store and you appear there and ask for a refund and find out you didn't buy it at that store?"

Hartke: "Well, It wouldn't cover that situation, it would cover any situation in which you return the item claiming a refund knowing that the information you were providing was false and with the intent to defraud the merchant. If you lacked that intent or if you did not make that representation, you would not be culpable under this Section."

Countryman: "So, it would require knowingly making a representation of false facts."

Hartke: "Right. Exact language is, 'knowing that such representation is false'."

Countryman: "Okay. Thank you. I'm satisfied."

Speaker Breslin: "Representative Hawkinson, on the question."

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

Speaker Breslin: "He will."

Hawkinson: "Representative, it's my contention and, in fact, I've seen prosecutions for this conduct under the theft statute... theft by deception, and I understand that sometimes they put different crimes in different Sections of the Code. Do you create any presumptions in this statute?"

Hartke: "No, Representative Hawkinson, we do not create any presumptions... I think what you're referring to, quite appropriately, is under the retail theft statute itself where someone carries an item past the last pay station, There's a prima facie showing that they intended to

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defraud. We have no similar language built into this particular provision."

Hawkinson: "Thank you."

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

Homer: "Thank you very much, Madam Speaker. I hope during the questions, we were able to clarify any concerns that the Members may have. Let me just briefly address the one that Representative Young raised to Representative Hartke's Amendment, having to do with civil liability for deceptive practices, and that's the provision that we passed, I believe, a year or two ago that allowed the recipient of a bad check to sue the person in civil court for that and to collect up to treble damages. I think Representative Young's concerns would be allayed by the fact that all that the Amendment would do, would be to change some language. The word now is that the written demand be delivered by certified mail to the word that written demand be sent by certified mail, which I don't even think is really a change in the statute so much as a clarification to show what the burden on the plaintiff would be in such a case. There are still protections in the Act. The cause would have to proceed as any other civil cause with service of process on the defendant. There will be no opportunity here for a default where the court did not have personal jurisdiction over that defendant. That would have to be established as in any other lawsuit, so I would ask for your favorable support for the Bill as amended."

Speaker Breslin: "The question is, 'Shall Senate Bill 1957 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 103 voting 'aye', 5

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voting 'no', and 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2003, Representative Cullerton. Clerk, read the bill."

Clerk O'Brien: "Senate Bill 2003, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Breslin: "Representative Cullerton."

Cullerton: "You want to go next? Yes, Madam Speaker, I'm... I wanted to see if you wanted to do the next Bill first. The Bill amends the Criminal Code, and it has four Amendments. So, the Bill, in effect, then, has the effect of having five Bills. The Senate Bill adds a provision to the venue Section of the Criminal Code to provide that the offense of child abduction may be tried in any county in which the victim has traveled, then detained, concealed or removed during the course of the offense. The legislative preference would be that the place of trial should be the county of the residence of the lawful custodian, but the... the effect of the Bill is to say that venue can be in any county in which the victim has been physically present. The purpose of the Bill is to make it easier, of course, to... for the state to try such a criminal trial for the offense of child abduction. Senate... House Amendment #1 codifies the decision, U.S. Supreme Court decision of Tennessee versus 'Gardner', which adds the provision to the Criminal Code dealing with the authorized use of deadly force by a police officer to provide that deadly force is justified only when the felony committed or attempted is a forcible felony involving the infliction or threatened infliction of great bodily harm. This Amendment was proposed and is supported by law enforcement groups, and it, as I indicated, codifies the Supreme Court... recent Supreme Court decision in Tennessee versus 'Gardner'.

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Amendment #2, House Amendment #2, also is identical to a House Bill which passed, sponsored by Representative Preston. It authorizes the Supreme Court to establish educational programs for Judges on techniques and methods of reducing the trauma experienced by children who testify in criminal sexual offense cases. Indicates that the effective date will be July 1st of 1986. Amendment #3 was offered by Representative Dunn. It also deals with a Bill that passed the House. I believe this is interesting because the Bill and the Amendment only changed; one word in the Code. It arises out of an incident that occurred on April 9th of 1985. At 11:00 p.m., a woman who is the citizen of Taylorville looked out her back door. She saw a man climbing on her television antenna, which was attached to the house. The citizen yelled, the man jumped down and ran away and the police picked him up within five minutes of the incident. Now, the current law with regard to criminal trespass of residences, says that person must remain within a residence, and perhaps, the interpretation given by the state's attorney was that on top of that TV antenna was not within the residence. There's was another offense we have called trespassing of land, and that's committed when a person knowingly enters or remains upon the land of another only after having received notice that such entry is forbidden. And perhaps, the state's attorney in the county in which Taylorville is located felt that that also didn't cover this criminal activity. So, the Amendment simply says that the definition of the offense of criminal trespass to residence shall include entering or remaining on a residence without authority. So this, presumably, would cover the situation where the person was on top of the TV antenna that was attached to the house. So, that's an important Amendment. #4, Amendment #4 is a



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House Amendment which is also Representative Preston's Amendment, which also is the a subject matter of a House Bill which we passed, authorizing the State Police to honor the request of any volunteered child care service organization to conduct a criminal background investigation of the organization's members who are charged with the care and custody of children. It should be emphasized that this is voluntary. It's only if the service organization makes the request of the State Police; defines a private organization as one which devotes a major portion of its time to recreational, social, educational or child safety services. The Bill also authorizes the department... the organizations may request the Department of State Police to conduct a criminal background check of the organization's current or prospective employees or volunteers who are involved with the care and custody of children and authorizes them to charge \$25 for the cost of conducting such checks. It gives the organization member the right to obtain the copies of any conviction information which had been obtained from the State Police, and as I indicated, this is also a Bill which we had passed out of the House. So, there is basically five separate Bills which we'll be passing here. All of them, I think, are effective tools in various areas of the Criminal Code. It tightened up the Criminal Code with regard to protection of children in dealing also with the problem of trespass upon TV antennas and the problem of use of deadly force."

Speaker Breslin: "The question is... The Gentleman has moved for the passage of Senate Bill 2003. And on that question, Representative Hawkinson."

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

Speaker Breslin: "He will."

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Hawkinson: "Representative, to Amendment #3, I had this discussion with the Sponsor of the Amendment last week, but I wanted to make sure your intention is the same. I'm sure that we would want to make it against the law in the case where someone's climbing up someone's TV antenna. My question goes to someone who's going on an open porch or an open front or back stoop of the house, perhaps, selling something or offering their candidacy for elected office or some other reason that you might walk up to the open front porch of a stranger, and I want to make clear that it's not your intention with this change in the trespass statute to provide that an open front porch or a front stoop would be being on the residence of that person for purposes of this criminal statute."

Cullerton: "Well, the... that situation that I referred to, it was an attached TV antenna as opposed to something set out apart from the house."

Hawkinson: "Well, except that a TV antenna is on the outside of the house as is an attached front porch."

Cullerton: "Yeah... well... let me... let me... let me finish."

Hawkinson: "Okay."

Cullerton: "Let me finish. I'm just trying to give an analogy. The whole Bill came from that incident. So, I think that the distinction in agreeing with your interpretation of the Bill, the distinction is that this... this TV antenna which was attached to the house, the person was on the TV antenna, is more attuned to a person being on the roof of the house... which is meant to be outlawed, not someone campaigning on a write... for a write-in candidacy for State Senate and going up on the front porch and just simply ringing the doorbell. In that type of situation, the lady who answers will very quickly tell you you don't have authority to be on that porch and you would,

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thereupon, leave. If you didn't, then you'd be, I think, liable for criminal trespass to land. In that offense, then you... could then be convicted by your opponent who would be the state's attorney who you're running against."

Hawkinson: "Thank you."

Speaker Breslin: "Representative Countryman, on the question."

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

Speaker Breslin: "He will."

Countryman: "Representative, you said, 'on the residence'. Would that include the roof?"

Cullerton: "Yes."

Countryman: "Well, in my area, sometimes around December 25th, a furry little old elf climbs on the roof. Would he be committing this crime every time he comes down a chimney?"

Cullerton: "I've heard that you have people like that in your district, and I think they should be put in jail. You're talking about the college kids at Northern, aren't you?"

Countryman: "What about a TV tower that's adjacent to immediately... a tower that's anchored in some concrete in the ground immediately next to the house that people use to climb up sometimes to go on the roof and things like that? If they're on that TV tower, does this cover that?"

Cullerton: "Well, it would be a... an interpretation of whether they were on a residence. I think in those circumstances, they might not be."

Countryman: "You see, I think you ought to create a separate offense for trespass through TV antennas and towers, rather than try to do it this way. I'm not certain this is the best way to do it."

Cullerton: "Well, if the Senate doesn't agree with these Amendments, perhaps, we will do that in the Conference Committee."

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Countryman: "Yeah, but the Senate has probably never heard of Santa Claus, like we have over here."

Cullerton: "That's true. They've heard of Christmas trees, though, and that will be in the Conference Committee as well."

Speaker Breslin: "There being no further discussion, the question is, 'Shall Senate Bill 2003 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 115 voting 'aye', none voting 'no', and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2006, Representative Greiman. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2006, a Bill for an Act to amend an Act establishing the Military and Naval Code and Department of Illinois. Third Reading of the Bill."

Speaker Breslin: "Representative Greiman."

Greiman: "Thank you, Speaker, Ladies and Gentlemen of the House. This Bill deals essentially with terrorism, not terrorism that is in Libya or some far off shore, but terrorism that's committed in the... training for at least, is committed in the near byways off the highways of our own states and states like ours. Thirteen states in this union have decided that they do not want terrorists trained in their states and have passed legislation, The most recent being Missouri, the state next to us. Recently, Florida has had its own... its first conviction and upheld the constitutionality of this Bill. It is a Bill which imposes a hard task for a prosecutor. It requires that prosecutor to prove specific intent that items like... grenades and material that would go into incendiary bombs and fire bombs and similar devices, will be unlawfully employed in

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furtherance of a civil disorder and that assembly with knowing intent to use it in furtherance of a civil disorder. That is not an easy task for a prosecutor... a burden for a prosecutor to bear. It is a difficult burden for that prosecutor to bear. So, we ask the question, are there other Bills? Are there other laws that would restrain this kind of action, civil disorder, making grenades, making this kind of training? Are there things that would impede that? Indeed, there are, but we have many Bills and many laws that overlap. We pass dozens and dozens of criminal laws. Those criminal laws very often, whether they're conspiracy acts or other acts, overlap on other criminal violations. It is the question of focus, and I think that the Governor... Governor Thompson, said it, perhaps, best. He said that, 'But, for those who would seek a public forum, forums through violence and terrorism, we must make our position clear from the outset.' And that's what this Bill will do. It will make clear to people who want to bring the kind of terror to our streets that are in... that other countries and other places have, it would make clear to them that the Constitution is, indeed, a sacred document, but it is not a suicide pact. Accordingly, I would ask... I should point out, too, that in terms of different laws, the federal system has laws which should also stop conspiracy and the like, but nonetheless, the Congress has seen fit to address this topic and to go after those people who, indeed, are involved in teaching civil disorders. Accordingly, I would ask that you join me and send a message to those who would bring terror to our streets. I was not that concerned about this Bill, quite frankly, a few... couple of years ago, but in the last months, in the last years, we have had murders, armed robberies, conviction under the Federal Act

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out in Seattle, a murder of a trooper by these folks on the highways of Missouri. We cannot, we dare not, allow our streets to be violent and; therefore, I ask you to join me in this Bill."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 2006. And on that question, is there any discussion? Hearing none, the... Representative Ryder at Representative Vinson's desk."

Ryder: "Would the Sponsor yield for a couple of questions?"

Speaker Breslin: "He will."

Ryder: "Representative, as part of this Bill, there's some specific exemptions, and it appears to me that what you make illegal is the demonstration or the teaching or the education of certain kinds of devices for an illegal purpose. Now, am I reading this Bill correctly when I read it to say, that all those currently existing gun clubs or rifle clubs or hunting clubs or target clubs, who do this for personal enjoyment or for the sport, are not covered by this Act?"

Greiman: "Absolutely not covered by the Act and not only not covered, but explicitly they are, they are... it makes clear that they're not, and I would hope that our intent... I'm glad you asked the question so that there is no misunderstanding about that. Absolutely, they are not... they need not fear for this Act."

Ryder: "So, that specifically, we're looking at the intent of the person that's doing the teaching or, perhaps, the person that's being educated. And so, that it's alright, in this sense, to teach someone how to throw a grenade for the sport of throwing grenades or the accuracy of throwing grenades, but if we're teaching them how to throw a grenade to promote a civil insurrection, then that's covered by your Bill."

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Greiman: "Well... well, whichever it would be... I don't know any sports clubs that throw grenades, but in any event, that prosecutor would have to... would have a heavy burden to show, in fact, specific intent. That would be his burden. So that... so that, without showing, in fact, that there was intent to do civil disorder, this is nothing."

Ryder: "Alright. Thank you."

Speaker Breslin: "The question is, 'Shall the Senate Bill 2006 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Olson, one minute to explain your vote."

Olson: "I'm sorry, I hit the wrong button."

Speaker Breslin: "Okay. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 100 voting 'aye', 12 voting 'no', and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2017, Representative Didrickson. Clerk, read the Bill. Excuse me. Clerk, read the Bill"

Clerk O'Brien: "Senate Bill 2017, a Bill for an Act to amend the Cannabis Control Act. Third Reading of the Bill."

Speaker Breslin: "Representative Didrickson."

Didrickson: "Madam Speaker, I request permission to bring this back to Second for purposes of an Amendment."

Speaker Breslin: "The Lady asks to return this Bill to the Order of Second Reading for the purposes of an Amendment. Does she have leave? Hearing no objection, she has leave. Are there any Amendments filed, Mr. Clerk?"

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

Speaker Breslin: "Representative Didrickson."

Didrickson: "Yes, thank you, Madam Speaker, Members of the House. This is a worked out agreed Amendment. It deletes lines 13

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through 16 and inserts in lieu thereof substance under the Illinois Control Substances Act in order to raise this affirmative defense. What basically we are eliminating from a previous Amendment was that if you are picked up with this cannabis derivative in your possession, we struck the language that said, 'Incident to a treatment administered or prescribed for the defendant by a physician licensed to practice medicine in all of its branches'. The reason that just raising the defense of an affirmative defense would be enough."

Speaker Breslin: "The Lady has moved for the adoption of Amendment #2 to Senate Bill 2017. Is there any discussion? Hearing none, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Didrickson now asks leave for immediate consideration of Senate Bill 2017 as Amendment... amended. Does she have leave? Hearing no objection, she has leave. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2017, a Bill for an Act to amend Sections of the Cannabis Control Act. Third Reading of the Bill."

Speaker Breslin: "Representative Didrickson."

Didrickson: "Thank you, Madam Speaker, Members of the House. Senate Bill 2017 now in its present form amends the Cannabis Control Act to provide that cannabis derivatives designated or rescheduled under federal law may be so designated or rescheduled under our state law. Illinois has a unique law. We have a Cannabis Control Act, but we also have the Substances Control Act, and the specific



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rescheduling that we are looking at with this particular Bill is that right now in Washington, the Federal Government is looking to reschedule... from a Schedule 1, which is to pure research, to Schedule 2, which is a medically sound rescheduling, whereby cancer patients having problems with chemotherapy would now be able to have access to such a cannabis derivative, rather than just under research, or Schedule 1 under Schedule 2, they would now be able to go to their physician and have it so prescribed and then go to a pharmacist. I would be glad to ask... answer any questions."

Speaker Breslin: "The Lady has moved for the passage of Senate Bill 2017. And on that question, Representative Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Breslin: "She will."

Cullerton: "You had two Bills dealing with controlled substance. Is this the one that legalizes marijuana?"

Didrickson: "In certain instances..."

Cullerton: "Yeah, that's right. Fine. I just... I just wanted..."

Didrickson: "...Cannabis derivatives... cannabis derivatives which are not really..."

Cullerton: "Right. I get the two mixed up. This is the one that legalizes marijuana."

Didrickson: "You were talking about the ecstasy designer drug Bill?"

Cullerton: "Yes. So, it's not the designer drug Bill. This is the one that legalizes marijuana?"

Didrickson: "No. Right."

Cullerton: "Alright. Thank you. I think it's great Bill, by the way."

Speaker Breslin: "There being no further discussion, the question

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is, 'Shall Senate Bill 2017 pass?' All those favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 111 voting 'aye', 1 voting 'no', and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2076, Representative Churchill. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2076, a Bill for an Act to amend an Act in relation to the adoption of persons. Third Reading of the Bill."

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would ask leave to return this Bill to the Order of Second Reading for an Amendment."

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

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

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker. Floor Amendment #2 changes a transposition. There are three words and they were out of order. It puts them back in the proper order."

Speaker Breslin: "The Gentleman asks for the adoption of Amendment #2 to Senate Bill 2076. Is there any discussion? Hearing none, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. Representative Churchill now asks leave for immediate consideration of Senate Bill 2076 as amended. Does he have leave? Hearing no objection, the Gentleman has leave. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2076, a Bill for an Act to amend Sections of an Act in relation to the adoption of persons. Third Reading of the Bill."

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 2076 deals with the adoption Act and it refers to unwed parents. There are several parts of the Act where a person can lose rights where the court would make a fitness of... fitness determination, and what this does is to add some definitions to the term 'unfit parent'. It adds... definition of factors indicating evidence of intent to forego parental rights by the failure to commence a proceedings within 30 days after notification of a child's birth or within 30 days after notification that the father is the father of the child and; as between the mother or the husband of the mother, it adds the failure to make good faith effort to pay reasonable amounts toward the expenses of birth as a cause. It sets forth an affirmative defense of the failure due to circumstances beyond the control of the father or for impediments that might have been created by the mother or the person in custody. I'd be happy to answer any questions, and I would refer to Representative Hasara to close."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 2076. Is there any discussion? Hearing none, the... Representative Hawkinson, on the question."

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

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Speaker Breslin: "He will."

Hawkinson: "Representative, I voted to hear this Bill because you didn't have time to present it in Committee, but I'd like to ask a couple of questions. Can you tell us what the need for this Bill is?"

Churchill: "This Bill derived from a case - I believe it was the 'Santarelli' case in Champaign County - where some parties who were petitioners to adopt a child, had the child over a period of time. The father came back in after a period of time and requested of the court that the child be returned to the father, and I guess that was the way that the court case came down, returning the child to the father. Then, this derived from that so that we could set forth what exactly were the rights of the petitioners for adoption and of the father, particularly in situations where the parents are unwed. And this Bill deals only in those situations of unwed parents."

Hawkinson: "Does... Are the father's rights cut off without any notice under your Bill?"

Churchill: "No. The father must be notified that he is the father of the child within 30 days after the child's birth or if it's prior to that time that he has a 30 day notice to commence legal proceedings."

Hawkinson: "Thank you."

Speaker Breslin: "Representative Countryman, on the question. Representative Countryman."

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

Speaker Breslin: "He will."

Countryman: "Representative, does the father... you say, when the father has to be notified within 30 days after the birth, then if he's so notified, does he have to be served with a summons in the adoption proceeding?"

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Churchill: "He's notified first and then he's given 30 days to commence legal proceedings."

Countryman: "But, if he fails to do that, you send a notice in the mail. Is that right? It's not a service of a summons."

Churchill: "No. It's not a... it's not a service of a summons."

Countryman: "So, you got to... you send him a notice in the mail and then if he does nothing, he loses his parental rights."

Churchill: "Then he can be determined to be an unfit parent by a court."

Countryman: "And later on, when an adoption proceeding is taking place in court, a summons does not have to be served upon him, nor does publication need to be made. Is that correct?"

Churchill: "That's correct."

Countryman: "Madam Speaker, to the Bill."

Speaker Breslin: "Proceed."

Countryman: "I stand in opposition to this Bill. It's unfortunate, because I supported Representative Churchill's Motion to discharge this Bill, because I was in the Committee when it didn't get heard in the time frame that he had, but I stand here in what I believe, in my mind, is a legitimate opposition, and that is because it terminates rights by using mail proceedings, and we all know how the mail goes, it sometimes doesn't get there even though the postmaster tells us that they will go through, whatever. And I believe that in order to terminate a parental right that at somewhere a summons needs to be served telling someone that they must appear in court on or before a certain date or they could be defaulted in their parental rights. I feel that that's a substantial right on the father's part, and what this would allow to happen is, in essence, a notice to be sent out. I'm certain somebody

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will appear some day in one of our offices telling us they never received that. The parental rights will be terminated. The adoptive parents will be concerned if somebody brings a procedure to set it aside. I just think it opens up what has been, obviously, awkward procedures in adoptions, but it opens up to more possible abuse. And for that reason, I oppose it. And even though the Gentleman didn't have an opportunity to be heard in the Committee, I thought he ought to have an opportunity to be heard on the floor, but I still think it's a 'no' vote, and I'd ask the Body to so vote."

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

Hasara: "Thank you, Madam Speaker. The purpose of this Bill is definitely to make adoptions easier to obtain. I feel it does preserve the rights of the parents while recognizing, first of all, the needs of the child and the desires of so many potential parents. I'm sure there is probably no one in this chamber who is not aware of people who would give a lot to be able to adopt a child. I have recently come in contact with a family in my district who, a year and a half ago, adopted a 16 year old spina bifida child. They now are on a long waiting list to adopt a second child with disabilities, and they're very concerned because they've already had the opportunity to adopt a child, that they will not be accepted. I also contacted a local... service... social service agencies who told me that they have not even accepted applications for adoptions for a year and a half and the last time that they did so, they received 20 applications, and a year and a half later, are were still 15 people of the 20 on the waiting list. So, I think this is a good Bill and I urge your support of this Bill. Thank you."

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Speaker Breslin: "The question is, 'Shall Senate Bill 2076 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Representative Shaw, one minute to explain your vote."

Shaw: "You know, I don't understand some of these green votes up on the board here, Madam Speaker. They... the people ought to realize what they're voting for. Here you are voting to take somebody's child without a notice to the parents, to the parental parents of that child, and I don't believe that you would want that. If you were the parents, the only thing that this Bill would authorize them to do is to send you a letter through the mail. You might want to object to the adoption of that child by somebody else, but at the same time, you don't have that opportunity because there is no court summons to follow that letter. You might have moved, and I think this is a bad Bill and it should be defeated."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 82 voting 'aye'... 81 voting 'aye', 22 voting 'no', and 10 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2077, Representative Churchill. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2077, a Bill for an Act to amend an Act in relation to the adoption of persons. Third Reading of the Bill."

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is a similar issue to the one that was just presented in Senate Bill 2076. Again, we're dealing with adoptions. We're dealing with unwed parents, and what this does is change the law in regards to the exceptions to the

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requirement of attaining consent, and it does it in two manners; where the child is to be placed for adoption and is under the age of six months, the criteria are that the father must be informed and that the father has failed to either live one half of the length of the child's life continuously with the child or the father has openly held himself out as the father or that the father has failed to pay a reasonable amount toward expenses; in the second instance, where the child has been in a legal custody of the petitioners for more than six months, again, the father must be informed, must have failed to make payments toward support and failed to either visit with the child or communicate with the child, consent would still be required if the father had openly lived with the child for a period of six months or had openly held himself out to be the father."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 2077. And on that question, Representative Countryman."

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

Speaker Breslin: "He indicates he will."

Countryman: "Is there the same problem with the way the notice is given as there was in the last Bill?"

Churchill: "Again, the father must be informed that he is the father for this provision to come into place, and it would be a matter of proof in a court that that notice had been provided."

Countryman: "But that's the notice that went out by mail, I assume..."

Churchill: "You could sent it out certified mail, return receipt requested, you could hand deliver it."

Countryman: "Does the Bill require that?"



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Churchill: "No. It just says notice."

Countryman: "To the Bill, Madam Speaker."

Speaker Breslin: "Proceed."

Countryman: "For the same reasons that I opposed the last Bill, I don't propose what they're trying to do on substance, I just do not believe that we have guaranteed the due process rights of fathers. You know, we spent a lot of time around here pushing child support obligations onto fathers and making them live up to their duties. And I believe in that and I support that consistently, however, I think when we put the shoe on the other foot, we must protect the rights of fathers before we terminate them. And all I'm saying is a simple services summons... that summons could be served, in my mind, within the 30 days... the 30 days after the birth, but it needs to be done by an officer of the law so that we know we served it on the right person at the right address and we've effectively terminated it. I believe it's a due process right to which the father has and I respect that right, and I would urge a 'no' vote until the Bill is corrected in that respect."

Speaker Breslin: "Representative Ropp, on the question."

Ropp: "Madam Speaker, would the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Ropp: "I guess I want to raise a question relative to who determines who the father is in this situation. I mean, there is a possibility that... is there an actual physical test or how... how is that... blood test, or how is that determined?"

Churchill: "Yes, you would have to prove paternity if that was in dispute."

Ropp: "Would you restate that? I didn't understand it."

Churchill: "Yes. There is a method for proving paternity and that would have to be followed if it was a question that

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was in dispute."

Ropp: "Oh. Okay, thank you."

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

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Again, I would ask for support of this Bill. I do believe that there is a notice provision that the father must be informed that the father is the father of the child in given procedure for his rights to be terminated. In the event that a father was notified that he was the father and then disappeared, it would nigh on to impossible to try and obtain the rights to adopt this child, and I think this Bill addresses that situation, and for that reason, it should be supported."

Speaker Breslin: "The question is, 'Shall Senate Bill 2077 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 84 voting 'aye', 23 voting 'no', and 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative McPike in the Chair."

Speaker McPike: "House Bill 2129 (sic - Senate Bill 2129), Representative O'Connell. Read the Bill, Mr. Clerk."

Clerk O'Brien: "House Bill 2129 (sic - Senate Bill 2129), a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill."

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

O'Connell: "Thank you, Mr. Speaker. There are some who have said Senate Bill 2129 is the most significant criminal law Bill since indeterminate sentencing was passed in the late 1970's. I would like to go through the Bill which really

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contains about five separate issues, which we incorporated into Senate Bill 2129, whose substantive language addresses, initially, the substitution of Judges. Presently, the defense in a criminal action may request on two different occasions, for two different Judges, a substitution of those Judges. There is presently no such right given to the people through its representative, the State's Attorney. Senate Bill 2129 gives that right to the public through its prosecuting arm, the State's Attorney. It would provide in one instance, in one instance only, the right for the state to substitute a Judge in writing - in a motion in writing - which states that the Judge is prejudiced against the state. Now, it's mindful to point out... it should be pointed out, however, that in very few instances does this occur. This is not to be interpreted as any type of an indictment on the judicial system, but a recognition that there are occasionally a Judge, who, for one reason or another, has exhibited or possesses some bias or prejudice against the state. This simply brings into the process a balancing of the people's rights with the defendant's rights. In addition to the substitution of Judges, the Bill also addresses the Juvenile Court Act, wherein it provides for a tolling of the 120 day speedy trial provision, if the juvenile himself or herself causes a delay in the 120 day process. Presently, there is no statutory solution to this situation or the problem which is created by a juvenile on its own volition causing a delay in the 120 day requirement that the adjudicatory hearing be held. This would bring the Juvenile Court Act in sync with the Code of similar criminal procedure which has a similar provision. It would also, for those juveniles in custody - I should preface my earlier remarks that the 120 day provisions apply to those juveniles who

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are not in detention, but for those juveniles who are in detention, who are in custody, the current requirement of a 10 day period before the adjudicatory hearing is still in effect. However, if time is required to find the parents of the juvenile, it would be a 30 day period. The Bill also addresses the jury exemptions which Representative Cullerton has been trying to eliminate for several Sessions and he will, I'm sure, address that in this dialogue as well and maybe not. The Bill provides for a Class 2 Felony for a jury commissioner who accepts or solicits compensation in return for elimination of an individual from jury duty. The Bill also has a very significant departure from existing law. It's a issue which Representative Davis has been trying to enact into law since he's been down here in the mid 1970s and that is a state's right to a jury trial. Presently, there is no state right to a jury trial. Thirty-two states in the union have adopted the theory that the state does, indeed, have a right to a jury trial. We have adopted, in this Senate Bill 2129, a modification of that, in that a state's right to a jury trial will be available for felony offenses under the Cannabis Control Act or the Illinois Controlled Substances Act. I'm certain Representative Davis will address this. Also, the Bill addresses the Narcotics Forfeiture Act. Presently, an individual defendant who is convicted under the Narcotics Forfeiture Act basically for drug dealing is subjected to a forfeiture of property that is acquired during the period in which the offense occurred. It... in practice, it has been extremely difficult for the state to prove that the property was, indeed, acquired during this period of time. What Senate Bill 2129 does is to create a rebuttable presumption that the property was, indeed, acquired during the period of

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this offense and places upon the defendant the burden to rebut that presumption if, and only if, the property which was the subject... is the subject of the forfeiture was acquired during the period in which the offense occurred and... and there is no other likely source of revenue in which this property could be of... acquired with. That is the substance of the Bill and the Amendment which was adopted to it, and I would be happy to answer any questions."

Speaker McPike: "The Gentleman has moved for passage of Senate Bill 2129. And on that, the Gentleman from Champaign, Representative Johnson."

Johnson: "This Bill contains a whole collection of Bills and ideas that have been defeated in some form or another, I think practically since I've been here. The one that I want to address myself to, the one that's been defeated time and again, either in the full House or the in the appropriate Committees of the Senate or the House and one that I think people ought to look at closely before they vote for it, because it first blush it appears to be a good idea, is the Bill that gives the state the right to demand a jury trial. There's a lot of reasons why a defendant in a particular criminal case would not want to have a jury hear their case. In the majority of cases, obviously, they demand a jury trial and they go to trial with a jury, their peers and so forth, but there are a number of examples in two specific subject areas, where if I were charged with a crime, I wouldn't want to have a jury deliberating. I'd want to have the court deliberate. The first is, in an area where the law and the facts are very complex. Sometimes, particularly, with the enactment of state and federal RICO laws and otherwise, you can have a very complex set of circumstances, very complex jury

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instructions if you had to have a jury. In a situation where, frankly, people who aren't trained and skilled in the law would not be able to apply the law to facts fairly to allow you to have a fair trial. That's one example. And the other - and this is one that you can relate to, maybe, even on a more personal basis or at least a personal example basis - is one that grows from a very emotional set of circumstances, perhaps some of the Greylord trials in Chicago, cases that have received excessive publicity where you simply can't have twelve people who will be able to sit down free from emotions regardless of what venue they're in, and make a decision based on the facts rather than the emotion and the publicity that has proceeded that. That's the case where if I were a defendant or defendant's lawyer, I would want to have the court, who's trained to disregard a Motion, who's trained to disregard those factors of publicity and so forth, be able to judge on the facts. Over and above that - and I realize this is not a particularly popular thing to say - but it's rooted in two hundred and forty years of American history, and that is that the sides aren't supposed to be equal. We're not supposed to go into a criminal trial with both sides evenly balanced in terms of the remedies that they have. There is a strong presumption of innocence in our Anglo-American system of law, and we never designed and we never intended to have both sides have all the same procedural protection and the same procedural rights. Everybody agrees that... when one has been convicted of a crime and gone through that process, then I think most of us would consider ourselves law and order Legislators and come down hard in that regard. But before a conviction, the strong presumption of innocence and the idea that the defendant ought to have all the breaks in terms of those various gray

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areas shaded their way is something that when you examine closely in what we believe in, in our concept of freedom, our concept of presumptions of innocence and so forth, you'd believe that there ought not to be the right, on the part of the state, to demand a jury trial, to take complex issues and turn them over in limited numbers of cases to people who couldn't deal with them and to put it in the area of emotion and publicity and so forth. I think well intended and as high respect as I have for the Sponsors of this legislation, this Bill has been defeated time and again. And it hasn't been defeated time and again just because of whimsey, it's been defeated because of sound, jurisprudential reasons, sound policy reasons, and those reasons are equally as good today as they were in those numerous times in the past in the Senate and the House and Committee, when this idea and some of the other's that are embodied in this Bill have been defeated. I would hope, reluctant as I am to oppose Representative O'Connell on this issue, that we would all vote 'no' or 'present' on this Bill."

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

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of House. I, too, rise in opposition to this Bill, and I'd like to start by saying I agree with everything the previous speaker said about the aspect of the Bill that deals with the state's right to a jury trial. And since he addressed that so adequately, I would like to focus on another portion of the Bill, which is the Bill itself, the state's right to substitute Judge. I oppose this Bill for the simple reason that when we pass... or when this House passes this Bill, if it does, in fact, become law, what we'll be doing is, we'll be putting the judicial branch of government, we'll be putting the criminal Judges and the

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criminal courts in this state somewhat under the control of the State's Attorney's Office. In a County such as Cook, where we try all our criminal cases in one courtroom or one set of courtrooms, where there is a whole criminal division, what this Bill will do will allow the State's Attorney's Office to determine which Judges hear criminal cases and which Judges do not. It's plain and simple as that. If a Judge gets a reputation as being defense oriented, if a Judge makes a decision that is unpopular with the State's Attorney's Office, this Bill will give those state's attorneys the right to make sure that Judge does not have... hear any criminal cases. If a Judge is sitting on the third floor at 26th and California and each state's attorney asks for a substitution of Judges which is very easy for them to do, and again, it's not like the right the defendant has. A defendant's lawyer travels from courtroom to courtroom, from Judge to Judge. He doesn't know all the Judges, and if a defendant substitutes a particular Judge, there is always another defendant to come along next, but as far as the prosecutor is to concern, the prosecutor's office would have the power and the knowledge so that every prosecutor says, 'I don't want this particular Judge,' then they'll never hear another criminal case. Now the proponents of this Bill said, this is giving the state a right to a fair trial. Well, the state has all the power and all the money of the state anyway. They have investigators, they have staffs, they have plenty to ensure that the people are well represented. What this will do, it would take away the defendant's right to a fair trial. The scales aren't equal to begin with, but most importantly, I want you to think, do you really want the State's Attorney's Office to be able to dictate which Judges hear criminal cases and which Judges do not. Do you



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want the State's Attorney's Office to be able to render a Judge sitting in an empty courtroom, who, time after time after time, he has removed from the case, because the state's attorney does not like the way he has dealt with a particular case or a particular issue. For those reasons and the reasons articulated by Representative Johnson, I would ask for a 'no' vote."

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

McAuliffe: "Mr. Speaker, would the Gentleman yield for a question?"

Speaker McPike: "He will."

McAuliffe: "Representative O'Connell, has this Bill been amended to take away the exemption of newspaper people from jury duty?"

O'Connell: "That's... that's correct."

McAuliffe: "Okay. Thank you very much. I just wanted to get that point across. The exemption for newspaper people has taken out... an Amendment to this Bill. If we vote for the Bill, that'll take away their exemption."

O'Connell: "That is correct, and everyone else's exemption."

McAuliffe: "Thank you."

Speaker McPike: "The Gentleman from Will, Representative Davis."

Davis: "Thank you, Mr. Speaker. First, I'd like to thank Representative O'Connell. I'd like to thank the Speaker of the House and the Minority Leader of the House for their support for this Bill. Ladies and Gentlemen, if you want a law and order vote on your record when you go home in seven or eight days, this is the Bill to do it. It's an omnibus criminal Bill that addresses issues that have been around the General Assembly for a while, that's true, but contrary to what a prior speaker has said to you, and I will address that first, the state's right to a jury trial has never been defeated in this House. It has only been defeated in

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a liberal biased Judiciary Committee that it was defense oriented, it was defense oriented and the ACLU has managed to defeat it. Now, you all know that and I know that. We stood here last year for eight or nine days while this Bill was held up and now it's modified, and I accept that modification. Insofar as substitution of Judges is concerned, I believe it's a very good idea that that be balanced. In fact, it's not balanced because the prosecution will only get one substitution of Judge while the defense still has two peremptory challenges on the same subject. I can tell you that in nationwide... that the device in those states that have it, there's only 1% substitution ever occurs by the prosecution. Insofar as the state's right to a jury trial is concerned, thirty-two states and the Federal Government now have that in place. It's working very well as a matter of public policy. In fact, the Supreme Court has said, the constitutionally preferable method of trial is by jury. That is the history of Anglo-American jurisprudence since England, and it was public policy in Illinois for about 70 years until just after World War II. It's coming back in a modified form. It will go a long way, all of these provisions, to giving the public a perception that the court system is not corrupt and that there is not a Greylord lurking in every district in the state and if the 'Cumberford' system supports this and that the first district supports this through the 'Cumberford' Commission, the state's attorneys support this, Richie Daley supports this and everybody else in law enforcement supports this and I think, by George, you ought to support this."

Speaker McPike: "Representative Greiman."

Greiman: "Yes, I wonder if the Gentleman... the Sponsor would yield for a question or two?"

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Speaker McPike: "He will."

Greiman: "Yes. Mr. O'Connell, is it my understanding that the state's right to a jury is limited only to certain classifications?"

O'Connell: "That's... that's correct."

Greiman: "What is it, to narcotics cases?"

O'Connell: "To narcotics cases."

Greiman: "Well, you think murder, is that not as important as narcotics, would you think?"

O'Connell: "No."

Greiman: "How about rape? Rape is important."

O'Connell: "No."

Greiman: "How about..."

O'Connell: "We don't have rape in this Bill."

Greiman: "...Sexual assault?"

O'Connell: "Yes."

Greiman: "You know, sexual assault, how about that? Now, how about armed... armed robbery?"

O'Connell: "It doesn't apply to armed robbery."

Greiman: "Arson?"

O'Connell: "No, it does not apply."

Greiman: "Maiming?"

O'Connell: "No. It only applies to felony offenses under the Cannabis Control Act or the Illinois Controlled Substances Act."

Greiman: "So, we have a law here, then, where we say we ought to have a state's right to jury... in those cases. How about a case where there is a combined charge? Could you have a defendant who is charged, for example, with narcotics and something else at the same time? Is that possible to happen? Two crimes?"

O'Connell: "No. Unless you could bifurcate the counts, and I don't believe you can. So, the case would not give the

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state the right to a jury."

Greiman: "I... Well, it would for that, could you divide the issues?"

O'Connell: "I don't believe you can divide the issue on a bill of indictment."

Greiman: "And could you have the Judges... a Judge is a trier of fact, if I didn't want a jury in my arm... in my burglary case, but a jury deciding it in the narcotics case? Can you have that?"

O'Connell: "I don't think it can divide the criminal counts. They're all under one... would be under one indictment."

Greiman: "Well, we're just dividing the trier of fact. I think you're not correct in that. I think, in fact, you could have a strange situation where the trier of fact, for one, is not the trier for a fact for the other. I think if you would check that, you'll find that may be the case."

O'Connell: "Representative, if you would look at page five of the Amendment, line 17, it indicates that in a criminal prosecution where the only offenses charged are felony violations of the Cannabis Control Act."

Greiman: "I see. So then, you could..."

O'Connell: "So, clearly only one."

Greiman: "Clearly only one. Okay. Well, I'm not sure I understand... To the Bill. I'm not sure I understand why we take this one crime, one class of crimes and treat them differently. Why we treat these defendants differently? Is an ax murderer who burns down the building after he has assaulted... sexually assaulted the woman in the building. Apparently, that person we're not so concerned about. That's just an ordinary rape, maiming, arson, murder case, your standard variety every day kind of case, but this is something special. So, why in the world would we make a special, a whole special classification? It is beyond me."

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If it's good public policy, then we should do it. If it's not thoughtful good public policy, then we ought not to, but we ought not to have several kinds of issues, kinds of treatment of these defendants. You know, one of the speakers talked about the judiciary and a free judiciary and has mentioned Greylord. You have to talk about Graylord, if you're a little demagogic, I suppose, on the issue, and so, the truth is that Greylord is about the intimidation of Judges, intimidation of them with money going to their greed. This Bill, which deals with SOJ right to a jury, this is about intimidation, too. This is about the same intimidation of a judiciary, but this is the intimidation of power, intimidation by wanting to be liked and loved, by wanting to have good newspaper reports, by wanting to have everybody think we're great Judges, and that is the difference... it's a different kind of intimidation, but it's intimidating the judiciary just the same. This is not a good idea. It's not been a good idea, and it won't be a good idea after it gets its hundred and whatever it gets."

Speaker McPike: "We have a Governor and a Congressman here shaking hands. What's this? The Gentleman from Cook, Representative Kulas."

Kulas: "Thank you, Mr. Speaker. I move the previous question."

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

O'Connell: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A number of the arguments raised, both by the proponents and opponents, have significant meaning to this Bill. And some of the things that were said were, indeed,

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true; however, one thing remains pervasively true throughout this Bill. The defendant and the state do not stand on equal footing. The state still must prove beyond a reasonable doubt that the defendant was indeed guilty. That has not been tampered with. That has not changed and that remains still that high burden of proof that remains to convict someone under our criminal laws. The fact that we single out narcotics cases does not, in any way, diminish the significance and the heinous nature of other crimes. It simply recognizes that narcotics cases is something that the state can begin to address as to whether or not this is a valid method of prosecuting cases. It is a start. It is also an extremely heinous crime that has subjected our young people and our citizens alike to a lifetime of horrible consequences for the use of narcotics and, yes, there have been instances where the need for a jury trial, in such cases, have been apparent. The Bill does not change anything that our forefathers created in the Constitution of 1789. The Constitution is an evolutionary document. It's been shown time and time again through Supreme Court cases. The state's rights have gone up and the state's rights have gone down, depending upon judicial interpretation, the cases that we've seen. Defendants' rights have consistently been upheld, and they'll continue to be upheld. This is simply a balancing of the people's rights, the victims' rights, with the defendants' rights. The Bill deserves to be passed, and I'd ask for a favorable Roll Call."

Speaker McPike: "The Gentleman moves for the passage of Senate Bill 2129. The question is, 'Shall Senate Bill 2129 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Representative Hawkinson, one minute to explain your vote."

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Hawkinson: "Thank you, Mr. Speaker. Assuming that this Bill passes and makes it to the Senate, I think it would suggest to the Sponsors that it be important that, at some point along the line, the Sponsors read into the record the compelling state interest which would grant this right to the state in drug cases and not in other cases in terms of any equal protection challenge that might be made to the Bill."

Speaker McPike: "Representative Olson, to explain your vote."

Olson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I join with those in casting a 'no' vote, despite the good intentions of those who are supporting this issue. I've had the good fortune to serve in a courtroom, clerked many cases, including the kinds of those described. Many opportunities accrue to the state to prove their case, and I would suggest a 'no' vote."

Speaker McPike: "Representative Homer, to explain your vote."

Homer: "Thank you, Mr. Speaker, Ladies and Gentlemen. I reluctantly vote 'present' on the Bill, because I think that the underlying Bill, Senate Bill 2129, providing for substitution of Judges by the state, is a very sensible proposition. Unfortunately, other matters have been added to the Bill that failed in the Judiciary Committee, the most onerous of which, I believe, is the limitation on the state's right to a jury trial by limiting that provision to those defendants who have been charged with felonies involving the Cannabis Control Act or the Controlled Substances Act, to me, is an indictment on our judiciary to suggest that the Judges in the State of Illinois, although fully capable of hearing the whole myriad of possible offenses for whatever reason, are more prone to corruption or...to undue influence in the areas involving cannabis control and the Controlled Substances Act, I think the

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Judiciary stands far above that type of tainted accusation and indictment. I would support the state's right to a jury trial, where it made uniform across the board for all offenses or for all Class X offenses, or for all felony offenses, but not when we single out the offenses of cannabis control and controlled substances. I think that's an unfair statement about our judiciary. I think it makes no rational sense to draw that distinction and to this point in time, no one has offered a logical, clear, definitive explanation as to why it is that we would single out Judges with regard to those kind of offenses and not with respect to all of the other offenses across the board. So, I'm going to vote 'present' on this Bill, and I'm sorry that the Bill has been amended in this fashion."

Speaker McPike: "Representative Countryman, to explain your vote."

Countryman: "Thank you, Mr. Speaker. I agree with the previous speaker's analysis that there is no rational basis for singling out the cannabis for the jury trial, and I believe that it certainly fails on an equal protection argument because of that, but if it happens to get through the Senate and doesn't get amended back, I'm certain that the Governor who's standing here with us right now, who's always upholding the Constitution, can make sure that he does that. I support the Bill, and I'm voting green in order to get the Bill passed so we can have a substitution of Judges. I believe that the state is entitled to the substitution of Judges. What's good for the goose, is good for the gander. And for that reason, I support the legislation. It's an important right, one, which we need to act on immediately."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 71



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'ayes', 31 'nos', 11 voting 'present'. Senate Bill 2129, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2212, Representative Kirkland. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2212, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Keane, Representative Kirkland."

Kirkland: "I ask leave of the Body to take it back to Second Reading, please."

Speaker McPike: "The Gentleman asks leave to return the Bill to Second Reading for purposes of Amendment. Hearing no objections, leave is granted. Second Reading."

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

Speaker McPike: "Representative Kirkland."

Kirkland: "Thank you. There was a change in the original Bill as to when the... an order of discharge by the Prison Review Board would be effective. This takes that change out of the original Bill." Speaker McPike: "Gentleman moves for the adoption of Amendment #2. Is there any discussion? There being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. The Gentleman asks leave to waive the appropriate rule so that the Bill can be heard on Third Reading at this time. Any objections? Hearing none, leave is granted. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2212, a Bill for an Act to amend Sections of the Unified Code of Corrections. Third Reading of the Bill."

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Speaker McPike: "Representative Kirkland."

Kirkland: "Thank you, Mr. Speaker. This is an administration Bill offered by the Prisoner Review Board, and then, by Amendment 1, administration Bill offered by the Department of Corrections. The Bill has several Sections. The Prisoner Review Board Section first. In the Powers and Duties Section, there is basically a technical change indicating that when a panel... when there is a request for pardon, reprieve or commutation, that the recommendation of a panel to the Governor would be a confidential recommendation. Then as to... there is a change as to subpoenaing of witnesses. The statute now... In hearings for the Prisoner Review Board, the statute now calls for those hearings to be within 150 miles of the place the violation is alleged to have occurred. This would take that out and allow the hearings to be at... be... not have to be at a location under that restriction. Then also, there is language in the statute currently that requires a parole or mandatory supervised release hearing within two years to continue... after two continuous years have been served on parole or mandatory supervised release. This would amend that requirement. Under mandatory supervised release, there is a hearing required after... at least within three years now for the worse offenses so it seems that the two year requirement is not necessary. Often, there might be a hearing after two years and then two and a half years the second hearing to meet the three year requirement. In any case, very few of those two year hearings is there a release anyway. So it makes extra work for the Parole Board, excuse me, for the Prisoner Review Board. Also then, finally, as to the Prison Review Board there is a again another really technical change that simply takes out... it says, it takes out the word

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'commutation' as to when a person is discharged so that when a discharge occurs, the Governor does not have to sign the discharge order. It is not considered something that the Governor has to do and it... now it's a discharge signed by an automatic pen and it's not just considered... and it is not really necessary. Going on, then, to the Department of Corrections Section of the Bill. There is in... there is now required a preliminary... excuse me, just a second, I'm okay. There are three Sections to that Bill. One is on the preliminary parole revocation hearings that are currently required. The Bill would change that so that under a situation where there was a new criminal charge and there had, under that new criminal charge, already been a preliminary hearing, a similar hearing would not be required when there is a filing for a hearing to revoke probation. Again, it's just not considered duplicative. Alright, and then, there is a change to the Change of Name Section just indicating that an inmate, if he wants to change his name, must do it under the statute allowing for change of name under... you know, by statute and can't do it in any other way. And finally, there is a change in the Section regarding reimbursement to former employees of the Department of Corrections, simply allowing wages to be reimbursed when a former employee is called as a witness in a Department of Corrections hearing. Ask for passage of the Bill, willing to answer any questions."

Speaker McPike: "The Gentleman moves for the passage of 2212. There being no discussion, the question is, 'Shall 2212 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 111 voting 'aye', 1 'no', 1 voting 'present'. Senate Bill 2212 having received the Constitutional Majority, is hereby

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declared passed. Senate Bill 2283, Representative Churchill. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2283, a Bill for an Act to amend the Cannabis Control Act. Third Reading of the Bill."

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

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2283 changes the law in regards to the production of cannabis. Presently, the production of cannabis is only a Class A misdemeanor, which means that you could produce great quantities of cannabis, and yet, you would only be subject to a Class A misdemeanor. What this Bill does is to change that law. It measures production by the number of plants and not the weight of plants and it sets up a graduation by which the production of a greater number of plants causes an imposition of a greater sanction. I would ask for your support."

Speaker McPike: "The Gentleman moves for the passage of Senate Bill 2283. Is there any discussion? Being none, the question is, 'Shall 2283 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 115 'ayes', no 'nays', none voting 'present'. Senate Bill 2283, having received the Constitutional Majority, is hereby declared passed. Page five of the Calendar, Senate Bills Third Reading, Education appears Senate Bill 943. Representative Nash. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 923, (sic - 943) a Bill to amend the Baccalaureate Assistance Law. Third Reading of the Bill."

Speaker McPike: "The Gentleman from Lake, Representative Churchill, for what reason do you rise?"

Churchill: "Mr. Speaker, on a point of order. I believe that we

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were on the Special Order of Business, Civil and Criminal Law, and we'd just finished with my Bill and we were facing Senate Bill 2292. All of a sudden, the order got changed. I was wondering if there would be some explanation of why that occurred and why we cannot go on and hear 2292 at this time."

Speaker McPike: "Well, we took so much time with that Order of Business, we simply ran out of time. Maybe we'll have time to get back to it. As you see, the Senate Bills on Education were set for 3:00 p.m. and we're already an hour and a half late, so that we now have gone to the Special Order of Education, and the Bill before us now is Senate Bill 943. Representative Nash."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This the Illinois Nurses' Association Bill, which deletes provisions under the eligibility for a loan to require active practice of professional nursing for one year and replaces it with a residency of one year requirement. I ask for a favorable Roll Call."

Speaker McPike: "The Gentleman moves for passage of Senate Bill 943. And on that, is there any discussion? Is there any discussion? There being none, the question is, 'Shall... Representative Vinson.'"

Vinson: "I don't know where you come off looking at me and saying, 'Is there any discussion?' and then shaking your head."

Speaker McPike: "Well, Representative... "

Vinson: "I can understand why when you do the abuse to the Calendar and to the Membership that you're doing, why you would not want to recognize anybody in the chamber except the favorite few that you had that are your own personal friends. That's apparently how you're choosing Bills around here, just like last week when you ignored Mr.

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Phelps."

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

Hoffman: "Thank you very much, Mr. Speaker. Will the Sponsor yield to a question?"

Speaker McPike: "He indicates he will."

Hoffman: "Did you indicate to me or did you indicate that to qualify for this legislation, you merely had to be a resident for a year, or was that if you got the... explain exactly to me what the Bill does?"

Nash: "Well, originally... originally the Bill was written, in order to get a loan you had to be in the profession for one year. The change is that you are a resident of the State of Illinois for one year."

Hoffman: "Do you mean if someone moved from Florida to Illinois and they lived in the state for a year, they would qualify for this loan?"

Nash: "Yes, instead of being in the profession originally, if you were practicing nursing for one year anywhere, you can come here and get the loan. Now, it puts a one year residency requirement into the Act."

Hoffman: "Alright now, you're saying that the way the Bill stands now, you would have to have a nursing degree and be a resident for a year. Then you could qualify for the loan, the purpose of which is what?"

Nash: "To encourage people to go into the nursing profession."

Hoffman: "You just told me they already, they already have a nursing degree."

Nash: "Amendment #1 is the Bill. Okay, and what it does, it changes the Bill from one year in the practice of nursing to being a resident of the State of Illinois for one year to qualify to get a loan."

Hoffman: "Was it Amendment #1 or Amendment # 2?"

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Nash: "Amendment #1. It helps nurses get a baccalaureate degree."

Hoffman: "Okay, and what is Amendment #2, then?"

Nash: "There is only one Amendment, Amendment #1. There is no Amendment #2. That's the Bill."

Hoffman: "Amendment #2 was not adopted?"

Nash: "Yes, it wasn't."

Hoffman: "Yes, it wasn't. Okay."

Nash: "It was not adopted."

Hoffman: "Alright, I... what I see in Amendment #1 is, it says it extends the term for members of the Baccalaureate Nursing Assistance Advisory Council may serve from two to four years in such staggered dates for which appointments this council will expire."

Nash: "It staggers the terms of the members of the council."

Hoffman: "And, prohibits any members of the council from serving more than two terms."

Nash: "That's correct. This is an Illinois Nursing Association Bill."

Hoffman: "Well, thats... I thought it was your Bill. Since you were the House Sponsor."

Nash: "I sponsored it for them. There is no known opposition from any other organizations."

Hoffman: "Alright, thank you very much. Mr. Speaker, Ladies and Gentlemen of the House, if you look at Amendment #1, you will see is that what happens is that we are striking the provisions of the legislation which says the applicants have been in active practice of the profession of nursing in Illinois for substantially a full time for one year immediately proceeding their initial enrollment in the baccalaureate program. What we've done is, we have deleted that and we have said, now, merely that they must have been a permanent legal resident of Illinois for one year and

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they will qualify... they will qualify for this loan, plus the changing of the staggering of the membership on the council. I would suggest to you that number one; we have no shortage of nurses. We... probably have an excess of doctors, as well as an excess of nurses. There is no reason from a public policy point of view, for us to support these kinds of programs which only increase the number of people trained for an occupation for which there are... are no jobs. This is like some of the discussion we've had on the floor about the farmers, and the fact that, you know, how much do you need. We already have more than we need. What we need is more storage place to put what we have and are continuing to accumulate. The same thing is true from a personal point of view. Here we are from a public policy point of view, encouraging people to... to go on for baccalaureate programs in nursing for positions which are not available. We do the public a disservice and we do the people who participate in the program a disservice and they, then, turn back on us and say, 'Wait a minute. You encouraged me to do this. Where's the job?' And, this is part of the cynicism that we develop through this kind of process as we try to cater to one particular group of people or any of the special interest groups who use the General Assembly for their own purposes, rather than using them for the purposes of the public. And, for that reason, Mr. Speaker, Ladies and Gentlemen of the House, with all due respect for the Sponsor and his good intentions, I rise in opposition to this legislation."

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

McAuliffe: "Well, Mr. Speaker, Ladies and Gentlemen of the House, I would rise in support of this Bill. The previous speaker



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said the other special interest groups use the Legislature. Well, they certainly do. The nurses come to us very seldom and ask very little, and as a Republican Member of the House, I want all the other Republicans to watch that board. The Democrats are all going to vote for this Bill and the next election when everybody has got a tough race, those that do have tough races, the nurses are going to support the Democrats that supported them here today. Now, four years ago, I had a tough race. I won that race with the help of the nurses. And, if the Republicans had enough sense, they'd get on this Bill, vote for the Bill. It's going to pass anyhow, and maybe this November or two Novembers from now, when you have a tough race, the nurses won't be in your district banging on doors trying to beat you. Maybe they will be there trying to help you, and those of you who are in tough races, think about this before you vote 'no' on this Bill. You ought to vote 'yes'."

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

Dunn: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. I think the previous speaker did a good job. I think, let's all get on the board and vote for this Bill. It's a good Bill."

Speaker McPike: "Representative Nash, to close."

Nash: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a very simple Bill. All it does is for registered nurses. It changes the one year work experience requirement with a one year residency requirement to get a loan to continue their education. It is for registered nurses. I ask for an 'aye' vote."

Speaker McPike: "The question is, 'Shall Senate Bill 943 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 112 'ayes',

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3 'nos', none voting 'present'. Senate Bill 943, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1520, Representative Ewing. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1520, a Bill for an Act to amend the School Code. Third Reading of the Bill."

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

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House. This Bill does two things: It provides for an adjustment in the equalized assessed evaluation - the EAV - for computing pupil transportation costs corresponding to the same thing we did with the enterprise zone abatement, that is, we take that into consideration for the computing of the transportation costs, so that local schools are not hurt when they have certain parts of their district in an enterprise zone. Second, this provides for a supplemental state aid to school districts which experience a greater than five percent weighted daily average attendance for any school year beginning on or after July, 1986. Now, the second part, this would normally come to play a year later. With this Bill, if your school district has a growth of five percent or more, they will be able to provide the state with a new attendance figure and get the added state aid the first year instead of waiting a year, and this comes into play in the situation where possibly a private school closes and there's a big influx into the public school system. I think they're both good changes, and I would ask for your support."

Speaker McPike: "The Gentleman moves for the passage of Senate Bill 1520. Is there any discussion? Being none, the question is, 'Shall Senate Bill 1520 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have

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all voted? Have all voted who wish? The Clerk will take the record. On this Bill, there are 112 'ayes', no 'nays', none voting 'present'. Senate Bill 1520, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1601, Representative Steczko. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1601, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

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

Steczko: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1601 prohibits municipalities with a population of one million or more from requiring seat belts in school buses which transport students residing and attending schools outside the municipality. The problem that many suburban and downstate municipalities and school districts are faced with, is that about a year and a half ago, the City of Chicago adopted an ordinance requiring that school buses traveling within the city limits be required to have seat belts. Unfortunately, most suburban and downstate school districts, or are all suburban and downstate school districts do not have school buses, rather, that are not equipped with safety belts. What's happened is that those districts are quite reluctant to send their kids into the city subject to any problems that might occur. The result has been loss of sales taxes for the city, loss of business for those museums, and the loss of the ability of those children to partake in many cultural activities that are provided by the City of Chicago. This Bill, I think, would address quite a problem that's currently out there, a problem that has really created a situation where suburban and downstate school districts are quite reluctant to send their children into the City of Chicago to attend the museums and various cultural activities. So, if you are a

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Legislator, in particular, from downstate or the suburban areas, I'm sure you've heard from your local school districts about the problem that they are having and this Bill is an attempt to correct that. I would answer any questions, Mr. Speaker or would in lieu of that, move for the passage of Senate Bill 1601."

Speaker McPike: "Is there any discussion? The Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I assume that this Bill will pass overwhelmingly, but just for the record, I want to indicate that I'm opposed to it and just tell you some of the reasons why. The City of Chicago, specifically Alderman Bernard Stone, passed an ordinance with the full support of the city, which said that all school buses in the City of Chicago should have seat belts on them and they said that it would apply to school buses that came from out of the city to our museums. Now, all that means, by the way, is that when a school wants to come into the city on a field trip, that they would have to have a bus that has seat belts on it. It doesn't mean the whole school district from the suburbs comes into the city and frequently, it's only one class or even a portion of one class that comes in and goes in to use the museum. Well, all that city ordinance required was that when they rent a bus, they rent a bus that has seat belts on it. That's the only obligation that is imposed upon them. It's a good... obviously the City of Chicago's City Council felt that it was a good idea to require seat belts on city buses, and what we're doing with this Bill is, in effect, repealing that ordinance that that local unit of government passed. It has the effect of overturning an ordinance by a city council. I think it is a bad precedent. I think it,

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instead of putting a mild bit of pressure on a school district to require seat belts in their school buses, instead we're just caving into them and we're going in the wrong direction. For those reasons, I'm opposed to the Bill."

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

Young: "Yes, Mr. Speaker. First an inquiry of the Chair. Does this take 71 votes to pass, since it preempts home rule?"

Speaker McPike: "Mr. Parliamentarian."

Young: "And while the Parliamentarian is...".

Speaker McPike: "Proceed with your..."

Young: "Yeah, just to the Bill, Madam Speaker (sic - Mr. Speaker), Ladies and Gentlemen of the House. I understand the reasons for the Bill, but, I think this is the wrong way to approach the problem. I think the proper way to approach the problem would be to merely to go to the City Council and ask them to pass an ordinance allowing the suburban buses into the school, into the city without the seat belts. I'm sure they would be amenable to such an ordinance and to just pre-empt home rule and pass a Bill overruling a city ordinance without the courtesy of first letting the city do it by its own ordinance is not the way I think this Body should proceed."

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

Levin: "Yeah, Mr. Speaker, Ladies and Gentlemen of the House. I totally concur with the last two speakers. I would just make one observation. We've all been watching the Chicago City Council for the last several years and there are not too many things that there's agreement on. One of the very few things that there was agreement from both factions on, was protecting the school children who go through Chicago as far as the ordinance that was passed. It wasn't a 29 ordinance or a 21 ordinance when we had the 21 and 29. It

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was both factions together. And, it seems to me that this Body should not be undoing one of those rare instances where there was unanimity and harmony in the Chicago City Council and therefore, I rise in opposition of Senate Bill 1601."

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

Parke: "Yes, Thank you, Mr. Speaker, Ladies and Gentlemen of the House."

Speaker McPike: "Excuse me, excuse me Sir. Sir, excuse me. Representative Young, this requires 71 votes. Excuse me, Representative Parke proceed."

Parke: "Thank you. When you look at what's happened over the last couple of years, and you expect us to take time to go back to the City Council when they can't get agreement on hardly anything. As a ludicrous suggestion, maybe you might want to wait, but our buses are going back and forth on field trips every day into the City of Chicago taking advantage of the wonderful cultural programs that are available. I think that for the City of Chicago to pass laws is a great idea, and I think they should do that, but they should not pass laws that infringe on the rights of other municipalities and other taxing bodies, and I would ask for support and vote on this legislation."

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

Hoffman: "Thank you very much Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this legislation and I appreciate the position enunciated by some of the people representing the City of Chicago. However, in my judgement, this kind of legislation can be only helpful to both the city and to the local school districts outside the city, because as the previous speaker or one of the previous speakers mentioned, we have a lot of school buses,

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school children, carrying school children into the city to take advantage of some of the activities that are available to them in the city. On the other hand, this is beneficial to the city to have them there. They certainly contribute to the economic welfare of the city in that... by going into the city. Now, I can understand why the City Council would adopt this position, but I'm sure they had no intention of capping this requirement on people coming into the city from outside the city, because obviously, that would not be to their advantage or to the best interests of either the city or the communities bringing the buses into the city and so, it's a perfect logical approach to solving the problem and for that reason I commend the Sponsor and rise in support of the legislation and ask, particularly those Members on this side of the aisle and those with the foresight and wisdom to see the advantage of this legislation in the Body, to support the Sponsor."

Speaker McPike: "Representative Steczko to close."

Steczko: "Mr. Speaker, I'll yield to Representative Didrickson to close, please."

Speaker McPike: "The young Lady from Cook, Representative Didrickson."

Didrickson: "Thank you, Mr. Speaker, Members of the House. For the record, as I understand it, I personally have spoken to Alderman Stone. It would not be as easy, with regard to Alderman Stone, to just go in and repeal this and work with the City Council and the City of Chicago. But, I am aware of similar legislation that was proposed and supported by Mayor Harold Washington. What we are doing, what they have done in there is put an artificial barrier around the city which has exempted the rest of us from the State of Illinois from our students being able to share those cultural resources, and I might add, those cultural

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resources that are supported and funded, in part, by the State of Illinois out of our GRF, and those highways that allow those kids to get into the city, all of a sudden are erecting barriers that are supported by the State of Illinois, those state highways. I think this is a good measure. It has widespread support. I think if the City of Springfield were to erect a similar barrier around the State Capitol and not allow all those students coming in on buses to the State of Illinois to share this wonderful resource, it would... it would be a crime and that's how I happen to feel about the museums in the City of Chicago. And, I think for you Legislators in the City of Chicago, you know you have a treasure there. Many of us support those treasures with our dollars and with our votes on this floor. We would just ask that you share them with our kids, our students out in the suburbs and the rest of the State of Illinois. I urge an 'aye' vote on this Bill."

Speaker McPike: "The question is, 'Shall Senate Bill 1601 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 98 'ayes', 4 'nos', 10 voting 'present'. Senate Bill 1601, having received the Three-Fifths Constitutional Majority, is hereby declared passed. Senate Bill 1608, Representative Cowlshaw. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1608, a Bill for an Act to amend the School Code. Third Reading of the Bill."

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

Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1608 has to do with the Monetary Award Program which is operated through the Illinois State Scholarship Commission. The Monetary Award Program provides grants on the basis of financial need to Illinois



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residents for undergraduate studies. The fact is, and I think it is a fact of which every Member of this General Assembly should be very proud that our monetary award program in Illinois is the largest grant program available to students in our state. But, it is also the second largest program of its kind in this nation. Senate Bill 1608 increases the maximum award that may be granted by the Illinois State Scholarship Commission from 2,850 to 3,100 dollars for full time undergraduates from 1,425 to 1,550 dollars for part time undergraduates. This Bill came out of the Higher Education Committee on a vote of 15 to 0 and was recommended for Short Debate, and I ask for your support for Senate Bill 1608."

Speaker McPike: "Is there any discussion? There being none, the question is, 'Shall Senate Bill 1608 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 111 'aye', 1 'no', none voting 'present'. Senate Bill 1608, having received the Constitutional Majority is hereby declared passed. Senate Bill 1612, Representative Keane. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1612, a Bill for an Act to amend the Public Community College Act. Third Reading of the Bill."

Speaker McPike: "Representative Keane."

Keane: "Thank you, Mr. Speaker. Senate Bill 1612 makes the annual revisions to the Illinois Community College Board grant formulas to reflect the recommendations of BHE, the Governor, and the one percent deletion by the Senate. It deletes the requirement under the advanced technology equipment grant... a grant program that grant recipients file a report with the Illinois Community College Board outlining how the grant funds were expended. It further

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was amended to empower the board to make adverse court decision grants from appropriations for equalization grants, and there was an Amendment in House Committee which transferred the administration of the Veterans' Scholarship Program from the Illinois Department of Veterans' Affairs to the Illinois State Scholarship. The Bill is on short debate. I'd be happy to answer any questions and ask for a favorable Roll Call."

Speaker McPike: "Is there any discussion? Being none, the question is, 'Shall Senate Bill 1612 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 110 'ayes', no 'nays', none voting 'present'. Senate Bill 1612, having received the Constitutional Majority, is hereby, declared passed. Senate Bill 1728, Representative Deuchler. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1728, a Bill for an Act relating to the Illinois Mathematics and Science Academy and its employees. Third Reading of the Bill."

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

Deuchler: "Mr. Speaker, leave of the House to take Senate Bill 1728 from Third to Second Reading for the purposes of an Amendment."

Speaker McPike: "The Lady asks leave to return Senate Bill 1728 to Second Reading. Hearing no objections, leave is granted. The Bill is on Second Reading. Mr. Clerk."

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

Speaker McPike: "Representative Curran, Amendment #1."

Curran: "Withdraw Amendment #1, Mr. Speaker."

Speaker McPike: "Amendment #1 is withdrawn. Further Amendments."

Clerk O'Brien: "Floor Amendment #2, offered by Rep. Deuchler and

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Curran."

Speaker McPike: "Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment 2 clarifies language for the Math/Science Academy which would provide a retirement system of coverage for employees of the Math/Science Academy. Secondly, it provides that the Academy will be subject to all provisions of the School Code; and thirdly, limits the Academy's authority to lease or purchase property to July 1 of 1985."

Speaker McPike: "The Lady moves for the adoption of Amendment #2. Is there any discussion? Being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. The Lady asks leave to waive the appropriate rule so that Senate Bill 1728 can be heard at this time. Are there any objections? Hearing none, leave is granted. Third Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1728, a Bill for an Act relating to the Illinois Mathematics and Science Academy and its employees. Third Reading of the Bill."

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

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1728 is a cleanup Bill, as I have described in the preceding Amendment, which does address some technical items which were admitted from the legislation which created the Math-Science Academy last year. On the instance of retirement systems, the employees would have the option of becoming members of the State University Retirement System. Also they could elect to participate in the other four State Retirement Systems within 120 days prior to joining the academy. If they were members of

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those other systems, they could choose to stay with those systems. Secondly, the Bill provides that the academy shall be part of the public school system of the state and shall be subject to all the provisions of the School Code. Thirdly, the Bill provides that the Academy's admission policies, evaluation and grading procedures and disciplinary policies shall be developed in consultation with the State Superintendent of Education. And finally, Senate Bill 1728 gives the academy Authority until July 1 of 1988, to lease or purchase property for use of the Academy."

Speaker Breslin: "The Lady has moved for the passage of Senate Bill 1728, and on that question, Representative Brunsvold."

Brunsvold: "Will the Lady yield for questions?"

Speaker Breslin: "She will."

Brunsvold: "Representative, leased or purchased property, do we know how much is involved here, how much money is involved in lease or purchase?"

Deuchler: "Well they... the Academy Board has entered into an agreement with West Aurora to purchase the academy property."

Brunsvold: "Is there an appropriation for a certain dollar amount?"

Deuchler: "No, there is not."

Brunsvold: "There is none."

Deuchler: "... all subject to appropriation as you see by the deadline or the keyhole of opportunity that would exist is July 1, of 1988."

Brunsvold: "Okay, but right now, to your knowledge, there isn't an appropriation for any specific amount."

Deuchler: "That's correct."

Brunsvold: "Thank you."

Speaker Breslin: "There being no further discussion the question

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is, 'Shall Senate Bill 1728 pass?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 104 voting 'aye', 6 voting 'no', and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1799, Representative Flowers. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1799, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Flowers."

Flowers: "Mr. (sic - Madam) Speaker, Ladies and Gentlemen of the House, Senate Bill 1799 provides that in calendar year 1985 and also in calendar year 1986, the property tax extension on behalf of the Chicago Board of Education for building purposes shall be at the maximum rate at which the board is authorized to levy taxes for the fiscal year of the board which begins in that calendar year, and I ask for your favorable vote."

Speaker Breslin: "The Lady has moved for the passage of 1799. And on that question, is there any discussion? Hearing none, the question is, 'Shall Senate Bill 1799 pass?' All those in favor vote 'aye', opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 59 voting 'aye', 49 voting 'no' and 5 voting 'present'. Representative Flowers asks for a Poll of the Absentees."

Clerk O'Brien: "Poll of the Absentees. Berrios. Bullock. Krska. And Wyvetter Younge."

Speaker Breslin: "Representative LeFlore changes his vote from 'present' to 'aye'. On this question there are 60 voting 'aye', 49 voting 'no' and 4 voting 'present'. This Bill,

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having received the Constitutional Majority, is hereby declared passed. Senate Bill 1804, Representative Currie. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1804, a Bill for an Act to amend the Asbestos Abatement Act. Third Reading of the Bill."

Speaker Breslin: "Representative Currie."

Currie: "Thank you, Madam Speaker, and Members of the House. Senate Bill 17... 1804... I think if the Clerk would change the board."

Speaker Breslin: "Mr. Clerk."

Currie: "Thank you."

Speaker Breslin: "Change the board to Senate Bill 1804."

Currie: "Senate Bill 1804 clarifies that schools that wish to begin to take corrective action to solve their asbestos problem, may do so this summer using their own resources and still be eligible for state support for the asbestos cleanup program in the future. Unfortunately, the present statute in effect would penalize those schools that want to begin work on the asbestos problem by denying them any kind of help to correct the problem in the future. Senate Bill 1804 just clarifies that they can begin work now without waiting to join the lengthy list for Department of Public Health inspections without jeopardizing their opportunity for reimbursement in the future."

Speaker Breslin: "The Lady has moved..."

Currie: "I'd be happy to answer your questions, and I urge your support for Senate Bill 1804."

Speaker Breslin: "The Lady has moved for the passage of Senate Bill 1804. And on that question, is there any discussion? Hearing none, the question is, 'Shall Senate Bill 1804 pass?' All those in favor vote 'aye', opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? Have all voted who wish? The Clerk will take the

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record. On this question there are 108 voting 'aye', 2 voting 'no', and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1809, Representative Hannig. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1809, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Breslin: "Representative Hannig. Representative Hannig."

Hannig: "Yes, thank you, Madam Speaker, Members of the House. I ask leave of the Chair to bring this Bill back for purposes of an Amendment."

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

Clerk O'Brien: "Floor Amendment #5, offered by Representative Hicks."

Speaker Breslin: "Representative Hicks."

Hicks: "Yes, Madam Speaker, Ladies and Gentlemen of the House. Amendment #5 to Senate Bill 1809 is actually a group of Bills; House Bill 3141, House Bill 3227 and House Bill 3228 that we passed out of here on votes of 112 to 0, 113 to 0, 104 to 0. All three Bills actually encompassed special ed legislation, deal only with special ed, and the Amendment is identical to those Bills that were passed out of the House. I'd be happy to answer any questions about the Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of Amendment #5 to Senate Bill 1809, and on that question, the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you very much, Madam Speaker. Will the proposer of the Amendment respond to a question?"

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Speaker Breslin: "Yes, he will."

Hoffman: "Is it true that - in this Amendment - that you changed the state's reimbursement formula for extraordinary special ed students and established a 20/80 funding ratio for those severely handicapped students which would... it's estimated would cost the state an additional \$8,000,000?"

Hicks: "What you are asking is true, as far as it goes, Representative. It does change the formula for 1988, but in the whole calculation of the whole Bill, because of the changes in the initial phase, the first \$2,000 of liability to the locals in comparison to the state, there is actually an overall gain of \$2,000,000, as I understand it, to the state, not a cost. That cost and the \$8,000,000 that is calculated in that, is only on the extra special ordinary expenses above the initial \$2,000, but on the initial part of the \$2,000, we changed from the one and a half percent formula on spending back to a one and a quarter percent, which is actually a gain in that to the state."

Hoffman: "Is that where you changed the average daily attendance to average daily enrollment?"

Hicks: "No, Sir. The average daily attendance and average daily enrollment only deals with between the special ed districts themselves. Currently and for the past 11 years, the state has paid on special ed by this method. This simply allows that whenever kids between two different special ed groups, that calculation is done between the two special ed groups and allows them to be paid individually between the two groups, nothing to do with the state."

Hoffman: "Thank you very much. Mr. Speaker and Ladies and Gentlemen of the House, to the Amendment. My inclination is still to conclude that this is an additional cost to the state. I would point out to you that last year, we appropriated \$44,000,000 for extraordinary. The House



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passed a figure... \$55,000,000 for extraordinary. Speaker Braun's allocation was \$50,000,000 and the Senate passed the appropriation at \$50,000,000 for extraordinary. Now, that's without any change in the formula. The Gentleman is correct when he says that this wouldn't impinge, if I'm correct, on FY '87, but would impinge on FY '88. I'm suggesting to you that we are now in FY '88 and we are paying for what we have passed for extraordinary costs or extraordinary costs under special ed in 1956... or 1985 and is taking place in FY '87 budget. I'd also point out to you that in special education we changed the personnel reimbursement line level from 140,000,000 in the appropriation of '86 and it's at... came out of the Senate at 167,000,000, a \$27,000,000 increase in the line item for personnel. I would also point out to you that we have now concluded Economic and Fiscal Commission and others have concluded that we are going to have a shortfall in revenue. Pointing out that we may not be able to afford what we have here in front of us. In fact, there is some discussion of going, rather than having 238,000,000 new dollars over expenditures for education this year, we could be somewhere down in the neighborhood of 200,000,000. If that's the case, it ill behooves us to pass legislation which increases the costs, regardless of how worthy the purpose, because the resources aren't there. In fact, we are... we are falling back on 60 percent funding for pension funding. With all due respect to the Sponsor, with all due respect to the issue, I stand in opposition to the Amendment because the physical... the fiscal wherewithall is not there."

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

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

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Amendment yield, please?"

Speaker Breslin: "He will."

Ropp: "Does Amendment 5 do anything with Amendment 1, 2, 3 and 4 that have already been added? I mean, it doesn't replace them?"

Hicks: "Representative Ropp, no, Amendment 5 does not in any way replace 1, 2, 3 or 4. It simply deals with itself."

Speaker Braun: "Are you finished, Representative Ropp. Representative Mulcahey."

Mulcahey: "Thank you, Madam Speaker. Added to what Representative Hoffman indicated, I concur with his thoughts and I would oppose Amendment #5. And yet, added to what Representative Hoffman said, simply because next year there will be a very extensive project undertaken to change the school aid formula, look at all facets of it, and the more we can keep that formula intact the way it is currently this year, the better off and the easier it's going to be next year as we get to these changes. So, I would... I would urge a 'no' vote at this time on Amendment #5."

Speaker Braun: "Representative Hicks, to close."

Hicks: "Thank you, Madam Speaker. Well, with all due respect to my colleagues in the House, I think they haven't looked very closely at what was originally House Bill 3228 and passed out of here 114 to 0, not a 'present' vote and not a 'no' vote on the Bill. The Bill actually does not incur a greater cost to the State of Illinois. If it does, I'll come back here next year and change it before 1988. The Bill actually, in reality, makes the state \$2,000,000 and with all due respect to my colleagues, I'd ask for your consideration of this Amendment."

Speaker Braun: "The question is, 'Shall Amendment #5 to Senate Bill 1809 be adopted?' All those in favor vote 'aye', all

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those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 82 voting 'aye', 23 voting 'no' and 1 voting 'present'. Representative Hastert wishes to vote 'aye'... no, he wants to vote 'no'. Representative Hawkinson wishes to vote 'aye'. So, there are, therefore, 81 voting 'aye', 24 voting 'no' and 1 voting 'present', and the Amendment is adopted. Are there any further Amendments, Mr. Clerk?"

Clerk O'Brien: "No further Amendments."

Speaker Braun: "Third Reading. Representative Hannig now asks leave for immediate consideration of Senate Bill 1809. He has leave. Read the Bill, Mr. Clerk, on Third."

Clerk O'Brien: "Senate Bill 1809, a Bill for an Act to amend Sections of the School Code. Third Reading of the Bill."

Speaker Braun: "Representative Hannig"

Hannig: "Yes, thank you, Madam Speaker and Members of the House. This Bill, as it came from the Senate, had some bit of controversy in it, but we addressed that in House Amendment #1. Basically House Amendment #1 struck everything after the enacting clause and simply required that the State Board of Education conduct a study of courses offered in the 7th and 8th grade at the public schools and the idea behind that is to try to determine what courses were being offered in the area of vocational education. So, the original mandate that was in this Bill when it came over from the Senate, dealing with vocational education, has been removed by that Amendment and simply asks that there be a study and that its findings be presented to the General Assembly on May 1st. House Amendment #2 is a piece of legislation that Representative Ropp had been interested in. It was a Bill that had passed this chamber earlier and dealt with vocational education, and it's one of those many

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Bills that is now sleeping over in the Senate Rules Committee. I'm sure Representative Ropp could refresh anyone's memory as to the purposes of this Amendment, should that be necessary. Basically, it includes public school counselors and vocational education administrators (sic - administrators) among those eligible for private sector jobs and grants and also provides that at least one course in vocational ed shall be included on the lists of secondary school elective courses. Amendment #4, sponsored by Representative Satterthwaite and Cowlshaw, deals with scholarships for high school students wishing to enter the teaching profession. It, too, is similar to a Bill... identical to a Bill which we passed and is still sleeping in the Senate. And Amendment #5, which was just adopted by Representative Hicks, deals with vocational education. I would move for the adoption of these Bills, all now in one Bill, and ask for your favorable vote."

Speaker Braun: "The Gentleman has moved for the passage of Senate Bill 1809, and on that question, is there any discussion? Hearing none, the... Representative Vinson, on the question."

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen of the Assembly. I have a couple of questions that relate to Amendment #5. I suspect that Mr. Hicks would be a better person to answer those than the Sponsor of the Bill, but if I have to direct them to the Sponsor of the Bill, I will. I would prefer to be able to ask Mr. Hicks the questions."

Speaker Braun: "Yes, Representative Hicks."

Hicks: "Yes, Madam Speaker... Representative Vinson, would you repeat your question? I'm sorry, Sir. I missed it."

Vinson: "Yes, Sir. You remember that on a couple of occasions we had privately discussed this particular Amendment."

Hicks: "Yes, Sir."

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Vinson: "And my question goes to page three of the Amendment and I'm talking about the page three of the Amendment that was filed. It's the Section that says... that discusses depreciation of physical facilities at the rate of \$200 per pupil, and it says the effect of the Amendment is to say that an amount... the effect of the law, that provision in the law, is to say that that amount is deducted from state reimbursement. Now, when you changed the way in which that provision of the current law operates so that it's based on enrollment rather than attendance, doesn't that have an impact on state reimbursement?"

Hicks: "Representative Vinson, currently, the state pays on enrollment and as I understand it, they have paid on enrollment for 11 years. That's how they have reimbursed for special ed. It's been based on enrollment. But this simply is based upon payment between two separate special ed districts and those two districts - let's say you're one district and I'm another one and you send me a child, you currently pay me on attendance, not enrollment, where the state reimburses you on enrollment. That's the change."

Vinson: "Okay, now could I call your attention specifically to the language I'm talking about which is Section 14-7.01, Subsection (f)?"

Hicks: "Yes, Sir. Line 20?"

Vinson: "Yes, Sir, that's correct."

Hicks: "Yes, Sir."

Vinson: "Now, that describes how reimbursement... it describes a change in reimbursement from the state, correct? You deduct depreciation from the reimbursement, is that not correct?"

Hicks: "That's... Yes, Sir, you're correct."

Vinson: "Okay, now, if you base the deduction from reimbursement on enrollment rather than attendance in your Amendment, the

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change you are making in the law would change it from attendance to enrollment, correct, in that Section?"

Hicks: "That's correct."

Vinson: "So that particular part of your Amendment affects state reimbursement, is that not correct?"

Hicks: "There again, Representative Vinson, it's my understanding, from the State Board that that segment of the Bill does not cost the state one dime, nor does it make the state one dime. It has no effect whatsoever."

Vinson: "Well, okay, I can understand that. I agree with you on that. It... It's a question of winners and losers among school districts. If you do it on attendance, some school districts win. If you do it on enrollment, other districts win. Is that not correct?"

Hicks: "No, Sir. It's really not quite correct, and it's not correct because the same district that will be receiving the money for the child is going to be the same district that receives it from the state currently. The only difference will be that if you are sending me a child from your... from two separate special ed districts is that you will pay me differently for the way I receive that child and you will pay me exactly what you receive from the state now, rather than what you have been paying, which would be based on a different formula than you are receiving from the state."

Vinson: "Okay, well now, let me make sure I understand something else in connection with that particular Subsection, and that's the only thing I'm interested in."

Hicks: "Yes, Sir. I understand."

Vinson: "That Subsection... my understanding is that the concept of attendance is that the... to be reimbursed, the pupil has to actually be there that day in school and the concept of enrollment is that if the student is registered for the

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year, then he can be reimbursed. Is that not correct?"

Hicks: "Yes, Sir. I believe you are correct and I..."

Vinson: "Okay then, if you change from enrollment to attendance in a Subsection that directly relates to state reimbursement, then don't some school districts win and others lose?"

Hicks: "Well, I guess that's what... you are missing the point. The point is the state currently, today and has for 11 years, paid on the enrollment of the child to every special ed district in the state and they have done that for 11 years."

Vinson: "Well, are you telling me that then that the State School Board is operating in violation of the law?"

Hicks: "No, Sir, I'm not saying that. I'm saying..."

Vinson: "Well, the law clearly says attendance, does it not? The current law?"

Hicks: "I can't answer that. All I know is how..."

Vinson: "Well, I mean, look at the language in the Subsection that you are changing. The one change in the Subsection is a change from attendance to enrollment, is it not?"

Hicks: "And that Subsection is what we are changing, yes."

Vinson: "So, either the School Board is operating in violation of the law or the change has an impact."

Hicks: "Well, I don't know whether they are operating in violation of the law. If the way they are currently paying it, which is the way I stated they are paying it, it's my interpretation, it's what I have been told by the State Board of Education is for 11 years they paid it on average daily enrollment to every special ed district in the state. And those districts, between the two of them, have not reimbursed each other that way. They have reimbursed each other on attendance. And now, we're simply saying that you will do the same thing between each other, which is what

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the special ed districts around the state would like to have."

Vinson: "Okay, let me speak to the Bill and, you know, as I have suggested to the Gentleman, I may or may not have a big problem with this Bill. I don't have any problem with this Bill if the situation he describes is factually correct. I do have a big problem with the Bill if the Bill creates a new class of winners and a new class of losers. As I read this particular Subsection, those districts that... there's a change which affects state reimbursement and the change is from enroll... from attendance to enrollment. Now, maybe the Gentleman is correct, which would... the only way in which the Gentleman could be correct, and he may well be, would be if the State School Board, for those 10 or 11 years, has operated in violation of the law. And, if that is the case, and we are not creating new winners and losers, then it's a relatively moot point that just goes to the overall question of the General Assembly's review of the State School Board. But if we are creating new winners and losers, then I think there's a big problem with the Bill because Members of the Assembly might want to know what districts are being benefited and what districts are being disadvantaged. I'm not sure which it is and I'm only concerned because when I read on the face of the Bill, it would appear to be new winners and losers. As a consequence, I'm not going to oppose the Bill because of the Gentleman's assertions, but I'm sure not going to support it. I'm going to vote 'present', and I would hope that some of the experts on education around here would elucidate this point before we go to a Roll Call so that we know what we are actually voting on and whether some of our school districts are going to win and others lose."

Speaker McPike: "Further discussion? Representative Hannig, to



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close."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. When this Bill was amended on the floor and in Committee, we basically provided for Bills that had already been heard in this chamber and had already passed out of here by unanimous votes or by very large margins. There is nothing new in this Bill today that we haven't already debated. Everything has passed. It's passed by overwhelming margins in the past and I have no reason to believe that any of these Amendments that we have adopted today or in the past are any different or would cause any problems and for that reason, I can't understand why there seems to be so much discussion on Amendment #5. Now, I know very well that we all have different specialties in this chamber and Representative Hicks has shown a very great interest in and a desire to help the area of special education. Representative Hicks has promised us that the state will not spend large amounts of money on this proposal. I believe Representative Hicks and I take him at his word for it. The deadline for this Bill, unfortunately, is today. I think it's important that we pass this Bill with all the good provisions that it has, that we send it over to the Senate and give those Gentleman and Ladies a chance to consider it. If, indeed, some of the problems that Representative Vinson has raised turn out to be problems, and I assure you that I will talk to our staff about it and you can certainly have your staff talk to us about, we can simply ask the Senate not to concur in this Amendment, if that's a problem. So, today I would ask this Body to pass this legislation, send it over to the Senate. If there is a problem, we can still solve that problem and I give you my word that I'll see that is done. Today, I ask for your 'yes' vote on this important Bill."

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Speaker McPike: "Gentleman moves for passage of Senate Bill 1809. Question is, 'Shall Senate Bill 1809 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill, there are 102 'ayes', 11 'nos', 1 voting 'present'. Senate Bill 1809, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1934, Representative Daley. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1934, a Bill for an Act to amend an Act relating to school holidays and school student records. Third Reading of the Bill."

Speaker McPike: "Gentleman from Cook, Representative Daley."

Daley: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1934, amends the School Code regarding school employees and legal school holidays. As amended, the Bill would provide that all school employees, including custodians, bus drivers, engineers and other noncertified personnel receive the same holidays when the school building is closed. The language of the Bill does allow an exemption for this coverage for any noncertified employee whose presence is necessary because of an emergency or for the continued operation of the school facility. I'd be happy to answer any questions."

Speaker McPike: "Is there any discussion? The Gentleman has moved for the passage of Senate Bill 1934, and on that, the Gentleman from DuPage, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. Will the Sponsor yield to a question?"

Speaker McPike: "He will."

Hoffman: "Is there any reason why this could not or should not be achieved under the collective bargaining legislation that this Legislature passed about... a number of years ago?"

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Daley: "A number of the... Representative, a number of the... the vast majority, I should say, of the people who would be affected by this do not believe that they should have to bargain for these holidays, these school holidays."

Hoffman: "They don't believe they should have to bargain for them?"

Daley: "Correct, and be treated as second class citizens. The tea..."

Hoffman: "Alright, I'm well aware of the fact that the teachers are not required to work on legal holidays and the reason for that was collective bargaining was not in place at the time that that was passed and this General Assembly was used in for collective bargaining purposes, if you will. Alright. Thank you very much. Mr. Speaker, Ladies and Gentlemen of the House, again, we see another example of the Legislature being used for a purpose for which we had set up collective bargaining. I understand the position of the proponents of this legislation. This will help them, I suppose, to build up membership in their organization and will allow them to continue living in the style to which they have become accustomed. But that notwithstanding, it seems to me like this Legislature made a decision a number of years ago about collective bargaining and this, in fact, just puts us in the position of superceding those organizations which we set up to respond to this. And for that reason, I stand in opposition to the Amendment."

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

Cowlshaw: "Thank you, Mr. Speaker. Will the Sponsor yield for a question, please?"

Speaker McPike: "He will."

Cowlshaw: "Thank you. I believe there were two Amendments that have been adopted to this Bill since it came over to us from the Senate. One was adopted in Committee and I would

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like to briefly ask you if you would describe to the House what Amendment #1 does to this Bill."

Daley: "Amendment #1 would... deleted... the Amendment #1 would have permitted military recruiters to receive the names and address of prospective high school graduates who have begun their final year of instructions."

Cowlshaw: "No."

Daley: "... As I said, it would have. What we did, we took that off the language of the Bill. In Amendment #1 we took that off in the Bill."

Cowlshaw: "Alright. Let me make sure I understand that. When this Bill came to us from the Senate, it specifically authorized school districts to give to recruiters for the U. S. military forces the names and addresses only, just the names and addresses of prospective high school graduates in order that they might be informed about the educational opportunities available through the military forces. When the Bill came to us, by Amendment #1, we removed those provisions. Is that correct?"

Daley: "That is correct."

Cowlshaw: "Mr. Speaker, to the Bill, please."

Speaker McPike: "Proceed."

Cowlshaw: "I find it almost incredible that we would take a position which this Bill takes because of the change that we have made from the Bill as it came from the Senate, that we would not want to trust recruiters for the United States military forces with the names and addresses of our high school students. What did we think they might do with those names and addresses other than, perhaps, try to inform young people about the opportunities available to them, educational and otherwise, by serving in the armed forces of this nation. We had before us not long ago a young woman named Terry McLaughlin, who lives in Illinois

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and who was presented for an opportunity to speak here by Representative Hastert and by me, who had just been graduated first in her class from the Air Force Academy in Colorado Springs and who had had no intention of going to the Air Force Academy until she found out about those opportunities from an Air Force recruiter. This Bill, as it came from the Senate, was not only a good Bill. It was an extraordinarily fine Bill. It was an American Bill. We all, in this chamber and particularly those of us in the Committee who voted to adopt Amendment #1, ought to be ashamed. We don't trust the Members of our own military forces in giving them the opportunity to tell our young people about the educational opportunities that some of them might never have any other way except through the armed forces of this nation. Thank you."

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

Ropp: "Mr. Speaker, would the Sponsor yield?"

Speaker McPike: "Yes, he will."

Ropp: "Representative, can you give us some indication of some of those people who, in fact, would benefit by this Bill being passed?"

Daley: "It would... It would be the custodians, bus drivers, engineers and other noncertified personnel."

Ropp: "Well, if school is closed now, how would you ever need a bus driver?"

Daley: "There is... this was brought to me, Representative, that apparent... not bus drivers, but apparently some secretaries are required to come in on the day that the school is closed."

Ropp: "I know in our district usually when the school is closed it's closed unless you need someone for physical care, furnace, air-conditioning and so forth like that, so I

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guess I was trying to find out if there was really a need for this Bill. Thank you."

Speaker McPike: "Representative Vinson."

Vinson: "Yes, I wonder if the Sponsor would yield for a question?"

Speaker McPike: "He will."

Vinson: "Representative, I notice in my file that an interesting Amendment #5 was filed to this Bill. Was it adopted?"

Daley: "No, it was not."

Vinson: "What? It was not adopted and there is nothing in the Bill that would affect that particular matter?"

Daley: "Amendment #1 and 2 were adopted."

Vinson: "Okay, and nothing in the Bill does what Amendment #5 would have done? Thank you."

Speaker McPike: "Representative Daley, to close."

Daley: "Thank you, Mr. Speaker and Members of the House. I'd just ask for a favorable Roll Call."

Speaker McPike: "The Gentleman has moved for passage of Senate Bill 1934. The question is, 'Shall Senate Bill 1934 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take... Berrios, 'aye'. Clerk will take the record. On this Bill there are 88 'ayes', 26 'nos', none voting 'present'. Senate Bill 1934, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1991, Representative Steczko. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1991, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker McPike: "Representative Steczko."

Steczko: "Thank you, Mr. Speaker. I'd ask leave to bring Senate Bill 1991 back to the Order of Second Reading for the purposes of an Amendment, please."

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

Clerk Leone: "Amendment #7, offered by Representative McGann - Steczo and Shaw."

Speaker McPike: "Representative McGann."

McGann: "Yes, Mr. Speaker. I'd ask leave of the House to withdraw Amendment #7."

Speaker McPike: "Gentleman withdraws Amendment #7. Further Amendments?"

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

Speaker McPike: "Representative McGann, Amendment #8."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. Amendment #8 to Senate Bill 1991 deals with House Bill 3074 that passed out unanimously from this House and went to the Senate. In the Senate, it was bogged down and was not called. It... what it... the basic contents of the Amendment is extends the number of days in which the Chicago Board of Education could present their budget to the Finance Authority. In doing so, they will be able to give a more accurate, more responsible budget. I have talked to the Members on the other side of the aisle and they have supported me in the past and I am sure that they are going to support us again in Amendment #8. I'll answer any questions."

Speaker McPike: "Gentleman moves for the adoption of Amendment #8. Is there any discussion? Being none, the question is, 'Shall Amendment #8 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

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Speaker McPike: "Third Reading. Gentleman asks leave to waive the appropriate rules so the Bill can be heard on Third Reading at this time. Hearing no objections, leave is granted. Third Reading. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 1991, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker McPike: "Representative Steczko."

Steczko: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1991, when it arrived here from the Senate, provided that the... a teacher that's elected as the officer of a state or national teacher organization would be granted a leave of absence up to six years. That's a provision that passed this House overwhelmingly before. It also provided that a teacher whose armed forces reserve unit is activated during a school year should continue to have his or her full salary paid by the school board throughout that period that he or she is required to meet on active duty. There were many in the Elementary and Secondary Education Committee who felt that that was much too open-ended of a provision, so by Amendment on this House floor last week, we amended that to only be... only to require a maximum of two weeks that would be paid and that that salary that that teacher makes as a part of that armed forces reserve unit would be paid back to the school district in lieu of that salary and the teacher would continue to receive the salary that they would get from that body. In addition to that, Mr. Speaker, Senate Bill 1991 provides the language that we, in the House, passed as House Bill 2279, which passed by a vote of 101 to 13 regarding summer school requiring that a child taking a course in summer school to receive one credit would have to spend the time in class that they would normally receive during the course of the school year. We have added the Section regarding school



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transcripts and the transfer of those transcripts, which was House Bill 3059, which passed by a vote of 109 to 6, which requires a ten day period by which a student transferring from one school would have to have those transcripts provided to the school that he was transferring to. And lastly, Mr. Speaker, we provide that a teacher who is a member or a president or a designee of a teacher's organization would be granted a paid leave to attend meetings regarding school reform that would be called by the State Superintendent of Education or by the Regional Superintendent or by the superintendent of a school district. Lastly, Representative McGann's Amendment, Amendment #8, was just passed... approved, rather, by the House. It also becomes part of Senate Bill 1991. I would answer any questions or if not, Mr. Speaker, move for the passage of the Bill."

Speaker McPike: "Gentleman moves for the passage of Senate Bill 1991. On that, the Gentleman from McDonough, Representative Slater."

Slater: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker McPike: "He will."

Slater: "Representative Steczo, would this Bill grant teachers a paid leave of absence to lobby Members of the General Assembly?"

Steczko: "Representative Slater, no, it would not. The Bill specifically indicates that that teacher must be... would be granted a leave only to attend meetings called by the educational service region by the school superintendent or by a state superintendent dealing with the purpose of educational reform."

Slater: "Thank you. To the Bill. I commend the Sponsor for a fine piece of legislation with many different portions and

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urge its adoption."

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

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have a little different point of view than the previous speaker, particularly in reference to paying people their full salary when they are out on another responsibility which they have signed up for themselves. This isn't a matter of being in servitude. This is a matter of deciding to not only teach school, but also to join or to stay in some armed forces reserve unit recognizing that it's very possible that that reserve unit is going to be activated. And what this Bill provides for that if it is activated that the teacher will be able to keep their teaching salary, all their benefits and will merely have to contribute the pay that they... that they receive. Now, to say that this is analagous to being on jury duty, I think, is a misuse of the concept. Jury duty is a civic responsibility which falls evenly across all of us. It's not something we sign up for and we choose to be part of for whatever the reason. I happen to be a school teacher when the Legislature is not in Session and when I leave that school building and don't work that day, I don't get paid. I'm docked for that... for that day and justifiably so. I have no problem with that. On the other hand, there is no difference between me and someone who has chosen to become part of a reserve unit except that the pay in the General Assembly is probably better than it is in the... in school. That wasn't always true. So, it seems to me that, you know, we are going way out of bounds on this issue. Again, this could be negotiated locally, however, I certainly wouldn't support it on any level. It's an abuse of... It's abuse of the process to come forward with this kind of legislation and I rise in

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opposition to it."

Speaker McPike: "Representative Vinson."

Vinson: "Yes, I... Mr. Speaker, Ladies and Gentlemen of the Assembly, will the Sponsor yield for a question?"

Speaker McPike: "Yes, he will."

Vinson: "Representative, am I correct that Amendment #4 has been added to the Bill?"

Steczo: "Representative Vinson, that is correct."

Vinson: "And am I correct that Amendment #4 deals with the situation on transfers of students and their records from the 'transferor' school?"

Steczo: "That is correct, Representative Vinson."

Vinson: "Thank you. Mr. Speaker, Ladies and Gentlemen, to the Bill, and I certainly express no position or opinion on the overall Bill. But I do think that some Members ought to be aware of one particular Amendment and the contents of that Amendment because they have expressed concern about it and about the language in that Amendment to me in the past. Amendment #4 is on the Bill. Amendment #4 deals with the problem of students who transfer from one school to another. Some people have expressed a concern that such an Amendment not regulate private schools. To those people who expressed that concern, I would point out that private schools are compelled to comply with the provisions of Amendment #4 and those of you who are opposed to that might want to reflect on your position on the Bill in that regard."

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

Cowlshaw: "Thank you, Mr. Speaker. If Senate Bill 1991 fails, boards of education throughout this state will still have the right, as they do now, to grant leaves of absence for whatever they may regard as a justifiable reason. Those of you who have either small school districts or small schools

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ought to think very carefully about granting leaves of absence that are required to be granted regardless of local situations. There is presently and will continue to be an even more acute lack of teachers for certain subjects in our schools, particularly mathematics and science. Presently, if you have a small school, let us take the example of a high school in which there is one physics teacher. Now, our teacher organizations have thousands of people from whom to choose to make officers of those organizations. That school district has only one physics teacher. Should that person be elected to a statewide office in a teacher organization, that school district would have no choice; they would have to give up their one and only physics teacher so that he could go and serve in this capacity. If we leave those decisions at the local level, which is where they are now, you and I both know that there would be some negotiation that would be done. You know that that local school district would say, 'We can't give up this teacher to a position of statewide office in your organization at the moment. Please wait. Find someone else. You have so many people to draw from, and we just have this one person to teach this subject.' Ladies and Gentlemen, I submit to you that this is a decision which belongs at the local level and that we ought not to be making it in Springfield, and I urge that you vote 'no'."

Speaker McPike: "Gentleman from Cook, Representative McGann."

McGann: "Thank you, Mr. Speaker and Members of the Assembly. Just for a point of clarification, the unofficial transcript problem was resolved for the private schools, was worked out with the Illinois Conference of Catholic Bishops. Under House Bill 3059, which passed out of this House, all of this matter, this subject matter was

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incorporated in that House Bill. So, I would say we'd be after the fact now, because we've already acted upon the substance of it, and we should pass this Senate Bill 1991. Thank you."

Speaker McPike: "Representative Steczko, to close."

Steczko: "Thank you, Mr. Speaker, Members of the House. In response to some of the comments that were brought up regarding Senate Bill 1991, I appreciate Representative McGann's comments regarding the question that Representative Vinson brought up relative to transfers of student records. When that Bill, House Bill 3059, was introduced here in the General Assembly, there was some disagreement from the private schools. However, discussions took place. We provided in that Bill, which is the same language in Senate Bill 1991, about unofficial transcripts until bills and things that are due are paid off, and the private schools have withdrawn their opposition to that particular Section. So, there is no question regarding that. That particular provision has been agreed to. Regarding the question about service in the Armed Forces, let me just make mention that we talk about civic responsibility; and, if we do not pass this Section, we technically will be discriminating against those... those persons who leave the armed forces, who wish to become teachers and who, because they must spend a year or two or three in the act of reserves, may not, in fact, be able to get teaching positions. Number two, we had a person just on the prior Bill talk about the opportunities and honor of serving the armed forces of this nation who called a provision that was taken out of the last Bill a fine Bill and an American Bill, and I believe that, Mr. Speaker, this is the case regarding Senate Bill 1991. We also must keep in mind that anybody who wishes to sign up

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for the reserves must do so prior to the age of 29. The average age of teachers in the state presently is 42 years old. So, therefore, I believe that the Bill would not have a significant impact in that regard. We also know that in the School Code in Section 24-13 we have provisions regarding contractual continuation of services both for teachers in the military service and teachers who have been elected to the General Assembly. In closing, Mr. Speaker, I would just point out, regarding again that one item, in Section 126 1/2 of the Illinois Revised Statutes, Section 29-31, and I'll read that, it says, 'By safeguarding the employment and the rights and privileges inherent in employment contracts of service persons, the Illinois... the State of Illinois encourages its workers to participate in the fullest extent in the National Defense Program and thereby heightens the contribution of our state for the protection of our heritage, liberty and democracy.' For those and other reasons, Mr. Speaker, I would now move for the passage of Senate Bill 1991."

Speaker McPike: "The Gentleman moves for the passage of Senate Bill 1991. Question is, 'Shall Senate Bill 1991 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 82 'ayes', 28 'nos', 1 voting 'present', and Senate Bill 1991, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2091, Representative Greiman. Read the Bill, Mr. Clerk."

Clerk Leone: "Senate Bill 2091, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker McPike: "Representative Greiman."

Greiman: "Thank you, Speaker... Mr. Speaker. Senate Bill 2091 essentially codifies what is the present law with respect

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to the relationship between students and school authorities in extracurricular activities. Traditionally, school children and school people were in loco parentis, which means in place of parents, for... in order to exercise authority over and assume responsibility for the behavior of students, and that has been the traditional relationship. It continues to be the relationship. The question was what about extracurricular activities after school where the teacher still maintains that kind of influence. And, in fact, the courts have held that such a relationship does exist but has not been yet codified. So, this is a codification of that... of that rule. It has been supported by folks like EDRED, Suburban School District Organization. That's one part of the Bill. The other part of the Bill is an Amendment that was placed on it dealing with the gifted program that provides that no program shall condition participation upon race, religion, sex, handicap or other factor other than the student's identification as a gifted or talented youngster. I commend both of these to your approval and ask for approval. Thank you."

Speaker McPike: "Gentleman from DeWitt, Representative Vinson, on the Bill."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. I rise in support of House... of Senate Bill 2091 for reasons above and beyond those articulated by the Sponsor. I think his reasons were good, but there are better reasons for being for this Bill. Amendment #1 has been adopted to Senate Bill 2091. Amendment #1 is one of the best things this General Assembly has done in a very long time, because it absolutely ensures that no quotas can be used in gifted programs, that people will be recognized as gifted on the basis of whether they are gifted or not, on

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the basis of talent and merit and not on the basis of quotas. And so, I strongly rise and support Senate Bill 2091."

Speaker McPike: "Representative Greiman, do you wish to close. Question is, 'Shall Senate Bill 2091 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Representative Deuchler, to explain your vote."

Deuchler: "I wasn't able to get back here quickly enough to ask the Sponsor, so I guess I will have to vote 'present'. I'm wondering if it's the intention of your Bill to have this restriction on gifted be a single criteria to acceptance to the Math-Science Academy, for example."

Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 110 'ayes', 2 'nos' and none voting 'present'. Senate Bill 2091, having received a Constitutional Majority, is hereby declared passed. Senate Bill 2196, Representative Regan. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2196, a Bill for an Act to amend an Act relating to abused and neglected minors. Third Reading of the Bill."

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

Regan: "Thank you, Mr.... I'd like to ask leave of the House to bring the Bill back to Second Reading for purposes of an Amendment, please."

Speaker McPike: "Gentleman asks leave to return Senate Bill 2196 to Second Reading. Any objections? Hearing none, leave is granted. Second Reading. Mr. Clerk."

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

Speaker McPike: "Representative Regan, Amendment #2."

Regan: "Amendment #2 is requested from DCFS to... corrective language to the Amendment placed on the Bill previously."



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It just certainly makes it very clear that the youth boards will be reviewed every four years, and I ask for its adoption."

Speaker McPike: "Is there any discussion? Being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Gentleman asks leave to waive the appropriate rules so that Senate Bill 2196 can be heard on Third Reading at this time. Are there any objections? Hearing none, leave is granted. Third Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2196, a Bill for an Act to change references relating to abused and neglected minors and amending Acts herein named. Third Reading of the Bill."

Speaker McPike: "Representative Regan."

Regan: "The Bill is actually in three different parts due to the Amendments. The first part, it changes references to neglected minors, and it refers to neglected or abused minors. Due to the changes made in Public Act 82-223, this was necessary. Second part, at Chicago's request, the Regional Youth Planning Committee shall have 20 members instead of 10. And according to the Amendment, they are to be reviewed by the Department every four years. The third part is, a minor in jail must be confined in separate quarters, out of sight, hearing and touch of adult prisoners, and I certainly believe we all stand for that. And I ask for the passage of this Bill."

Speaker McPike: "Is there any discussion? Gentleman has moved for the passage of Senate Bill 2196. And on that, the Gentleman from Macon, Representative Dunn."

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

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Speaker McPike: "He will."

Dunn: "Amendment #1 is on the Bill, is it not?"

Regan: "Yes."

Dunn: "That seems to imply to me that a juvenile can be confined in a county jail for more than 24 hours if that jail facility meets the requirements of the definition of a juvenile detention home and the juvenile detention home, as described in the Amendment, simply means a facility where the juvenile and adult facilities are separated. Is that the only requirement there is to lock up a juvenile for 24 hours or more?"

Regan: "Representative, it says, 'where no contacts between juvenile and adult residents exists'."

Dunn: "The reason I asked that is I know for a fact that in my community the juvenile facility was not even on the same floor of the building as the adult facility and they were clearly found to be not in compliance and because of the nature of the juvenile facilities. They were just inadequate in themselves. I wonder if this changes jail standards somehow in this state. It appears to."

Regan: "Representative, it does, in a slight indication where it concerns juveniles. The Federal Government requests these changes be done by 1987 and we're moving forward with it now. Some of the smaller jails have been keeping juveniles offenders in a... say a jail with three cells in it and have been keeping the juvenile offender in the third cell where he's available to be jerked and grabbed and raped, and I think that's what this Bill intends to do, is totally separate it. It could be in the same building, but it must be totally separate from the other prisoners."

Dunn: "Well... I understand that, but the way the language is written, it provides for a situation where a juvenile can be locked up for more than 24 hours in that setting. And I

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thought we were moving away from that into separate juvenile facilities that meet the minimum standards of the federal and state authorities, and this seems to be a step in the opposite direction. Perhaps I don't understand the Amendment, but, if I do understand it, it's a step in the wrong direction and should not be enacted."

Regan: "Representative, it states very clearly that all the provisions of a juvenile detention home must have recreational, educational, religious orders. It must be... no contact between the two. The only reason 24 hours is set in there is that some of the situations require that the juvenile be held for 24 hours sitting inside of the police station where other offenders may be coming and going. It does give the counties the right to hold the offender 24 hours, but, after 24 hours, they must be in a cell with no contact between juvenile and adult residences (sic - residents). I certainly would not stand for a Bill in any way, form or manner that would place juvenile offenders with adult offenders."

Dunn: "I'm not going to belabor the point, but I don't have time to sit down with the jail standards in debate of this Bill. But as I read this legislation, it's a step... a step backwards. I sure hope I'm wrong."

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

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

Speaker McPike: "He will."

Ropp: "Does this Bill state that if the facilities are not up to these standards, that these young juveniles are just turned loose or is there some, let's say, punishment or some kind of something that has to cause the counties to come up with some reasonable substitute?"

Regan: "As it exists right now, Representative, those facilities that do not separate juvenile prisoners have to lease out

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their facilities to people that have those facilities. Such as in Will County, we do not have facilities for juvenile offenders. They have to be transferred to DuPage, which has the facilities, and they are paid rent for that."

Ropp: "Does this have a date in which this has to become a reality or is that already in our current statute?"

Regan: "There's no effective date, so it would be January 1st."

Ropp: "January. Thank you."

Speaker McPike: "Representative Regan, to close."

Regan: "I just repeat the fact that certainly I would stand against any Bill that would keep juvenile offenders with adult offenders. This is designed to protect the juvenile offender, and also gives some leaway to some departments that have to keep them within their confines, underneath police guard, for 24 hours. After 24 hours, they must be separate from touch, hearing and sight. I really move for the passage of the Bill."

Speaker McPike: "Question is, 'Shall Senate Bill 2196 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Bill there are 103 'ayes', 1 'no', 6 voting 'present'. Senate Bill 2196, having received a Constitutional Majority, is hereby declared passed. Page 18 of the Calendar, under Motions, Senate Bill 2061, Representative Mautino. Mr. Clerk."

Clerk O'Brien: "A Motion pursuant to Rule 73(b). 'I move to take Senate Bill 2061 from the table, suspend Rule 77(c), discharge Committee on Executive and place on the Calendar on the Order of Second Reading Second Legislative Day'."

Speaker McPike: "Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to discharge the Committee on Executive because at the last Rules Committee meeting last Thursday

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or Friday it was assigned but there was no Executive meeting at that time. So, therefore, the rationale to discharge a Committee and place it on Second Reading Second Legislative Day. I'd appreciate your support in that regard. The legislation addresses the Viet Nam Veterans' Council and Commission. It has the support of almost all, if not... I know of no opposition to the legislation and ask to discharge Motion."

Speaker McPike: "The Gentleman moves to take Senate Bill 2061 from the table, suspend Rule 77, discharge Committee on Executive. All those in... and on that, the Lady from Cook, Representative Didrickson."

Didrickson: "Would the speaker yield for a question, please, the Sponsor?"

Speaker McPike: "Yes, he will."

Didrickson: "Representative Mautino, does this create yet another legal holiday that students in the State of Illinois will not be in school?"

Mautino: "No, it does not. I think you're speaking..."

Didrickson: "It just commends that day. Fine. I rise in support of it. Thank you."

Speaker McPike: "All those in favor of the Gentleman's Motion signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion there are 113 'ayes', no 'nays', none voting 'present'. And the Motion prevails. Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I don't know if this is correct parliamentary, but I'd like to make an inquiry. Since this is out on Second Reading Second Legislative Day, I'm wondering if is not possible to suspend the appropriate rule to extend the deadline on this specific Bill, 2061, until tomorrow."

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Speaker McPike: "Representative Mautino, let me check and get back to you on that, if I could. Mr. Clerk, read the Bill a second time. Senate Bill 2061."

Clerk O'Brien: "Senate Bill 2061, a Bill for an Act to create the Atomic Veterans' and Dioxin Poisoning Victims' Advisory Council. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Mr. Clerk, hold this on Second Reading. Senate Bill 2061 has been read a second time and will be held on Second Reading. Returning to Special Orders to pick up those Bills that have not yet been called. We will return to page two of the Calendar, Senate Bill 1700, Representative Keane. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1700, a Bill for an Act to amend an Act in relation to municipal tax increment allocation financing. Third Reading of the Bill."

Speaker McPike: "Representative Keane."

Keane: "Thank you, Mr. Speaker. I'd ask to bring the Bill back to Second Reading for purposes of an Amendment."

Speaker McPike: "Gentleman asks to return the Bill to Second Reading for purposes of an Amendment. Any objections? Hearing none, leave is granted. The Bill is on Second Reading. Mr. Clerk, read the Bill."

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

Speaker McPike: "Amendment #1, Representative Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. Senate Bill 1700 is a Bill that provides the mechanisms for implementing the tax increment financing district law that permits a tax increment financing district to, in essence, abate sales taxes. We passed that law last year but we did not, in detail, specify the mechanism. This Bill specifies the mechanism by which the

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tax increment financing district gets the benefits of that abatement of the sales tax. One of the flaws in the Bill, I believe, as currently before us, and the purpose for this Amendment is that all of the money abated by the tax increment financing district, the sales tax and the real estate tax are placed in one fund. From that one fund, obligations are then paid off. After the obligations are paid off, there may be surplus funds. The question is what you do with those surplus funds. Under the Bill, as it currently exists, those surplus funds would first be paid to State Government, secondly to municipalities, and then, if there is anything left over, they would be sent to the various local taxing districts. The problem with that is that you have, if you prorate things then, some surplus real estate taxes going to the state and the municipality, where, in fact, the surplus funds from the real estate tax were really taken from school districts. My proposed Amendment would place school districts on an even basis so that they would get a prorata share of the surplus funds, and so that, in fact, the surplus real estate taxes would go back to the school districts and the other local taxing districts rather than to the municipality and the state. For that reason, I would move for the adoption of Floor Amendment #1."

Speaker McPike: "Gentleman moves for the adoption of Amendment #1. Is there any discussion? And on that, the Lady from Cook, Representative Didrickson."

Didrickson: "Would the Sponsor yield for a question, please?"

Speaker McPike: "He will."

Didrickson: "Representative Vinson, how do these surplus funds originate? It was my understanding with the TIF district that once those obligated funds were paid off that, indeed, it no longer ceased to be a TIF district. Am I wrong in

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that or..."

Vinson: "We're talking about, and the only thing that the Amendment goes to, is to surplus funds during the existence of the TIF district. You may have a situation where the TIF district has bonds, for instance, and the bonds require a million dollars of debt service. But, in fact, because the tax increment was greater than a million dollars, you have more than a million dollars in that fund. So, after you pay off the bonds, that's where the surplus funds come from. It's in... during the life of the TIF district, not after the TIF district has served its purpose."

Didrickson: "And the life of that TIF district is up to... under current..."

Vinson: "I'm sorry. I'm not..."

Didrickson: "The life of a TIF district can be extended to up to how many years? Is it 20 years?"

Vinson: "Representative, I have forgotten. I don't know, but this does not affect that in any way. My Amendment does not affect that in any way. My Amendment only deals with the surplus funds during the life of the TIF district, and it ensures that those surplus funds will go on a prorata basis to school districts during the life of the TIF district."

Didrickson: "And without this Amendment, they would go directly back to the municipality and your local taxing districts for schools would not receive those surplus funds. But with your Amendment, they will."

Vinson: "To the state and municipalities."

Didrickson: "Right."

Vinson: "And you're correct - the schools would not get the surplus funds."

Didrickson: "Thank you. It's a good Amendment."

Vinson: "Thank you."



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

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Gentleman asks leave to waive the appropriate rule so that the Bill can be heard on Third Reading at this time. Are there any objections? Hearing none, leave is granted. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 1700, a Bill for an Act in relation to municipal tax increment allocation financing. Third Reading of the Bill."

Speaker McPike: "Representative Keane."

Keane: "Thank you, Mr. Speaker. The previous speaker gave a good summary of the Bill when he explained his Amendment. The basic thrust of the Bill is to add the state component to a municipal TIF through the commitment of state and local use and occupational taxes which have been generated within a TIF for... by utility taxes generated within a manufacturing type of tax increment financing setup. I'd be happy to answer any questions and ask for a favorable Roll Call."

Speaker McPike: "The Gentleman moves for the passage of Senate Bill 1700. And on that, the Lady from Cook, Representative Didrickson."

Didrickson: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker McPike: "Yes."

Didrickson: "Representative Keane, this is an expansion of the TIF legislation originally?"

Keane: "That's correct."

Didrickson: "How does this Bill that you're proposing expand TIF districts?"

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Keane: "The TIF districts originally used increases in EAV or in real property taxes as the financing mechanism. This expands it to the increase in sales tax, both local and state, in a commercial setup; or, if you have a manufacturing setup and the local government has a utility tax, it would apply to a utility tax... to the increase in utility tax both local and state."

Didrickson: "Okay. Last year we passed legislation that said that the sales tax went back to the municipalities, the incremental increase. With Representative Vinson's Amendment, we are now going to say that it goes out on a prorata basis, but your Bill also now includes utility tax rebates."

Keane: "Right. The major..."

Didrickson: "That's one expansion."

Keane: "The major part of the Bill... we didn't have a mechanism set up last year to get the money back to the... We passed the legislation but there was no mechanism to get it back to the municipalities. So, this Bill now takes the agreement that was reached by Department of Revenue and by DCCA and puts in the implementation of the steps as to how we're going to get the money back to local government."

Didrickson: "Okay. So, the expansion in this regard is that the utility tax will then go back to the municipality if they have a local municipality tax, utility tax already?"

Keane: "Yeah."

Didrickson: "They have to have that one increment, that one component."

Keane: "You cannot have a sales tax TIF unless you have local sales tax. You cannot have a utility tax TIF unless you have a local utility tax."

Didrickson: "Unless you have the... okay. What other ways does this expand it with regards to how the definition of

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blighted areas is mentioned in this Bill?"

Keane: "It..."

Didrickson: "I guess, for example, I'm wondering... well, we've included a couple other additional definitions of blighted areas. For example, chronic flooding would qualify as a blighted area, one of the components. Is that an expansion? That's new language?"

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

Didrickson: "And areas consisting of unused disposal sites, that would be another expansion?"

Keane: "Yes. I'm not... What page are you on on the Bill?"

Didrickson: "And another area..."

Keane: "I... There are... there is an expansion."

Didrickson: "And another area would be with regards to commercial agriculture... agricultural purposes. Those areas that dealt with commercial agricultural purposes. What does that mean?"

Keane: "Can you tell me what page you're on?"

Didrickson: "On page two."

Keane: "On page two?"

Didrickson: "Right. And it would be lines 20 through 23."

Keane: "And what's your question?"

Didrickson: "My question is, what does that definition really mean of a blighted area? Who might that include?"

Keane: "It says, 'an area of not less than 50 nor more than 100 acres, 75 percent of which is vacant and notwithstanding the fact that an area has been used for commercial agricultural purposes within five years prior', and then it also has to meet one of the factors previously..."

Didrickson: "Yes, that was the language that I just read to you. I'm wondering, who are we... who are we covering here with regards being able to create another TIF district?"

Keane: "Where they have an agricultural area. Actually..."

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Didrickson: "Race tracks?"

Keane: "No. This...."

Didrickson: "That does not qualify?"

Keane: "I don't... Hold on. I'll get a clarification."

Didrickson: "That's in important clarification too, because that's an important..."

Keane: "No. I am told that it does not apply to race tracks."

Didrickson: "So, burned down race tracks..."

Keane: "There's another Bill... There's another Bill that does that. It's not this Bill."

Didrickson: "I understand that. But that's what I was trying to understand, whether or not that was included in here."

Keane: "No. This does not apply to race tracks."

Didrickson: "Thank you."

Speaker McPike: "Further discussion? Representative Keane, to close."

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

Speaker McPike: "Gentleman moves for the passage of Senate Bill 1700. The question is, 'Shall Senate Bill 1700 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. Representative Parke, for what reason do you rise?"

Parke: "Thank you, Mr. Speaker. About an hour ago, you cut off..."

Speaker McPike: "Could I announce the Roll Call, Sir?"

Parke: "I'm sorry?"

Speaker McPike: "Could I announce the Roll Call? Are you rising on this Bill? Let me announce the Roll Call, Sir. On this Bill there are 113 'ayes', no 'nays', 2 voting 'present'. Senate Bill 1700, having received a Constitutional Majority, is hereby declared passed. Representative Parke."

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Parke: "Thank you, Mr. Speaker. As I stated earlier, about an hour ago, you cut off an Order of Business that included one of the Bills that I was interested in. I was wondering if the Chair was planning on coming to that Bill soon?"

Speaker McPike: "Yes, we intend to go through this Order of Business - Economic Development. We then intend to proceed down the Calendar and the next Order of Business to be picked up will be Criminal and Civil Law. So, we will get to your Bill."

Parke: "Thank you very much, Mr. Speaker."

Speaker McPike: "And calling at this time a companion Bill to Senate Bill 1700. And to be called under this Order of Business, having cleared it with Representative Vinson, page 11 of the Calendar, Senate Bill 2100. Representative Keane. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2100, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill."

Speaker McPike: "Representative Keane."

Keane: "Thank you, Mr. Speaker. Leave that it be... return the Bill to Second Reading for the purpose of an Amendment."

Speaker McPike: "The Gentleman asks leave to return Senate Bill 2100 to Second Reading for Amendments. Is there any objection? Hearing none, leave is granted. Second Reading."

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

Speaker McPike: "Representative Keane."

Keane: "Thank you, Mr. Speaker. Amendment #2 to House... or Senate Bill 2100 does nothing more than clarify the fact that if the Federal Government changes the bonding laws, that TIF bonds, issued by nonhome rule units will be clearly exempt. Home rule units presently are clearly

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exempt in the event there is a federal change. This will just protect nonhome rule units and keep their TIF bonds exempt. I'd ask for a favorable Roll Call... or Motion. I move "do adopt".

Speaker McPike: "Gentleman moves the adoption of Amendment #2. Any discussion? Being none, the question is, 'Shall Amendment #2 be adopted?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Gentleman asks leave to waive the appropriate rule so the Bill can be heard on Third Reading at this time. Any objections? Hearing none, leave is granted. Senate Bill 2100, Third Reading. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2100, a Bill for an Act to amend Sections of the Illinois Municipal Code. Third Reading of the Bill."

Speaker McPike: "Representative Keane."

Keane: "Thank you, Mr. Speaker. The purpose of this Bill is to provide greater flexibility to municipalities using the tax increment financing. The Bill would permit a municipality to pay as much as 30 percent per year and 30 percent overall of the interest costs of obligations issued by a redeveloper on a project. Presently they don't have that ability. It also extends from 18 to 36 months the period beyond the projected date of a project's completion. The Bill elaborates redevelopment project costs by setting up... or by identifying the costs that include development, implementing, staffing, administering of a redevelopment plan. And, lastly, the Bill expands the type of blighted vacant areas that may be... that maybe qualified for TIF by including such areas that are flooded, either wholly or

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partially. There's a difference between the definition 1700 and 2100. 2100 will probably go to a Conference and we will clear up that definitional period on vacant land. And I'd be happy to answer any questions and ask for a favorable Roll Call."

Speaker McPike: "Gentleman moves for passage of Senate Bill 2100. And on that, the Gentleman from Cook, Representative O'Connell."

O'Connell: "Thank you, Mr. Speaker. I am rising in support of Senate Bill 2100, and I would point out that Amendment #2 that was just adopted makes it clear that a nonhome rule unit, in the event it is forced to issue taxable TIF bonds, depending upon the federal Congress as to whether they eliminate certain tax exempt bonds, this Bill will now eliminate any potential reason for questioning whether there's a conflict with the general interest rate limitations available to... which pertains to nonhome rule units which is presently at nine percent or 125 percent of the general bond index. So, this will eliminate all doubt and permit a nonhome rule unit to issue taxable bonds that may exceed that existing limit."

Speaker McPike: "Further discussion? Being none, the question is, 'Shall Senate Bill 2100 pass?' All those in favor signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 111 'ayes', no 'nays', 2 voting 'present'. Senate Bill 2100, having received a Constitutional Majority, is hereby declared passed. Senate Bill 2255, Representative Richmond. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2255, a Bill for an Act in relation to rural economic development and amending various Acts in relation thereto. Third Reading of the Bill."

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Speaker McPike: "Representative Richmond."

Richmond: "Thank you, Mr. Speaker. I would ask leave to take this Bill back to Second Reading for the purpose of an Amendment."

Speaker McPike: "Gentleman asks leave to return the Bill to Second Reading for purposes of an Amendment. Hearing no objections, leave is granted. Second Reading."

Clerk O'Brien: "Floor Amendment #7, offered by Representative Ropp."

Speaker McPike: "Representative Ropp, Amendment #7."

Ropp: "Thank you, Mr. Speaker and Members of the House. Amendment 7 deals with the exact provision we had in House Bill 3200 which went to the Senate. They amended 2255 but left out the provision that we have in this Amendment to include the appointment of the 13 member advisory board by the Governor with the advice and consent of the Senate and that they should have staggering terms of three years and that that group would be continuous subject to approval and appointment by the Governor. I would ask, in the Amendment that was drafted, there are... there's two... three numbers that I would ask leave of the House to correct. One is Section 6.11 that should read Section 4.06, and then in the actual Amendment should be Section 6.11, which currently states on the Amendment 6.12."

Speaker McPike: "Representative Ropp, you have asked leave to amend the Amendment on its face?"

Ropp: "Yes, Sir."

Speaker McPike: "Would you repeat where you wanted the amendment? This would require unanimous consent."

Ropp: "On line three, we will delete Section 6.10 to read 6... correction - Section 6.11 on Amendment 7 to read 6.10 and inserting thereafter the following: Section 6.10 instead of 6.12 as is on the Amendment."



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Speaker McPike: "Representative Ropp, does Amendment #8 do what you're trying to do on Amendment #7?"

Ropp: "Yes. I didn't think Amendment 8 had been... If Amendment 8 has been delivered, then we will withdraw 7."

Speaker McPike: "Has Amendment #8 been distributed? No, it has not."

Ropp: "I thought they just said that it was."

Speaker McPike: "No. The Clerk has the Amendment. It has not been printed nor distributed."

Ropp: "Okay. That's what I want to do. I want to do what 8 is."

Speaker McPike: "Representative Ropp... Representative Richmond, would you take this Bill out of the record so that we can look at this Amendment? Next Bill is 2285, Representative Mautino. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2285, a Bill for an Act to establish regional groups and development corridors of opportunity. Third Reading of the Bill."

Speaker McPike: "Representative Mautino."

Mautino: "Thank you very much, Mr. Speaker. I would like to have leave to take 2285 back to Second for the purposes of an Amendment."

Speaker McPike: "The Gentleman asks leave to return Senate Bill 2285 to Second Reading for the purpose of amendment. Any objections? Hearing none, leave is granted. Second Reading. Mr. Clerk."

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

Speaker McPike: "Representative Mays withdraws Amendment #2. Further Amendments?"

Clerk O'Brien: "Floor Amendment #3, offered by Representative Mautino - et al."

Speaker McPike: "Representative Mautino, Amendment #3."

Mautino: "Thank you, Mr. Speaker. Amendment #3 becomes the Bill."

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This legis... This Amendment #3 deletes Amendment #1 that was adopted in Committee and provides that the Department of Commerce and Community Affairs shall establish the corridors of opportunities throughout the State of Illinois. This provides for one-third of the total appropriation which is 2.5 million dollars to be established in cities with a population in excess of one million; the other two-thirds of the funding proposal for downstate. It also provides that individual corridor councils receive assistance in the forms of grants, et cetera for the individual marketing plans and the development strategies of each individual area. The corridor councils will be established and formed in all of the areas and they will give written notice to the officers of the local governments, members of local chamber of commerces, economic development groups, administrators of educational institutions, members of business, labor, trade and professional groups, community based organizations and other interested individuals. They may incorporate as not-for-profit corporations and they are limited to three percent, the Department of Commerce and Community Affairs, of the total appropriation of 2.5 million dollars for administrative purposes. That's what the Amendment is. That's what the Bill will now do in its final form, and I ask for adoption of Amendment #3."

Speaker McPike: "Gentleman moves for the passage of 2285... I'm sorry. The Gentleman moves for the adoption of Amendment #3. And on that, the Gentleman from Cook, Representative Piel."

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

Speaker McPike: "He will."

Piel: "Dick, first of all, can you give me what the difference

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between what 3 does that 2 did not?"

Mautino: "Please repeat it, Bob. I didn't hear you."

Piel: "What is the difference between 3 and 2? Did you withdraw 2, or was 2 put on the Bill?"

Mautino: "2 was Representative Mays' Amendment. It was withdrawn."

Piel: "Okay. Okay. One other quick question in reference to the Amendment. The Amendment deals with in-kind contributions. Could you explain exactly what they mean by in-kind contributions? What would constitute in-kind contributions and how would it be policed?"

Mautino: "In-kind contributions may be donation of office space, computers, office equipment or whatever. That was a recommendation of DCCA for the inclusion of that provision."

Piel: "So, basically, what we're talking about is then, DCCA would be overseeing the policing of what's classified as in-kind contributions, then?"

Mautino: "They will be overseeing the councils in each of the areas that decide to establish. And for that overview and the administration they will receive three percent of 2.5 million dollars or 75,000... 50,000, as I understand it, for Dunn and Bradstreet evaluations on the area and computerization hookups and the rest for administration costs."

Piel: "Thank you very much."

Speaker McPike: "The Lady from St. Clair, Representative Younger."

Younger: "Thank you, Mr. Speaker. Will the Sponsor of the Amendment yield?"

Speaker McPike: "He will."

Younger: "What... who appoints the councils of opportunity?"

Mautino: "They are determined by the individual geographic area that wants to establish the council."

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Younge: "Who appoints..."

Mautino: "Strictly volunteer."

Younge: "But what I'm ... My question is, Representative, is who has the authority in the Bill or the Amendment to appoint the... the... who will serve on the councils."

Mautino: "Strictly volunteer. There will be notification by the Department that the formation of the corridor of councils will be established and then those individuals who are interested, volunteers, and from those specific groups, local governments, local chamber of commerces, economic development groups, administrators of educational institutions, members of business, labor, trade, professional groups, community action agencies, community based organizations and other interested parties to become a part of the voluteer effort.

Younge: "Who does the volunteer volunteer to?"

Mautino: "The councils as they are established. They will then elect officers from their group such as a president and a vice president and a secretary, the general officers among the volunteers."

Younge: "Representative, I'm trying to determine who is going to have the responsibility in reference to setting up the councils. I understand and you've made it quite clear that the councils are volunteer and they volunteer. Who do they volunteer to? Who is going to have the... I don't have the Amendment. So I don't have any... I'm trying to understand what is going on. Who do the volunteers volunteer to?"

Mautino: "To the council which is established in any geographical area. If you look to your left, Steve McClure of DCCA, I think, will explain the same thing to you, who is standing at the side of your desk. And then those individuals who would like to be involved I would assume submit those names. For example, the East St. Louis Corridor to the

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Department of Commerce and Community Affairs, notifying them officially that a council has been established, officers have been elected, then they go forward with establishing an office, as well as possible surveys or anything else that should be provided for the councils."

Younge: "So that means that actually DCCA is going to establish the councils. Or it would be established within the framework of DCCA. Is that the bottom line?"

Mautino: "It would be under the administration of DCCA but on a volunteer basis in each individual council and each individual corridor."

Younge: "Right. Now, tell me, who... what is the relationship between the council, once established, and the already established and authorized regional planning groups or councils? In other words, this state is divided up into regional planning councils, like 'Nipsy', like 'Swim pack', like the southern Illinois... Now what is the relationship between this new body and the established training... planning body?"

Mautino: "Well, there is no relationship... there is no relationship in the proposal. What there is, is, I'm sure, cooperation between those planning agencies and the councils. But there is no, in fact, statutory language that would exclude or include. But by cooperation and volunteer efforts, they will be working together."

Younge: "Is there any statutory language in the Amendment that would keep duplication from occurring? Shouldn't there be some requirement that there not be duplicity and duplication?"

Mautino: "It is our hope that there would not be duplication. This is allowing for a broader-based volunteer effort based upon the previous groups I mentioned for involvement in a specific corridor for economic development."

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Younge: "I have no further questions at this time. I think that the House should look upon this with great suspicion. There are already established by statute, regional planning groups and it is laid out specifically what those regional planning agencies will do and who they will be responsible for, and we are already funding them. And to come up a couple of months before an election and call for a group of volunteers getting grants and their having no responsibility to be attached to or coordinated with the established regional planning councils is highly suspicious to me. The Federal Government is not going ahead with its 701 Planning funds. And I suspect that what is happening here is that a political instrument is being set up in order to get state funds, in order to supplant the regional planning agencies. This will cause further duplication. It will cause a further breakdown. And I don't really think that it is to the advantage of the areas that it is presented here."

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

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

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

Mautino: "Thank you, Mr. Speaker. Amendment #3 will become the Bill. I move for its adoption. It does exactly what I said it does... did. I don't believe there's any duplication as it pertains to regional planning agencies. That is not the intention. It's to work in cooperation with any available resource. And hopefully it will broaden the base for recommendations and considerations of a given area along the corridor council areas, and I think it's a

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good proposal that... that has been presented. And there is controls as it pertains to administrative costs, and I move for its adoption."

Speaker McPike: "Gentleman moves for the adoption of Amendment #3. All those in favor of the Amendment signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On the Amendment there are 105 'ayes', no 'nays', 2 voting 'present'. Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "Third Reading. Gentleman asks leave to waive the appropriate rule so that Senate Bill 2285 can be heard on Third Reading at this time. Any objections? Hearing none, leave is granted. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2285, a Bill for an Act to establish regional groups and development corridors of opportunity. Third Reading of the Bill."

Speaker McPike: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker. Ladies and Gentlemen, you've just heard the Bill by way of Amendment #3. This is the corridor of opportunity legislation provided by the administration, passed the Senate. We've tightened it up and made it a better Bill, I think, and we move for its adoption and its passage."

Speaker McPike: "Gentleman moves for the passage of Senate Bill 2285. And on that, the Gentleman from Cook, Representative Young."

Young: "Will the Sponsor yield?"

Speaker McPike: "He indicates he will."

Young: "Representative, how do you envision this plan working as far as the appropriations from OCCA to the councils? Will the councils expend those appropriations or will they use the local chamber of commerce and not-for-profit

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organizations within the corridor to expend the appropriations."

Mautino: "The council will make application, for example, marketing studies, information related to financial... the financial condition of existing businesses in the areas, a tie-in totally with surveys, studies and implementation. That's how... they would have to have something solid to go on and provide regional planning along with the councils, make an application to DCCA. DCCA would determine the level of funding for that survey, that market research study or whatever and make the determination. The money will go back to the council for the completion of whatever the application was for."

Young: "One part of... the appropriation that's going for cities over... in excess of a million, it has a requirement of providing matching funds and/or in-kind contributions. Is that correct?"

Mautino: "Yes. And that amount is 832,000 dollars, for example, for Chicago's portion."

Young: "Okay. But the other two-thirds of the grant going to the... to municipalities with populations of less than one million, they don't have the same requirement of a matching in-kind contributions or matching funds?"

Mautino: "Yes, correct. Yes, Sir. As drafted, yes, Sir."

Young: "Okay. I guess what I'm... as far as the matching fund or in-kind contribution requirement, will those have to be met by the local development corporations or community based organizations, or will they have to be met by the council itself?"

Mautino: "Well, the exact language, Representative, is that the Department of Commerce and Community Affairs may require corridor councils to provide matching funds or in-kind contributions on a case-by-case basis in reference to those



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individual grants."

Young: "Okay. Just for the purposes of legislation intent, because there seems to me in one portion of the Bill, I see something that says cities with a population in excess of a million are required to provide. And in another part of the Bill, I... the Commerce... the Department of Commerce and Community Affairs may require. So, I'm kind of confused as to whether this is a mandatory matching grant, or is it going to be done on a case-by-case basis."

Mautino: "For clarification, if I may, on your question concerning the one-third funding. The Amendment was presented to me in Committee with the initial intention that for Chicago to receive one-third of the councils, which translates to one-third of the funds, they wanted it to go to a specific agency for evaluation and grant application which would be much easier, I was informed. The Amendment that was presented to me came to the staff person and the Speaker wanted to make sure Chicago got their fair share, and we agreed with it."

Young: "Thank you, Representative. No further questions."

Speaker McPike: "The Gentleman from Will, Representative Van Duyne."

Van Duyne: "Thank you, Mr. Speaker. If the downstaters need a little impetuous to vote for this Bill, insomuch... insofar as it's incorporated in the DCCA budget, we also have another part of the DCCA budget that's called the Department of Tourism and there were three major thrusts as far as appropriations for that Bill. There was 500,000 for Cook... 500,000 for Cook County, two million for downstate and then another Amendment by Representative Mautino for 500,000 more for downstate. So, that would give the Depart... the downstaters two and a half million and another... another added 500,000 for Cook County in excess

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of the regular budget for Tourism. Well, Howie Carroll and the Senate Appropriations Committee in their wisdom has taken out the Amendment that gave the downstaters two million. So, at least this would be an impetuous to a downstater to get some more influx of money into some other avenue of the Department of Commerce and Community Affairs. So, I would urge you, whatever your chances are of getting money and for wherever it's going to go, at least it's your only chance to get a couple of more dollars out of DCCA, and so I would urge an 'aye' vote."

Speaker McPike: "Lady from Cook, Representative Didrickson."

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

Speaker McPike: "He will."

Didrickson: "Representative Mautino, two parts of Senate Bill 2285. Number one, definitions corridors of opportunity, meaning a specific geographic region possessing common characteristics for developing a particular sector of the economy. For example, I believe some of us have been so designated within these corridors of opportunity as waste disposal corridors. Is that not correct?"

Mautino: "Was that the pamphlet put out by the Governor that inadvertently listed them as waste disposal corridors?"

Didrickson: "Well, we are working with the Department of Commerce and Community Affairs and we're speaking and addressing this issue here on the House floor. My question to you is, if such corridors have been so designated, how firmly have they been so designated? And when these councils convene, these corridor councils, would those councils then be able to say, 'We don't deem that appropriate based on studies... feasibility studies, information, data gathered to be so designated that type of a corridor.' Is that flexibility here?"

Mautino: "The flexibility is for the individual councils to

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determine the best avenue to be most advantageous for that corridor. They make the determination through the council."

Didrickson: "That's my question."

Mautino: "Yes, they do. Yes."

Didrickson: "This Bill would do that."

Mautino: "Yes, Ma'am."

Didrickson: "If we don't want to be a waste disposal corridor, we could change that via the council that would be set up."

Mautino: "Yes, Ma'am. At..."

Didrickson: "Thank you."

Mautino: "At the local level, yes."

Speaker McPike: "Representative Mautino, do you wish to close?"

Mautino: "Thank you very much. Mr. Speaker, I believe everyone now knows exactly what's in the legislation. It is the corridor of opportunities legislation which is a step in the right direction. I agree in total with Representative Van Dyne on the funding proposal, and I would hope that we would pass this out overwhelmingly back to the Senate for concurrence on Amendment #3 which is the Bill."

Speaker McPike: "Gentleman moves for the passage of Senate Bill 2285. All those in question signify by voting 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 110 'ayes', no 'nays', 1 voting 'present'. Senate Bill 2285, having received the Constitutional Majority, is hereby declared passed. Representative Greiman, in the Chair."

Speaker Greiman: "On page two of the Calendar, on the Order of Senate Bills Third Reading - Economic Development, appears Senate Bill 2255. Mr. Clerk, on the Order of Second Reading."

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

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Floor Amendment #7, offered by Representative Ropp."

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

Ropp: "Mr. Speaker, I wish to withdraw Amendment #7."

Speaker Greiman: "Amendment #7 is withdrawn. Further Amendments?"

Clerk O'Brien: "Floor Amendment #8, offered by Representative Ropp."

Speaker Greiman: "Gentleman from McLean, Mr. Ropp, on Amendment #8."

Ropp: "Thank you, Mr. Speaker. Amendment #8 is House Bill 3200, which passed out of this Body 113 to 1. It is quite similar to an Amendment that the Senate put on 2255, with one exception that we included in the Bill that left the House. That was that the advisory group that was appointed, we had no provisions for appointment in 2255. This makes the provision that the Governor will appoint that Body with the advice and consent of the Senate and that they shall serve for three year terms and shall continue to serve at the pleasure of the Governor. And I ask your support of this Amendment #8 to House... Senate Bill 2255."

Speaker Greiman: "Gentleman from McLean, Mr. Ropp, has moved for the adoption of Amendment #8 to Senate Bill 2255. And on that, the Gentleman from DeWitt, Mr. Vinson."

Vinson: "Yes, thank you, Mr. Speaker. I rise on a point of order, and that point of order is the opportunity to introduce somebody relatively unknown on the House floor, Mr. Madigan, standing there with Mr. DeLeo."

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

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

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

Cullerton: "Representative Ropp, is this the Amendment that you

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just spoke to me about that..."

Ropp: "Yes, Sir."

Cullerton: "And is this... does this have to be amended on its face?"

Ropp: "No. That was 7, which we withdrew."

Cullerton: "So, the Amendment..."

Ropp: "This is correct."

Cullerton: "Okay. Thank you."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor 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 Greiman: "Third Reading. Gentleman from Jackson, Mr. Richmond, asks leave of the House that Rule 37(g) be suspended so this Bill may be immediately considered at this time. Does the Gentleman have leave? You have leave. Mr. Clerk, read the Bill on Third Reading."

Clerk O'Brien: "Senate Bill 2255, a Bill for an Act to relation to rural economic development. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Jackson, Mr. Richmond."

Richmond: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 2255 is a very far reaching, a very significant Bill, one that is designed with bipartisan support in the Senate and it's to... the thrust is to... it's called a rural revival Bill and certainly the thrust of it is to aid in the economy... improving the economy of the rural... of rural Illinois. And it does a great number of things, and I will touch on the highlights and be happy to try to answer questions in depth if they should be required. I think most of you are pretty familiar with the Bill and there's a point or two that were changed as a

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result of some objections concerning the motor fuel tax Section of the Bill. And that has been resolved through an Amendment here on the House floor. But this Bill would provide some flexibility for small municipalities, flexibility with state regulations. It provides for some aid to counties who are under the gun to build new county jails, some funding assistance in that regard. Some additional dollars for local roads; although, we changed that by Amendment, but I understand there will be some accord made there in a Conference Committee. There's infrastructure and economic development programs. There's a mortgage and energy conservation programs; coal and fossil fuel development; agriculture diversification and value added processing; ag workers and farmers in transition retraining. Now, all of these... every one of those categories are important to rural Illinois, and, of course, it's important to all of us because we all depend, whether you're in the urban area or in the rural area, we depend very heavily on the... on the health and welfare of the ag community. I think we're all acquainted with that. What this Bill would do is to expand on some of the programs that are now in place and make them go further into the future, as well as to make them more flexible; such as, the Farm Development Authority loan programs, and the fossil fuel part of it, of course, is going to help our development in the coal field and hopefully will... will aid in that very sick industry. But, Mr. Speaker, I think just touching the highlights - if someone has questions concerning this Bill, I'd be happy to try to answer."

Speaker Greiman: "Gentleman from Jackson moves for the passage of Senate Bill 2255. And on that, the Gentleman from Marion, Mr. Friedrich. Mr. Friedrich. Is there any discussion? There being none, the question is, 'Shall this

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Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'aye', none voting 'no' and none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading - Economic Development, appears Senate Bill 1662. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1662, a Bill for an Act to amend the Illinois Enterprise Zone Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Kendall, Mr. Hastert."

Hastert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What this Bill does is allow 12 enterprise zones to be allowed instead of the present number. And it's an expansion of... expansion of two enterprise zones for this year to be awarded. Ask for the positive passage of this Bill."

Speaker Greiman: "The Gentleman from Kendall, Mr. Hastert, moves for the passage of Senate Bill 1662. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 108 voting 'aye', 2 voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Returning now to the Order of Senate Bills Third Reading - Civil and Criminal Law. On page five of the Calendar appears Senate Bill 2292. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2292, a Bill for an Act to require registration of habitual child sex offenders and in

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relation to the confidentiality of information concerning minor victims of sex offenses. Third Reading of the Bill."

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

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think this is one of the most important Bills that we could look at this Session in regards to protecting our children. Senate Bill 2292 creates the Habitual Child Sex Offender Registration Act to require a person convicted of two or more times for sexual assault of a victim under 18 to register with the local law enforcement agencies upon release from prison or probation. The duty to register only applies after a second conviction in Illinois after July 1, 1986. Currently, we are having an epidemic in Illinois and in the United States, an epidemic in sex crimes against our children. We are having an epidemic of kidnapping, an epidemic of murders. We have to... this kind of legislation will help our law enforcement agencies stop this kind of carnage on our children. Society demands that we protect our children. Recently in the last year and a half, two years, we've instituted an I-SEARCH Program and one of the sad things that this I-SEARCH Program has shown is that as they start getting more and more into the sexual abuse area of our children, they're finding that there is repeated offenses in an area where there might be as many as 100 children affected by one person. This Bill is similar to other legislation such as in California who enacted this Bill in 1947. There are six other states currently with statutes on the law affecting sex offender registration. United States Supreme Court in 'Lamberg versus California' in 1957 has said that registration is not, is not a violation of due process when the offender is given notice of the duty to register. California courts have repeatedly held that registration is not a form of



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cruel and unusual punishment. The punishment does not shock the consciousness. Rather, it imposes a relatively minor burden when weathered against the state's right to protect its citizens. Society expects protection from habitual child molesters. Registration assists law enforcement agencies in providing that protection. I ask for passage of this legislation."

Speaker Greiman: "The Gentleman from Cook, Mr. Parke, moves for the passage of Senate Bill 2292. And on that, the Gentleman from Lee, Mr. Olson."

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

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

Parke: "Yes."

Olson: "I recall this Bill from Judiciary II, the issue of out of state sex offenders who might move to Illinois. You've addressed that issue?"

Parke: "Yes, Sir, we have."

Olson: "Would you go over that again so everyone is clear on that?"

Parke: "Thank you. What we have done is on the second offense, that if a person moves in from out of state, creates an offense which would make it a second offense in Illinois or a first one in Illinois with previous convictions, after July 1 of 1986 they must then, on a second offense, must register with the local law enforcement agency of the municipality where they are domiciled."

Olson: "Alright. And the second question and last question is, how would someone from Idaho, for example, be aware of the Illinois statute?"

Parke: "Well, it would be upon second conviction. So, if they come into Illinois, are arrested and convicted, incarcerated, then the court has the responsibility upon that second conviction to notify the local law enforcement

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agency or to have that person, upon release, to know that he has the responsibility to register with that local law enforcement agency."

Olson: "That's much improved. Thank you very much."

Parke: "Thank you."

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

Terzich: "Representative Parke, if the person doesn't register, what's the penalty? I mean, what happens to that person if he doesn't register? Do they throw him back in jail or what?"

Parke: "Failure to register is a Class A misdemeanor, Mr. Terzich."

Terzich: "And what does that mean?"

Parke: "One moment. Be a...less than year and 1000 dollar fine."

Terzich: "So, if someone went and served his term and came out and didn't register, you'd throw him back in jail for another year."

Parke: "If they did not comply with the law, as anyone who breaks the law and there is a criminal... there is a penalty, he'll have to deal with that penalty."

Terzich: "What happens if a person is from out of state and he had two convictions, such as in California or New York or anywhere else, come into Illinois, went to work and he didn't register?"

Parke: "Then... Well, it would only... The law requires on second conviction in Illinois. So, if he was a ... he was convicted in other states, that would not apply. He would not have to register. It would be upon the second conviction in Illinois."

Terzich: "So, that means that if he was in another state and was convicted three or four times for child molestation or whatever the case may be and he came to Illinois, he

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wouldn't have to register. Only those in Illinois would have to register."

Parke: "That's correct. And what we'd like to see is this legislation pass throughout the United States so that we could have reciprocal laws that every child offender would have to register."

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

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

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

Young: "Is there any type of intent required on the part of the ex sex offender in this Bill? In other words, does he have to know about it?"

Parke: "Of course he has to know about and he will know about it upon release from prison because it is the duty of the people... to the court to have him notified upon release of... from prison."

Young: "Within the Bill, whose duty is it to provide the notification? Is it the court's duty?"

Parke: "It would be that person would be certified by the court and notification would be made by... to the Department of Correction and they will make the notification."

Young: "And as this person may move around the state, how long will this Bill take affect?"

Parke: "From the time he's released from that second conviction that requires the registration ten years can elapse; and, if there's no further charges that he's convicted on, he will no longer have to register. That's a ten year period of time."

Young: "So, a person who is released from the second conviction nine years ago would, in fact, have to register."

Parke: "Well, I think I know what you're trying to say, but, in fact, that would not be true because it would have to be

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after July 1, 1986. Remember, we have that in there."

Young: "Alright. To the Bill, Mr. Speaker and Ladies and Gentlemen of the House. I understand what a sensitive area this is, but at the same time I think this House would be establishing a precedent that would be extremely dangerous - the precedent being making someone who has served their time and paid the price for the crimes they have committed within the law to have to register their name and address. I think this is a bad precedent. I wonder if it could withstand constitutional scrutiny. And I'm afraid that when we pass this, then we'll come back next year and then murderers will have to register for ten years after their release. Then, the year after that, we'll have armed robbers registering and the next think you know, everybody will have to register after they get released from jail. And finally and most importantly, the people this Bill wants to keep track of, those who have a history of committing sex offenses, they're probably not going to register anyway. This is a bad precedent, and it's going to fly."

Speaker Greiman: "The Gentleman from Will, Mr. Regan."

Regan: "Thank you, Mr. Speaker, Members of the House. In regards to the last comment, we must remember that pedophiles are compulsive and repetitive. They have never been cured. The objectivity in this is to make them file with the local police department so your neighbors and you know that in your community, there is someone that's going to do it again and again and again. I would say a green vote certainly for this Bill is well in order."

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

Leverenz: "Sponsor yield?"

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

Leverenz: "What's the penalty for not registering?"

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Parke: "Representative Leverenz, it is a Class A misdemeanor."

Leverenz: "How many years in the penitentiary is that?"

Parke: "One year."

Leverenz: "Class A?"

Parke: "Yes, Sir."

Leverenz: "And who would have the list of offenders? Who would keep the list and publish... cause it to be published so I would know in my neighborhood who the bad people are?"

Parke: "The local law enforcement, the chief of the local law enforcement agency."

Leverenz: "So, my police chief would get a list of everyone in the state or everyone in the community?"

Parke: "He will be... he will be notified, and so, therefore, it would only be those people domiciled in his community."

Leverenz: "Notified."

Parke: "That is correct."

Leverenz: "When would he... when would notification be caused to be put on them? Is this after they get out of jail or..."

Parke: "That is correct, after they are released from jail."

Leverenz: "Is this like, then, FOID... a FOID card registration..."

Parke: "I'm not sure I understand. Could you please..."

Leverenz: "Well, we have FOID cards in Illinois to keep people from getting guns and that doesn't seem to stop them from getting guns, but it would be similar to a FOID card registration. They register with, what, the Department of State Police?"

Parke: "Again..."

Leverenz: "The answer of the question is..."

Parke: "...They would only register with that local..."

Leverenz: "They would register with the State Police, right?"

Parke: "No."

Leverenz: "And that information is..."

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Parke: "No."

Leverenz: "And that information is disseminated to your local police chief?"

Parke: "That is not correct. Again, I will... it will be registered with the local law enforcement agency, the chief of that law enforcement agency."

Leverenz: "When would they be notified, when they come out of jail or... "

Parke: "That is correct."

Leverenz: "Isn't that what happens with mental patients now?"

Parke: "I could not answer that question. I'm not familiar with mental patients."

Leverenz: "Well, then, who would enforce... who would enforce this law, the police chief?"

Parke: "Enforcement of a law would be the responsibility of the courts as any law would be."

Leverenz: "Well, we know how good they do."

Parke: "Well, I... I would like to think..."

Leverenz: "Who would enforce this?"

Parke: "I certainly have more confidence in our local law enforcement and our state law enforcement agencies."

Leverenz: "Well, if our police chief would find out about it, would he give it to all the police officers that are on the shift that so and so just came back to town?"

Parke: "The information..."

Leverenz: "Is that how it would happen?"

Parke: "The information is to be held confidentially."

Leverenz: "What's the genesis of this legislation?"

Parke: "The legislation has been brought about by a program such as..."

Leverenz: "The Gentleman next to you."

Parke: "Well, through I-Search and through the Inspector General's Office and also through Governor Thompson's

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initiative."

Leverenz: "No one in Streamwood?"

Parke: "I'm sorry?"

Leverenz: "No one in Streamwood, Illinois?"

Parke: "Well, the I-Search program came about upon somebody that... it was a death in Streamwood and that is..."

Leverenz: "Yes, it surely did, didn't it?"

Parke: "Pardon me?"

Leverenz: "It surely did. I am agreeing with you."

Parke: "Yes, that is correct."

Leverenz: "But who would enforce this? Would there be published notices?"

Parke: "Representative Leverenz..."

Leverenz: "I'm trying to figure out how I would know."

Parke: "...All I... I just keep telling you the same thing. It is to be registered with the chief of police of the law... local law enforcement agency."

Leverenz: "But earlier you said, that's how you would find out, and I would never know if you tell the police chief."

Parke: "Well, it's not... I don't think it's your business to know, Representative. That's not the intent of the legislation."

Leverenz: "Then, what you're talking about was not recently on the news, where the daughter of a offender was going door to door with a printed bulletin about her father. Is that correct?"

Parke: "I'm not familiar with the instance you are referring to."

Leverenz: "Maybe that's what you should do. Thank you."

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

Kubik: "I move the previous question."

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

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The previous question be put. Mr. Parke, to close."

Parke: "Thank you. Recently, in my neighborhood, my wife told me that she was no longer allowing my daughters to work... walk to school, and when I asked her why, she said that there was somebody in the neighborhood who the neighbors were afraid was capable of molesting children or that there was a rumor of such an event going on. In that neighborhood for about a month, no one would allow their children to walk to school. This is affecting our quality of life, Ladies and Gentlemen, we cannot continue to have people that are capable of repeat offenses on the street without some way of being aware that these people are living in our neighborhoods. I ask that this Bill pass. I plead on behalf of our children to pass this legislation."

Speaker Greiman: "Question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question... Mr. Hicks. Mr. Hicks, you wish to change your vote?"

Hicks: "No, Mr... No, Mr. Speaker, I simply wanted an explanation of vote, if I could, Sir."

Speaker Greiman: "I'm sorry, Mr. Hicks, proceed."

Hicks: "Thank you, Mr. Speaker. I'm voting 'no' on the Bill simply because I think it's unfair for us to look at a situation, even though it's in the best interest of the kids, and I understand that, and with all due respect to the kids, I think I still have to vote 'no' due to my conscience and it's just a tough situation. I think it's a wrong situation for us to get into to try to tell criminals once they've been rehabilitated and have served their time, that we're going to then register them and try to brand them for years to come, and I simply can't vote 'yes'."



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Thank you."

Speaker Greiman: "Mr. Clerk, take the record. On this question, there are 97 voting 'aye', 17 voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page five of the Calendar on the Order of Senate Bills Third Reading, Civil and Criminal Law, appears Senate Bill 2293. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2293, a Bill for an Act in relation to sexual offenses against children and family members. Third Reading of the Bill."

Speaker Greiman: "Gentleman from Will, Mr. Regan."

Regan: "Thank you, Mr. Speaker and Members of the House. This is an omnibus Bill. It encompasses six different Bills that protect children. Previous comments don't have to be repeated. The night's getting long. I'll go through them very quickly and then answer questions. It involves a forfeiture of profits from child pornography, the same as if they were dealing with drugs. It extends a time frame for prosecution till age 19, so maturity need to deal with the trauma of disclosure can be there for testimony in child sexual abuse cases. It increases punishment for deviates who use positions of supervision and authority of trust to sexual exploit a child; discourage pedophiles from seeking positions of trust to victimize children. It raises the penalty for indecent solicitation of a child for prostitution from a Class A misdemeanor to a Felony 4, and it has the FBI required language for fingerprinting. It also has the Film Processing Act in which it is a business offense if a film processor does not report child pornography. I urge the passage of this Bill."

Speaker Greiman: "The Gentleman from Will moves for the passage of Senate Bill 2293. Is there any discussion? There being

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none, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open and this is final action. The Gentleman from Cook, Mr. Terzich. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 97 voting 'aye', 7 voting 'no', 8 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Senate Bills Third Reading, Civil and Criminal Law, appears Senate Bill 2294. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2294, a Bill for an Act in relation to child abduction and child visitation violations. Third Reading of the Bill."

Speaker Greiman: "The Lady from Cook, Ms. Pullen."

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2294 was approved by the Judiciary Committee on a 12 to 1 vote. It sets up an expedited procedure in the civil court for enforcement of court ordered visitation in cases of visitation abuse. It further... more carefully defines child abduction requiring a parent who has physical custody of a child, whether or not the parent is the custodial parent, to notify the other parent as to the specific whereabouts of the child, including a means by which to contact the child. It further adds attempting to lure a child into a motor vehicle without the consent of the parent or a lawful custodian of the child for other than a lawful purpose as a crime equivalent to actually intentionally luring the child. This is an important Bill for child protection and for the rights of parents, and I urge its adoption. Thank you."

Speaker Greiman: "Lady... Ms. Pullen moves for the passage of Senate Bill 2294. On that, the Gentleman from Cook, Mr.

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Cullerton."

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

Speaker Greiman: "Indicates she will."

Cullerton: "Representative Pullen, I haven't had a chance to ask you this. I know you did not handle the Bill in Committee. I understand that the day that this Bill came up in Committee, you were not able to be there, and I believe Representative Hawkinson handled the Bill, so I didn't have the opportunity to ask you then, I was just curious why you changed your mind."

Pullen: "I didn't change my mind. I still think that the Bill that was passed in this House previously was better, but I don't think that the Senate will accept that version, and I think that this is a strong improvement over current law, so I'm willing to go with it as it is."

Cullerton: "Right. I... I... I see. I agree with you. Did the Senate reject the House Bill that we passed?"

Pullen: "The Senate did not see fit to clear that from the Rules Committee, Sir."

Cullerton: "Okay. In this Bill, was your version of the Senate Bill ever considered over in the Senate? Was there ever an Amendment that was offered that was similar to your version that was offered in..."

Pullen: "You mean... you mean, on this Bill?"

Cullerton: "Yes. I'm sorry, I can't see you, Mr... Inspector General has got his head in the way."

Pullen: "This Bill started out more like my Bill..."

Cullerton: "It's not a big head, it's just in the way. I can't... I can't see."

Pullen: "This Bill started out more like my Bill, and a compromise was reached in the Senate which resulted in this Bill."

Cullerton: "Okay. Well, I commend you for proceeding with the

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Bill, because I agree with you. I think it does go... it is an improvement and I know it's not everything that you wanted, but I think it's a strong statement that you're accepting it. And I think everyone in the House should support it because it does go after a very sensitive and emotional issue, which we considered very sensibly in our Committee, and I commend you for that."

Pullen: "Thank you."

Speaker Greiman: "Gentleman from Cook, Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. Question of the Sponsor."

Speaker Greiman: "She'll yield for questions."

O'Connell: "Last year, we passed into law a child luring Bill which I Sponsored. Can you tell me what the difference between this Bill and my... and the existing law?"

Pullen: "In the Sections of this Bill involving luring, it simply adds 'or attempts to lure a child', so that the attempt to lure for unlawful purposes would be equivalent to actually luring."

O'Connell: "If I recall correctly, we considered that last year and felt that the attempt provisions... or the general attempt provisions in Chapter 38 would accommodate that problem. Could you address that?"

Pullen: "The State Police inform me that that is not... has not proved to be an adequate coverage."

O'Connell: "Well, I support the Bill, and I did want to clarify that issue, however."

Pullen: "Thank you."

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

Young: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just want to say that I, too, support this Bill. It sets up an expedited hearing for visitation abuse, and it's a good Bill."

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

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Homer: "Thank you, Mr. Speaker and Ladies and Gentlemen. I would commend the Sponsor for putting the Bill in the form that it is. When the Sponsor had the House Bill, I was the one who rose in opposition, among others, because at that time, there was a proposition that we make criminal offenders out of those who would violate court ordered visitation provisions. It doesn't belong in the criminal courts, and to the Sponsor's credit, she has recognized that, and she's brought back for us a very reasonable provision, whereby there would be an expedited civil proceeding to bring these matters of court ordered violations of visitations before a Judge in a prompt manner to let that Judge act. It also provides that those orders would be made available through the NCIC computer system so that Illinois State Police would have access to those records which would help law enforcement agencies mediate domestic violence disputes by being able to get this information in a very timely manner. I would commend the Sponsor and urge support for the Bill."

Speaker Greiman: "The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 voting 'aye', none voting 'no', none voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Where is our friend, Mr. Parliamentarian? You want to announce it? Supplemental Calendar."

Clerk O'Brien: "Supplemental Calendar #2 is being distributed."

Speaker Greiman: "For what purpose does the Gentleman from Will, Mr. Regan, seeks recognition?"

Regan: "Mr. Speaker, there was 1570 that was promised by Representative Breslin to be brought back."

Speaker Greiman: "We'll get all those Bills. Supplemental

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Calendar 2, on the Order of Motions, appears a Motion, Representative Cullerton. Mr. Clerk, read the Motion."

Clerk O'Brien: "A Motion. 'I move to suspend Rule 37(g) and pursuant to Rule 72 to set the date for Senate Bill 1597 and 2078 to a date certain, November 18, 1986, and I move to suspend Rule 37(g) to Third Reading deadline on the following Bills: Senate Bills 332, 2000, 2061, 2117, and 2300 until June 26, 1986, and Senate Bills 1825 and 1826 until June 30, 1986, by Representative Cullerton.'"

Speaker Greiman: "Gentleman from Cook, Mr. Cullerton, on the Motion."

Cullerton: "I'd appreciate your support."

Speaker Greiman: "The Gentleman... Gentleman from Cook, Mr. Cullerton, moves for... moves for the adoption of the Motion to suspend various rules and to postpone various Bills above mentioned. And on that, the Gentleman from Cook... Gentleman from DeWitt, Mr. Vinson."

Vinson: "Thank you, Mr. Speaker. I would move to divide the issue."

Speaker Greiman: "Alright. Yes, Mr. Vinson, that's appropriate. We'll do the first Motion which is the Motion with respect to 1597 and 2078. Is there further discussion? 1597. Yes, Mr. Vinson, for what purpose you seek recognition?"

Vinson: "I'm sorry, I didn't hear what you said."

Speaker Greiman: "Yes, I agree, we will divide that question between the two Motions. Yes."

Vinson: "Thank you."

Speaker Greiman: "Alright. There being no further discussion, the question is, 'Shall the House adopt the Motion to suspend Rule 37(g) with respect to Senate Bills 1597 and 2078?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. The Gentleman from Cook, Mr. Vinson, one minute to explain your vote."

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Vinson: "Yes, Mr. Speaker, Ladies and Gentlemen of the Assembly, I would urge the Assembly to vote 'no' on this matter, and I would urge them to vote 'no' because Members have a right to present their Bills, have their Bills voted up or down. Now, anybody should have the right to have their Bill heard when Bills are ready for Third Reading. If the Gentleman wants to defeat the Bill, he ought to do it in a straightforward matter and try to beat it. I would urge a 'no' vote on this particular Motion."

Speaker Greiman: "The Lady from..."

Vinson: "And I would request a verification."

Speaker Greiman: "Lady from DuPage, Ms. Cowlshaw, one minute to explain your vote. Ms. Cowlshaw."

Cowlshaw: "Pardon me, Mr. Speaker, are we voting on Senate Bill 1597 or 2078?"

Speaker Greiman: "We're voting on a Motion with respect to both of those Bills to suspend consideration until November 18, 1986."

Cowlshaw: "Very good. Thank you, Mr. Speaker."

Speaker Greiman: "Have all voted who wish?"

Cowlshaw: "Senate Bill 20... I'm sorry, I just wanted to make a comment on this."

Speaker Greiman: "Alright. Proceed."

Cowlshaw: "Senate Bill 2078 was sponsored by Representative McCracken. It was on the Calendar for this morning and was called. Representative McCracken is excused today because today he became the father of a nine pound son. I think it is unfair to Representative McCracken, as well as his wife, to refuse to let his Bill be heard later this week. A vote for this Motion is a vote against fatherhood."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 63 voting 'aye', 50 voting 'no', none voting 'present'."

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The Gentleman from DeWitt, Mr. Vinson, has requested a Verification of Affirmative Roll, Mr. Clerk. Mr. Vinson, are you seeking recognition? Mr. Vinson, are you seeking recognition?"

Vinson: "No. I'm just telling you that I would prefer my verification."

Speaker Greiman: "Alright. Mr. Clerk. Mr. Clerk, Mr. Cullerton asks for a poll of those not voting."

Clerk O'Brien: "Bullock. Huff. Krska. And Slater."

Speaker Greiman: "Mr. Clerk, proceed to verify the Affirmative Roll."

Clerk O'Brien: "Alexander. Berrios. Bowman. Braun. Breslin. Brookins."

Speaker Greiman: "Mr. Brookins. Brookins asks leave of the... Mr. Vinson, to be verified. You have leave, Mr. Brookins."

Clerk O'Brien: "Brunsvold. Capparelli. Christensen. Cullerton. Curran. Currie. Daley. DeJaegher. DeLeo. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Greiman. Hannig. Hartke. Homer. Keane. Kulas. Laurino. LeFlore. Leverenz. Levin. Martinez. Matijevich. Mautino. McGann. McNamara. McPike. Mulcahey. Nash. O'Connell. Panayotovitch. Pangle. Phelps. Preston. Rea. Rice. Richmond. Ronan. Saltsman. Satterthwaite. Shaw. Steczo. Stern. Sutker. Terzich. Turner. Van Duyne. Washington. White. Wolf. Anthony Young. Wyvetter Younge. And Mr. Speaker."

Speaker Greiman: "Mr. Vinson, questions of the Affirmative Roll?"

Vinson: "Representative Breslin."

Speaker Greiman: "Ms. Breslin is in her chair."

Vinson: "Mr. Christensen."

Speaker Greiman: "Mr. Christensen is in his chair."

Vinson: "Mr. DeLeo."

Speaker Greiman: "Yes, Mr. Vinson, Mr. McPike asks leave to be



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verified. You have leave, Mr. McPike. Proceed, Sir."

Vinson: "Mr. Dunn."

Speaker Greiman: "Mr. Dunn. Mr. Dunn. John Dunn. Mr. Dunn in the chamber? He's in the back of the chamber. Mr. Young asks leave to be verified. You have leave, Mr. Young."

Vinson: "Mr. Farley."

Speaker Greiman: "Mr. Farley. Mr. Farley's at the rear of the chamber."

Vinson: "Mr. Giglio."

Speaker Greiman: "Mr. Giglio is here at Mr. Saltsman's desk."

Vinson: "Mr. Keane."

Speaker Greiman: "Mr. Keane. Mr. Keane is at the rear of the chamber at the doors."

Vinson: "Mr. Hartke."

Speaker Greiman: "Mr. Hartke is at the side."

Vinson: "Mr. Mautino."

Speaker Greiman: "Mr. Mautino is at his desk."

Vinson: "Mr. Nash."

Speaker Greiman: "Mr. Nash is in the center aisle."

Vinson: "Mr. Panayotovich."

Speaker Greiman: "Mr. Panayotovich is in the center aisle."

Vinson: "Mr. Pangle."

Speaker Greiman: "Mr. Pangle is in his seat."

Vinson: "Mr. Phelps."

Speaker Greiman: "Mr. Phelps is at the side."

Vinson: "Mr. Sutker."

Speaker Greiman: "Mr. Sutker is on your side."

Vinson: "Mr. Van Duyne."

Speaker Greiman: "Mr. Van Duyne is in his chair."

Vinson: "Representative Wyvetter Younge."

Speaker Greiman: "Ms. Younge is in her seat."

Vinson: "Representative Braun."

Speaker Greiman: "Ms. Braun is in her chair. No..."

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Vinson: "No... no she's not."

Speaker Greiman: "...No, Ms. Braun is not. Ms. Braun. Is Ms. Braun in the chamber? Ms. Braun. How is the Lady recorded?"

Clerk O'Brien: "The Lady is recorded as voting 'aye'."

Speaker Greiman: "Remove Ms. Braun. Further questions?"

Vinson: "Mr. Brunsvold."

Speaker Greiman: "Mr. Brunsvold is in the rear of the chamber."

Vinson: "No further questions."

Speaker Greiman: "On this question there are 62 voting 'aye', 50 voting 'no', none voting 'present', and the Motion carries. Now, on the second Motion to suspend Rule 37(g) on Third Reading deadlines in connection therewith, Mr. Cullerton."

Cullerton: "Well, the last speech worked, and all I said was I'd appreciate your support, and so once again, I'll give the same speech."

Speaker Greiman: "Gentleman from Cook, Mr. Cullerton, moves for the adoption of this... passage of this Motion to suspend Rule 37(g) with respect to various Bills. And on that, the Gentleman from DeWitt, Mr. Vinson."

Vinson: "Mr. Speaker, I move to divide the question."

Speaker Greiman: "Yes, Mr. Vinson, you are within your rights, Sir. The question is, whether you want to do it on a... per Bill or whether you want to do it by date, for example, there are five Bills that relate to date."

Vinson: "Bill by Bill."

Speaker Greiman: "Bill by Bill, alright. Alright, we will take the appropriation Bills first. The question is, 'Shall we suspend 37(g) with respect to Senate Bill 1825?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 63 voting 'aye', 49

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voting 'no', none voting 'present', and the Motion carries with respect to the suspension of Rule 37(g). For Senate Bill 1326, all those in favor signify by voting 'aye', those opposed vote 'nay'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 61 voting 'aye', 49 voting 'no', none voting 'present'. The Motion carries. Yes, Mr. Vinson."

Vinson: "Request a verification."

Speaker Greiman: "I've already declared it, Mr. Vinson."

Vinson: "Speaker, you hadn't. You said... you have not said the Bill passes. You just declared the number, that's all."

Speaker Greiman: "No, the Bill doesn't pass, it carries, the Motion carries. Now, on the next one on 332... Mr. Vinson, I believe that... I believe that we did... I did declare it, but we're going to give you an opportunity to verify. Mr. Clerk, proceed to verify the Affirmative Roll Call."

Clerk O'Brien: "Alexander. Berrios. Bowman. Breslin. Brookins. Brunsvold. Capparelli. Christensen. Cullerton. Curran. Currie. Daley. DeLeo."

Speaker Greiman: "Excuse me, Mr. Clerk. Ms. Younge."

Younge: "Thank you, Mr. Speaker. How am I recorded?"

Clerk O'Brien: "The Lady is not recorded as voting."

Younge: "I vote 'aye'."

Speaker Greiman: "Vote Ms. Younge 'aye'."

Clerk O'Brien: "DeLeo. Dunn. Farley. Flinn. Flowers. Giglio."

Speaker Greiman: "Excuse me, Mr. Clerk. Mr. DeJaegher, for what purpose you seek recognition? Vote Mr. DeJaegher 'aye'. Proceed, Mr. Clerk."

Clerk O'Brien: "Giorgi. Greiman. Hannig. Hartke. Hicks. Homer. Keane. Kulas. Laurino. LeFlore. Leverenz.

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Levin. Martinez. Matijevich. Mautino. McGann.  
McNamara. McPike. Mulcahey. Nash. O'Connell.  
Panayotovitch. Pangle. Phelps. Preston. Rea. Rice.  
Richmond. Ronan. Saltsman. Satterthwaite. Shaw.  
Steczo. Stern. Sutker. Terzich. Turner. Van Duyne.  
Washington. White. Wolf. Anthony Young. Wyvetter  
Younge. And Mr. Speaker."

Speaker Greiman: "Mr. Vinson, questions of the Affirmative Roll?"

Vinson: "Representative Bowman."

Speaker Greiman: "Mr. Bowman is at his seat."

Vinson: "Representative Curran."

Speaker Greiman: "Mr. Curran. Mr. Curran. Mr. Curran. Mr.  
Curran is at the rear of the chamber."

Vinson: "Mr. Daley."

Speaker Greiman: "Mr. Daley is at the rear of the chamber near  
the right aisle."

Vinson: "Mr. DeLeo."

Speaker Greiman: "Mr. DeLeo is in the rear of the chamber on the  
Republican side."

Vinson: "Mr. Farley."

Speaker Greiman: "Mr. Farley is at his seat."

Vinson: "Mr. Hicks."

Speaker Greiman: "Mr. Hicks is down in Ms. Breslin's seat."

Vinson: "Mr. Laurino."

Speaker Greiman: "Mr. Laurino is in his seat."

Vinson: "Mr. LeFlore."

Speaker Greiman: "Mr. LeFlore is in his seat."

Vinson: "Mr. McNamara."

Speaker Greiman: "Mr. McNamara is at his seat."

Vinson: "Mr. Panayotovitch."

Speaker Greiman: "Mr. Panayotovitch is in the center aisle."

Vinson: "Mr. Pangle."

Speaker Greiman: "Mr. Pangle is in his seat."

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Vinson: "Mr. Sutker."

Speaker Greiman: "Mr. Sutker is still on your side."

Vinson: "Representative Anthony Young."

Speaker Greiman: "Mr. Young is at his seat."

Vinson: "No further questions."

Speaker Greiman: "On this question there are 63 voting 'aye', 49 voting 'no', none voting 'present', and the Motion carries. Now, Mr. Vinson, we'll go to the nonappropriation Motions with respect to Senate Bill 332. The question is, 'Shall the House suspend Rule 37(g) with respect to Senate Bill 332?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 64 voting 'aye', 49 voting 'no', none voting 'present', and the Motion carries. With respect to Senate Bill 2000, the question is, 'Shall the House suspend Rule 37(g) with respect to Senate Bill 2000?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 66 voting 'aye', 48 voting 'no', none voting 'present', and the Motion carries. With respect to Senate Bill 2061, the questions is, 'Shall the House suspend Rule 37(g) with respect to 2061?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 64 voting 'aye', 49 voting 'no', 1 voting 'present', and the Motion carries. With respect to Senate Bill 2117, the question is, 'Shall the House suspend Rule 37(g) with respect to 2117?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who

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wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 64 voting 'aye', 50 voting 'no', none voting 'present', and the Motion carries. With respect to Senate Bill 2300, the question is, 'Shall the House suspend 37(g) with respect to 2300?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 64 voting 'aye', 50 voting 'no', none voting 'present'. The Motion carries. We are now returning to the Subject Matter of Civil and Criminal Law, Senate Bills Third Reading, and on that Order appears Senate Bill 1624. Mr. Clerk, read the Bill. 1624."

Clerk O'Brien: "Senate Bill 1624, a Bill for an Act to regulate procurement by state government and to repeal certain Acts named therein. Third Reading of the Bill."

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

Keane: "Thank you, Mr. Speaker. Senate Bill 1624 is the purchasing Act Bill. We've amended it. We're going to move it back to the Senate, put the Bill..."

Speaker Greiman: "Excuse me, Mr. Keane. Yes, Mr. Vinson, for what purpose do you seek recognition?"

Vinson: "What Subject Matter are you on, Mr. Speaker?"

Speaker Greiman: "A Special Call, Mr. Vinson, Civil and Criminal Law."

Vinson: "I don't... my Calendar must be different..."

Speaker Greiman: "Special... It's a Special Subject Matter, not on a Special Order."

Vinson: "Oh... Oh... Okay."

Speaker Greiman: "Special Subject Matter."

Vinson: "I just wanted you to keep your particular form of manipulation clearly identified."

Speaker Greiman: "Oh, no, I said, Special Subject Matter."

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Proceed, Mr. Keane."

Keane: "Thank you, Mr. Speaker. This, as I was saying, is the purchasing Act. We put an Amendment on it. We're going to move it back to the Senate, put it into a Conference Committee. It will be either on Friday or Saturday, a meeting or an exposition of this, we will probably have a two hour, I guess you could call it a Conference, for both Senate and House Members who wish to come where the Auditor General and Doug Kane will go through the Bill line by line. We're still in the process of working it out and as I committed to all the Leaders before, that unless there is a signoff by all Leadership, the four Leaders on the Bill, we'll hold it over and work it out in the fall. And for that reason, I would ask for a favorable vote on Senate Bill 1624."

Speaker Greiman: "The Gentleman from Cook, Mr. Keane, moves for the passage of Senate Bill 1624. And on that, is there any discussion? There being none, the question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open, and this is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 109 voting 'aye', none voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Civil and Criminal Law, Senate Bills Third Reading, appears Senate Bill 1951. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1951, a Bill for an Act in relation to municipal taxes. Third Reading of the Bill."

Speaker Greiman: "Gentleman from Winnebago, Mr. Giorgi."

Giorgi: "Mr. Speaker, Senate Bill 1951 is the Bill that allows the City of Rockford to levy a one quarter cent sales tax after a direct front door referendum and all the proceeds

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to be used for capital improvement funds. I debated this Bill previously on the floor and I urge support of the Members."

Speaker Greiman: "Gentleman from Winnebago moves for the passage of Senate Bill 1951. And on that, is there any discussion? The Gentleman from DeWitt, Mr. Vinson."

Vinson: "Yes, I wonder if the Sponsor would yield for a question."

Speaker Greiman: "Indicates he will."

Vinson: "Representative, I didn't hear your description. Would you tell us one more time?"

Giorgi: "That was one of my best descriptions I ever gave, Sam. This Bill allows the City of Rockford to levy a one quarter cent sales tax after a front door referendum and the money exclusively be used for capital improvement projects, streets, water, street sewers, lights, roads and so on."

Vinson: "Was Amendment #1 adopted to the Bill?"

Giorgi: "Amendment #1 was withdrawn by the sophomore from Park Ridge."

Vinson: "Was Amendment #2 added?"

Giorgi: "No, Sir."

Vinson: "So, it's just the... what was in the Bill?"

Giorgi: "Yes, Sir."

Vinson: "And it just affects... it just affects Rockford?"

Giorgi: "Yes, Sir. The population strata is solely for Rockford. Rockford is the only city in a 100,000 class that has lost its home rule powers or they wouldn't have to come to the General Assembly for permission."

Vinson: "Now, Mr. Giorgi, there is no municipality in the state with a population in excess of 130,000 and less than 2,000,000, other than Rockford?"

Giorgi: "They lost their home rule. They lost their home rule."

Vinson: "What?"



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Giorgi: "They lost their home rule powers."

Vinson: "Well, now, where is the language that said that they had to lose their home rule powers?"

Giorgi: "It's in there, Mr. Vinson."

Vinson: "Well, where? I mean, I'm looking at the language on page one of the Bill, it doesn't say that. To the Bill, Mr. Speaker."

Speaker Greiman: "Proceed, Sir."

Vinson: "I presume that the description was a little bit muffled so that we wouldn't pick that defect in the Bill, but be that as it may, I just like to point out to Members of the General Assembly that this particular tax provision, if we're going to let people tax and if we're going to impose taxes on people, we ought to let Mr. Giorgi's party put the votes on to do that. Let Mr. Giorgi line up the votes to pass this tax increase on the people, and I would urge a 'no' vote by every Member who cares about taxpayers in this Assembly."

Speaker Greiman: "Further discussion? Mr. Giorgi, to close."

Giorgi: "Representative Vinson, the language doesn't have to be in there to pertain the city of 100,000, because there is no other city in Illinois of a 100,000 class that lost its home rule. Any city of a 100,000 has the capacity to impose this tax without a referendum, and then, I'm kind of a little embarrassed by you suggesting that only Democrats vote for this Bill. I've supported Governor Thompson on most of his requests for the good of this state, for the good of every city, county and township and for the good of the people that you represent, and I kind of... I'm a little embarrassed over your remarks. I think it's a little belittling, demeaning and not conforming with the stature of a Minority Leader."

Speaker Greiman: "Question is, 'Shall this Bill pass?' All in

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favor signify by voting 'aye', those opposed vote 'no'.  
Voting is now open, and this is final action. Have all  
voted who wish? Have all voted who wish? Have all voted  
who wish? Have... Mr. Clerk, take the record. On this  
question there are 65... Yes, Mr. Vinson?"

Vinson: "Speaker."

Speaker Greiman: "Yes, Mr. Vinson?"

Vinson: "I'd like verify this one."

Speaker Greiman: "Alright. There are 65 voting 'aye', 39 voting  
'no', 11 voting 'present'. And Mr. Giorgi asks for a poll  
of those not voting."

Clerk O'Brien: "Bullock. And Hoffman. No further."

Speaker Greiman: "Mr. Clerk, proceed to verify the Affirmative  
Roll."

Clerk O'Brien: "Alexander. Berrios. Bowman. Braun. Breslin.  
Brookins. Brunsvold."

Speaker Greiman: "Excuse me. Mr. O'Connell, for what purpose do  
you seek recognition?"

O'Connell: "Mr. Speaker, can I have leave to be verified?"

Speaker Greiman: "Mr. Vinson? You have leave, Sir."

Clerk O'Brien: "Christensen. Cullerton. Curran. Currie.  
DeJaegher. Farley. Flinn. Flowers. Virginia Frederick.  
Giglio. Giorgi. Greiman. Hallock. Hannig."

Speaker Greiman: "Excuse me. Ms. Wojcik, for what purpose do you  
seek recognition?"

Wojcik: "I want to change my vote..."

Speaker Greiman: "Pardon me? Ms. Wojcik would like to vote  
'no'."

Wojcik: "Please change my vote to 'no'."

Speaker Greiman: "Alright. Mr. Peterson, for what purpose do you  
seek recognition. The Gentleman from Lake."

Peterson: "Change my vote to 'no'."

Speaker Greiman: "Mr. Peterson wishes to be changed from 'aye' to

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'no'. Proceed, Mr. Clerk."

Clerk O'Brien: "Hannig."

Speaker Greiman: "Excuse me. Mr. Nash votes 'aye'. Mr. Daley votes 'aye'. Ms. Frederick."

Frederick: "Yes..."

Speaker Greiman: "Ms. Frederick..."

Frederick: "...Please change... please change my vote."

Speaker Greiman: "...Wishes to be changed to 'no'. Mr. Kirkland wishes to be changed to 'no'. Proceed, Mr. Clerk. I'm sorry. Mr. Wait."

Wait: "Please change mine to 'no', please."

Speaker Greiman: "Mr. Wait wishes to be changed to 'no', and Mr. Olson. Change Mr. Olson to 'no'. Mr. Hallock, did you want to change... were you seeking recognition?"

Hallock: "Well, I did, but I won't."

Speaker Greiman: "Mr. Clerk, proceed."

Clerk O'Brien: "Hannig. Hartke. Hicks. Homer. Huff. Keane. Krska. Kulas. Laurino. LeFlore. Levin. Martinez. Matijevec. Mautino. McGann. McNamara. McPike. Nash. O'Connell. Panayotovich. Phelps. Preston. Rea. Rice. Richmond. Ronan. Saltsman. Satterthwaite. Shaw. Steczko. Stern. Sutker. Terzich. Turner. Van Duyne. Washington. White. Wolf. Anthony Young. Wyvetter Young. And Mr. Speaker."

Speaker Greiman: "Mr. Vinson, questions of the Affirmative Roll?"

Vinson: "Mr. Bowman."

Speaker Greiman: "Mr. Bowman is at his seat."

Vinson: "Mr... Representative Breslin."

Speaker Greiman: "Ms. Breslin is in her chair."

Vinson: "Mr. Christensen."

Speaker Greiman: "Mr. Christensen is in his chair."

Vinson: "Mr. Hicks."

Speaker Greiman: "Mr. Hicks is at his chair."

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Vinson: "Mr. Krska."

Speaker Greiman: "Mr. Krska in the chamber? Mr. Krska. How is Mr. Krska recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Remove Mr. Krska."

Vinson: "Mr. McGann."

Speaker Greiman: "Mr. McGann. Mr. McGann is in his seat."

Vinson: "Mr. Phelps."

Speaker Greiman: "Mr. Phelps is in his seat."

Vinson: "Mr. Shaw."

Speaker Greiman: "Mr. Shaw is in his seat."

Vinson: "Mr. O'Connell."

Speaker Greiman: "Mr. O'Connell. Mr. O'Connell."

Vinson: "I'm sorry, I did. I agreed to verify him."

Speaker Greiman: "Yes, he's here."

Vinson: "Mr. Pangle."

Speaker Greiman: "Mr. Pangle is here at the well."

Vinson: "Mr. Huff."

Speaker Greiman: "Mr. Huff. Mr. Huff. Mr. Huff. How is the Gentleman recorded?"

Clerk O'Brien: "The Gentleman is recorded as voting 'aye'."

Speaker Greiman: "Remove Mr. Huff."

Vinson: "No further questions."

Speaker Greiman: "Mr. Leverenz, for what purpose do you seek recognition?"

Leverenz: "Please record me as voting 'aye'."

Speaker Greiman: "Record Mr. Leverenz 'aye'. On this question... Yes, Mr. Capparelli 'aye'. On this question there are 61 voting 'aye', 45 voting 'no', 7 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Continuing on the Order of Civil and Criminal, Special Call, appears Senate Bill 2108. Mr. Clerk, read the Bill."

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Clerk O'Brien: "Senate Bill 2108, a Bill for an Act to amend the Illinois Public Accounting Act. Third Reading of the Bill."

Speaker Greiman: "The Gentleman from Jersey, Mr. Ryder... Morgan. Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. Senate Bill 2108 is a Bill that passed the Senate 56 to 0 and deals with the liability of accountants. It provides that an accountant has liability for negligence if... or to the accountant's own clients and to nonclients who have relied upon the accountant's work and have notified the accountant they are intended... that they intended to rely upon the accountant's work. Notice must be given at or before the time of the accountant enters into the contract to perform the work. The Bill is supported by the Illinois CPA Society. It has an Amendment to it that was suggested in Committee. I have not been informed of any major group opposing the Bill, and I ask for a favorable vote."

Speaker Greiman: "The Gentleman from Morgan moves for the passage of Senate Bill 2108. And on that, the Gentleman from Cook, Mr. Leverenz."

Leverenz: "The Sponsor yield?"

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

Leverenz: "Would you be using this Bill in the piece of literature that you were putting together on your desk earlier today?"

Ryder: "No. Unfortunately, this fine piece of legislation is one that I'm doing for the good of the people."

Leverenz: "Thank you."

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

Berrios: "Sponsor yield? Will the Sponsor yield?"

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

Berrios: "Representative Ryder, does the Bill require that a

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notice be given to accountants? Can the accountant be presumed to have received the notice because of the existence of creditors or investors is disclosing the financial record to the company? Do they have to give the notice?"

Berrios: "No, the Bill is intended to require actual notice to the accountant, but a specific third party intends to rely upon the work of the accountant."

Berrios: "The Bill refers to a contract. What contract are you talking about?"

Ryder: "It's a contract between the accountant and the accountant's client."

Berrios: "Thank you."

Speaker Greiman: "Gentleman from DeKalb, Mr. Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is an important Bill, and I stand in opposition to it. And I heard the Sponsor say that there are no big groups opposed to this Bill, and he's right, there are no big groups opposed to this Bill, just this little old Representative from DeKalb who thinks this is bad legislation. Now, let me tell you why I think it's bad legislation. You know, if you want to buy stock in a corporation, what do you do? You look at its accountings report and you read it, and you look at the values that are stated therein, and particularly, small corporations. And I think this is a bad Bill for small business, because if you want to buy that stock under this Bill and under the staged attempt that they just put on, it says you're out of luck if the accountants were negligence... negligent in the performance of their duties. In essence, it wants to grant them an immunity. If the accountants want to live up to the professional standard that we hold them out to be, some special class is a certified public accountant, not just a

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regular old accountant, then they don't need this legislation, because their product, the work product that they produce will be of a quality that they don't need this legislation. What they're trying to do with this Bill is to reverse the case of Brumley versus Touche, Ross. In Brumley versus Touche, Ross, what it says is that a fellow who became a shareholder in the company sued because the report was prepared negligently, and when it was prepared negligently, he paid his money and relied upon that accounting report to be done right and it wasn't, and the court said he had a right to sue. The same right exists under Illinois law against the lawyer, and I can say, well I'm a lawyer and; therefore, we ought to make an exception for lawyers, too, and add them onto the Bill and all the bar associations will be here applauding you for doing it. But what I say to you is what we need to do is improve the standards in all the professions in this state, whether it be the medical profession, whether it be the CPAs or whether it be the lawyers, we need to bring the standards of conduct up to that which we expect of those people. What if you take a certified audit to the bank, a small businessman, and he says to the banker, 'Gee, Mr. Banker, would you loan me \$25,000? I've got the equity in my business, here's my audit'. Is the bank going to say, 'No, I can't rely upon the audit because it wasn't in the letter or contract and I didn't give notice prior to the date the contract was made'. Don't believe the Amendment that Representative Ryder put on there. That Amendment, in fact, is a sham. It creates no more liability than the Bill itself did. It's an exemption and immunity for a special group. It's tort reform. It's tort reform for a specialized group, not generally across the board, but for a specialize... specialized group. I think this is the

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worst Bill we've seen this Session, and I strongly oppose it and ask you to vote 'no'."

Speaker Greiman: "Further discussion? The Gentleman from Knox, Mr. Hawkinson."

Hawkinson: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Greiman: "Indicates he will."

Hawkinson: "Representative Ryder, under the Amendment that was placed on this Bill, it speaks of notice, but if a third party... specific third party is known to the CPA at the time of the contract, whether or not that third party is extended any kind of notice, he will still be included within the protection of that Amendment, will he not?"

Ryder: "That would be correct, Representative, however, the third party would have the problem of proving that he was known, and that's the reason that the notice is in there."

Hawkinson: "I understand that, but if the client, for example, testified that, yes, I hired the CPA because I told the CPA that I was going to get a loan from 'ABC' bank, and that client's testimony was believed, that would be sufficient. Is that correct?"

Ryder: "Right. The specific language of the statute indicates that if notice of the intent to so rely was brought to the attention of the accounting firm at or before the time of the engagement, that's correct."

Hawkinson: "And it need not be in any specific form?"

Ryder: "No, the statute doesn't require any specific form."

Hawkinson: "Nor does it need to be given by the third party as opposed to the client or other means?"

Ryder: "That's correct. The client can indicate that I'm hiring 'ABC' CPA firm to prepare an audit in my books for the purpose of obtaining a loan from the bank and that the bank will be relying on that, and the bank would, then, have not



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brought any notice or other matter but in the engagement contract between the individual and the accounting firm, it was very plainly stated that the bank would be relying on it."

Hawkinson: "Thank you. To the Bill, Mr. Speaker."

Speaker Greiman: "Proceed, Sir."

Hawkinson: "I disagree with the prior speaker indicating that the Amendment was a sham. It does not go as far as he would like it to go. It does not set up the reasonability test set forth in the case referred to, but it does protect known third parties who rely on these documents, and I would support the Bill."

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

Homer: "Will the Sponsor yield?"

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

Homer: "Representative Ryder, is there only one House Amendment on this Bill?"

Ryder: "That is correct."

Homer: "It's House Amendment #4?"

Ryder: "That is correct."

Homer: "I don't have that Amendment before me, but I remember the Bill when it came up in the Judiciary Committee and basically what the Bill did as amended in the Senate, was to immunize CPAs, partners, employees from a civil liability action resulting from acts or omissions, except by those who are in privity of contract, in other words, who actually contracted for those services. That was the original Senate Bill that came to us. Now, in Committee, there were discussions about third party beneficiaries or other persons or firms who relied reasonably upon the report of the CPA, and subsequently, has found that that report was done negligently. Now, I don't have that Amendment #4 in front of me, but would you just explain

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again what Amendment #4 does to address that concern?"

Ryder: "Representative, I'll be glad to do that, but I would hope that I can do better than that by reading to you the language of that Amendment, which adds to the original Bill, after discussing the necessity of privity of contract, indicating that no person, partnership or corporation shall be liable, except to a third party who relies on such professional services, and then, only if notice of the intent to so rely is provided to the person, partnership or corporation, licensed or authorized to practice under this Act at or before the time the contract is entered into and then, of course, the other exception, in which willful and wanton conduct on behalf of a firm is not covered by this Bill."

Homer: "So, for the... for the third party to have a cause of action, that third party would have had to give prior notice or notice?"

Ryder: "Notice... notice to the accounting firm at or before the time that contract or the privity of contract was established."

Homer: "Can it be given subsequent to the establishment of the contract?"

Ryder: "It could be given subsequent to that and at that point, the CPA firm would have the option to indicate whether it would assume liability to the third party beneficiary after the original contract was ended. You see, the reason that the Bill is as important as it is, is that after the accountants have performed their work, whether it be a statement of accounts or whatever else, that the work product of that accountant was then being used in many and diverse ways, being shown to many... in fact, unlimited numbers of people for which the accountant had no privity of contract, had no knowledge that they were going to be

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used and the number of people that could be shown this document in some way, shape or form, would be limited or limitless, and the purpose of the Bill is to place some limit on the manner in which they did that."

Homer: "But it would cover the situation where it was brought, hypothetically, I believe, in Committee, where there is a... to be a sale of the stock of a corporation and the seller contracts with the CPA firm to do an audit of the corporation, the buyer, then, who would ostensibly, in that case, give notice to the CPA firm of interest. It would protect the buyer, even though that buyer may not be technically, quote, 'in privity of contract', right?"

Ryder: "That's... Representative, that's exactly what the Amendment does. As long as the prospective buyer had made it known either by actual notice to the firm or by the seller saying, 'I'm telling you to prepare these work product for the purpose of selling to prospective buyer', that is actual notice, and the CPA firm would, then, have the option if they did not wish to be responsible to the ultimate buyer, they could not become part of that engagement. Once they accept it, they accept, then, the notice that someone not in privity to them which, in this case, your example, as a prospective buyer, would be relying on what they're doing. And once they knew that, as the notice provision has indicated here, then the prospective buyer would have on a case of negligence against the CPA firm."

Homer: "Okay, then, thank you. And briefly to the Bill, Mr. Speaker. This certainly is an improvement over the Senate version in... which I understand passed unanimously. What we're trying to do here, or what the Sponsor is trying to do with the Amendment, is afford to third parties some protection, foreseeable third parties, and I think it's

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important that we recognize that the area of malpractice, which we addressed last year with respect to physicians, has and is overtaking many other professions, including the certified public accountants, and I would think that this is a reasonable effort to avert having upon us one day, the type of crisis that we faced last year with regard to physicians. I think it's a reasonable attempt to protect those CPAs addressed by the Bill and also that it does accommodate the legitimate interest of third party beneficiaries. So, I would support the legislation."

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

Sutker: "Will Representative Ryder yield to a question?"

Speaker Greiman: "Indicates he will."

Sutker: "Representative, wasn't there representation made at the hearings before Judiciary I that this Amendment would encompass language which would indicate that the CPA knew or should have known that the audit was being prepared for a specific purpose by virtue of his being hired?"

Ryder: "Representative, you are correct in indicating that that language was discussed in Committee. This Amendment was suggested to me by one of the Members of the Committee. It was reworked, so it is not in the same form as it was presented to me, and I indicated to that person as I indicated to you that I would be certainly willing to work with anyone that presented those Amendments. What you see, what we passed on the floor of this House, is the result of that negotiation process in Amendment. It does not contain the language that you just quoted. And you are correct, that language was discussed in Committee, but we couldn't come to an agreement on language to the amount that you indicate."

Sutker: "Was there an Amendment submitted which contained such language and was it voted upon on this floor?"

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Ryder: "No, not to my knowledge. Not to my knowledge was such an Amendment offered."

Sutker: "You're now suggesting that the CPA would only be responsible to those persons who had been specifically notified of their intention to review the report and be responsive to the report. No other persons are covered. Is that correct?"

Ryder: "That is correct. That is the intent of the Bill."

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

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

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

Ryder: "Thank you, Mr. Speaker. The Bill has had a full discussion. The purpose of the Bill is simply to limit the liability of the accountant to the people for whom he is working and for whom he has received notice, they may rely on his work product; otherwise, there is a limitless amount of liability, and as a result, we may have significant problems in this area as one speaker has previously indicated. I would ask for a favorable vote."

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

Zwick: "Thank you, Mr. Speaker, Members of the House. I would urge you, if you are concerned as I am about the expenses that small businesses in this state face, to oppose this Bill, because it seems to me that under this Bill, every time a small business wants to take out a loan or use their accounting procedures for any purpose at all, they're going to have to go back to an accountant. I mean, this is

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literally just a boon to accountants, so that every time you want to use an accounting report, an audit of your firm for any purpose, if you want a loan, if you want to sell your business, whatever purpose you want to use it for, you're going to have to go back to the accountant next month and the month after that and every time you need a report to have the accountant specify that this new report will be for this specific purpose and if it's not for that purpose, you won't be protected. So, it is going to cost small business, in my opinion, a tremendous amount of money. And I really didn't hear this issue addressed at all and I think it should have been because it's going to be very costly to the small businesses in Illinois, if we pass this. I would urge you to rethink your position."

Speaker Greiman: "Did you wish to vote and explain your vote or no? Okay. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 105 voting 'aye', 4 voting 'no', 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Returning to the Special Order of Business, State Administration, appears HJR 198. Mr. Clerk, read the Resolution."

Clerk Leone: "On page 18, House Joint Resolution 198, creates a Select Joint Committee on State Regulation of Professions and Occupations."

Speaker Greiman: "Mr. Cullerton."

Cullerton: "I'm not ready to proceed with it right now. I would ask it be taken out of the record."

Speaker Greiman: "We'll take it out of the record, but we'll get back to you, Mr. Cullerton. Special Subject Matter Call, Local Governments, and on that call, appears Senate Bill 2157. Mr. Clerk, read the Bill."

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Clerk Leone: "On page..."

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

Clerk Leone: "On page 12 of your Calendar, Senate Bill 2157, a Bill for an Act to amend an Act to revise the law in relationship to counties. Third Reading of the Bill."

Speaker Greiman: "Yes, Mr. Vinson, for what purpose do you seek recognition?"

Vinson: "Mr. Speaker, this is not a Special Order of Business, it's a Subject Matter Call, is that correct?"

Speaker Greiman: "Yes, that's correct, Sir."

Vinson: "Would you care to enumerate for the Membership what other Bills will be called on this Special Subject Matter Call?"

Speaker Greiman: "On this Call, there are 2157 and 2198."

Vinson: "Thank you."

Speaker Greiman: "Proceed, Mr. Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. Senate Bill 2157 authorizes the county board of any county to impose a surcharge fee of up to 10% to be added or all fines collected by the clerk of the circuit court. It also provides that that fee, which is authorized by the county board, shall be equal or less than the actual cost of the fee collection. Evidently, Mr. Speaker, these clerks of the circuit courts have experienced a great deal of cost involved with collecting all the various surcharges and fines that they must, so this is a method by which we can provide that they be reimbursed for those... for those costs. And I would move for the passage, Mr. Speaker, of Senate Bill 2157."

Speaker Greiman: "Gentleman from Cook moves for the passage of Senate Bill 2157. On that, the Gentleman from Cook, Mr. Cullerton."

Cullerton: "Will the Sponsor yield for a few questions?"

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

Cullerton: "The Bill also... the Bill allows a surcharge being an amount based on the actual cost of the fine collected. Does this require the circuit court clerk to determine in each and every case, its cost?"

Steczo: "No, it does not."

Cullerton: "It requires, then, that the clerk of the court determine its total collection cost for a certain period, for example, a year, divide that number by the number of cases in the same period in which fines were imposed and arrive at an average cost?"

Steczo: "Yes, it does."

Cullerton: "The Bill does provide, however, that the amount of the surcharge fee in a particular case cannot exceed up to 10% of the fine imposed. Is that correct?"

Steczo: "Yes, Mr. Cullerton."

Cullerton: "The exact percentage is set, however, by each county's own ordinance. Is that right?"

Steczo: "That is correct. Up to 10%."

Cullerton: "So, if a county spent \$500,000 in collecting fines in 100,000 cases, the average cost will be \$5. If a person was fined \$100, the surcharge is \$5, but a person fined \$30 would pay a surcharge of \$3. Is that correct?"

Steczo: "Yes."

Cullerton: "Thank you."

Speaker Greiman: "The Gentleman from Hill, Mr. Van Duyne."

Van Duyne: "Yes, thank you, Mr. Speaker. Mr. Cullerton asked questions as to this, this, this, but nevertheless, Representative Steczo answered yes up to 10% of the total fine. I'd like to have all the Members of the General Assembly take an analogy of a regular \$50 fine which, you would go into court and if you've pleaded guilty, if you were proven guilty, you'd pay a fine of \$50. Now, that



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means, if you're going three, four, five, six, eight or ten miles an hour, if you were going over a certain amount of miles per hour, the fine increases. No matter how you cut it, as I understand it and as we heard this Bill in Committee, you are... the counties are allowed by their own authority vested in this Bill to add 10% to the charge of your fine. Now, if your fine is \$50, they can add five dollars to your fine. I happen to think, and I sponsored a Bill last year that was heard before Judiciary I - and subsequently, we ended up in a timely death there - that the \$50 fine in itself is too high. I think that if you're going three, four, five, six, eight miles an hour over the speed limit, that \$50 is too big a hit, really. I think... and my Bill specified that it would be twenty-five or something in the same... in that area. Now, Representative Steczo's Bill, not only adds... lets them charge you the \$50 and for... for felonies, the fee even goes up, it goes up to \$40. So, I'm just saying to you quite simply that the \$50 fine in itself is too high. With this legislation, they are allowed, the counties are allowed to add another five dollars to that fine. So, for a regular speeding fine, you will pay \$55 now, rather than 50. And I want to substantiate my complaint and my objection to this Bill, and I appear in opposition to the Bill, that already our circuit courts - and I have the break out of the fees here in my hand of a \$50 fine - the circuit clerks' court fee is 10 bucks, and then, for the circuit clerks' automation fund, there is another three dollars. Now, with... with the addition of this 10%, they are allowed to charge you another five, and so, for a \$50 traffic, the circuit clerk's office would get \$18. I submit to you that there is no way that anybody is going to make me believe that the clerk's cost of administrating a \$50 fine is \$10. In fact,

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they can't even convince me that the \$13 is justified without adding another five to it. Now, I only bring out the explanation of the \$50 fine for more exorbitant cost. You are going to pay more. It's 10% of whatever the fine is, and I submit to you that this is unnecessary. No one... I have talked to my people in my county before and they have not proven to me that they deserve the money, and I just wanted to bring this out so you can, for your own verification and your own knowledge, check it yourself and see if you think \$13 that is now going to the circuit clerk's office is necessary in itself, much less, adding another five dollars to it. And I would ask you if you can't vote against this, if you... like it seems that everyone is love with the circuit clerk's office throughout the state, if not the circuit clerk himself, at least think of the people who had to go before the courts and pay these fines. I don't know about you, I don't get too many tickets, but if I get a \$50... pay a \$50 fine, I think that's high enough without adding five more dollars to it."

Speaker Greiman: "The Gentleman from DeWitt, Mr. Vinson."

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

Speaker Greiman: "He indicates he will."

Vinson: "How many surcharges are there already?"

Steczo: "Representative Vinson, we think there are about six, five or six different surcharges."

Vinson: "Five or six. Thank you. Now, somebody in the back of the chamber when I asked that question said, 'A lot.' Five or six, I think, does qualify as a lot. So, in addition to, in addition to what Mr. Van Duyne just described, which I do think is accurate, you got five or six other surcharges added to these. And then the money, as I read the Bill, goes into the general corporate fund of the

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county. It's not doing something specifically with regard to the criminal justice system or the court system, it goes into the general corporate fund. Think about the fairness of that. Think about whether that is an appropriate basis for taxation. I'd urge a 'no' vote on this particular Bill."

Speaker Greiman: "The Gentleman from Coles, Mr. Weaver."

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

Speaker Greiman: "Indicates that he will."

Weaver: "Representative, over here. In your explanation of the Bill, you mentioned the genesis was the circuit clerks themselves. Is that correct?"

Steczo: "Representative, the genesis was the circuit clerks in conjunction with the county finance study group that was put together by Senator Rock."

Weaver: "Okay. Last year, we passed a bill that would allow for a \$36 fee for support collection that was supposed to help the circuit clerks pay the bills in collecting that support. I'm hearing from a number of my circuit clerks that they're not getting that money, that it's going into the general corporate fund in the counties and is not coming to their offices. Is there anything in this Bill that would guarantee the money going where it's needed?"

Steczo: "There is no guarantee per se, but we do have... we do know that the circuit court clerks are responsible for collecting the surcharges that we... we provide. They're also responsible for collecting the various fees and various other things that we require them to do and to distribute those monies. We would hope that the surcharge, because it cannot exceed the actual cost of collecting the fines, would then be distributed back to the circuit court clerk's office."

Weaver: "But there is still no guarantee that that money is going

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end up with the circuit clerks."

Steczo: "In the Bill, specifically no."

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

Speaker Greiman: "Proceed, Sir."

Steczo: "I agree very heartily with the intent of the Bill, but we're putting ourselves back into the position that we did last year. The money is going to be collected, but it's not going to be allocated to where the money needs to be spent, and for that reason, I've got to vote against the Bill."

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

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

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

Steczo: "Thank you, Mr. Speaker, Members of the House. In addition to the surcharges that we require the circuit court clerks to collect, we should also note that they are required to collect other fees and fines that we, in the state, impose. Among those, are the traffic and criminal surcharge... conviction surcharge, driver education fees, violent crime assistance fees, truck overweight fees, drug fines, drivers' license reinstatement fees, municipal fees, library fees, sheriffs' fees, you name it, and that all cost money. We are... we have mandated that the circuit court clerks provide these services to units of local government and to the State of Illinois. I should also add that there, in fact, might be a constitutional question regarding the placement of the direction of these fees directly to the circuit court clerk's office. In many cases, the Constitution prohibits that the monies collected for fines go directly to fees and salaries, and they... and

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that same provision provides that the monies be placed in the General Corporate Fund of the county. This will provide a great deal of relief to circuit court clerks throughout the State of Illinois who have been burdened and strapped in collecting these fees. We also provide that while the county, if they need to, and I should... like to remind you that it is permissive, but should the county need to, the amount of percentage of surcharge that that county levies could not exceed the actual cost of collecting the fines that the circuit court clerk must collect. So, that in itself is a stop and a limit that we place on it. Certainly, the Bill is needed. The County Study Finance Group has indicated it's needed, and I'd appreciate the support of Members of this House."

Speaker Greiman: "Question is, 'Shall this Bill pass?' All in favor signify by voting 'aye', those opposed vote 'no'. Voting now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 42 voting 'aye', 62 voting 'no', 2 voting 'present'. This Bill, having failed to receive the Constitutional Majority, is hereby declared lost. And now, Special Order, State Administration, appears HJR 198. Mr. Clerk, read the Resolution."

Clerk Leone: "House Joint Resolution 198, on page 18 of your Calendar, creates a Select Joint Committee on State Regulation of Professions and Occupations."

Speaker Greiman: "Yes, Mr. Vinson, for what purpose do you seek recognition?"

Vinson: "Speaker, a couple of minutes ago when I asked you what was on this Special Subject Matter Call, you said, there were just two Bills."

Speaker Greiman: "That's right. We'll return to that Order of

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Business. And on the Resolution, Mr. Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The House Joint Resolution 198 creates a Select Joint Committee on State Regulation of Professions and Occupations. The Joint Committee shall review and make findings concerning the advisability of continuing the regulatory or licensing agencies scheduled for termination on December 31, 1987. It will conduct public hearings as it deems necessary, and they shall deliver to the General Assembly by January 1, 1987, a written report. The Acts that are scheduled to be repealed are, the Medical Practice Act, the Nursing Act, the Physicians' Assistance Practice Act, the Illinois Optometric Practice Act, the Podiatry Act, the Pharmacy Practice Act, Nursing Home Administrators' Act, Psychologists' Registration and Social Workers' Registration. I move for the adoption of the Resolution."

Speaker Greiman: "Gentleman from, Mr. Cullerton, moves for the adoption of HJR 198. And on that, Gentleman from McLean, Mr. Ropp."

Ropp: "Mr. Speaker, would the Sponsor yield, please?"

Speaker Greiman: "Indicates he will."

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

Ropp: "I know the Speaker would yield, but I want to ask you a question. In the wisdom of you and of the real Speaker who established the Committee on State Administration and Regulation, I guess I'm wondering why is it not in the best interest of this Assembly to assign this responsibility to a Committee that's already in existence as was the intent when we got rid of all these commissions and study groups and so forth?"

Cullerton: "Well, one of the differences, of course, will be in the makeup of the Committee. The makeup the Committee

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would allow for a member of the public to be appointed, and perhaps, most importantly, the Director of the Governor's Office of Planning will be a Member of the Committee."

Ropp: "Well, I guess I thought that's what our regular Committee was initially set up to deal with State Government matters of this type and I just question why there is a need for this, even though you're asking for members of the public. I'm sure that a Subcommittee could be appointed out of that particular Committee, if that's the case, because we all, in good faith, I think, voted to do away with a lot of those Committees, and certainly, here is one that really fits in line of State Government Administration and certainly seems like an accurate and the most fitting Committee to be assigned this responsibility."

Cullerton: "Well, I agree with part of what you say, it's just that I think that occasionally when certain things come up, which are major, like the public utilities rewrite that we had last year, we had the similar Committee that was set up to study it. As you know, when we get down... when our Committee schedule has its time limitations when you have to bring a number of other Bills with deadlines before certain Committees, there just doesn't seem to be the time. This is an Act. There are, I believe, nine separate major Acts which are going to be eliminated unless we shall recreate them, and I think that this is... for that reason, this is the best way to go."

Ropp: "Well, I understand time is close and the report of this is not due until January. This happens to be June 23, so there might be adequate time for that Committee to respond."

Speaker Greiman: "Further discussion? Being no discussion, this Resolution be adopted. Those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. This question is 72 voting 'aye', 40 voting 'no', 1 voting 'present', and the Resolution is adopted. Returning to this Special Subject Matter Call, Local Government, appears Senate Bill 2198. Mr. Clerk, read the Bill. Mr. Davis, this is your Bill."

Clerk Leone: "On page 12 of the Calendar, Senate Bill 2198, a Bill for an Act amend the Civil Administrative Code. Third Reading of the Bill."

Speaker Greiman: "Gentleman from Will, Mr. Davis."

Davis: "Thank you, Mr. Speaker. In 1984, this General Assembly passed a Bill to allow for cash incentives for... under the tourism program that we passed that year to build tourism in parks, to build downstate parks, increase the facilities at those parks in terms of lodges and amenities inside the parks. Currently, cash incentives were offered for lodges at Rock Cut State Park, Shelbyville Lake, and New Salem State Park. This Bill would offer a \$400,000 cash incentive to a developer to develop a waterslide and summer sports concession and park at Fort Massac State Park in deep southern Illinois and then would, of course, after... to a developer to come forward, there would be a \$400,000 cash incentive for him to develop a \$2,000,000 recreational development in Fort Massac State Park. At that point in time, the developer would enter into a long term lease that would recover the 400,000 plus, of course, profit to the Department of Conservation and the State of Illinois. This program has worked very well so far and we see no reason why it shouldn't continue. This area needs the development of that kind of activity. The studies that have been done by Schillinger and Associates indicate it would be a resounding success in the area, drawing both from Kentucky,



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nearby Ohio and southern Illinois and, of course, from all over the state with people touring in that area. So I would recommend to you that we pass this Bill get on about the tourism activities that are already being so successful in the State of Illinois."

Speaker Greiman: "The Gentleman from Will, Mr. Davis, moves for the passage of Senate Bill 2198 and on that the Gentleman from Cook, Mr. Leverenz. Speaker Madigan in the Chair."

Leverenz: "The Sponsor yield?"

Davis: "Yes."

Leverenz: "This would... The money would be how much?"

Davis: "The cash incentive offered to the developers is \$400,000. Upon a successful bid for the 2,000,000 development, he would receive a \$400,000 cash incentive to go ahead and develop the park and then the money would be recovered on a long... a multi-year long term lease as a concessionaire in the park which the State would take a rake off of."

Leverenz: "And this is for one park?"

Davis: "Yes this is for Fort Massac State Park down, I believe it's Hardin County today."

Leverenz: "For a waterslide?"

Davis: "Is it Hardin County? Massac County."

Davis: "...a waterslide?"

Leverenz: "Well, it's a recreational development that includes, as its centerpiece, a waterslide like the one out here at Knight's Park in south Springfield."

Davis: "Is this the first time we ever gave incentives?"

Leverenz: "No, the Department of Conservation..."

Davis: "Cash?"

Leverenz: "... Currently has offered cash incentives for the development of the lodges in Rock Cut State Park, Shelbyville Lake, and New Salem State Park. This was part of the tourism package that the Public Act allows for this

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procedure to go forward so the state is not out by, or outlaying large amounts of capital in front, but recovery from the concessionaire on the backside."

Davis: "Do we get the money, the 400,000 back if they can't get insurance?"

Leverenz: "If they what, Sir?"

Davis: "If they can't get insurance, do we get..."

Leverenz: "Well, liability insurance is a problem apparently on your side of the aisle. I don't know the answer to that."

Davis: "Thank you."

Speaker Madigan: "Mr. Phelps."

Phelps: "Thank you, Mr. Speaker. I merely rise the support of this House Bill 2198 and commend Mr. Davis for picking it up. This is in my district, Massac County, and it will... the monies are already appropriated. This was just a unique concept to get the project going and expedite the process and hopefully will save the State money throughout instead of the dollar stretched out for period of years. Will get the project going and recover those dollars quicker."

Speaker Madigan: "Mr. McClain, excuse me, Mr. Ropp."

Ropp: "Thank you, Mr. Speaker. Representative (sic - Mr. Speaker) will the Sponsor yield please?"

Speaker Madigan: "Yes, Sponsor will yield."

Ropp: "Representative Davis can you tell me whether or not the waterslide at Bowling Brook is still operative?"

Davis: "No as a matter of fact I can't. I believe it to be. I believe it to be but I really don't know."

Ropp: "Well, I don't really know and if anyone knows I would certainly welcome that. We have a waterslide in Normal and there is a University there with an excess of 20,000 people and 80,000 population and it has been a financial disaster, and I guess I'm raising the question, I know this isn't in

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your District and I'd give it some consideration if it was. But it seems to me like this is almost like the comparable situation with civic centers in the State. I don't think the State's ever going to make a dime off of a waterslide."

Davis: "Representative Rock this a water recreational park that includes a slide. There are other activities involved in it. The slide apparently is the center piece and there has been an extensive study by Schillinger and Associates, who ever in the world they are marketing firm. That indicates it would be widely successful. I'm not a marketing person."

Ropp: "I think anybody in the marketing business will certainly support any kind of effort they have a contract to promote and I'm just saying that from a practical stand point, from a municipality where there were around 100,000 people that had access to a waterslide it's been a financial disaster. The township, the city has lost money and it's been a thing that even though sounds good initially, because they have been unable to get any insurance and things it's really been a very costly thing and I just raise that for a point of information to the Body."

Davis: "...well..."

Speaker Madigan: "Mr. Davis to close, Mr. Davis to close."

Davis: "Well, in rebuttal to that, thank you Mr. Madigan, Mr Speaker. In rebuttal to that that's precisely why the cash incentive is used to lure developer, who's going to spend 2,000,000 bucks of his own money to develop a long term lease that he's liable for so the money can be recovered. If it's a bust it's his problem. It's not the State's. So I would urge for the passage of this program that is working with three other states parks."

Speaker Madigan: "The question is shall this Bill pass, those in favor signify by saying 'aye', those opposed by saying 'no'. Voting 'aye', all those in favor vote 'aye', those

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opposed vote 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 92 'ayes', 13 'nos'. This Bill, having received a Constitutional Majority is here by declared passed. Ladies and Gentlemen if I can have your attention, we have 15 Bills that we would like to call and then adjourn. If we proceed through these 15 Bills in an abbreviated fashion as we have in the past we should be able to do it in about a half an hour of time and then we could be gone on about 9:30. So relative to the next 15 Bills I would simply suggest that we call the Bill, we attempt to have a limited amount of debate, and then proceed the Roll Call. Vote the Bill up or down. So the first Bill, Mr. Vinson."

Vinson: "Are you suggesting that your going to violate the rules of the House and not call out members who wish to..."

Speaker Madigan: "...no..."

Vinson: "...be recognized?"

Speaker Madigan: "No, I didn't suggest that and Mr. Vinson I've done this in the past, I have not violated any rules."

Vinson: "I'm sorry?"

Speaker Madigan: "When we have done this in the past, we have not violated any rules."

Vinson: "...fine!"

Speaker Madigan: "Thank you very much. First Bill would be Senate Bill 1931 on page 11 of the Calendar, Mr. Cullerton, Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1931, a Bill for an Act relating to Number Appointment and Retirement of the Associate Judges, Third Reading of the Bill."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. The Bill guarantees that there be 14 Associate Judges in Will county. It sets a cap, as by explained by

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Representative Vinson last week, it sets a cap for the salaries for court reporters at 37,250 and it provides that the counties of Winnebago and Boone will be guaranteed the same number of judges they now have, Associate Judges of ten. Appreciate your support."

Speaker Madigan: "Mr. Vinson."

Vinson: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. So that some Members may know who are interested in these things. I believe there is an increase in judges for the Winnebago circuit in this particular Bill and Members who object to that may wish to vote no on that."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 62 'ayes', 49 'nos'. This Bill, having received the Constitutional Majority, is hereby declared passed. Next Bill will be Senate Bill 1845, page 11 of the Calendar, Mr. Cullerton. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1845, A Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Yes, last year... thank you, Mr. Speaker, Ladies and Gentlemen of the House. Last year we created this new Act - Illinois Uniform Transfers to Minors Act - to replace the Illinois Uniform Gifts to Minors Act. We delayed the effective date 'til July 1, 1986. The agreement that several defects in the Act would be corrected. This Amendment incorporates those corrections in the new Act. It's been worked out by the Chicago Bar Association Probate Committee as along with Judge Novoselsky in Chicago. I

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would appreciate your support for the Bill. I know of no opposition."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 96 'ayes', 14 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. Next Bill will be Senate Bill 1570. Mr. Regan. Page 12 of the Calendar. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1570, a Bill for an Act to amend the Criminal Code. Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Madigan: "Are there any Motions?"

Clerk Leone: "There are no Motions filed."

Speaker Madigan: "Are there any Amendments?"

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

Speaker Madigan: "Mr. Regan. Mr. Regan."

Regan: "Withdraw Amendment #2, please."

Speaker Madigan: "Amendment #2 shall be withdrawn. Are there any further Amendments?"

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

Speaker Madigan: "Mr. Regan."

Regan: "Withdraw Amendment #3 please."

Speaker Madigan: "The Amendment is withdrawn. Are there any further Amendments?"

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

Speaker Madigan: "Mr. Regan."

Regan: "Amendment #4 to Senate Bill 1570 is an agreed Amendment."

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Reagan-Cullerton. It is a immunity from liability for people that report abuse of senior citizens. I move for its adoption."

Speaker Madigan: "Those in favor of the Amendment say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, has the Bill been read a third time?"

Clerk Leone: "It has not."

Speaker Madigan: "Mr. Clerk, please read the Bill on Third Reading."

Clerk Leone: "Senate Bill 1570, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Regan."

Regan: "This Bill as amended now, it gives immunity to people that report abuse of elderly individuals as well as a penalty if they have falsely committed that, as well as the fact that it puts a Class A misdemeanour on false reporting to paramedics or ambulances. I move for its adoption."

Speaker Madigan: "Those in favor of the passage of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there 112 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The next Bill shall be Senate Bill 1565. Mr. O'Connell. Page eight of the Calendar. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1565, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of the Bill."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. Senate Bill 1565, the substance of the Bill provides that there would be an

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aggravated situation with regards to a criminal assault providing the opportunity for a judge to extend the punishment for aggravated criminal assault between 30 and 60 years if the victim is a child under the age of 18. The original Bill called... the original law provides for under the age of 12. The Bill also provides for a Class 2 felony for tampering with food products. There is also a provision in there regarding the reporting for orders by the Judge for giving eavesdropping orders, making it an annual reporting as opposed to every 30 days after the issuance of the order. The Bill also allows the court to oppose extended term sentences upon... I would defer to Representative Preston for an explanation of... "

Speaker Madigan: "Mr. Cullerton, Mr. Dunn is seeking recognition. Mr. Dunn."

Dunn: "Does Amendment #2 change the... Question of the Sponsor."

Speaker Madigan: "Sponsor indicates that he will yield."

Dunn: "Does the Amendment #2 change the reporting requirements for eavesdropping reports to the Illinois Supreme Court?"

O'Connell: "Right, it's modified by Amendment #4. It provides for the annual reporting as opposed to the every 30 days thereafter, every 30 days after the issuance of an order."

Dunn: "...alright, thank you very much."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 108 'ayes', 4 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The next Bill will be Senate Bill 1709. Mr. Keane. Page nine of the Calendar. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1709, a Bill for an Act relating to certain taxes. Third Reading of the Bill."



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Speaker Madigan: "Mr. Keane."

Keane: "Thank you, Mr. Speaker. Leave to return the Bill to Second Reading for a purpose of Amendments."

Speaker Madigan: "The Bill shall be placed on the order of Second Reading. Mr. Clerk, are there any Amendments?"

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

Speaker Madigan: "Mr. Ewing on Amendment #3. Mr. Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, this Amendment would require the Department of Revenue to identify high school districts or unit districts whichever each taxpayer lived in on the tax return. I think this would be very helpful information when we come to the task, in later years, of redesigning our school aid formula."

Speaker Madigan: "Those in favor of the Amendment say 'aye', those opposed say 'no. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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

Speaker Madigan: "Mr. Hastert. Mr. Hastert."

Hastert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #4 defines 'reasonable cause'. It says that what is shown to be unintentional and non fraudulent in cases where businesses are not held liable for mistaken entries or offering to the Department of Revenue. This agreement is agreed to by the Department of... this Amendment is agreed to by the Department of Revenue and asked for by IRMA."

Speaker Madigan: "Those in favor of the Amendment say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, read the Bill for a

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third time. Leave has been granted for immediate consideration on Third Reading. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1709, a Bill for an Act relating to certain taxes. Third Reading of the Bill."

Speaker Madigan: "Mr. Keane."

Keane: "Thank you, thank you, Mr. Speaker. In addition to the two Amendments that we just adopted, the Bill has a gas revenue and public utility impact of... where the average liability, task liability is \$50.00 or less, there is... they can return, they can file a return annually. There's a retail occupation tax which changes the penalties to more current interest and there is an Amendment which revises the methods of accessing Illinois Income Tax on taxable earnings of political campaigns. I'd be happy to answer any questions. Ask for a favorable Roll Call."

Speaker Madigan: "Mr. Vinson."

Vinson: "Yes, I wonder if the Sponsor might yield for a..."

Speaker Madigan: "Sponsor indicates he will yield."

Vinson: "Representative, did I hear you say that this Bill taxes political campaign funds?"

Keane: "I would yield to Representative Churchill on that question, this Amendment."

Speaker Madigan: "Mr. Churchill."

Churchill: "Yes, that's true."

Vinson: "And, at what rate does it tax political campaign funds?"

Churchill: "Taxes political campaign funds from the state at the same level for both the federal and state campaign funds. It taxes federal campaign funds at an amount which would equal the total amount paid by state campaign funds under both the state and federal tax laws, so that they're equal."

Vinson: "I'm not... I'm not sure what you mean. What is the tax

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rate?"

Churchill: "Currently, under the federal tax rate, a local campaign committee, such as a State Representative's campaign committee, would be charged a 46% tax rate, whereas a federal rate, such as a U.S. Congressman or Senator, would be charged at a 26% tax rate. What this Bill does is to equalize those so that both the federal and the state campaign committees are paying the exact same amount."

Vinson: "Okay. Does the Illinois income tax currently tax campaign committees?"

Churchill: "I believe it does."

Vinson: "It does?"

Churchill: "I'll check on that. Yes, it's currently taxed."

Vinson: "Is that because of tradition, the statute, or because of a recent Revenue Department ruling?"

Churchill: "It'll be a Revenue Department ruling that just came out."

Vinson: "So the... we would have the option of choosing to legislatively veto that Department of Revenue ruling or of changing it, or of affirming it, and we've chosen the option of changing it. Is that essentially the posture we're in?"

Churchill: "Yes, as the Bill came over from the Senate, it had a change in it and all I did was to refine that change."

Vinson: "Thank you."

Speaker Madigan: "Mr. Dunn."

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

Speaker Madigan: "The Sponsor indicates he will yield."

Dunn: "There's an indication that this legislation will change the interest, I guess, on delinquent sales tax in some way. Could you explain whether the interest rates will go up or down if this becomes law?"

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Keane: "It goes down from two percent to one and a half percent."

Dunn: "Thank you."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Mr. Vinson."

Vinson: "I want to indicate that I may have a conflict of interest on this particular Bill."

Speaker Madigan: "Thank you, Mr. Vinson. I won't repeat what's being said on the floor, Mr. Vinson. Have all voted who wish? Have all voted who wish? It was all friendly and in jest. Have all voted who wish? The Clerk shall take the record. On this question there are 93 'ayes', 9 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. Next Bill will be Senate Bill 2191. Mr. Ryder. On page six of the Calendar. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2191, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. The Bill provides that when the Department of Public Aid determines that a recipient is abusing his or her medical privileges, those privileges may be restricted to a designated provider so the Department can hold a periodic review to determine if usage has subsided to legitimate levels and warrant a full restoration of privileges. Bill is recommended by the Senate Select Committee on Medicare... Medicaid Fraud, and I urge its passage."

Speaker Madigan: "Those in favor of the passage of the Bill... Mr. Dunn."

Dunn: "...quick question of the Sponsor..."

Speaker Madigan: "Sponsor indicates he will yield."

Dunn: "Do I understand that this legislation will restrict a

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recipient to a certain provider designated by the Department of Public Aid?"

Ryder: "In the event that there is evidence indicating abuse or... of the use of drugs, that is correct."

Dunn: "Thank you."

Ryder: "Or medical privileges, I should say. That is correct."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye, those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 111 'ayes', 1 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The next Bill will be Senate Bill 2164. Mr. O'Connell. Page 12 of the Calendar. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2164, a Bill for an Act to amend an Act in relationship to the detection of prevention of suicide by adolescents. Third Reading of the Bill."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. May I have leave to return the Bill to Second Reading for purposes of Amendment?"

Speaker Madigan: "Leave is granted. The Bill is on the order of Second Reading. Are there any Amendments?"

Clerk Leone: "Floor Amendment #2 offered by Representative O'Connell."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Mr. Speaker, prior to addressing Amendment #2, may I have leave to table Amendment #1, which was adopted in Committee?"

Speaker Madigan: "Leave is granted. Mr. Vinson."

Vinson: "Not quite yet. Not until it attempts to move to Third Reading."

Speaker Madigan: "Mr. O'Connell. Mr. O'Connell, your request for leave the table the Amendment adopted in Committee has been

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granted. Mr. Clerk, state our posture."

Clerk Leone: "Amendment #1 has been tabled. Floor Amendment #2 is being offered by Representative O'Connell."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Thank you, Mr. Speaker. Amendment #2 adds professional and scientific corporations as eligible recipients of the grants for the development and maintenance of the suicide prevention programs, and it also makes clear that not-for-profit mental health organizations would also be recipients of the grants, and I would ask for its favorable adoption."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Madigan: "Third Reading. Mr. Vinson."

Vinson: "Speaker..."

Speaker Madigan: "Mr. Vinson."

Vinson: "I would object to immediate consideration of the Bill on Third Reading."

Speaker Madigan: "Mr. O'Connell, do you wish to move for immediate consideration? The Motion requires 71 votes."

O'Connell: "I, hereby would move for immediate consideration of this Bill."

Speaker Madigan: "You've all heard the Motion. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? This is a Motion for immediate consideration because the Bill was amended on Second Reading. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 61 'ayes', 48 'nos'. The Motion fails. The next Bill will be Senate Bill 1517. Mr. Terzich. Page seven of the Calendar. Mr. Clerk, read

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the Bill."

Clerk Leone: "Senate Bill 1517, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Terzich. Is Mr. Terzich in the Chamber? Take the Bill from the record. Next Bill will be Senate Bill 2191. Mr. Ryder. Mr. Ryder. Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. I move to reconsider 2191. I was on the prevailing side. We had inadvertently forgot to put on an Amendment that was agreed to by all parties."

Speaker Madigan: "Is there leave? Leave is granted. The Roll Call in support of the passage of the Bill has been reconsidered. Mr. Ryder, the Bill is now on Third Reading."

Ryder: "Thank you, Mr. Speaker. I move or I would ask for leave to return it to Second for the purpose of an Amendment."

Speaker Madigan: "Leave is granted. The Bill is on Second Reading. Mr. Ryder."

Ryder: "This Amendment is for the agreement of the Legal Assistance Foundation of Chicago. It's an agreed Amendment."

Speaker Madigan: "Mr. Ryder, is this another Amendment? Is this now another Amendment?"

Ryder: "No, it's the Amendment #3."

Speaker Madigan: "Well, Mr. Clerk... I see, fine. So, Mr. Clerk, are there any Amendments?"

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

Speaker Madigan: "Mr. Ryder on Amendment #3."

Ryder: "As I indicated, this is at the request of the Legal Assistance Foundation."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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Clerk Leone: "There are no further Amendments."

Speaker Madigan: "Third Reading. Mr. Ryder."

Ryder: "I would ask leave for immediate consideration on Third Reading?"

Speaker Madigan: "Leave is granted. Mr. Ryder."

Clerk Leone: "Senate Bill 2191, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Ryder: "This Bill accomplishes the same as previously when we had affirmative votes and I ask the same."

Speaker Madigan: "Mr. O'Connell."

O'Connell: "Mr. Speaker I object."

Speaker Madigan: "What are you objecting to?"

O'Connell: "I'm sorry, Mr. Speaker. I thought it was being returned to Second Reading for purposes of an Amendment. I'll remove my objection."

Speaker Madigan: "We did that. The Bill is now on Third Reading. Mr. Ryder moves for passage of the Bill. Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 110 'ayes', 1 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. The next Bill will be Senate Bill 1517. Mr. Terzich. Mr. Clerk, read the Bill."

Clerk Leone: "On page seven of the Calendar, Senate Bill 1517, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Terzich."

Terzich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 1517 amends the School Code which permits parents of former students instead of parents of current students to serve as president or chairperson of a subdistrict, advisory council in the Chicago Public School



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System. This Bill came out of Committee, which basically was on the Consent Calendar. There is also a couple of Amendments by Representative Cullerton which were adopted, and if he wants to explain the Amendments, all well and good, and I would urge its support."

Speaker Madigan: "Mr. Vinson."

Vinson: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, on a point of order, can the Chair inform the Membership whether Amendment 21 is currently on the Bill?"

Speaker Madigan: "Mr. Vinson, the Calendar indicates that the Amendments have been adopted. Did you wish to make a..."

Vinson: "...I'm sorry, I couldn't..."

Speaker Madigan: "The Calendar that you have in your hand indicates that they have been adopted. Now, did you wish to make a point beyond that?"

Vinson: "Yes, I do wish to speak to it, since that Amendment's been adopted. That is the Collagen Amendment, as we call over here, short for the Cullerton-Madigan Amendment. We call it the Collagen Amendment which provides for an expansion in parochial to deal with situations that relate to safety hazards for children going to parochial schools. Now, Members may vote for that or may want to vote against that, but I think it's important that all Members know that this Bill does carry the Collagen Amendment which has had substantial controversy in the course of the Session."

Speaker Madigan: "Representative Braun."

Braun: "A question of the Sponsor. Will the Sponsor yield?"

Speaker Madigan: "Sponsor indicates he will yield."

Braun: "Representative Terzich, does this still repeal the Urban School Improvement Act, as Amendment 4 would have originally done?"

Terzich: "I'm sorry, Representative, I couldn't hear you. I have

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too much noise over here by the Pages over here."

Braun: "Is the Urban School..."

Speaker Madigan: "Would you hold it down a second, gang? Repeat that."

Braun: "Thank you. Amendment 4 sought to repeal the Urban School Improvement Act. That Amendment was not adopted and I'm wondering."

Speaker Madigan: "I understand Amendment 1 and 2 were adopted..."

Braun: "...I understand. Is there any part of this Bill that repeals our people in empowerment Act that we passed out of this House last year?"

Terzich: "No."

Braun: "Thank you."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 57 'ayes', 46 'no'. Mr. Terzich."

Terzich: "Well, this is a good piece of legislation, Mr. Speaker threw an Amendment on there, and I would ask for Poll of the Absentees."

Speaker Madigan: "Mr. Clerk, Poll of the Absentees."

Clerk Leone: "Poll of those not voting: Bullock. Hallock. Huff. Krska. Leverenz. And Mautino. No further. Mr. Leverenz wishes to be recorded as 'aye'. Representative Currie. Representative Currie. Record Representative Currie as 'aye'. Representative Breslin. Record Representative Breslin as 'aye'. Mr. Hoffman."

Hoffman: "I'd like to verify the vote, please."

Speaker Madigan: "Representative Zwick, are you seeking recognition?"

Zwick: "Yes, I am, Mr. Speaker. Would you please change my 'yes' vote to 'no'?"

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Speaker Madigan: "Record Representative Zwick as 'no'. Mr. Turner wishes to be recorded as 'aye'. Mr. Shaw. Mr. Shaw."

Shaw: "'No'."

Speaker Madigan: "Wishes to be recorded as 'no'. Mr. Pangle wishes to be recorded as 'aye'. Record Mr. Pangle as 'aye'. Mr. Hallock."

Hallock: "'Aye'."

Speaker Madigan: "Record Mr. Hallock as 'aye'. Are there any further changes at this time? Mr. Mulcahey."

Mulcahey: "'No'."

Speaker Madigan: "Record Mr. Mulcahey as 'no'. Are there any further changes? Mr. Terzich."

Terzich: "We've got 60 votes. We'll take it."

Speaker Madigan: "We're going to be required to do a verification, and I think you were out of the chamber at the time I took the Chair to explain that we'd like to move along expeditiously, and there has been a suggestion that if you would remove the Collagen Amendment that the Bill might move a little easier than it is now. So, if we would take the Bill back to the Second Reading."

Terzich: "Well, Mr. Speaker, it's your Amendment. I mean, I wouldn't want to show any disrespect to you. But we'll do it anyhow. I didn't have any problems with the Bill. It was my Bill. I had no problems with it. We'll take it out, then, Mr. Speaker."

Speaker Madigan: "Alright, then let's take the Bill out of the record. Out of the record. Next Bill will be Senate Bill 2192. Mr. Ryder. Mr. Clerk, read the Bill. We are now on the order of Senate Bill 2192. Mr. Ryder. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2192, a Bill for an Act to amend the concerned public aid benefits. Third Reading of the Bill."

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Speaker Madigan: "Mr. Ryder."

Ryder: "Under this Bill, once an individual or legal entity has been barred from receiving future payments or benefits under the Public Aid Code, that person may not either directly or indirectly participate in future public aid programs in any capacity."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 108 'ayes', 6 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. Next Bill will be Senate Bill 1783. Mr. Richmond. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1783, a Bill for an Act to amend the Beef Market Development Act. Third Reading of the Bill."

Speaker Madigan: "Mr. Richmond."

Richmond: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1783 is a very simple Bill. It amends the Beef Market Development Act to coordinate certain provisions of the Act with the National Beef Promotion Research Program. This Bill is a duplicate of one that we passed in the House 108 to 0, and I would ask for your support on this, Senate Bill 1783."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 113 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Next Bill will be Senate Bill 1848. Mr. Steczo. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1848..."

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Speaker Madigan: "Mr. Steczo."

Steczko: "...record."

Speaker Madigan: "Okay. The Gentleman indicates he does not wish to call the Bill. Thank you, Mr. Steczo. The next Bill will be Senate Bill 2136. Mr. Keane. Mr. Clerk, read the Bill. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2136, a Bill for an Act to amend an Act relating to certain investments of public funds by public agencies. Third Reading of the Bill."

Speaker Madigan: "Mr. Keane."

Keane: "Thank you, Mr. Speaker. Senate Bill 2136 provides that State Treasurer may act as a custodial bank for public agencies executing repurchase agreements. Court rulings making repos subject to bankruptcy code automatic stay provision. It means that in the event of a bankruptcy of those issues the repos issues, they must be turned over to a receiver for liquidation on a prorated bases. There's federal legislation that has been passed. It sets up a system where the repos that the Treasurer's Office buys are insured, and it also provides that with in... that the Treasurer's Office shall buy by repos for other units of government. I'd be happy to answer any questions. Ask for a favorable vote."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 113 'aye', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The next Bill shall be Senate Bill 233. Mr. Curran. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 233, a Bill for an Act in relationship to Anatomical Gifts. Third Reading of the Bill."

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Speaker Madigan: "Mr. Curran."

Curran: "Mr. Speaker, the Secretary of State, who supports this Bill, has a small Amendment they'd like to put on. It simply changes the effective date. I'd like to move this Bill back to Second Reading for purpose of adding that Amendment."

Speaker Madigan: "Leave is granted. The Bill is on the order of Second Reading. Mr. Clerk, are there any Amendments?"

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

Speaker Madigan: "Mr. Curran."

Curran: "Amendment #1 simply adds the effective date of January 1, 1987. In deference to the wishes of the Secretary of State."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Madigan: "Third Reading. There is leave granted to hear the Bill on Third Reading. Mr. Curran."

Curran: "Mr. Speaker, Senate Bill 233 creates the Organ Donate - Request Act. Essentially, it sets up situation whereby we're going to have a lot more organs for transplant."

Speaker Madigan: "Mr. Curran, there is no indicated opposition to the Bill."

Curran: "Correct."

Speaker Madigan: "Those in favor signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish?"

Clerk Leone: "Senate Bill 233, a Bill for an Act in relationship to Anatomical Gifts. Third Reading of the Bill."

Speaker Madigan: "Good work Tony. Have all voted who wish? The Clerk shall take the record. On this question there are 105 'ayes', 5 'nos'. This Bill, having received a

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Constitutional Majority, is hereby declared passed. The next Bill will be Senate Bill 2020. Mr. White. Mr. Clerk, read the Bill. The Gentleman indicates he does not wish to call the Bill. Next Bill will be Senate Bill 2190. Mr. White. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2190, a Bill for an Act in relationship to Suspension of Licenses used to health care professionals. Third Reading of the Bill."

Speaker Madigan: "Mr. Clerk, have you read the Bill?"

Clerk Leone: "Yes."

Speaker Madigan: "Mr. White."

White: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 2190 provides that any professional who provides service or products under the Medical Assistance Act, who is found to be of immediate danger to the public will be reported to R and E, and R and E will make a determination as to whether that particular person's license should be lifted."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 111 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The next Bill will be Senate Bill 2193. Mr. Ryder. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2193, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. This is also part of the Senate Select Committee on Medicaid Fraud. Creates the offense of public aid wire fraud, the penalty for which is a class 4 felony. I urge its passage."

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Speaker Madigan: "Those in favor of the passage of the Bill signify by... Mr. Dunn. Mr. Dunn."

Dunn: "What does this Bill do?"

Speaker Madigan: "Mr. Ryder."

Ryder: "This Bill creates the offense of public aid wire fraud."

Dunn: "Alright."

Speaker Madigan: "Mr. Dunn indicates his support..."

Dunn: "...pass another stupid law."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 103 'ayes', 6 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. The next Bill will be Senate Bill 1517, which is on the Order of Third Reading. Leave is granted that the Bill shall be placed on the order of Second Reading. The Chair recognizes Mr. Terzich for a Motion."

Terzich: "Yes, Mr. Speaker. I'd like to table Amendment #1."

Speaker Madigan: "Is there a leave? Leave is granted. The Amendment is tabled. Are there any further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Madigan: "Third Reading. Leave is granted to consider the Bill on Third Reading. Mr. Terzich."

Clerk Leone: "Senate Bill 1517, a Bill for an Act to amend the School Code. Third Reading of the Bill."

Speaker Madigan: "Mr. Terzich."

Terzich: "Yes, Mr. Speaker. Senate Bill 1517 permits parents of former students instead of parents of current students to serve as president or chairperson of subdistricts for Chicago Public School System."

Speaker Madigan: "Mr. Vinson is seeking recognition to gloat a little bit. Mr. Vinson."



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Vinson: "Mr. Speaker, I am under the belief that the Collagen Amendment is on this Bill. Is that not correct?"

Speaker Madigan: "On or off?"

Vinson: "That it's on?"

Speaker Madigan: "On?"

Vinson: "Yes."

Terzich: "Off."

Speaker Madigan: "It's my understanding that it's off."

Vinson: "It's off?"

Terzich: "Yes."

Speaker Madigan: "It's my understanding, yes."

Terzich: "We just tabled it."

Vinson: "He just tabled it?"

Terzich: "Yes, it was brought back to Second and tabled."

Speaker Madigan: "You were seen taking a puff of your cigar while that was happening."

Vinson: "Well then, the Bill has been amended."

Speaker Madigan: "...it's been what?"

Vinson: "It's been amended."

Speaker Madigan: "It's been amended."

Vinson: "Then I would object to immediate consideration of the Bill."

Speaker Madigan: "The Amendment had been taken off and the Chair had indicated that there was leave while you were still taking a puff of your cigar."

Vinson: "Mr. Speaker, Mr. Speaker... "

Speaker Madigan: "Mr. Vinson."

Vinson: "If you've noticed, I've never lit that cigar in this Chamber. Now, if you'll apologize for accusing me of that, I'll let the Gentleman carry his Bill immediately."

Speaker Madigan: "Fine, apology is tendered. Mr. Terzich on his Bill."

Terzich: "Yes, I would appreciate your support."

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Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 69 'aye', 35 'no'. This Bill, having received a Constitutional... Mr. Johnson 'no', Mr. Mulcahey 'no', Mr. Slater 'no'. You'll have to identify yourself, you, Mr. Kirkland 'no'. Let's take another Roll Call. Mr. Clerk, well there's several others seeking recognition. Let's dump the Roll Call. Let's do it again. Those in favor of the passage of the Bill signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Clerk shall take the record. On this question there are 53 'aye', 51 'no'. This Bill, having failed to receive... Mr. Terzich."

Terzich: "Well, Mr. Speaker I... in explanation of my vote, all the Bill does, it just allows people that were former parents to serve on an advisory staff and also has an Amendment on the highback seats of the buses that were previously passed by the House. I don't know."

Speaker Madigan: "Mr. Terzich, it would appear that that is all well known."

Terzich: "Apparently it isn't, so therefore, I'll ask for a Poll of the Absentees."

Speaker Madigan: "The Clerk shall poll the absentees."

Clerk Leone: "Poll those not voting: Braun. Brookins. Brunsvold. Bullock. Huff. Krska. Leverenz. Levin. Phelps. Rea. Satterthwaite. Washington. Wojcik."

Speaker Madigan: "Record Mr. White as 'aye'. Record Mr. Brunsvold as 'aye'. Mr. Levin, 'aye'. Representative Braun 'aye'. Mr. Rae 'aye'. Mr. LeFlore 'aye'. Representative Alexander, 'aye'. Representative Wojcik, 'no'. Mr. Phelps, 'aye'. On this question there are 61

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'ayes', 49 'nos'. This Bill, having received a Constitutional Majority, is hereby declared passed. The next Bill will be Senate Bill 2020. Mr. White. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2020, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

Speaker Madigan: "Mr. White."

White: "Mr. Speaker, Ladies and Gentlemen of the House, I'd like to have leave to bring this Bill back to Second Reading for the purpose of an Amendment."

Speaker Madigan: "Leave is granted. The Bill is on Second Reading. Are there any Amendments?"

Clerk Leone: "Floor Amendment #1 is being offered by Johnson and Countryman."

Speaker Madigan: "Mr. Johnson indicates he does not wish to call the Amendment. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #2 offered by Countryman."

Speaker Madigan: "Mr. Countryman."

Countryman: "Withdraw 2 through 4."

Speaker Madigan: "Amendments 2 through 4 shall be withdrawn. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #5 offered by Countryman and Johnson."

Speaker Madigan: "Mr. Countryman."

Countryman: "Amendment #5 allows a beneficiary to take control the of the proceeding at any time, that he would hire an attorney. I'd ask for its adoption."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment 6, offered by Countryman and Johnson."

Speaker Madigan: "Mr. Countryman."

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Countryman: "Floor Amendment #6 makes other language inconsistent with Amendment #5."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "Floor Amendment #7 offered by Representative Vinson."

Speaker Madigan: "Mr. Vinson."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. Amendment #7 adds two consumers and one provider, additional provider, representatives for the Long Term Care Advisory Committee and I would move for the adoption of the Amendment."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Madigan: "Third Reading. Is there leave to consider the Bill on Third Reading? Leave is granted. Mr. White."

Clerk Leone: "Senate Bill 2020, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill."

White: "Mr. Speaker, Ladies and Gentlemen of the House..."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye, those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 110 'ayes', 1 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The next Bill shall be Senate Bill 2194. Mr. Ryder. Mr. Clerk, read the Bill. Mr. Ryder."

Clerk Leone: "Senate Bill 2194, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill."

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Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. This is the last part of the package from Senate Select Committee on Medicaid Fraud. Creates the offensive public aid mail fraud for which the penalty is a Class 4 felony."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye, those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 109 'aye', 2 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair is prepared to adjourn until 10:00 a.m. tomorrow morning permitting perfunctory time, for the Clerk to read appropriation Bills. On the order of Second Reading in a received messages from the Senate. Mr. Vinson."

Vinson: "Does that mean that every Bill on the Calendar has been called today?"

Speaker Madigan: "Did you have some particular Bill that you were referring to?"

Vinson: "I'm sorry?"

Speaker Madigan: "Did you have some Bill that you were referring to?"

Vinson: "No, I'm just concerned about other Members."

Speaker Madigan: "Oh good, they'll be very happy. Especially those on this side."

Vinson: "Well, have their Bills been called?"

Speaker Madigan: "Ask them."

Vinson: "I can see a couple of sour expressions on that side, Mr. Speaker."

Speaker Madigan: "Well, it's been a long day. So, Mr. McPike moves that Mr. Phelps... Mr. Pangle be recognized. Mr. Pangle."

Pangle: "Thank you, Mr. Speaker. Since we moved the time on

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tomorrow, the downstate Democrat Caucus will be at 9:30 in 114."

Speaker Madigan: "Mr. Pangle, did you want some security? Mr. Vinson."

Vinson: "If they want to put it in Room 300 of the Capitol, we'll serve them coffee and rolls."

Speaker Madigan: "Mr. McPike's Motion is that we stand adjourned until 10:00 a.m. tomorrow morning. Those in favor say 'aye', those opposed say 'no'. The Motion carries. The House does stand adjourned until 10:00 a.m. tomorrow morning."

Clerk Leone: "Messages from the Senate by Mr. Wright, Secretary. "Mr. Speaker, I am directed to inform the House of Representatives, the Senate has concurred in the House in the passage of the following Bills, together with Amendments and the adoption of which I'm instructed to ask concurrence of the House to wit: House Bills: 913, 1321, 1446, 1473, 1945, 2409, 2544, 2549, 2562, 2574, 2644, and 2648, 2741, 3271, 3267, 3266, 3187, 3080, 3062, 3044, 2958, 2937, 2917, 2785, 2757, 3309, 3328, 3346, 3351, 3378, 3394, 3431, 3503, 3549, 3550, 3555, passed the Senate as amended June 23, 1986. Kenneth Wright, Secretary."

Clerk O'Brien: "Senate Bill 1562, a Bill for an Act making appropriations for job training. Second Reading of the Bill. This Bill will be held on Second Reading. Senate Bill 1603, a Bill for an Act making appropriations to State University Civil Service System. Second Reading of the Bill. This Bill will be held on Second Reading. Senate Bill 1604, a Bill for an Act making appropriations to certain retirement systems. Second Reading of the Bill. This Bill will be held on Second Reading. Senate Bill 1628, a Bill for an Act making appropriations to various legislative support agencies. Second Reading of the Bill.

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This Bill will be held on Second Reading. Senate Bill 1734, a Bill for an Act making appropriations to the Court of Claims. Second Reading of the Bill. This Bill will be held on Second Reading. Senate Bill 1738, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Department of Mental Health and Developmental Disabilities. Second Reading of the Bill. This Bill will be held on Second Reading. Senate Bill 1744, a Bill for an Act making appropriations to the Teachers' Retirement System. Second Reading of the Bill. This Bill will be held on Second Reading. Senate Bill 1751, a Bill for an Act making appropriations for the ordinary and contingence expense of the Department of Corrections. Second Reading of the Bill. This Bill will be held on Second Reading. Senate Bill 1757, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Department of Revenue. Second Reading of the Bill. This Bill will be held on Second Reading. Senate Bill 1759, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Department of Veterans' Affairs. Second Reading of the Bill. This Bill has been read a second time previously. Senate Bill 1769, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Illinois Arts Council. Second Reading of the Bill. This Bill will be held on Second Reading. Senate Bill 1772, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Prisoner Review Board. Second Reading of the Bill. This Bill will be held on Second Reading. Senate Bill 1779, a Bill for an Act making appropriations for the ordinary and contingent expenses for the Public School Teachers' Pension Retirement Fund. Second Reading of the Bill. This Bill will be held on Second Reading.

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Senate Bill 1846, a Bill for an Act making appropriations for the Metropolitan Fair and Exhibition Authority. Second Reading of the Bill. This Bill will be held on Second Reading. No further business. The House now stands adjourned."



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