

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

140th Legislative Day

July 1, 1986

Speaker Giglio: "The House will come to order. The Chaplain for today will be Father Kevin Vann, Associate Pastor, Blessed Sacrament Catholic Church of Springfield. Father Vann is a guest of Representative Michael Curran. Will the guests in the gallery please rise for the invocation?"

Father Vann: "Let us pray with the words of Psalm 33. 'For the Word of the Lord is faithful and all His works are to be trusted. The Lord loves justice and rights and fills the earth with His love. Lord, may Your faithfulness guide our works this day so that what we seek to accomplish may be done in the spirit of Your truth, Your trust and Your justice for ourselves and our work and those whom we serve'. Amen."

Speaker Giglio "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 Giglio "Roll Call for Attendance. All of you that are worried about the Roll Call ought to be worried about getting closer to the religious life so when we pass on we'll be... we'll have a good record. Representative Piel, did you have any excused absences, Sir?"

Piel: "Yes, Representative McCracken."

Speaker Giglio "Representative Matijevich."

Matijevich: "No excused, as far as I know."

Speaker Giglio "Thank you. 117 present. A quorum is present. Representative Vinson, are you seeking recognition, Sir?"

Vinson: "Yeah, I'm inclined to ask for a verification."

Speaker Giglio "Agreed Resolutions."

Clerk O'Brien: "House Joint Resolution 236, offered by Representative Phelps. House Resolution 1550, Pullen."

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

140th Legislative Day

July 1, 1986

1551, Greiman. 1552, Pullen - et al. 1553, Pullen - et al."

Speaker Giglio "Representative Matijevich."

Matijevich: "Mr. Speaker, the Resolutions have been examined and I move the adoption of the Agreed Resolutions."

Speaker Giglio "All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Resolutions are adopted. Death Resolutions."

Clerk O'Brien: "House Resolution 1547, offered by Representative Shaw, with respect to the memory of Gladys Lawless. House Resolution 1548, offered by Representative Brookins, with respect to the memory of Bishop Moses Cross. House Resolution 1549, offered by Representative Myvetter Younge, with respect to the memory of Mr. Frank Summers. House Resolution 1554, offered by Representative Bowman, with respect to the memory of Edwin B. Jordan, Jr."

Speaker Giglio "Representative Matijevich moves the adoption of the Death Resolutions. All those in favor signify saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Resolutions are adopted."

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

Peterson: "Madam Speaker, now?"

Speaker Breslin: "Almost. Ladies and Gentlemen, we are going to go to the Order of Conference Committee Reports on page three on your Calendar, non-appropriation matters. The first Bill is House Bill 3058, out of the record. House Bill 3525, Representative Didrickson. Conference Committee Report. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3525, a Bill for an Act to amend the Cannabis Control Act. First Conference Committee Report."

Speaker Breslin: "Representative Didrickson."

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

140th Legislative Day

July 1, 1986

Didrickson: "Thank you, Madam Speaker, Members of the House. House Bill 3525 is similar to a measure that we sent out of here from the Senate with regards to amending the Cannabis Control Act to provide that cannabis derivatives designed or designated or rescheduled by the Federal Government would then be rescheduled under the Illinois Controlled Substance Act. This is the 'Dranabino' Bill, if you all recall. This Conference Committee Report also adopts the language that we put on the Senate Bill over here with regards to affirmative defense and prosecution for violation of this Act. It also incorporates House Bill 3290 that went out of here with 114 votes, 'aye' votes, and got caught up in the Calendar over in the Senate. I would be glad to answer any questions and move for its adoption."

Speaker Breslin: "The Lady has moved for the adoption of the First Corrected Conference Committee Report to House Bill 3058. Is there any discussion? Hearing none, the question is, 'Shall the House adopt the First Corrected Conference Committee Report on House Bill 3058?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open."

Didrickson: "3525, Madam Speaker. Thank you."

Speaker Breslin: "Excuse me, 3525, excuse me. That's the Bill that we are on. Voting is open. This is final passage on House Bill 3525, the First Conference Committee Report. Have all voted who wish? The Clerk will take the record. On this question there are 112 voting 'aye', 1 voting 'no' and none voting 'present', and the House does adopt the First Conference Committee Report to House Bill 3525. Representative Farley on a point of personal privilege."

Farley: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. On May 22nd, there was a malfunction with my voting switch and I am recorded 'aye' on House Bill 3217 and I wish to be recorded 'no' for the record."

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

140th Legislative Day

July 1, 1986

Speaker Breslin: "The record will so reflect that, Representative Farley, Senate Bill 1517, appearing on Conference Committee Reports. Representative Terzich, Clerk, read the Bill."

Clerk Leone: "Senate Bill 1517, amends the School Code. Conference Committee Report #1."

Speaker Breslin: "Representative Terzich."

Terzich: "I do not have the material. Could you give me a raincheck on this..."

Speaker Breslin: "Out of the record. Senate Bill 1809, Representative Hannig, Representative Rea."

Clerk Leone: "Senate Bill 1809, amends the School Code. Conference Committee Report #1."

Speaker Breslin: "Representative Rea."

Rea: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Conference Committee Report 1 has the following provisions. It requires that the State Board of Education to conduct a study of the curriculum offered in 7th and 8th grades of our public schools. It includes the public school counselors and vocational education administrators among those eligible for grants for continuing education. Requires vocational education be an elective and requires education for employment to be included in the curriculum. This was all included in earlier Bills that passed out of this House by a substantial margin. It also provides for 500 scholarships to high school students graduating in the upper one fourth of their class and intending to become teachers and requires the repayment of the scholarships if the recipient fails to teach for four of the preceding seven years upon graduating from college. It also permits that all school districts including the Chicago public schools to transfer excess bond monies to appropriate funds, codifies the calculation of special education

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

140th Legislative Day

July 1, 1986

students from average daily attendance to average daily enrollment. This is a current practice of the State Board of Education. That was in an earlier Bill, House Bill 3141, which passed out of here 112 to 0. It also brings the proceedings of downstate teacher dismissal hearings into compliance with those in the Chicago school district with regards to pre-hearing discovery. Cleans up language concerning health education by ensuring local control and making the inclusion of health education and physical education permissive rather than mandatory. Changes the dates which the Chicago Finance Authority submits appropriate reports to the Chicago school district from 45 days to 30 days, same as House Bill 3074, which had passed out of here. Changes the date from June 15 to July 15 for the appropriation of monies for the State Board of Education for use in gifted and remedial summer school grants. Clarifies language with the regards to reorganization by local school districts. Codifies language requiring the referendum with regards to any options made available by the Federal Government as pertains to coverage of teachers and social security or medicare coverage. Clarifies that special education co-ops boards will comply with the Open Meetings Act. And provides that all school buses, after June 30, 1987, shall be equipped with the seat backs, not seat belts. And I would move for the adoption of Conference Committee Report."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report on Senate Bill 1809, and on that question, the Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Bill reminds me a little of something that my

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

140th Legislative Day

July 1, 1986

family thinks I'm kind of famous for and that's a casserole in which you put everything that's left over and you just trust to luck that it will all come out alright. Actually, sometimes, those dishes have been pretty good. This one does include a good many things that we have formerly approved in one form or another. However, there is one item in this Report that has never been considered. It has never been in a Bill. It has never been in a Committee. It has never been discussed and it is a major change, hence, I would like to call your attention to this and this is the discovery process to be used in teacher dismissal hearings. I would like to emphasize to you that what that process does is that it takes what is basically an administrative procedure and makes it into a legal procedure. It would be very costly for our school districts and very time consuming. Madam Speaker, Ladies and Gentlemen of the House, I am uncertain as to whether I would approve or disapprove of making this process as part of the dismissal hearings throughout the state because none of us have had time to examine it. At this beyond the eleventh hour is no time, it seems to me, to include anything in our casserole that is not even a left over. I urge a 'no' vote."

Speaker Breslin: "The Gentleman from Morgan, Representative Ryder. The Gentleman has left the chamber. The Gentleman from St. Clair, Representative Stephens."

Stephens: "Thank you, Madam Speaker and Ladies and Gentlemen. I... I may wish to support this Conference Committee Report, including the pre-hearing discovery procedure if the Gentleman will yield for a question. Mister... Thank you, Representative. The... Did the Conferees have input from the local school board associations and did they have a chance to sign off on this?"

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

140th Legislative Day

July 1, 1986

Rea: "Representative Stephens, as far as I know that there was input by all the different groups in terms of the composite here because this does incorporate several of the Bills and those Bills that was made reference to like they passed out of the House before, 109 to 0, 114 to 1, 97 to 1 and 108 to 1 and so on. So, there was some input..."

Stephens: "Representative, the portion I am referring to is the discovery procedure."

Rea: "Okay, in regards to that, that has... contrary to what the earlier speaker has said, we do have experience there. It has worked for years in the Chicago school districts and I see no reason why it will not work in other districts as well."

Stephens: "So, in answer to my question, the School Board Association did not sign off?"

Rea: "I do not know because I... you know, I know that back earlier that I think all groups had input into the system."

Stephens: "Okay, well, I appreciate your response. Madam Speaker, to the Report. Previous speaker remarked that it was a casserole of sorts and there is a lot of good in the Report. However, I think at this late date to throw that controversial issue on the table and ask us to vote up or down without having a chance to amend it, without having a chance to discuss it in Committee is probably improper. I would hope that we can send this back for a second report and hopefully bring that issue back next Session and have it heard and have input from the local school boards and the local teachers union representatives and have them here in Springfield and discuss it. But until that time, I think that we should try this Report again and vote 'no'."

Speaker Breslin: "The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House, as I

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

140th Legislative Day

July 1, 1986

understand the language that is being inserted into the Bill in regard to pre-hearing discovery is the process that is currently being utilized by the State Board of Education anyway. The Bill, as the... as we passed it last year relating to these hearings only indicates that the State Board of Education has the authority to promulgate standards and rules of procedures for the hearings. The pre-hearing discovery was not a part of that legislation and so all we are doing by the addition of this language, as I understand it, is putting into the law the practice that the State Board of Education has already implemented and so I don't see that it's going to have any significant effect on increasing costs or in terms of making it an unmanageable procedure. It is more a matter of clarification and so I would suggest that as we look at this casserole, it has many, many good ingredients, all of... most of which have already passed in this House and which we need to have in order to further our development of a good educational program for the State of Illinois. And for that reason, I would suggest that this is not a high risk. This is something that we are simply codifying that will be practiced anyway and make sure that we have the authority within the Board of Education for this procedure. For that reason, I... and for all of the good elements of this Bill, I urge your support of the legislation."

Speaker Breslin: "The Gentleman from McDonough, Representative Slater."

Slater: "Thank you, Madam Speaker. As I look at the provisions that relate to pre-trial or pre-hearing discovery, they look to me to be nothing more than simple provisions of notice and the provision of minimal due process. First of all, it says that an expert witness' name shall be



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

140th Legislative Day

July 1, 1986

disclosed, that Bills of Particular shall be provided, that written interrogatories may be possible and the production of relevant documents shall be provided. I see nothing at all unreasonable in that. For far too long, these types of hearings have been kangaroo courts. They simply provide an avenue through this particular Conference Committee Report so that one won't be taken by ambush and I urge its adoption."

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

Didrickson: "Thank you, Madam Speaker, Members of the House.

Would the Sponsor yield for a question, please?"

Speaker Breslin: "Representative Rea will yield for a question."

Didrickson: "Representative Rea, on page four, Section 10-2231(c), dealing with the special ed co-operatives and composition of boards and calling for meetings, is that new language or have we dealt with a Bill this Session through the process?"

Rea: "We dealt with that in an earlier Bill and I'm trying to find it for you, Representative."

Didrickson: "Well, to the Bill, Madam Speaker. To the Bill, Madam Speaker."

Speaker Breslin: "Proceed."

Didrickson: "It's my understanding that this is new language, that we have not dealt with that during this Session. If Representative Rea can inform me before the final vote that we have, indeed, dealt with that, I would appreciate it. My understanding is that we have not. What this does for your special education co-operatives in your areas, you may have representatives from 25 different school districts that create a board and only two of those board members can call a special meeting. I think that's an onerous part of this Bill. I think it's one that we all ought to vote down and send back for a Second Conference Committee Report.

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

140th Legislative Day

July 1, 1986

Two board members should not be able to call a special meeting. Thank you."

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

Mulcahey: "Yes, Madam Speaker. If the Members would look on page 16, line 27 of the Bill, you will see that it says, 'reimbursement by the state for installation of passenger seat backs having the height of 27 inches. Any school district, including districts subject to the Article 34,' et cetera, et cetera, et cetera, the State Board of Education, as provided in this Section for any approved additional cost to the district resulting from the installation of passenger seat backs, of course they shall be reimbursed by the State Board of Education. But then again, if you look on page 18, line three, it says that if the amount appropriated for 28 inch seat... seat back height reimbursement is insufficient to fund the total claims for any fiscal year, the State Board of Education shall reduce each school district's grant proportionately and how many times have we... how many times have we seen this throughout the state when we have a mandate and, of course, then we are going to pick up the tab for the mandate, then the... then all of a sudden, the... because of language in the legislation, the reimbursement is reduced and finally it's down to nothing. Of course, a zero proportionate to nothing is nothing and we could very well end up paying for this ourselves. So, I would urge all of the Members to take a strong look at that."

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

Parke: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I have some serious reservations on the... on that... one of the aspects of this legislation. I think if it's such a great idea that it can merit hearings in

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

140th Legislative Day

July 1, 1986

Committee and be brought to the general Body. If this gets the... the needed number of votes, I'd like a verify... verification of the Roll Call."

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

Cullerton: "Yes, I'd like to address my remarks to Representative Mulcahey. Representative Mulcahey. I wanted to address my remarks to Representative Mulcahey. He referred to that Section of the Bill dealing with high backed seats. First of all, I want to tell you that this is not the same Bill that we voted on before. We have removed all reference to seat belts. Seat belts are no longer in the Bill. Okay, so now you are talking about the issue of the high backed seats and the cost. First of all, let me quote from the... in case there is any doubt in anyone's mind that the high backed seats are fully supported by the school bus manufacturers, let me quote from a 'Noel Berry', who testified in our Transportation hearings. 'There is only one state'... and I'm going to quote from him, 'There is only one state using that high back seat and none of the testimony that I have given here has been in opposition to the high back seat.' That is a further enhancement of compartmentalization, which has been shown to be very effective and we, as an association, if more money were going to be spent on school bus design, we would like to see it as an amplification of compartmentalization. So, now the question is how much money will this cost? We did a study of state mandates. I asked the staff person to do a study last year. It turned out that whenever we mandated things over a lot... a certain amount, then we were not fully funding, but if we were mandating something which was a relatively small cost, then we were at 100 percent. Now, I have in front of me a letter from the Blue Bird Body

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

140th Legislative Day

July 1, 1986

Company of Fort Valley, Georgia. This is a company which manufactures school buses. They have a quote here for how much seat belts cost, which is \$1200 per bus and they have a quote here for the high back seats. So, let me read this to you. The price for high back school bus seats with seat belts... with seat back heights 28 inches above the cushion, over and above the price for our standard height school bus seats is approximately \$270. In other words, what this bus manufacturers says is that for an extra \$270, they will give you high back seats of 28 inches. Now, as has been debated before, the transportation reimbursement formula pays for 80 percent of the transportation cost. What this Bill would do is two things. First of all, it would guarantee that every school bus had the high back seats. It would require new school buses to have these high back seats, which is a safety feature which everyone agrees with, and secondly, it would say that, assuming it cost \$270 extra, \$54 per bus would have to be reimbursed by the state for new school buses. There is approximately 1000 of those every year that are manufactured in Illinois. So, it's \$54 times 1000. That's how much we'd be mandating the state to pay. Personally, I think we can afford it because what we are talking about is having a safety factor that everyone agrees would save injuries and perhaps even lives and for that reason, I take this time to explain it to you and to reassure the Members of the House that this provision should not be a reason to vote against the Bill, but a reason to vote for it. And I appreciate your support for the Bill."

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

Klemm: "Thank you. Will the Sponsor yield for a question, please?"

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

140th Legislative Day

July 1, 1986

Speaker Breslin: "He will. He will."

Klemm: "Representative, I'm not sure if this is part of your Amendment, but I think it's been mentioned a little bit earlier and that's on page four, and that is about the Members on a notice for special meetings. Was that part of your language that you are familiar with because I know you may not have been part of this and may not be able to answer the question?"

Rea: "I had thought earlier that it was in a previous Bill and I was looking for it and I have not been able to locate it."

Klemm: "Well, my questions are this. It says that... that elected board members, serving either as an administrative district or as a governing board. Could you maybe tell us what you mean by or what the definition is of administrative district or a governing board when we are talking about special education co-ops?"

Rea: "Representative, that would be like in a co-operative district, as I understand it."

Klemm: "It would be what? I didn't hear you, Sir."

Rea: "Like in a co-operative district."

Klemm: "Alright, so in other words, special education co-ops, which I used to be a board member of one, for example..."

Rea: "Maybe like... yes, like special education... right."

Klemm: "... constituted several school districts that joined together."

Rea: "That is correct."

Klemm: "And we call it a joint agreement really, and yet we refer to it as a co-op sometimes, correct?"

Rea: "Correct."

Klemm: "Alright, and we then determine that some district would serve as the administrative district of those groups of members, is that correct?"

Rea: "That is also correct."

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

140th Legislative Day

July 1, 1986

Klemm: "And yet, we, then created a governing board that each member of these districts serve as a governing board of this co-op as such, is that correct? In other words, each school district would, in our case, elect a member that became a member of the board of directors or the governing board of the co-op, correct?"

Rea: "Yes."

Klemm: "Alright, as we go down... and I have no problems with that. Where I do have some problems with, having been there before as a school board president and as a board member of a co-op education district, I see that a special meeting may be called by any two members. Now, if you read above it, we have an either/or situation, elected board members serving either as an administrative district member or as a governing board member. So, in case of this we have a high school district which may be the administrative district and they have seven members on, as you know, we are... school boards usually have seven members and we also have a governing board and it would seem the language, when you give it as... on line 22, either/or you have now opened it up to any two members of that school board member... any two members of the governing board or one of each could call a special meeting. Now, I don't think that was the intent and secondly, I don't think we need two members to be... the requirement to call special meetings in a school district when you particularly have board members spread all over a county or an area."

Rea: "Well, this is not the... the intent here is it will be members of the special board, not of the school board."

Klemm: "Thank you very much, and to the question then, Madam Speaker, if I may?"

Speaker Breslin: "Proceed."

Klemm: "Then I appreciate Representative Rea's clarification,

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

140th Legislative Day

July 1, 1986

however, I think it is not clear in the enabling language and we should correct that. I think to call and have a meeting of two members be able to call a special board meeting when you have a makeup of 12, 15, 20, 30 or more board governors or board... governing board is, again, too small a percentage. It would seem to me we would be better served if in this legislation we could say that the Articles of the agreement, the Articles of the co-op which we must have, should specify what's needed to call a special meeting. That is not unlike any other organization we have. Now, maybe if it's a large co-op of 30 members, they may want 15 percent or they may want six or seven to call it. If it's a small co-op of only two or three or four, maybe they do want only two, but why don't we leave the co-op or the joint agreement determine what they need because they are different from all over. And I would say that we should send this back to the Committee, Second Conference Committee Report to at least straighten this out because it's really not fair to put these co-operative special education districts under the gun of only two people can call a special meeting at any... when they want. Thank you very much."

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

Leverenz: "The Sponsor yield?"

Speaker Breslin: "He indicates he will."

Leverenz: "Is there anything in the Conference Committee Report that refers to federal guidelines for hold downs or bus requirements?"

Rea: "Representative Leverenz, we're checking on that. I don't believe there is."

Leverenz: "What you are saying then is the issue that we beat on the House floor the other night is no where in the Bill? I

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

140th Legislative Day

July 1, 1986

think that it was Representative Cullerton that indicated earlier..."

Rea: "That is correct. It is not in the Bill.

Leverenz: "Very good. I would certainly encourage on the Conference Committee Report that all people would vote 'aye' for the First Conference Committee Report."

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

Ryder: "Thank you, Madam Speaker. I... Would the Gentleman yield?"

Speaker Breslin: "He will."

Ryder: "Representative, I guess, because of everybody else talking about conflicts of interests, I should indicate that being married to a former physical education teacher, it causes a certain concern on particular kinds of issues, so when I was wondering if the proposed change in Section 27-5 'demandated' physical education."

Rea: "No, this does not change the PE requirement or the health education requirement in the 9th or 10th grades. This change does allow school districts to offer health education outside of the PE requirement, if they so choose."

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

Hoffman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Conference Committee Report. The issue was just discussed about health related to PE. That was part of the reform package which was passed last Session and here we are again piecemealing away before we even have a chance to put it in place, a program which passed overwhelmingly in both the House and the Senate and is hailed as one of the outstanding school reform packages across the nation. I don't believe that we



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

140th Legislative Day

July 1, 1986

should be changing what we put in place last year before we even... even get it going. I would also point out that the pre-trial discovery aspect, which has already been mentioned by other speakers, that this is, in fact, taking an administrative procedure and changing the direction and the tenor and the purpose for which the hearing is being held and you're making it into a quasi-judicial procedure and, of course, this is a full employment program for attorneys and I just think it does a disservice. You have to remember that what we are trying to do is to run an educational system. We're not trying to run a system that's a judicial system and we are trying to address issues of people who are not doing a good job in the classroom, perhaps have chosen an occupation that they should not have chosen and move it along as quickly and as economically as possible for the purpose of benefiting the students who are in the classroom. Schools are for students. They are not for teachers. They are not for superintendents. They are for... they are for the students. Sometimes, in this Legislature, we get confused about why we hold schools. We have schools to educate young people, not to employ people, and therefore, we need a quick response to some of the problems. And so, I rise in opposition to the adoption of this Conference Committee Report."

Speaker Breslin: "The Gentleman from Madison, Representative Wolf."

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

Speaker Breslin: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the main question is put. Representative Rea, to close."

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

140th Legislative Day

July 1, 1986

Rea: "Thank you, Madam Speaker. I think that in the opening statement I pretty well covered the areas that are included in this Conference Committee Report. I think that these provisions here are ones that have passed through the House overwhelmingly before. Most all of us have voted for those provisions and I would... I feel that it's... it's good legislation and is certainly needed and would ask for a favorable vote."

Speaker Breslin: "The question is, 'Shall the House adopt the First Conference Committee Report on Senate Bill 1809?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Ropp, one minute to explain your vote."

Ropp: "Thank you... Thank you, Madam Speaker. I guess when Senate Bill 1809 hit the House floor, it received about four or five Amendments. Now, it comes back as a Conference Committee with about 12. I think if it goes to another Conference Committee it would probably come back with 25 or 30 Amendments. I think we ought to pass this Bill, urge the Governor then to, in fact, reduce or eliminate certain changes that we have brought forth. Time is getting short and there are enough good issues in this Bill to warrant its passage."

Speaker Breslin: "Representative Black, one minute to explain your vote."

Black: "Thank you, Madam Speaker. I would simply put in the record that my wife is a school teacher and a member of the IEA and if that puts me in a conflict of interest, so be it, but if things get any tougher for the school district back home, she may be driving a school bus. So, I'm a little concerned with Mr. Cullerton's Amendment, not enough to vote 'no' for the Bill, but I have just been talking to the head of our transportation department with the local

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

140th Legislative Day

July 1, 1986

school district and he tells me the seat back on school buses at this time are 30 inches and probably should be higher. So, I look forward to working with Representative Cullerton and seeing what... what, indeed, the height of seat backs are on school buses and whether or not this provision is a good one or perhaps we are going the wrong way."

Speaker Breslin: "Ladies and Gentlemen, there has been a request for a verification on this Roll Call. Please be certain to punch your own switch. Representative Parke, you spoke in debate. For what reason do you rise?"

Parke: "I asked for the verification."

Speaker Breslin: "Yes, I know that."

Parke: "I do not now... I do not now want it."

Speaker Breslin: "He doesn't want the verification any longer. Representative Cowlshaw, you spoke in debate. For what reason do you rise?"

Cowlshaw: "May I please make one point clear on a matter of personal privilege. There was a discussion about whether the school boards associations and related groups such as ED-RED endorsed or did not endorse this proposal and there seemed to be a good deal of confusion about that. Both of those groups are opposed to this Bill."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question, there are 91 voting 'aye', 24 voting 'no' and none voting 'present' and the House does adopt the First Conference Committee Report to Senate Bill 1809, and this Bill, having received a Three-Fifths Majority, is hereby declared passed. The record should note that on House Bill 3525, the requisite Three-Fifths Majority was reached and that Bill was declared passed. Senate Bill 1957, Representative Homer. Clerk, read the Bill."

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

140th Legislative Day

July 1, 1986

Clerk O'Brien: "Senate Bill 1957, a Bill for an Act in relation to criminal law. First Conference Committee Report."

Speaker Breslin: "Representative Homer."

Homer: "Thank you, Madam Speaker, Ladies and Gentlemen. I'll run through very sparingly the provisions of the Conference Committee. First of all, the Bill adds a new offense or a new or a new Subsection to the retail theft statute to provide that it will be an offense when a person falsely represents to a retail merchant that certain property is owned by that person or attempts to exchange it for money or credit. That would be the same penalty as for the other retail theft violations. In addition, there would be a newly entitled offense of criminal trespass to buildings. Currently, we have criminal trespass for residence, criminal trespass to land, so this is really nothing new other than nomenclature, really. The next provision would provide - and this was Representative Levin's Amendment and previous Bill - would provide that state benefits would be disallowed to individuals who have received a final order of deportation affirmed by the Board of Immigration Review for acts relating to the persecution of others or association with the Nazi government of Germany. In addition, there would be a new offense created known as odometer fraud which would be committed when a person, with the intent to defraud, disconnects, resets or alters an odometer of a used car with the intent to conceal or change the actual mileage of the car. Auto parts recyclers would be excluded. This would be a Class A misdemeanor for the first conviction and a Class 4 felony for a second or subsequent conviction. The Bill further amends the Crime Victims' Bill of Rights to provide that where a crime victim retains an attorney, at the victim's own expense, that that attorney may, on behalf of the victim, file a

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

140th Legislative Day

July 1, 1986

notice with the circuit clerk and the state's attorney and; thereafter, that victim, through his attorney, would be entitled to all the motions, notices and court orders that would be filed in the case in the same manner as if that victim were a named party to the law suit. In addition, there would be a revision to the Violent Crimes Victims Assistance Act. First of all, the Attorney General would be allowed to provide annual funding to those support services that provide services under that Act, as opposed to the current requirement of semi-annual funding and reporting. The Bill would also provide for an additional assessment that is now in the law on certain offences which go into the Crime Victims Assistance Act. This provision would expand that assessment to those cases where there is a disposition of court supervision which is a technic... which is technically not a conviction. Finally, the Bill provides that the interest earned on investments derived from monies deposited in the Violent Crime Victims Assistance Fund would be credited to the Fund instead of being paid over into the General Revenue Fund."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report on Senate Bill 1957, and on that question, the Gentleman from Lee, Representative Olson."

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

Speaker Breslin: "He will yield."

Olson: "Tom, I just wanted to affirm that we are changing the threshold for felony by class, is that correct, on page two?"

Homer: "... with respect to..."

Olson: "Section... Well..."

Homer: "I have..."

Olson: "Class A misdemeanors 150 or less and then 2, 3 and 4

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

140th Legislative Day

July 1, 1966

depending on the monies involved... the felony class is changed from 4, 3, 2..."

Homer: "Myron, which... are talking... which page of the Conference Report are you on?"

Olson: "On page two, Section... the Chapter 38, new paragraph, 178."

Homer: "Alright, let me... Representative Olson, if it may please the Chair, I'm going to yield that question to Representative Levin, since that's the portion of the Bill that was recommended by Representative Levin."

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

Olson: "Representative Levin, I'm looking at page two of the Conference Committee Report, Chapter 38, new paragraph, 17(a)-3. My question is we are changing the basic felony imposition to class, as opposed to just above \$150, is that correct?"

Levin: "Well, what Chapter 38, new paragraph, 17(a)-3 on page two of the Conference Committee Report simply does is to replace what was in the Bill as it passed out of here. The problem that was encountered was the penalties that were in the Bill simply referred to a dollar amount and some of these benefits are not actual payment of money. They are benefits which have a dollar amount. So, what we are doing is simply talking about monetary value of benefits and using that and this is identical to the provisions in the Public Aid Fraud Act at the present time. These are the same penalties."

Olson: "Thank you very much."

Speaker Breslin: "The Gentleman from Knox, Representative Hawkinson, on the question."

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

Speaker Breslin: "He will."

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

140th Legislative Day

July 1, 1986

Hawkinson: "You may want to refer this to Representative Levin as well. What do these penalties... what offenses do these new penalties under 17(a)-3 apply to? I see it apparently applies to violations of 17(a)-1. What are violations of 17(a)-1?"

Speaker Breslin: "Representative Levin, to answer the question."

Levin: "Yeah, 17(a)-1 is a person who has been convicted of lying on his immigration form as far as his association with the government of Nazi Germany and applies for various state benefits."

Hawkinson: "It's a perjury offense and then it's followed up by the receipt of state benefits?"

Levin: "Yeah, the... it... we've, I think, talked about this particular provision several times earlier and, by the way, this does include Representative Vinson's Amendment, which we had worked out when the Bill was in the House."

Hawkinson: "Well, I understood that we were going to deny benefits to such people, but I didn't understand we were going to make it a Class 1 felony for them to receive such benefits. So, if someone comes in the country in 1948 and lies on his or her immigration papers regarding their connection with Nazi Germany, and they have received benefits for the past 20 years and we find out about it and the amount of those benefits is over \$10,000, they will be guilty of a Class 1 felony?"

Levin: "No, incorrect. The basic provision only applies to individuals who have been convicted of lying on their immigration form..."

Hawkinson: "Prospectively?"

Levin: "Pardon?"

Hawkinson: "From this day... from this day forward?"

Levin: "Right, who have been convicted by an immigration judge and have had that conviction affirmed by the Board of

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

140th Legislative Day

July 1, 1986

Immigration Appeals and it would only kick in at that point. As we have seen, unfortunately, many individuals are involved appeals for many years and they continue to stay in this country. So, it only would kick in after a person has been convicted of lying and has had that conviction affirmed by the Board of Immigration Appeals. It would not apply to anything that went on prior to that time or any benefits that were paid prior to that time."

Hawkinson: "Would the... the element of the offense that is being created is a federal prosecution or is verification of a federal prosecution?"

Levin: "Yes, yes, yes."

Hawkinson: "And I assume when that person is convicted of a federal offense, there are federal statutory punishments that are imposed by the sentencing court, is that right?"

Levin: "Yes, but they do have the..."

Hawkinson: "And what... what you are doing with the creation of this Illinois statutory criminal offense is based upon a conviction of the federal offense and the affirmance of that offense by the Appellate Courts, you are then going to automatically impose Illinois criminal penalties upon that same individual, if that individual has received benefits?"

Levin: "No, we are going to... what the provision says is they are not entitled to benefits from that point on."

Hawkinson: "Alright."

Levin: "And if they apply for those benefits and receive them, knowing that they were not entitled to them, that's a criminal offense."

Hawkinson: "On the applications for such benefits, I assume there will be warnings of this criminal offense and there will have to be some sort of affirmance or sworn statement that they are entitled to them and that that will be the genesis of their criminal activity."



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

140th Legislative Day

July 1, 1986

Levin: "Yeah, there will... there certainly is knowledge... you know, have the dossiers from the Justice Department, in terms of communicating, we are not talking about a large number of individuals. Unfortunately, at least one of the individuals who is currently a resident of Illinois has received benefits and so, you know, it just seems to me and it seems to many that, given the gravity of what these individuals have done, we should not be using taxpayers money to subsidize them in any way."

Hawkinson: "And this series of penalties set out on page two does not refer to any other offense other than the one you have just described?"

Levin: "That's correct."

Hawkinson: "Thank you."

Speaker Breslin: "The Gentleman from Madison, Representative Wolf."

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

Speaker Breslin: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'no'." In the opinion of the Chair, the 'ayes' have it and the main question is put. Representative Homer, to close."

Homer: "Thank you, Madam Speaker. I would ask for your support on the Bill."

Speaker Breslin: "The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 1957?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Represent... Representative Barger, one minute to explain your vote."

Barger: "I don't think it will do any good, but this is a ridiculous bit of demagoguery. There is no one... there are very few people who are guilty of these crimes. At present, there are only three. Only one of them is

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

140th Legislative Day

July 1, 1986

receiving any form of state aid, but if we take this money away from them, some other government department is going to have to provide their medicine. They have to be taken care of until they are... until they leave the country. Also, if we accept their tax money over the years that they serve here and then we deny them the service, we should be obligated to repay them the amount of money that they have paid for welfare purposes. I think this is a very bad Bill and it only serves the purpose of getting one particular class of voters to vote for you and therefore I'm..."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question... On this question there are 113 voting 'aye', 3 voting 'no' and none voting 'present'. And the House does adopt the First Conference Committee Report to Senate Bill 1957, and this Bill, having received the Three-Fifths Majority vote 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 with First Conference Committee Report."

Speaker Breslin: "Representative Cullerton."

Cullerton: "Inquiry of the Chair..."

Speaker Breslin: "State your inquiry."

Cullerton: "Has the Conference... Has the Conference Committee been printed?"

Speaker Breslin: "Mr. Clerk, has it been printed and distributed?"

Cullerton: "If it hasn't, I don't want to try to pass it."

Speaker Breslin: "It has been printed and distributed, Sir."

Cullerton: "Okay, I want to make sure that it has been."

Speaker Breslin: "Proceed, Representative Cullerton."

Cullerton: "I don't know that I can because... Oh, yes. I

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

140th Legislative Day

July 1, 1986

have... I'm sorry. I have it here. This... When this Bill passed the House with our Amendments, we had a lengthy discussion about what the Bills did because there were separate individual Bills. They, not surprisingly, still have those Bills in addition to some other items. The original Bill dealt with the issue of venue and that expanded the proper venue for the offense of child abduction. That was the original Bill and that's still in there. Amendment #1 in the House was an Amendment offered by Representative Saltsman, redefining when a police officer is justified in the use of deadly force which was supported by police organizations. The Amendment, I believe, #2 in the House authorizes the Supreme Court to train judges who hear sexual assault cases. That was formerly House Bill 2579, which passed overwhelmingly. The volunteer organization background checks, which authorized the Department of State Police to conduct criminal background checks only if requested by volunteer organizations, which was House Bill 2583, is also included. Another Bill that had also passed the House, I believe, 2714, dealing with probation challenge program and Cook County is included. The Bill... a Bill dealing with the firearm owners identification card. It establishes a separate fund in the State Treasury for the use in administering the Firearm Owners Identification Card Act, allowing them to retain the interest and the purpose of this Section is to make sure that the Department notifies people of when their card is to be... let's put it this way, to better assist the Department in enforcing the Firearm Owners Identification Act by notifying people when the card is about to expire. The Bill also clarifies the authority of the Department of State Police regarding the transmittal of fingerprints to the FBI. Under the Report,

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

140th Legislative Day

July 1, 1936

state agencies and units of local government are given statutory authority to submit fingerprints through the Department of State Police when the agencies are to conduct criminal background investigations. This language was proposed by the Department of State Police at the suggestion of the FBI. The problem was that the FBI was reluctant to accept fingerprints submitted by agencies and local governments through the Department of State Police without proof that the agencies and local government units had authority to do so. We also have the change in the Crime Victims Bill of Rights by adding a new right. The purpose of this change would be to provide notice to a victim and allow him to deliver a victim impact statement at a resentencing hearing. If a defendant had gone out and violated probation or an order of periodic imprisonment or if the court is considering reducing the sentence, the victim would have the notification so they could come back and be notified of the hearing and make their victims impact statement. Happy to answer any questions."

Speaker Breslin: "The Gentleman has moved for the passage... the adoption of the First Conference Committee Report on Senate Bill 2003, and on that question, the Gentleman from McLean, Representative Ropp."

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

Speaker Breslin: "He will."

Ropp: "Representative, in the area that you discussed, about excess monies from the fireowners... Firearms Owners Identification Fund would be used or established in a separate fund and interest drawn and will this, in your best judgement speed up the process by which constituents receive firearms owners notification cards?"

Cullerton: "Yes, this was done at the suggestion of the State Police. It provides that excess monies in the Firearm

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

140th Legislative Day

July 1, 1986

Owners Notification Fund shall be used to ensure the prompt and efficient processing of applications received under Section 4 of the Act. So, that language can be found on page seven and eight of the Conference Committee Report and it was at the suggestion of the State Police, purpose of which is to ensure the prompt and efficient processing of applications."

Ropp: "Well, did we, in fact, in the appropriation process, add any additional people to that particular agency?"

Cullerton: "To the State Police?"

Ropp: "No, to the agency that issues firearms owners cards."

Cullerton: "Well, I think that's the State Police and I don't know that we did or not. The... As you know, people pay a fee and this fee goes into a fund and the purpose of creating a separate fund is to allow them to keep the interest, as well as to help ensure that the prompt notification..."

Ropp: "I think this is a good idea, actually, to keep the money in some sort of a fund, however, if we don't increase the number of people... the current process, they give about four weeks notice, but it takes nine to ten weeks to actually get your firearm owners card. I have been concerned that the agency itself is somewhat... well, delinquent in getting these cards out. We have gone so computerized that now it only takes ten weeks, whereas, I think when we used to do it by hand, we could do it a lot quicker. The other point I wanted raise is relative to the probation challenge program. Is this Representative Brookins' program that he passed out of this House?"

Cullerton: "Yes."

Ropp: "Okay, where actually does this program actually get initiated? Is it through this particular department or through the State Board of Education or the school district

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

140th Legislative Day

July 1, 1986

in Chicago or who actually administers this program?"

Cullerton: "City colleges."

Ropp: "City..."

Cullerton: "Right, city colleges."

Ropp: "Oh, city colleges. Okay. I really hope this program works out very well because I think this has a tremendous opportunity for not only Chicago area, but downstate and I'm glad to see it at least get started in the Chicago area and hope that it works very well so that we can begin to reduce prison populations rather than to continue expanding them. And you are certainly starting in a good area."

Speaker Breslin: "The Gentleman from Knox, Representative Hawkinson."

Hawkinson: "Thank you, Madam Speaker. I rise in opposition to this Conference Committee Report. I think there are many good provisions in it, but contrary to the statement of the last speaker, I have been fighting the probation challenge idea for four years, as long as the Representative has been proposing it. One of the first things we did as freshmen in 1983 was to participate in approving a new intensive probation program in the State of Illinois, a program that's now working, is now costing some \$40,000,000 to \$60,000,000 more for probation services than when we enacted it. When we enacted that program, we were told, and I think correctly so, that intensive supervision would have some of the desired effects in dealing with first offenders. That program is initiated state-wide. This is a volunteer program that is now being... we are being asked to fund with state dollars. I could be corrected, but at last report, I don't believe there was any money in the budget that had been approved for this program. But the point is that programs like this and like the one suggested for downstate are nothing more than paying the tuition

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

140th Legislative Day

July 1, 1986

costs... paying the tuition costs for people who are convicted of felonies to go to our community colleges. So, if you can't afford to go and you don't break any law, you are out of luck. But if you manage to commit a felony, you can get your tuition paid to Community College by the State of Illinois. It is a ridiculous concept. We are putting our money into intensive probation where it belongs. Probation is a valid program, but to do this is absurd and we don't need another layer of probation services whether you call them probation challenge or not. The rest of the Conference Committee Report is alright, but I think we ought to send it back to a Second Conference Committee stripped of this provision."

Speaker Breslin: "The Gentleman from Marion, Representative Friedrich."

Friedrich: "Will the Sponsor yield?"

Speaker Breslin: "He indicates he will."

Friedrich: "Representative Cullerton, didn't we pass a Bill last year which said that the agency had to notify you that your firearm owners permit was about to expire?"

Cullerton: "I know that there was a Bill. I don't remember if it passed. It may have because I know that there was a lot of complaints about how they weren't spending the amount of money. They weren't spending the necessary amount of money..."

Ropp: "Well... let me rephrase the question. Does the agency notify you that your firearm permit is about to expire?"

Cullerton: "I just don't know."

Ropp: "Alright, the other question is, what does it cost the agency to process per, on the average, per permit?"

Cullerton: "Said what?"

Ropp: "What is the cost per permit of the agency to handle this function?"

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

140th Legislative Day

July 1, 1986

Cullerton: "Okay, first of all, I'm told by the Department of State Police... or the Department of Law Enforcement that they do notify people and about a month before your card is about to expire, they notify you."

Ropp: "Right, that's what I thought. So, they are already doing it and you say well, let's take the excess money to notify them. We're doing it now, aren't we?"

Cullerton: "No, no, the... as you know, there's a fund that is set up, paid for by the fee that you charge for the card."

Ropp: "Alright."

Cullerton: "All this says is that it goes into a separate fund and that the fund retains the interest. So, it gives more money to the notification fund. That's the purpose of the Bill."

Ropp: "But if the Department... if the Department is doing it now and if the fee is adequate to do it, I don't understand where the excess funds come from."

Cullerton: "I think the question has always been whether or not the fee... whether or not the funds were adequate."

Ropp: "Well then, we better raise the fee."

Cullerton: "Well, that's a controversial issue and I'm not..."

Ropp: "But if it's not adequate, how can there be any excess funds? I don't think you can have it both ways."

Cullerton: "No, no, no, no... I said they get to... they get to keep the interest I said. They get to keep the interest in a separate fund."

Ropp: "But if there's no excess funds, if it costs more to issue it than we are now paying, how can there be any excess funds? I... somewhere, that doesn't add up to me. I'm just a country boy, but I don't understand how there can be excess funds if they are operating at a deficit."

Speaker Breslin: "Any further questions? Hearing none, the Gentleman from Effing..."



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

140th Legislative Day

July 1, 1986

Ropp: "Well, I didn't get an answer."

Cullerton: "I don't know the answer. I'm sorry, I don't know."

Ropp: "Well, in that case, Madam Chairman, I think this is like spitting into the wind. If there is no excess funds, I don't know why you have to have some place to put them. If the Department is not notifying, that's a function of it. If the fee is not enough, let's raise the fee. But why fool around and put something else on the books?"

Speaker Breslin: "The Gentleman from Effingham, Representative Hartke."

Hartke: "Madam Speaker, I move the previous question."

Speaker Breslin: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the main question is put. Representative Cullerton, to close."

Cullerton: "Yes, let me just summarize what's in this Bill. First of all, it expands the proper venues for the offense of child abduction. So, it assists the state's attorneys in bringing prosecutions to the offenses of child abduction. It redefines when a police officer is justified in the use of deadly force, which was requested by some police organizations to conform with the recent Supreme Court decision. It authorizes the Supreme Court to train judges who hear sexual assault cases. It authorizes the Department of State Police to conduct criminal background checks on volunteer organizations if they ask for it. It establishes the Probation Challenge Program in Cook County. It establishes a separate fund in the State Treasury for use in administering the Firearm Owners Identification Card Act. Clarifies the authority of the Department of State Police regarding the transmittal of fingerprints to the FBI and it adds a definition of sentencing hearing for crime

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

140th Legislative Day

July 1, 1986

victims so that they can be notified if there is a rehearing or resentencing of a defendant. Appreciate your support."

Speaker Breslin: "The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 2003?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Olson, one minute to explain your vote."

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just wish to express my concern with the FOID card application of this Conference Committee Report and also with the probation element as described in new Chapter 38, Section 1005. As Representative Hawkinson has indicated, a couple of years ago, we committed to a very extensive probation program. This is an overlap and is without merit. I'm going to vote 'no'."

Speaker Breslin: "Representative Regan, one minute to explain your vote."

Regan: "Thank you, Madam Speaker, Members of the House. One of the most important things about the Bill is the fact that we've passed legislation that requires day care centers to fingerprint their workers to avoid child molesters going to work in the... in the day care centers around little kids. They can't get those fingerprints from the FBI without this Bill."

Speaker Breslin: "The Gentleman from Franklin, Representative Rea, one minute to explain your vote."

Rea: "Thank you, Madam Speaker. I had hoped to speak in debate and also ask some questions. I support the Conference Committee Report. I wanted to raise some concerns and questions on the FOID card fund, so in explaining my vote, I'm voting 'aye', but I do have some concerns in terms of the way that the card has been administered in the past,

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

140th Legislative Day

July 1, 1986

the time frame that's involved, also whether or not there is even excess monies that can be used for this special fund which is a very worthwhile fund. And I will be observing further the administering of the FOID card process because it has created many problems for the..."

Speaker Breslin: "Representative McGann, one minute to explain your vote. Do you wish to explain your vote? Yes, Representative McGann."

McGann: "Thank you... thank you, Madam Speaker and Members of the Assembly. To explain my vote, my 'aye' vote, there's been some concern about the Project Challenge Program and having had personal experiences as Chairman of the Board of Trustees of City College in Chicago, I have to attest to this program. It's a good program. It's been a very successful program and the bottom line is that we are keeping individuals out of further commitment to crime. And I think that's the important thing for the little dollars we are spending and I would like to have some more 'aye' votes in favor of this Project Challenge."

Speaker Breslin: "The Gentleman from Cook, Representative Brookins, one minute to explain your vote."

Brookins: "Thank you, Madam Speaker. Let me say to my colleagues that this is a program that works. It is returning young folks back to a useful and productive life. I have, in the past, invited each and every one of you to come and examine for yourself a successful program, one that the... rate is less than one percent of one percent. It is not a program where we are coddling people. We are putting them back if they don't work out. We have only lost three or four people that way. I invite you to come and see for yourselves. This is a program that it duly and truly works."

Speaker Breslin: "Representative Ewing, one minute to explain

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

140th Legislative Day

July 1, 1986

your vote. Representative Ewing. Go over to the next mike, please."

Ewing: "Madam Speaker, we want a verification of this Roll Call, please."

Speaker Breslin: "The Gentleman asks for a verification. Please vote your own switches. Have all voted who wish? Clerk, take the record. On this question there are 76 voting 'aye', 40 voting 'no', and none voting 'present'. Representative Ewing has requested a verification of the affirmative. Mr. Clerk, Poll the Absentees."

Clerk O'Brien: "Poll of those not voting. Turner. No further."

Speaker Breslin: "Representative Ewing, Representative Levin asks leave to be verified. Does he have leave? He has leave. Poll the Affirmative, Mr. Clerk."

Clerk O'Brien: "Alexander. Barnes. Berrios. Bowman. Braun. Breslin. Brookins. Brunsvold. Bullock. Capparelli. Christensen. Cowlshaw. Cullerton. Curran. Currie. Daley. DeJaegher. DeLeo. Didrickson. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Goforth. Greiman. Hannig. Hartke. Hasara. Hicks. Homer. Huff. Keane. Krska. Kulas. Laurino. LeFlore. Leverenz. Levin. Martinez. Matijevich. Mautino. McAuliffe. McGann. McNamara. McPike. Mulcahey. Nash. O'Connell. Panayotovich. Pangle. Phelps. Preston. Rea. Regan. Rice. Richmond. Ronan. Ropp. Saltsman. Satterthwaite. Shaw. Steczo. Stephens. Stern. Sutker. Terzich. Van Duynes. Washington. White. Williamson. Wolf. Anthony Young. Wyvetter Younge. And Mr. Speaker."

Speaker Breslin: "Do you have any questions of the affirmative, Mr. Ewing."

Ewing: "Representative Berrios."

Speaker Breslin: "Representative Berrios. Joe Berrios. Is the Gentleman in the chamber? He is not. Remove him."

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

140th Legislative Day

July 1, 1986

Ewing: "Representative Braun."

Speaker Breslin: "Representative Carol Braun. Carol Braun. The Lady is not in the chamber. Remove her."

Ewing: "Representative John Dunn."

Speaker Breslin: "Representative Dunn. Representative John Dunn. Is the Gentleman in the chamber? He is not. Remove him from the Roll Call."

Ewing: "Representative Huff."

Speaker Breslin: "Representative Huff. Representative Doug Huff. Is the Gentleman in the chamber? He is not. Remove him. Representative Turner, for what reason do you rise? Vote Representative Turner 'aye'."

Ewing: "Representative Greiman."

Speaker Breslin: "Representative Greiman. Representative Alan Greiman. Is the Gentleman in the chamber? Remove him from the Roll Call."

Ewing: "Representative DeLeo."

Speaker Breslin: "Representative DeLeo is in the chamber. Representative Carol Braun has returned to the chamber. Add her to the Roll Call."

Ewing: "Representative Laurino."

Speaker Breslin: "Excuse me?"

Ewing: "Laurino."

Speaker Breslin: "Representative Laurino. Representative Greiman has returned to the chamber. Add her to the Roll Call. Add him to the Roll Call. Excuse me, Sir. Representative Laurino. Representative Laurino is in the chamber. Representative Dunn has returned to the chamber. Add him to the Roll Call."

Ewing: "Representative Martinez."

Speaker Breslin: "Representative Martinez. He's in his seat."

Ewing: "Representative Satterthwaite."

Speaker Breslin: "Representative Satterthwaite is in her seat."

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

140th Legislative Day

July 1, 1986

Ewing: "Representative Panayotovich."

Speaker Breslin: "Representative Panayotovich. Sam Panayotovich.  
Is the Gentleman in the chamber? He is not. Remove him."

Ewing: "Representative Flinn."

Speaker Breslin: "Representative Flinn. Monroe Flinn. Is the  
Gentleman in the chamber? He is not. Remove him."

Ewing: "Representative Farley."

Speaker Breslin: "Representative Farley is in his chair."

Ewing: "Representative Shaw."

Speaker Breslin: "Representative Shaw. Bill Shaw. Is the  
Gentleman in the chamber? He is not. Remove him."

Speaker Breslin: "Representative Terzich."

Speaker Breslin: "Representative Terzich is in his chair."

Ewing: "Representative Washington."

Speaker Breslin: "Representative Washington. Representative  
Washington. The Gentleman is not in the chamber. Remove  
him from the Roll Call."

Ewing: "Representative Cowlishaw."

Speaker Breslin: "Representative Cowlishaw is in her chair."

Ewing: "Representative Ropp."

Speaker Breslin: "Representative Ropp is in his chair, as you  
know. Don't be dilatory, Sir."

Ewing: "I have all these lists, Representative and... we are  
helping get your Members here."

Speaker Breslin: "Have all voted who wish? On this question  
there are 71 voting 'aye', 40 voting 'no' and none voting  
'present', and the House does adopt the First Conference  
Committee Report to Senate Bill 2003 with the Three-Fifths  
required Majority, and this Bill is declared passed.  
Senate Bill 2108, Representative McPike or Ryder. Out of  
the record. Excuse me. Representative Ryder. Mr. Clerk,  
read that Bill. 2108."

Clerk O'Brien: "Senate Bill 2108, a Bill for an Act to amend the

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

140th Legislative Day

July 1, 1986

Illinois Public Accounting Act. First Conference Committee Report."

Speaker Breslin: "Representative Ryder."

Ryder: "Thank you, Madam Speaker. This Conference Committee Report comes back with the original of Senate Bill 2108, which deals with liability of accountants. As it passed the Senate, the Bill limited accountants liability to persons and privity of contract. The House amended the Bill and the Conference Committee Report has changed that somewhat. The accountant is allowed to identify those intended third parties by giving the client a list or sending a copy. The Bill is now supported by the Illinois Bankers Association and the Illinois CPA Association... Society and I would request a favorable vote. Additionally, the Conference Committee does carry with it some language concerning an exemption for the amount of liability insurance required for small permanent site of five or fewer amusement rides. These are intended to be the small ones under eight feet of height and their amount of liability is now set at \$500,000 for insurance needs rather than the higher limit and I would urge a favorable vote."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report on Senate Bill 2108, and on that question, the Gentleman from Champaign, Representative Johnson."

Johnson: "I heard the part about the CPA Bill. For Representative Frederick... Virginia Frederick, and myself and others, tell me again what we are doing with respect to carnival and amusement park ride safety?"

Ryder: "Okay, Representative, I am not as familiar with that as... as with the CPA, but I will do the best that I can and indicate that with... and I'll read to you the language

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

140th Legislative Day

July 1, 1986

that says, 'with respect to the issuance of a permit under the Act for a carnival located at a permanent site which has five or fewer amusement rides, none of which operates at a height exceeding eight feet, an insurance policy, bond or cash or security deposit amount required for bodily injury to or death of two or more persons in any one accident shall not be less than \$500,000.'

Johnson: "Okay, now, you know, when we... what about the places that come into a shopping center and set up for two days and then leave?"

Ryder: "No, no, it's not permanent. Those are not considered permanent. What we're..."

Johnson: "Well, that... I guess that's my question. Does the carnival and amusement park have to be permanent or does the facility that they are operating in have to be permanent?"

Ryder: "No, it's the carnival itself has to be permanent. The purpose of this, Representative, is that there are certain parks - I have a park in Jacksonville that has a small permanent amusement that was probably paid for by a service club, operated by a service club and they were unable to get insurance for that at the higher rate and that's why they are doing it at the lower rate."

Johnson: "Okay, that's fine. Thanks for the explanation."

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

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

Speaker Breslin: "He will."

Countryman: "We got merry-go-rounds in here now, Representative Ryder, so I'm certain that we probably appropriately can call this Bill now the merry-go-round Bill, but would you



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

140th Legislative Day

July 1, 1986

explain to me what the factual situation is now where anybody other than the person in privity of contract can be held... can hold the accountant responsible?"

Ryder: "Representative, the Amendment that was made in the Bill indicates that we have a provision for negligence that CPA's are not liable to any other people who are not in privity of contract for their negligence except on two occasions: One, what... fraud or intentional misrepresentations, which was never an issue between you or I, and second, such other acts, et cetera, that the person preparing the report, the CPA, was aware that a primary intent of the client was for the professional services to benefit or influence the particular person bringing the action, provided that that person is identified in writing to the client and that the client sends a copy of the writing or similar statement to those persons identified in writing. Then the third parties would also be considered to be able to rely on the contract as well... or I'm sorry. On the CPA's work product."

Countryman: "Well now, you put an Amendment on in the House which was designed to include some people who the accountant might have actual notice for relying upon the... the accountants report. This would seem to change that and exclude those people, is that right?"

Ryder: "No, it doesn't exclude those because we are establishing the procedure to identify just those various people so that in the event that a person comes into an accountant and says I want an audit and the accountant then has the burden then to find out what the audit is for. Is it for that person? Is that person then going to take it to the bank for a mortgage or for some other purpose? Is it going to the State of Illinois for the purposes of getting a grain dealer's license? All of those things then are established

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

140th Legislative Day

July 1, 1986

and once they are established, the CPA knows to whom he is responsible. A, he is responsible to the person that in to which he has privity of contract, meaning his client, but this Bill also makes him relia... makes him liable to those people that he has the knowledge and it's been established is the purpose of the audit."

Countryman: "Well, what if it's the annual fiscal year audit that might go to the Department of Agriculture? Does that have to be established then?"

Ryder: "That... Yes, that's established between the CPA and the person that's requesting it and if it's an annual situation, Representative, then the past practice of the person that's requesting the audit would be able to dictate how he used it in the past and how he may use it in the future."

Countryman: "Well, where is that in this Conference Committee Report that the past practice dictates?"

Ryder: "No, no, I'm saying that identifying those folks in writing to the client those persons who are intended to rely on the services is line six, page two."

Countryman: "That's... now the accountant must identify those people in writing?"

Ryder: "Yes."

Countryman: "Would you say that this language is broader than the language which is incorporated in the Amendment you put on the Bill..."

Ryder: "Yes, I do, because it places some burden on the CPA to inquire as to the purposes of this and also to establish who may be relying on this. So, the accountant is taking in this, and that's the reason that the bankers approved it."

Countryman: "So, what happens if the accountant fails to inquire? Is he then liable?"

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

140th Legislative Day

July 1, 1986

Ryder: "It depends on who the person is that's coming after."

Countryman: "Well, I mean, what if it's the Department of Agriculture and the accountant fails to inquire as to the purposes of the audit?"

Ryder: "Then it's outside the scope of this... outside the scope of this statute."

Countryman: "It's outside the scope of the Conference Committee Report as written. Is that what you're saying?"

Ryder: "I'm sorry. Yes, Conference Committee."

Countryman: "The situation in the 'Brumley versus Tushrosh' case, would that be covered by this language where the facts, as I recall, the account knew of 'Brumley's' interest in the business as a secured creditor?"

Ryder: "No, this... this language is meant to correct that problem where you are trying to establish what he should have known or what he did know. This specifically establishes the procedure by which responsibility is made."

Countryman: "Well, 'Brumley' did not set forth a reasonable foreseeability standard. 'Brumley' indicated that the accountant knew of the relationship between the 'Brumley', who was the secured party at the time, and..."

Speaker Breslin: "Representative Countryman, bring your remarks to a close, please."

Countryman: "Well, to the Conference Committee Report, Madam Speaker. I stood up when this Bill was first heard and one of the few people who voted against it. I still stand in opposition to it. I don't believe that this Amendment clarifies or really changes much of anything. Matter of fact, I think it confuses it. And combine it with a merry-go-round Amendment and I think it probably tells us pretty much what the accountants want us to do and that is to put the thing in the merry-go-round so it becomes so confusing nobody really knows what's happening, including

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

140th Legislative Day

July 1, 1986

the accountants. And I'd recommend a 'no' vote."

Speaker Breslin: "Representative Mulcahey. Representative Mulcahey."

Mulcahey: "Madam Speaker, we have an emergency back here. There's a Page with two cups of chicken soup. He doesn't know where it's supposed to go. Let's resolve that. Got some Jewish penicillin back here. Probably go to Greiman."

Speaker Breslin: "Okay. Right down here to Representative Terzich. He's waiting for his chicken soup. On the question before us, the Gentleman from Lake, Representative Churchill."

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

Speaker Breslin: "He will."

Churchill: "Representative Ryder, the Bill requires that the accountant be aware of the intent that an accountant services was to influence a particular person. Can the accountant be made aware of this intent after an audit is done?"

Speaker Breslin: "Representative Ryder."

Ryder: "No."

Churchill: "Thank you."

Speaker Breslin: "The Gentleman from Will, Representative Regan, on the question."

Regan: "Thank you, Madam Speaker, Members of the House. The part of this Bill that was interesting is to put people back to work on the carnival... Section of the Bill. Originally, it was my Bill, went many months ago to help carnival rides, small ma and pa operations, get back in operation because the Department of Labor, by the present law, has closed them down. Because, in the present law, it said they must have a million dollar aggregate of insurance and they cannot get it at any cost. They can acquire a half a million and they're willing to purchase the half a million."

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

140th Legislative Day

July 1, 1986

They just can't get the insurance. In other words, what we've done in the Legislature is close them down with the law. What this does is allow them to operate. Remember, they're totally inspected. They're safe. If they weren't, the Department of Labor would close them down for that reason. The Department of Labor does not want to close legitimate, safe businesses down, and that's what we're causing to happen. That's what this will correct. I appreciate an 'aye' vote."

Speaker Breslin: "Is there any further discussion? Hearing none, the question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 2108?' 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 106 voting 'aye', 7 voting 'no' and none voting 'present', and the House does adopt the First Conference Committee Report to Senate Bill 2108. And this Bill, having received a Three-Fifths Majority, is hereby declared passed. Senate Bill 2129, Representative O'Connell. Representative O'Connell. Out of the record. Senate Bill 2173, Representative McGann. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2173, a Bill for an Act to amend the Illinois Income Tax Act. First Conference Committee Report."

Speaker Breslin: "Representative McGann."

McGann: "Thank you, Madam Speaker and Members of the Assembly. Conference Committee Report on Bill... Senate Bill 2173, this Bill unanimously passed the House and... original synopsis of the Bill itself was to amend the Income Tax Act to provide additional time from 20 to 120 days for taxpayers to notify the Department of Revenue of changes

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

140th Legislative Day

July 1, 1986

in their federal returns. We put a House Amendment #1 which amends the Retailers' Occupation Act to reduce the interest penalty for late filing of returns from two percent to 1.25 percent per month. The Conference Committee created a new Act entitled the Municipal Tax Compliance Act. It authorizes the home rule municipalities to impose a hotel/motel use and occupancy tax on any public institution of higher education which operates a hotel or motel within such home municipality. Such institutions which would be covered would be the University of Illinois, Southern Illinois University, Board of Governors of State Colleges, university schools, the State Board of Regents and the public community college. The... Also added on the Conference Committee Report was a coal investment credit for the year of the investment only. These credits were enacted by the 83rd General Assembly and we have them in two areas and they... in the replacement tax and the enterprise zone credit presently. So, there would not be too great a change in this. And ERMA is in favor of this part of it. The University of Illinois is supportive and I'll be very happy to answer any questions and, if not, I'd ask for a favorable Roll Call on Conference Committee Report #1 to 2173."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report to Senate Bill 2173. And on that question, is there any discussion? Hearing none, the question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 2173?' 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 110 voting 'aye', 5 voting 'no' and none voting 'present' and the House does

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

140th Legislative Day

July 1, 1986

adopt the First Conference Committee Report to Senate Bill 2173. And this Bill, having received the Three-Fifths Majority vote, is hereby declared passed. Going to the Order of Concurrences, on page two on your Calendar, appears House Bill 3548, Representative Hallock. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3548, a Bill for an Act to require a study of solid waste management in Illinois, together with Senate Amendments #2 and 3."

Speaker Breslin: "Representative Hallock."

Hallock: "Thank you, Madam Speaker, Members of the House. House Bill 3548 is the... incorporates the Governor's solid waste proposal of the Session and actually is probably the solid waste proposal of the decade, maybe even the century. This is the first step Illinois has really taken in this field. The Bill, as passed the House, was essentially a shell Bill, waiting for some agreements which we hadn't reached at that time, so we passed the Bill as a shell. We worked out some of the agreements pursuant to that passage date and we amended the Bill in the Senate, and it has now come back to the House for our consideration here. Let me briefly state a couple provisions in the Bill. First of all, it does, in fact, establish a solid waste management program for the State of Illinois. We create a state materials recycling program in the Bill so we can, in fact, start recycling some state paper and also use recyclable paper in our programs here in the state. We go beyond that, of course, and set up a Solid Waste Management Fund which will fund some of the programs we have herein established. Some of the programs we've established would include a U of I Institute which I think is a very important aspect. The U of I Institute will try to help all citizens in all communities in our state find out just

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

140th Legislative Day

July 1, 1936

which way they should go in this field. This is a very complex area and many governments have been studying this issue for years and aren't really sure which way they should proceed. This would allow the U of I to have the experts on hand to give every community, no matter whether they are the largest in the state, the smallest in the state, or way in between, some expert advise. We also allow for some grants to be given out to local governments to help those who need help in this area and allow them to make the studies that they have to make or do what they have to do with regard to this important concept. It's a very good Bill, and it's one of the unusual Bills of this Session in the sense that it really is a complex field, but, yet, we've brought together the Illinois manufacturers, the State Chamber of Commerce and all the environmental groups in support of this program. It's a good Bill, and I would ask for your support."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendments #2 and 3 to House Bill 3548. And on that question, the Gentleman from Cook, Representative Kulas."

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

Speaker Breslin: "He indicates he will."

Kulas: "Representative Hallock, I understand there's a 45 percent per cubic yard surcharge on waste disposal sanitary landfills. Who is charged for the surcharge? Who pays for it?"

Hallock: "Are you speaking on behalf of the mushrooms, or is that..."

Kulas: "I'm speaking on behalf of good government."

Hallock: "Okay. The owners and operators."

Kulas: "Alright. Thank you."

Speaker Breslin: "The Gentleman from Coles, Representative



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

140th Legislative Day

July 1, 1986

Weaver."

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

Speaker Breslin: "He indicates he will."

Weaver: "The... Part of the Bill deals with authorizing the agency to provide financial assistance to local units of government. How much is that going to cost the state?"

Hallock: "The purpose of the local grants is really very important and the purpose, of course, is that so many units of government on a local basis have tried to deal with this issue in the past and have not really known where to go. As a result, many of them have had studies made. And some probably were wisely conducted and others maybe not so much so. But we believe that we can direct them in certain directions and give them guidance and also give them some funds to make studies and go in the direction they think is best for them. But that's where the U of I Institute also will come in. They can now tap into expert advise and research from what I would assume and hope would come to be absolutely the best in the country. You can call it the U of I Waste Institute, I suppose, but it would be the best in the country so we in Illinois could be in the forefront in advising local communities in terms of which directions they should go and give them grants as well to assist their people to move in those directions as they see fit for their community. And let me embellish that a bit. We have communities of all sizes. You know, my community is... the City of Rockford is 140,000. Some communities nearby are 5,000 and 10,000. At the U of I I believe we can have a program established whereby you can call them and ask, no matter what size your community, what should you do. Should you recycle. Should you... you know, where could you sell it and so on. All those questions hopefully can be asked and answered through the U of I and also working

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

140th Legislative Day

July 1, 1986

through some local grants with local communities."

Weaver: "That was a terrific answer, I just wish I'd asked a question that would fit."

Hallock: "The answer is yes."

Weaver: "How much does it cost?"

Hallock: "The money is being raised by the fee and the fee will raise approximately ten mil and part of that will go to grants."

Weaver: "Well, this also speaks to the agency providing additional financial assistance. I'm assuming now this is over and above what is raised by the fee."

Hallock: "The... the grants will be pursuant to funds raised by the fee. I'm not sure what your question is."

Weaver: "Well, it says the agency is authorized to provide financial assistance to local units of government for the management of nonhazardous solid waste or alternatives to disposal of nonhazardous waste and so on. If they're providing financial assistance to local units of government, where's it coming from, and how much is it going to be?"

Hallock: "In the first year, it would be 700,000 for planning grants."

Weaver: "Seven hundred thousand the first year."

Hallock: "Right."

Weaver: "Okay."

Hallock: "And the reason why... and that will grow, but in the first year, of course, this money will be raised pursuant to the level end of the fee and that will be very small in the first year."

Weaver: "Okay. I've just basically got one other question. The landfill operators are going to be the ones collecting this fee, the local fee. Now, in the Conference Committee Report, are not the local units of government also able to

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

140th Legislative Day

July 1, 1986

assess an additional fee of unspecified amount for management of these programs?"

Hallock: "There is only authorization for a local option so the communities would have to debate that issue themselves."

Weaver: "It is subject to referendum?"

Hallock: "No, it's subject to debate by the local communities."

Weaver: "Madam Speaker, to the Bill."

Speaker Breslin: "Proceed."

Weaver: "This Conference Committee Report is something that we've seen in the past which essentially is turning our landfill operators into tax collectors for us. It is basically a tax without referendum again. We're looking at a 700,000 dollar first year cost from the state and we're also looking at immediate fee collections which in my particular district is going to raise the cost of garbage collection by about 30 percent the first year. We're also allowing the local units of government to assess any amount that they want to on landfill collections without referendum. I think it's a bad Conference Committee Report. I think it ought to be sent back for a little bit more work. The underlying Bill is good. I agree with the idea. But it's just simply... the cost is just ridiculous. And I think we ought to vote 'no' on this Bill."

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

Leverenz: "Will the Sponsor yield?"

Speaker Breslin: "He will. Representative Hallock. He will yield."

Leverenz: "The fees that are charged, who are they charged by and who are they charged to?"

Hallock: "They will be charged to the operators of the landfill companies."

Leverenz: "And who..."

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

140th Legislative Day

July 1, 1986

Hallock: "They are charged by the state and the funds will go to the Solid Waste Management Fund."

Leverenz: "And if they are coming to the state, they will go through the appropriations process?"

Hallock: "Absolutely. The Approp Committee, I have the highest regard for the them and their Chairmen and Spokemen and we want to have ... make sure that they have input in all of these funds."

Leverenz: "And if there is no good purpose to spend that ten million dollars, will any monies roll over into the General Fund? Is this... I guess my question is, is this a new way to shore up the General Revenue Fund?"

Hallock: "Absolutely not. We, in fact, do a couple of things here. First of all, we provide a sunset provision so that this will all come to an end in 1989 and at that time, of course, we can either renew, as often happens with sunset provisions, or deny it if, in fact, it hasn't worked. But more importantly, speaking to the most salient question that you posed regarding the approp process, we have plans for that money to be spent in a couple of different ways and one of the most important ones, which I said it before, is the U of I Institute. It's my strong belief that if... we do want to have them be the best experts in the country; that that money should go to them. If there is any extras, of course, maybe it could go there, but other things would be the grants for the solid waste plans, recycling grants to communities, market development and so on. So, I would say that in the first year, if we raise out of that fee probably two or three mill in the first year, that most of that will be expended and I think wisely so."

Leverenz: "Is there any question of siting involved, siting of the landfill or siting of any facility?"

Hallock: "No."

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

140th Legislative Day

July 1, 1986

Leverenz: "In what Bill is the first year appropriation?"

Hallock: "The funds are in E & R Conference Report and also in the EPA and the U of I."

Leverenz: "The Conference Committee Report that was adopted just a couple days ago?"

Hallock: "Yes."

Leverenz: "One final question, maybe with a followup question. Have you already given your press release out on this to the Rockford papers so it appears there tomorrow morning?"

Hallock: "Well, the Rockford newspaper people are very tenacious and so they often times know about plans even before we have them passed as legislation. I would say that they are aware of the fact that this Bill exists, as our many other news media, and I would hope that they would also acknowledge this as a very important Bill and cover the story."

Leverenz: "Well, I found that very interesting, inasmuch as they had received from somewhere in the bowels of the Capitol information with your name in the article the following morning on a Conference Committee Report on Conservation that we had not yet adopted. So, I just wondered if... You have this well worked out all the way through, is that correct?"

Speaker Breslin: "Representative Leverenz, you are not speaking to the Bill before us. Confine..."

Hallock: "I haven't seen that article. I try to read most of them, but I've been down here for ten days..."

Leverenz: "The whole ten million dollars..."

Hallock: "... and I missed it."

Leverenz: "Thank you very much."

Speaker Breslin: "The Gentleman from DuPage, Representative Barger."

Barger: "Thank you, Madam Speaker. Would the Gentleman yield for

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

140th Legislative Day

July 1, 1986

a few questions?"

Speaker Breslin: "He will."

Barger: "Representative, you have mentioned in regards to the surcharge that the money will go to local government."

Hallock: "Well, the money will first come to the State of Illinois and, pursuant to the appropriation process, we will then give out grants according to a cycle which the Bill would request and so it would come to the state first and then be passed to the local governments."

Barger: "Okay. You also said that the... You also said that the fees would be charged to the owners and operators of the landfill sites?"

Hallock: "Yes."

Barger: "Many of our landfill sites are in forest preserves. Are the county forest preserves going to be charged for this by the state so that the money can go back to the local governments?"

Hallock: "We dealt with that ... if they're existing contracts, we deal with that in a separate way."

Barger: "Would you kindly explain to me the separate way that we deal with the counties?"

Hallock: "This area was a very important one. We dealt with many local government units at all types and all levels. The question was legitimate because of the reason that many of these agencies, local government agencies and entities have contracts that are long term. What we have done is say that those who have long term contracts may have those contracts reviewed by the EPA to see if, in fact, they can maybe be allowed to pass this cost on. Those, of course, who have short term contracts can make their own negotiations or do what they have to do either immediately or at a later date."

Barger: "Then, you're going to allow the forest preserves to

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

140th Legislative Day

July 1, 1986

raise their fees so that they can give you this money so that you can give it back to them at a later date as an appropriation from the State Government and out of the kindness of our hearts, we are going to help our local forest preserve districts or cities or counties or anybody else with this money, right?"

Hallock: "I would say, no, no and no. I appreciate the faceous nature of the question, but I would say that currently, under any state law, forest preserves in cities and others can raise most fees that they want to. They can impose license fees or whatever they choose to do for whatever purpose. They have that power, and I suppose, all being autonomous, they should have that power. You know, they have to decide what's best for their local unit of government. So, in this regard too, it's up to them. They can impose fees on this or other purposes or they don't have to. It's their decision."

Barger: "The DuPage County Forest Preserve District came to me and objected very strongly to this fee system on owners. They didn't object too much about it on operators. But I was wondering, have the forest preserve districts signed off on this as being acceptable to them?"

Hallock: "I would say, first of all, I'm not aware of the instant concerns of the DuPage Forest Preserve, but I would say that most local governments should be satisfied with this language on the contracts. And, matter of fact, it was pursuant to agreements with them that this, in fact, was instilled in the Bill."

Barger: "Thank you. We find it very heartening to know that we should be happy with what you are offering to us and I think that I will have to vote 'no' until such time as I find out that my county and forest preserve district are in favor of it, rather than having been opposed to it. Thank

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

140th Legislative Day

July 1, 1986

you."

Speaker Breslin: "Representative Greiman in the Chair."

Speaker Greiman: "The Lady from... the Lady from Kane, Ms. Zwick."

Zwick: "Thank you, Mr. Speaker. Members of the House, I guess I rise because I think I kind of owe you an explanation about this Bill and I want to expand on it a little bit. Originally, two years ago, I introduced House Bill 2124 which was an all-encompassing Bill dealing with long term solid waste disposal in the State of Illinois. In the district that I represent it is a most serious problem facing us. People don't want landfills for the most part in the State of Illinois. Not only don't they want them, they are hazardous. They are something that in future years, I believe, are going to cost the state a lot more money than we are talking about appropriating in this Bill, which is really a user fee on the owners and operators rather than General Revenue funds, because we are going to have to dig up all of those existing landfills in the State of Illinois when they start leaking. My Bill was all-encompassing, as I said, and went a bit too far, but I do want to point out that we went throughout the State of Illinois, the Energy and Environment Committee, Representative Kulas, who was most gracious to us and held hearings throughout the state. We saw testimony from all of the groups who were interested in this Bill, and my Bill, because it was so broad, did not make it before the deadline. We couldn't work out a compromise. The Governor has seen fit to work with all of those groups who had problems with that original proposal. So, this Bill has been around basically for two years. Meetings have been going on. All of the groups that I think people are questioning right now what their position is on the Bill



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

140th Legislative Day

July 1, 1986

have been in on the meetings, have discussed this issue and, to my knowledge, all of them have come to grips with the idea that we must do something. We must set out goals. The State of Illinois must determine how much we're going to recycle, how we're going to remove waste from the waystream and what we're going to do with waste as far as incineration goes. This Bill probably does not go as far as I would like to go, to be very honest with you. But it is an outstanding start. It is not a tax, Representative. It is a surcharge, and it is, in fact, supported by... Yeah, a user fee which is a lot better than General Revenue funds. It is supported, in fact, by Waste Management, by those that will pay it, by the other groups. It's supported by the environmental groups. Everyone has finally come together on this proposal. It is an excellent Bill. I think in future years you will be very proud of a 'yes' vote on House Bill 3548. I would ask your support. Thank you."

Speaker Greiman: "Lady from Cook, Ms. Currie."

Currie: "Thank you, Mr. Speaker, Members of the House. Question of the Sponsor, please."

Hallock: "Yes."

Currie: "On page four of Amendment 2, Representative, there is discussion about technical assistance in respect to siting regional pollution control facilities. The definition here looks somewhat different from the definition of a regional pollution control facility in the Environmental Protection Act, specifically with respect to the siting process under 172. I would just like to clarify for the record that the definition that we're really talking about here is the one that is already in the Environmental Protection Act that defines these facilities as those that cross municipal boundaries. Is that your understanding as well?"

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

140th Legislative Day

July 1, 1986

Hallock: "Yes, it is. I appreciate your posing the question, and you're correct."

Currie: "Thank you. To the Bill, Mr. Speaker, if I might. I think the issue here is pay now or pay later. This Bill will collect ten million dollars in fees, fees from people whose garbage is disposed of in the State of Illinois. We're running out of landfill space. We're looking for new technology so that we can more safely dispose of the garbage of modern American society. This Bill is not a perfect solution. There are questions whether it goes as far as it might in encouraging recycling as one answer to the solid waste disposal problem. But it seems to me on balance this is a good proposal. The City of Chicago is not in opposition to this Bill. I think it's a good idea, an important first step for the State of Illinois to take. I urge 'yes' votes on the concurrence Motion to House Bill 3548."

Speaker Greiman: "Gentleman from Adams, Mr. Mays."

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

Speaker Greiman: "Gentleman from Adams 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 being put, Mr. Hallock, to close."

Hallock: "Thank you, Mr. Speaker, Members of the House. You know, solid waste isn't really an exciting issue and nor is it really very glamorous, but it's truly one of most important issues confronting us and the future generations. It affects all of us in every community, and I have sat by over my eight years in the House and watched all cities in Illinois trying to decide just what's best for them in this regard. I believe this Bill will provide that. It will provide direction and also financial assistance and take care of this immense problem for the future. I would ask

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

140th Legislative Day

July 1, 1986

for your support."

Speaker Greiman: "Question is, 'Shall the House concur in Senate Amendments #2 and 3 to House Bill 3548?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is now open and this is final action. Am I in, Jack? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 103 voting 'aye', 11 voting 'no', 3 voting 'present', and the House does concur in Senate Amendments #2 and 3 to House Bill 3543 (sic - 3548). And this Bill, having received an Extraordinary Constitutional Majority, is hereby declared passed. On the Order... On page two on the Order of Nonconcurrency, Special Subject Matter Call - General Assembly, appears Senate Bill 1917. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1917, a Bill for an Act in relation to the General Assembly. The Senate refused to concur in House Amendment #1."

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

Giorgi: "Mr. Speaker, I move we nonconcur with the Senate Amendments and ask for a Conference Committee. There is some technical language that we have to clean up."

Speaker Greiman: "The Gentleman from Winnebago moves that the House refuse to recede from House Amendment #1 to Senate Bill 1917. And on that, the Gentleman from DeWitt, Mr. Vinson."

Vinson: "Yes, Mr. Speaker, I wonder if the Sponsor might yield for questions?"

Speaker Greiman: "Indicates he will."

Vinson: "Representative, what was it that was wrong with the Senate Amendment?"

Giorgi: "The language... there's some inaccuracies in the language. And if I can't understand it, you won't."

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

140th Legislative Day

July 1, 1986

Vinson: "You're saying you don't understand what the Senate Amendment was?"

Giorgi: "Yes. Well, I think there's some deficiencies in the language and I'd like to get it corrected."

Vinson: "Well, can you tell me exactly what they were?"

Giorgi: "It's got something to do with our district offices."

Vinson: "There's something about district offices in here on a Senate Amendment? Well now, as I read the Senate Amendment, it deals with testifying at hearings."

Speaker Greiman: "Yes, excuse me. Mr. Cullerton."

Cullerton: "Yes."

Speaker Greiman: "Do you wish to respond?"

Cullerton: "Perhaps I can clarify the posture and maybe I could ask a question. We're talking about a Senate Bill that passed the Senate dealing with the convening of Special Sessions by the General Assembly. In the House, we added an Amendment which made a technical change to a Section. Apparently - here's where the question comes in - apparently the Senate refused to concur with that House Amendment and now we're back here on a Motion to refuse to recede from our technical correction. So, there has been no Senate Amendment that's been offered. We're only talking about whether or not we should back off the Amendment which I offered, which was a technical Amendment in changing a Section."

Vinson: "At this time of the year, I think that's a good idea."

Speaker Greiman: "Yes, Mr. Giorgi."

Giorgi: "I renew my Motion."

Speaker Greiman: "Gentleman from Winnebago moves that the House refuse to recede from Senate... House Amendment #1 to Senate Bill 1917. Those in favor say 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the House does so refuse to recede and ask for the appointment

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

140th Legislative Day

July 1, 1986

of a Conference Committee. To correct the record, on the Bill previous declared, which was House Bill 3548, the House did concur with Senate Amendments #2 and 3 to that Bill and, having received an Extraordinary Constitutional Majority, was then declared passed. On the Order of Nonconcurrency, on page two, Special Subject Matter Call - State Government, appears Senate Bill 1624. Mr. Clerk, call the Bill."

Clerk Leone: "Senate Bill 1624, a Bill for an Act in relating to the procurement of State Government. The Senate has nonconcurred with House Amendments #1 and 2."

Speaker Greiman: "And on that, the Gentleman from Cook, Mr. Keane."

Keane: "Thank you, Mr. Speaker. I move to not recede from House Amendments 1 and 2 to Senate Bill 1624. This is the Purchasing Act Bill. We're still working on... we have a problem with the lease portion of the Procurement Act and also with the application of the Procurement Act to the General Assembly. I want to carry this over to the fall, put it in Conference Committee, carry it over to the fall and, for that reason, I refuse to recede on House Amendments #1 and 2 and ask that a Conference Committee be appointed."

Speaker Greiman: "The Gentleman from Cook, Mr. Keane, moves that the House refuse to recede from House Amendments 1 and 2 to Senate Bill 1624. Is there any discussion? There being none, the question is, 'Shall the House refuse to recede?' Those in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House refuses to recede from House Amendments #1 and 2 to Senate Bill 1624 and request the appointment of a Conference Committee. Mr. Keane, for what purpose do you now seek recognition?"

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

140th Legislative Day

July 1, 1986

Keane: "My understanding is on Senate Bill 1611 that we've... there's been an agreement on that, and I'd like to proceed with it at this time."

Speaker Greiman: "You're correct. We'll return to that Order of Business in a few moments when the appropriations people are able to get on the floor. On page four of the Calendar, on Speaker's Table, on the Order of Senate Joint Resolutions appears SJR 61. Mr. Clerk."

Clerk Leone: "Senate Joint Resolution 61 urges Congress to exempt certain agricultural credit export loan programs from the Cargo Preference Act."

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

Ropp: "Thank you, Mr. Speaker and Members of the House. Senate Joint Resolution 61 urges Congress to approve legislation to extend certain exemptions from the provisions of the Cargo Preference Act to assist in the USDA's PL-480 which allows for food to be shipped overseas for humanitarian purposes. The idea is that through making certain changes, those dollars that go for those food products will be better served and will provide for more food to go to countries and people who actually need it under the provisions of Public L-480 and I urge support of this Resolution."

Speaker Greiman: "The Gentleman from McLean, Mr. Ropp, moves for the adoption of SJR 61. And on that, the Gentleman from Bureau, Mr. Mautino."

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

Speaker Greiman: "Indicates he'll yield for a question."

Mautino: "Representative Ropp, your Resolution, I think, recommends that we use foreign ships for the export of, let us say, Illinois products to other nations that are export, specifically eliminating the use of American ships to transport these products, is that correct?"

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

140th Legislative Day

July 1, 1986

Ropp: "It does not eliminate the use. It just allows for more food products to be purchased and to use in foreign vessels. It does not eliminate U.S. vessels in any way, shape or form."

Mautino: "What is the current percentage of vessels that are using American vessels as it compares to foreign vessels in transporting these products?"

Ropp: "The current provision is 50 percent for U.S. vessels, 50 percent allowable for foreign vessels."

Mautino: "In other words, you're requesting through this Resolution that 50 percent of the freight and export be provided to foreign vessels as opposed to American vessels?"

Ropp: "I'm just saying that for some food items that are exported under 480 that we would allow a greater percentage to be used for foreign vessels so that we can actually get rid of more agricultural products. We're spending something in, oh, excess of a hundred million dollars that we could actually be using in the purchase of food and providing food for humanitarian purposes compared to what we are now doing, should this Resolution pass and become effective."

Mautino: "I'm assuming that the Farm Bureau is in support of your Resolution, is that correct?"

Ropp: "Yes, Sir."

Mautino: "May I ask then what real rationale is it to curtail the use of grains on American vessels and provide for 50 percent, which is probably over and above the number of foreign vessels now being used for transportation of grain and commodities?"

Ropp: "Well, the situation is currently that under the shipping through U.S. vessels, we're spending all the way 30 to 40 dollars per ton more, even as much as 70 dollars a ton for shipping of food for the shipping rates. And some of us

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

140th Legislative Day

July 1, 1986

believe that some of those dollars certainly ought to be used for the purchase of food in an attempt to assist in resolving an agricultural crisis. And if we can use something around the area of five millions of dollars can go for the purchase of food, that the dollars are better spent, we get rid of more agricultural products and we help more people who are in need of our food overseas."

Mautino: "Well, it seems to me that maybe your cause is laudible, but I...let us assume that the current posture is how many - 50 percent only using American vessels, or is it 100 percent at this time?"

Ropp: "Fifty percent right now."

Mautino: "And you want to make sure that it's only maintained at 50 percent by your Resolution?"

Ropp: "No, that there will be a possibility that that percentage might even be lessened."

Mautino: "Well, I think that's exactly what I'm getting to. That's a very interesting concept. We're providing a Resolution to Congress stating that we should be using more foreign vessels in the transportation services and goods, specifically commodities, as opposed to American vessels. The next question is, are American vessels available to transport these grains and food commodities or are they not available?"

Ropp: "Let me say that when this law went into effect, it was made 50 percent to help in ailing merryytime industry. Now there is an ailing agricultural industry and we want to provide some assistance to that industry."

Mautino: "That's not my question. My question is how many vessels are available, American vessels, for the transportation of grain and commodities?"

Ropp: "I'm not really honestly sure how many vessels. I'm sure that we have vessels that would probably be sufficient."



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

140th Legislative Day

July 1, 1986

The question is that the cost of exporting grains through some of our U.S. vessels is far excessive and that, by spending all of the available money that foreign countries have on shipping charges, they don't have any money left over for the purchase of the food, the corn, the soybeans and the wheat that we're trying to export. I'm saying that to assist an ailing agricultural industry, we ought to at least allow or to say, if you want to purchase additional grains, that money can be spent for the purchase of grain, rather than for the shipping costs. I just think it's a natural..."

Mautino: "Would this... Let me pose this question to you. Would this cause a reduction of American workers by use of foreign vessels?"

Ropp: "I think most of those merrytime people are going to be paid anyway, whether or not they actually ship it over American vessels or not. They're going to get their daily paycheck."

Mautino: "If, in fact, they don't have American ships to load up, we're addressing the American economy in your proposal, is in support of providing additional funds to foreign vessels to the detriment of American shipping, as well as the American longshoremen, is that true?"

Ropp: "No, I'm just saying that more of those dollars ought to be spent for the purchase of grain in the use and distribution for humanitarian purposes overseas, rather than to go for the shipping costs."

Mautino: "To the Resolution, if I may, Mr. Speaker. For those of us that have supported the agricultural community and the Farm Bureau on almost all issues, I find this to be a very interesting concept which would place American industry, shipping industry specifically, and the American worker in a less favorable position than foreign competition. This

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

140th Legislative Day

July 1, 1986

is one of the major problems we have. It may be laudible that you provide for, in your analysis, additional funds to be used for American grains, but that's not the end result. The end result will probably be putting more dollars in the foreign shipping hands and a reduction in the actual economic benefits to the American worker and the American shipping companies. I'm not certain that I agree with your analysis on how to resolve the export crisis. That can be done with standardization, inspection and probably a better export policy. I regretfully stand in opposition to what I think is a bad step that it shrouded in an economic analysis that is not basically true. I find myself in a quandry, but I don't see where we're going to help American industry or the American worker with this Resolution. I stand in opposition."

Speaker Greiman: "The Lady from Cook, Ms. Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think this is probably the first time I've ever stood up on an agricultural related issue, but I do so because I am very concerned about American shipping. Right now our shipping industry is in a crisis, and right now the preference is for foreign bottoms over American bottoms is having the effect of driving an already ailing American industry out of business. Now, it seems to me counterproductive much for us to on the one hand support someone else's economy, someone else's shipping industry to the detriment of our own. While the Congress on the one hand is passing protectionist export legislation, here we are doing, in the totally opposite direction, saying we're not interested in protecting American shipping; we are interested in protecting somebody else's shipping in pursuit of what is a laudible goal that Representative Ropp is referring to. Yes, agriculture needs all the help it

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

140th Legislative Day

July 1, 1986

can get, but certainly you don't sacrifice one industry for another. You don't put a preference for foreign industry over another, and you don't put your own workers, put American workers, out of work because there is some dollar line kind of objective, immediate objective that transcends and runs counter, really, to your long range objective of having a healthy shipping economy in this country. I think that this is the wrong way to go. I think that the confusion in the industry, as Representative Nautino spoke of, is a fact, but I really do think that this would be the equivalent of buying a foreign car when an American car costs about the same thing and you have a choice and the quality issues are the same. I think that we have to make some judgements about supporting our own first. Charity does begin at home. Thank you."

Speaker Greiman: "The Gentleman from DuPage, Mr. Barger."

Barger: "Thank you, Mr. Speaker. I would like to ask a few questions."

Speaker Greiman: "Proceed, Sir."

Barger: "Mr. Ropp, isn't it true that under present circumstances, if a foreign country buys grain in this country, that they still have to ship in American ships because the federal law doesn't allow them to ship in their own ships?"

Ropp: "Under this particular provision of PL-480, they must buy at least half... half of the grain that is purchased has to be delivered in U.S. ships. The other half could be in their own ships or an adjacent country."

Barger: "Thank you. Mr... the Lady from Cook County came up with a very interesting idea. We buy these foreign automobiles, but we don't insist that they be shipped to this country in American boats. They ship them over here in their Japanese ships. Many of the ships that are owned by Americans are

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

140th Legislative Day

July 1, 1986

registered in Lyberia, an African country. Gives us an opportunity to help a third world nation. I think that shipping some of our grain, the grain that goes to Africa, perhaps, in Lyberian ships, would be advantageous to all of us. The opportunity... I know that Russia has been buying excessive amounts of grain from the southern hemisphere because they have to ship a certain percentage from the United States in American bottoms, and they have a large merchant fleet of their own. This is a very complex problem, and it is one that we have been dealing with over a great length of time. On a major ocean-going ship today, there are only 12 or 14 people in the crew. This is not a major employment factor, when you compare it to the number of people in the farming industry in Illinois. It seems to me that possibly we should consider a somewhat parochial position on this, one that we have excess grain in the State of Illinois; that we are not the United States Legislature, but the State of Illinois' Legislature and that we should be working very hard for our laborers and for our producers and try to get as much Illinois grain out of this country and into other people's hands as are possible. Back during the Carter Administration, I went to Cuba with a group that was trying to open up trade relations between the State of Illinois and Cuba. Very shortly thereafter, we changed administrations and the whole idea fell through. But if we can lower the amount of excess products in this country, I think that we will be serving ourselves and those people we represent much better than we would be by slowing it down, raising the costs and trying to keep a few sailors occupied. The United States Merchant Fleet is very definitely important to the United States because it is part of our war effort. If we ship soldiers overseas to fight for us, it's necessary that they

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

140th Legislative Day

July 1, 1986

must be served. And I'm sorry I'm putting the Speaker to sleep so. I will stop now. Thank you very much, Mr. Speaker."

Speaker Greiman: "Gentleman from Marion, Mr. Friedrich."

Friedrich: "Mr. Speaker, two or three thoughts come to my mind in connection with this. Number one, I only know one person in my district who is involved in the Merchant Marine and he's on the Great Lakes on an ore boat, but I have hundreds of farmers. The other thing, it occurs to me we've heard constant references in this House about feeding the poor of the world. Well, if we're going to feed the poor of the world, we need to do it with Illinois products and we need to get to them the cheapest way we can, because most of it is done by charity. So, I don't understand how you can have it both ways. How are we going to help the poor, starving people in Ethiopia and India and then turn around and make it impossible for them to get it at the lowest rate? I think that we're talking about people in trouble. The farmers in this state have lots of problems and anything we can do to increase the sale of agricultural products is good."

Speaker Greiman: "Mr. Ropp, to close."

Ropp: "Thank you, Mr. Speaker and Members of the House. We are certainly in no way attempting to..."

Speaker Greiman: "Excuse me, Mr. Ropp. I didn't see that Representative Johnson was seeking recognition. Mr. Johnson."

Johnson: "I move the previous question."

Speaker Greiman: "Alright. Mr. Ropp, to close."

Ropp: "Thank you, Mr. Speaker and Members of the House. House (sic - Senate) Joint Resolution 61 does in no way attempt to screw up a current situation dealing with our merrytime industry. Generally speaking, this Bill and this one only,

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

140th Legislative Day

July 1, 1986

it states that 50 percent of all grain that is exported for humanitarian purposes, through Public Law 480, and that's only through Public Law 480. It is not for any other grain to any other country. But Public Law 480 actually deals with grain that goes to help countries who are in need for humanitarian purposes. We have spent in excess of 100 million dollars of our own tax dollars to assist in this particular program that have prevented the purchases of 100 million dollars of food for the saving of people's lives. What we're attempting to do is to address a humanitarian purposes only, not for the whole industry or not for the exporting of industrial goods, but for food items for people, people who are starving, people who need care to just live from one day to another. I think, and this Resolution addresses sending that food to the people rather than to the people who actually are in the process of shipping the commodities. As has been previously stated, I don't think we have an exporter who has a shipping line in the State of Illinois. We do have many farmers that need assistance. This is a way to help address expanding of agricultural trade for humanitarian purposes. And I urge your favorable support."

Speaker Greiman: "The Gentleman from... the question is, 'Shall the House adopt Senate Joint Resolution 61?' Those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. We will return to that Order of Business; however, we move now to page two. On the Order of Nonconcurrency appears Senate Bill 1611. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1611, a Bill for an Act making appropriations to the Illinois Community College Board and the Board of Trustees of the State Community College of

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

140th Legislative Day

July 1, 1986

East St. Louis for the Fiscal Year 1987. The Senate refused to concur in House Amendment #1."

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

Hastert: "Thank you, Mr. Speaker. I'm a hyphenated Cosponsor. I move to recede from Amendment #1."

Speaker Greiman: "Gentleman from Kendall moves that the House recede from House Amendment #1 to Senate Bill 1611. And on that, is there any discussion? The Gentleman from Cook, Mr. Leverenz."

Leverenz: "Question of the Sponsor. We can recede from that because the 150,000 is in another Bill?"

Hastert: "Yes. The 150,000 is in State Board of Education Bill 3090."

Leverenz: "Good idea."

Speaker Greiman: "Being no further discussion, the question is... Excuse me. Ms. Didrickson."

Didrickson: "Yes, thank you, Mr. Speaker. Would the Sponsor yield, please?"

Speaker Greiman: "Indicates he will."

Didrickson: "What are we refusing to recede from... or are we receding from?"

Speaker Greiman: "No, this is a Motion to recede."

Didrickson: "Motion to recede."

Hastert: "There is a Motion, House Amendment #1 grants a line item of 150,000 to the Arts Council, alright? We're refusing to recede. That money is already in another Bill, so it's not necessary."

Didrickson: "It's already taken care of."

Hastert: "Yes."

Didrickson: "Thank you."

Speaker Greiman: "Question is, 'Shall the House recede from House Amendment #1 to Senate Bill 1611?' All those in favor

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

140th Legislative Day

July 1, 1986

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... Mr. Clerk, take the record. On this question there are 115 voting 'aye', none voting 'no' and none voting 'present', and the House does recede from House Amendment #1 to Senate Bill 1611. And this Bill, having received an Extraordinary Constitutional Majority, is hereby declared passed. Now, on the Order of Conference Committee Reports appears House Bill 2986. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2986, a Bill for an Act making appropriations to the Illinois Farm Development Authority. First Conference Committee Report."

Speaker Greiman: "The Lady from Cook, Ms. Barnes."

Barnes: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The effect of the Conference Committee Report #1, the Senate recedes from Amendment #3. The House concurs in Senate Amendment #1. Further, it was amended as follows: Repeat Senate Amendment #3 but adds a July 1st, 1989 effective date for the 40 million dollar payment to the public utilities for shortfall payments. I would recommend do adopt."

Speaker Greiman: "The Lady from Cook, Ms. Barnes, moves that the House do adopt First Conference Committee Report to House Bill 2986. On that, the Gentleman from Cook, Mr. Leverenz."

Leverenz: "Yes, Representative Barnes, I agree with what you're doing. I just wonder, does anybody understand the rationale for the 1989 date on the 40 million? Are we just locking up 40 million until..."

Barnes: "They are not going to pay the 40 million to the public utilities until July 1st, 1989."

Leverenz: "And where does it sit? Does it gather dust or



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

140th Legislative Day

July 1, 1986

interest?"

Barnes: "Pardon me?"

Leverenz: "Does it... does it gather dust or interest sitting some place? Is it in the Treasury?"

Barnes: "There is no interest. They will be getting the money, just as I said, at the end of the four years when they implement the program."

Leverenz: "Do we have the 40 million now?"

Barnes: "The income... the interest is spent on low income problems."

Leverenz: "Okay. Well, maybe there will be a memorandum around some place that tells me why we're holding it till 1989, because our staff doesn't understand it. But that was something that was added by the Senate and many times we don't understand what the Senate does anyway. So, we may as well adopt the Report."

Barnes: "Thank you."

Speaker Greiman: "There being no further... The Gentleman from Knox, Mr. Hawkinson."

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

Speaker Greiman: "Indicates that she'll yield for questions."

Hawkinson: "Representative, there was an earlier Amendment to a bill, I believe, last week or early... yeah, sometime last week which delayed the effective date from 1987 until '88 and I know there were complaints at that time about the delay to 1988, July 1, '88. Now I see it's '89 and I... I was under the understanding that that was to be paid in '88 as opposed to '89."

Barnes: "We know of no such Amendment, Representative."

Speaker Greiman: "There being no further discussion, the question is, 'Shall the House adopt the First Conference Committee Report to House Bill 2986?' All those in favor signify by

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

140th Legislative Day

July 1, 1986

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 113 voting 'aye', 1 voting 'no' and none voting 'present', and the House does adopt the First Conference Committee Report to Senate Bill 2986 (sic - House). And this Bill, having received an Extraordinary Constitutional Majority, is hereby declared passed. Let the transcript show that Representative Parke desires to be recorded as 'aye'. Now we return to the Speaker's Table, and on that, Senate Joint Resolution 69. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Joint Resolution 69 urges the Supreme Court of Illinois to promulgate rules for appeal procedures for determinations concerning whether a minor is mature enough to decide to undergo an abortion without the parental notification. Judiciary I Committee recommends be adopted."

Speaker Greiman: "Proceed, Mr. Terzich. Mr. Terzich."

Terzich: "Yes, thank you. This Resolution respectfully urges the Supreme Court of Illinois to promulgate rules for confidential and expedited appeals from proceedings at which a minor may prove her maturity or that, if she is immature, an abortion is in her best interest in the order from the Illinois Parental Notice of Abortion Act of 1983 to be in force. This Act was held as... upheld as constitutional by the 7th Circuit Court of Appeals but was kept from going into effect pending the promulgation of such rules. The Parental Notice of Abortion Act requires parental notice when a minor seeks to undergo an abortion but allows the minor to go to court to seek a waiver of the notice and any appeal must be expedited and the court proceeding must be confidential. This was approved by the

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

140th Legislative Day

July 1, 1986

Judiciary Committee, and I would urge your support."

Speaker Greiman: "The Gentleman from Cook, Mr. Terzich, moves for the adoption of SJR 69. On that, is there any discussion? There being none, the question is, 'Shall the... shall this be adopted?' Mr. Cullerton, yes."

Cullerton: "I'm sorry. I had asked the Clerk if I could get a copy of this Senate Joint Resolution. We don't have a copy in the file. I just thought, you know, we got some time, I might as well read it."

Terzich: "Well, you were on the Judiciary Committee, Representative, and I believe you voted for it."

Speaker Greiman: "Fortunately, we've sent Mr. Cullerton to the Evelyn Woods School of Speed Reading. So, we'll just momentarily..."

Cullerton: "I also wanted to show, Mr. Terzich, that... to the Speaker, the one who is in the Chair, that I don't let things slip by me, you know, because he usually... when we look up there we see Terzich, we see abortion. You know, we like to... we got to be careful."

Terzich: "And then you see Cullerton."

Cullerton: "Alright, and I'm voting 'present' on everything."

Speaker Greiman: "Question is, 'Shall the House adopt SJR 69?' Those in favor say 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Resolution's adopted. On the Order of Motions, on page five, leave to go to the Order... I'm sorry, leave to go to the Order of Senate Joint Resolution 150. SJR 150. Mr. Clerk, read the Bill... read the Resolution."

Clerk O'Brien: "Senate Joint Resolution 150, offered by Representative Friedrich."

Speaker Greiman: "The Gentleman from Marion, Mr. Friedrich."

Friedrich: "Mr. Speaker, the reason for this Motion is so we can get immediate consideration. It's a Resolution passed by

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

140th Legislative Day

July 1, 1986

the Senate 57 to nothing. There's some urgency because we need to get it over to the Attorney General. That's the argument for the Motion. It has to do with the problems that are being created. County jails cannot conform to the regulation. I would like to press the Motion, then we'll discuss the Resolution, if I may. I believe it passed the Senate 57 to nothing."

Speaker Greiman: "The Gentleman from Marion moves the adoption... moves that the... that SJR 150 bypass Committee and be placed on the Speaker's Table for immediate consideration. On that, the Gentleman from Cook, Mr. Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. I did read this Joint Resolution, and I would ask people to consider just, in effect, what it's saying. What it says is that there's a number of problems with crowding of prisons in our county jails. It points out that the Attorney General, as he should be congratulated for, is pursuing law suits, encouraging those county jails to get their act together and to meet the minimum standards. What this Resolution says is that the Governor has appointed a special Task Force, of which I happen to be a Member, and that since the Governor appointed a Task Force, we should urge, in this Resolution, the Attorney General to back off of those law suits and to wait for the Governor's Task Force to report next July 1st of 1987. I think that it's a bad idea. I'm on the Task Force. I think the Task Force was appointed way too late, way after the Governor should have known that there was a problem. In the meantime, not only is he trying to get the Attorney General to back off, but he's been consistently coming in here and killing Bills that have been passed and designed to try to alleviate the problem of the crowded county jails. I don't think it makes any sense to pass a

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

140th Legislative Day

July 1, 1986

Resolution asking the Attorney General to back out of law suits until a Governor's Task Force can make a report. For those reasons, I would oppose the Resolution and certainly hope it doesn't pass with a voice vote."

Speaker Greiman: "It requires 71, so it can't, Mr. Cullerton."

Cullerton: "That's even better."

Speaker Greiman: "There being no further discussion on the Motion, the Gentleman from Marion, Mr. Friedrich, to close."

Friedrich: "Well, this certainly is not an attempt to keep the jails from being upgraded. The problem is, in some cases, they're having trouble financing them, and I think the Task Force, of which Mr. Cullerton is a Member, is not only to study the problem, but also to study the way of financing them. I... I am reluctant to do this, but I think, in view of what he said, I'd like to read you the counties which have the problem. The Cass County Jail, the City of East St. Louis Jail, Hancock County Jail, Jackson County Jail, Jersey County Jail, Massac County Jail, Prairie County Jail, Pulaski County Jail, Gallatin County, Franklin County, Jefferson County, Macoupin County, Madison County, Marion County, Monroe County, Montgomery County, Pike County, Sangamon County, Stark County and so on. Now, that means that this is a big problem to which there's no quick, happy solution. I'm not in favor of jails that are not up to snuff either. But the problem is some of these counties are now faced with a law suit and have no money with which to comply. It's kind of between a rock and a hard spot. And I think that at least we could give some time, and this just urges the Attorney General to back off until this Committee that Mr. Cullerton's a part of can report and make recommendations. I think that's reasonable. This thing hasn't happened over night. I'd like to yield to

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

140th Legislative Day

July 1, 1986

Representative Stephens who actually is the principle Sponsor."

Speaker Greiman: "Question... Well, I called upon you to close, Mr. Friedrich. I will allow..."

Friedrich: "I did not use all my time, Sir."

Speaker Greiman: "They will be able to explain their vote. Question is, 'Shall the House allow SJR 150 to bypass Committee and be placed on the Order of the Speaker's Table for immediate consideration?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. And to explain his vote, one minute, Mr. Stephens, Gentleman from St. Clair."

Stephens: "Well, thank you, Mr. Speaker. In respect to Representative Cullerton, we're not urging the Attorney General to do anything. The Resolution simply respectfully requests the Attorney General of the State of Illinois to allow the recommendations of the Task Force to be presented before pursuing these law suits. I think that's very reasonable. It's not an insult to the AG at all. Thank you."

Speaker Greiman: "Gentleman from DeWitt, Mr. Vinson, one minute to explain your vote."

Vinson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. I began to look at this when Mr. Cullerton called my attention to it in speaking. And I think the key point is whether or not you should upgrade county jail facilities. Now, what the Resolution does is to urge that we not upgrade them, and that's why I support it. We don't need to upgrade those facilities. They're for criminals."

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

Mautino: "Thank you, Mr. Speaker. I think the Gentleman from the other side of the aisle must admit that Representative

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

140th Legislative Day

July 1, 1986

David Phelps had the solution to this problem embodied into both a House and a Senate Bill which would have provided for those funds. It seems to me to be a rather difficult way to resolve the problem by having the AG's Office withhold actions on those jails. I think the more proper way was under Representative Phelps' program that allowed for funding and authorization to do exactly what has been embodied in the notification to those counties."

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

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I tried to consider being a Cosponsor of this Resolution and not really understanding what might really be the implications. I withdraw my name as Cosponsor and speak in opposition to this Motion, because I feel, not only from Representative Vinson's remark about is he not in favor of jails for criminals, but it's also very obvious that he's not in favor of helping to upgrade schools because we had two Bills for this House on bonding authority for schools, as well as county jails, and many on that side of the aisle that are in court. And the Attorney General is not there by his own choosing but because the Department of Corrections and the Governor has tried to pressure them into taking that length. And so, for this reason, I oppose the Motion and ask all those to join us."

Speaker Greiman: "The Clerk will let the record show that Representative Phelps has withdrawn his name as a Cosponsor of this Resolution. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 53 voting 'aye', 57 voting 'no', 4 voting 'present', and the Motion fails. On the Order of Motions appears SJR 159. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Joint Resolution 159. A Motion by

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

140th Legislative Day

July 1, 1986

Representative White for immediate consideration."

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

White: "Mr. Speaker, Ladies and Gentlemen of the House. Last Friday, I was asked to report before the Executive Committee with SJR 159. And as it turned out, a quorum was not there and the Bill was not heard. And so, I would like now to have this SJR 159 discharged from the Executive Committee."

Speaker Greiman: "The Gentleman from Cook, Mr. White, moves that the House discharge the Committee... Executive Committee from further consideration and advance to the Order of Speaker's Table. On that, the Gentleman from Morgan, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. When the Sponsor of this Motion proposed it last week, I erroneously stood in opposition to the Motion. I think the Bill itself deserves my opposition, but it was my error to stand and oppose the Motion for the hearing. It does deserve hearing and I hope that the hearing... at the time of the hearing it will be rejected, but I think it's appropriate for us to have an opportunity to hear this Resolution today, and I would support the Gentleman's effort."

Speaker Greiman: "The Gentleman from Morgan, being duly repentant, does the Gentleman have leave to use the unanimous Roll Call to discharge the Executive Committee and place this on the Order of..."

Ryder: "I'm not sure I'm that repentant."

Speaker Greiman: "... the Speaker's Table? Leave? Leave is granted. Objection? Alright. All those in favor of the Motion signify by voting 'aye', those opposed vote 'no'. Voting is open. 60 votes. Yes, Mr. White, one minute to explain your vote."

White: "Mr. Speaker, Ladies and Gentlemen of the House, we live



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

140th Legislative Day

July 1, 1986

here in the General Assembly by the Committee system and if this system is to survive, I think it's only fair that since I reported before that Committee and a quorum was not formed, that my request to have this Bill discharged from the Executive Committee is a fair one. If we're talking about fairness, now is the time for fairness to prevail."

Speaker Greiman: "Mr. Clerk, take the record. On this question there are 67 voting 'aye', 44 voting 'no' and 1 voting 'present' and the Motion carries. Mr. Clerk, on the Motion. SJR 159. Call the Resolution."

Clerk O'Brien: "Senate Joint Resolution 159, offered by Representative White."

Speaker Greiman: "Gentleman from Cook, Mr. White."

White: "Mr. Speaker, Ladies and Gentlemen of the House, this is a simple Motion, a simple Bill. All it does is provide that the State of Illinois, when they contract with not-for-profit organizations to provide service, that they factor in the insurance that that particular agency may incur. What we've found is that when... if these dollars are not factored in, a lot of the services will be denied those individuals who are seeking their assistance. For example, child care, senior citizens and the handicapped all need services and, if the dollars are not there, then they will go wanting. So, I seek your support for this wonderful Bill."

Speaker Greiman: "Gentleman from Cook, Mr. Levin."

Levin: "I would rise in support of the Gentleman's Motion. You know, I have been in communication with United Way and a lot of the other charities who have been very, very hard hit by the insurance crisis and this is, I think, most appropriate in a way of providing relief. I'd like to point out one other thing as well and that is there was a provision in Senate Bill 1200 last night which is identical

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

140th Legislative Day

July 1, 1986

to what is in this Resolution. So, and that Bill, of course, is now on the Governor's desk and we expect that he will sign it. So we, I think, have already passed this once in Bill form, and I think it's most appropriate to pass the Resolution as well."

Speaker Greiman: "The Gentleman from Morgan, Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. As I indicated previously, I still oppose this concept, and I still stand in opposition to the Bill. What we're doing here is authorizing the opportunity for a pass-through of nonhospital health and human service entities for insurance premium cost raises. Without criticizing the Resolution itself, the language is so imprecise as to be able to cost us millions and millions and millions of dollars. Now, there's a very distinct difference of opinion as to what the tax... or the tort reform package that was passed last night by the House and the Senate will do. But I can tell you very precisely what this matter will do. It will cost the State of Illinois millions and millions and millions of dollars, dollars that we do not have to spend. The idea itself may have some merit. But the cost simply indicates that this is one idea that we cannot afford, and I respectfully urge that we defeat this Resolution today."

Speaker Greiman: "The Lady from Cook, Ms. Wojcik."

Wojcik: "Yes, Mr. Speaker and Members of the House, I think what I would like to point out regarding this Senate Joint Resolution, as that I rise in opposition, is because this is a mandate and I think most of us are concerned about mandates. This is not permissive. This will, in fact, take effect. We talked about Senate Bill 1200 yesterday. We also discussed the backdoor referendum. I think we ought to look at the taxpayers and see what this is going to cost. The amount would be exorbitant. So, I move for a

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

140th Legislative Day

July 1, 1986

nonfavorable passage."

Speaker Greiman: "The Gentleman from Kendall, Mr. Hastert."

Hastert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I had a deal with one of my agencies -- matter of fact, just had a deal with them yesterday and they were complaining that they weren't getting their, quote, unquote, 'fair share'. Now these were the people out of my district. They were my constituents, but I want to look at what their difference were in costs and their costs went up and their insurance costs went up about 300 to 400 percent. They're up around 120 some thousand dollars where previously they paid 30,000 dollars. I don't think that we can pass on any automatic increases to anybody or to any agency. When we're talking about a piece of legislation like this, what we're doing is bypassing the appropriation process. We're saying, 'Well, we don't need to have and to scrutinize and discuss and to analyze how we spend the taxpayers' money in Illinois. What we do here, we just pass that... those increases and those raises on automatically.' You can't do it. That's not responsible. It's something that completely bypasses the appropriation process. It says that you aren't responsible as elected Legislators anymore, but that we're going to let something automatic do the appropriation process. I feel very strongly that we should oppose this Resolution and would ask you to join me."

Speaker Greiman: "The Gentleman from Will, Mr. Davis."

Davis: "Thank you, Mr. Speaker. I believe that all the prior speakers are correct on our side who spoke against this. I guess it would be sort of the same if we did this same Resolution for the Department of Commerce and Community Affairs and said, 'Now, you go out to the business communities and you tell them not to worry about insurance

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

140th Legislative Day

July 1, 1986

or how high that it goes. Tell them they don't have to worry about that, despite 1200.' - and you guys may be right, it may work - 'But don't worry about that, because the public purse will fund that for you. So, you don't have to negotiate premium or coverage anymore.' The insurance companies will love it because they'll raise the premiums wherever they want to go and, of course, all of us believe they might anyway. But nevertheless, it seems to me that they would just disregard their coverage, disregard the premium because DCCA would say, 'Don't worry about. The taxpayer will take care of this.' It's exactly the same procedure that's contained in this Resolution when we said, 'Well, the Department of Public Aid will take care of doctors, mortgages and HMO's.' Only hospitals are excluded. So, HMO's, other health care providers, their mortgage on their building, their liability, their medical malpractice, goes on and on and on. They don't have to care about premiums anymore, because the Department of Public Aid will pay it and it will pay it absent the appropriations process except to stick a line item in the appropriations process that says insurance premiums pursuant to House (sic - Senate) Joint Resolution 159, 110 million dollars. This is a silly Resolution."

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

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

Speaker Greiman: "He indicates he will."

Ropp: "Representative, could you give me an estimate of the insurance costs a year ago for all of the affected agencies that this will be a part of?"

White: "I cannot respond to you about a year ago, but I can give you the facts... I can give you a figure that has been made available to me and it's in the area of 100,000 dollars."

Ropp: "100,000 dollars for all of these social service agencies

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

140th Legislative Day

July 1, 1986

that get insurance?"

White: "Yes, we're talking about children, senior citizens and the handicapped."

Ropp: "I'm aware of some social service agencies that can't even get insurance. Maybe they... I don't know whether they're in that 100,000 dollars. That seems like an extremely conservative figure."

White: "Well, let me go a bit further. In the Illinois Public Aid analysis, and I think you have a copy of the yellow sheet, if you look, third paragraph, it will say that this language is permissive. It doesn't mandate anything."

Ropp: "Well, in your support of the tort reform Bill that we passed yesterday, was there some indication that insurance rates might come down and we would give these same groups some assistance in that manner? Did you answer that question?"

White: "Could you repeat it please, Sir?"

Ropp: "Yes. In your support of the tort reform package that we passed out of this chamber yesterday, was that one of your reasons for possibly addressing this issue in hoping that insurance costs might come down?"

White: "Let me explain the... this Resolution came from the Senate, and it came out of the Senate 57 to nothing. And that was, oh, about three weeks ago. So, the two had nothing to do with each other."

Ropp: "That... That's probably another good reason to vote against it. I guess in... when I read the Resolution, it does not have the permissive 'may' in it. It does say 'shall' in the Resolution itself."

White: "Well, if you look at the report from the Illinois Public Aid Department, if you'd like, I can... I would be more than glad to send it over to you by way of one of the pages."

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

140th Legislative Day

July 1, 1986

Ropp: "Well, all I have to do... we're probably going to vote on not whatever Public Aid says, but vote on House... or Senate Joint Resolution 159..."

White: "Well, isn't... isn't Public Aid a... one of those agencies who is opposed to this piece of legislation, Sir?"

Ropp: "Yes, but what we're going to support or vote on is the Resolution."

Speaker Greiman: "Mr. White, let Mr. Ropp ask the questions."

Ropp: "Thank you, Mr. Speaker. I probably wouldn't have all those answers anyway. It does say in here that the House of Representatives concurring herein that any state agency or entity contracting for provision of state funded human service programs shall annually accommodate insurance premium cost adjustments as a separate factor. That is what we're going to voting on - the 'shall' - not what a particular agency thinks it will, and that is one of the reasons I urge opposition to this Resolution."

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

White: "Ladies and Gentlemen, this is a very important piece of legislation for those who can at least take care of themselves, and if you are as compassionate as I think you are, if you are concerned about children, the handicapped and the senior citizens, I'm certain that you will support SJR 159."

Speaker Greiman: "The question is, 'Shall the House adopt Senate Joint Resolution 159?' All those in favor signify by saying 'aye', those opposed 'no'. All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 53 voting 'aye', 56 voting 'no', 1 voting 'present', and the Motion fails. On page three of the Calendar on the Order of Conference

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

140th Legislative Day

July 1, 1986

Committee Reports appears House Bill 3058. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3058, a Bill for an Act to revise the law in relation to recorders, with Corrected First Conference Committee Report."

Speaker Greiman: "The Gentleman from Cook, Mr. Steczo. Mr. Steczo in the chamber? Well, we'll take that out of the record for a moment. Alright. On the Order of Conference Committee Reports again, House Bill 3058. Mr. Clerk."

Clerk O'Brien: "House Bill 3058, a Bill for an Act to revise the law in relation to recorders with the First Corrected Conference Committee Report."

Speaker Greiman: "The Gentleman from Knox, Mr. McMaster. Mr. Steczo has returned. Are... Mr. Steczo, will you handle that Bill? Mr. Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. I would move for the adoption of the First Conference Committee Report on House Bill 3058. This matter contains measures that deal with recorders of deeds which received unanimous support in both Houses. In the report, the Conferees recommend that the House concur with Senate Amendment #4. That provides a stipend for county recorders in counties of more than 60,000 inhabitants but less than two million inhabitants. The stipend is 3,500 per annum. In addition, Mr. Speaker, we provided some information and language as originally contained in House Bill 562, sponsored by Representative Levin, which passed the House unanimously, regarding condominium insurance, condominium and common interest community risk pooling trust act and community associations, et cetera, and I would, Mr. Speaker, move for the adoption of the Report."

Speaker Greiman: "Yes, Mr. Steczo, before I put the question, am I correct that this is the Corrected First Conference

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

140th Legislative Day

July 1, 1986

Committee Report? Mr. Steczo."

Steczko: "That is correct, Mr. Speaker."

Speaker Greiman: "Alright. The Gentleman from Cook, Mr. Steczo, moves that the House adopt the Corrected First Conference Committee Report to House Bill 3058. And on that, the Gentleman from DeWitt, Mr. Vinson. Mr. Ryder, at Mr. Vinson's desk."

Ryder: "Sorry for the confusion. Representative, would you yield for a couple of short questions?"

Speaker Greiman: "He indicates he will."

Ryder: "I'm confused as to the necessity of the corrected version. What... For what reason or what differences are between the First Report and the Corrected Report?"

Steczko: "Representative Ryder, in response to your question, we had, in error in the First Conference Report, moved that the Senate... that the House recede... recede from Senate Amendment #4. It was supposed to have been... to concur with Senate Amendment #4, so therefore, the report had to be corrected."

Ryder: "And that Senate Amendment #4 is the... provides for 3,500 dollars to each county recorder?"

Steczko: "To county recorders in counties with more than 60,000 inhabitants but less than 2,000,000. It affects about 21 altogether."

Ryder: "Would that be all of the county recorders in the state?"

Steczko: "Twenty, twenty-one."

Ryder: "Okay."

Steczko: "Those are the only recorders where the county recorders are county recorders in single positions."

Ryder: "Okay. Alright, thank you."

Speaker Greiman: "The Gentleman from Champaign, Mr. Johnson."

Johnson: "I guess I want to understand a little of the background of this, Representative Steczo. This is a 3,500 dollar



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

140th Legislative Day

July 1, 1986

stipend per annum to the county recorder?"

Steczo: "That's correct."

Johnson: "Why is it that we're... we're giving him a 3,500 dollar a year, in effect, a pay raise? I don't want to call it that. You could call it a stipend, but tell me why we're doing that."

Steczo: "Representative Johnson, as we have done with the other county elected officials such as the treasurers and everybody else, there are duties that the state imposes upon them, and we have always felt... or we have felt with... in the cases of the other offices that the stipend, in that instance, since the recorders are... are responsible for the functionings... functioning of those offices, would be a good idea."

Johnson: "Well, now... First of all, if you could, just give me an idea what the extra functions are... duties... of the county recorder fees?"

Steczo: "I... It has, Representative Johnson, that we have... we understand that it has to do with duties that... that they work with relative to the Department of Revenue and other matters."

Johnson: "Could you be a little more specific in terms of what extra duties are going to... will... "

Steczo: "I don't have the information in front of me at this time."

Johnson: "Well, is it duties that require, like the recorder of deeds to come down at nights and weekends and work for the extra 3,500 dollars, or is it duties that would be accomplished by personnel in the office? In other words, are these special type of duties that, since we're giving them a 3,500 dollar... Well, let me ask you first. Is it 3,500 dollars just office expenses, or does it go directly to the recorder of deeds, him or herself?"

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

140th Legislative Day

July 1, 1986

Steczo: "It does directly to the recorder of deeds."

Johnson: "Well, then, my question is, are there extra functions or duties that are specifically designated for that recorder of deeds where they have to go down, you know, at nights and weekends and holidays to do extra work?"

Steczo: "As... As we debated, I believe, Representative Johnson, on the... on the county treasurers and the other county offices that receive a stipend, the fact is, is that this deals with the added responsibilities to the office, of which that county official is responsible. So, based on the additional and increased responsibility, the stipend is in order."

Johnson: "I guess the question is... You're right. The office is responsible, but it's for the office, and it's accomplished by the functions of the office, the office of personnel, underlying expenses of the office. Why would we want to designate it specifically to go into the pocket of the recorder of deeds themselves rather than designating it for the operations of the office that are allegedly increased by these unknown specified duties that we've imposed on them."

Steczo: "This would encourage the recorders, of course, to do a better job, and as always with us or with any other elected official, the buck always stops with the head person, so that person takes the ultimate responsibility for what happens in that office, and therefore, the... it's our... it's our intention to... to do what we have done with the county treasurers and others, and provide the stipend."

Johnson: "To the Bill, then, and I say this... your comments... Really, Representative McHaster and Terry Steczo are two of my good friends down here, but in all honesty with good respect to them, this is just silly. It was silly when we did it for the other county officers. It's silly now, and

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

140th Legislative Day

July 1, 1986

if we continue to do it, it just makes a mockery out of what we're supposed to be down here for. I don't know what the extra duties are. I don't think Representative McMaster or Representative Steczo, because they're just doing their job, know what the extra duties are. I'm not aware that we've passed any statutes or done anything to impose any particularly extra burdens and obligations on the recorder of deeds, but even if you accept the premise that we did impose those duties on them, they're simply duties of the office. And they might require - although I don't know what they are - they might require extra supplies or they might require an extra part time person to do some filing or various things like that, but they don't have anything to do with the functions of the recorder of deeds, him or herself. They don't come down on weekends and holidays and extra hours to justify what amounts to a 3,500 dollar pay raise. We can call it a stipend, but it's just a flat pay raise. And if you want to vote for a pay raise and you think county recorders of deeds ought to get a pay raise, notwithstanding the fiscal constraints that we have at local and State Government, then let's vote for it. But let's not just compound the felony that we created last year and that's been litigated throughout this state, including in Champaign County, from time to time, by just passing a silly Bill that doesn't make any sense. And with due respect again to the Sponsors of this Bill, at the closing days of this Session, we ought to be giving the citizens of Illinois the idea that we're making some sense, and this Bill makes absolutely no sense at all."

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

Piel: "Question of the Chair, Mr. Speaker. Has this Corrected Conference Committee? We've got the First Conference Committee Report, but I don't believe we have the Corrected

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

140th Legislative Day

July 1, 1986

Conference Committee Report delivered yet."

Speaker Greiman: "We'll find out. It's out, apparently, on the Democratic side."

Piel: "I guess we... "

Speaker Greiman: "We're advised that it's been distributed, Mr. Piel."

Piel: "Thank you very much. That's all I need to know."

Speaker Greiman: "The Gentleman from DeKalb, Mr. Countryman."

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have the greatest respect for the Sponsors of this, but I don't have any respect at all for the concept. In the years that I've been involved in State Government, I have opposed these stipends consistently, starting with the county clerks and on down. But this has to be the most ridiculous one of all. The Gentleman from Champaign said it clearly and concisely, but the one thing you ought to remember is that this only applies to 21 counties, and the reason for that, Representative Steczko, is because only 21 counties have separate recorders' offices. The population figures you are reading are the figures that trigger whether or not there's a separate recorder's office. Otherwise, the office is handled as a part of the county clerk's office. Now, we had a Bill earlier in the year that said that the county recorders put in and said, we ought to put the full legal description in the... in the mortgage release, and those of us who have had a little experience in that field of practicing law, and the banks, and what have you, we opposed that, because we said you ought to simplify things. And frankly, what I saw was the county recorders were proposing that so that they could complicate things so that they can get larger fees in their offices. And I worked on the Uniform Limited Partnership revisions, and they were unwilling to back off in having

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

140th Legislative Day

July 1, 1986

those partnerships recorded in the local counties and have them recorded state-wide, because they're afraid to lose the revenue. And in fact, what we're doing here is, we're perpetuating people in office, and frankly, they just can't come up with the justification for what they do for State Government that justifies 3,500 dollars. The only justification that they can come up with is that they're last in line. Everybody else has gotten it. We've done it for the treasurers. We've done it for the... the county clerks and we've done it for everybody else, so why not get on the gravy train and have these 21 people get 3,500 dollar raises that the state pays for? And if you got to go back home in your district like I have to go back home in mine and look at kids and look at the other kids in school and tell them we couldn't do what we wanted to do for them in education, then you better vote 'no', because this is important. It may only be 3,500 times 21, but every dollar that we save here today doing that, we can put into educational resources that will help improve this state. We can put it into those things that will help the people of this state into some important human service and take us away from a program that means nothing, doesn't have a merit. It should be defeated. I'd ask you for a 'no' vote."

Speaker Greiman: "Mr. Steczo to close."

Steczko: "Thank you, Mr. Speaker, Members of the House. The county recorders do, in fact, have duties imposed upon them by the... by this General Assembly and by the State of Illinois. They must police mortgage declarations required by the Department of Revenue. They're responsible for the billing of recording fees to all state agencies. They're required to inform the Department of Transportation regarding plats... flood plains and ascertain that plats

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

140th Legislative Day

July 1, 1936

comply with flood plain regulations, and over the past 10 years, the General Assembly has imposed more and more duties on these... on these county officers. Now, it's ironic that we're saying that the county recorders, of which there are 21 or 24, should not qualify for this stipend. However, if you happen to be from a county under 60,000 where you are a combination recorder clerk, you get the stipend. So, I think that with the duties that we do impose upon them, and with the responsibility that we have to make certain that they're compensated for what they do, I think that the 3,500 dollar stipend is well in order, and I would move, Mr. Speaker, for the adoption of the First Conference Committee... First Corrected Conference Committee Report."

Speaker Greiman: "The question is, 'Shall the House adopt First... Corrected First Conference... Conference Committee Report to House Bill 3058?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open, and this is final action. The Gentleman from McLean, Mr. Ropp, one minute to explain your vote."

Ropp: "Yes, Mr. Speaker, I was going to ask a question, and maybe the Sponsor could at least nod. Is there a provision in here that would prevent a county board from just reducing their salaries to the county recorder by the equivalent of a stipend? There is no provision, then? Well, that's one of the problems that we had before, that many counties just reduced the like amount that the state said should be a stipend to those county elected officials, and so, the elected official didn't get any more anyway. The county just reduced it by the 3,500 dollars. And so, until we get a provision in there that assures that this elected official get that amount, I'm going to vote 'no'."

Speaker Greiman: "Have all voted who wish? Have all voted who

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

140th Legislative Day

July 1, 1986

wish? Yes, Mr. Steczo. One minute to explain your vote."

Steczko: "Mr. Speaker, just in explaining my vote in response to Representative Ropp's question. It's my understanding that in one case in the past, the county did try to reduce the salary of a county treasurer and that... county clerk, rather, and that issue was taken to court, and the courts declared that it could not be done. So, that should answer the question on that."

Speaker Greiman: "Yes, Mr. Johnson, you spoke in debate. Were you seeking verification? Is that what you wanted? Alright."

Johnson: "I know I did."

Speaker Greiman: "Have all voted who wish? Mr. Dunn, one minute to explain your vote."

Dunn: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I hope we can get just a few more green votes up here, because this is good legislation. It's not at all excessive. As you know, the people back home are not overpaid. They're watched closely by the taxpayers and all of our local county officials find that because of legislation enacted by us here in the General Assembly, their duties increase, and the responsibility increases, and I think this is a good measure which would provide help to those people back home who do the job and are on the front line in the trenches and who receive very little recognition in the way of additional compensation, so this is a good, good Bill and I hope we can get a few more green votes up there."

Speaker Greiman: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 65 voting 'aye', 48 voting 'no', 3 voting 'present'. And the Motion to accept the Conference Committee Report fails."

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

140th Legislative Day

July 1, 1986

Turning to page four, the Order of the Speaker's Table, Senate Joint Resolutions appears Senate Joint Resolution 179. Mr. Clerk, read the Resolution."

Clerk Leone: "Senate Joint Resolution 179 sets forth the report of the Joint Committee for the Bail Reform Amendment."

Speaker Greiman: "The Gentleman from Cook, Mr. Cullerton. Mr. Cullerton, we will do the 'Order of Press Interviews' later. Alright, we'll take that out of the record. Go to the next one. On the Order of Speaker's Table appears Senate Joint Resolution 180. Mr. Clerk, read the Resolution."

Clerk Leone: "Senate Joint Resolution 180 sets forth the report of the Joint Committee for the Veterans' Property Tax Exemption Amendment."

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

Keane: "Thank you, Mr. Speaker. Pursuant to Rule 43(a), I move to bypass Committee and place on... "

Speaker Greiman: "It's already on the Speaker's table. I asked... We got leave... to you."

Keane: "Thank you. We're now at the Resolution. The Senate Joint Resolution 180 is the Resolution that will submit to the electorate whether we should exempt property tax... from property taxation, property that is used exclusively for veterans' organizations. We... on page two is the form that the question will have as it appears on the ballot. Page three are the arguments in favor of the proposal. Page four and the top of page five are arguments against it. I'd be happy to answer any questions and ask for a favorable vote."

Speaker Greiman: "The Gentleman from Cook, Mr. Keane, asks for the adoption of SJR 180. And on that, the Gentleman from Champaign, Mr. Johnson."



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

140th Legislative Day

July 1, 1986

Johnson: "I... I take it... I haven't seen the report, but I take it that the proponents' side and the opponents' side were drafted as per the Constitution and as we do on every other proposition here. Is that right?"

Keane: "Yeah, that's right. We had a... We had an initial draft, and then the Members felt that there should be some changes made, especially in the format of the... of how the question was going to appear on the ballot. We had a signoff by all of the Members of both sides of the aisle and in both Houses... "

Johnson: "Can you... Can you summarize a couple of the points... I guess it's not too lengthy... what the primary arguments that are posited against the proposition are."

Keane: "Why don't I... I'll yield to one of the Members of the Committee, Representative Klemm."

Speaker Greiman: "The Gentleman from McHenry, Mr. Klemm."

Klemm: "Perhaps, Representative Johnson, you could ask the question again. I didn't quite hear it all. What was your question, Sir? Initially, we had changed. We objected to the format of the... the ballot application. They had broken it down to two questions which we objected to. We corrected that in its form. We also felt that the opposition questions were too strong of adjectives in its opposition, and they were removed. We expanded the proposition in explaining what the various service organizations do for the community. We reduced the statement that's implied that there was an automatic tax increase to the voters in case this were to be passed because that it would not be absolutely true. We've tried to make a balance between the... both the pros and the cons. We checked with those who are opposed to the issue. We checked with the veterans' groups to find out if their position was adequately addressed. It came to us that

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

140th Legislative Day

July 1, 1986

after we made the corrections and submitted it, that both sides felt it was a fair, balanced argument for both pro and con. And at that time, we all signed the report."

Speaker Greiman: "Further discussion? Mr. Keane to close."

Keane: "I yield to Representative Weaver."

Speaker Greiman: "Mr. Weaver."

Weaver: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Joint Resolution is simply a move to help honor again the veterans of the State of Illinois by allowing a lot of their organizations to continue, in spite of the increasing tax rates of the property. The reason that we feel the veterans' groups would deserve a property tax relief is because of the civic projects that they perform and the things that they do for the various communities. I wholeheartedly urge all the veterans in this chamber and others who identify with veterans to support this Joint Resolution."

Speaker Greiman: "The question is, 'Shall the House adopt Senate Joint Resolution 179?' All those in favor signify by voting... I'm sorry. Senate Joint Resolution 180. 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. Hartke 'aye'. Ropp, 'aye'. Mr. Clerk, take the record. On this question, there are 117 voting 'aye', none voting 'no', and none voting 'present', and the House does adopt Senate Joint Resolution 180. And now, returning to Senate Joint Resolution 179. Mr. Clerk?"

Clerk Leone: "Senate Joint Resolution 179 sets forth the report of the Joint Committee for the Bail Reform Amendment."

Speaker Greiman: "Mr. Cullerton on the Resolution."

Cullerton: "Thank you... "

Speaker Greiman: "Yes, excuse me, Mr. Hallock."

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

140th Legislative Day

July 1, 1986

Hallock: "Thank you, Mr. Speaker. I'd like to adopt this Resolution, but at this point, I don't believe it's been passed out or distributed, and I haven't seen it on my desk."

Speaker Greiman: "We distributed it last night at 10:00, Mr. Hallock. Mr. Cullerton, proceed."

Cullerton: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. As most people may remember, we passed a Senate Joint Resolution 22 that submitted... that will to submit to the voters at the November '86 election a proposed Constitutional Amendment dealing with bail. A Joint Committee was set up to draft an explanation of the Amendment and the arguments in favor of and against the Amendment, as well as the form in which the Amendments will appear on the ballot. Representative Hallock, I might point out, made a very fine suggestion as to the form of the ballot which was incorporated in this Resolution. I think it's very clear that we have to pass this so that we submit the arguments to the Secretary of State's Office who then disseminates that to the voters so the people can read prior to going in to vote the arguments for and against the Constitutional Amendment. The Members of the Committee were made up of people who were both for the Amendment, and we found a couple of people who were actually against the Amendment who could be on the Committee. So, I would move for the passage of the Senate Joint Resolution. Be happy to answer any questions."

Speaker Greiman: "Thank you. The Gentleman from Cook, Mr. Cullerton, moves for the adoption of Senate Joint Resolution 179. And on that, the Gentleman from Winnebago, Mr. Hallock."

Hallock: "Thank you, Mr. Speaker and Members of the House. I now have a copy. I also rise in support of this Resolution. I

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

140th Legislative Day

July 1, 1986

believe it does very well. We had to do... We, in fact, have allowed those who favored the Resolution to adopt their position. Those who were opposed to it enunciated their position on this issue as well. Secondly, in terms of clarity, we did make it very clear that the voters, when they go to vote on this, would be able to see very succinctly in their presence exactly what the Resolution does. I'd ask that you support this Resolution. I'd urge an 'aye' vote."

Speaker Greiman: "Further discussion? There being none, the question is, 'Shall the House adopt Senate Joint Resolution 179?' All those in favor signify by voting 'aye', those opposed vote 'no'. Voting is open. Final action. 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', 2 voting 'present'. And the House does adopt Senate Joint Resolution 179. On the Order of Concurrence appears Senate... appears House Bill 3503. Ms. Braun. Ms. Braun?"

Braun: "Oh, thank you. Thank you very much, Mr. Speaker. I'd move to have this Bill placed on the Order of Interim Study or returned to Interim Study."

Speaker Greiman: "The Lady asks leave of the House to return this Bill to the Interim Study Calendar of the Revenue Committee. Does the Lady have leave? Leave is granted, and the Bill will return to the Interim Study Calendar of the House Revenue Committee. Returning to the Order of Motions, on page four of the Calendar appears House Bill 3657. Mr. Clerk?"

Clerk Leone: "House Bill 36... 3657, 'Pursuant to Rule 74(a), I move to take from the table and place in Revenue Committee Interim Study Calendar'."

Speaker Greiman: "Yes, Mr. Capparelli, would you... I think you

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

140th Legislative Day

July 1, 1986

have leave for that. Mr. Cullerton? Mr. Cullerton."

Cullerton: "Yes, this is my Bill."

Speaker Greiman: "Alright. Mr. Cullerton."

Cullerton: "Right. And the Motion is self-explanatory. We just exempted the Bill from the Rules Committee. The Motion is to put the Bill in Interim Study in the Revenue Committee."

Speaker Greiman: "Does the Gentleman have leave to use the Attendance Roll Call to place House Bill 3657 on the Interim Study Calendar of the House Revenue Committee? Leave? Leave is granted. Mr. Cullerton. With leave of the House, I move to the Order of Motions on page five of the Calendar to House Bill 1504. Mr. Clerk. I'm sorry, House Resolution 1504. Leave to go to that Resolution. Mr. Clerk."

Clerk Leone: "House Resolution 1504, pertains to the House's expressed desire to end the Sunstrand lockout by requesting the Governor and Director of Employment Security to (1) authorize the granting of unemployment insurance to lockout workers, and (2) to pledge restraining funds to the corporation and employees."

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

Giorgi: "Mr. Speaker, last week in Springfield there was a UAW conference attended by all of the Legislative Leaders and the Governor, and what emanated from that conference was that the Sunstrand people wanted some retraining money, and there was a decision on a lockout that it was sort of ambiguous. And all this Resolution asks is that the Governor look at the decision on the lockout and look at the decision of granting Sunstrand some retraining funds. That's all this does. It's not binding, it's not mandatory, and it calls attention to the plight of the locked out workers in Rockford. I urge the adoption of the Resolution."

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

140th Legislative Day

July 1, 1986

Speaker Greiman: "The Gentleman from Winnebago moves, pursuant to Rule 43(a), to bypass Committee and place on the Speaker's table for immediate consideration, House Resolution 1504. And on that, the Gentleman from Peoria, Mr. Tuerk."

Tuerk: "Mr. Speaker and Members of the House, I rise in opposition to the Motion. Even though the Department of Employment Security has taken a neutral position on this, I think it goes without saying that with the agreement that was reached here recently on extending the pact for another year and making some other substantive changes to the unemployment compensation procedures, I think it's foolhardy to be even considering this type of Resolution at this point. I think it's a situation that exists up there at Sunstrand which is a labor dispute. I don't think there should be any unemployment comp paid to these people, and as a result, I would oppose the Motion to do what the maker on the Motion wants to do with this particular issue. I would oppose the... the Sponsor."

Speaker Greiman: "The Gentleman from Adams, Mr. Mays."

Mays: "Thank you very much, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Greiman: "Yes, he indicates he will."

Mays: "Representative Giorgi, could you tell the Body what the current status of this dispute is?"

Giorgi: "Well, the current status in the dispute is that Governor Thompson offered to mediate the problem. Governor Thompson offered to mediate because of the labor disturbance. What happened is - and the previous speaker, Representative Tuerk, was wrong. You know, it's not upon us to decide whether you're going to grant unemployment insurance or not. It's up to the Department of Employment Securities. We don't enter those deliberations. But Governor Thompson offered to mediate the dispute, and Governor Thompson met

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

140th Legislative Day

July 1, 1986

with the officers of the UAW Local 592, and Sally Ward met with the people of Local 592, and what emanated was the request for maybe the need for some retraining funds and the request that the... because of the lockout, what happens is, there are 5,000 people employed at the Sunstrand plant. Ten hundred are locked out, and it's assumed that the 4,000 that are not locked out are going to work daily. Evidently, the company doesn't mean to enforce the lockout, and these 4,000 people are doing the work of the ten hundred people that are locked out."

Mays: "When did Director Ward and the Governor mediate?"

Giorgi: "I didn't hear you."

Mays: "When.. When did the Director and Governor mediate this... offer to mediate?"

Giorgi: "The UAW officers met with Sally Ward. I arranged a meeting in the Speaker's Office back here, and then, the UAW met with the Governor in the Governor's Office, and the Governor offered to mediate this this last weekend."

Mays: "Was this during the convention? Okay. What's the legislative history of the lockout question that you're seeking to call into scrutiny right now?"

Giorgi: "I think it's Ron Wait's district, but... Is that what you want to know?"

Mays: "No, it's my understanding that the Legislature has had two Bills introduced over the course of this Session on this very topic. In response to a Supreme Court decision which specifically prohibited... "

Giorgi: "Not in this case. Not in this case."

Mays: "Okay."

Giorgi: "Don't quote Supreme Court decisions here. This... That case does not pertain to this lockout. You and Tuerk are both diametrically wrong on those two issues."

Mays: "Well, that's why I asked the first question, what's the

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

140th Legislative Day

July 1, 1986

status of the thing, because it's my understanding that there's been a determination in this specific case that it's been against the Sunstrand workers, and that is why you have brought this to the General Assembly today."

Giorgi: "I'm not going to try to turn around a... a Supreme Court decision. This is based on other mitigating factors and circumstances. But it's not for up... for you or I or the other speaker to determine what the Department of Employment Security is finally going to make as a decision. But you've got the Governor offering to mediate, and one of the... two of the bones of contention are the need for retraining funds and the need for the lockout decision to be studied so that these people can be at least granted unemployment insurance, although they're mediating today, and the Governor might be called in."

Mays: "Well, thank you for the partial answer that you did provide. To the Resolution, Mr. Speaker. I would simply suggest that number one, the Department of Employment Security is currently reviewing the decision. I don't even know, at this time, if the union itself has appealed the lower court's decision on this specific case."

Giorgi: "There is no court... "

Mays: "Which would, in my mind, make... seem to make in inappropriate that we would be considering this Resolution at this time. Further, it's my understanding that there's been two Bills introduced in the Legislature to address this topic, both of which were not addressed, either in the agreed Bill that we passed or in and of themselves, because they felt that the hit to the Unemployment Insurance Trust Fund may not... may throw the whole system out of compliance. Thirdly, it would seem to me that it would be much more appropriate at this time to urge the Attorney General to issue an opinion on this topic, as there is a



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

140th Legislative Day

July 1, 1986

lot more legal questions to be answered, and I think the appropriate place for this Resolution to go, rather than throwing it to the Governor, and maybe we should do something with the lockout provision, maybe we should do something with the retraining funds, but at this particular point, it would seem much more appropriate to me that Mr. Hartigan should comment and issue his opinion on the availability or the advisability of using funds such as Unemployment Insurance Trust Fund monies for this purpose. For those three reasons, I would oppose this Resolution, and I would ask for a Roll Call."

Speaker Greiman: "The Gentleman from Morgan, Mr. Ryder, at Mr. Vinson's desk."

Ryder: "I have an inquiry of the chair, please."

Speaker Greiman: "Yes."

Ryder: "What is the number of votes necessary to pass this Resolution?"

Speaker Greiman: "The Majority of those voting on the issue."

Ryder: "Thank you. To the Resolution. Our analysis indicates that only the very first stage of determination by the Department of Employment Security has been taken. I will grant Mr. Giorgi, that reliance on a previous Illinois Supreme Court case - although in my opinion, that reliance is well-founded - may not be appropriate in this situation, but for us, at this point to enter into the very established processes that we have is not appropriate. For us at this time to say that for some reason the established procedures of the State of Illinois, that the established procedure of the Department of Employment Security, that the established procedures of other offices and judicial actions is somehow inappropriate, is wrong. There were set up for just these purposes. They were set up to make just these kind of situations. I applaud the

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

140th Legislative Day

July 1, 1986

Governor and the Director of the Department of Employment Security for their participation and attempt to negotiate in this process. I applaud them for doing that, but at this time it's not appropriate for us, rather through Resolution or law, to make a decision indicating that in this particular situation, unemployment compensation should be granted and to indicate the pledging of retraining funds from a particular agency, and I'm somewhat concerned as to why we're choosing DCCA and not various other retraining organizations that have been established by this Legislature. It seems to me that we have well-established procedures which are taking very good... that are taking effect here, and for us to interject is the wrong thing to do at this time. Thank you."

Speaker Greiman: "The Lady from Cook, Ms. Pullen."

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to call your attention to the title of the Bill as written on the Board. It says, 'End Sunstrand Corporation, Rockford'. I think that might be appropriate."

Speaker Greiman: "The Gentleman from Winnebago, Mr. Giorgi, to close."

Giorgi: "Mr. Speaker, to clarify some of the misconceptions. First of all, this decision is not in the courts. This decision is in... within the Bureau of the... Employment Securities, and this decision does not have any... any precedence in the circumstances surrounding this decision. Number two, the Governor offered to mediate the work stoppage, and the work... the... to pose the question to the Members of the General Assembly. Here is a plant that it was in negotiation with its union, Local 592, and the union agreed to extend the agreement, and the plant decides on a Monday morning, to lock out 1,000 workers, allow 4,000

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

140th Legislative Day

July 1, 1986

in the plant. If any of us were hearing officers or adjudicators, we'd grant the unemployment insurance to the other thousand, because why should we allow 4,000 into the plant if there's no genuine work stoppage? I'm not trying to enter into the realms of the... of the courts or the realms of the employment security. All I'm saying is that the Governor offered to mediate this work stoppage. To mediate the work stoppage has to take recognition of the fact that 1,000 workers are locked out, 4,000 are working, probably doing scab work, and the other is, these people have asked the Governor through his DCCA and through his people, for retraining money to help settle the argument. All I'm saying, we ought to support these thousand workers that are the only ones locked out of this entire mess. I urge support of this Resolution."

Speaker Greiman: "The question is, 'Shall the House adopt House Resolution 1504?' All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. On the Order... Alright. Alright, now. On the Motion... On the Resolution itself, all those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Resolution is adopted. Okay. Which is what it was before. Yes, Mr. Mays, on the next Order of Business."

Mays: "Mr. Speaker, I did request a Roll Call, and I know you were sitting in the Chair last night when Representative Tate requested an Oral Verified Roll Call."

Speaker Greiman: "We'll have Roll Call. Excuse me. If you requested one, I... I didn't hear you, then. Alright, we'll give you a Roll Call. The question is, 'Shall the House adopt House Resolution 1504?' 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

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

140th Legislative Day

July 1, 1936

wish? Mr. Clerk, take the record. On this question, there are 74 voting 'aye', 32 voting 'no', none voting 'present', and the House does adopt House Resolution 1504. Calendar announcement."

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

Speaker Greiman: "Mr. Clerk, on Supplemental Calendar #1 on the Order of Nonconcurrency appears Senate Bill 1734. Read the Bill."

Clerk Leone: "Senate Bill 1734, an Act in reappropriations to the Court of Claims. The Senate has nonconcurred with House Amendment #1, 4 and 6."

Speaker Greiman: "The Gentleman from Cook, Mr. Leverenz. Mr. Hoffman, for what purpose do you seek recognition?"

Hoffman: "Thank you, Mr. Speaker. We do not have, to the best of my knowledge, a Supplemental Calendar. Is it necessary under this circumstance?"

Speaker Greiman: "Only it has not been distributed. Mr. Clerk?"

Hoffman: "Are you... Are you going to nonconcur?"

Speaker Greiman: "He is going to nonconcur, but I wouldn't want to... alright, so we'll proceed with it, then. Mr. Leverenz? This is on Senate Bill 1734."

Leverenz: "Yes, we want to refuse to recede and ask for a Conference Committee on 1734."

Speaker Greiman: "The Gentleman from Cook, Mr. Leverenz, moves that the House refuse to recede from House Amendments 1, 4 and 6 to Senate Bill 1734. All those in favor signify by saying 'aye', those opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the House refuses to recede, and a Conference Committee is authorized. Representative Giglio in the Chair."

Speaker Giglio: "... appear... on Supplemental #1 appears Senate Bill 2076. Representative Churchill, are you ready on

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

140th Legislative Day

July 1, 1986

2076, Sir. Mr. Clerk?"

Clerk Leone: "Senate Bill 2076 amends an Act in relationship to the adoption of persons. Conference Committee Report #1."

Speaker Giglio: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As I explained when we refused to consider the Bill originally and we sent it into a Conference Committee Report, there was some concern over the notification process in the Bill to allow the adoption of... by parents other than those of the unwed parents. What the Senate Conferees wanted to do and did do was to place into the Bill, a declaration of paternity which is a form that is to be sent out to the... the unwed father and a form that he has the right to fill out and file with the court so that his notice to the father can be proven. I think this corrects all of the... the problems that people had with the notice provision. I would move for the passage of Senate Bill 2076."

Speaker Giglio: "The Gentleman moves that the House adopt Conference Committee Report #1 to Senate Bill 2076. And on that question, the Gentleman from DeKalb, Representative Countryman."

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

Speaker Giglio: "He indicates he will."

Countryman: "Representative Churchill, does the notice have to be mailed by certified mail, return receipt requested?"

Churchill: "I'm checking. I'll be right with you. It does not say that it has to be sent by certified mail. I'm sorry, it does, and on page two, #B, the declaration of paternity and the disclaimer of paternity has to be sent by certified mail, return receipt requested."

Countryman: "And that's to be done by the clerk of the court. Is that correct?"

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

140th Legislative Day

July 1, 1986

Churchill: "That is correct. That's correct."

Countryman: "Well, I believe I was one who spoke in opposition to the legislation as it was initially proposed because of its failure to provide adequate notice to the potential unwed father. I guess if, in fact, the mail must be delivered, then right, he must receive it for it... before it to be effective? Is that right?"

Churchill: "Return receipt requested, shall... shall bear the return address, et cetera."

Countryman: "I'm sorry. I didn't hear you."

Churchill: "Yes. There must be a return receipt... We must send out... It must be sent out certified mail, return receipt requested, so you would know if someone had picked up that mail."

Countryman: "But in order for it to be effective declaration against them, he must have received that... signed that receipt. Is that right?"

Churchill: "That is correct. The return receipt must show that it has been delivered, and it says, 'It shall constitute proof of service'."

Countryman: "For that reason, I think that they've adequately met some due process requirements, minimal as they may be, and for that reason, I'd support the Conference Committee Report. Thank you."

Speaker Giglio: "Further discussion? The question is, 'Shall the House adopt Conference Committee Report to Senate Bill 173?' And on that question, all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. Excuse me. This is Senate Bill 2076. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are 108 voting 'yes', none voting 'no'... Greiman... Greiman 'aye'. Saltsman 'aye'. Anybody else? Currie 'aye'. Have all voted who wish? Mr. Clerk,

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

140th Legislative Day

July 1, 1986

take the record. On this question, there are 111 voting 'yes', none voting 'nay', 2 voting 'present', and the House does adopt Conference Committee Report to Senate Bill 2076. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Kulas, for what purpose do you rise, Sir?"

Kulas: "Thank you, Mr. Speaker. I just got a call from my hotel. They wanted to know if they could rent out my room for tonight. Do you know what the schedule is?"

Speaker Giglio: "They want to know if they could rent the room out? To you or somebody else?"

Kulas: "To someone else. It's my room. I don't want to lose it, you know."

Speaker Giglio: "Maybe you ought to find out who they want to rent it to. Representative Leverenz."

Leverenz: "I... I... Inquiry of the Chair. Will room sharing be coming up on a Supplemental Calendar?"

Speaker Giglio: "Anything is possible, Representative. Representative Friedrich."

Friedrich: "Well, if we could get the Order of Mushrooms going again, maybe Representative Kulas could find out. We did much better when he had that going."

Speaker Giglio: "On Supplemental Calendar #1 appears Senate Bill 2065, Representative Daley. Are you ready, Sir? Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2165, amends an Act in relationship to the prevention of penalties for the offense of driving under the influence by a person under the age of 21. Conference Committee Report #1."

Speaker Giglio: "Representative Daley on Senate Bill 2165."

Daley: "Thank you, Mr. Speaker and Members of the House. I move to adopt the First Conference Committee Report on Senate Bill 2165. The Senate concurred in House Amendment 4,

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

140th Legislative Day

July 1, 1986

repealing advertising prohibitions, and it further amended the Bill to clarify that no implied cause of actions are created. I'd be happy to answer any questions."

Speaker Giglio: "The Gentleman moves that the House do adopt Conference Committee Report #1 to Senate Bill 2165. And on that question, the Gentleman from Champaign, Representative Johnson."

Johnson: "Can you tell me what the Bill does in full?"

Daley: "The Bill... Senate Bill 2165 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... who later... I'm sorry... who injured someone or damaged something in Illinois. The Bill also provides penalties for those individuals under 21 years of age found guilty of driving under the influence of alcohol. The Bill also... The Bill also requires the Department of Alcohol (sic) to provide information to schools to be used in their curriculum regarding the effects of drinking and driving. Would you like me... all the Amendments, Tim?"

Speaker Giglio: "Representative Johnson."

Johnson: "Can you maybe explore a little bit for me, your thoughts on the constitutionality of the extra... extraterritorial application of the Dram Shop Act, here?"

Daley: "We can... this... this has been consulted and... they do not believe that there is a problem... "

Johnson: "You don't believe there's any constitutional question?"

Daley: "There is a question, but there is no problem."

Johnson: "Okay... "

Daley: "There is that question, but we believe there is no problem."

Johnson: "Have there... Have there been any Illinois or Circuit Court of Appeals decisions that have touched on this issue,



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

140th Legislative Day

July 1, 1986

do you know of? I think we're building a legislative record, here, and notwithstanding our long arm statute, I think it's important that we determine whether, in fact, the jurisdiction exists."

Daley: "A recent Supreme Court case stated they would... they would not act... they would not act until they had some statutory intent to do it."

Johnson: "But the question is, I mean, as a policy matter, I'm in agreement with you. The question that occurs to me, and the question that's occurred, you know, throughout in our staff analysis here is the question of whether... whether Illinois law can properly touch and find liability for people who... who live out of state and serve alcohol, notwithstanding that the... that the consumers may be Illinois consumers. Pretty broad application."

Daley: "Representative, we believe that it is constitutional."

Johnson: "What about the provisions that were contained in the Bill before, as it initially came out with respect to advertising?"

Daley: "Those are... Those are removed."

Johnson: "How many of the House Amendments that were adopted or offered are now contained, because I'm looking through the file, here, and of course, a number of Amendments were... How many of those Amendments are still contained in the Bill as it exists now in this Conference Committee Report?"

Daley: "Three."

Johnson: "Three of them? And which numbers would... "

Daley: "Amendment #3."

Johnson: "Okay."

Daley: "Amendment #4, 5, 6, 7 and 8. I'm sorry. Amendment #1."

Johnson: "And is there any material that's contained in this Bill now that... that wasn't contained in the Bill as it initially came out of the Senate?"

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

140th Legislative Day

July 1, 1986

Daley: "These Amendments were... These were all House Amendments."

Johnson: "No, I understand that. What I'm saying is, that I understand. Is there... the substance of the Bill as it came out of the Senate, and as we amended it in the House, obviously that Bill, for one reason or another didn't... didn't pass this chamber, and now we're in the Conference Committee Report stage. Is there any new material that wasn't either contained in the initial Senate Bill or in those House Amendments that you've enunciated?"

Daley: "Yes, there is. And it's the language on... on the Report on line 24, and it was meant to amend the Bill to clarify that no implied causes of action are created."

Johnson: "Tell me... "

Daley: "On... On line 24."

Johnson: "Right. Such licensed persons."

Daley: "Such license... "

Johnson: "Now, what does that mean again?"

Daley: "License was added."

Johnson: "What is the intention of those four lines?"

Daley: "It ensures that... that there are no implied causes... causes of actions are created. Only the ones under the Dram Shop action."

Johnson: "No implied causes of action would be created?"

Daley: "No other ones that are already in the Act. Just the ones in the Act."

Johnson: "Can I... I don't mean to belabor the point, and then I'll... then I'll stop, but I'm not sure I understand what kind of... what causes of action might have been created without that language."

Daley: "Common law."

Johnson: "Well, if it's statutory, it wouldn't be common law action, anyway, that would be created by this, so... what

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

140th Legislative Day

July 1, 1986

do you... You talking about social host liability, that sort of thing?"

Daley: "No."

Johnson: "Really, I... I guess what I want to know is, what are we concerned about, and why are we including these... these four lines. What are we trying to make sure isn't created? What kind of... "

Daley: "Just to make sure... Just to make sure there's no vagueness."

Johnson: "No... No vagueness?"

Daley: "Correct."

Johnson: "Okay. Okay, thanks."

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

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

Speaker Giglio: "He indicates he will."

Dunn: "Are the provisions contained in the Bill when it passed here the first time regarding suspension and revocation of drivers' licenses for people under the age of 21 still in this Bill?"

Daley: "Yes."

Dunn: "And have they changed in any way from the time they originally left the House?"

Daley: "No."

Dunn: "And do you think it's a good idea to treat people who are under 21 years of age more harshly than... than you?"

Daley: "Yes, because statistics do show that they do cause more accidents, and... "

Dunn: "And... But, if... if someone... Let's discuss individuals. If there's an individual under 21 years of age who has a good driving record, and you, as Sponsor of the Bill, and both of you commit the same offense, why should the accident of age result in treatment and punishment more

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

140th Legislative Day

July 1, 1986

harsh than that which you would receive as Sponsor of this Bill?"

Daley: "Because teenagers, as a class, have shown that they have a higher degree of driving under the influence. If I may add, Representative, drivers under the age of 21 account for 8.7 of all drivers' license in Illinois at the end of 1985, and they represent a much higher percent of those involved in fatal accidents, and a slightly higher percent of those convicted of DUI."

Dunn: "And exactly what do you expect to accomplish by revoking the license of someone who has already committed an offense which... which may, of course, if a car caused injury... "

Daley: "Deterrent."

Dunn: "For a longer period of time than... than someone your age?"

Daley: "Deterrence."

Dunn: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I... Back in 1976 and 1977, when Governor Thompson first became Governor of the State of Illinois, he indicated that one of his top legislative priorities was to make our streets more safe. He said we have too much crime on our streets, so he proposed that we adopt the Class X felony legislation to make sure that those who are archfiends and commit serious crimes be required to serve time behind prison bars without hope of probation, even for a first offense, and that's the thrust and gist of Class X felonies. It's now 1986, and I ask you how much safer your streets are than they were in 1976 and 1977. What I am suggesting to the Assembly is that deterrence is certainly a hopeful ingredient in our criminal law, but deterrence is by no means an effective result of harsh criminal laws. What we are proposing to do with this legislation is to tell the youngsters of our state, the people who are the

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

140th Legislative Day

July 1, 1986

hope of the future, that even if you don't commit an offense, we are stating the policy of the State of Illinois, our legislative policy to be that you are a class of people who shall be treated more harshly than the people who are old enough to make your laws. I believe we still have legislation on the books in our Constitution which says you must be 21 years of age or older to be a Member of this Body. Anyone who is a Member of this Body and voting on this legislation will be subject to less severe penalties than those who are under 21 years of age. There are all kinds of distinctions being made in this legislation which have absolutely no basis in constitutional background. It's an unconstitutional discrimination of people, both those who are under 18 years of age and over 18 years of age, which is the age break at which we determine whether someone is a minor or an adult, both between those who are under 21 years of age and over 21 years of age which, for the purpose of this legislation, is clearly an artificial distinction with no solid basis in... in fact, reason, or constitutional classes, so what this legislation really does is say, many of you have children in the teenage years, and you sit at home and tell them that they must be good citizens, and as they move from childhood into adulthood, that they must accept the responsibilities of being an adult and by passing this legislation, at the end of that speech, what you're going to say is, oh, and by the way, what I want to tell you is that if you do something wrong, and I certainly don't want you to do anything wrong, and I don't want my children to do anything wrong, but if you do something wrong, what we're going to do is, we're going to punish you two, three, four, five times as hard and as harshly as if you were over 21 years of age. And I don't think any of us sit at our

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

140th Legislative Day

July 1, 1986

kitchen table at home and we have children who may be five years old and 10 years old, and we don't say to the five year old, 'By the way, I hope you'll be a good little boy or a good little girl, but if you do something terrible, what I want you to know is that your punishment is going to be twice as harsh as that of your ten year old brother and sister.' We don't do that. We think that's a ludicrous, crazy, totally out of... totally nonsense concept. That's what we're doing here. We're putting a nonsense concept into our statute books, and we're sending a message to the youngsters of this state that we think they are such an inferior class of citizens that we must be prepared before they do anything wrong. We're putting a statute on the books now as a warning to them, a warning to all those drivers, not just the bad ones, but to the good ones as well as the bad ones, we're putting a warning in the statute books that if you do anything that evokes this... triggers this statute, you'll be treated three, four, five times more severely than your middle-aged parents and grandparents who are the Sponsors of this legislation. You'll be treated more harshly than someone who is 30 years old, 40 years old, 50 years old or 60 years old. The legislation makes absolutely no sense at all. It's a terrible, terrible policy to set, and it's beyond that, beyond that, it is just an awfully nasty, rude, thoughtless, tactless message to send to the youngsters and children of this State of Illinois who are the people I hope will be... be... will do a better job than we're doing in this state when it comes time to make legislative policy. This is a nasty, rotten, stinking Bill and I hope you all vote against it."

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

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

140th Legislative Day

July 1, 1986

Countryman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The previous speaker has indicated... "

Speaker Giglio: "Excuse me, Representative. Would you please give the Gentleman your attention? This is a very important Bill, and it has some controversy, so please listen, and then you can vote accordingly."

Countryman: "The previous speaker has indicated to us that this is a discriminatory action against younger people, but the fact of the matter is that the young people in this state, those people under the age of 21 are not permitted to drink. And the other fact is that when they get their drivers' license at age 16, they haven't had the experience driving an automobile that those of us who have had the opportunity to drive an automobile for as many years as we have, do have. So, you combine the use of alcohol and then the use of an automobile, and then you make a real lethal weapon out there. And what the children of this state need to know is if, in fact, they're going to go out and drink illegally and then drive an automobile, that they're going to be dealt with severely, and that that will be a deterrent, that their driving privileges may be, in fact, be revoked until they're 21 years of age or over. And that is a deterrent. Now, let me tell you something. My young daughter, who is about to get her driver's license, came home one night, having been to an out-of-town basketball game, in a severe state of shock. She did so because she happened to witness some friends of hers who were immediately in front of her get struck by a 16 year old drunk driver and did severe injuries to these people. They will never be right. Now, there's nothing that we can say that will ever make those people right or support the cause of drunk driving, but when you put a 16 year old behind the wheel, and they're drunk, they are dangerous

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

140th Legislative Day

July 1, 1986

instrumentality, and we need to do something about it down here to solve it, and this Bill does it. Now, with respect to what Representative Johnson had said earlier, I put two Amendments on this Bill. One of the Amendments requires that the injuries occur within the State of Illinois, and I believe that there's certainly jurisdiction for the Legislature in Illinois to establish a recourse against Dram Shop owners, liquor licensees and other states who serve people, knowing that they're going to drive into our state and cause injuries to people. Matter of fact, this Bill has caused enough commotion to remind some people over here on this side of the aisle that this is probably one of the best... last year, we had probably one of the best reform Bills in terms of Dram Shop actions because we've taken away the right of the relative of the intoxicated person to sue for loss of means of support, and that's... that's still in the Bill. We also have another Amendment on this Bill which is a part of it which has clarified the intent of us last year and this year, and that is to not create any new causes of action until the effective date of this Bill or to abolish any that existed prior to the effective date of the legislation. Now, this Bill does not, and what it does not do is extend the jurisdiction beyond the State of Illinois. If the injuries occur in some other state, say, Wisconsin, then there is no jurisdiction, and that matter is left to the Wisconsin courts and the Wisconsin laws. So, it is dependent upon where the injury occurs, and that's certainly within the purview of this Legislature and the courts in this state to act. Certainly is no question there's jurisdiction. This is a good Bill. It has a lot of things in it, but if you're opposed to drunk driving, and if you support stiff laws for those people who abuse it and injured other



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

140th Legislative Day

July 1, 1986

people, then I think you ought to support this Bill. I'd ask for an 'aye' vote."

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

O'Connell: "Thank you, Mr. Speaker. A question was raised as to the constitutionality of the... of this Bill, particularly with regards to the long arm statute. It's my belief that there is sufficient contact where an individual, in this case a minor person under the age of 21, goes out of state, is sold a product there, in this case alcoholic beverages, and that alcoholic beverages has the effect of causing an injury in the State of Illinois, I think that there is sufficient contact with that out of state distributor or seller of the alcohol to form a constitutional basis for the extension of our long arm statute. I also believe that there is a... there is not an arbitrary classification to treat a minor who is prohibited from drinking alcohol in this state... being treated more severely with regard to the driving privileges of that young person. I don't think that this Bill is nonsense, as the... one of the previous speakers has indicated. I think it makes some sense. There is a real alarming... a growing and a more alarming problem than existed before, with young people drinking and driving, and the effects therefrom. So, I would applaud the Sponsor of this Bill, and I would urge support for this Conference Committee Report."

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

Didrickson: "Thank you, Mr. Speaker. Would the Sponsor yield for a question, please? Representative Daley, we're talking about restricted driver's license after some teenager is convicted of a DUI for a year. Aren't... Isn't it true that there are other states, particularly on the east

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

140th Legislative Day

July 1, 1986

coast, and on the west coast, I think, also, that restrict driver's license after moving violations and restrict the hours that they may drive?"

Daley: "That is correct. I believe the State of New York and New Jersey."

Didrickson: "And I think there are a few others. To the Bill, Mr. Speaker. I sponsored a similar Bill a year ago, and I was unfortunate not to get it out of Judiciary. What it did was, it would have restricted driver's license for certain minors with violations, and they were moving violations. What we're talking about here is a conviction after DUI for a minor that that driver's license would be taken away for a year and then restricted hours between the hours of 9:00 to 5:00 a.m. It's done in other states for even less serious offense. We're talking about DUI, here, and I, as a mother and as a parent, certainly support this concept, and I hope the rest of us will."

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

McNamara: "Thank you, Mr. Speaker, Ladies and Gentlemen. What... What we are doing here is... is, we are restricting the driver's permit, because at 15 years of age, we tell our children that, yes, you can drive, but what you really need to do is have another, older person in the car. That happens to be a certain stage of development of that child. What this Bill does is, this Bill says, now, if you provide an infraction up to the age of 21, you're going to be slapped on your hands a little harder than normally would happen. I think that's only common sense. I think it's part of the development of youth and driving. I think it's a good piece of legislation. I think it's something that we have to support because it is not discriminatory. It is no different than teaching our children as they go through

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

140th Legislative Day

July 1, 1986

life, that you get different perks as you go on through life and as you perform adequately. At the age of 21, yes, they are allowed to drink; therefore, at that time, they have additional responsibilities, but up until that age, I believe that this Bill covers that situation, allows to give the... a little bit of a harsher penalty. That harsher penalty is necessary in order to provide for the training of our young people to become responsible individuals. I applaud the Sponsor of this Bill, and I urge for its passage."

Speaker Giglio: "The Gentleman from Kendall, Representative Hastert."

Hastert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You know, I commend the Representative from Cook County for bringing this Bill forward. You know, for years, we've talked about safety, we've talked about even raising the age of the driver's license up to a higher level. Young people who start out driving certainly are being tested. Many of us probably also ought to be tested. But anyway, their position and our position should be that they have to earn that right, and if they do something that they show or demonstrate that they shouldn't earn that right to drive until they're more mature and can handle that responsibility, then that right to drive should be restricted. I think this is an excellent piece of legislation. I think it's a statement that this General Assembly can make that we are concerned about young people driving and safety on the highways, and I commend the Gentleman for bringing this legislation forward, and ask for your 'aye' vote."

Speaker Giglio: "Further discussion? The Gentleman from Winnebago, Representative Hallock."

Hallock: "I move the previous question."

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

140th Legislative Day

July 1, 1986

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

Daley: "Thank you, Mr. Speaker. I move to adopt the First Conference Committee Report on Senate Bill 2165. This Bill passed out of the House by a margin of 96 to 12 and passed out of the Senate by 56 to 0. I don't believe it's a nonsense Bill. It is a good Bill, and I ask for your favorable Roll Call."

Speaker Giglio: "The Gentleman moves that the House do adopt Conference Committee Report to Senate Bill 2165. 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 102 voting 'yes', 11 voting 'no', 1 voting 'present', and the House does adopt Conference Committee Report #1 to Senate Bill 2165. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental Calendar #1 appears Senate Bill 1841. The Lady from Cook, Representative Barnes. Are you ready, Ma'am? Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1841, a Bill for an Act making reappropriations for the permanent improvements, minor capital improvements, repairs and maintenance and related purposes. First Conference Committee Report."

Speaker Giglio: "Senate Bill 1841. The Lady from Cook, Representative Barnes."

Barnes: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in the Conference Committee Report. The Senate had refused to concur in House

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

140th Legislative Day

July 1, 1986

Amendments 1, 2, 3. House Amendment #1 required that the State of Illinois and the City of Chicago cooperate jointly in the development of Navy Pier as a state park. House Amendment #2 had amended the Capital Development Board reappropriation Bill. House Amendment #3 had altered the language in the Capital Development Board appropriation Bill to permit the acquisition of an existent building in Triton Community College in River Grove. Someone just questioned whether this has been distributed or not, Mr. Speaker."

Speaker Giglio: "Ms... Madam... Representative Barnes, the Clerk informs me that this was distributed about two or three days ago, so it should be on the desk or in your portfolio."

Barnes: "At that rate then, I would move 'do adopt'."

Speaker Giglio: "The Lady moves that the House do adopt Conference Committee Report on Senate Bill 1841. 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 110 voting 'yes', 2 voting 'no', 1 voting 'present', and the House does adopt Conference Committee Report to Senate Bill 1841. And this Bill, having received the Constitutional Majority, is hereby declared passed. This Bill, also having received the Extra Ordinary Majority, is hereby declared passed. Representative Parcels, 'aye'. Anybody else? Representative Hastert, for what purpose do you rise, Sir?"

Hastert: "I was inquiring of Speaker Kulas about what our schedule was going to be."

Speaker Giglio: "Well, I'm conferring with Representative Kulas right now."

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

140th Legislative Day

July 1, 1986

Hastert: "Thank you."

Speaker Giglio: "Representative Friedrich."

Friedrich: "Well, I was going to address the other Speaker, too and ask him if he was prepared for an Adjournment Resolution."

Speaker Giglio: "Representative Kulas is always prepared for that Resolution, however, it is not timely at this particular time. On the Order of Concurrence on page 2 of the Calendar, appears House Bill 2486. Representative Stephens."

Stephens: "Thank you, Mr. Speaker, and Ladies and Gentleman of the House. I would move to nonconcur with Senate Amendment #2 to House Bill 2486."

Speaker Giglio: "The Gentleman moves that the House nonconcur to Senate Amendment #2 to House Bill 2486. And on that question, the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, I... thank you, Mr. Speaker and Ladies and Gentleman of the House. I rise to support the Gentleman's Motion. The Amendments that were passed by the Senate did not contain the necessary reforms in the racing industry that the House insisted upon, and I believe this Bill should go to a Conference Committee where we can insist that those reforms be included."

Speaker Giglio: "Further discussion? The Gentleman moves that the House nonconcur to Senate Amendment #2 to House Bill 2486. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the House does nonconcur to Senate Amendment 2 to 2486... House Bill 2486 and a Conference Committee be in motion. Send it back to the Senate. People that are responsible for making the decision whether we adjourn or come back tomorrow, at the present time is meeting and

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

140th Legislative Day

July 1, 1986

hopefully they will arrive at some agreement as to the posture we will follow. The Chair always likes to be fair and very informative, but I will not and can not give out any false information from the podium. Keep forgetting, Representative Kulas, when Representative Giglio is in the Chair, he is the real Speaker. Representative Kulas, for what purpose do you rise?"

Kulas: "Well, if I were the real Speaker, Mr. Speaker, then I certainly wouldn't keep my Members in the dark."

Speaker Giglio: "Representative Huff, for what purpose do you rise, Sir?"

Huff: "Just to respond to the last Speaker, Mr. Speaker. As the head of the Royal Order of Spear Carriers we are accustomed to being in the dark."

Speaker Giglio: "Representative Leverenz."

Leverenz: "An inquiry then of the Chair based on what your response was to Mr. Kulas. Are we to look upon what you say on the House floor at your desk with suspect, or would those words be under great suspicion, or do you just advise us to read the Conference Committee Reports twice?"

Speaker Giglio: "I would advise some of the... our Members to read them once."

Leverenz: "That's... that's a very good suggestion and can you state for the record again, what is the word generally found at the center of the bingo card?"

Speaker Giglio: "Free."

Leverenz: "Bingo."

Speaker Giglio: "Representative Mays, are you ready on Senate Bill 2018?"

Mays: "Thank you, Mr. Speaker."

Speaker Giglio: "... wait just a minute please. On Supplemental Calendar #1, appears Senate Bill 2018. Mr. Clerk, read the Bill."

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

140th Legislative Day

July 1, 1986

Clerk O'Brien: "Senate Bill 2018, a Bill for an Act to amend the Illinois Vehicle Code. First Conference Committee Report."

Speaker Giglio: "Representative Mays, on Senate Bill 2018."

Mays: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2018, the underlying Bill made numerous cleanups to the Motor Vehicle Code that were requested by the Federal Government and the ICC and IDOT. These cleanups were required to insure that we could continue to capture about three and a half to four million dollars in federal funds. The effect...and it was also amended to include a high speed rail compact. The effect of the Conference Committee Report is to eliminate the Amendment that had the high speed rail Amendment. And it also has provisions that are... been agreed to on the RTA Act and downstate Mass Transit Act. Some of which would continue IDOT's powers to make grants, the RTA for service for the mobility limited and for police security and, also allows the RTA and downstate Mass Transit Districts to self insure against liability risk. It is my understanding this legislation has been agreed to by all parties and I would move for its adoption."

Speaker Giglio: "The Gentleman moves that the House do adopt Conference Committee Report #1 to Senate Bill 2018. And on that question, all those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. This is final action. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', none voting 'no' and none voting 'present', and the House does adopt Conference Committee #1 to Senate Bill 2018. And this Bill, having received the Constitutional Majority of Three-Fifths, is hereby declared passed. Representative Kulas, for what purpose do you



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

140th Legislative Day

July 1, 1986

rise, Sir?"

Kulas: "Mr. Speaker, the natives are getting restless. No, in all seriousness I have been bombarded by inquires from both sides of the aisle. People wanting to know if they should check into their hotels? Whether they should order dinner or is the Speaker going to get dinner? Are we going to work late? Are we going to go home? What's the game plan?"

Speaker Giglio: "Well, the only thing I can inform you and the Body, Representative Kulas, is that the Ladies and Gentlemen that are in the position to make that big decision at the present time is meeting in the chambers, and they have a... they have the Conference Committee in progress. And as soon as we get the first Conference Committee Report on the procedure we are going to follow, I will be happy to inform the Body. Representative Ryder."

Ryder: "Well, Representative, I distinctly remember you telling us that when you are in the Chair you're the real Speaker. Now, the real Speaker could make that decision right now."

Speaker Giglio: "Well, at the present time we are not conducting the House business and I can honestly say that I'm not the real Speaker. When I'm conducting the real business of the House, then I am the real Speaker. So, until we... until we get to that portion of work that we're going to follow, then I'm going to make that decision. Representative Leverenz."

Leverenz: "Just an inquiry of the Chair then. The next time you go to a Supplemental Calendar or the real Calendar... are you getting a message from the Senate there? The next time you go to a Calendar of Call are you then going to entertain a Motion to Adjourn?"

Speaker Giglio: "No, that Motion is being..."

Leverenz: "Would be found out of order?"

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

140th Legislative Day

July 1, 1986

Speaker Giglio: "No, that Motion is being discussed right now and I'm happy to inform the Body, Representative Kulas, that after my short explanation of what was taking place, the Conference Committee reported that we will know in approximately five minutes... "

Leverenz: "How come you just wanted to... "

Speaker Giglio: "... As to the major decision of what we're going to do for the evening, or tomorrow, or Thursday."

Leverenz: "How come you just wanted to inform the Body of Representative Kulas? What makes his so special? Now on page 10 of the Sun Times you had your picture in the paper, is that not true, Mr. Speaker?"

Speaker Giglio: "I believe that was the plumber... "

Leverenz: "And you passed a Resolution saying that you're a real plumber. Is that not true?"

Speaker Giglio: "That's correct."

Leverenz: "The answers are yes. Then why can't you make the toilet flush around here?"

Speaker Giglio: "They flush fine except sometimes they get clogged up with some things that people aren't suppose to put in there."

Leverenz: "Amendments, Conference Committee Reports... "

Speaker Giglio: "Representative Kulas."

Kulas: "Thank you, Mr. Speaker. On behalf of all the Members, I do want to thank you for your indulgence and your looking into this matter and telling us that we will know in about five minutes of what the game plan is, but Representative... I mean former Representative and now Senator Zito, says he has a message from the Senate, so I don't know."

Unknown: "What time do we eat, Mr. Speaker. You cooking?"

Speaker Giglio: "As a final finale, I'd really love to. It depends on what the House business is and what will be

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

140th Legislative Day

July 1, 1986

determined. Representative Goforth, the Gentleman from Perry."

Goforth: "Thank you, Mr. Speaker. Would you please put the timer on for that five minutes?"

Speaker Giglio: "Your point is well taken. Monroe, do you seek recognition, Sir? Representative Kulas, is on the podium and we've made a decision that we're going to extend the deadline on the five minute extension. The House will come to order. The House will now stand in recess until 7:30 you can go and perhaps have dinner. When we come back, we will be prepared to converse and do our work with Conference Committee Reports. May I suggest those who are part of the Conference Committees let your respective staff people know where you are and what you are doing so we could expedite these Conference Committee Reports and hopefully we'll be able to complete our paper work and conclude. We would hope that when we come back from the recess period at 7:30 we'll be able to conclude with the business of the House at a reasonable hour. Yes, if not, there's a possibility we may be back tomorrow, however, we can conclude tonight. The intent of the leadership and the Senate and the House is to complete everything tonight, at this time. That's our intention. Representative Dunn."

Dunn: "Mr. Speaker, I know you are important, but I really object to you having a plain clothes detective up there on the podium. That man... Gentleman to your right is obviously a law enforcement official, and I think he ought to be asked to leave the podium."

Speaker Giglio: "Well, he's concerned that since the... since the person in the Chair is not a lawyer, he's just a plumber, he needs extra protection. The stand... the House will stand at ease until 7:30. The House will stand at ease until 8:00. Supplemental... Supplemental Calendar #2."

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

140th Legislative Day

July 1, 1986

Piel: "Thank you."

Speaker Breslin: "Out of the record. Supplemental Calendar announcement."

Clerk O'Brien: "Supplemental Calendar #9 is now being distributed."

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

Ewing: "Yes, Madam Speaker. Everybody's going around saying good-bye."

Speaker Breslin: "They better not."

Ewing: "I don't understand that."

Speaker Breslin: "We're not finished, in addition to which we haven't even taken the Roll Call for this day. The Attendance Roll Call has not been taken."

Ewing: "I want... I really wanted to bring that up."

Speaker Breslin: "I'm glad you did, and we're not going to take it yet."

Ewing: "Not yet. But what... This saying good-bye, should we all get our good-byes said?"

Speaker Breslin: "Yeah. I think you should say your good-byes. Hugs and kisses, et cetera. Representative Matijevich, for what reason do you rise?"

Matijevich: "Well, Madam Speaker, our last Bill, I think last Bill, Senate Bill 2117, the Conference Committee Report is distributed, and I was going to ask leave to suspend the one hour on the desk rule so that we can leave."

Speaker Breslin: "Representative Matijevich, we will go to that Bill now. It appears on Supplemental #8 under Conference Committee Reports. It's Senate Bill 2117. Representative Matijevich has asked leave to suspend the one hour requirement for Bills to be on our desk. Does he have leave? The Gentleman has leave. Representative Matijevich may present the Bill now. Read the bill, Mr. Clerk."

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

140th Legislative Day

July 1, 1986

Matijevich: "Madam... alright... "

Speaker Breslin: "Excuse me."

Clerk O'Brien: "Senate Bill 2117, a Bill for an Act to amend an Act in relation to environmental protection. First Conference Committee Report."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker, the Conference Committee Report on Senate Bill 2117, the House recedes from House Amendment #20, which is the Welch - Breslin Amendment. In its stead, we put in language that any new regional pollution control facility which has never obtained local siting, approval will be required to obtain such approval after a final decision on appeal of a permit denial. This language does not in any way affect the exemption which the Metropolitan Sanitary District has under present law in this process. Also, we recede from House Amendment 28, which is the Klemm Amendment which provided that nothing in the Illinois Pesticide Act would prevent local government units from regulating the commercial, nonagricultural, application, storage or other use of pesticides within their jurisdiction. Although we had overwhelming support for that, we have receded from that. We also amend Senate Bill 2117 which amends the Toxic Substance Disclosure to Employees Act, amending the existence... toxic substance list to conform with Federal OSHA lists, and we preserve the Department of Labor's ability to maintain and change an official list and delete provisions of the list which are now picked up by the new procedure or are no longer necessary due to federal regulations. We also removed provisions of the Bill which prohibited the establishment of a new regional pollution control facility in Lake County within five miles of the Wisconsin-Illinois border. I move for the adoption of the Conference Committee Report on

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

140th Legislative Day

July 1, 1986

Senate Bill 2117."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report on Senate Bill 2117. And on that question, the Gentleman from Marion, Representative Friedrich."

Friedrich: "Will the Sponsor yield?"

Speaker Breslin: "He will."

Friedrich: "This still has House Amendment #14 on it, if I'm reading this right?"

Matijevich: "Yes, that's your Amendment."

Friedrich: "Right."

Matijevich: "You're on, Dwight."

Speaker Breslin: "The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 2117?' 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. Leave the board open, Mr. Clerk. Record Representative Daniels as voting 'no'. Record Speaker Madigan as voting 'present'. Representative... Record Representative Steczo as 'aye'. Representative Wojcik votes 'no'. Representative Hastert votes 'no'. Representative... Representative Weaver votes 'no'. Representative Wojcik has read the Bill and is going to change her vote from 'no' to 'aye'. Anyone else seek recognition? Okay. Change Representative Daniels from 'no' to 'aye'. Record Representative Didrickson as 'aye'. Record Representative Hastert as voting 'aye'. Record Representative Barnes as 'aye'. Change Representative Black from 'aye' to 'no'. Record Representative Piel as 'aye'. Representative Kubik as 'aye'. Representative Cowlshaw as 'aye'. Have all voted who wish? On this question... Record Kubik as 'aye' and Cowlshaw as 'aye'.

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

140th Legislative Day

July 1, 1986

On this question, there are 103 voting 'aye', 8 voting 'no', and 1 voting 'present'. And the House does adopt the First Conference Committee Report to Senate Bill 2117. This Bill, having received a Three-Fifths Majority vote, is hereby declared passed. On the Order of Supplemental #5 appears House Bill 2642, Representative Giglio. Clerk, read the Bill."

Clerk O'Brien: "House Bill 2642, a Bill for an Act to amend the Illinois Municipal Code. First Conference Committee Report."

Speaker Breslin: "Representative Giglio."

Giglio: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think I explained the Bill a few minutes ago. I took it out of the record at the request of Representative Piel. If there's any more further questions, I'd be happy to answer. If not, I would ask for the adoption of the Conference Committee Report."

Speaker Breslin: "Representative Giglio has moved for the adoption of the First Conference Committee Report on House Bill 2642. And on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, I rise in support of the Bill."

Speaker Breslin: "On the question, the Gentleman from Sangamon, Representative Curran."

Curran: "Representative, a short question. Does the... the portion of the Conference Committee Report that applies to Streator, could that also apply to Springfield?"

Giglio: "If Springfield has a commission form of government, it could apply to the Village of Springfield. However, I understand there's a suit pending. The City of Springfield? And it's my understanding that neither party wishes to go to the managerial form of government."

Curran: "Okay. I have no obligation... no objection to the

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

140th Legislative Day

July 1, 1986

began to speak... and it is now... it is working now. We'll ask the electrician to check it, Representative Regan. Have all voted who wish? The Clerk, will take the record. On this question, there are 95 voting 'aye', 10 voting 'no' and 11 voting 'present', and this Bill... and the House does adopt the First Conference Committee Report to House Bill 913. And this Bill, having received the Extra Ordinary Majority of Three-Fifths, is hereby declared passed. House Bill 1948, Representative Churchill. Clerk, read the Bill. 1945, Mr. Clerk, excuse me."

Clerk O'Brien: "House Bill 1945, a Bill for an Act in relation to fees, licenses, examinations and related aspects with the regulation of certain professions. First Conference Committee Report."

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 1945 is the omnibus Department of Registration and Regulation cleanup Bill. It was put into a Conference Committee. There was some language in the private detective Section of the Act that was inaccurate and that has now been cleaned up in the Conference Committee Report. We have also cleaned up some language in the Physical Fitness Act and we have added to the Department the Illinois Membership Campground Act which regulates campgrounds and takes them from Real Estate Time Share Act, and then we have some additional language which permits the Department of Insurance to collect data which is required under House Bill 1200. I would move for the passage of House Bill 1945."

Speaker Breslin: "Representative Churchill has moved for the adoption of the First Conference Committee Report to House Bill 1945. And on that question, the Gentleman from Madison, Representative Wolf."



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

140th Legislative Day

July 1, 1986

Wolf: "Thank you, Madam Speaker. Would the Sponsor yield to a question?"

Speaker Breslin: "He will."

Wolf: "Representative Churchill, in the nonconcurrence there were three Amendments that were on the Bill at the time which were nonconcurred in. I think Amendment #1 had the effect of removing the requirement for general liability insurance, and then I think Amendment #3 put that requirement back in under different terminology which had the net affect of eliminating the requirement for errors and omissions insurance. What is there in this Conference Committee Report that would have the net effect of eliminating the requirement for errors and omissions coverage?"

Churchill: "It is still eliminated as per the effect of Senate Amendment #3."

Wolf: "Thank you."

Speaker Breslin: "Is there any further discussion? The Gentleman from DeKalb, Representative Countryman."

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

Speaker Breslin: "He indicates he will."

Countryman: "With regard to the Physical Fitness Centers Act, the language that was amended was to add language that the total amount of the contract would be in excess of an average of \$2,500 per year. Is that correct? What was it before?"

Countryman: "That's correct it was \$2,500 per year originally and they made it an average of \$2,500 per year so, that if there were contracts that were for longer periods of time, it would qualify as long as it had the average. In other words, if a person paid for a contract in the first year and paid the total sum of money, but it averaged out to

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

140th Legislative Day

July 1, 1986

more than \$2,500 over a period of three years let's say, that it would still qualify at... for this Act rather than having to be \$2,500 in each one of the annual years.

Countryman: "Alright, so they could collect all the money in one year as long as it averaged over the whole time."

Churchill: "That's correct."

Countryman: "Thank you."

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

Frederick: "Yes, Madam Speaker and Ladies and Gentlemen of the House, will the Sponsor yield for a question?"

Speaker Breslin: "He will."

Frederick: "Representative Churchill, are the cosmologist continuing ed exemptions still in the Bill?"

Churchill: "Yes, everything that you placed on the Bill originally is still in it."

Frederick: "Alright. Thank you."

Speaker Breslin: "Is there any further discussion? The Gentleman from Cook, Representative Panayotovich."

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

Speaker Breslin: "He will."

Panayotovich: "Representative Churchill, has the Department and all the interested parties signed off on this piece of legislation?"

Churchill: "Everybody loves this Bill, including you."

Panayotovich: "I rise in support and hope everybody puts all their green votes up."

Speaker Breslin: "The question is, 'Shall the House adopt the First Conference Committee Report to House Bill 1945?' 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 Gentleman from Will, Representative Regan, one minute to explain your vote."

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

140th Legislative Day

July 1, 1986

Regan: "Well, just clarify the record. My switch is malfunctioning, and I wish to vote 'aye'."

Speaker Breslin: "Representative Regan, votes 'aye'. Have all voted who wish? The Clerk, will take the record. On this question, there are 101 voting 'aye', 7 voting 'no' and 6 voting 'present', and the House does adopt the First Conference Committee Report to House Bill 1945. And this Bill, having received the required Three-Fifths Majority is hereby, declared passed. Senate Bill 1517, Representative Terzich. Representative Terzich. The Gentleman is not in the chamber. Out of the record. On the Order of Motions, Senate Bill 2123. Out of the record. Senate Bill 2157, Representative Steczo. Representative Steczo, is recognized for a Motion. Representative Steczo is recognized."

Steczko: "Thank you, Madam Speaker. Pursuant to Rule 74, I move to take Senate Bill 2157 from the table, extend the deadline until December 4, 1986, and place in the Calendar... and place on the Calendar on the Order of Third Reading."

Speaker Breslin: "Representative Steczo, has Moved pursuant to Rule 74 to take that Bill from the table extend the deadline until December 4 and place it on the Calendar on the Order of Third Reading. And on that question, the Gentleman from DeWitt, Representative... excuse me, Representative Ryder, at Representative Vinson's desk."

Ryder: "Thank you, Madam Speaker. Inquiry of the Chair."

Speaker Breslin: "State your inquiry."

Ryder: "How many votes does this take?"

Speaker Breslin: "71 votes."

Ryder: "I'm sorry."

Speaker Breslin: "71 votes."

Ryder: "Thank you."

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

140th Legislative Day

July 1, 1986

Speaker Breslin: "Is there any further discussion? Hearing none... Have all voted... The question is, 'Shall the House move... take Senate Bill 2157 from the table, extend the deadline until December 4, and place it on the Calendar on the Order of Third Reading?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 73 voting 'aye', 40 voting 'no' and none voting 'present', and the Motion is adopted. Representative McGann, wishes to be recorded as voting 'aye'. Representative Steczo, is recognized on the Bill. Representative Van Duyne, for what reason do you rise?"

Van Duyne: "I don't really suspose it would be too late to challenge the Roll Call. Would it?"

Speaker Breslin: "It really is, Representative Van Duyne. The Gentleman has been recognized to present the Bill."

Van Duyne: "Okay, I'll satisfy myself to debate the Bill."

Speaker Breslin: "Okay. Representative Steczo. You're recognized to present the Bill, Representative Steczo."

Steczko: "Thank you, Madam Speaker, Members of the House. Senate Bill 2157, is a Bill that provides that the circuit... that the county boards in counties under two million can initiate surcharges on traffic fines up to 10% to provide for the costs of providing the services that the circuit clerks... that the circuit court clerks must... to provide the cost for the services that circuit court clerks provide to administer all the various surcharges that the state has mandated upon them. I think we've heard this Bill before, Madam Speaker. I would answer any questions and if not, would appreciate the passage of House Bill 2157."

Speaker Breslin: "Representative Steczo, moves for the passage of Senate Bill 2157. And on that question, the Gentleman from

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

140th Legislative Day

July 1, 1986

Knox, Representative McMaster."

McMaster: "... Terry, you say this is to go to pay the cost of the operation of the circuit clerk's office?"

Steczo: "Representative McMaster, could you repeat the question, please?"

McMaster: "Did you say that this goes to pay the cost of the operation of the circuit clerk's office?"

Steczo: "Representative McMaster, for the administration of the fines that they must administer that are state mandated."

McMaster: "Does not this fee, the money resulting from it go to the treasurer's office not the circuit clerk's office?"

Steczo: "It provides, Representative McMaster, that the funds would go to the general corporate fund of the county. Yet I think..."

McMaster: "... from the treasurer's office to the general fund of the county, yes."

Steczo: "That is correct, but the amount of surcharge cannot exceed 10% and it's limited by the amount of money that it costs to administer the fines and surcharges."

McMaster: "Most circuit clerks that I have known, Terry, at least in downstate Illinois, earn and turn over more in fees by quite some amount of money than it costs to run there offices. Is this not true?"

Steczo: "Representative McMaster, that is the case. The circuit court clerk's office does... does a very important job in... provides a very important function to county government."

McMaster: "I agree."

Steczo: "And, in order for them to function even... even more efficiently with the number of surcharges and fines that the state has imposed upon them, it's important that they be able to administer those properly. Not only is it important to do that for the county general fund because

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

140th Legislative Day

July 1, 1986

they do bring the money in, but number two they must administer that money back to other local governments, to the state, etc., which is important for them. Right now, in some cases, those... some fines do slip through the cracks, and we have another Bill, House Bill 3290, which went to the Governor today that would administer... that would take care of some of that problem. But nevertheless, these circuit court clerks do need the wherewithall to be able to administer their offices properly so that these fines are collected properly and distributed properly."

McMaster: "And, I believe that the operation of the circuit clerk's office is budgeted by the county board from the corporate fund."

Steczo: "That is correct."

McMaster: "But, I think that in most cases the circuit clerk's office now, presently, without this legislation, earns more in fees than the cost of operations of their office. I believe this is true, Terry."

Steczo: "I believe so."

McMaster: "Thank you."

Speaker Breslin: "The Gentleman from Will, Representative Van Duyne, on the question."

Van Duyne: "Yes, thank you, Madam Speaker. And I'm glad to hear Representative McMaster, say... tell the real true tale that initially this Bill was designed to get the money for the circuit clerk's office and the truth of the matter is that circuit clerk's office don't deserve the money. I've never known a circuit clerk in my life that run on... that didn't run on his record that bragged about the fact how many million dollars that he... his office earned and turned back to the county. So, the premise is that is not needed. Now, the subterfuge is that they're going to put another hit on the taxpayer, the poor guy, I mean your

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

140th Legislative Day

July 1, 1986

wife, your son, your brother-in-law and I don't mean the law breakers that was painted out here last year... last night, I'm talking about the average guy that happens to get hit with a \$50 traffic ticket through really no... even though it is his own fault through absence of memory or whatever, but nevertheless he's no law breaker. Now, they are trying through this subterfuge to give it to the county general. So, what you're talking about is a tax. Whether they count it as a tax or not is still another tax to place it on the people of the State of Illinois rather than coming up front and saying we're going to do it this way. Now, we've debated this issue at least four times. It was defeated decisively all four of the time, and I don't know why we have to keep berating this thing and beating the dead horse. I just want to remind you that it was defeated four times already and we ought to defeat it one more time. Thank you."

Speaker Breslin: "The Gentleman from Lee, Representative Olson."

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

Speaker Breslin: "He will."

Olson: "Ferry, I'm not pleased to have to confront you on this because it's just about 26 hours ago we went through this with Representative Cullerton, and on a similar Motion, an Amendment wise, this proposal went down 22-73-3 with 22 absences on your side. From our perspective as a former circuit clerk and the perspective of what we're attempting to do here this is an inequity which should not be visited on the people of this State of Illinois. Representative McMaster, put it well. Representative Van Duynes, embellished it and I wish to point out to this entire Assembly this perspective should not be supported, is without merit and should be defeated."

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

140th Legislative Day

July 1, 1986

Speaker Breslin: "The Gentleman from DuPage, Representative Hoffman, on the Bill."

Hoffman: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I can appreciate the concern registered by previous speakers, but I would make two or three points which I would hope would clarify the situation. Number one, we are not imposing any surcharge we are merely authorizing the county board to do the same if they choose to do so, and we also put a limitation in the legislation, or there is a limitation in the legislation, that it will not exceed 20% of the fine to which is added, it could be 1%, 2% anything up to 20%. So, let me make two points again, number one it's the county board which has the responsibility and the obligation, if they see fit, to provide by ordinance for this surcharge and that they're limited, however, to what they can do with this surcharge to 20%. The Sponsor of this legislation is a reasonable person and I am sure that he recognizes the need for this legislation or he would not be the Sponsor."

Speaker Breslin: "The Lady from Sangamon, Representative Hasara."

Hasara: "Thank you, Madam Speaker. I again rise in opposition to this Bill. It was presented as an aid to circuit clerks to help them pay for the duties we have put upon them. Let me tell you, that the best thing this Body could do to help circuit clerks is to never pass another surcharge. The clerks are not necessarily going to see one penny of this money. They are going to collect it. It is going to go into the county general fund. So, if you want to help circuit clerks, stop passing surcharges that they have to assess and collect without any guarantee of seeing the money. The second reason I'm in opposition of this Bill is that it is unfair to all people who get traffic tickets. If you choose to come into the court house and pay for your



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

140th Legislative Day

July 1, 1986

ticket, you are going to be penalized by paying the surcharge. Whereas, if you mail it in, you're going to get off for \$50. I absolutely am totally opposed to that concept. So, as again, I hope we will defeat this piece of legislation as we have in the past. Thank you."

Speaker Breslin: "The Gentleman from DuPage, Representative Hensel."

Hensel: "Thank you, Madam Speaker. I move the previous question."

Speaker Breslin: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put'? All those in favor say 'aye', those opposed say 'no'. Representative Ryder for what reason do you rise?"

Ryder: "Inquiry of the Chair."

Speaker Breslin: "State your inquiry."

Ryder: "Please tell me the number of votes necessary for this to pass."

Speaker Breslin: "Sixty votes are required for the passage of this Bill."

Ryder: "Sixty?"

Speaker Breslin: "Sixty."

Ryder: "Thank you, Madam Speaker."

Speaker Breslin: "Represent... because there is no immediate effective date. Representative Ryder, the reason is because there is not an immediate effective date on this Bill. Representative Steczko, is recognized to close."

Steczko: "Thank you, Madam Speaker, Members of the House. I would like to clear up a few of the things that I'd heard in the debate on Senate Bill 2157. Number one, and I think the most important factor is that we have mandated the circuit court clerks to collect and distribute up to 15 surcharges on behalf of local governments and state government, etc., and to do that, and to do that state mandate properly, they

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

140th Legislative Day

July 1, 1986

need the proper amount of funds to operate. This Bill is not a mandate as Representative Hoffman said, this Bill simply allows the county board to provide for the costs of... of the operation of the county clerk's office only... only for the purposes of collecting the state mandated surcharges. It cannot exceed that amount of money, if that amount of money is 1% or 2% or 3%, but certainly in no way could exceed 10% of that... of that cost or that fine. We've heard it said, about the amount of money that the circuit clerks bring into the county and that's true they do. But that's no guarantee that they get to keep all of the money that they bring in as we do here with the Department of Revenue, which brings in money and the Attorney General's Office which brings in money to the state. The Attorney General's Office and the Department of Revenue don't get to keep all the money they bring in. If the circuit court clerks had the opportunity to keep all the money they brought into the counties through fines and everything else, we certainly wouldn't need this, but they don't. They're budgeted like everybody else. They're hampered by budget restrictions like everybody else, and they do a terrific job for county government because they do, in a very professional way, help bring money back into county coffers. We do allow... we do provide and we do mandate that there are 15 surcharges that they must collect, and they must distribute, and they must administrate. And some of those surcharges deal with traffic and criminal convictions for police...which funds police activities. We certainly wouldn't want to make certain that that's misadministered, all the way to violent crimes assistance fees and truck overweight fines and drug prevention funds, etc., etc., etc., etc. They need to have the adequate amount of people to make sure that the amount

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

140th Legislative Day

July 1, 1986

of surcharges collected, the amount of surcharges distributed, because not only does it impact them in the county, but all those local and state agencies that have to deal with that and need that money badly. This Bill... and I cannot impart upon you more succinctly that this is simply permissive. It allows the county and... but yet it restricts the county in the amount of money that can be levied as the surcharge. And I would move, Madam Speaker, for the passage of House Bill 2157."

Speaker Breslin: "The Gentleman has moved for the passage of Senate Bill 2157. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 39 voting 'aye', 70 voting 'no', and 1 voting 'present', and the Bill fails. On the Order of Conference Committee Reports, Conference Committee Reports on Supplemental #2, appears Senate Bill 1517. Representative Terzich is recognized. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1517, a Bill for an Act to amend the School Code with Second Conference Committee Report."

Terzich: "Yes, Madam Speaker, Ladies and Gentlemen of the House. This is the Second Conference Committee Report on Senate Bill 1517. After the First Conference Committee Report, everything has been taken out of this Bill except for two small items, such as... what was taken out was the high back seats and the suicide provisions. What the Conference Committee presently has in it is the Department of Children and Family Services whereby, the original intent of the law was to have van drivers only meet the requirements and not obtain a license. However, the Department of Children and Family Services and the State Board of Education Legal Staff, determine that the current law requires drivers to

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

140th Legislative Day

July 1, 1986

obtain school bus license. The Secretary of State's Office has refused to license drivers who don't have a yellow school bus to take the test within the law. If someone wanted to lease a bus simply to take the test, they had to be denied the opportunity to do so since they don't have a bus drivers license. The amendatory language also removes the requirement to determine whether or not a person caused a death in an automobile accident within five year period. The Secretary of State's Office cannot provide DCFS with that information, since they don't determine responsibility and simply do not maintain such information from which an agency could readily determine such responsibility. The DCFS supports this legislation and has been drafted the language at the request of various social services agencies, supporters include the Secretary of State, the State Board of Education, Child Care Association and Catholic Charities, Lutheran Family Services. I know of no opposition to this provision. Also contained in the Conference Committee Report was the original intent of the Bill, Senate Bill 1517, which simply adds a parent of a former student to also be a member of the school advisory council, and I would urge its adoption."

Speaker Breslin: "The Gentleman has moved for the adoption of the Second Conference Committee Report on Senate Bill 1517. And on that question, the Lady from DuPage, Representative Cowlshaw. Representative Cowlshaw."

Cowlshaw: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. The First Conference Committee Report on Senate Bill 1517 contained several items that were highly controversial. I think it's important... I think its... "

Terzich: "All of those items were... All of those items were taken out the only two provisions are the ones that I talked about."

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

140th Legislative Day

July 1, 1986

Cowlishaw: "I was not asking you a question, Representative. I think it is important to point out..."

Speaker Breslin: "Proceed, Representative Cowlishaw."

Cowlishaw: "All of those controversial items have been removed. I would like to mention, too, that the provisions for trying to either license or in some way be sure that we have provided protection for those persons who conduct either a school bus or a van or whatever they may use to transport children to and from day care centers is something which is comparatively new in the law and which has encountered some problems with the rules and regulations between the two Departments of State Government, the Secretary of State and DCFS. The two departments have worked together cooperatively, I am told, to come up with this provision which would help to solve those problems and get this program moving. It is rarely that we see two divisions of the State Government working together as cooperately as the Secretary of State and DCFS have worked on this proposal, and I recommend its adoption. Thank you."

Speaker Breslin: "The Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Madam Speaker and Members of the House, I realize that the current law has created some problems that have been difficult for us to try to deal with, but I would suggest that this solution may not be anything more than a very temporary solution to the problem. We started requiring some kind of approval for drivers for day care centers because we were trying to protect children. My concern with the language as now drafted in this legislation is that we may have gone to far in providing convenience for those centers without adequately protecting the children. I am going to support this legislation, but

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

140th Legislative Day

July 1, 1986

I would certainly hope that DCFS and the Secretary of State's Office will be back here next year with additional language that we can use for those categories of large vehicles which may have at one time been school buses, but are no longer necessarily meeting the same standards as school buses. My concern is that large vehicles have to be handled with a different kind of technique and with greater care than the vans that we are trying to accommodate by this legislation. And so, I would certainly hope that those two agencies will continue to function together and come back with new legislation next year which will be designed to say that there will be several types of licensure depending on the type of vehicle that the day care center plans to use. It is not appropriate it seems to me for us to allow someone to drive a large vehicle that was once a school bus with no additional kinds of standards than for a normal drivers license and these some what unrelated conditions about records of driving. And so, I will support this legislation as an interim, but I don't think it is the final solution for what we need."

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

Bowman: "Will the Gentleman yield for some questions?"

Speaker Breslin: "He will."

Bowman: "Number one, I think I know the answer to this one, but I want to make sure. The provision with respect to scholarships applying to proprietary schools, is that in the Bill?"

Terzich: "Everything has been taken out of the Bill. The only two provisions in this Bill at the present time is the Department of Children and Family Services Amendment, which I'm just discussing right now on drivers training and the other one is allowing a former parent of a student in a

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

140th Legislative Day

July 1, 1986

public school to be a member of the advisory board. That's the only thing contained in the Bill now."

Bowman: "Okay. With respect to the Child Care Act in Section 1, I noticed that you have deleted some language in existing law. For example, Paragraph A, 'no person, group of persons or corporation may transport any child or group of children by bus as defined in Section 1-107 of the Illinois Vehicle Code to or from any day care center, group home or child care institution as defined in this Act without complying with the requirements established for school bus drivers permits, etc.' Why is that language stricken?"

Terzich: "Well, that's the reason for the Bill. Number one is that this is for day care centers and what have you and that's a school bus provision. Now, school bus drivers basically have to go through all of that, and they've been finding that the current law has been unworkable since most of the people who utilize transportation for these day care centers mostly are van drivers and not school bus drivers. All of the provisions that are contained to make sure that they have competent drivers still remain in the Bill such as; the driver must be over twenty one, possess a valid drivers license, no suspensions in the last three years, physically competent, no more than two violations in a twelve month period and not convicted of reckless driving or DUI or manslaughter or reckless homicide. And that's the reason for the legislation."

Bowman: "Right. Those provisions sound fine. I guess what I'm curious about is how would a person who satisfies all those conditions differ from someone who holds a valid school bus driver's license? I mean, what is it that school bus drivers have to do to get their license that people under this Act would not have to do?"

Terzich: "Well... well what they would have to do... the problem

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

140th Legislative Day

July 1, 1986

is that they would have to take a school bus driver's test, and they do not have any of those available. In other words, where do you get a school bus to take the test when they don't even utilize the school bus. That's been one of the problems. Most of the transportation for day care centers have been in vans with 10, 12, 15, you know, passengers and they don't have school buses. So, when they go to take the test they don't have a school bus to take the test with."

Bowman: "I see. The reason I'm expressing concern is that you may remember in the Chicago area within the last year there was a terrible accident in the northwest suburbs involving a van driven by a day care center operator and I am concerned that we may be relaxing the standards for which these drivers... which govern these drivers. Now, I understand the mechanical problems of just not having a bus available, but why can't they use the van if that's what they're going to be driving?"

Terzich: "Well, they do and they will be tested in the van. They have to have license. The only thing that simply takes the restriction of a school bus driver test, rather than a test to drive a van. You still have to be licensed to drive a van."

Bowman: "Well, since I began asking these questions, I've been descended upon by a gaggle of staff people here. So, maybe they can just explain it to me privately I won't take the time of the House. But, it seems to me this is an important issue because I think we all value the safety of our youngsters. Thank you."

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

Terzich: "Oh, yes, Madam Speaker. Everyone is, you know, for safety in the buses and this of course is something that



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

140th Legislative Day

July 1, 1986

both... all of the Departments, whether it's the Secretary of State or the Department of Children and Family Services are all concerned about. However, these requirements will be enforced by the Department of Children and Family Services Licensing Division and the Secretary of State's Office and DCFS has worked out a technical... a technicality to enforce this law as amended, and I would appreciate your support on Conference Committee #2."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report to Senate Bill 1517. The question is, 'Shall the First Conference Committee Report of House... Senate Bill 1517 be adopted?' Representative Black, for what reason do you rise?"

Black: "Madam Speaker, an inquiry of the Chair. You said adopt the First Conference Committee Report. Is that correct?"

Speaker Breslin: "Second Conference Committee Report."

Black: "Thank you."

Speaker Breslin: "The question is, 'Shall House adopt the Second Conference Committee Report on Senate Bill 1517?' All those in favor vote 'aye', all those opposed '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 101 voting 'aye', 11 voting 'no' and 3 voting 'present', and the House does adopt the First Conference... the Second Conference Committee Report to Senate Bill 1517. And this Bill, having received the required Three-Fifths Constitutional Majority, is hereby declared passed. Calendar announcement."

Clerk Leone: "Supplemental Calendar #3 is now being distributed."

Speaker Breslin: "Mr. Clerk. Mr. Clerk, would you read House Resolution 1555, please?"

Clerk O'Brien: "House Resolution 1555, offered by Representative Madigan. Whereas, the Jesse White Tumbling Team has been

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

140th Legislative Day

July 1, 1986

in existence for 27 years under the dynamically leadership of Representative Jesse White; and whereas, the team is comprised of 62 youngsters who reside in Chicago's Cabrini-Green Homes; and whereas, the Jesse White Tumbling Team has received national recognition, appearing on national TV commercials for Coca-Cola and a movie entitled 'Ferris Buellar's Day Off'; it has performed at Chicago Bear games in Soldiers Field, at Wrigley Field, the Chicago and Horizon Stadiums, Great America, the Illinois State Fair, Alumni Hall, the Pavilion, and many events, parades and gatherings; the team has been featured on PM Magazine and Channel 11's 'The Ambassadors of Cabrini' and it has performed a record 410 times this year; and whereas, almost 650 talented youngsters have come through the rigorous program and, in an area known as high-crime, only eleven have encountered trouble with the law, a high tribute to the value of the program; thirteen members of the team received residuals for performing on Coca-Cola commercials thereby making them taxpayers rather than tax-eaters, more testimony to the worthiness of the program; now therefore be it resolved, by the House of Representatives of the 84th General Assembly, that we commend the Jesse White Tumbling Team for the entertainment it has provided so many groups in Illinois; we salute Representative Jesse White for his leadership and understanding as the leader of this great tumbling team, we hail each member for the hard work, physical training, and determination so necessary to become such a smooth and precision tumbling team; we honor the Jesse White Tumbling Team because it shows that youngsters can excel when they have the sense of purpose; and we wish Representative Jesse White, our friend and colleague and the team continued success as they continue to 'jump with joy' to benefit all; and be it further resolved, that a

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

140th Legislative Day

July 1, 1986

suitable copy of this Preamble and Resolution be presented to Representative Jesse White."

Speaker Breslin: "Speaker Madigan has moved the adoption of the Resolution that you have just heard. And on that question, the Gentleman from McLean, Representative Ropp."

Ropp: "Thank you, Madam Speaker, on numerous occasions, I have commended in my own district the leadership that Representative Jesse White has so inspired in his district because it certainly is exemplified what I think and many of us feel is the thing that keeps young people vital and active whereby, they are not considering leaving school and finding other ways into trouble, into correctional institutions and other social ills. The example that Jesse has been conducting for many years which has exemplified by the fact that he has many, many young boys who are even on the waiting list to become a part of his program is something that I think we truly can be thankful for his leadership and his efforts. And I would only hope that others might see by his example and also conduct the same kind of programs that would really help solve a lot of our social ills. My hat is taken off to you, Jesse for certainly you are a leader among men with young boys as you develop them into manhood."

Speaker Breslin: "The Lady from Cook, Representative Braun."

Braun: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. You know you have to come to Jesse White's district to understand the importance and the gravity and the significance of what it is that he does and what it is that he contributes. A goodly part of Jesse White's district is the Cabrini-Green Housing project, an area that has been described as one of the poorest in the entire United States in which the vast majority of households are run by women only, which is almost entirely welfare dependent and which

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

140th Legislative Day

July 1, 1986

the gangs have claimed as their turf. Many people feel that you take your life in your hand when you walk through Cabrini-Green after sundown. And yet, with all of the poverty and all the crime and the problems and the social disintegration that Cabrini-Green represents, a ray of hope has been struck by Representative Jesse White with his tumbling team. He has taken, he has captured the imagination of the young people there. He has particularly captured the imagination of the young men there. And through his efforts to show them a better way of life, to show them a way to dignity, self respect, pride, to give them some hope for their future through those efforts. Jesse White has been responsible for saving more than one human life. You should talk to Jesse White sometime about the young people that he's worked with. The members of his tumbling team who labor long and hard who stand in line and get on waiting lists waiting to participate, waiting to be near him, to be part of what he is about. And when you hear the very real stories of the personal trauma, the personal sacrifice, the problems that some of these young people face, you begin to get a sense of how very unique Jesse White and his tumbling team are. I didn't mean to over state the case when I said that Jesse White has saved the life of more than one young person. He can no doubt tell you stories of young people who have gotten shot by gangs, even though they were members of the team. Young people who couldn't make it, who didn't make it, who wind up in the penitentiaries or worse wind up dead. But he can also point to his success stories to young men who now have started families, to young men who are now gainfully employed who are working and who use the discipline and the skills that he has imparted to them and will use those skills for the rest of their lives. I can't speak highly

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

140th Legislative Day

July 1, 1986

enough about, Representative White's efforts in this regard. He is truly for his efforts with this tumbling team, he is truly a hero for our times and really in a sense a Mother Theresa if you will, in his own way. So, Jesse, I guess you've never heard me speak this highly of you before, but I say to you that I mean every word of it and I personally am grateful and know and I'm sure that the Members of this General Assembly are grateful, as the people of the State of Illinois ought to be grateful to you, for the contribution that you have made and continue to make. Thank you. We love you."

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

Ronan: "Thank you. Thank you, Madam Speaker and Members of the House. I, too, rise in support of this Resolution. Numerous times Representative White has brought his tumbling team into my district on request... on the request of various civic, social, religious institutions. The kind of inspiration that they lead for young people all over the City of Chicago and the State of Illinois is truly remarkable. It's... my attitude is pretty clear. We stand down here year in, year out and we support social programs for young people. We constantly try to make the dollars available for education and other kinds of programs that are going to try to steer young people in the right direction and we go back to our districts and we say, 'You know what? We really care about the young people of our district.' But what Jesse White does as an individual and what Jesse White does as a leader with the young people, not only supporting legislation but going back and showing the kinds of role models that we need in our society is something that's truly commendable. And as far as I'm concerned, he as a person has done more for young people in this state than any of us combined and he's done it under

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

140th Legislative Day

July 1, 1986

the toughest conditions. And it's about time that we all stood around and paid a little tribute to a man who really means something. I'd hope that we all could be added as Co-Sponsors to this important Resolution because of the kind of work and the kind of model that Jesses' made for all of us. Jesse, you really deserve this kind of support."

Speaker Breslin: "The Gentleman asks leave that all Members be added as Co-Sponsors. Does he have leave? Hearing no objection, the Gentleman has leave. On the Resolution, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Like my colleagues, I have been hospitably treated by Representative White's constant efforts on our behalf in the House Committee on Human Services. Like my colleagues, I'm impressed by the efforts he's made on behalf of young people in his legislative district and in that part of Chicago. He has on occasion invited me into his district and for reasons that he won't understand I've chosen instead to observe his efforts clandestinely, but I have seen his troop perform in Oz Park and at the Old Town Art Fair, outside the Belden Deli on one occasion, and near the Lincoln Park Farm on another. I've seen him near the Cafe Lindo Mexico on another occasion. His troop performs well. They reflect the finest values not just of athletes but of sportsmen, and it is amazing to me that any one individual could make such a difference in such a fine group of young people. I commend you, Representative, and I commend your troop."

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

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House. One of the reasons I so strongly oppose the reduction of

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

140th Legislative Day

July 1, 1986

the House to its present Membership was that there's a... something we learn from each other in this House of Representatives, and I think everyone of us here knows that there's a special closeness to your seat mate. And if you sat here next to Jesse White, of course I won't even mention Zeke Giorgi, but if you sat here next to Jesse White and heard as many times as I have heard him refer to quote, 'my kids' you would know how special this work is to him, and I'm sure it's not work to him. You know to do what Jesse is doing takes somebody real special. You really, really have to love people. That's the greatest trait that anybody can have and I don't know of anybody in my life time I've seen love people like Jesse White. I'm telling you he puts every effort into his kids. Now I want to tell you one other thing about the type of guy that Jesse White is. About three years ago he came to my district in the City of Waukegan. He's been in my district a couple of times and Jesse White didn't know that I was there behind him and Jesse White spent almost five minutes telling the people in that area that were watching there to hear his kids perform the type of person he thought I was. He didn't do it for politics, I'm sure, and I think he knows I didn't need it for politics. He did it I feel because he meant it, and he did it because when he loves people he shows that love. And I'm telling you that it has been my honor to sit here next to Jesse White and know that I'm sitting next to somebody that gives his all to kids. Look what we do for education. You know it's special when you know that you're doing something for the future. That has a special meaning to all of us as Legislators and believe me nobody does anything more for the future by helping kids than my seat mate and our colleague and the friend of all of us, Jesse White."

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

140th Legislative Day

July 1, 1986

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

Hallock: "Thank you, Madam Speaker, Members of the House. You know as a colleague I've gotten to know Jesse White as a legislator. I've also had the opportunity to play baseball with him and basketball. As a matter of fact, in basketball he probably has the longest one hand push shot I've ever seen in my life. I've never seen anybody who can shoot from half court and make a swish every time. He's really an all around athlete and that extends also to his tumbling team. You know, I know his area of Chicago. I know Schiller Park School... Schiller School and I know the Cabrini-Green area very well and that's why it's especially remarkable for me to stand here tonight and say what a tremendous achievement this is for his team and he had the chance last year to bring his team to Rockford Illinois and many people from my community got to see that team first hand and many others saw them on TV. And virtually everybody I saw for the next couple days who happened to see that asked me if I knew Jesse White, and I said I knew him very well, had the pleasure of working with him and knowing him for eight years and I also was proud of him and I want to commend him here tonight."

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

Bowman: "Thank you. Thank you, Madam Speaker, Ladies and Gentlemen of the House. Jesse White is a legend in his own time. We often hear that applied and sometimes it's an over used expression, but it really applies to Jesse. One of the privileges of sitting next to Jesse is that we get to swap stories, and I hear a lot about his tumbling team and his experiences and it's a real treat. I just have to share one of these stories with you because it illustrates



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

140th Legislative Day

July 1, 1986

the truth that Jesse White is a legend in his own time. Not to long ago, Jesse was awakened at 2:00 o'clock in the morning by a telephone call and he was pretty groggy as most of us would be at that hour and a lady told him that she wanted to thank him for saving her life and he says, 'Lady I don't even know you, how did I save your life?' The lady said, 'Well, my husband and I were driving up Halstead and we got to the corner of Division Street, we stopped for a light, a couple of guys came at us with guns and they demanded our money, our jewelry, our valuables and then they said they were going to shoot us.' And the lady remembered that she was one of Jesse White's constituents. She had seen his tumbling team perform at the Chicago Stadium and she in a flash of inspiration said, 'Please don't do that. My friend, Jesse White, would be very upset.' And the guys who were holding the guns on them said, 'Do you know Jesse White? Do you know him personally?' And she said, 'Yes I do.' And he said, 'Well here's your stuff back lady. You better get out of here it's pretty dangerous around here,' and she took their advice. But that lady does owe her life to Jesse White because he is a legend. He is someone that is larger than life and a lot of people owe a lot to Jesse White, and I count myself privileged to be among his friends. And I just want to say to you, Jesse, thank you for everything that you have done for all of us the way you help us with our legislation in this chamber, but really what you have done for youth everywhere. The inspiration, the example you are to everybody. I just want to thank you. We love you, Jesse. God bless you."

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

Kubik: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I haven't had the privilege of sitting with Jesse

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

140th Legislative Day

July 1, 1986

on that side of the aisle, but I have had the privilege of being on the Human Services Committee and have never seen anybody as unflappable as Jesse White in the middle of a Human Services Hearing. Jesse is absolutely one of the kindest and the biggest hearted people I've ever met in my life. And you know every year I go down to the State Fair and we have a thing called the Ethnic Village at the State Fair and every year all manner of cultures and groups come to that Ethnic Village and they put on dances and programs and all kinds of things, a myriad of different types of cultures and people, and every year Jesse White's Tumblers come down and every year the best group or at least what they tell me, the people who run the fair, the people talk the most about Jesse White's Tumblers and can't wait to have Jesse White's Tumblers come back. I think it is a great tribute to Jesse White. He's one of those rare, rare people. There's nothing that can't be said that is great about this man. Jesse White, you're a great human being. Congratulations."

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

Dunn: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. The mind boggling think about Jesse White, as far as I am concerned, is the perspective that comes from being one of us here in the land of rubber chicken and parades on your day off. And when we think about what we do after we leave this chamber and compare that with what Jesse does, to go home to work with those children, to do all the things we've heard about here, and then as far as I'm concerned, it is just beyond belief to contemplate on your day off to come as far away from Chicago as to Decatur, which he has done on more than one occasion with his tumblers, to make a round trip to come into our community to put on that magnificent performance that we all are

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

140th Legislative Day

July 1, 1986

aware of and hearing about here tonight and then turn around and drive home. The performance is fantastic. The kids are great. The dedication is wonderful. But as one of us in here just selfishly looking at him from my own perspective as a Member of this Legislature, to think about the days he has taken off from his own time, when he liked to be fishing - I know he is an avid fisherman - to spend the time to be dedicated to those children and then to come as far away as Decatur, a four hour trip, there is no plaudits in that for him, there are no plaques, there is no big television appearances. He does it for the good of the kids and for the good of audience before which he and the tumblers perform. My hat is off to you, and I would just like all of you to know that Jesse is a member of the Class of 1975, in this General Assembly which, of course, those of us who are in that class knows the best class to every set foot in this place."

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

Piel: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'd like to tell, you know, a couple of things about Jesse. Jesse happens to be, you know, you hear 'one of a kind', but I was talking to somebody from Cabrini-Green area, and he happens to be one of a kind in the United States. And for those of you that don't know, this fellow made the remark to me that Jesse White is the only individual from the Cabrini-Green area that; one, can walk down the street and never have a problem with any of the gangs. He knows everyone. And I made the remark to this fellow, I said, 'What does he do as far as keeping his members free from these gangs?' And he just said one thing, he said, 'The members of those gangs know that they don't mess with Jesse White tumblers because if they do they've got to see Jesse himself.' I think that is

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

140th Legislative Day

July 1, 1986

probably one of the nicest accolades to anybody; that a man is working for children, children who are in the poverty level, children who are deprived of things that you and I as children took for granted. And he's a fellow who has really worked for kids. He's given up a lot of his own time. If any of you here have a chance, have not seen the tumblers, please go and see them. It is something that you will really walk away with one heck of a feeling in your heart. You really will, not just for the tumblers, but for the man who has done this. Now as a little bit of a commercial - each one of us every day push our yellow button and get a per diem. Jesse White tumblers are done with voluntary funds. There is some corporate help, but they're always in the need of money to travel around to their different places. Now, Jesse, don't hang your head down there and cover your face. I would ask Members of this House, if you feel it in your heart that you could help these tumblers, you just make a check out to the Jesse White Tumblers and I know he'll be more than happy to accept it. Thank you very much."

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

Rice: "That appeal is what I was going to appeal to - the money end of this thing. I met Jesse White back in the days of the Commission on Youth Welfare and we operate a parade in May of every year with the Jackie Robinson Little League. He brought those kids out and they performed from 95th Street, south to 107th on that concrete; and, when he got to the end into the park, we tried to give him what little... we can - he refused to accept it. He said, it was for the good of the kids, but in all Baptist organizations we now asks to pass the hat of the Jesse White Tumblers out of Cabrini-Green. Please help us. Thank you."

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

140th Legislative Day

July 1, 1986

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

Levin: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I am proud to have a neighboring district to Jesse's and I'd just like to make one observation. You know, I've, of course, seen Jesse's tumbler. They come into my district all the time, but Representative Dunn was talking about us going out and campaigning. Jesse has a secret which we know because we're near his district. Jesse White doesn't go out and campaign and he's had some strong opponents in the past. The people in his district are just extraordinarily proud of Jesse and every time I talk to somebody from his district, they talk about what Jesse has done for kids and they keep sending him back, not because he goes out and campaigns and asks them to vote for him, but because of what he's done for kids and because of his keen insight. That's a unique way of getting reelected and that's one of the secrets of Jesse White."

Speaker Breslin: "Representative White, how does it feel to be eulogized before you die?"

White: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I am overwhelmed and you stole my thunder with those remarks because that's what it sounded like, a eulogy. I have had the great pleasure of working with youngsters who reside around the Cabrini-Green housing project for 27 years and had... and have had nothing but a great experience because I was raised in that community and I've never forgotten it and so what I am doing for some of those young people are some of the same things that were done for me as a youngster. And out of the 640 youngsters I've had only 11 have gotten in trouble with the law. It's my effort to combat juvenile delinquency. Cabrini-Green is only a small part of my district. 70,000 of my constituents are white. It takes in the John Hancock

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

140th Legislative Day

July 1, 1986

Center, Lake Point Towers, McClure Court, Marina City, Rush Street. Sam Vinson and Rush Street. Lincoln Park... you know, Rush Street is where Faces is located, right? And 25 percent of my constituents are black and the bulk of those individuals reside in and around the Cabrini-Green Homes, and I had the great pleasure not long ago of taking Representative Tim Johnson on a tour of Cabrini-Green. He got out and talked with the kids and shook hand and he said he was going to come back to the General Assembly and share with his colleagues the fact that he was probably one of the only State Representatives outside of the Chicago area who had a chance to physically walk in Cabrini-Green. Tim, am I telling the truth, Sir? Okay, fine. We're sponsored by Coca Cola and McDonald's and it takes care of our overhead budget. We have 410 shows on the schedule for this year. During an average week during the summer we average 40 shows? Any wonder those youngsters have not gotten themselves into trouble with the law? They will say take off my arms, take off my legs, pluck out my eyes, but Mr. White, please don't put me off of the team. That says a lot for the program. I don't think anyone would have thought and I never would have thought that 27 years ago that a tumbling team would have been the kind of a program that would gain the kind of notoriety, the favor and understanding and appreciation that it has. We have 62 youngsters on the team, along with seven girls, 75 on the second and third strings, 3000 youngsters who have applied for the team and even though the youngsters we have on the team are black, the next time you see us, we will be fully integrated. We believe... We have always believed that we... that young people, whether they be pink, blue, green or yellow, should all... also be a part of the program, but because the team is located in the Cabrini-Green area, some

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

140th Legislative Day

July 1, 1986

of the parents have had some reluctance about getting their youngsters involved. Well, I have assured them that a person cannot be involved in anything that's negative and yet be a part of that program. I'd like to thank the Speaker and my colleagues for those kind words and I leave you by saying I'm overwhelmed and deeply appreciative of all that has been said today. Thank you."

Speaker Breslin: "Representative Johnson."

Johnson: "This is anti-climactic. I was going to talk before Jesse did, but, you know, I have been walking around the floor as they are doing this, just relating, as I have over the last couple of years, the experience that I had a couple of years ago with Jesse. But just to tell you... tell you briefly, I'm not... I'm not as good at some... at talking about someone that I respect so deeply. My words don't... sometimes fail me, but this is a little special deal. I guess it was what, Jesse, three years ago maybe? Three years ago, I told Jesse that I was going to be in the Chicago area. We are good friends down here and I said why don't we get together. So, I came up, I think, on a Friday night and met him. We... He took me on a little tour of part of his districts and some of the establishments in his district and then about midnight he said we're going to go to Cabrini-Green. Well, obviously, I'm from Champaign-Urbana and my immediate response was, 'You sure you want to do that? You sure you want to take me to Cabrini-Green?' He assured me that he did and that there wouldn't be any problem and I went along. And I'll tell you, right away, first thing we did is I met the one on one basketball champion... or he said he was, of Cabrini-Green and he wanted to play me for... a one on one game the next day and I guess I didn't get around to do it, but in the course of about a half an hour there, we got around and met

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

140th Legislative Day

July 1, 1986

a variety of people, people that had... and mostly kids that Jesse had touched their lives. And I got to tell you that in all the years that I have dealt with people and all the experiences that I have had dealing with the variety of people that make up this planet of ours that I have really never seen any more personal feeling or love or respect or most genuine, deepest feeling I have ever seen from a group of kids who otherwise, I think, probably wouldn't... wouldn't have had a chance. Now, these weren't the tumblers necessarily. Some were, I'm sure and some weren't, but the people in that area who life hasn't given the greatest breaks to to begin with, have certainly been gave... given a break because Jesse White is a part... Jesse White is a part of their life. And I think as a result of that, all of us, not only Cabrini-Green and Chicago, but all of us all over the State of Illinois benefit for a human being like Jesse in the lives that he touches. And I appreciate that experience and won't forget it. I'm coming back this year some time."

Speaker Breslin: "The question is, 'Shall that House adopt House Resolution 1555?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the Amendment... or the Resolution is adopted. Ladies and Gentlemen, back to business. Conference Committee Reports on page three on your Calendar. Senate Bill 1763, Representative Barnes. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1763, BFA making appropriations to the Capital Development Board. Conference Committee Report #1."

Speaker Breslin: "Representative Barnes."

Barnes: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Conference Committee Report #1, the Senate concurred in House Amendments 27, 29, 32, 33, 35, 40, 46



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

140th Legislative Day

July 1, 1986

and 62. The House receded from House Amendments 1 through 23, 25, 26, 28, 30, 31, 34, 36, 38, 39, 42, 43, 44, 45, 47, 48, 52, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66 and 67. There were reductions of the appropriation level. As the Bill passed the House, it was 315 million 287 thousand point nine. After the Conference Committee, with the reductions, it was 209 million 291 point seven. I would ask do adopt."

Speaker Breslin: "The Lady has moved for the adoption of the First Conference Committee Report to Senate Bill 1763, and on that question, is there any discussion? Hearing no discussion, the question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 1763?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. 71 votes are required for the adoption of this Resolution... of this Report. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 110 voting 'aye', 4 voting 'no' and on 1 voting 'present'. And the House does adopt the First Conference Committee Report to Senate Bill 1763, and this Bill, having received the required Three-Fifths Constitutional Majority, is hereby declared passed. Going to Supplemental #3, Ladies and Gentlemen, under Conference Committee Reports, appears House Bill 2839, Representative Olson. Clerk, read the Bill."

Clerk Leone: "House Bill 2839, amends an Act relating to the University of Illinois. Conference Committee Report #1."

Speaker Breslin: "Representative Olson."

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would move the adoption of the First Conference Committee Report on House Bill 2839. This has to do with the Bill that originated in the House with basically

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

140th Legislative Day

July 1, 1986

cleanup language relative to the description of the university and to the appointment and the ambiguity of an appointment and the election of the Board of Trustees. The Bill got to the Senate. Senate Amendment #1 was added relative to a quick take Amendment that was requested by the Board of Trustees relative to the acquisition of property in regard to the Beckwith bequest at the university. The... let's see, quick take has reference to a specified period only of eighteen months in the County of Champaign. It specifically addresses the issue of 13 properties, four of which have been acquired, two of which are in negotiation and seven of which are in the stage of having a difficult purpose. We'd like to assure everybody that the specific intent of this Senate Amendment is designed to encourage a prompt settlement of the differences that may have occurred and the university is prepared to abandon the statute immediately upon the completion of that effort. I would urge adoption of this Conference Committee Report."

Speaker Breslin: "Representative Olson has moved the adoption of the First Conference Committee Report to House Bill 2839, and on that question, the Gentleman from Cook, Representative Bowman."

Bowman: "Thank you, Madam Speaker. While I do not have a conflict of interest on this Bill in the legal sense of the word, I believe, with respect to any legislation that significantly enhances the powers of the University of Illinois, I should announce that my wife works for the university and I have... may have a potential conflict in that respect."

Speaker Breslin: "Hearing no further discussion... excuse me. The... Hearing no further discussion, the question is, 'Shall the House adopt the First Conference Committee

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

140th Legislative Day

July 1, 1986

Report to House Bill 2839?" All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish? The Gentleman from Vermilion, Representative Black, one minute to explain your vote."

Black: "Thank you, Madam Speaker. I would seldom rise in opposition to anything affecting the University of Illinois, a world class university just to the west of my district, but the quick take provision affects some constituents of mine. I share their concerns over the expansion of the area over and above what is necessary in the project area and I think a quick take provision in this case may not be in the best interests of my constituents and the businessmen and women in that area and for that reason and that reason alone, I must oppose this Bill."

Speaker Breslin: "Is there any further discussion? Hearing none, take the Roll Call, Mr. Clerk. On this question, there are 88 voting 'aye', 24 voting 'no' and 4 voting 'present' and the House does adopt the First Conference Committee Report to House Bill 2839, and this Bill, having received a Three-Fifths Majority vote, is hereby declared passed. Representative White, for what reason do you rise?"

White: "Madam Speaker and Ladies and Gentlemen of the House, I am a little surprised at the joke that was played on my distant cousin, Representative Black."

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

Johnson: "I don't know, you know, to whom I am addressing myself and I don't mean any disrespect, but we've just received - and I assume others have too - a position of a lobbying association in opposition to a Bill distributed around the House floor. I don't think that's in conformance with the House rules."

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

140th Legislative Day

July 1, 1986

Speaker Breslin: "It is not in conformance with the House rules."

Johnson: "It deals with a increase in hotel taxes and with all due respect, you know, if they can do it so can the other 200 lobbying groups in the state and I don't think it's appropriate."

Speaker Breslin: "I agree. The Chair would remind Members to abide by the rules of the House, and if not Members..."

Johnson: "I don't even know if a Member was involved."

Speaker Breslin: "Exactly. Lobbying groups. Representative Vinson, for what reason do you arise?"

Vinson: "Well, it appeared to me that the Gentleman passing out the literature was an employee of the House and I think that it might be appropriate for the Speaker to admonish the Democrat pages in that regard."

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

Johnson: "Well, I... just so there... I don't think it's any partisan thing at all. I don't think it emanating from either side and that's not my comment. My comment is not to be partisan on that issue. I just think it's in violation of the House rules. I don't know that it was a Democrat any more than a Republican. It's just a violation of the rules."

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

Matijevich: "Madam Speaker... Madam Speaker, under the Freedom of Information Act, I want to find out what Representative Black and Carol Fowler had to say to each other."

Speaker Breslin: "Representative Black, we'd all like to know."

Black: "The Gentleman that was called to Channel 3 did a remarkable interview, but I don't know where he went. I certainly had nothing to do with that."

Speaker Breslin: "Ladies and Gentlemen, on the Supplemental #3

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

140th Legislative Day

July 1, 1986

under Conference Committee Reports appears Senate Bill 2129. Representative O'Connell. Clerk, read the Bill."

Clerk Leone: "Senate Bill 2129, amends the Code of Criminal Procedure. Conference Committee Report #2."

Speaker Breslin: "Representative O'Connell. Excuse me. Representative Dunn, for what reason do you rise?"

Dunn: "A point of order, Madam Speaker. On my desk is a Second Conference Committee Report and a Second Corrected Conference Committee Report and I wonder which one we are..."

Speaker Breslin: "It is the Corrected Conference Committee Report."

Dunn: "And is... what Calendar is the Second Corrected Conference Committee Report on?"

Speaker Breslin: "It is the... I don't believe we need a second Calendar announcement for this. This is a Corrected Conference Committee Report..."

Dunn: "Well, that is my inquiry. Do we or don't we? I make a parliamentary inquiry that we need a... do we need... do we need to show a Second Corrected Conference Committee Report on the Calendar prior to hearing?"

Speaker Breslin: "Would the Parliamentarian come to the podium, please? Representative Dunn, the Parliamentarian tells me that the rules do not provide for a second posting on the Calendar for a corrected copy. In other words, a corrected copy means that there was a minor error of some sort in the first one, but this... it's a Second Conference Committee Report that will be moved for adoption and that does appear on your Calendar."

Dunn: "Well then, I would make a further inquiry. Don't we have to have the Conference Committee Report about which we are going to take action on our desk for a minimum time of one hour prior to consideration thereof and the Second

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

140th Legislative Day

July 1, 1986

Conference Committee Report hit my desk... Second Corrected Conference Committee Report hit my desk less than three or four minutes... less than five minutes ago."

Speaker Breslin: "The Parliamentarian tells me that you are correct if you wish to raise an objection to the change."

Dunn: "I do. I do."

Speaker Breslin: "You might consider asking Representative O'Connell what the... what the correction is so that had you studied the First Conference Committee Report, it might not be a significant change. However, we are presently waiting for the Corrected Conference Committee Report to be passed out on the Republican side of the aisle, so we will be waiting for that regardless, Representative Dunn. Meanwhile, Representative O'Connell, Representative O'Connell, you might come down and talk with Representative Dunn while we wait for the Reports to be distributed. Representative O'Connell, did you wish to move this Bill now?"

O'Connell: "Yes."

Speaker Breslin: "Are there any objections to the Gentleman moving for the adoption of the Corrected Second Conference Committee Report on Senate Bill 2129? Representative Vinson."

Vinson: "Yeah, I object."

Speaker Breslin: "Okay, we'll wait, Representative... Representative O'Connell."

O'Connell: "I would move, Madam Speaker, to suspend the appropriate rule to waive the one hour waiting time."

Speaker Breslin: "That requires 60 votes to do so and you are certainly within your rights to do so."

O'Connell: "I would so move then."

Speaker Breslin: "Okay, I would... I would tell you that we're not in a big rush. We'll all be here in an hour."

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

140th Legislative Day

July 1, 1986

O'Connell: "One never knows, Madam Speaker."

Speaker Breslin: "Okay. Representative O'Connell then moves to suspend the appropriate rule for the immediate consideration of Senate Bill 2129, and on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. And first, Madam Speaker, let me say that in the event that this should appear to get the requisite number of votes, I request a verification. Second, let me point out to Members on the floor that at this point, very few people have had the opportunity to thoroughly read this Second Corrected Conference Committee Report. I would suggest to you that there are a variety of material in this Report. It amends the Dental Practice Act. It puts a whole range of new things into criminal statutes and I suggest that Members ought to have the opportunity to read and consider those things before they vote on it. That's the purpose for the rule and I would urge a 'no' vote on the Gentleman's Motion."

Speaker Breslin: "Representative O'Connell, to close."

O'Connell: "Madam Speaker, let me address the previous speaker's comments. First of all, the reason there is a Second Corrected Report is that the Second Conference Committee eliminated all the jury exemptions except... or provided for jury exemptions except for the newspaper media. However, the final portion of the final page of that Second Conference Committee Report still contained the original repealer of all of the jury exemptions."

Speaker Breslin: "Excuse me, Representative O'Connell. Representative Dunn, for what reason do you rise?"

Dunn: "Point of order, Madam Speaker. We are on a Motion. We are not on the Conference Report or the underlying Bill and I think the Gentleman should confine his remarks to the

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

140th Legislative Day

July 1, 1986

Motion. You asked him to close. He can close on the Motion, but we are not here at this time to discuss the Conference Committee Report merits."

Speaker Breslin: "Representative O'Connell."

O'Connell: "Take it out of the record."

Speaker Breslin: "Out of the record. Representative Vinson, for what reason do you rise?"

Vinson: "Well, Madam Speaker, in the event that anybody has had a hard time reaching the real Speaker today, I could point out that he's now on the floor and might be able to deal with you..."

Speaker Breslin: "Representative..."

Vinson: "And then the second regard, I wonder why it is we are sitting here?"

Speaker Breslin: "Representative Vinson, Speaker Madigan has been on the floor more today than you have."

Vinson: "That still doesn't make it easy to get to him."

Speaker Breslin: "Ladies and Gentlemen, on the Order of Motions, under Supplemental #2. That's Supplemental 2, under the Order of Motions, appears Senate Bill 2123. Mr. Clerk, read the Motion."

Clerk O'Brien: "Motion, I move to take Senate Bill 2123 from the table, suspend Rule 37(g) Third Reading deadline until December 4, 1986, and place the Bill on the Order of Third Reading, Consideration Postponed. Representative Phelps."

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

Vinson: "Madam Speaker, Ladies and Gentlemen of the House, I wonder if the Sponsor might yield for a question?"

Speaker Breslin: "The Gentleman has not made the Motion yet."

Vinson: "Oh, I'm sorry."

Speaker Breslin: "The Clerk has just read the Motion. Representative Phelps, on the Motion."



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

140th Legislative Day

July 1, 1986

Phelps: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I move to take Senate Bill 2123 from the table, suspend Rule 37(g) and place on the Calendar on the Order of Third Reading, Postponed Consideration."

Speaker Breslin: "Representative Vinson has requested that you yield to a question. The Gentleman will yield."

Vinson: "Representative, as I read the Motion on the Calendar and I presume... are you, in fact, making the Motion as it is carried on the Supplemental #3?"

Phelps: "Yes."

Vinson: "I'm sorry. Supplemental #2."

Phelps: "2, yes, Sir."

Vinson: "Why is it that you wish to suspend the Third Reading deadline until December 4, 1986?"

Phelps: "Due to the deadline being yesterday, June 30th, this is requested by the Governor, that we move now."

Vinson: "Yeah, but I have never heard that the Governor wished us to deal with Senate Bill 2123 or any other vehicle on December 4th and I'm just curious why that deadline?"

Phelps: "Just in case we are not successful today, as a precautionary move and the Capital Development Board and what's at stake, I think you realize that this would only be a move to preserve that right for the fall."

Vinson: "Yes, I see. What is it that you proposed to put in this particular vehicle in the fall?"

Phelps: "We are looking at the authorizations that all of us are interested in and the Governor says he needs now. So, for the purpose of looking at an Amendment that will take care of that, I believe that you and I both understand what might be at stake if we make this move tonight."

Vinson: "You only intend to put bond authorizations on this?"

Phelps: "Yes."

Vinson: "And bond authorizations for whom?"

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

140th Legislative Day

July 1, 1986

Phelps: "For all of us."

Vinson: "Is it your intention to have a bond authorization for... so that municipalities, by a three-fifths vote, may issue general obligation bonds without referendum for water and waste water treatment facilities?"

Phelps: "Yes, that's part of it."

Vinson: "Is it your intention to add provisions relating to the Illinois Development Finance Authority that would permit an increase in the infra-bond authorization from \$90,000,000 to \$200,000,000, define local government securities to include obligations under lease or lease purchase agreements and clarify the term local government to include school districts, park districts and forest preserve districts and delete the requirement that a unit of local government adopt ordinances or resolutions that if assistance is needed for infra-structure improvement?"

Phelps: "That's correct."

Vinson: "Is it your intention to add a McCormick Place bond refinancing provision?"

Phelps: "Yes, it is. This will save the..."

Vinson: "And is it general CDB bond authorization?"

Phelps: "Yes, this will save the state money by doing so on the McCormick Place, Representative Vinson."

Vinson: "Do you have any intention to add anything else in?"

Phelps: "There's civic... civic center bonding authority, I think the GO bond authorizations."

Vinson: "Are the Amendments prepared?"

Phelps: "Yes, Amendment #1 is prepared to be acted on."

Vinson: "Could we see a copy of it then?"

Phelps: "It's being printed, ready for distribution."

Vinson: "Well, we'll take a xerox."

Phelps: "We'll get you one right away."

Vinson: "Would you hold this until we can look at a copy then

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

140th Legislative Day

July 1, 1986

briefly?"

Phelps: "Sure."

Vinson: "Thank you."

Speaker Breslin: "The Gentleman from Bureau, Representative Mautino, on the Motion."

Mautino: "Thank you very much, Madam Speaker. Representative Vinson, I believe that with this Motion, and if I read correctly, it's moving it to Consideration Postponed. By that time, those Amendments will be on the floor. You will have additional time to look at it as well. I would hope that we could move along with the authorization in order to... to address that Amendment that is coming down which will certainly benefit all the State of Illinois and has to be done before September 1st of '86 in order to have tax exempt bonds. I would hope that you would withdraw your objection, at least let this legislation out on the table."

Speaker Breslin: "Representative Phelps, would you like to take this Motion out of the record at this time and we will get back to you? I realize that you have planned to amend your Motion to accommodate many of the Republican side of the aisle. But since Representative Vinson has raised the objection, shall we take it out until the Amendment is ready for distribution?"

Phelps: "Yes, I'll take it out of the record, Ma'am."

Speaker Breslin: "Out of the record. ... Resolutions."

Clerk O'Brien: "House Resolution 1556, offered by Representative Wyvetter Younge, with respect to the memory of Edwin B. Jordan, Jr."

Speaker Breslin: "Representative Younge moves the adoption of the Death Resolution. All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Death Resolution is adopted. Introduction and First Reading."

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

140th Legislative Day

July 1, 1986

Clerk O'Brien: "House Bill 3659, Wyvetter Younge, a Bill for an Act to provide for and promote the improvement of maternal and child health services. First Reading of the Bill. House Bill 3660, offered by Representative White - et al, a Bill for an Act in relation to Acquired Immune Deficiency Syndrome. First Reading of the Bill."

Speaker Breslin: "Committee on Assignment. Committee on Rules, excuse me. Representative Younge, for what reason do you rise?"

Younge: "Yes, Madam Speaker, could we go to the Order of Motions and could we hear House Resolution 1526?"

Speaker Breslin: "I'll look into it, Representative. Representative Vinson, are you ready to proceed on Senate Bill 2123? You have a copy of the Amendment. Representative Vinson."

Vinson: "Not quite yet, Madam Speaker."

Speaker Breslin: "How soon?"

Vinson: "Soon."

Speaker Breslin: "Ladies and Gentlemen, I would remind the Members and others that this House is still in Session. And those not entitled to the floor should not be on the floor. Members have raised objections. So, those who are not entitled to the floor, should leave the floor. We allow Senators, however. Welcome. Mr. Doorman, remove all unauthorized persons, please. Representative Vinson, are we ready?"

Vinson: "We have one question in regard to bond counsel which is being... in the process of being inquired into, and we'll get back to you very shortly."

Speaker Breslin: "Okay. Representative Vinson, for what reason do you rise?"

Vinson: "We are prepared to deal with 2129 now."

Speaker Breslin: "Okay. On the Order of... on the Supplemental

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

140th Legislative Day

July 1, 1986

Calendar #2, under the Order of Motions, appears Senate Bill 2123... Yes."

Vinson: "I said 2129."

Speaker Breslin: "We were on the Order of 2123."

Vinson: "Yes, I'm just saying... I'm just saying that while we get that question answered that I referred to, one of your Members had a Bill earlier, 2129, we would be glad to go to. We've now completed our inquiries in that regard and we're prepared to deal with that Bill."

Speaker Breslin: "How soon will you be ready on 2123?"

Vinson: "I said very shortly, and probably by the time we've finished that Bill, we can get back to you and deal with that one."

Speaker Breslin: "Fine. Appears Supplemental #3, on Conference Committee Reports, appears Senate Bill 2129. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2129, a Bill for an Act to amend the Code of Criminal Procedure. Second Conference Committee Report."

Speaker Breslin: "Representative O'Connell."

O'Connell: "Thank you, Madam Speaker. The Second Corrected Conference Committee Report of Senate Bill 2129 contains basically the entire package that was passed out of this chambers a week ago with one major exception. The original Bill eliminated all the exemptions from jury duty. That particular proposal met with a good deal of debate in the Senate and, as a result, the Second Corrected Conference Report maintains the elimination of jury exemptions for all but persons actively employed upon editorial or mechanical staffs and departments of any newspaper of general circulation printed and published in this state. There was some discussion earlier as to why there is a Second Corrected Conference Report and that is simply because the

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

140th Legislative Day

July 1, 1986

Second Conference Report, while it contained the elimination of the jury duty exemptions with the exception of newspapers, it still contained paragraph, Section 13 which was the repeal of the Juror Act which had those exemptions. So, to make it technically correct, we needed a Second Conference Committee Report. The Bill, just to refresh your recollection, also contained a provision so that a minor who occasions a delay in the 120 day period for the adjudatory hearing, if he or she occasions the delay on their own, that that 120 day period will be tolled. It also provided, in major portion of the Bill, which provides for tampering with food, drugs or cosmetics. This particular Section was in as Senate Bill 1565. We simply incorporated that particular portion into this Bill. We also incorporated into this Bill a portion of the Senate Bill 1565 which permitted that the state's attorney for each county in which eavesdropping devices were used to submit a report once a year to the Administrative Office of the Courts as opposed to the current requirement of 30 days following the issuance of the report. The Bill also provides for a substitution of Judges, which was a controversial measure, and I'm certain it will continue to be a controversial measure. Presently, the defense has the right to a substitution of Judges on two occasions for the same case. This is simply giving the state at least one opportunity to substitute Judges on written motion stating that the Judge is prejudiced against the state. The Bill also provides for the state's right to a jury as restricted strictly to felony narcotics cases or cannabis control cases on a felony basis. We feel that there is a compelling state interest to limit the state's rights to a jury for narcotics cases because of the epidemic of organized crime's involvement in narcotics cases and the

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

140th Legislative Day

July 1, 1986

sensitivity of the issue is such that we believe that we should have the state's right to obtain a jury trial for this particular crime. We also, as was included in the original proposal, provided for rebuttable presumptions under the Narcotics Forfeiture Act so that the state would simply have to... would have to - strike that word 'simply' - would have to prove that the property or property interest that was acquired by a person who had violated the Narcotics Control Act, that the property that he acquired was acquired during the period of the violation and also that there was no likely source for such property or property interest other than violation of that Act and, once establishing that, those set of facts, that there would be then a rebuttable presumption that the property was acquired pursuant to the drug dealing charge which would be the basis of the case. We also provided...we gave a Judge additional discretion for an extended term sentence for any offender who is at least 17 years of age at the date of a criminal sexual assault upon a victim who is under the age of 18 at the time of the offense. Presently that age level is at age 12. There is a provision for jury commissioners that makes it a Class 2 Felony to solicit or attempt to bribe a... I'm sorry - a Class 3, a Class 3 Felony for attempting to bribe a jury commissioner to avoid jury duty. That is the major portion of the Second Conference Committee Report of Senate Bill 2129. I'd be happy to answer any questions."

Speaker Breslin: "The Gentleman has moved for the adoption of the First (sic - Second) Conference Committee Report to House Bill 2839 (sic - 2129). And on that question, the Gentleman from Will, Representative Davis."

Davis: "Well, for the record, Madam Speaker, my name does not appear on the Conference Committee Report because, during

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

140th Legislative Day

July 1, 1986

the recess, both fine staffs were trying to find me to do that and did not succeed. I believe that is also the case with Representative Ryder, who was going to make that statement as well, is that correct, Tom? I'm sorry. Oh, 2129, I'm sorry. I would have signed it. I've been working with Mr. O'Connell on this Bill all year long. If you want to go home with probably one of the finest prosecutorial and law and order Bills of the decade, this is the one that you can point to to the people back home to tell them you're continuing to get tough on crime. This Bill is supported by the State's Attorneys' Association, the Law Enforcement Commission, the... all the law enforcement agencies in the state, the Greylord Commission, the Cumberland Commission, and it goes on and on, the Chicago Tribune. It just seems to me that this is the proper vote. We've passed this twice before. We've got to the point now where it's the final hour and I would certainly urge your 'aye' vote. I know that it is controversial with some people, and I just believe that it's good public policy what we're doing. And if we're wrong, of course, we can always change it at some other time. Please vote 'aye' at the eleventh hour."

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

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

Speaker Breslin: "He indicates he will."

Dunn: "This Conference Committee Report incorporates a number of concepts that have been floating around here in various Bills. I wonder if there have been any prison impact notes filed with regard to any portion or all of the subject matter of this Conference Committee Report?"

O'Connell: "I'm sorry, Representative, I can't hear your question."

Dunn: "Have there been any prison impact notes filed with regard



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

140th Legislative Day

July 1, 1986

to this Conference Committee Report in total or separately with regard to any of the concepts embodied here."

O'Connell: "There was no... There were no prison impact statements because there were no Motions for any fiscal notes or prison impact statements."

Dunn: "Have there been any fiscal notes filed?"

O'Connell: "There was a fiscal note, but it was not timely filed. The Bill had already been on Third Reading."

Dunn: "And what about State Mandates Act? It this comply ... what is the position of this Conference Committee Report with regard to the Mandates Act?"

O'Connell: "The due process mandates are exempted from the State Mandates Act. So, therefore, it would not be applicable in this situation."

Dunn: "I really don't know at this late hour. Madam Chairman, is it appropriate that... is it possible at this time to request a prison impact statement or a financial... fiscal impact statement with regard to this Conference Committee Report?"

Speaker Breslin: "No, Sir. Your request is not timely."

Dunn: "Alright, alright. I have a couple of other questions of the Sponsor. Are you aware of any sitting Judges who oppose the substitution of Judges provision in this Conference Committee Report?"

O'Connell: "I'm not aware of any names. I am aware of some opposition, yes."

Dunn: "From whom does that opposition come?"

O'Connell: "As I indicated, I'm not aware of who they are, but I am told that there is some opposition from Judges."

Dunn: "Are the... is the Statewide Judges' Association in opposition to the substitution of Judges provision in this Conference Committee Report?"

O'Connell: "I'm told by staff that there is a Statewide Judges'

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

140th Legislative Day

July 1, 1986

Association opposed to the substitution of Judges."

Dunn: "And that is the... the main statewide organization of the sitting Judges in this state, is it not?"

O'Connell: "I don't know. I have no idea."

Dunn: "Madam Speaker and Ladies and Gentlemen of the House, to the Bill. The Bill probably has some good provisions, but there are some things that we ought to take a serious look at, not the least of which are the eavesdropping provisions. We liberalized the eavesdropping requirements for reporting about a year ago. It used to be that, for the protection of all of us, to prevent us from having people listen in on our conversations against our will, a safeguard was a requirement that a state's attorney who got an eavesdropping order had to file a report with the Illinois Supreme Court within 30 days, and not only that, had to file a lot of specifics about the eavesdropping order; when it was requested, when it was granted, the period for which it was granted, the crime alleged to be involved and then also what happened after the order was issued - was an arrest made, was there a conviction, so you could get some handle on whether a state's attorney was using an eavesdropping order too often without any prospects of it bearing fruit or not. We changed that law to say that reports shall be made every... every month but in a general notion to just say, as a result of our eavesdropping orders, we've had so many arrests, so many convictions and so you can't really tell, with respect to a specific order, what has been done. Now, this Report takes out the 30 day requirement and simply requires that reports be filed once per year. That may not be a significant sounding thing, but it does have... it does have a subtle impact upon all of us as something we ought to... we ought to look at very seriously. The Sponsor has, in response to

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

140th Legislative Day

July 1, 1986

questions, indicated that the Statewide Judges' Association has gone in writing in opposition to the substitution of Judges provision in this particular piece of legislation. These are the sitting Judges, upstate and downstate, in DuPage County and Cook County, and your county and my county, all over this state, the organization which they have formed to advance their viewpoint on various matters has considered it a significant enough situation to go on writing in opposition to the substitution of Judges provision. They feel that it is such a serious matter that they should come forward and register in opposition. I don't have that letter in front of me. I don't know the exact basis for their... for their registration of opposition, but I know it is a serious matter to them and we should take that into account when we vote on this legislation. The substitution of Judges and the granting of the right of jury trial to the state are two of the most important provisions in this legislation. Those of us who don't try criminal cases ought to stop and think for a minute what we're talking about here. We're going to grant the state's attorney the right to a jury trial - and what's that going to mean? That's going to mean not less jury trials, not fewer jury trials; it's going to mean back home in your county and my county, it will mean more jury trials. And the last free jury trial was held a hundreds of years ago. There's expense connected with every one of those jury trials. And we're going to have to pay for those jury trials. And what's going to happen is that a state's attorney is going to say to himself or herself, 'This is a case I really don't want to try. The evidence is not so hot. Perhaps I should negotiate a plea in fairness and from the standpoint of economics and cost. But I better not now; because, if something happens or if

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

140th Legislative Day

July 1, 1986

there's a bench trial, a trial before a Judge only, and the defendant gets off, if there's an acquittal, I'm liable to be criticized for failing to request a jury trial. So, I'm going to request jury trials right and left and every day and willy-nilly.' And that means that your constituents are going to be summoned into court on jury duty more and more frequently and the Judges are going to be complaining to you, the citizens are going to be complaining to you that they're taking off their jobs to come in on jury duty and, worst of all, when you combine that with the substitution of Judges provisions, particularly in downstate areas, we're going to find that with all the substituting of Judges going on, there are going to be cases moved from county to county. And when you think in your own county about the cost of moving one case over to the next county and requiring the arresting officer, the investigation officers, all the witnesses to come over to the next county at the expense... at your expense, to proceed with a trial and to have the state's attorney move to the next county to try a case and be jumping around from county to county, we're going to have lots and lots of unanticipated expense, not the least of which mentioned is the question of whether we ought to give the state the right to jury trial at all. Traditionally, in this country and in this state, it is the defendant who has the right to jury trial and the reason for that right is, we have believed from day one in this country and in this state and a defendant is innocent until proven guilty and we have put at the hands of the defendant certain rights and procedures, certain hoops which have to be jumped through before we can convict a defendant so we can say to ourselves that if someone is convicted of a crime, we have given that person every opportunity to prove their

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

140th Legislative Day

July 1, 1986

innocence. And the reason we do that is so those safeguards will be available for all of us if we need them, God forbid, I hope we don't. But they'll be there if we need them. What we're going to do now is take away safeguards. We're going to give the state the right to jury trial. We're going to give substitution of Judges willy-nilly and all across the board and you're going to find, when you go back home and if this becomes law and if it goes into effect, forget the constitutionality. I don't think this is constitutional either to select out one class of defendants and take away the right to jury trial from them or expose them to jury trial when they don't want a jury trial and not others. So, forget all that. Just think about the cost back home. You think about the requests they're going to come to you for more courtrooms, for more money for jury... for juries, for more money for state's attorneys, for more money for prosecutors, and somebody is going to say to you, 'Well, I thought we passed a State Mandates Act which says if you impose a burden upon a local county government that the state has to pay for it.' And I don't know what you're going to tell them, because your county board is going to come to you and they're going to say, 'We have all these jury expenses, we have all these witness fees, we have all these expenses for our law enforcement officers to take time off to go to another county where the case is being tried, and our prosecutors are screaming at us because there are not enough of them and they have to try jury trials all day every day, and we need more Judges' - you'll hear that you need more Judges. So, if you think this is a good Bill just think for a minute about the Judge in whom you have confidence back in your area and remember that his or her Association is on record in opposition to this Bill. I

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

140th Legislative Day

July 1, 1986

would urge the defeat of this Second Conference Committee Report. And we could come back in the fall and do what's right about the subject matter of this Report which ought to pass and become law and extract out and subtract out the provisions which are onerous, unconstitutional, unfair and, most importantly of all to many of us, too expensive. I urge the defeat of Second Conference Committee Report... Corrected Conference Committee Report to Senate Bill 2129."

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

McAuliffe: "Madam Speaker and Ladies and Gentlemen of the House, I would rise in support of this Bill. I know that State's Attorney Daley in Cook County is very much in support of the Bill and what we're talking about is allowing the state's attorney to have a second choice on a Judge in cases that only involve narcotics. I think that narcotics cases in Chicago and I imagine downstate too, they're increasing all the time. There is narcotics in all the schools in Chicago, whether they're parochial schools or whether they're public schools. It's a very, very big problem in Chicago and this is one of the ways where hopefully we can help fight this drug problem. Now, in the last couple of days in the paper we've seen that some big sports stars have died from cocaine addiction. But there's a lot of young children in Chicago and around the State of Illinois that are dying every year from overdoses of narcotics and that doesn't get in the paper. This is one way that the state's attorney can hopefully help crack down on drug dealers who are really the scum and the scourge of our society. I think this is a very important Bill. It's a way to effectively get back at the people who are ruining the lives of so many young children in Chicago and Illinois. There is a lot of children in Chicago that get

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

140th Legislative Day

July 1, 1986

hooked on narcotics when they're still in grade school. This is one way that we can fight back, and I think it's a very fair way and a very effective way to say that we have enough of this surveyance of dope to young children in schools and this is one way that we can get back at the people that are doing this, the very scum of the earth."

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

Young: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is a very large Bill that covers quite a few areas, and I am, in fact, in support of some of the areas that this Bill entails. But I couldn't be more opposed to two of the principles that I think will have a... as one of the Sponsors of the Bill said, just a odious, everlasting effect on the criminal justice system in this state. Without going into all the provisions of the Bill, if I could just concentrate on the one provision being a state's right to substitute Judges and this Bill would give the state the right to substitute Judges in all criminal cases. And I'd like to ask you, why do we really need this and who wants it? It is the defendant in a criminal case who is in jeopardy of losing his life or his liberty. It is the defendant who has a constitutional right to a fair trial. The state's attorney doesn't have a constitutional right to anything in a criminal case, nor does he need one. I mean, why would a state's attorney want to substitute a Judge? If he believes that a certain Judge is biased or dishonest, then I think it would be incumbant upon that state's attorney to make sure that that is made public and that charges are brought against that biased or dishonest Judge. If we pass this Bill, what it will do will be it will undermine the theory of a separation of powers in this state. It will give the state's attorney's office power of selection over the courts. In courts such as Cook County,

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

140th Legislative Day

July 1, 1986

the state's attorney will be able to choose, selectively, which Judges actually hear criminal cases. They will be able to choose who decides what goes on and the most important courtrooms in this state are criminal courts. The Supreme Court issued a decision a couple of weeks ago where they... a couple of months ago, rather, where they've recognized the fact that state's attorneys have misused the right of preemptory challenges with just jurors. The Supreme Court of this country has recognized the fact that state's attorneys have discriminatorily excluded blacks from juries. Now, if state's attorneys will exclude blacks from juries, don't you think they'll exclude black Judges? If we pass this Bill, black Judges won't hear criminal cases in this state. If we pass this Bill, women Judges won't hear criminal cases in this state. If we pass this Bill, anyone who gets a reputation for being too fair, just simply will not hear criminal cases in this state. This Bill would also remove a state's attorney's incentive to make those biased and dishonest Judges known to the public. Rather than bring proceedings against Judges who should, in fact, be brought to task, what they will do, they'll just substitute for them. And finally, I'd like to just ask you again, who really wants this Bill? The Judges in this state are 100 percent against this Bill. The bar associations in this state are against this Bill. The only person who really wants this Bill is the state's attorney, and the Cook County State's Attorney, he doesn't need it. He doesn't need any more help sending people to prison, as we should know from the fact of our prisons being so overcrowded and we have to continually find money every year for more and more prisons. So, what I'd ask you to do, Ladies and Gentlemen of the House, is to just balance the interests involved here. What is the potential good of



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

140th Legislative Day

July 1, 1986

this Bill in helping the state's attorney who really doesn't need any help against an obvious occasion for harm, against the obvious use for bias that this Bill will present? If we pass this Bill, all of the citizens in the state will live to regret it because it will undermine our court system. It will bring this Judicial Branch of this state under the control of the state's attorneys and it will be prejudicial to blacks, to women and to minorities. And I'd urge a 'no' vote."

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

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

Speaker Breslin: "He indicates he will."

Klemm: "Representative O'Connell, just a couple of questions. I see that we've taken out the exemption for men and women who've served in the Armed Services and have replaced it with a new paragraph on page 17 for the county boards or jury commissions to give exemptions, is that correct?"

O'Connell: "That's correct."

Klemm: "And I can understand that. And on page 18, however, I find under Chapter 78 paragraph 33, Section 10 where apparently if, in fact, a juror or prospective juror has been drawn and does then appear at the court, a Judge could excuse that person if they are serving in the military service. Is that correct? That would be on page 18."

O'Connell: "What line are you looking at?"

Klemm: "Page 18, lines 10 through 16. So, if one of the prospective jurors is in the military, appears before the Judge and explains a situation, he or she could be excused."

O'Connell: "That is correct."

Klemm: "Is that correct?"

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

140th Legislative Day

July 1, 1986

O'Connell: "That is correct. In addition to the military service..."

Klemm: "Well, besides, I understand that."

O'Connell: "... if there's physical health or family..."

Klemm: "I understand that. I'm just zeroing in on the military right now, since we had excused them exclusively before. Now, let me just take this a little step further. It says they're excused but they must serve within one year and it goes on throughout that Section, and including into page 19, that they must serve within one year. They are sent a notice, I think ten days before they're supposed to appear for service. But if they don't receive that notice, they're not excused from not serving. Now, my question to you is if I'm a constituent who joins the service for two or three years, is excused and is then forced by this Act to be within the jurisdiction I guess to come back within one year and serve as a juror, even though that person may be out of the country or still be maybe in military service. It seems as if we're not giving another exemption to that person because we're mandating they must serve. And how would somebody enlist for two or three years be exempt then from their second year or third year if they were called? And in this case, they must be called. I would just... I'm just trying to find an answer because I know we get calls in our district offices by those who sometimes are called for jury duty and we'd like to explain that to them. Before that, we exempted them. Until they got out of service, we didn't have that problem. But, now it seems like the first year in military service they'll be exempt, but they have to be called the second time within that one year. Do you follow what I'm saying?"

O'Connell: "Well, you can tell your constituent that it provides for judicial discretion - or strike that - discretion

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

140th Legislative Day

July 1, 1986

unless the jury..."

Klemm: "For the first time."

O'Connell: "Can I finish?"

Klemm: "Oh, surely."

O'Connell: "Discretion... if you look on line 17, 'that they shall have discretion to excuse him temporarily from service.'"

Klemm: "Exactly. And that temporary excused time period says, but they must serve within one year from that excused temporary exemption."

O'Connell: "One year from the time of excused. So, that..."

Klemm: "Exactly. And if they have a three year military obligation, they must come back from Germany and serve that one year... a year from that excused because I don't see the exemption further than that."

O'Connell: "No, no. The excuse, as long as he remains in the military, he would receive another excuse. So, if he is not in the military, then the one year is not extended."

Klemm: "Well, it doesn't say that and it just says, on lines 19 and 20, that they must appear at a subsequent date not later than one year from the time of such excuse and it goes onto say that they're not exempt from being there. And I just wanted it clear. I'm not arguing with it because you know far more about it. I just want to be sure that they would get that exemption. If that's your intent, fine, I wish you would maybe state that."

O'Connell: "To firm up, because you raised a good point, the... the excuse is based upon the military service. The... the waiver from the jury duty from that time is a discretionary act based upon the military service. As long as that individual is within the military service, then the excuse would continue. The one year... the one year period of which you refer to in lines 19 and 20 is tied in with

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

140th Legislative Day

July 1, 1986

the... the lack of being in the military service."

Klemm: "Well, I would agree with that except when I read line 24 it says, 'when any elector has been so temporarily excused, the fact of such excuse and the day at which is to be appear shall be certified' - it goes on, the juror, commissioner... 'the jury commissioner shall thereupon place that name of such elector upon the appropriate period jury list' and go on and on and it's only for a one year period. And I didn't find any other place that says that he could be excused a second time or given a two year or a three year if that's the length of time. That's all. I just wanted to clarify that. And I see that is lacking though in here."

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

Shaw: "Yes, Madam Speaker, will... Thank you, Madam Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Breslin: "He will yield for a question."

Shaw: "Yes, on... in Chapter 78... well, page 17, Chapter 78, paragraph four, Section 4, who are we excluding as jurors? Well, maybe the question should be, who are now eligible to serve as jurors?"

O'Connell: "Was the question, 'who is now exempted from jury duty?'"

Shaw: "Right."

O'Connell: "All persons actively employed upon the editorial or mechanical staffs and departments of any newspaper of general circulation printed and published in this state."

Shaw: "Okay. Well, to the Bill."

Speaker Breslin: "Proceed."

Shaw: "The Governor, he'll be... the Governor, Lieutenant Governor, Secretary of State, State Comptroller, Treasurer, members of the State Board of Education, the State

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

140th Legislative Day

July 1, 1986

Superintendent of Education, Attorney General, Members of the General Assembly, sheriffs and ministers and so forth, and even policemen. I would say to the Members of this Assembly that can you imagine the Governor of this state serving as a juror? I don't believe that... I believe that the Governor should be exempt. I believe that policemen should be exempt. And we talk about people that are opposed to this Bill. Well, I know I've received some calls from ministers in my district and I know that they are diametrically opposed to this Bill. And what the... (mic malfunction)."

Speaker Breslin: "Representative Shaw, bring your remarks to a close."

Shaw: "With the great shortage of policemen's in this state, I know that we could not afford to have policemen serving as jurors. This is a ludicrous idea of making these people serve on jurors and I think... I don't think that we are serving the public interest to allow this Bill to get out of here and I hope and urge you Ladies and Gentlemen's to defeat this Bill."

Speaker Breslin: "The Gentleman from Champaign, Representative Johnson."

Johnson: "To the Sponsor of the Bill, why is it that you only pick one category of offenses to have the jury trial demand applied to?"

O'Connell: "Well, Representative, we believe that there is a compelling need to single out the narcotics felony cases. I know there is... has been interest in this General Assembly to apply it across the board. I think that it is recognition that this is a major step. I think it's thoroughly within our jurisdiction as the Legislative Branch to see how this particular category of crime is handled in a jury case. So, I think there are two reasons;

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

140th Legislative Day

July 1, 1986

one, there is a compelling need and; two, I think it's within our jurisdiction to limit the application."

Johnson: "Well, the problem is, and I guess this addresses the general concept, is that narcotics cases are probably likelier than most cases to be ones where questions of search and seizure, if it gets beyond the suppressions stage of the litigation, as well as entrapment and the various other defenses that are often times interposed in narcotics cases, are ones that are in many cases only able to be understood by the court. The Fourth Amendment, the Fourteenth Amendment that are applicable in these cases are very complex area of the law, which really heightens and highlights what I said when we debated this before. There are sometimes, when our legal system, in all the presumptions indulged and presumptions of innocence in favor of the defendant just aren't able to be understood adequately by 12 people. That's not common. Doesn't happen all the time, but it does happen in some cases. And to remove that as an option and to allow a case to be decided on emotions and public sentiment rather than the facts and the law really removes an important step that makes our system of law unique. And for that reason and for the reasons that we've discussed before, I think that portion of the Bill is bad. Everybody can look through here and find various portions of this Act which really don't comport with our system of justice. I think there's some parts that are probably okay. But overall, I think it's a Bill that both law enforcement types as well as civil libertarians ought to oppose, and I'm going to vote 'no'."

Speaker Breslin: "The Gentleman from Lee, Representative Olson."

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Just a few brief remarks from a perspective inside

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

140th Legislative Day

July 1, 1986

the courtroom. I think the court system has plenty going for it relative to the prosecution's attempt with regard to the prosecution of a case. Many, many times I've had an opportunity to note that the investigatory service that a prosecutor has, the witnesses, the compilation of materials adds credence in the eyes of those people who are called to jury duty to what the state offers. Relative to the ability to demand a jury trial or a substitution of a Judge, rather, in a single, specific cause of action such as a drug case certainly might lend itself to a constitutional test. And specifically in the area of exemptions for jury duty, under any circumstances, the Chief Judge sitting in that court in that facility in a county such as we have would, on due cause, excuse a juror. And if indeed someone was put in the posture of... for a good cause, the Judge would remove without a preemption. Therefore, I would suggest, despite many fine aspects of this Bill, that we reject it in this form."

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

Ewing: "I would move the previous question."

Speaker Breslin: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the main question is put. Representative O'Connell, to close."

O'Connell: "Thank you, Madam Speaker. Just a couple remarks in response to some of the previous speakers. The first... one of the first speakers referred to the eavesdropping and his concern that we are in some way eliminating some of the information that's presently required. I think the speaker, with all due respect, is confusing this Bill with a Bill that was considered a year ago where it provided for

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

140th Legislative Day

July 1, 1986

a summary of the information. This, in no way, changes the amount of information or the detail of information that's required now. All it does is says instead of a Judge issuing the eavesdropping order, it would be the responsibility of the state's attorney and it would be done once a year as opposed to the Judge's requirement as 30 days after the issuance of the order. With regards to Judges. I have not receive one single letter from an individual Judge. I recognize that most associations, when certain jurisdictions are removed, certain amounts of discretion or activities are removed, there's going to be an organized opposition to it. I respect that opposition, and I'm not surprised by that opposition. But, to say that 100 percent of the Judges oppose a substitution of Judges is totally unrealistic and untrue. Unfortunatley, there are few Judges that are going to be biased. Whether we like it or not, it's going to happen. We have a right as a state to avoid that particular bias. One of the speakers said that the defendants are victims, the defendant's rights would be in jeopardy. I would submit, Ladies and Gentlemen, that we are now in a posture where we should be compelled to consider the victims' rights and the victims' rights are certainly in jeopardy with the growth and the incidious growth of crime. This is simply a measure to address that. It is one step. It is not a panacea. It is something that deserves our worthy vote to provide some kind of protection for the public and to consider the victim as one holding a constitutional right. I would also like to briefly address Representative Johnson's remarks with regards to search and seizure. The search and seizure motion is strictly a motion matter that is considered by the Judge whether it be a jury or a bench trial. And as to the eavesdropping, it is presently a defense where jurors



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

140th Legislative Day

July 1, 1986

are presently instructed as to the effects of eavesdropping. So, I'm not concerned with the ability of the jury to understand and to fully implement the law and understand the facts of a particular case. I am advised that the Senate has just passed this Bill, this Conference Report 57 to nothing. It is, as Representative Davis, who has championed the state's right to a jury for at least a decade - I would concur with him that this is the law and order Bill of the Session and that all of us can feel as if we acted responsibly and pass this good measure. I would request an affirmative vote on the Second Corrected Conference Committee Report on Senate Bill 2129."

Speaker Breslin: "The question is, 'Shall the House adopt the Second Corrected Conference Committee Report to Senate Bill 2129?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Johnson, for what reason do you rise?"

Johnson: "Well, just so Representative O'Connell doesn't think I'm dumb. I didn't say eavesdropping. I said entrapment and entrapment is a jury question and it's often times the only defense left for the jury to try in these cases. That's what I said. I didn't say eavesdropping."

Speaker Breslin: "Representative Mautino votes 'aye'. Representative Davis, for what reason do you rise?"

Davis: "Madam Speaker, as a Cosponsor, to explain my vote. There's been questions raised about the constitutionality of the jury trial waiver. The Supreme Court has held it to be constitutional in 32 other states, and the Federal Government itself has that provision. Every single Judge in the 12th Circuit District has lobbied me for the substitution of Judges. They prefer it. The defense now has two substitutions of Judges, not one, but two. This is not even balanced. It's just good law and order, and this

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

140th Legislative Day

July 1, 1986

is the Bill, a Bill. This is the whole nine yards, Ladies and Gentlemen. This is the one you've been waiting for on law and order."

Speaker Breslin: "Have all voted who wish? The Clerk will take the record. On this question there are 77 voting 'aye', 28 voting 'no' and 5 voting 'present', and the House does adopt the Corrected Second Conference Committee Report to Senate Bill 2129. And this Bill, having received the Constitutional Majority, is hereby declared passed. Supplemental 2, under the Order of Motions, appears Senate Bill 2123, Representative Phelps."

Phelps: "Thank you, Madam Speaker. I again would like to move to take Senate Bill 2123 from the table, suspend Rule 37(g) and place on the Calendar on the Order of Third Reading Consideration Postponed."

Speaker Breslin: "The Gentleman has moved to take Senate Bill 2123 from the table, suspending Rule 37(g), the Third Reading Deadline, until December 4th, 1986 and place it on the Order of Third Reading Consideration Postponed. And on that question, is there any discussion? Hearing none, the question is, 'Shall the House suspend Rule 37(g), take Senate Bill 2123 from the table and suspend the deadline until December 4th, 1986 and place it on the Order of Third Reading Consideration Postponed. All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. We need a Roll Call? All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question there are are 112 voting 'aye', none voting 'no' and none voting 'present', and the Motion carries. Representative Phelps is recognized on Senate Bill 2123. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2123, a Bill for an Act to amend

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

140th Legislative Day

July 1, 1986

Sections of the General Obligation Bond Act. Third Reading  
of the Bill."

Speaker Breslin: "Representative Phelps 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 #1, offered by Representative  
McPike."

Speaker Breslin: "Representative MCPike."

McPike: "Thank you, Madam Speaker, Ladies and Gentlemen of the  
House. I offer Amendment #1 to Senate Bill 2123. Briefly,  
amends the Illinois Municipal Code to allow municipalities  
under a mandate of compliance order issued by the U.S. EPA  
to issue bonds to finance the cost of waste water treatment  
facilities. Section 2 provides for an increased revenue  
bonding authority for ITVA. Section 3 and 5 is the  
legislative authorization for McCormick Place refinancing.  
Section 4 is the general increase... I'm sorry... Section  
4 increases the authorization level of the Civic Center  
Bond Act by 1.5 million dollars. Section 6 is the GEO bond  
authorization increase. Various categories - Higher Ed  
Corrections, Recreation, Mental Health, state buildings,  
Port District, Water Resources, flood production and  
libraries. And finally, a school construction increase of  
10,000,000 dollars bonding authority. I move for the  
adoption of the Amendment."

Speaker Breslin: "The Gentleman has moved for the adoption of  
Amendment #2 to Senate Bill... "

McPike: "1."

Speaker Breslin: "Amendment #1 to Senate Bill 2123. And on that  
question, the Gentleman from DeWitt, Representative  
Vinson."

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

140th Legislative Day

July 1, 1986

Vinson: "Thank you, Madam Speaker. Inquiry of the Chair."

Speaker Breslin: "State your inquiry."

Vinson: "Would the Chair be so kind as to have the Clerk read the LRB number on the Amendment."

Speaker Breslin: "Read the number, Sir. Mr. Clerk."

Clerk O'Brien: "RAS84Senate Bill12123MKA139PF."

Vinson: "Thank you, Madam Speaker."

Speaker Breslin: "Representative Mautino on the question."

Mautino: "Thank you, Madam Speaker. I stand in great support of Amendment #1 which provides for bond authorization in the six categories. Most importantly establishing what I think is probably the best program that could be provided to those cities that have been sited or are in need of EPA funding for water treatment, sewer treatment, extension of sewer and water lines. Because of the reduction from the 75 percentile level to the 55 percentile level by the Federal Government in grants is going to be a shortfall. Not all the funds can be... Not all the programs can be funded by Build Illinois or the EPA Program itself, and a provision in this Amendment provides for the funding on low interest long term loans which are necessary to do before September 1st of '86, because then there is a question of whether or not bonds of that nature will be tax exempt. It's an excellent program for downstate. It's probably, in my estimation, twice as big and twice as important as a Build Illinois program providing for two billion dollars for those cities in need, and I stand in total support of this excellent Amendment."

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

Davis: "Well, thank you, Madam Speaker. I, too, rise in support. I don't think the issue is too well known, of the Amendment. I don't think the issue was too well known by the General Assembly, and I've tried for six months to

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

140th Legislative Day

July 1, 1986

raise the consciousness of every Legislator state-wide because there are 218 municipalities around the state. There are four in my county that are under EPA Federal and EPA state sanctions that they will, must and shall, all those words apply, comply with an order to bring them back into standards with the Waste Water Treatment Act of 1972 of the Federal Government. Now, the Pollution Control Board has the... the ability right now to order a successful referendum of a village that refuses to comply. They are facing federal and Pollution Control Board sanctions insofar as the bonds are concerned, and if they willfully discomply, local community village officials can be imprisoned. They can be fined 10,000 dollars a day. And these are communities, Ladies and Gentlemen, that for the last 20 years or 18 years, have been given exemption because they were the lowest polluters because the Federal Clean Water Act and all the money that flowed throughout the United States to clean up streams and water went to the worst polluters first. They were always said, 'You're the best. We'll leave you alone.' And now the federal money's gone. It's gone, Ladies and Gentlemen. I think Representative Mautino brings us one of the most unique potential financing arrangements through IFDA bonds for local government that I have ever seen proposed anywhere. It's working apparently very well in Utah and the western states, and the proposal came from Denver, Colorado, as a matter of fact. Thirty-six of those communities came to this General Assembly and asked if we reached those sanctions, our referendum may not pass, and then we're all going to be put in jail. Is there a way that we can do that? And so, the language contained in there on page three that says the bonds to finance the cost of acquisition - and this was prior to this new scheme, so

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

140th Legislative Day

July 1, 1986

they may turn to that for the IFDA bonds - but they said in the event we're sanctioned and are all shut down and go to jail and have to resign and all those terrible things by September, would you give us an Extraordinary Majority so we can just go ahead and get the bonds and clean up our sewers and our waste water in our streams around us so we don't all go to jail and so we can get out of the terrible position that over 3,000,000 people in this state are affected by. And this General Assembly has responded with this provision and said, 'Yes, if you've got the guts to do that and you want to comply to keep your village from all going to jail or having to resign to avoid those sanctions, yes, here's the provision and you can do it.' I think this is a good Amendment. I support this Amendment. You all know how I feel about taxes without referendum, but there are exceptions, and sanctions like the kind that the Federal Government has made on 218 of the best communities in Illinois and all across this land, will kick in September 1st, and people will start resigning from office in your communities all across the state. I think it's a good Amendment and ought to be adopted."

Speaker Breslin: "The Lady from Cook, Representative Currie."

Currie: "It's my understanding that under the same provision that Representative Davis just spoke about, there is also Section 8 which permits bonds issued by any municipality under Sections 15 and 46 of the environmental protection act, but that Section is not hereby repealed. It's my understanding that under that provision, a requirement by the Pollution Control Board, that the same kinds of... of facilities be built, that that Section is not repealed by this Act. Is that right? That's a question of the Sponsor."

Mautino: "Correct."

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

140th Legislative Day

July 1, 1986

Currie: "Thank you."

Speaker Breslin: "The Lady from Kane, Representative Zwick."

Zwick: "Thank you, Madam Speaker. I'd like to ask the Sponsor a question, if I may."

Speaker Breslin: "Proceed."

Zwick: "Thank you. I also am in total support of the provisions of the Bill that we've been talking about for the waste water treatment in relation to the federal orders that we're under. However, I get a little nervous, I guess, at this time of night, about what else might be on this Bill. So, I would like to ask the Sponsor if there's anything in this Bill that could authorize increased bond indebtedness to the state for the purposes of building a stadium in the City of Chicago?"

Speaker Breslin: "Representative McPike."

McPike: "No."

Zwick: "Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall Amendment #1 to Senate Bill 2123 be adopted?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Are there any further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Breslin: "Third Reading. It's Third Reading, Postponed Consideration. We'll now go to that Order of Third Reading, Postponed Consideration, dealing with Senate Bill 2123. Read the Bill, Mr. Clerk."

Clerk O'Brien: "Senate Bill 2123, a Bill for an Act relating to bond authorizations. Third Reading of the Bill."

Speaker Breslin: "Ladies and Gentlemen, does the Gentleman have leave for immediate consideration of Senate Bill 2123? Hearing no objections, the Gentleman has leave. Proceed, Representative Phelps."

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

140th Legislative Day

July 1, 1986

Phelps: "Thank you, Madam Speaker. I merely ask for your support for this action."

Speaker Breslin: "The question is, 'Shall the House pass Senate Bill 2123?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Representative Wait, the Roll Call is not closed. Speaker Madigan to explain his vote."

Madigan: "Madam Speaker, in explaining my vote, I request that the statement of disclosure made on November 13, 1985, in relation to House Bill 568, which is now Public Act 84-1027, be adopted by reference relative to my vote on this particular Bill."

Speaker Breslin: "That will be done, Sir. Take the record, Mr. Clerk. On this question, there are 94 voting 'aye', 20 voting 'no' and none voting 'present'. Representative Curran changes his vote to 'no'. On this question, there are 94 voting 'aye', 21 voting 'no', and none voting 'present'. And Senate Bill 2123, having reached the Constitutional Majority, is hereby declared passed. Going to Supplemental #4 appears House Bill 1945, Representative Churchill. Clerk, read the Bill."

Clerk Leone: "House Bill 1945, a Bill for an Act in relationship to fees, licenses, examinations and related aspects of the regulation of certain professions. Conference Committee Report... Second Conference Committee Report."

Speaker Breslin: "Representative Churchill."

Churchill: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Earlier this evening, we passed the First Conference Committee Report on House Bill 1945 that went to the Senate, and there were some questions about the Article II of the portion of the Conference Committee Report relating to physical fitness services. The questions were not able to be answered at this time, and rather than hold



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

140th Legislative Day

July 1, 1986

up the rest of this legislation, we have produced the Second Conference Committee Report which deletes from the First Conference Committee Report all of that Section dealing with the physical fitness services Section. So basically, the Second Conference Committee Report is exactly in the same position as the first with the exception of Article II. I would ask for passage of this Conference Committee Report."

Speaker Breslin: "Representative Churchill moves for the adoption of the Second Conference Committee Report on House Bill 1945. And on that question, is there any discussion? Hearing none, the question is, 'Shall the House adopt the Second Conference Committee Report on House Bill 1945?' 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? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', 2 voting 'no', and none voting 'present', and the House does adopt the Second Conference Committee Report to House Bill 1945. And this Bill, having received a Three-Fifths Constitutional Majority, is hereby declared passed. Going to Supplemental #5 under Conference Committee Reports appears House Bill 2642, Representative Giglio. Clerk, read the Bill."

Clerk Leone: "House Bill 2642 amends the Illinois Municipal Code. Conference Committee Report #1."

Speaker Breslin: "Representative Giglio. Mr. Clerk, has this Report been printed and distributed? It has not been printed and distributed. House Bill 3266, Representative Keane. Clerk, read the Bill."

Clerk Leone: "House Bill 3266... "

Speaker Breslin: "Excuse me. Excuse me, Mr. Clerk. Take it out of the record. Senate Bill 1734, Representative Leverenz.

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

140th Legislative Day

July 1, 1986

Clerk, read the Bill."

Clerk Leone: "House Bill 1734 (sic - Senate Bill 1734), a Bill for an Act making reappropriations to the Court of Claims. Conference Committee Report #1."

Speaker Breslin: "Representative Leverenz."

Leverenz: "Thank you. Madam Speaker, before we do that, I would ask leave of the Body to straighten out a problem by amending it on its face. Representative Cullerton is asking to do that, and I found another couple of errors on one of the other pages in just the names of towns. It's too late. Okay, we'll do away with that. I would ask the House now to concur in Conference Committee Report #1 on 1734 which is the Build Illinois Program. I'd ask for your 'aye' vote."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report to Senate Bill 1734. And on that question, the Gentleman from Winnebago, Representative Hallock."

Hallock: "I rise in support of the Motion. Build Illinois, of course, not only provides immediate jobs with long-term economic benefits, and I would ask for your support."

Speaker Breslin: "Is there any further discussion? Hearing none, the question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 1734?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 111 voting 'aye', 4 voting 'no', and none voting 'present'. And the House does adopt the First Conference Committee Report to Senate Bill 1734. And this Bill, having received a Three-Fifths Majority, is hereby declared passed. Senate Bill 1917, Representative Giorgi. Clerk, read the Bill."

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

140th Legislative Day

July 1, 1986

Clerk Leone: "Senate Bill 1917, a Bill for an Act in relationship to the General... General Assembly. Conference Committee Report #1."

Speaker Breslin: "Representative Giorgi."

Giorgi: "Madam Speaker, Senate Bill 1917 provides for an increase of 8,000 dollars in our district office allotments. Everyone knows what we use this money for, and they know that the price of utilities, rent, lights, telephone, office duplicating equipment and so on has increased. And it passed the Senate with a 41 vote plurality. I urge the support of the Members of this House."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report to Senate Bill 1917. And on that question, is there any discussion? The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 1917?' 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? This Bill needs 71 votes for passage. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question... Who is seeking recognition? On this... On this question, there are 71 voting 'aye', 42 voting 'no', and 1 voting 'present'. Record Representative Sutker as 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Leverenz and Ladies and Gentlemen, we have very few things left to consider, so we ask your patience. We will get to them as soon as the clock can move and allow us to under the rules. Okay? So, it's just a few more items."

Leverenz: "Did you want to take a Roll Call now?"

Speaker Breslin: "No, not now. As soon as we get to the Bills, we will."

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

140th Legislative Day

July 1, 1986

Leverenz: "Not... Not now? Right after we pass all this stuff, we're going to pay everybody?"

Speaker Breslin: "As soon as we finish our business. We are working as diligently as we can."

Leverenz: "I want to acknowledge the outstanding job that you have done in the Chair, and I'm probably joined by everyone else here."

Speaker Breslin: "Thank you."

Leverenz: "Representative Greiman's done an outstanding job, too, Representative Braun..."

Speaker Breslin: "We all thank you, especially Representative Giglio, the real Speaker, when he's here. Supplemental Calendar announcement."

Clerk Leone: "Supplemental Calendar #6 is now being distributed."

Speaker Breslin: "Ladies and Gentlemen, on Supplemental #6 appears Conference... Conference Committee Reports. House Bill 3191, Representative Bowman. Clerk, read the Bill. It has been printed and distributed for over an hour."

Clerk Leone: "House Bill 3191, a Bill for an Act making appropriations to the Department of Mental Health and Developmental Disabilities. Conference Committee Report #1."

Speaker Breslin: "Representative Bowman."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 3191 as embodied in the First Conference Committee Report appropriates nearly 12,000,000 dollars, 5,000,000 of which is the general revenue money for miscellaneous projects. I will simply cite the largest ones and be happy to respond to questions. It adds 2,000,000 dollars to the Department of Corrections for the planning of Mt. Sterling Correctional Center and Canton Correctional Center, and it adds 2,086,000 for the Department of Revenue in relation to Las Vegas Nights. It

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

140th Legislative Day

July 1, 1986

adds 2,000,000 dollars to the Illinois State Lottery for Lottery advertising. It adds 2,000,000 dollars for the construction of schools to Mahomet Community Unit School District 3 and to the Gallatin Community School District. It adds 1,100,000 dollars for the operation of the Arts Council in order to restore some of the Senate cuts. Adds 500,000 dollars to the DuPage County Forest Preserve District for land acquisition in conjunction with flood control related improvements. All other items in the Bill are... I beg your pardon. There is one other that is over 500,000. It adds 619,000 to the Department of Insurance to take care of additional duties pursuant to Senate Bill 1200, the tort reform and insurance cost control Bill that we passed this week. All other items in the legislation are below 500,000 dollars. I'll be happy to respond to questions."

Speaker Breslin: "The Gentleman has moved that the House adopt the First Conference Committee Report to House Bill 3191. And on that question, the Gentleman from McLean, Representative Ropp."

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

Speaker Breslin: "He indicates he will."

Ropp: "Representative, a couple of days ago, we had some discussion about funds going for agriculture education who are attempting to do your very best to possibly come up with some monies. Was this a Bill that might have had some consideration?"

Bowman: "Well, Representative Ropp, the... I did my best, but it didn't fly. And also, this apparently is academic, since the Bill just went down in the Senate, so I'd like to take this out of the record. We might... needn't waste the time of the House on the Bill."

Speaker Breslin: "Out of the record. On Supplemental #5 appears

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

140th Legislative Day

July 1, 1986

House Bill 3266, Representative Keane. Clerk, read the Bill."

Clerk Leone: "House Bill 3266 amends an Act relating to state colleges and university systems. Conference Committee Report #1."

Speaker Breslin: "Representative Keane."

Keane: "Thank you, Madam Speaker. Conference Committee Report #1 of House Bill 3266 does a number of things. The basic Bill originally allowed the cooperative computer center which is to be used by public or private colleges or universities, governmental public or private not-for-profit agencies. The Committee also recommends that the Bill... Conference Committee include House Bill 1459 which authorizes the Board of Regents and the Board of Governors University Systems to acquire, construct, manage and control research and high tech parks. This language just gives Regents and Governors the same powers that the U of I and SIU have. The Committee also recommends the Bill be amended to include language that would authorize the General Assembly to make appropriations from the Illinois Health Care Cost Containment Council Special Studies Fund. The Special Studies Fund would be set up so that when the Illinois Health Care Cost Containment Council was asked to do a special study, they would charge whoever they did the study for to cover the cost of it. It would go into a special fund and be administered by the... or it would be... the monies would be appropriated by the General Assembly from that fund. We also authorized the Department of Transportation to make grants for para-transit services. This applies to downstate transit... downstate transit districts only. And finally, the Committee recommends... it increases the size of five boards and commissions as follows... it's the five boards and commissions that are

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

140th Legislative Day

July 1, 1966

affected are the Prisoner Review Board. It increases each of these boards by two members. It increases the membership on the Property Tax Appeal Board, on the Illinois Horseracing Act, the Department of Employment Security Board of Review and Illinois Court of Claims. The new positions would take effect January 1, 1967. I'd be happy to answer any questions and ask for a favorable Roll Call."

Speaker Breslin: "Representative Keane has moved that the House adopt the First Conference Committee Report to House Bill 3266. And on that question, the Gentleman from DeWitt, Representative Vinson."

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

Speaker Breslin: "He will."

Vinson: "Representative, I noticed that you had some... some language regarding studies by the... the Cost Containment Council. Are there any specific studies mandated?"

Keane: "Are there any being done at this time?"

Vinson: "Are there any specific studies mandated by this Conference Committee Report?"

Keane: "No. What happens is that someone would come to the... "

Vinson: "That's all I needed to know."

Keane: "Okay."

Vinson: "Now, you had some high tech research parts in there. Can you tell me which... which places those were for?"

Keane: "Yeah. On the high... the high tech boards are pages... at the bottom of page one through pages... "

Vinson: "Does that... Does it include the Board of Regents?"

Keane: "Yeah. It... It gives the Board of Regents and the Board of Governors the same power, the power to do the same thing that SIU and U of I has now."

Vinson: "Thank you. I support the... the Conference Committee

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

140th Legislative Day

July 1, 1986

Report, Madam Speaker. I think it's a good Conference Committee Report that will lead to appropriate innovations in the High Tech Research Park, particularly, and it will give the Cost Containment Council additional necessary funding authorization to do the kind of reports we need from that Body, and I would urge its adoption by the Membership."

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

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

Speaker Breslin: "He will."

Weaver: "Representative, this provision that allows the Board of Governors and Board of Regents Systems to do the same thing that SIU and U of I do, would it also allow the Chancellor or the Board of Governors to shift funds from one line item to another, between universities?"

Keane: "No. No, that is not part of the Conference Committee Report."

Weaver: "Okay, that... "

Keane: "Hold on. Let me... Let me just check. Yeah, I am correct in that. It does not... that was... that was mentioned as a possible part of this Conference Committee Report, but was not... was excluded from it. That is not in the Conference Committee Report."

Weaver: "So... So, what in the new Conference Committee Report do they have the ability to do?"

Keane: "It's just parks - industrial parks. It has nothing to do with shifting of funds."

Weaver: "Okay. Thank you."

Speaker Breslin: "There being no further discussion, the question is, 'Shall the House adopt the First Conference Committee Report to House Bill 3266?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is



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

140th Legislative Day

July 1, 1986

final action. Have all voted who wish? Representative Mulcahey wishes to vote 'no'. Change Representative Mulcahey. Mr. Clerk, take the record. On this question, there are 108 voting 'aye', 5 voting 'no', and 1 voting 'present'. Representative Johnson votes 'aye'. There are 109 voting 'aye', 5 voting 'no', and 1 voting 'present', and the House does adopt the First Conference Committee Report to House Bill 3266. And this Bill, having received the Three-Fifths Majority, is hereby declared passed. Supplemental #6, under the Order of Conference Committee Reports appears House Bill 3191. Clerk, read the Bill."

Clerk Leone: "House Bill 3191, a Bill for an Act making appropriations to the Department of Mental Health and Developmental Disabilities. Conference Committee Report #1."

Speaker Breslin: "Representative Bowman. Representative Bowman."

Bowman: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is House Bill 3191 again. I think the Senate may see the error of its ways, so I will proceed very briefly to recap... this is 11.9 million dollar appropriation to various agencies, 5.1 of which is general revenue, provides funding for planning for two new prisons, and provides funding to implement some new legislation we passed like Las Vegas Nights and the tort reform legislation and restores a little over a million dollars in cuts to the Arts Council and provides for some additional projects in DuPage County as well as Chicago and Mahomet. So, I believe we have a well-balanced Bill, here. I move for adoption of the First Conference Committee Report."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report on House Bill 3191. And on that question, the Gentleman from McLean, Representative Ropp."

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

140th Legislative Day

July 1, 1986

Ropp: "Yeah, thank you, Madam Speaker. To further ask one question relative to the possibility of this Bill being used at one time for funds for the education program that was involved in House Bill 3200, was... this was given some consideration. Is that correct?"

Keane: "Yes, Representative Ropp. There was some consideration given to it, but it didn't fly, and my understanding is that... well, part of the problem is that the education budget this year is particularly tight, and I think the feeling of the conferees was that the... to what... to the extent possible that we had money for education, we just needed to put it into other programs, and I'm sorry that it didn't fly, because I think we have a fine program."

Ropp: "Well, that was, then, partially in the rural revival program that several people on your side of the aisle heavily support it in an attempt to revive rural Illinois, it seemed like now, without any funding at least going for agriculture education, rural Illinois can at least be proud of the fact that we are going to build a few more prisons in our rural Illinois communities as well as to improve and fill up some of the potholes. I think that's a real positive effort forward in attempting to establish and to improve a rural community. Certainly it does an awful lot for the young people who are involved in agriculture and those who are coming on. In my opinion, it's really kind of a sham and a tragedy, and I hope we can do better next Session."

Bowman: "Well, I hope so, too, Representative Ropp. This is actually part of a new program called 'Incarcerate Illinois'."

Speaker Breslin: "There being no further discussion, the question is, 'Shall the House adopt the First Conference Committee Report to House Bill 3191?' All those in favor vote 'aye',

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

140th Legislative Day

July 1, 1986

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 88 voting 'aye', 24 voting 'no', and none voting 'present'. And the House does adopt the First Conference Committee Report on House Bill 3191, and this Bill, having received a Three-Fifths Majority, is hereby declared passed. On the Order of Concurrence on Supplemental #6 appears House Bill 3253, Representative Leverenz."

Clerk Leone: "House Bill 3253, amends an Act making appropriations to the Department of Commerce and Community Affairs and in certain other agencies, together with Senate Amendments #1 and 2."

Speaker Breslin: "Representative Leverenz."

Leverenz: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. On the concurrence on House Bill 3253, there will be the following items: These are Amendments. An additional 2,000,000 that was embodied in House Bill 3191 Conference Committee Report, 2,000,000 for corrections, and 2,086,900 for the Department of Revenue, 2,000,000 for the Department of... Illinois State Lottery, rather. And 619,850 for the Department of Insurance to implement new changes in the law. I move for concurrence in Senate Amendments #1 and 2."

Speaker Breslin: "The Gentleman has moved to concur in Senate Amendments #1 and 2 to House Bill 3253. And on that question, is there any discussion? Hearing none, the question is, 'Shall the House concur in Senate Amendment... Representative Ryder, do you wish to speak to this issue?'"

Ryder: "No, Madam Speaker. I wish to ask some questions, if I may."

Speaker Breslin: "Proceed."

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

140th Legislative Day

July 1, 1966

Ryder: "Thank you. Representative, I do not have before me the Conference Committee Report."

Leverenz: "That's okay. I'll help you."

Ryder: "That's the purpose of my questions. If you could... You indicated some funds for the Lottery?"

Leverenz: "Yes, that's correct. Two million dollars in advertising."

Ryder: "And are there any other miscellaneous, or is Lottery all of this?"

Leverenz: "Just two million dollars for the Illinois State Lottery for advertising. What was the rest of your question?"

Ryder: "The rest of my question is I... there are some other parts of it as well. Correct?"

Leverenz: "Yes, no question about it. The other things that I did mention before, two million dollars for the Department of Corrections, 2,086,900 for the Department of Revenue, and that implements the Las Vegas Nights, 619,850 dollars for the Department of Insurance to implement the changes in the law that we have effected... or implemented or passed."

Ryder: "And that's all."

Leverenz: "It is not a Conference Committee Report. We are simply concurring with Senate Amendments 31 and 2."

Ryder: "Thank you, Representative."

Leverenz: "I now move for Concurrence."

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

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

Speaker Breslin: "He will yield for a question."

Vinson: "What was in... What is... What, in this Bill, was not in 3191 that we just voted on?"

Leverenz: "Can you repeat your question again?"

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

140th Legislative Day

July 1, 1986

Vinson: "What in this Bill was not in 3191 that we just voted on?"

Leverenz: "You want to know what the change... you want to know what's deleted now? What is not picked up in this one?"

Vinson: "I want to know if there is anything... is there... if there is anything in this Bill that was not in 3191."

Leverenz: "No. There are four parts, here."

Vinson: "Well, Madam Speaker, to the... to the Gentleman's Motion. I rise in opposition to it. And I rise in opposition to it because we've reached the stage in the legislative process where we do not need duplicate Bills. At some point, in February and March and April and May, maybe the first week in June, maybe even up to the last week in June, it makes sense to have duplicate Bills around here. At this stage in the process, all duplicate Bills can do is give one chamber or another an advantage. Everything that is in this Bill, we just acted upon in another Bill, 3191. I would suggest that that Bill is sufficient action, that we do not need to act on this Bill, and that we ought to send this down to a resounding defeat, and I would urge 'no' votes and would request a verification should it appear to get the requisite number of votes."

Leverenz: "Right. Okay."

Speaker Breslin: "Representative Leverenz to close."

Leverenz: "Well, thank you, Madam Speaker. I'd like to alert the Membership. Maybe what Mr. Vinson says is correct. These are four very important things, and I would ask for your 'aye' vote to concur."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 3253. All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. This is final passage. Have all voted who wish?"

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

140th Legislative Day

July 1, 1986

Have all voted who wish? Have all voted who wish?  
Representative Leverenz, one minute to explain your vote."

Leverenz: "Sure, take the record."

Speaker Breslin: "Take the record, Mr. Clerk. On this question,  
there are 43 voting 'aye', 67 voting 'no', and 1 voting  
'present', and the Motion to concur fails. Calendar  
announcement."

Clerk Leone: "Supplemental Calendar #7 is now being distributed."

Speaker Breslin: "Supplemental Calendar #7 on the Order of  
Nonconcurrency appears Senate Bill 1728, Representative  
Deuchler. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1728 amends an Act relating to the  
Illinois Mathematics and Science Academy and its employees.  
The Senate has nonconcurred with House Amendment #2."

Speaker Breslin: "Representative Deuchler."

Deuchler: "I refuse to recede and ask for a Conference Committee  
to be appointed."

Speaker Breslin: "Representative Deuchler wishes to refuse to  
recede from House Amendment #2 to Senate Bill 1728. And on  
that question, is there any discussion? Representative  
Deuchler, do you persist in your Motion? Representative  
Deuchler."

Deuchler: "I move to recede from House Amendment #2."

Speaker Breslin: "The Lady moves now to recede from House  
Amendment #2 to Senate Bill 1728. And on that question,  
the Lady from Champaign, Representative Satterthwaite."

Satterthwaite: "Would the Lady remind us of the content of that  
Amendment?"

Speaker Breslin: "Representative Deuchler."

Deuchler: "You'll have to forgive me. It's the 11th hour, here,  
and we're trying to find our file."

Speaker Breslin: "Just pull out the book, Representative Klemm."

Deuchler: "Amendment 1 was some technical cleanup language that

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

140th Legislative Day

July 1, 1986

would enable the Math Science Academy to... have some real estate transactions in the district."

Speaker Breslin: "You're referring to Amendment #2, aren't you?"

Deuchler: "Amendment #1. That was what that did."

Speaker Breslin: "Now, Amendment... "

Deuchler: "Amendment #2 had some application to the School Code."

Satterthwaite: "Will the Lady yield to some additional questions?"

Speaker Breslin: "She will."

Satterthwaite: "Was it Amendment #2 that dealt with the issue of the teachers who would be employed at the academy?"

Deuchler: "Yes."

Speaker Breslin: "The answer is 'yes', Representative."

Satterthwaite: "The answer is 'yes'?"

Deuchler: "Yes."

Satterthwaite: "And isn't this an Amendment that was agreed to in Committee in the House?"

Deuchler: "It was certainly discussed very... in a very lengthy fashion. I think there were several points brought up on that."

Satterthwaite: "I... Am I to understand, then, that in the Conference Committee, we may seek to restore language relative to the teaching staff as well as perhaps incorporate some other needed information?"

Deuchler: "Let's take this out of the record."

Speaker Breslin: "Out of the record. Representative Steczo is recognized... recognized for a Motion on House Bill 3053. Representative Steczo."

Steczko: "Thank you, Madam Speaker. I would now move that the House do not adopt the First Conference Committee Report on House Bill 3058. This Conference Report was heard earlier today. There was a question about the stipends for county recorders. It's our intention to go to a Second Conference

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

140th Legislative Day

July 1, 1986

Committee and remove that language, and I would renew my Motion, Madam Speaker."

Speaker Breslin: "Since we did not adopt the Gentleman's Motion to adopt the Corrected First Conference Committee Report, he now asks that a Second Conference Committee be appointed. And on that request, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Yes, in support of the Gentleman's Amendment, we ought to get this stipend out, and I would urge support for it."

Speaker Breslin: "The question is, 'Shall... The question is, 'Shall a Second Conference Committee be appointed?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and a Second Conference Committee will be appointed. The House would remind the Membership that unauthorized people are not allowed on the House floor. Unauthorized people are not allowed on the House floor. We have said it time and time and time again. Doorman... Doorman? It's all taken care of. Don't worry about it. This is a meeting of the Education Committee right here on the House floor. Talk about an open meeting. Representative Vinson."

Vinson: "The officials do a better job of controlling things at the Blackhawks game than you're doing here."

Speaker Breslin: "How can you say that about your own Members? The Gentleman from Cook, Representative Cullerton. For what reason do you rise?"

Cullerton: "Yes, Madam Speaker, if we look at Rule 63, Access to the House Area under the General Subchapter of Decorum?"

Speaker Breslin: "Yes, Sir."

Cullerton: "We find 63(a) 8(b). I'm sure you're familiar with this Section. This says that only the Speaker may grant other persons the privilege of access to the House floor or to the Speaker's gallery or Speaker's corridor. So, I



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

140th Legislative Day

July 1, 1986

would suggest if you are unauthorized and you want to stay on the House floor, get in line and go up and ask Representative Breslin if it's okay for you to be... remain on the House floor."

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

Leverenz: "I... just an inquiry of the Chair. I wanted to find out if we're going to rumble or a gerbil got loose."

Speaker Breslin: "Is Representative McPike in the chamber? On Supplemental #7 under the Order of Nonconcurrency appears Senate Bill 1728. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1728 amends an Act relating to the Illinois Mathematics and Science Academy and its employees. The Senate has Nonconcurrred with House Amendment #2."

Speaker Breslin: "Representative Deuchler."

Deuchler: "Madam... Madam Speaker, I refuse to recede from Senate Amendment 1 and 2 to Senate Bill 1728 and ask that a Conference Committee be appointed."

Speaker Breslin: "You were right the first time. The Lady moves to refuse to recede from House Amendment #2 to Senate Bill 1728 and requests a Conference Committee. Yes. That is what the Lady has moved. And on that question, the Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, Representative Deuchler, on Senate... House Amendment #2 to this Bill, there's some language that was adopted in Committee that has to deal with certification. Is it your intention in Conference to try to retain that language?"

Deuchler: "I would certainly think so. I understand the agreement was reached in Committee."

Hannig: "Thank you."

Speaker Breslin: "The question is, \*Shall the House refuse to recede from House Amendment #2 to Senate Bill 1728 and

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

140th Legislative Day

July 1, 1986

appoint a Conference Committee? All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it, and the House refuses to recede from House Amendment #2, and a Conference Committee will be appointed for Senate Bill 1728. Ladies and Gentlemen, on Supplemental #6 on the Order of Concurrence appears House Bill 3396. Clerk, read the Bill."

Clerk Leone: "House Bill 3396, a Bill for an Act in relationship to Build Illinois Program, together with Senate Amendments #1, 2, 3, 4, 5 and 6."

Speaker Breslin: "Representative McPike."

McPike: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendments 1, 2, 3, 4, 5 and 6 to House Bill 3396. The most important aspects of the Bill is that it contains the general obligation bonds the Governor has asked for, including 10,000,000 dollars in school construction bonds, and the various categories that I read off earlier dealing with Higher Ed Corrections, Recreation, etc."

Speaker Breslin: "Representative McPike has moved that the House concur in Senate Amendments 1 through 6 to House Bill 3396. And on that question, the Gentleman from DuPage, Representative Daniels."

Daniels: "Yes, Madam Speaker, we have reviewed this Bill, and we would support it."

Speaker Breslin: "The question is, 'Shall the House concur in Senate Amendments #1 through 6 to House Bill 3396?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Have all voted who wish? The Clerk will take the record. On this question, there are 90... there are 100 voting 'aye', 12 voting 'no', and none voting 'present. Representative Mulcahey votes 'aye'. There are therefore 101 voting 'aye', 12 voting 'no', and none voting

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

140th Legislative Day

July 1, 1986

"present", and the House does adopt... does concur in Senate Amendments 1, 2, 3, 4, 5 and 6 to House Bill 3396. And this Bill, having received a Three-Fifths Majority, is hereby declared passed. Supplemental Calendar Announcement."

Clerk Leone: "Supplemental #8 to the House Calendar is now being distributed. Representative Leverenz, for what reason do you rise?"

Leverenz: "Another inquiry of the Chair. I wondered if there was a maximum number of Supplemental Calendars."

Speaker Breslin: "The rules do not provide for such. We can go on... "

Leverenz: "Could we make a temporary rule change?"

Speaker Breslin: "No. Not now."

Leverenz: "Not now. Okay."

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

Daniels: "Madam Speaker, to announce an invitation from the Honorable James Thompson to complete your work and come over to the Mansion to bid good-bye to Springfield as soon as all of you will give us the bills that you have in the back room, there, so we can act on them. As soon as you're done with that, we've been... You know, we've been waiting all Session for this day, for you to get things together so we can get out of here. We've done our best to cooperate now, and to show your our spirits of cooperation, we want to invite everybody over to the Mansion after Session to enjoy a cup of coffee and a doughnut in celebration of the end of Session, so please complete your work."

Speaker Breslin: "Thank you, Representative Daniels. We appreciate that invitation. Representative Leverenz, for what reason do you rise?"

Leverenz: "Well, we just set a new record. I see on the board,

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

140th Legislative Day

July 1, 1986

we're on Supplemental Calendar #99."

Speaker Breslin: "The board has gone berserk."

Leverenz: "You sure you don't want to do that temporary rule change?"

Speaker Breslin: "Ladies and Gentlemen, on Supplemental #5 under Conference Committee Reports appears House Bill 2642, Representative Giglio. Clerk, read the Bill."

Clerk Leone: "House Bill 2642 amends the Illinois Municipal Code. Conference Committee Report #1."

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

Vinson: "I wonder, Madam Speaker, if the Clerk would be kind enough to read the LRB number."

Speaker Breslin: "Mr. Clerk, the LRB number is requested."

Clerk Leone: "LRB 8408705RLKSCCR."

Vinson: "Thank you, Madam Speaker."

Speaker Breslin: "Representative Giglio. Representative Giglio. Go to the one next to you."

Giglio: "Can you hear me? Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 2642 is a Bill to allow the municipalities with a population of less than a million from increasing their vending machine license fee without a notice of public hearings to the people that have the vending machines. There were two additions put on this Bill. One was an Amendment by the Senate which was some cleanup language in the election law which allows the municipality to go from a... to a manager and the manager back to the... or back to the commissioner form of government. What it does, it prohibits... it allows... it says that the municipality doesn't have to have two referendums. They can do it in one referendum, rather than having put two referendums on the ballot. The other part of the Bill is the provision about cable vision. In 1983,

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

140th Legislative Day

July 1, 1986

this Legislature passed legislation pertaining to cable vision. However, in early June, Judge O'Brien found two aspects of that legislation to be constitutional deficient. So, this... the other part of the bill corrects that, and one is the Section F which describes and enumerates public benefits and the general availability of franchise community antenna television service to all residents, and the other part of the Act corrects some additional language in the Subsection (e) that requires a company, upon notice by owner, to post a 500 dollar bond. It's legislation to protect the homeowner, and I believe this will correct it. There was some concern about the real estate people that were not too happy and were not favorable towards this cable TV legislation. However, at this time, they are. If there's any question, I would be happy to try to answer."

Speaker Breslin: "Representative Giglio has moved that the House adopt the First Conference Committee Report to House Bill 2642. And on that question, the Gentleman from DeWitt, Representative Vinson."

Vinson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Would the Sponsor yield for a question?"

Speaker Breslin: "He will."

Vinson: "Representative, in regard to the Municipal Code provision dealing with forms of government, it's my understanding that that affects the Village of Streator. Is that correct?"

Giglio: "That's correct."

Vinson: "Thank you. Madam Speaker, Ladies and Gentlemen of the Assembly, I rise in support of the Gentleman's Motion in regard to House Bill 2642. The preeminent provisions of the legislation deal with providing meaningful access for cable television companies to large buildings. That is a necessary.. pardon me... that is a necessary provision in

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

140th Legislative Day

July 1, 1966

the law because of a court decision striking down an earlier effort by the General Assembly to do so. It's my understanding that... that there are no parties in controversy on that element of the Conference Committee Report. And I would urge its adoption."

Speaker Breslin: "The Gentleman from Cook, Representative Leverenz, on the Motion."

Leverenz: "Question of the Sponsor."

Speaker Breslin: "Proceed."

Leverenz: "Is there anything left from the original underlying Bill? Was the original Bill the notice on an increase in fees? Is there... Is that in the Amendment at all? Or the Conference Committee Report. I'm sorry."

Giglio: "Yes."

Leverenz: "What page? I'm up to 19 and I haven't seen it yet."

Giglio: "Excuse me, Representative. It's not in the contents of the Conference Committee Report. We passed the Bill, and it's a... was just a 10 line Bill... 10 line Bill, very short Bill. And that's all it said that that before a municipality could raise the vending machine tax, they had to notify the people so that could have a public hearing?"

Leverenz: "That's... That's still embodied here."

Giglio: "No, it... It's embodied in the legislation, but it's not in the Conference Committee Report."

Leverenz: "Fine, okay. Then it's on the front page. Thanks very much. I support it."

Speaker Breslin: "The Gentleman from Macon, Representative Tate."

Tate: "Would the Gentleman yield?"

Speaker Breslin: "He will."

Tate: "Representative, on... on page three, lines... lines 19... 19 through 29, explain the provisions of the law currently on the right of eminent domain."

Giglio: "The... The provision here says that the right of eminent

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

140th Legislative Day

July 1, 1986

domain gives the municipality the right to take eight feet of the property to put in the necessary facilities for the cable."

Tate: "Okay, so in this Bill, the change in this Bill is that this would allow... a municipality could use its powers of eminent domain to take residential areas as well as condominium... condominiums or... or commercial property? Is that correct? Municipalities could do that?"

Giglio: "No. No, that's current law."

Tate: "I don't understand the change. Then... Then what restrictions are you putting on the right of eminent domain in the change in this paragraph?"

Speaker Breslin: "Are you finished, Representative Tate."

Tate: "No, I... "

Speaker Breslin: "Have you asked a question?"

Tate: "Yeah... I got a bad throat. Can you hear me, Frank?"

Giglio: "Well, it's... not too well, and I don't understand the gist of the question, Representative Tate."

Tate: "Well, I really don't... "

Giglio: "They have eminent domain. The municipality has has eminent domain now to take eight feet in order to install the necessary equipment. They are not going to take any more private property from the owner of a private residence or a condominium or apartment residence to do anything else. That's already current law."

Tate: "Okay. Alright. On page seven, in... in the new language from page 29 through... I mean line 29 to 18 on page eight, can you just give me a brief explanation of... of what you're doing with the bonding... the 500 dollars, et cetera?"

Giglio: "What... What the... What the intent... "

Leverenz: "Just give me an explanation."

Giglio: "What the intent of that is that the cable TV people the

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

140th Legislative Day

July 1, 1986

franchises people, have to put up a 500 dollar bond, and if something happens, the homeowner can take some of that bond money in case the cable people don't do a good job and foul up."

Tate: "Thank you."

Giglio: "It really secures the rights of the homeowner in lawyers' language."

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

Curran: "Madam Speaker, a question of the Sponsor."

Speaker Breslin: "Proceed."

Curran: "Frank, you know that there, at one time when this Bill made its path, there was an Amendment pertaining to the City of Springfield. You mentioned an Amendment regarding... or a portion of this Conference Report regarding referenda for some form of city government?"

Giglio: "Streator. They wanted... They wanted..."

Curran: "This only then pertains to Streator. This in no way affects a possible referenda for the City of Springfield."

Giglio: "No, it's... I don't know what's going on in the City of Springfield, but this particular Amendment applies only to what the people in the Village of Streator wants to do."

Curran: "Thank you. No further..."

Giglio: "What they're trying to do, in essence, is save two referendums; one to abolish, one to accept, and they can do it with one instead of two."

Curran: "Thank you."

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

Piel: "Thank you, Madam Speaker. Would the Gentleman do us a favor? We've had some problems here we're trying to clear up on this Bill. Would you take it out of the record for a little bit, Frank, please?"

Giglio: "Take it out of the record, Madam Speaker."



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

140th Legislative Day

July 1, 1986

Clerk O'Brien: "Supplemental Calendar #2 is being distributed."

Speaker Giglio: "The Gentleman from St. Clair, Representative Stephens."

Stephens: "A.M. or P.M.?"

Speaker Giglio: "In just a few minutes, Representative. Can I have your attention? There's a card that Joe Lucco has that some of you have to sign or he requested you to sign. Would you kindly see Mr. Lucco in the Speaker's Conference Room."

Speaker Breslin: "Ladies and Gentlemen, the House will come to order. Unauthorized persons should leave the floor. Mr. Clerk, would you clear... rather doorkeeper, would you clear the floor of all unauthorized persons? Ladies and Gentlemen, the first Order of Business appears on Supplemental #2, under the Order of Nonconcurrency. Senate Bill 2117, Representative Matijevich. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 2117, a Bill for an Act to amend an Act in relation to environment protection. The House... the Senate refused to concur in House Amendment #20 and 28."

Speaker Breslin: "Representative Matijevich."

Matijevich: "Madam Speaker and Ladies and Gentlemen of the House, I move to refuse to recede from House Amendments 20 and 28 to Senate Bill 2117 and ask for the appointment of a Conference Committee."

Speaker Breslin: "Representative Matijevich has moved that the House refuse to recede from House Amendments 20 and 28 to Senate Bill 2117. And on that question, is there any discussion? Hearing none, the question is, 'Shall the House refuse to recede from House Amendment 20 and 28 to Senate Bill 2117?' All those in favor say 'aye', all those opposed say 'no'. In the opinion of the Chair, the 'ayes'

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

140th Legislative Day

July 1, 1986

have it, and the House refuses to recede from House Amendments 20 and 28 to Senate Bill 2117 and a Conference Committee will be appointed. The next Order of Business is Conference Committee Reports. The first Bill on that Order of Call is House Bill 913. Representative Ryder or McCracken. Representative Ryder. Clerk, read the Bill."

Clerk O'Brien: "House Bill 913, a Bill for an Act to amend the Criminal Code. First Conference Committee Report."

Speaker Breslin: "Representative Ryder."

Ryder: "Thank you, Madam Speaker. The Conference Committee Report has deleted most of the Amendments that were passed in the Senate and now simply calls for an extended consideration or extended term in the event that the crimes... or the actions committed or the crimes committed result in multiple death. I would urge the approval of this Report."

Speaker Breslin: "The Gentleman has moved for the adoption of the First Conference Committee Report to House Bill 913. And on that question, is there any discussion? Hearing none, the question is, 'Shall the First Conference Committee Report to House Bill 913 be adopted'? 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 Gentleman from Will, Representative Regan, one minute to explain your vote."

Regan: "I have a malfunction, Madam. I'd like to vote 'yes', and I can't seem to accomplish the deed."

Speaker Breslin: "You're recorded as 'yes' up here, Representative."

Regan: "That's very good. Can I check the record to make sure that's official because obviously there's maybe a little fuse blown in my light down here?"

Speaker Breslin: "Mr. Clerk, he was recorded as 'aye' when he

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

140th Legislative Day

July 1, 1986

underlying Bill nor to the portion of the Conference Committee Report that applies to Streator. However, because it could be considered applicable to Springfield, I'll simply vote 'present', and I will not oppose you in any way."

Speaker Breslin: "The question is, 'Shall the House adopt the First... Representative Piel? The question is, 'Shall the House adopt the First Conference Committee Report on House Bill 2642. 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 87 voting 'aye', 14 voting 'no', and 10 voting 'present', and the House does adopt the First Conference Committee Report on House Bill 2642. And this Bill, having received the Constitutional Majority... Three-Fifths Majority, is hereby declared passed. On Supplemental #9, Ladies and Gentleman, under Conference... Conference Committee Reports appears House Bill 3058, Representative Steczo. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 3058, a Bill for an Act to amend an Act to revise the law in relation to recorders. Third... First... Second Conference Committee Report."

Speaker Breslin: "Representative Steczo."

Steczko: "Thank you, Madam Speaker, Members of the House. I move for the adoption of the Second Conference Committee Report on House Bill 3058. This... The First Conference Committee Report was heard earlier today, and was not adopted because of the stipend that was included for county treasurers in counties from 16,000 to 200,000. This Conference Committee Report deletes that provision, so right now, it just provides for the one dollar increase in the Cook County Recorder's fee which sunsets in 1990. It provides

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

140th Legislative Day

July 1, 1986

administrative changes in the 'Torrens' Act and provides a noncontroversial Section sponsored formerly by Representative Levin and Parke, and House Bill 562 that deals with condominiums. And I would move for the adoption, Madam Speaker."

Speaker Breslin: "Representative Steczo moves for the adoption of the Second Conference Committee Report on House Bill 3052. And on that question, the Gentleman from Lee, Representative Olson."

Olson: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Representative Steczo, I think you referred to a stipend for the treasurers. For the record, I think you might like to record that as for the recorders."

Steczko: "Thank you, Representative Olson. I stand corrected. It is for the recorders. Was for the recorders."

Speaker Breslin: "The question is... The question is, 'Shall the House adopt the Second Conference Committee Report to House Bill 3058?' All those in favor... excuse me. Representative Levin? No. The question is, 'Shall the House adopt the Second Conference Committee Report?' All those in favor vote 'aye', all those opposed vote 'no'. Voting is open. Representative Levin, one minute to explain your vote."

Levin: "Yes, Madam Speaker, Ladies and Gentlemen of the House. I would just like to... the record to reflect the fact that I had earlier filed the letter with respect to this Bill indicating a ... relationship with a law firm that represents condominium associations and would ask that these remarks be journalized."

Speaker Breslin: "They will be journalized. Have all voted who wish? The Clerk will take the record. On this question, there are 93 voting 'aye', 13 voting 'no', and 3 voting 'present', and the House does adopt the Second Conference

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

140th Legislative Day

July 1, 1986

Committee Report on House Bill 3058. And this Bill, having received a Three-Fifths Majority Vote, is hereby declared passed."

Speaker Madigan: "Ladies and Gentlemen, the Senate has adjourned. We are prepared to adjourn. Before we do that, let me compliment all of you for the fine service that you have given to the House of Representatives and to the Legislature during the last few months and throughout this term. Let me compliment Representative Daniels for the fine spirit of cooperation that he has always offered to the Office of the Speaker. Mr. Daniels and I have had our share of differences. We have had our share of agreements, but he is a very fine Leader of a very fine group of people. And I am very fortunate to be the Leader of a very fine group of people on this side of the aisle. And so, for my part, I wish to thank all of you, wish you a very happy, enjoyable summer, and so some of you, a very happy, enjoyable campaign, an electoral victory in November. Mr. Daniels."

Daniels: "Well, I... You were looking on that side of the aisle when you said that. Could you look back here and... I want to echo many of your comments and thank you for how you finally came around to a reasonable nature at the end of Session, Mr. Speaker. But I want to, too, thank very much my Members and echo your comments that it is indeed an honor and a privilege to serve such outstanding Members and thank each and every one of them on our side of the aisle and of course, on your side of the aisle, too, for the cooperation extended and wish everyone a very happy and healthy summer. Looking forward to seeing you again in November. And of course, if everybody could win, then we'd all be happy. Unfortunately, some of you on the other side of the aisle won't be back. Couldn't resist it. In all

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

140th Legislative Day

July 1, 1986

sincerity, good luck to all of you. Thank you."

Speaker Madigan: "Thank you. Let me remind you that... Let me remind all of you that the Governor has scheduled a reception at the Mansion immediately after adjournment. We will do two more things. Number one, we will take a Roll Call for Attendance for today, and then we will adopt the Adjournment Resolution. So, first, Roll Call for Attendance. Mr. Clerk, take the record. Please record yourself. Mr. Piel, are there any excused absences?"

Piel: "Yes, Mr. Speaker. Would the record show that Representative McCracken, and I would also add if we could all keep that family in our prayers."

Speaker Madigan: "Yes. Let the record reflect the absence of... the excused absence of Mr. McCracken. Mr. Clerk, take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. We will adjourn to a Perfunctory Session on November the 6th and to a Regular Session on November the 18th. And for the purpose of the Adjournment Resolution, the Chair recognizes the Majority Leader, Mr. McPike."

McPike: "Thank you, Mr. Speaker. I move for the adoption of Senate Joint Resolution #181."

Speaker Madigan: "Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. Mr. McPike for the Motion."

McPike: "Thank you, Mr. Speaker. I now move that the House stand adjourned until Thursday, November 6th, at the hour of 12:00 noon."

Speaker Madigan: "You've all heard the Motion that we stand adjourned until November 6th for a Perfunctory Session and then November 18th for a Regular Session. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The House now stands adjourned. Thank you very much."

\*03/07/87  
11:58

STATE OF ILLINOIS  
84TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
DAILY TRANSCRIPTION OF DEBATE INDEX

PAGE 1

JULY 01, 1986

HB-0913	CONFERENCE	PAGE	133
HB-1945	CONFERENCE	PAGE	134
HB-1945	CONFERENCE	PAGE	206
HB-2486	CONCURRENCE	PAGE	126
HB-2642	CONFERENCE	PAGE	226
HB-2642	CONFERENCE	PAGE	234
HB-2642	OUT OF RECORD	PAGE	236
HB-2839	CONFERENCE	PAGE	167
HB-2986	CONFERENCE	PAGE	72
HB-3058	CONFERENCE	PAGE	87
HB-3058	CONFERENCE	PAGE	235
HB-3058	MOTION	PAGE	221
HB-3191	CONFERENCE	PAGE	210
HB-3191	CONFERENCE	PAGE	215
HB-3191	OUT OF RECORD	PAGE	211
HB-3253	CONCURRENCE	PAGE	217
HB-3266	CONFERENCE	PAGE	212
HB-3396	CONCURRENCE	PAGE	224
HB-3503	CONCURRENCE	PAGE	100
HB-3525	CONFERENCE	PAGE	2
HB-3548	CONCURRENCE	PAGE	47
HB-3657	MOTION	PAGE	100
HB-3659	FIRST READING	PAGE	177
HB-3660	FIRST READING	PAGE	178
SB-1517	CONFERENCE	PAGE	145
SB-1611	NON-CONCURRENCE	PAGE	70
SB-1624	NON-CONCURRENCE	PAGE	61
SB-1728	NON-CONCURRENCE	PAGE	220
SB-1728	NON-CONCURRENCE	PAGE	223
SB-1728	OUT OF RECORD	PAGE	221
SB-1734	NON-CONCURRENCE	PAGE	108
SB-1734	CONFERENCE	PAGE	207
SB-1763	CONFERENCE	PAGE	166
SB-1809	CONFERENCE	PAGE	4
SB-1841	CONFERENCE	PAGE	124
SB-1917	NON-CONCURRENCE	PAGE	59
SB-1917	CONFERENCE	PAGE	208
SB-1957	CONFERENCE	PAGE	20
SB-2003	CONFERENCE	PAGE	26
SB-2018	CONFERENCE	PAGE	128
SB-2076	CONFERENCE	PAGE	109
SB-2108	CONFERENCE	PAGE	38
SB-2117	NON-CONCURRENCE	PAGE	132
SB-2117	CONFERENCE	PAGE	232
SB-2123	RECALLED	PAGE	201
SB-2123	THIRD READING	PAGE	200
SB-2123	THIRD READING	PAGE	205
SB-2123	MOTION	PAGE	174
SB-2123	MOTION	PAGE	200
SB-2123	OUT OF RECORD	PAGE	177
SB-2129	CONFERENCE	PAGE	171
SB-2129	CONFERENCE	PAGE	179
SB-2129	OUT OF RECORD	PAGE	174
SB-2157	THIRD READING	PAGE	138
SB-2157	MOTION	PAGE	137
SB-2165	CONFERENCE	PAGE	111
SB-2173	CONFERENCE	PAGE	45
HR-1504	MOTION	PAGE	101
HR-1555	RESOLUTION OFFERED	PAGE	151
HR-1556	RESOLUTION OFFERED	PAGE	177
SJR-0061	RESOLUTION OFFERED	PAGE	62
SJR-0069	RESOLUTION OFFERED	PAGE	74
SJR-0150	RESOLUTION OFFERED	PAGE	75
SJR-0159	MOTION	PAGE	79
SJR-0159	RESOLUTION OFFERED	PAGE	81

03/04/87  
11:58

STATE OF ILLINOIS  
84TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
DAILY TRANSCRIPTION OF DEBATE INDEX

PAGE 2

JULY 01, 1986

SJR-0179 RESOLUTION OFFERED	PAGE	98
SJR-0180 RESOLUTION OFFERED	PAGE	96
SJR-0181 MOTION	PAGE	238
SJR-0181 RESOLUTION OFFERED	PAGE	238

SUBJECT MATTER

HOUSE TO ORDER - REPRESENTATIVE GIGLIO	PAGE	1
PRAYER - FATHER VANN	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
AGREED RESOLUTIONS	PAGE	1
DEATH RESOLUTIONS	PAGE	2
REPRESENTATIVE BRESLIN IN CHAIR	PAGE	2
REPRESENTATIVE GREIMAN IN CHAIR	PAGE	56
REPRESENTATIVE GIGLIO IN CHAIR	PAGE	108
RECESS	PAGE	131
HOUSE RECONVENES - REPRESENTATIVE GREIMAN IN CHAIR	PAGE	132
REPRESENTATIVE BRESLIN IN CHAIR	PAGE	132
ROLL CALL FOR ATTENDANCE	PAGE	238
ADJOURNMENT	PAGE	238
REPRESENTATIVE GREIMAN IN CHAIR	PAGE	132
SPEAKER MADIGAN IN CHAIR	PAGE	237