

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

104th Legislative Day

May 13, 1988

Speaker McPike: "House will come to order. Will be Gary McCants, House Democratic Staff, pastor of Bethel African Methodist Episcopal Church in Kewanee."

Reverend Gary McCants: "May we Pray. Oh Lord as we come in Thy Son's name, we give You the glory, the honor, and the praise. As we come, oh God, to consider the items on the agenda let us, oh God, deny ourselves and do those things that are good and are honest and of good report. Lead us, oh God, not in a path of destruction but in a path of righteousness. Take us to higher heights and to deeper depths. Be with each person that comes in this House that they may have a conciliatory attitude, that they may be willing to compromise and to consider those who are less fortunate. Come before us, oh God, today. Give us strength and peace and we'll give You all the glory, all the honor and all the praise: In Thy Son's name we pray. Amen."

Speaker McPike: "Led in the Pledge of Allegiance by Representative Frank Giglio."

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

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

Matijevich: "Mr. Speaker, I want to rise... I'm not sure if it's a point of personal privilege, but Gary McCants gave our prayer today. I'm sure he's going to give one more before he leaves, but I think the Membership ought to know he has been with our staff for a long time and the first week in June he is going to leave us permanently to take over his own church in the Peoria area, and I for one want to wish

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him the best of success. Gary has been just a terrific staff person and God bless you Gary, you've just been decent, wonderful and great."

Speaker McPike: "Representative Matijeich."

Matijeich: "Yes, Mr. Speaker on this side of the aisle Ray Christensen and Lee Preston are excused due to illness."

Speaker McPike: "Representative Piel."

Piel: "All present today, Mr. Speaker."

Speaker McPike: "Take the record. 115 Members answering the Roll Call a quorum is present. Senate Bills, First Reading."

Clerk O'Brien: "Senate Bill 1633, Stern, a Bill for an Act to revise the Law in relation to recorders. First Reading of the Bill. Senate Bill 1814, Richmond, a Bill for an Act to amend the Illinois Farm Development Act. First Reading of the Bill. Senate Bill 1955, Ryder, a Bill for an Act to amend the Illinois Insurance Code. First Reading of the Bill. Senate Bill 2001, Panayotovich, a Bill for an Act to amend the Capitol Development Board Act. First Reading of the Bill. Senate Bill 2007, Richmond and Rea, a Bill for an Act creating the Illinois Veterans Home in Anna. First Reading of the Bill. Senate Bill 2153, Parke, a Bill for an Act to amend the Barbers, Cosmetology and Esthetics Act. First Reading of the Bill."

Speaker McPike: "Page 32 of the calendar. Consent Calendar, Third Reading. Second Day. We're going to read the Bills and hold them on Third Reading. Read the Bills, Mr. Clerk."

Clerk O'Brien: "House Bill 2909, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill. House Bill 2960, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill. House Bill 3142, a Bill for an Act to amend the Revenue Act. Third Reading of the Bill. House Bill 3195, a Bill for an Act to amend the Senior

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Citizens Real Estate Tax Deferral Act. Third Reading of the Bill. House Bill 3346, a Bill for an Act to amend the Senior Citizens and Disabled Persons Property Tax Relief Act. Third Reading of the Bill. House Bill 3418, a Bill for an Act to amend the Civil Administrative Code. Third Reading of the Bill. House Bill 3470, a Bill for an Act to amend the Charitable Games Act. Third Reading of the Bill. House Bill 3492, a Bill for an Act to amend the Senior Citizens and Disabled Persons Property Tax Relief Act. Third Reading of the Bill. House Bill 3512, a Bill for an Act to amend the Illinois Income Tax Act. Third Reading of the Bill. House Bill 3836, a Bill for an Act to amend the Probate Act. Third Reading of the Bill. House Bill 4197, a Bill for an Act relating to emergency telephone communications. Third Reading of the Bill."

Speaker McPike: "Supplemental Calendar #1, Consent Calendar, we're going to read all of these Bills and hold them on Third Reading. Mr. Clerk read the Bills."

Clerk O'Brien: "House Bill 711, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 737, a Bill for an Act in relation to AIDS. Third Reading of the Bill. House Bill 910, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 1651, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill. Check that was 1652. House Bill 2347, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill. House Bill 2423, a Bill for an Act in relation to condominiums. Third Reading of the Bill. House Bill 2456, a Bill for an Act to amend the Illinois Housing Development Act. Third Reading of the Bill. House Bill 2504, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 2558, a Bill for an Act to amend the Illinois Private

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Activity Bond Allocation Act. Third Reading of the Bill. House Bill 2688, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 2906, a Bill for an Act concerning land titles. Third Reading of the Bill. House Bill 2913, a Bill for an Act in relations to increases in property tax levies. Third Reading of the Bill. House Bill 2918, a Bill for an Act concerning Income Tax Refunds. Third Reading of the Bill. House Bill 2921, a Bill for an Act to amend the Civil Administrative Code. Third Reading of the Bill. House Bill 2941, a Bill for an Act to amend the Illinois Horse Racing Act. Third Reading of the Bill. House Bill 2957, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. House Bill 2958, a Bill for an Act to amend the Crime Victims Compensation Act. Third Reading of the Bill. House Bill 2959, a Bill for an Act to amend the Violent Crime Victims Assistance Act. Third Reading of the Bill. House Bill 2986, a Bill for an Act to amend the Baccalaureate Savings Act. Third Reading of the Bill. House Bill 3014, a Bill for an Act to amend the Emergency Medical Services Act. Third Reading of the Bill. House Bill 3052, a Bill for an Act in relation to Fire Protection districts. Third Reading of the Bill. House Bill 3057, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of the Bill. House Bill 3060, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill. House Bill 3063, a Bill for an Act to amend the River Conservancy District Act. Third Reading of the Bill. House Bill 3107, a Bill for an Act requiring Immunization screening in pre-secondary education institutions. Third Reading of the Bill. House Bill 3110, a Bill for an Act to amend an Act in relation to prisoners in jails. Third Reading of the Bill. House Bill 3113, a Bill for an Act to amend the

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Illinois Marriage and Dissolution of Marriage Act. Third Reading of the Bill. House Bill 3118... House Bill 3118, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill. House Bill 3127, a Bill for an Act to amend the Environmental Protection Act. Third Reading. Check that, that was House Bill 3124, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. House Bill 3125, a Bill for an Act authorizing counties to regulate garbage disposal areas. Third Reading of the Bill. House Bill 3131, a Bill for an Act to amend the Illinois Grant Funds Recovery Act. Third Reading of the Bill. House Bill 3135, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill. House Bill 3145, a Bill for an Act to amend certain Acts in relation to abortion, adoption of rules by State Agencies. Third Reading of the Bill. House Bill 3197, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of the Bill. House Bill 3216, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 3221, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill. House Bill 3249, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 3255, a Bill for an Act to amend the Telecommunication Excise Act. Third Reading of the Bill. House Bill 3261, a Bill for an Act in relation to sanitary districts. Third Reading of the Bill. House Bill 3262, a Bill for an Act in relation to special assessments. Third Reading of the Bill. House Bill 3268, a Bill for an Act to amend the Illinois Horse Racing Act. Third Reading of the Bill. House Bill 3278, a Bill for an Act to amend the Franchise Disclosure Act. Third Reading of the Bill. House Bill 3301, a Bill for an Act in regard to the quality of grain in Illinois. Third Reading of the Bill. House

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Bill 3303, a Bill for an Act to amend certain Acts concerning facilities regulated by the Illinois Department of Public Health. Third Reading of the Bill. House Bill 3321, a Bill for an Act to amend the Public Community College Act. Third Reading of the Bill. House Bill 3335, a Bill for an Act to amend the Criminal Code. Third Reading of the Bill. House Bill 3337, a Bill for an Act to amend an Act in relation to the adoption of persons. Third Reading of the Bill. House Bill 3345, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill. House Bill 3353, a Bill for an Act to regulate the taking of aboriginal records and antiquities within the State of Illinois. Third Reading of the Bill. House Bill 3372, a Bill for an Act to create the Municipal Recycling Pilot Project Act. Third Reading of the Bill. House Bill 3401, a Bill for an Act to amend an Act codifying the powers and duties of the Department of Mental Health. Third Reading of the Bill. House Bill 3405, a Bill for an Act to amend an Act relating to telephone companies. Third Reading of the Bill. House Bill 3424, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. House Bill 3425, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the Bill. House Bill 3431, a Bill for an Act to amend an Act in relation to personal radiation monitoring. Third Reading of the Bill. House Bill 3466, a Bill for an Act to amend the Child Passenger Protection Act. Third Reading of the Bill. House Bill 3469, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of the Bill. House Bill 3477, a Bill for an Act to amend the Barber, Cosmetology and Esthetics Act. Third Reading of the Bill. House Bill 3472, a Bill for an Act to amend the Civil Administrative Code. Third Reading of the Bill. Check

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that was House Bill 3482, a Bill for an Act to amend the Civil Administrative Code. Third Reading of the Bill. House Bill 3490, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of the Bill. House Bill 3495, a Bill for an Act to amend an Act concerning the Department of State Police. Third Reading of the Bill. House Bill 3499, a Bill for an Act to amend the School Code. Third Reading of the Bill. House Bill 3510, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Third Reading of the Bill. House Bill 3513, a Bill for an Act in relation to Criminal Law and sentencing. Third Reading of the Bill. House Bill 3527, a Bill for an Act concerning conveyances. Third Reading of the Bill. House Bill 3545, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill. House Bill 3546, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill. House Bill 3547, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill. House Bill 3552, a Bill for an Act in relation to rehabilitation of disabled persons. Third Reading of the Bill. House Bill 3553, a Bill for an Act to amend an Act in relation to rehabilitation of disabled persons. Third Reading of the Bill. House Bill 3562, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill. House Bill 3563, a Bill for an Act to amend the Smoke Detectors Act. Third Reading of the Bill. House Bill 3564, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill. House Bill 3565, a Bill for an Act to amend the Public Utilities Act. Third Reading of the Bill. House Bill 3567, a Bill for an Act to amend the Civil Administrative Code of Illinois. Third Reading of the Bill. House Bill 3572, a Bill for an Act to amend the Illinois Public Aid Code.

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Third Reading of the Bill. House Bill 3573, a Bill for an Act to amend an Act relating to fire protection. Third Reading of the Bill. House Bill 3586, a Bill for an Act to amend an Act in relation to community antenna television cable companies. Third Reading of the Bill. House Bill 3589, a Bill for an Act to amend the Voluntary Health Services Plan Act. Third Reading of the Bill. House Bill 3590, a Bill for an Act to amend the Illinois Insurance Act. Third Reading of the Bill. House Bill 3592, a Bill for an Act to amend the Juvenile Court Act. Third Reading of the Bill. House Bill 3593, a Bill for an Act to amend the Code of Criminal Procedure. Third Reading of the Bill. House Bill 3606, a Bill for an Act to amend the Unified Code of Corrections. Third Reading of the Bill. House Bill 3626, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of the Bill."

Speaker McPike: "It is the intent of the Chair to take those Bills on Supplemental Calendar #1, the Consent Calendar that have been read a third time. Those Bills that need Amendments will now be called, so that they can be brought back to Second Reading. Page 6 of the Supplemental #1, House Bill 3589, Representative Parcels."

Parcels: "Thank you, Mr. Speaker. This Bill."

Speaker McPike: "Excuse me. The Lady ask leave to return the Bill to Second Reading for purposes of an Amendment. Is leave granted? Leave is granted. Bill's on Second Reading. Any Amendments filed."

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

Speaker McPike: "Representative Parcels."

Parcels: "Thank you, Mr. Speaker. This is slightly more than a technical Amendment, but it was something that we omitted in the first Bill. What the Amendment would do is remove a



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section that really is no longer applicable because HMO's are... should be liable for suit in case there is any malfeasance or negligence. The HMO as well as the doctor should be sued. And this particular paragraph said that they... any... in this case they were called Voluntary Health Services Plans, would not be liable for suit. And this would remove that paragraph and it is in complete agreement with all those concerned. I know of no opposition. And I ask for your acceptance of this Amendment."

Speaker McPike: "The Lady moves for the adoption of Amendment #1, Representative Cullerton."

Cullerton: "Mr. Speaker, the Amendment is literally being passed out right now. I wonder if we could just wait a few minutes before we voted on it because we haven't had a chance to study it. Representative Parcels has tried to do this in the past, you know sneak stuff through in the morning when nobody is paying attention."

Speaker McPike: "We'll stand at ease just for a second. Let's read the Amendment. House Bill 3124, has been removed from the Consent Calendar. Representative Tate. Representative Parcels, proceed with your Amendment. Maybe you can start explaining the Amendment again."

Parcels: "The Amendment actually deletes a part of the statutes which would eliminate an immunity under the Voluntary Health Service Plans Act. That read a Health Service Plan Corporation shall not have liability for injuries resulting from negligence, malfeasance, nonfeasance, malpractice, etc. And this, it is felt by both the Department of Insurance and various people interested in this Bill, that a health maintenance organization or a Voluntary Health Service Plan Act should have liability and should be suable. That's what the Amendment does."

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Speaker McPike: "No discussion. The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker McPike: "The Lady asks leave for this Bill to be returned to Third Reading. Waive the appropriate rules so that it can be heard on Third Reading today. Leave is granted. Attendance Roll Call will be used and the Lady's Motion carries. Third Reading. Page 3 of the Supplemental, 3107, Representative Doederlein. The Lady asks leave to return the Bill to Second Reading. Does she have leave? Leave is granted. Are there any Amendments Mr. Clerk."

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

Speaker McPike: "Representative Doederlein."

Doederlein: "Thank you, Mr. Speaker. This is an agreed Amendment with the Board of Regents. It is to clarify the definition of a Post-Secondary Educational Institution. We inserted the word colleges as well as universities. We removed the term registrar, for two reasons, one that all institutions do not have registrars, and this would allow. The Second reason is that this would allow the institution to determine how they could structure their documentation. The other change was, we removed the word enrolling to registering. These are the changes and I would ask for an acceptance to these changes."

Speaker McPike: "The Lady moves for the adoption of Amendment #1. Is there any discussion? Representative Cullerton."

Cullerton: "Yes, I have a question of the Chair. Who is the Sponsor of this Bill?"

Speaker McPike: "Representative Doederlein."

Cullerton: "Which one is she? Oh, Representative Doederlein, how

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are ya? This is another Amendment that was just hitting the desk, so I wonder if you could just walk me through this since we haven't had a chance to look at it yet?"

Doederlein: "Alright."

Cullerton: "I know you explained it but if I have a copy of the Bill in front of me I can follow your explanation a little bit easier."

Doederlein: "We had a meeting with the Board of Regents, and they would like to have the word colleges inserted as well as universities on line 9, and on line 11."

Cullerton: "The effect of that would be to..."

Doederlein: "Some people would think that it was just universities and not colleges."

Cullerton: "I see."

Doederlein: "It's the definition of the term. Then we removed the word registrar because not all institutions have a designated name as registrar. And we provide the proof to the institution. Therefore, they can structure it their own way. Number Three, we took out the word enrolling to registering. This change has been made in recognition of the fact that some schools consider a student to be enrolled even though he might not be registered for a class in a given term."

Cullerton: "Well it looks to me like it's an agreed Amendment."

Doederlein: "I'm sorry..."

Cullerton: "It's an agreed Amendment to an agreed Bill."

Doederlein: "Yes it is."

Cullerton: "Like most of the Bills we have been passing."

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

Cullerton: "Is this the only Bill you have this Session?"

Doederlein: "Ye..Well, this is the only one that got to the floor."

Cullerton: "I see. Well, congratulations."

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Speaker McPike: "No further discussion. The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye'. Representative Black did you want to talk on this controversial Amendment also?"

Black: "Well, I certainly want a clarification of intent, Mr. Speaker, and thank you very much. I just would like if the Sponsor would yield. I'm sure I know the answer but for the record... now community colleges under 3107 and this Amendment are totally exempt, correct?"

Doederlein: "Right."

Black: "Thank you very much. Excellent, excellent Amendment."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it, the Amendment's adopted. Third Reading. The Lady asks leave to waive the appropriate rules so the Bill can be heard on Third Reading today. No objections. Attendance Roll Call will be used, Lady's Motion carries. The Chair would ask if anyone has any Amendments to be offered either to the Bills on the Supplemental Consent Calendar or the normal Consent Calendar. If anyone has a Bill they would like to return to Second Reading, would you please advise the Chair. If not, it's the intent of the Chair to call these Bills for a vote. Consent Calendar Supplemental #1. Consent calendar. These Bills have been read a Third time. The question is, 'Shall these Bills pass?' All in favor vote 'aye' opposed vote 'no'. House Bill 3124, has been removed from the Consent Calendar. Have all voted? Have all voted who wish? Clerk will take the record. The Members have on their desks a change of voting record and we will wait and announce the Roll Call on these Bills on Supplemental #1, until 12 noon. So you have until 12 noon to turn in that slip for a change of votes. At that time we will announce the vote. Take the

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record, Mr. Clerk. Page 32 of the calendar, Consent Calendar. Third Reading, Second day. These Bills have been read a Second time. The question is... I'm sorry, a third time. These Bills have been read a third time. The question is, 'Shall these Bills pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On these Bills there are 112 'ayes', no 'nays', and 2 voting 'present'. These Bills having received the Constitutional Majority are hereby declared passed. Page 2 of the calendar, Special Order of Business, County Government. We're going to call all those Bills on Second Reading. Page 3 of the calendar, House Bill 812, Representative Steczo. Read the Bill, Mr. Clerk. House will stand at ease until the Clerk can fix the electronic voting machines. House Bill 812, Second Reading. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1812, a Bill for an Act in Relations."

Speaker McPike: "I meant 812."

Clerk Leone: "Correction, House Bill 812, a Bill for an Act in relationship to forest preserve districts. Second Reading of the Bill. It has been read a Second time previously. Amendments #3, 4 and 5 were adopted previously. Next Amendment is Floor Amendment #6, offered by Representative McCracken."

Speaker McPike: "Representative McCracken, Amendment #6."

McCracken: "Withdraw."

Speaker McPike: "Withdraws Amendment #6. Further Amendments."

Clerk Leone: "Floor Amendment #7, offered by Representative Steczo."

Speaker McPike: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker. Members of the House, Amendment #6 is designed to further refine the proposal put forth on House Bill 812 by providing for notice of publishing and

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also to provide that owners of commercial and industrial property of ten acres or more rather than fifty that's in the original Bill, would have to be notified by certified mail of a pending annexation. It's been approved, I believe, by the other side of the aisle. And I would move for its adoption."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #7. Is there any discussion. Being none, the question is, 'Shall this Amendment be adopted?' All those in favor say 'aye', opposed 'no'. The 'ayes' have it and the Amendment's adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #8, offered by Representative DeJaegher."

Speaker McPike: "Representative DeJaegher."

DeJaegher: "Thank you, Mr. Speaker, and Members of the Assembly. Amendment #8 to House Bill 812 affects counties with population in excess of 150,000 but less than 200,000 population. I have tried to isolate this Amendment to deal with the problems of Rock Island County only. It will change their present levy of point 0057 to one cents which would generate forty nine thousand additional dollars, which would enable Rock Island County to correct their sewer problems, that have been cited by the EPA. It would still need the approval of the Rock Island County Board. I realize Niabi is not Brookfield, but at least were proud of it and hopefully that you'll vote this one for the kids of Rock Island County."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #8. On that, the Representative McCracken."

McCracken: "Point of order, Mr. Speaker, I believe the germaneness is not Amendment... er...the Amendment is not germane. It amends a different chapter of Illinois revised statutes than the Bill previously amended and I move the

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Chair to so rule."

Speaker McPike: "Representative Steczo."

Steczko: "Mr. Speaker, I believe, in response to the Gentleman, the title was changed by Amendment #5, and I think... which was adopted... and I think that would lend to the germaneness of the Amendment."

Speaker McPike: "Representative McCracken, the Chair rules that the Amendment is..."

McCracken: "Speaker."

Speaker McPike: "Representative McCracken."

McCracken: "It was my understanding that the corrected number Amendment #5 was not adopted, we went directly to seven."

Speaker McPike: "Mr. Clerk. Has five been adopted."

McCracken: "It was originally numbered six by mistake and a corrected number was reissued. I don't recall this Amendment having ever been adopted. It was to be offered by Representative DeJaegher. As a matter of fact, this does the same thing that Amendment #8 does."

Speaker McPike: "This is Amendment #8."

McCracken: "#5 does the same thing as Amendment #8."

Speaker McPike: "Amendment #5 is adopted and the Clerk will read the LRB number from that Amendment."

Clerk Leone: "LRB8505089SFPPFAM."

Speaker McPike: "Representative McCracken."

McCracken: "Alright. Will the Sponsor yield for question? Sir, how does this differ from Amendment #5? Does the LRB number just read into the record? Why do you need Amendment #8, if Amendment #5 is on the Bill?"

DeJaegher: "Mr. McCracken, Amendment #7 took out 5 except for the... except for the title."

McCracken: "Foiled again."

DeJaegher: "It's for the kids, Tommy."

McCracken: "Now 5 is adopted and that makes 8 germane. But 7

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deleted all of 5 except the title."

DeJaegher: "Right."

McCracken: "Well, at least I got a little something on this Bill too so I'll call it a day."

DeJaegher: "Okay, good."

Speaker McPike: "Further discussion? There being none the question is, 'Shall Amendment #8 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it, the Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. Mr. Clerk read the Bill a third time."

Clerk Leone: "House Bill 812, a Bill for an Act in relationship to forest preserve districts. Third Reading of the Bill."

Speaker McPike: "Representative Steczo. The Bill has been read previously a Second time. Representative Steczo, it's on Third Reading do you wish to call it?"

Steczko: "Yes, Mr. Speaker."

Speaker McPike: "Proceed."

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 812, as amended, does two things. First, it attempts to provide fairness with regard to annexations and would provide that commercial industrial property of ten acres or more, prior to a vote for annexation, would have to be notified that there would be an annexation pending and there would have to be public hearings based on that. In addition to that the Amendment #8, which we just adopted regarding the zoo in Representative DeJaegher's area is also on the Bill and I would answer any questions and would appreciate an affirmative vote."

Speaker Giglio: "Gentleman moves for passage of House Bill 812, and on that Representative Cullerton."

Cullerton: "Yes, could you explain? Yield for a question? Could



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you explain whether or not Amendment #6 is on the Bill?"

Steczo: "Amendment #6 is not on the Bill, it was withdrawn this morning."

Cullerton: "Did some of... the previous speakers indicated that he got something out of this Bill. Could you tell me what he got out of this Bill?"

Steczo: "Well, I think he learned that this is just an amazing, amazing, process."

Cullerton: "Is there anything in this Bill that would affect the DuPage county forest preserve district?"

Steczo: "Not that I'm aware of."

Cullerton: "That's a good answer. Okay. Well then, I have no further questions."

Speaker McPike: "Further discussion? Being none the question is, 'Shall House Bill 812 pass?' All in favor vote 'aye' opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 114 'ayes' no 'nays' none voting 'present', House Bill 812 having received the Constitutional Majority is hereby declared passed. House Bill 1820, Representative Ropp. Out of the record. House Bill 3526, Representative Ryder. Representative Ryder. Gentleman here? Where is Mr. Ryder? Out of the record. House Bill 39...3927, Representative Barnes. Representative Barnes here? Out of the record. House Bill 4115, Representative Hartke. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 4115, a Bill for an Act to amend the Illinois Highway Code. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk Leone: "Floor Amendment #1 is offered by Representatives Hartke and Kirkland."

Speaker McPike: "Representative Hartke."

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Hartke: "Thank you very much, Mr. Speaker. The Amendment to House Bill 4115, Amendment #1 puts in the front door referendum for this Act."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. Any discussion? Being none, the question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it, the Amendments adopted. Further Amendments?"

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

Speaker McPike: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. Amendment #2 ups the assessed valuation limit. This Act would affect from the five million dollar... five million assessed valuation to ten million dollars, which would make it include more townships in the Act."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2, is there any discussion? Being none the question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it, the Amendments adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. House Bill 4247, Representative Flinn. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 4247, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Flinn, Amendment #2."

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Flinn: "Mr. Speaker, House Bill 4247 is a part of a package of Bills that I introduced. We discovered after we introduced them that some of the Bills were unnecessary so all this Amendment does is incorporate 4248, 4249 and 4250 into one Bill to stop all the paperwork and paper shuffling. I move for its adoption."

Speaker McPike: "Gentleman moves for the adoption of Amendment #2. Is there any discussion? Being none the question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it, the Amendments adopted. Further Amendments?"

Clerk Leone: "There're no further Amendments."

Speaker McPike: "Third Reading. House Bill 4266, Representative Giglio. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 4266, a Bill for an Act to amend the Revenue Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Giglio."

Giglio: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. Amendment #1 was the Amendment that was promised in committee to be put on to only include Cook County and what this does is, it says that the assessors that are in Cook County are the ones that are going to be affected... affected by this Bill, and what the Bill says is that it doesn't make it mandatory that these assessors have to go to school to be a candidate, when they run where they have to have all these... all this education. I would ask for its adoption."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1. Is there any discussion? Representative

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McCracken."

McCracken: "Yes. I see that this Bill, whatever it does, applies only to Cook county. But very briefly, what did Amendment #2 do? Was that...was that withdrawn or was that adopted?"

Speaker McPike: "We're on Amendment #1, Representative McCracken, we have to do that before."

McCracken: "Oh, I'm sorry."

Speaker McPike: "Is there any discussion on Amendment #1? Being none the question is, 'Shall this Amendment be adopted?' All in favor say 'aye', all opposed 'no'. The 'ayes' have it and the Amendments adopted. Further Amendments?"

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

Speaker McPike: "Representative Giglio."

Giglio: "I withdraw Amendment #2."

Speaker McPike: "Amendment #2 is withdrawn. Further Amendments?"

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

Speaker McPike: "Representative Giglio."

Giglio: "Yes. With regard to Representative McCracken's inquiry... Amendment #2, Representative, was withdrawn and what Amendment #3 does is only that the townships throughout the state that have collectors that the people could go to the town collector and pay their taxes. There's places in Cook County where the collectors now are still office holders but the people cannot go to the township offices and pay their tax bills and that's all this says ...they may go to the township hall and pay the...pay the taxes. This is one of the Amendments that the township/treasurers association asks. I think one of your colleagues, Representative Parcels, knows about it, too."

Speaker McPike: "The Gentleman moves for the adoption of

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Amendment #3, and, Representative McCracken."

McCracken: "Are there currently town collectors?"

Giglio: "Yes."

McCracken: "So all townships have a person in this position already?"

Giglio: "Some of them have, some of them. But they really have no duties. They were taken away from them years ago. But they still run their candidates but they have no duties. This would allow the people to go and pay the taxes at the town hall if they desire to do so."

McCracken: "In the townships where there are no current collectors."

Giglio: "Doesn't affect them."

McCracken: "So only if they currently have collectors?"

Giglio: "Yes."

McCracken: "So only some of the Cook county townships would be able to do this?"

Giglio: "I think... I think all the townships do have collectors in Cook County. I think there are some downstate that don't. I see Representative Parcells nodding her head. Yes, I think they do."

McCracken: "There are some town collectors, and some townships do not have them, though. Now would this authorize the creation of a town collector where one does not currently exist?"

Giglio: "No, that's why the Amendment, there were three different Amendments and this is the one we wound up with. And I think if I'm wrong the language was specific the way they ...wrote the Third Amendment. Which is the one were on now."

Speaker McPike: "Representative Matijevich in the Chair."

McCracken: "So that would not require the creation of a new position? Is a town collector an elected official or

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appointed?"

Giglio: "Yes. No, he's elected."

McCracken: "Is it a good Bill? Alright. Well then, I'm for it."

Speaker Matijevich: "The Gentleman from Madison, the Majority Leader, Jim McPike."

Giglio: "Mr. Speaker, if there's no further discussion I move for the adoption."

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

Speaker Matijevich: "He indicates he will."

McPike: "Representative Giglio, you indicated that only some downstate counties have collectors. Do you know how many counties there are downstate that have township collectors?"

Giglio: "No, I do not."

McPike: "I don't either. I know I come from one of the counties, and you're right, these people are elected and they are paid and they have absolutely nothing to do. And quite often the people will run for township collector with the promise that they will abolish the job because there's just nothing for them to do. Now, why we want to create something for these people to do is beyond me. We have a county treasurer that everybody pays their taxes to the county treasurer. We do have collectors and you're right, their powers were taken away from them some years back because most people thought that that was rather a worthless, a useless office and if you could send your tax bills to the county treasurer, why should we pay every township to have a separate collector. I think the collectors, naturally, would like to have something to do so they could justify somehow getting paid. But the General Assembly is pretty much stuck with the position that the county treasurers downstate do a good job. So I would rise against your Amendment and if you'd like the

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Amendment to apply only to Cook county, that would be alright with me, but I see no reason to extend duties to downstate township collectors whose offices really should be abolished. Thank you, Mr. Speaker."

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

Klemm: "Thank you, Mr. Speaker. I really join Representative McPike in that, sometime ago when we abolished the township collectors, I guess they were able to take a percentage, I think, of the monies collected for the townships. And years ago that was quite a bit, and I know it was quite a bit of discussion. But if you can limit it toward Cook County I don't think many of us would have a problem, but we have a established program where the taxes are sent and collected by the county treasurer. I think it's a reasonable approach and I believe when the Bill was in committee we were talking solely about Cook County and I think with the expansion now of downstate we would be doing a disservice, too. None of my township people have asked for this legislation."

Speaker Matijeich: "One moment, Representative Klemm. Representative McPike in the Chair."

Speaker McPike: "Mr. Klemm you were cut off. If you'd like to conclude, go right ahead. Representative Parcels."

Parcels: "Thank you, Mr. Speaker. To address this Amendment...I think it's a good Amendment. In Cook County, all of the townships have to elect a collector or their slate is not complete. So we have collectors there who are doing nothing. However, they are not... I repeat, they are not paid at this point. They are an elected position that is not paid. We have found Cook county is very large as you all know, we have township assessors, who do not assess, but they are a great deputy to assessor Heinz. He enjoys

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having them work for him, they do a lot of work in the field for him. They're very good to the residents of their townships because they're easily accessible. We see something like this going on with the collector, the collections would, in fact, end up with the County Collector Rosewell, but the township collector could help those residents who do not have access or means to get down to the Cook County building very easily and they could be very helpful to the residents of their district and they would then have a function. Right now they are in a position that has to be elected and is not paid. They are all ready, willing and able to serve their constituencies by doing this job and work in conjunction with the county collector in Cook County. I think it's a good Amendment and I ask for your 'aye' vote."

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

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. I rise in opposition to the Amendment. Township collectors proved to do two things. Number one, they were inefficient in the collection of property taxes, county treasurers have the authority to designate banks within the county as deputy collectors which provided for a more efficient and a quicker collection of property taxes so they can be paid back to the taxing agencies and school districts within the county. Township collectors also take another cut off the top of the percentage that goes to your taxing districts. So if you want to delay and frustrate the system of tax collection and return to local taxing authorities and school districts, you'd be in favor of this Amendment. It's inefficient, it's costly and it's gonna delay and ultimately disrupt the process of collection of real estate taxes. I urge a 'no' vote on the Amendment."



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Speaker McPike: "The Lady from Lake, Representative Stern."

Stern: "Mr. Speaker, and Members of the House. I too rise in opposition to this Amendment, I think this is moving in just exactly the wrong direction. Instead of finding duties for an obsolete office I think we should find some way of removing the office from the ballot. It's like finding a function for a residual tale, I thinks its ah...I urge a 'no' vote."

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

Wolf: "Thank you very much, Mr. Speaker, Members of the House. Reluctantly, I would have to disagree with some of the comments of my colleague a few minutes ago in his opposition to tax collectors in the local community. I happen to be one of those areas were we do have three tax collectors in three separate communities and I would have to say that the activities of these individuals have helped materially in collecting taxes and making sure that those taxes are distributed to the proper agency within a much shorter space of time. I would stand in support of the Amendment."

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

Keane: "Thank you Mr. Speaker. Would the Gentleman yield?"

Speaker McPike: "Indicates he will."

Keane: "Was this the same Bill that was killed in Revenue Committee?"

Giglio: "No, no, this was not. This Bill was in counties and townships, Representative."

Keane: "Alright, we had something similar to this in the Revenue Committee. One of the problems with...one of the problems with this Amendment is that it provides another layer, would provide another layer of bureaucracy that would slow down the collection of funds for... into the county

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treasury. According to this Bill, the Amendment as I read it, there is no mandated time for the treasurers to submit the money to the county treasurer. There is...there are all kinds of problems that could be involved in the sophisticated and quick collection of money. Your Amendment would probably be better if it did away with county treasurers, since in Cook County they do have nothing to do. And the cost of elections would be reduced. To the Amendment. The Amendment is a very bad one. It increases bureaucracy. Within Cook County we have enough of that as it is. We don't need another layer to slow down the payment of money to Local Government. The faster we can speed up the collection and the deposit of tax money and be expedited out to Local Government the better off we are. And I'd urge resistance to this Amendment."

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

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

Speaker McPike: "He will."

Kubik: "Representative, the Bill... when would... how would this kick in? I mean, who would decide whether these people collected taxes? Is it mandated or would it be decided on a township by township basis?"

Giglio: "No, it's not mandated it just says that the people will elect township collectors like we elect the supervisor, trustees and all the other offices at the township election. We elect a township collector and the township collectors in Cook County do not have anything to do. Most of them are given another job at the township and they are paid out of the township fund. Some are... work as a paratransit coordinator, they give them a job in the Public Aid Department. We're just saying with this Amendment that if you live in a township you may go to the township hall and pay your taxes, just like you would go to the bank or

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you would go to anyplace else. That's all this does. If we're going to elect these officials then I think we ought to give them something to do."

Kubik: "Representative, but if a township collector didn't want to accept the taxes. I mean, if somebody just brought in their taxes and said give this to the collector and they don't, I have a township in my district where the collector does absolutely nothing. He doesn't have an office, I don't think the guy ever even shows up and if somebody brought their taxes in to the township hall and dropped them off, they would remain there forever. I mean what I'm saying is, does this mean this in effect mandates that they can accept township tax bills?"

Giglio: "No, it just says there's no mandate. The word says 'may'. May collect. And I think it's up to the townships. And if he's an elected official he should live up to his responsibility. I think if he gives the authority to collect, then he should collect. Otherwise then we should eliminate him completely."

Kubik: "Well, but if he doesn't want to collect. What happens? What happens to those tax bills?"

Giglio: "Well, I would guess that the wisdom of the supervisor or the trustees would probably take it and send it on and then I would guess I would probably be the first one to ask the free press to go after this individual for the neglect of his duties."

Kubik: "Okay, thank you."

Speaker McPike: "Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. You know, we... before the court decision that took these duties away from township assessors in Cook County, or township collectors in Cook County occurred we had a very workable system. The township collectors and the

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county collector worked very well together. There were major collections made in the township and there was no delay in distributing the funds to a Local Government. Fact is, most of the township collectors distributed them within a day or two. So... and there is no new layer. The people that are supposed to do this work are already in position and what it does, what it does... and especially in a county like Cook, where you have millions of people, it offers and provides a little neighborhood place where people can go to. They can ask questions, they can pay their bills, they can mail their bills there. What it really does is, it provides an additional services without any real cost. Because the people are already there. If there is any cost, it would be minor and there would be tremendous savings to many people who would prefer to go to the township. So I commend you, Representative Giglio, for coming up with a foresighted and consumer oriented approach to collection of taxes and I recommend that we...that we pass this Amendment."

Speaker McPike: "Representative Wojcik."

Wojcik: "Yes, Mr. Speaker, and Members of the House. I think I'd like to give the Members a little history regarding the township collectors and what happened in Cook County. I happen to have been the township clerk in Schaumburg township when they abolished this position. And it was done through a lawsuit and it was Ford vs. Kaharski, and it was around 1969 or 1970 that they did this. When they abolished the collectors position, or the collectors opportunity to collect the money, they then took the money from the townships and put it into the American National Bank. Ladies and Gentleman, that money is still sitting in that bank today and is not used. It's around a million dollars and possibly a heck of a lot more, with the

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interest that has been accrued. I think you ought to look at this subject and realize what could be done even in your own locales. Most of us live about 35 to 40 miles away from the hub of the City of Chicago. By having a local collector, you can go pay your fees to him. He then deposits the money in the local banks, wherein those local banks distribute the monies immediately to the taxing bodies. It takes one or two days. Today, it's just not handled that way. It's a good Local Government Bill and Representative Giglio, I am so happy to see you resurrect this concept again. And it is permissive, Ladies and Gentleman the word is 'may' and I hope that it does reach a favorable passage."

Speaker McPike: "Representative Giglio to close."

Giglio: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. I think we've heard ample debate and I think most of the people on the other side of the aisle have talked about it very...explicitly. Now if you believe that these people are elected officials and they have responsibilities and duties like we have then it's no more than right that they should exercise their responsibility and duties and it's the people... and it's a very, very good Amendment, the people... as long as we have township government the people should utilize that government and this is one way they can go to the township hall and pay their taxes. And I would ask for your favorable support."

Speaker McPike: "Question is, 'Shall Amendment #3 be adopted?' All in favor signify by voting 'aye' opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the Record. On this Amendment there are 49 'ayes', 56 'nos', the Amendment fails. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker McPike: "Third Reading. I'm remaining on this Order of

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Business. Proceeding to those Bills on Third Reading. On page 21 of the calendar, House Bill 952, Representative Hultgren. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 952, a Bill for an Act to amend the Township Organization Act. Third Reading of the Bill."

Speaker McPike: "Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker, Members of the House. This is a technical correction to the de-annexation legislation that was passed a couple years ago. It affects only Galesburg township, no other place in the State of Illinois. It is supported by the township and it is supported by the City of Galesburg. Would de-annex the townhall to the adjoining township from the City of Galesburg."

Speaker McPike: "The Gentleman has moved for the passage of House Bill 952, is there any discussion? Being none, the question is, 'Shall House Bill 952 pass?' All in favor vote 'aye' opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the Record. On this Bill there are 102, 'ayes' no 'nays', none voting 'present'. House Bill 952, having received the Constitutional Majority is hereby declared passed. House Bill 1254, Page 23 of the calendar, Representative Steczo. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 1254, a Bill for an Act to amend an Act to provide for the creation of management of forest preserve districts. Third Reading of the Bill."

Speaker McPike: "Representative Steczo."

Steczko: "Thank you, Mr. Speaker, Members of the House. House Bill 1254 is an issue that we deal with each year regarding validation of the tax levy ordinances for the Cook and DuPage county... for Cook and DuPage counties. This legislation makes legal and valid the levy of taxes that

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were assessed and levied and extended by Cook County, the Cook County forest preserve district and the DuPage County forest preserve district. I would answer any questions that the Members might have."

Speaker McPike: "The Gentleman moves for passage of House Bill 1254. On that, the Gentleman from DeKalb, Representative Countryman."

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

Speaker McPike: "Yes, he will."

Countryman: "Representative, can you tell me why we do this?"

Steczo: "Representative Countryman, what happens every...every year is that there are certain obj...tax objections filed based on fact that these units of Local Government sometimes technically... technically do not meet all requirements of the law. Therefore, ever year since 1966, we have come in and we've said we will validate those ordinances."

Countryman: "Does that remove the tax objection then?"

Steczo: "It removes the tax...the tax objection did you say?"

Countryman: "You said there were objections filed to these taxes. By our passing this Bill, does that remove those?"

Steczo: "It removes those that were filed due to the...due to the technicalities provided by the law. It does not... it does not affect any valid tax objection."

Countryman: "Why don't...why don't we do it for other forest preserve districts in the state?"

Steczo: "Because these are the largest and because of the encumbrances placed upon them in the way of cost. In terms of trying to comply with all the statutes, sometimes they simply can't do it. So the others are much smaller than these two."

Countryman: "What we're doing is we're validating their levy even though their levy was according to law?"

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Steczo: "Because there were certain technical...technical deviations of the law."

Countryman: "Can you give me an example of what those technical deviations might be?"

Steczo: "Complying with the publishing requirement for instances. All of the... generally, all of the requirements were met but maybe not in as great of detail as the law would provide. Purpose listings, things like that. So sometimes, just based on that fact, those... some individuals will say okay, this is an opportunity for me to file a tax objection and this is what the Legislature has done since 1966, realizing that, generally, these units are in compliance."

Countryman: "But we only do this for forest preserve districts, is that right? We don't do it for any other special district in the state. Is that right?"

Steczo: "In Cook County as well."

Countryman: "Thank you, Mr. Speaker. To the Bill."

Speaker McPike: "Proceed."

Countryman: "I guess I'm still unconvinced that this is a necessary part of our business here in Springfield and I think that we've done the right thing and I think that by voting for this we create a precedent which we've done every year since I've been here and probably will do here today. But it's a dangerous precedent that every tax levy in the State shall be reaffirmed by this General Assembly. Therefore, I vote 'no'."

Speaker McPike: "Representative Klemm."

Klemm: "Thank you, Mr. Speaker. I, too, stand opposed to the Bill. I do it for a couple of basic reasons over and above what Representative Countryman has said. This is a validation of not only the tax levy ordinance, but also the appropriation ordinance. Tax levy ordinance I could



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perhaps understand that it might have been a technical error when the county clerk or somebody were to strike it. The appropriation ordinance obviously is one that's made by the governing body. The Representative, Sponsor of the Bill, said these are the large taxing districts and yet the largest taxing districts, schools, the second largest cities and counties are not validated. We know that. It seems for us to stand here and legally say that what you did was proper, and we have no idea what you did, is inappropriate. We do it, I think for the Metropolitan Sanitary District. They've done it historically and many of us have voted against it, again because we didn't know what they were doing. It seems for public policy for us to take away any voter, taxpayers right to ask legitimate questions on what their elected officials have done, whether its either publicly or privately or in the courts, we should certainly not disenfranchise those voters from it. And by us doing this without the knowledge of what they've even done, I think, is poor public policy and that's the reason I stand against it. Since we do it for very few, and we shouldn't really be doing it for any of them. Thank you."

Speaker McPike: "Excuse me, Ladies and Gentlemen of the House. We have a lobbyist on the House floor, appears like he's a lobbyist for the math and science academy. It's Congressman Dennis Hastert. Welcome back to Springfield. Representative McCracken on the Amendment."

McCracken: "Thank you, Mr. Sp..."

Speaker McPike: "I'm sorry on the Bill."

McCracken: "Will the Sponsor yield?"

Speaker McPike: "Indicates he will."

McCracken: "Is is your intention, Representative Steczo, to pass this Bill into law, if possible, in precisely the form it

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is in now?"

Steczo: "That's correct."

McCracken: "There's no intention to use it for any other purpose?"

Steczo: "No intention at all."

McCracken: "Then I rise in support of the Bill, and I'll tell you why. Too often we use the shorthand term 'merely technical changes'. I practice in this area and I suppose this vote is against my professional interest, but it is amazing what degree of technicality is required by the case law that is developed over many years. As a matter of fact, most of the authority in this area is from Illinois Supreme Court cases from between 1900 and 1930 or 40. There has grown up a haphazard body of legal requirements necessary for the proper promulgation and passage of these types of ordinances. I have never found in my experience that there was something wrong, that if in fact it went to the merits of an issue, for example, a transfer between segregated funds or accounts that you could not work with these bodies and in fact prevail on that type of issue before the courts. This truly is only an attempt to make sure we have complied with all of these various case law requirements. It doesn't do harm to anybody, nobody's getting hurt. The way the law has grown up in this area is, in fact, very haphazard and to be perfectly honest it's very difficult to know what the requirements are sometimes and for that reason since it's not going to be used for any other purpose there's nothing dark or sinister about it."

Speaker McPike: "Representative Steczo to close."

Steczo: "Thank you, Mr. Speaker. Members of the House, I appreciate Representative McCracken's explanation of the requirements and the technicalities that we're trying to address here. We have done this since 1965 and 1966 for

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Cook County, since 1981 for DuPage County and this Bill is intended just to correct those problems, and I would encourage an affirmative vote."

Speaker McPike: "The question is, 'Shall House Bill 1254 pass?' All in favor vote 'aye' opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the Record. On this Bill there are 79 'ayes', 27 'nos', one voting 'present'. House Bill 1254 having received the Constitutional Majority is hereby declared passed. House Bill 3010, Representative Flinn. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3010, a Bill for an Act in relationship to fees. Third Reading of the Bill."

Speaker McPike: "Representative Flinn."

Flinn: "Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, 3010 is a replacement for House Bill 2748 of last year which the Governor amendatorally vetoed, and he amendatorally vetoed it for a good reason. This Bill amends the various Acts which provides that fees of the county clerk and the recorder are allowed by statute the maximum fees that may be collected from the state. And when we tried to raise the amount of fees collected to justify...to comply with the cost of the service, we failed to exclude the state. This Bill does exclude the state. And so all it does is provide the county board the privilege by ordinance to raise the cost of fees of the clerk and the recorder based upon the additional cost. It does not cost the state any additional money."

Speaker McPike: "The Gentleman has moved for passage of House Bill 3010, and on that the Gentleman from DeKalb, Representative Countryman."

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

Speaker McPike: "Indicates he will."

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Countryman: "Representative, if I understand this right, now you can...the clerk of one county can charge twenty dollars based upon the cost of recording and another county they could charge eight dollars for the same thing. Is that correct?"

Flinn: "Well, if the cost is different, they can. But they can only charge based upon the cost of the service. Now I don't know how you could set a flat fee and not cause one to make a profit and the other to have a loss. I really don't know how they control their cost, but it's actually a filing fee to replace the actual cost of service, rather than the rest of the taxpayers of the county subsidizing that cost."

Countryman: "Yes, but the cost might vary substantially from one county to another, might it not?"

Flinn: "Yes, it could very well, I suppose."

Countryman: "So... and even from one person holding the office to another it might vary, is that right?"

Flinn: "I don't know that it would affect one person holding the office or another unless one person got elected who was very inefficient and cost went up."

Countryman: "Alright now, they charge a fee based upon a set rate and then we give them, I think, a dollar or two for computerization."

Flinn: "Well, I would suppose if you're talking about computerization, the cost would actually go down. But in the situations here, in any case, any change would have to be made by ordinance and by public scrutiny therefore as to whether or not the cost was justified... as to what the cost of the filing fee was justified as to dealing with the cost of the service."

Countryman: "To the Bill, Mr. Speaker. The fees in this state for these services are rather minor and incidental but they

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could get out of line and one of the things that's important to remember is particularly downstate, many people deal in a number of counties. They file proceedings in different counties. They record documents, deeds, releases and so forth whether they be savings and loans, lawyers, title companies or whatever. To go to a whole series of different fees means that you have 102 different fee schedules that people would have to check to determine how much a particular function costs. If it's a dollar more in one county and a dollar less in another county, then they've gotta check it every time and they're sending the wrong amount and that takes more work because the clerk gets it or the recorder gets it and they have to send it back at a cost of a quarter in postage to send them back. I think uniform fees are something that are appropriate for this state. I don't oppose the Sponsor of this Bill, but I oppose the concept of making diverse fees all across the state for the same service and for that reason I ask for people to vote against it."

Speaker McPike: "Gentleman from Saline, Representative Phelps."

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

Speaker McPike: "He will."

Phelps: "Representative Flinn, is this proposal supported by the Clerk Association... Recorders Association?"

Flinn: "Far as I know, they're the ones that had it done to start with. It was handed to me by Jerry Costello, the Chairman of the Board of St. Clair County. At the time he was the Chairman of the Urban Counties Organization of the State and I'm assuming that's where it came from I can't really answer your question, cause I don't know, I know of no opposition from that source."

Phelps: "Did they indicate that this would be a... is it a universal problem through counties throughout the state or

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is it concentrated in certain areas?."

Flinn: "I've not talked to any of them. I really don't know what their position is. Most certainly they didn't oppose it in committee last year or this year and I would like to add there were 102 votes for this Bill last year with it costing the state money and no 'nos'."

Speaker McPike: "Representative Stevens. Representative Flinn to close."

Flinn: "I just ask for a favorable vote."

Speaker McPike: "The question is, 'Shall House Bill 3010 pass?' All in favor vote 'aye' opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the Record. On this Bill there are 77 'ayes' 27 'nos' 3 voting 'present'. House Bill 3010 having received the Constitutional Majority is hereby declared passed. House Bill 3717, Representative Wojcik, Out of the Record. Thank you. House Bill 3827 Representative Churchill. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3827, a Bill for an Act to amend an Act to revise the law in relationship to counties. Third Reading of the Bill."

Speaker McPike: "Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As originally filed, House Bill 3827 made a minor change in that portion of the statutes which provides for contributions by contractors and developers to school districts and park districts and the local districts back home. The original problem was that the language said that they could make a contribution for grounds and that was defined as land, but there was nothing that said that they could make a contribution for facilities which would have been in the case of a park district. Perhaps swingsets or sandboxes or whatever, and in the case of schools for school buildings. So we changed that so we could include

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facilities. Amendment #1, which was placed on the Bill by Representative Hoffman, is the second part of the Bill and what that does is to create a DuPage County liquor tax which provides funding for a local DUI program and building in DuPage County. And those are the two parts of House Bill 3827."

Speaker McPike: "The Gentleman moves for passage of House Bill 3827, is there any discussion? Being none the question is, 'Shall House Bill 38...Representative Matijevich.'"

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

Speaker McPike: "He indicates he will."

Matijevich: "Representative Churchill, is this the Bill that still has an Amendment which allows for an increase in the tax in DuPage County for liquor?"

Churchill: "Yes, that is correct."

Matijevich: "Yeah, well the...Speaker I would like to address the Bill then. Mr. Speaker and Ladies and Gentlemen of the House, I think that some of us ought to vote 'no' on this Bill even though it only applies to DuPage County. I think that there's too much...too easily we are turning to raising what we call the sin taxes instead of, if there are needs, going to general tax increases. For exam...and I understand that the reason for this tax increase in DuPage County is so that they can build a separate jail for DUI offenses and rehabilitation facilities for those who may be...have problems due to alcohol related offenses. I don't, I think that the...if we look at what alcohol is being taxed now, I think that they pay more than their fair share of taxation for running actually a legitimate business. Don't forget these are the retailers in your area, the retailers who are being penalized. Now the great majority of people, the great majority of people are moderate drinkers, moderate drinkers. I don't think you

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ought to be placing a tax on the great majority of people because they are moderate drinkers. Because a small minority of those who may imbibe do have problems or may...get involved in a DUI offense. I think this is a dangerous precedent. For example, are we going to tax...put a tax on sales tax to have a separate facility for those who may be purse snatchers? No, we aren't going to do that. So why should we put on a tax on those who are in a legitimate business, to penalize them for somebody else's problems. I don't think that's fair at all. And I don't think it's good for the economy either. Too often we don't realize that...you know these small retail establishments, even though they may sell liquor, they do add many, many jobs to our economy. The fact of the matter is, I think about 80,000 jobs in Illinois. So I think, even though this only relates to DuPage County, I would hope that we would put enough 'nos' on this Bill so this doesn't apply, next to you, next to me in my county. So I urge you to vote 'no'."

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

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

Speaker McPike: "He indicates he will."

Mautino: "Representative Churchill, have you ever seen a proposal where we established a tax on a product or commodity and taken that money from that commodity and entity and enterprise and established jail funding for it?"

Churchill: "I'm not sure, I don't think that I can recall having done that. But, I do recall taking funds from things like the Lottery and putting them into the common school fund. And we have a lot of dedicated funds in the State of Illinois that where we take a particular tax or fee and put them into a fund for a specific purpose. Theoretically,



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there's nothing unusual about this, but perhaps in terms of the specifics it might be different. But, you know, this is a Rehabilitation Program. It's the people of the county that have decided that they want to rehabilitate people who have problems with alcohol and if they want to tax themselves to rehabilitate people, I think that that's a fair deal to give them the power to do that."

Mautino: "Are you aware of the past history of the establishment of these proposals, whether on sales or gallonage tax? Whereby, for example; DASA, Mental Health, have been the recipients of those particular type of funds. I'm sure you're aware of that, Bob. That's how the funding mechanism which is provided for those type of services have been prevalent here in the General Assembly. And I think that's the proper way to go. And I find it very difficult to accept an increase tax proposal for jails. We've gone through that project and program here through Representative Phelps' Bills and Representative Dunn's Bills for many years. I find that to be an unacceptable avenue. But the point that I want to raise to you is that local retailers, because of the Federal IRS tax changes this year, have...they must provide Federal Stamps, okay. It used to be 54 bucks, now are \$300. That was just kicked in this year. And on the other end, wholesale end of it, whereby the taxes are collected, that has more than quadrupled. They're already getting hit at the local end without us doing anything, by providing a tax system that will eventually be statewide on entities which are reducing their funding at the state level, because of the lower sales. With \$71,000,000.00 to the state coffers a couple years ago, then it went down to 69 and it is on it's way down again because of the reduction in the use of those products and all the programs against that particular

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industry. I just find it to be unfair to take those funds which could be used for rehabilitation or DASA, etc., and provide jails in any county whether it be DuPage or any, by establishing a tax. And I stand in opposition to establishing another tier for taxation, whether it's DuPage County or Cook County. And maintain the existing system that we have. And I recommend a 'no' vote."

Churchill: "I think the answer to two of your points are first of all..."

Speaker McPike: "Representative Churchill, maybe you could use that in your closing remarks. I don't think he asked a question."

Churchill: "Yes, fine."

Speaker McPike: "Representative Hultgren."

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

Speaker McPike: "He indicates he will."

Hultgren: "I'm not sure I understand the second part, the Amendment. Does it impose the tax or does it simply give the local community the option to impose the tax?"

Churchill: "The county may impose the tax. It does not impose a tax from our level."

Hultgren: "And is there a referendum to be held prior to the imposition of the tax? Or is this by vote of the county board?"

Churchill: "It is county board vote."

Hultgren: "So if the county board decides, this legislation would enable them then to impose a tax?"

Churchill: "That is correct. This is enabling legislation, it provides so that the ability of the county to put this program into effect and to impose a tax to fund the program."

Hultgren: "Thank you, that answers my questions."

Speaker McPike: "Representative Leverenz."

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Leverenz: "Would the Gentleman yield?"

Speaker McPike: "He will."

Leverenz: "The Amendment that was hung on by Representative Hoffman, are you from the same county as he is?"

Churchill: "No I don't...I am not."

Leverenz: "What exactly... for example, on a dollar bottle of wine, what would the tax be?"

Churchill: "One dollar per gallon on alcohol and spirits, on page 2 of the Amendment, 6 cents per gallon on beer."

Leverenz: "A dollar a gallon is the tax? If you buy a gallon of wine that costs \$3.00, your tax is going to be \$1.00 and if I'm correct Representative Hoffman explained this like a user fee?"

Churchill: "I was mistaken, I read the wrong line. Wine containing 14 percent or less alcohol by volume is 16 cents per gallon. Wine containing more than 14 percent alcohol by volume is 30 cents per gallon. It is alcohol and spirits which is a dollar per gallon, beer which is 6 cents per gallon. Those are the limits of the Bill. And Representative Leverenz, I've never known you to drink wine that cheap."

Leverenz: "As a matter of fact, I don't drink wine. I just...I wanted to make sure that the indigents that get hit with the sales tax, it's a very regressive tax to begin with, it's terrible. But, is this then similar...would this then be similar to an additional tax on candy to fund schools? Is that the same..."

Churchill: "But we can help them...If you wish...if you wish to propose that, I'd suppose we'll listen to your arguments on that."

Leverenz: "Candy tax, would this be like taxing antiques to fund Foreign Trade Missions?"

Churchill: "If you want to propose that, we'll listen to your

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arguments."

Leverenz: "Is there a good explanation of why you would allow your Bill to be known as a tax Bill? Is there some alternative motive too, when this gets over to the Senate?"

Churchill: "Absolutely, ever since I've been down here. In fact, I come from an area back home that we call blood border. And I've been working on laws to try and keep people who have imbibed off of our highways and I've been working on laws to try and make people safer from alcohol abuse. What this is is a program to help those who may suffer from alcohol abuse. It's a rehabilitative program. It's something that one particular county says 'We want to handle at the county level.' We want to be able to put this rehabilitation program into place. We want to be able to fund it. And this is the mechanism for funding it. I think it's unfair to ask all the taxpayers of the state to pay for something, a particular program that one county wants to do on this when we have the cause of the problem subject to tax. So this is a perfect circular system. You tax the product that causes the problem to fund the programs to rehabilitate people from the problem. And maybe some of those that you talked about, who might have to pay a few extra cents, may someday want to go into this program. And it may be the thing that saves their lives, so that they don't become long term alcoholics and don't die from a terrible disease known as alcoholism."

Speaker McPike: "To the Bill, Mr. Leverenz."

Leverenz: "Thank you very much. I just...I think we talked about it the other day, I just want to make sure Mr. Speaker that the attention is raised. It's a dastardly thing to do. It's like taxing candy on kids to feed the schools. I think it's even better to say that we should tax antiques to fund Foreign Trade Missions and would ask all of you to

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vote red. Kill the Bill."

Speaker McPike: "Representative Phelps."

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

Speaker McPike: "He indicates he will."

Phelps: "Representative Churchill, is this... And you may have already answered this question, I'm sorry if I missed it. Is the application for this tax isolated to just DuPage County at this time?"

Churchill: "I believe that is correct."

Phelps: "In other words, according to the Amendment and the Bill as it presently is, no other county can impose this tax for jail purposes?"

Churchill: "Cook County...there are only two counties above 600,000 and that would be DuPage County and Cook County. Cook County already has this tax at these levels, so that excludes them by definition. And therefore, this would apply only to DuPage County."

Phelps: "Do you feel that this could be expanded...the so-called sin taxes to expand the idea maybe in future legislation, would you support that to fund jail requirements that the state has imposed upon the locals? Not just liquor but other types, cigarette tax, lottery or whatever."

Churchill: "Representative Phelps, if you want to put the Bill on and come over and talk to me, I would be happy to talk to you about it and listen to your arguments on it."

Phelps: "Would you support that if we support DuPage County in this?"

Churchill: "Sir, I don't know what you're proposing. Tell me exactly what you're proposing. You're going to put...are you saying you're going to put a tax on and what rate are you going to put it on and what are you going to do...what are you funding?"

Phelps: "Well a lot of our proposals is based on the kind of

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support we get premature, you know, to try and follow a lot of direction. But, to the Bill, Mr. Speaker. I think this is just an example, although I would have no reservation in trying to look at any type of funds to help generate...to overcome some of the problems that's been imposed upon the locals by the Department of Corrections and the Governor of this state. But I think what's happened, and I commend the Gentleman on trying to come up with a creative, innovative idea, because that's what it's come down to. We have been forced as Legislators, especially on the jail question, been forced to come up with innovative ideas to accept a shift of the responsibility from the State to the locals. And I think when we get down to items like this we're not recognizing our own obligation as State Legislators to fund mandates especially on locals that can't even operate their jails, let alone build new ones. I have two counties that have shut down their jails, and transporting anywhere from 30 to 80 miles, prisoners, that whether they be DUI's or whatever. Now that's imposed upon them, and I feel like that we're shirking our responsibility by coming up with these innovative, creative ideas and shirking the issue and not the meeting the head on with the funds."

Speaker McPike: "Representative Cullerton."

Cullerton: "Thank you, thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Mr. Speaker last year I sponsored House Bill 844 which is very similar to this Bill. And unfortunately at the time it was viewed as perhaps hostile from some of the Representatives here, because I did not represent DuPage even though I grew up there. And it was viewed as something that I was doing against the world of DuPage County Legislators. So I'm happy this year that they have decided to advance this legislation. It is my understanding that last year the DuPage County Board voted

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15 to 6 in favor of requesting this legislation. I'm sure that that support is still there and it's important then to emphasize that this is asked for by the county. The county board asked for this Bill. If your county asked for it, I'm sure the Legislature would certainly consider that. And as a result I think we should focus on that part. It's permissive. Secondly, the idea of some of the opponents to this Bill, they said 'Well it's not fair just to tax people who drink liquor only to help out those who become drunk.' So instead I guess were supposed to fund Bills by taxing people who own property, just to finance the people who become drunk. I don't follow that logic. I think that this is a broad enough based group of people, people who choose to drink liquor, and it's a fair tax as a result. I would point out that there is some political advantages for certain people to support this Bill. I would hope that Representative Matijevich would support this Bill as he did last year, because he noted that in Lake County they would not have this tax. And in Lake County they would come from DuPage possibly to buy their liquor, because it would be a little bit cheaper. And the same thing will be true in Will County, they would come to Will County from DuPage to buy their liquor and as well as Kane County. They would not be fleeing Cook County as they do now to DuPage to buy their liquor. So anybody who represents a district that borders on DuPage, that's from Cook, should certainly support the Bill. So for that reason I think it makes imminent sense to pass the Bill at this time. It's a fair tax, it's requested by the local county, it would bring their level of taxation up to the same as Cook. And provide advantages for all the surrounding counties. So I would appreciate your support on the Bill."

Speaker McPike: "Representative Matijevich."

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Matijevich: "Speaker, my name was used in debate. I have to rise on point of personal privilege. John Cullerton knows last year I was helping him for a reason. Things change John, and foolish consistency is the hobgoblin of small minds. And they can fool me once, shame on you, but fool me twice, shame on me. I'm not going to make the same mistake twice, even though it falls on the same day, May 13. I'm going to vote no this time and I should have voted no last year."

Speaker McPike: "Representative Churchill to close."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think Representative Cullerton's remarks were right on point. And perhaps that would be an appropriate closing. But I do want to add one thing. Alcoholism is a terrible disease. It is a disease, it's a sickness. And I don't think our society woke up to that fact for a long time and now people are willing to stand up and say that alcoholism is a disease. One of the biggest problems with alcoholism is that the only way that you can get out of the disease, is if you voluntarily submit to the programs that are there for your aid. If you are not willing to submit to those programs, then you are never going to kick that disease. If you're willing to submit to the programs, you voluntarily go in and you stay on AA, and you do the programs, you have a chance of getting out from under that disease. We have a county here that wants to put together a program to help people with that disease of alcoholism. And they fund the program by taxing the source of the disease, which is alcohol. What better system could you have than that? I think that every person in this whole Body ought to stand up and vote for this Bill. Just because of the fact that one county wants to be innovative to help people who are sick. I would ask for your support of House Bill 3827."



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Speaker McPike: "The question is, 'Shall House Bill 3827 pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? ...the record. On this Bill there are 35 'ayes', 69 'nos', 4 voting 'present' and the Bill fails. House Bill 3927, Representative Barnes. Lady was off the floor, the Bill is on Second Reading. Call the Bill, Mr. Clerk."

Clerk Leone: "On page 16 of the calendar, House Bill 3927, a Bill for an Act to amend an Act in relationship to multiple counties public health departments. Second Reading of the Bill. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Barnes."

Barnes: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #1 is just a technical Amendment that Representative Steczo had requested that I add to the Bill. It just clarifies that the county board would be making the decision about the salaries paid to the county health board. I would ask for an 'aye' vote."

Speaker McPike: "Any questions on the Lady's Amendment? Being none the question is, 'Shall Amendment #1 be adopt...Representative Steczo."

Steczko: "Thank you, Mr. Speaker. Would the Lady yield please?"

Speaker McPike: "Yes."

Steczko: "Representative Barnes, does the Amendment also include the salary cap?"

Barnes: "The way it...that you and I discussed it, they would like to pay the members \$200 a month and the president \$400 a month. And they have a 15 million dollar budget and it would be allocated out of that budget. And that would

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amount to \$28,800. And the reason they want to pay this stipend is because they're many professional men that are members of the board and they spend a lot of time. And the president himself is there just about everyday. Does that clarify your question?"

Steczo: "Is the...is that \$200 or \$400 a month level in the Amendment?"

Barnes: "No."

Steczo: "Why not?"

Barnes: "I showed you the Amendment, and I thought that you were satisfied with it. I didn't know that you wanted that also included. I would be very happy to put that in when it goes over to the Senate."

Steczo: "Since we have a week left, could we hold it now, and wait for the Amendment to be drawn?"

Barnes: "I could do that."

Steczo: "Okay."

Speaker McPike: "Take this Bill out of the record. House Bill 4114, Representative Hartke. The Gentleman asks leave to return the Bill to Second Reading for an Amendment. Any objections? Hearing none, leave is granted. Bill's on Second Reading. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 4114, on the Order of Second Reading. Floor Amendment #1 is being offered by Representative Hartke."

Speaker McPike: "Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. Members of the House, Amendment #1 changes the maximum E.A.V. threshold limit from 5 million to 10 million dollars. And I would appreciate your support for this Amendment."

Speaker McPike: "Is there any discussion? Being none the question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it and the

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Amendments adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker McPike: "Third Reading. The Gentleman asks leave to hear the Bill on Third Reading at this time. Any objections? Hearing none the Attendance Roll Call will be used. The Gentleman's Motion carries, the Bill's on Third Reading. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 4114, a Bill for an Act to amend the township law. Third Reading of the Bill."

Speaker McPike: "Representative Hartke."

Hartke: "Mr. Speaker and Members of the House, House Bill 4114 seeks to increase the maximum tax extension rate for townships with less than 10 million...dollars as now amended of the total equalized assessed evaluation. It requires a front door referendum. The problem existing in the State of Illinois in many small rural townships, not only in Southern Illinois but throughout the state, they just do not have enough money to operate their town funds. What this Bill seeks to do is increase the rate by front door referendum from .45 percent to .65 percent of their equalized assessed valuation. I would appreciate your support for the small townships in Illinois."

Speaker McPike: "The Gentleman moves for the passage of the Bill and on that Representative McCracken."

McCracken: "Thank you, Mr. Speaker. Representative Hartke, I noticed the Amendment raises the threshold qualifying limit from 5 million to 10 million. How many more counties would that include?"

Hartke: "I do believe that...counties? Townships."

McCracken: "Townships."

Hartke: "I think that'll pull in about 400 more townships. It'll include about a third now of the townships in Illinois."

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

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Hartke: "I think it'll include one third of the townships in Illinois, will fall under the 10 million dollar..."

McCracken: "And how many under the 5 million dollar threshold?"

Hartke: "I want to say around 218, I...townships."

McCracken: "Downstate typically?"

Hartke: "Well not only downstate, there are townships throughout the state who are rural and who are at their maximum rate now."

McCracken: "Are there townships in urban areas at this level? Or is it typically rural?"

Hartke: "I think it's typically rural."

McCracken: "Alright, thank you."

Speaker McPike: "Representative Hultgren."

Hultgren: "Speaker will the Sponsor yield?"

Speaker McPike: "Yes, he will."

Hultgren: "You indicated front door referendum, could this be done at a town meeting or does it require an actual referendum where all the voters in the township would go to the polls?"

Hartke: "It must be a referendum of the people. It cannot be done at a town meeting. This is a front door referendum."

Hultgren: "Thank you."

Speaker McPike: "No further discussion. The question is, 'Shall House Bill 4114 pass?' All in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 92 'ayes', 9 'nos', 6 voting 'present' and House Bill 4114 having received the Constitutional Majority is hereby declared passed. House Bill 4117, Representative Homer. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 4117, a Bill for an Act to amend an Act to revise the law in relationship to counties. Third Reading of the Bill."

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Speaker McPike: "Representative Homer."

Homer: "Thank...thank you, Mr. Speaker. This Bill was brought to me by the County Auditors Association. And the Bill would, as amended, impose some rather stringent ethical conflict of interest standards on county auditors. It would prohibit any county auditor from gaining economic opportunity that is being offered with the intent to influence the auditor or to accept private employment that would be incompatible with the discharge of his duties, or to accept gifts, or to be financially interested in any way in any contract with which the county has a financial interest. The Bill would impose a fine for violation of this Act of up to \$5,000 and provide for forfeiture of the right of office in the event of violation. I would be happy to answer questions and would appreciate your favorable consideration."

Speaker McPike: "The Gentleman moves for the passage of the Bill, and on that the Gentleman from Macon, Representative Dunn."

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

Speaker McPike: "Yes, he will."

Dunn: "What is the current law in the event any of these violations occur?"

Homer: "There is a provision in the statutes known as a Corrupt Practices Act that applies across the board to all county officers who have an interest in contracts with that unit of government. This Act goes further than that in respect to county auditors who, of course as you know, have the duty of auditing the county business. So there is a current provision for which the person perhaps could also be liable, although this Bill is more strict and applies only to county auditors."

Dunn: "What...in what way does it increase the penalties?"

Homer: "Well the...actually it's not necessarily an increase in

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penalties. The Corrupt Practices Act, a violation of that is a Class IV Felony. A violation of this Act would be a fine only of up to \$5,000 and removal from office. So it is a different type of penalty. Actually it's a lesser penalty than a violation of Corrupt Practices Act. That would be a maximum fine to \$10,000 and imprisonment of up to 3 years. This Bill simply has a fine of up to \$5,000."

Dunn: "What happens upon conviction under the Corrupt Practices Act? Doesn't that result in forfeiture of office also?"

Homer: "I don't know that that's an automatic. I know there are some violations that are automatic. But I don't know that Corrupt Practices Act is an automatic removal. I don't believe that it is."

Dunn: "I just don't understand why we need this legislation if we have penalty on the books already that's pretty severe, that puts you in jail and fine you and I don't know for sure either, but I bet that ultimately a result in forfeiture of office. So I'm confused about why we single out an auditor and not a purchasing agent or an auditor and not another elected county official. And I thought that's why we had a Corrupt Practices Act to just send a signal to everybody that they should behave themselves. And so I really don't understand why we're doing this. Maybe you can explain?"

Homer: "Well the Corrupt Practices Act has some...has some thresholds above which...or beyond which it's a felony if it's lower. In other words, I believe the standard threshold is 7 1/2 percent. If you have less than a 7 1/2 percent interest in a corporation doing business with the county then that's not considered a violation of the Corrupt Practices Act. Whereas, this Bill has no such minimum thresholds. Again I would say the Bill was offered by the county auditors themselves as an effort to self

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impose upon them a higher standard of ethics than is imposed upon the subjects for which they are responsible for auditing."

Dunn: "Is there a knowing...an intent provision in this Bill?"

Homer: "Uses the language, knowing or where it should be known. So there is...yes, there is a knowing element in the Bill."

Dunn: "So one share in a corporation could trigger this, I guess, and if you know about it, you'd be in a real crack?"

Homer: "Yes, it prohibits any interest whatsoever."

Dunn: "I just...I don't know... I, of course, have a county auditor and he's not running again. He's not contacted me, nor have either of the candidates who are running for the office. And it looks to me like a county auditor, to do the job, has to be a watchdog and is unpopular enough without holding a heavy hammer over his or her head like this and I don't think we need this Bill at this time. Thank you."

Speaker McPike: "Representative Ropp."

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

Speaker McPike: "He indicates he will."

Ropp: "Representative Homer, just kind of a follow up and I'm kind of leaning toward what Representative Dunn said. I guess if...it seems like this is only a penalty, the most severe of \$5,000. Is there any some thought that if a person would get involved in, let's say working out some kind of arrangement where he'd make 2 million dollars... \$5,000 would be a pretty good investment, just to pay that off and keep \$2,995,000.00 wouldn't it?"

Homer: "Well of course, first of all, a person could be violating it under either Act, this one or the Corrupt Practices Act. Secondly, restitution is always part of the sentence, or possible sentence, so this fine would be in addition to the restitution that would be ordered in the case. And so

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noone would be profiting by engaging knowingly in these Acts."

Ropp: "I guess in some of these you might want to think about paying that back. And if you were able to get away with 2 million dollars then you ought to be responsible for returning that. Does that fit anywhere in the logic?"

Homer: "Well Representative Ropp, I'm not sure I understood that last question. You're saying if they get by with it, and don't get caught? What's your question?"

Ropp: "No, no, no. If they get caught, do they have to refund or repay or anything?"

Homer: "Right. That's...that's what we call restitution. That's what that means. That's where the court orders a defendant to pay the money back to the person that it was stolen from...so word of the day."

Ropp: "Oh, very good. Well, you know, not being an attorney I'm trying to...this is one of the learning processes we have down here. So maybe I'll... After a few years, maybe I'll have a degree. Thank you."

Speaker McPike: "Representative Wennlund."

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

Speaker McPike: "Yes, he will."

Wennlund: "Would this Act prohibit the acceptance of a campaign contribution by a county auditor from someone doing business with the county?"

Homer: "No, this Bill doesn't at all deal with the area of campaign contributions, assuming that the candidate maintained a separate, segregated campaign account in which that individual did not have a direct financial interest. It would not cover that area."

Wennlund: "Thank you."

Speaker McPike: "Representative McCracken"

McCracken: "Thank you. I rise in support of the Gentleman's



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Bill. Certified Public Accountants and accountants who perform audit functions for the public, generally certify, based on personal knowledge that the records are as they appear to be. In fact, that where records indicate the existence of inventory that the inventory itself has been inspected by this independent third party. And exists in conformity with it's description on the books and records of the company. A county auditor has that same relationship...or I should say frankly, a county auditor does not have that necessary independence as a matter of law. He still certifies as a separate entity based on personal knowledge. However, since he's a member of County Government I believe that some extra requirements relative to his independence is necessary in order to make his job or his position to County Government comparable to the private sector auditor as is the case today. The ethical standards which govern public auditors should, in fact, be applied to county auditors. This Bill in large measure does that. And further, because a county auditor is a public official, it is appropriate to provide as a sanction a criminal conviction in the...for acts in the performance of his duty where he has violated these necessary standards of independence and reliability. This is...this is, you know, no slap at any auditor, it's no slap at politicians, it's no slap at campaign contributions. In fact, as I understand it the Illinois Auditors Association recommended these changes. And I can tell you they recommended the changes because they want their status and their protection and their relationship to their client to be as it is in the private sector. So that you and I can rely more reasonably on their results."

Speaker McPike: "Representative Homer to close."

Homer: "What...thank you, Mr...I think Mr...or Representative

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McCracken stated the case quite well and I would only re-emphasize that this Bill was drafted and brought to me by the County Auditors Association to impose, to self impose on their profession some very high ethical standards. And I stand to commend them for that and I think it would be an anomaly and an absurdity for this General Assembly to reject tough ethical standards on a profession and a group who has come to us to self impose those standards upon themselves. They're to be congratulated and I would hope we would stand and rally behind them for setting this excellent example of good government."

Speaker McPike: "The question is, 'Shall House Bill 4117 pass?' All those in favor vote 'aye', opposed vote 'no'. Have all voted? Have all voted who wish? Clerk will take the record. On this Bill there are 110 'ayes', 1 'no' and 1 voting 'present'. And House Bill 4117 having received the Constitutional Majority is hereby declared passed. On page 2 of the calendar, Special Order of Business, the Health and Safety. Page 6 of the calendar appears House Bill 741, Representative Levin. Read the Bill, Mr. Clerk."

Clerk Leone: "On page 6, the Order of Second Reading, House Bill 741, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. Amendments #1 and 2 were adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk Leone: "There are no Motions filed."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "He withdraws Amendment #3. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker McPike: "Third Reading. House Bill 3003, Representative

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Martinez. Gentleman here? Representative Martinez, want your Bill heard? 3003, you wish your Bill heard? Yeah, read the Bill Mr. Clerk."

Clerk Leone: "House Bill 3003, a Bill for an Act in relationship to the employment of interpreters at State Health Care Facilities. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker McPike: "Third Reading. House Bill 3026, Representative Stern. Read the Bill Mr. Clerk."

Clerk Leone: "House Bill 3026, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. Floor Amendment #1 to House Bill 3026 would require the Department of Corrections to test all persons of AIDS and HIV. Upon taking custody of committed persons the department would provide those tests to those persons and also... furthermore... would require the test during each regular medical checkup. This is an attempt to make this Bill reflect our need for more information on the course of the spread of the disease AIDS. I think it's an appropriate Motion and I would move for it's adoption."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #1 and on that, Representative Young."

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

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Speaker McPike: "He will."

Young, A.: "Representative, do you have an approximate cost to this Bill? Or this Amendment?"

Stephens: "No, I do not."

Young, A.: "Okay, does your Bill provide for any testing when someone has been released from the Department of Corrections?"

Stephens: "Upon taking custody of the persons, and furthermore, the testing shall also be provided for committed persons as part of the program of regular medical checkups. They receive a regular medical checkup upon discharge then they would receive the test at that time."

Young, A.: "And what is your Amendment call for the department to do with someone who test positive?"

Stephens: "Well if they...we'll be using the ELISA test and if they test positive, the results...in the event of a positive test the Western Blot Assay or a more reliable con...confirmatory test shall be administered, period."

Young, A.: "To the Amendment, Mr. Speaker. First of all, this Bill would have an astronomical cost to test everyone in the Department of Corrections. I think we're approaching 20,000 people now each and every medical checkup, which is a couple of times a year per inmate. We're talking about 60 to 100,000 AIDS tests a year. And most importantly, the Amendment doesn't say what to do if they test positive, except to give them another test. I don't think it's a good idea, but it's certainly something that the department in this state can't afford at this time. And I would urge a no vote."

Speaker McPike: "The Lady from Lake, Representative Stern."

Stern: "Mr. Speaker, and Members of the House, while I can understand the Sponsor's concern about incarcerated, possible AIDS victims, I think this is the wrong Bill at

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the wrong time. Certainly we cannot, in a year when we are not paying our hospitals and nursing homes, afford to add this kind of money to our public health and medical expenses. I feel strongly that my Bill which is intended to reduce costs to the citizens of Illinois should not have this added expense attached to it. I urge you to vote no on the Amendment."

Speaker McPike: "Representative Pullen."

Pullen: "Mr. Speaker, Ladies and Gentlemen of the House. I think that this is indeed the appropriate time for us to again put on the Governor's desk as we did by overwhelming votes in this House last year, mandatory testing of prisoners in our state correctional facilities for the AIDS virus. Approximately 40 percent of the people who are incarcerated in Illinois prisons have been involved in intravenous drug abuse. This is one of the highest risk categories of people that you can possibly designate. And they are living in a situation in which it is quite possible for this deadly virus to be transmitted from those who are infected to those who are not. I think that the policy of our Department of Corrections, that if they see no evil, speak no evil, and hear no evil, there will be no evil, is really a negligent one. With respect to the safety, the health and the preservation of life of prisoners who are being placed into cells with other prisoners, without regard for whether something that might happen in that cell could give them an unadjudicated death sentence. The lack of support by the Department of Corrections in this state, for determining whether or not the prisoners who are being admitted and who are living in those prisons could be communicating this deadly virus, is truly tragic. When people are convicted of crimes and put into our correctional facilities, their families and even they have

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the right to expect that we will do what we can to safeguard their health. But it seems as though the Director of Medical Services for our Department of Corrections, Dr. Shansky, thinks that as long as we don't know whether anybody is carrying this virus, which does not show symptoms for many, many years... As long as we don't know that it's there, it won't hurt us. I'd like to tell the Members of this Body about the prisoner testing that the Department of Corrections has been conducting. They have a grant from the Centers for Disease Control, by which they draw the blood of 3,000 prisoners and they label that blood so they know what prisoner the blood came from. And then a year from now they're going to draw the blood from the same prisoners and they're going to test that blood. And if they find out that someone has been infected, that that blood is infected, they go back and test the first blood to find out whether they got it while they were in prison or whether they had it when they came in. It seems to me that one can...with the conditions in our prisons and the way that prisoners live in double cells, and the fact that drug abuse continues to go on behind prison bars, easily realize that transmission is going to take place in the prison. And we don't have to do a year long study to figure out whether it might be happening or not. What we need to do is to protect the prisoners who are uninfected from those who are infected. The reason that this Amendment does not provide for what happens with the test results, is that we think that the Department of Corrections should decide whether they are going to simply assign cells on this basis, so that they don't have someone who's infected with someone who's not infected. Or whether they think that it would be more effective to provide wings of people who are infected vs wings for people who are not

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infected. Or exactly what their policy might be to pursue it. But what I think the Sponsor of this Amendment is saying is that the Department of Corrections has the obligation to find out...to find out which prisoners are carrying a deadly virus, in order to protect in whatever way they decide to do that, those prisoners that are not infected. I have been told unofficially, because New York will not officially tell anyone what the results are in their prisoner testing, that some of the prisons in New York have as many as 80 percent of the people in them infected with this virus. Now New York is a more extreme situation than Illinois so far, but current data in Illinois shows that we are catching up quickly, too quickly. And we need to protect the people who are in our prisons for whatever offense, from having this deadly virus transmitted to them because our prison officials don't want to find out whether it's there and who might be able to transmit it behind prison bars. I strongly urge you..."

Speaker McPike: "Representative could you bring your remarks to a close? And I know, you've been going about ten minutes, if you would bring it to a close we'd appreciate it."

Pullen: "I am Sir, thank you. Ten minutes is just what I'm entitled to under the rules. Thank you."

Speaker McPike: "Alright, go ahead that's why I asked."

Pullen: "My last sentence was about to be and will be, I strongly urge you to vote 'yes' for this Amendment. Thank you."

Speaker McPike: "Thank you. Representative McCracken."

McCracken: "Thank you, Mr. Speaker and to Representative Stern, I apologize. I know that courtesy followed in this chamber usually dictates that we get the Sponsors consent before doing these things. Or at least notify them personally that we have to do so. However, this a matter of life and death. Our State Government insists on treating this issue

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as a civil rights issue, some Members in this Body insist on treating this issue as a civil rights issue, but it is potentially the most damaging public health issue since the 1918 influenza epidemic that killed millions of people. And why doesn't anyone acknowledge that? It is a matter of life and death. Those of you who don't like to see people go to jail in the first place, those of you who would like to limit to an absolute minimum, the number of people who are sentenced to the Illinois State Penitentiary System. You should be voting for this Bill, because if it bothers you to send people to jail, it should bother you to send people to a place where they can be killed. It's as simple as that. It's not a civil rights issue. It's not a budget issue. It's a matter of life and death. And this is one area where we have a direct impact on this issue, in a state institution. It should be our duty to protect all members of...or all inmates from each other. We are too poor at doing it now. Unavoidably, there are cases where there are violent acts of sexual abuse. We need to protect those prisoners. This is a sure means of death as there is that's come down the pike in the last 50, 60, 70 years. It's not a civil rights issue. It's a matter of life and death."

Speaker McPike: "Representative Stephens to close."

Stephens: "Thank you, Mr. Speaker. One of the previous Speakers asked the question, 'Well what do you do after you find out that they test positive for AIDS?' It's like asking what'll you do if they stop breathing? You know there's no state law that dictates exactly what the procedure is when a patient...when a inmate stops breathing, but we react to that...that moment. And we do the right thing healthwise. We don't ask about their civil rights, we do the right thing for their health. People are put in incarcerated in



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prisons in Illinois...today ought to know if they're sharing a cell with someone who has AIDS. That person ought to be dealt with, with the best medical knowledge that we have, the best public health knowledge that we have. We have to deal with this issue for what it is. AIDS is a public health disaster. It's not a social problem only, it has implications in the first point, in the medical field. And that's the sort of terminology, that's the sort of approach that Illinois ought to take. The prison population is a perfect example of how we're looking at this from the wrong point of view. This Amendment simply deals with the issue for what it is. A public health problem. Why not wake up to the fact, deal with it as such. Why are you afraid to test prisoners to see if they have AIDS? What can that possibly do to harm you? Nothing. Mr. Speaker, I would urge a 'yes' vote on this Amendment and would ask for a Roll Call vote."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' All in favor vote 'aye', opposed vote 'no'. Representative Bowman to explain his vote."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have a feeling that most people who are supporting this have absolutely no idea how unreliable the test for AIDS is. Not only the main test, not only the ELISA test, but the Western Blot test as well. In Evanston there have been 18 cases of AIDS that have been detected on the ELISA test and of those, half cannot be confirmed or denied by use of the Western Blot test. So there are nine people who may have a...may be tested false positive, don't know one way or the other. And that's what you're going to get. You're going to get more of those, more and more and more of those if you test the general population."

Speaker McPike: "Representative Didrickson, one minute to explain

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your vote."

Didrickson: "Thank you, Mr. Speaker. I rise in support of the last person's comments. We've got 11.5 million population in the State of Illinois. And the current numbers are about 1600 affected with AIDS. And if you look at further statistics, about 65 percent of them are white males. It's an unnecessary expense, there is not a scientific test that's been validated, and the proper vote is a 'no' vote."

Speaker McPike: "Have all voted? Have all voted who wish? Clerk will take the record. On this Amendment there is 71 'ayes', 38 'nos' and none voting 'present', and Amendment #1 is adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker McPike: "We have a fiscal note request on House Bill 3026 as amended. The Bill will remain on Second Reading. House Bill 3111, Representative Levin. Read the Bill, Mr. Clerk. Excuse me, Mr. Clerk the Chair would like to remind Ladies and Gentlemen of the House that you have ten minutes to turn in those slips indicating a vote preference on the vote we took at 10:00 AM on the Supplemental Consent Calendar #1. At 12:00 noon we intend to take the record. House Bill 3111, page 9 of the calendar. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3111, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker McPike: "Third Reading. House Bill 3161, Representative Olson. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3161, a Bill for an Act to amend an Act in relationship to public health. Second Reading of the Bill. Amendment #1 was adopted in committee."

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Speaker McPike: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker McPike: "Any Amendments?"

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

Speaker McPike: "Representative Olson, Amendment #2."

Olson, M.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a joint committee of administrative rules proposal. And what we're doing with Amendment #2 in amending the Nursing Home Care Reform Act, we are providing by rule rather than by licentation...we provide for the automatic renewal of waivers concerning physical plant requirements upon renewal of a license. That is, remove the objection to the original legislation. We move for the adoption of the Amendment."

Speaker McPike: "Is there any discussion? Representative Kubik on Amendment #2."

Kubik: "Will the Sponsor yield?"

Speaker McPike: "He indicates he will."

Kubik: "Representative Olson, is this proposal agreed to by the Department of Public Health?"

Olson: "Yes."

Kubik: "Okay. No further questions."

Olson: "Thank you very much."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker McPike: "Third Reading. Page 9 of the calendar, House Bill 3184, Representative Stange. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3184, a Bill for an Act to amend the

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Child Care Act. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Stange. Representative Stange."

Stange: "Mr. Speaker, Ladies and Gentlemen of the House, Amendment #1 exchanges requested by mental health agencies regarding...I'm sorry DPH agencies allowing sick day care for certain communicable diseases. They will rule these communicable diseases which will be admitted to day care facilities. Appreciate your help in this Amendment."

Speaker McPike: "The Gentleman has...the Gentleman has moved for the adoption of Amendment #1. Is there any discussion? Being none the question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it and the Amendment...excuse me, Representative Young."

Young, A.: "I'm sorry Mr. Speaker. Will the Sponsor...we didn't quite hear the explanation of the Amendment. Could you tell us what it does again?"

Stange: "Certainly."

Speaker McPike: "Representative Stange, I don't think anyone heard the explanation. Could you speak up just a little...I know."

Stange: "I didn't hear the explanation either. DPH may approve by the rules certain communicable diseases which children may be admitted to the day care facilities and established by the...by the section."

Young, A.: "Which certain communicable diseases?"

Stange: "DPH will determine by rules which one they're talking about."

Young, A.: "So let me understand you. This Amendment is

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telling... We're authorizing the Department of Public Health to establish a list of..."

Stange: "To which kind of kids will be able to go to day care sick day centers."

Young, A.: "We'll be able to do what? I'm sorry I can't hear you."

Stange: "Determine what kind of...what kind of kids will be able to be determined...what day care centers they'll be able to go to. Like for example; a child with cholera, is not going to be able to go to a sick day center."

Young, A.: "Okay, so the Department will establish rules and these children won't be able to go to day care centers."

Stange: "That's right exactly. That's right."

Young, A.: "Are they going to work in conjunction...this it kind of makes me nervous to give such blanket authority...what's the reason for this Amendment? Is there a problem..."

Stange: "Well, would you want a child going to a sick day care center that's got cholera?"

Young, A.: "No, but I don't think I'd mind one going who had...there are some diseases... I guess what I'm saying is, it seems like we're giving quite a blanket authority to the department to deny people access to the day care centers. And is there any provision...are you saying these children cannot go to day care centers, period?"

Stange: "Repeat that again. See right now there is no sick day facilities available at all."

Young, A.: "I take it this is a Department Amendment?"

Stange: "Yes."

Young, A.: "Thank you."

Speaker McPike: "Further discussion? Being none the question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed 'no'. All in favor of Amendment #1 vote 'aye', opposed vote 'no'. Have all voted? Have all voted who

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wish? Clerk will take the record. On this Amendment there are 88 'ayes', 4 'nos' and the Amendment's adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker McPike: "Third Reading. House...on page 10 of the calendar, House Bill 3254, Representative Tate. Mr. Tate here? Out of the record. House Bill 3323, Representative Cullerton. Representative Cullerton. Out of the record. House Bill 3394, page 11 of the calendar, Representative Pullen. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3394, a Bill for an Act to amend an Act in relationship to the prevention of certain communicable diseases. Second Reading of the Bill. No Committee Amendments."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Pullen Amendment #1."

Pullen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This...I need to say a couple of things about the Bill before I can really explain the Amendment. The Bill expands, in a limited manner, the people in a school who are informed if a school age child is found to have AIDS or be carrying the AIDS virus. The reason this Bill was introduced is because public school people came to me and said that the way the Governor had amendatorily vetoed the same thing, the same provisions last year...well similar provisions... had made their situation unworkable and they asked me to expand this. In reviewing it we have concluded that the Bill, as written, expands it too far and this Amendment is to trim back the scope of the Bill as introduced, while still providing that people who in the school operations who have a clear need to know this

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situation would be informed in a confidential manner. The Amendment would make this much less broad, and I move it's adoption."

Speaker McPike: "Any discussion? Being none the question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it. The Amendments adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker McPike: "Third Reading. The Chair erred...the Bill will return to Second Reading. There is a State Mandates Act Fiscal Note requested that has not been filed. Bill will remain on Second Reading. Page 11 of the Calendar, House Bill 3508, Representative O'Connell. Read the Bill Mr. Clerk."

Clerk Leone: "House Bill 3508, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Homer."

Homer: "Thank you, Mr. Speaker. The Amendment deals with the situation being encountered by legal practitioners in handling small estates. The current law requires there to be a imposition of a sales tax on the transfer of used cars when that transfer is either by gift or to the beneficiary in the administration of an estate. The law allows 30 days from the date of transfer for the payment of this tax and if the tax is paid after 30 days then there is a penalty imposed. The problem arises in the case of a small...the handling of a small estate by way of small estate

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affidavit, which applies to estates of less...with personalty of less than \$15,000. The problem is that very often the actual transfer by small estate takes longer than 30 days after death, which is determined to be the date at which the actual transfer took place. Therefore, practitioners are finding that the beneficiaries of...automobiles transferred by way of small estate affidavit, are not only having to pay the transfer tax, but also a penalty imposed. Because of a technical violation of current law. This Bill says that where the transfer to a beneficiary is where...is by use of a small estate affidavit, that the transfer tax may be paid within 6 months from the date that the beneficiary takes possession of the vehicle. It's simply a mechanism to conform reality to the practicalities of handling small estate affidavits. I don't think that it should involve any major controversy, but I would be happy to answer any questions."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. Any discussion? Being none the question is, 'Shall Amendment #2 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it and the amendment's adopted. Further Amendments?"

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

Speaker McPike: "Representative Homer."

Homer: "Thank you, Mr. Speaker. This is simply a technical correction to the Bill as amended to delete a word that was inadvertently left in under Amendment #2. I would move it's adoption."

Speaker McPike: "Gentleman moves for the adoption of Amendment #3. Is there any discussion? The question is, 'Shall Amendment #3 be adopted?' All in favor say 'aye', opposed 'no'. The 'ayes' have it and the Amendments adopted."



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Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker McPike: "Third Reading. Mr. Clerk take the record on the Supplemental Calendar #1. On page 10 of the calendar, House Bill 3323. The Gentleman was off the floor, he's returned...Representative Cullerton. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3323, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk Leone: "No Motions filed."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative Ropp Amendment #2."

Ropp: "Thank you, Mr. Speaker, Members of the House. Amendment #2 to 3323 is an attempt to provide additional funds for allowing motorcycles to have adequate training in the State of Illinois. A few years ago, when we initially established a fee for motorcycles, that fee was \$4.00. Since then we have increased the licensure for motorcycles two additional times and did not increase that amount of money that should, of course, correspondingly go on into the Motorcycle Training Program. This Bill increases that amount from \$4.00 to \$10.00. It does not in any way increase the fee that the motorcycle operator now pays, but it moves part of that money that he does pay into the fund for training motorcycle safety throughout the state. I urge your support of this Amendment."

Speaker McPike: "Representative Cullerton."

Cullerton: "Yes, thank you, Mr. Speaker. This is my Bill and I'm opposed to the Amendment. The...this Amendment of

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Representative Ropp's was a Bill and the Bill was in the Transportation Committee and his Bill was strongly opposed by the Department of Transportation. It's a road fund diversion, I can't remember the amount, it seems to me it was like...maybe he can help me with that...a million and a half or something like that. But that's why they were opposed to it. I'm not philosophically opposed to his Amendment, but the Department of Transportation is definitely opposed to the Amendment. And that's why I would oppose it as well, it's on my Bill and I'd appreciate it...it would not go on."

Speaker McPike: "Representative Mays."

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

Speaker McPike: "He indicates he will."

Mays: "Can you give me some background on this? Wasn't this program partially federally funded at one point?"

Ropp: "Back in 1982 it was funded in part by the Federal Government. Those funds now have run out and the Department of Transportation has not added to that to maintain a uniform program throughout the state. And we're attempting to provide those funds in that program. It is a program that was established by law at the direction of the Department of Transportation. And it's my judgment that the safety of motorcycle riders is worth at least increasing the funds to keep up with inflation and the cost of training so that we don't lose any more people on the highway as a result of motorcycle accidents."

Mays: "Was the original fund set up so that, you know an estimate of the dollars generated on motorcycle license fees was going to go into a Motorcycle Safety Program?"

Cullerton: "Yes."

Mays: "And when we increased the license fees in 1983, did we increase the percentage of funds going into this fund?"

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Cullerton: "No."

Mays: "Thank you."

Speaker McPike: "Representative Stephens on the Amendment."

Stephens: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In my opinion this Bill would...this Amendment would make a bad Bill worse. There's just no way we can justify taking a million and a half dollars out of the road fund for this reason and I would suggest that the Gentleman's Motion...Amendment is made in earnest, but it's just not a good idea. And I would urge downstate Legislators to join me in defeating this Amendment."

Speaker McPike: "Representative Weaver."

Weaver: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I rise in support of the Gentleman's Amendment. If the overall purpose of the Bill is to support safety in motorcycles then I think we ought to put our money where our mouths are and actually provide the training courses for the people who are going to ride the machines. I really think we need to support this Bill to provide adequate safety for motorcycle riders in the state. Thank you."

Speaker McPike: "Representative Ropp to close."

Ropp: "Thank you, Mr. Speaker and Members of the House. I just think it's important that we should have when we established this program back in 1982, it's only fair that the training programs keep up with costs of training. There are any number of lives, in fact as we've seen an increased number of traffic fatalities as a result of death by motorcycles and I just think it's extremely important that we allow some additional funds to go into this program. Not increasing the amount that the motorcycle rider himself pays but within that particular system in order to provide adequate training for those people who

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choose to ride motorcycles. And I welcome your support on this vote."

Speaker McPike: "The question is, 'Shall Amendment #2 be adopted?' All those in favor say 'aye', those opposed 'no'. 'Nos' have it and the Amendment's defeated. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker McPike: "Third Reading. On page 12 of the calendar, House Bill 3672, Representative Klemm. Read the Bill, Mr. Clerk."

Clerk Leone: "House Bill 3672, a Bill for an Act to amend the Illinois Vehicle Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker McPike: "Any Motions filed?"

Clerk Leone: "There are no Motions filed."

Speaker McPike: "Any Floor Amendments?"

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

Speaker McPike: "Representative McCracken."

McCracken: "Thank you, Mr. Speaker. This amends the Illinois Vehicle Code. Current law requires that the Secretary's Office suspend the license of a person who does not appear at court, appear or otherwise answer to a traffic ticket. There currently is no provision in the law allowing a similar enforcement mechanism when any judgment entered pursuant to a traffic ticket is not satisfied. If you look at the Amendment you will notice the paragraph immediately preceding the new paragraph, paragraph F, is virtually identical. The first relates to current law which allows the suspension for failure to appear. This would allow the suspension for failure to satisfy the judgment. It's important to note that the suspension has...is required to be terminated as soon as either the person shows up for the

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traffic ticket or if this were adopted as soon as the judgment is satisfied. I move it's adoption."

Speaker McPike: "The Gentleman moves for the adoption of Amendment #2. And on that the Gentleman from Macon, Representative Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the Amendment. The Amendment says that when a judgment remains unsatisfied, the Circuit Clerk shall notify the Secretary of State and the drivers license shall be suspended. Many times where there's a traffic ticket..."

Speaker McPike: "Representative Braun in the Chair."

Dunn: "Where a traffic ticket is issued and a disposition is made providing for the payment of a fine, the defendant doesn't have the money to pay the fine all at once, and the fine is paid in installments. If installment provisions are provided for by the court during the pendency of the payment of those installments, the judgment remains unsatisfied. So if a judge says, 'Alright, you don't have the money now, agree to pay some in 30 days and some in 30 days and get this paid in 6 months'. During that per...during the entire period of time the judgment remains unsatisfied, and this legislation would direct the Circuit Clerk to take away that person's license when it's not the intention of the court or the law or the statutes or anybody. This is a bad Amendment and I would urge it's immediate defeat."

Speaker Braun: "Representative Braun in the Chair. Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Levin."

Levin: "Would the Gentleman yield?"

Speaker Braun: "He indicates he will."

Levin: "Okay, does this apply to moving only or does it apply to

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traffic tickets as well?"

McCracken: "I don't know. There's no limitation written into it, it only refers to offenses under the code or similar local ordinances. Are parking tickets an offense under the vehicle code?"

Levin: "You get a judgment on a parking ticket...you get a judgment on a parking ticket."

McCracken: "No, because only a local ordinance similar to the Vehicle Code statute would trigger this Act. Under the assumption there's not a parking vehicle or parking ticket violation in the statute, then no, it would not apply."

Levin: "I'm not so sure. The other question I have is, what time...is there a time period...if there's a judgment on Monday are you given a week or a month? Or if you haven't paid the judgment on Monday can they take your license on Monday?"

McCracken: "Are you referring to the situation where the court gives time to pay, is that it?"

Levin: "I mean, what is... you know, is there any time...is there any grace you provide in the Bill in terms of how...in terms of how long a person has to satisfy the judgment? Or is it the day that the judgment is entered?"

McCracken: "Oh, so you think that someone could go and be ordered to pay, and before he got to the place to issue his check, his license had been suspended.."

Levin: "No. If I go to court and there's a judgment entered against me on Monday, you're not providing even any time period for me to satisfy their judgment."

McCracken: "Well, when you go to court and you tell the judge you can't pay, he sets a time for you to pay. If you need a week to pay or something, the judgment's not unsatisfied."

Levin: "Your Bill doesn't deal with that situation."

McCracken: "Well, it doesn't apply to that situation."

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Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Young."

Young: "Thank you, Madam Speaker, would the Gentleman yield?"

Speaker Braun: "He indicates he will."

Young: "Is there any provision in your Amendment for any type of court hearing whatsoever, in terms of the suspension?"

McCracken: "No."

Young: "And there's no time frame in terms of when the suspension would go in effect. Because as you know in Cook County, a judge will enter a judgment and write something on the file and the judgment is entered that day. And so what ..what we're concerned about Representative, is that it seems that this would go into effect possibly before somebody had time to pay a judgment."

McCracken: "And my response to that is, that if...if you tell the court that you don't have the money to pay it and the court insists on entering the judgment, and it provides for immediate execution, then this Bill will go into effect. Yes. However, if you tell the judge, I can't pay the money, and the judge gives you 10 days to pay, then it does not go into effect because its not a judgment."

Young: "But the Bill reads, Representative, the judgment remains unsatisfied, so if he enters a judgment, and says okay you got thirty days to pay, there is still a judgment."

McCracken: "No, no, no, that is not, that is not correct. Absolutely not. You defy all meaning of the word judgment as its used in the statutes. If he's given thirty days to pay, it isn't an unsatisfied judgment in that thirty day period."

Young: "To the Amendment, Madam Speaker, Ladies and Gentlemen of the House. I disagree with the maker of the Amendment. The Amendment clearly states, remains unsatisfied, does not provide any provision for if there was a state by a court

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order. It provides no provision for a subsequent hearing, if there is any disagreement with the judges order. It's another instance where we're giving the Secretary of State grounds to just summarily, without hearing, suspend/alter someone's driving privileges. Its a bad Bill and I urge a no vote on the Amendment."

Speaker Braun: "Is there further discussion? Is there further discussion? Yes, the Lady from Sangamon, Representative Hasara."

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

Speaker Braun: "Indicates he will."

Hasara: "Representative McCracken..."

McCracken: "Yes."

Hasara: "I just want to make sure, because I agree with the concept of your Amendment. If I'm in court, and I'm fined a certain amount and I say to the judge, I cannot pay, I need six months or a year to pay. I need six months to a year to pay. Okay, my license will not be suspended if I pay within that six months or a year."

McCracken: "That is correct."

Hasara: "Okay, then is it not true that the Secretary, if the Clerk notifies the Secretary that there is an unpaid judgment, if I let another month or two go by. Am I correct that the Secretary sends a notice that says your license will be suspended on such and such a date? That would be, you know, somewhere in the future, fifteen days, thirty days."

McCracken: "Yes, that's correct."

Hasara: "I don't get a notice saying, your license was suspended three days ago."

McCracken: "That's correct."

Hasara: "Okay, so if there were a problem, indeed the defendant would have some time to come into the court and straighten



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it out before the license was actually suspended. Am I correct?"

McCracken: "Well, he is given notice prior to its going into effect."

Hasara: "Right, okay. So I stand in support of this Amendment. I can tell you that in reality there are thousands of traffic tickets that do go unpaid. And the Clerk has absolutely no recourse, and they sit there in the file unpaid and nothing's ever done about it. So, it creates a problem, it loses thousands of dollars for local Governments every year. So I rise in support of the Amendment and urge an 'aye' vote."

Speaker Braun: "For what reason does the Gentleman from Cook, Representative Young seek recognition?"

Young: "Inquiry of the Chair as to whether or not this Amendment is out of order because it amends the Bill, but does not amend the Bill as amended. There is Amendment #1, was adopted in committee I believe."

Speaker Braun: "Representative McCracken."

McCracken: "Speaker, the amendment does not amend that portion of the Bill previously amended. It adds a new Section."

Speaker Braun: "The Gentleman, Representative Young. The Gentleman is correct, the Amendment is in order for the reasons stated. Representative McCracken to close."

McCracken: "Thank you, I didn't know that I was that smart. John Cross whispered it to me. Ladies and Gentlemen, I understand the concern over the improvident suspension of drivers licenses. But let me tell you what's been the law for years. Where a person does not show up to appear in court, not that he's been found guilty and a judgment's been entered, but because he didn't appear in court to answer to the traffic ticket, his license is now and has been automatically suspended under the identical provisions

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which we propose here today. If you look at the Amendment, that activity required to be conducted by the Secretary of State and by the Clerk of the Court. In this new Amendment is identical to that portion of the Bill or that portion of current law, which requires that where the person fails to appear. Now the irony is, we have a judgment entered, a person found guilty, a judgment entered, but we can't do anything to enforce the fine. So we have thousands of unpaid fines accumulating throughout the State. On the other hand, even where the presumption of innocence still applies, not where the person has been found guilty or had a judgment entered against him, his license can be suspended. I respectfully submit that any reading to make applicable to this Bill, a situation where an installment plan is authorized or a date in which to pay is authorized is an absolutely wrong reading. It's not a question even of ambiguity, it's just flat out wrong, and it's not going to be construed by the courts in the way these people suggest. Judgment has a meaning under the law. It's a term of art. The judgment is final when it's execution is all there is left to do. If a judgment has not reached that stage of finality, it is not a judgment. In a case where a... payment plan or a time in which to pay is authorized, it is not a judgment within the meaning of the law. It is not an unsatisfied judgment within the meaning of the law. The fears, I believe, for that reason are unfounded. In addition, there are safeguards already in place that the Secretary of State follows and has been following as a result of the current law that I refer to. That the law which requires suspensions upon a failure to appear. The Secretary of State, upon notification sends a pre-suspension notice to the party, who has then, at least, notice of the intent to do so. There's nothing wrong with

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this Bill. It addresses a legitimate issue which exists throughout all of your districts. We need to enforce these unsatisfied judgments."

Speaker Braun: "There being no further discussion, the question is, 'Shall Amendment #2 be adopted?' All in favor vote 'aye', opposed vote 'no'. The voting is open. Have all voted? Have all voted? Have all voted who wish? For what reason does the Gentleman from Lee rise? Representative Olson."

Olson: "Thank you, Madam Speaker. I'd just like to take a moment to explain my vote. I support the statement of the movement of the Amendment and endorse the statement of former Circuit Clerk, Hasara, as to the legitimacy of this Amendment. And it should have the support of everyone from downstate, and indeed including Cook County if you want to have your court system work effectively."

Speaker Braun: "Have all voted? The Clerk will take the record. Representative Dunn."

Dunn: "Request verification of the green votes."

Speaker Braun: "The Gentleman has requested a verification of the affirmative. Proceed with the verification."

Clerk Leone: "The Poll of the Affirmative. Ackerman, Barger, Barnes, Black, Breslin, Brunsvold, Churchill, Countryman, Cowlshaw, Daniels, DeJaegher, Deuchler, Didrickson, Doederlein, Ewing, Virginia Frederick, Goforth, Hallock, Hannig, Harris, Hasara, Hensel, Hoffman, Homer, Johnson, Kirkland, Klemm, Kubik, Mays, McAuliffe, McCracken, McNamara, Myron Olson, Robert Olson, Panayotovich, Parcels, Parke, Bernard Pedersen, William Peterson, Petka, Phelps, Piel, Pullen, Rea, Regan, Ropp, Ryder, Satterthwaite, Sieben, Stange, Stephens, Tate, Tuerk, Wait, Weaver, Wennlund, Williamson, Wojcik. No further."

Speaker Braun: "Any questions of the affirmative, Representative

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Dunn?"

Dunn: "Representative Barnes?"

Speaker Braun: "Representative Barnes. Representative Jane Barnes. Is the Lady in the chamber? She appears not to be, remove her vote."

Dunn: "Churchill?"

Speaker Braun "Representative Churchill is in the chamber, in his seat."

Dunn: "McAuliffe?"

Speaker Braun: "Representative McAuliffe. Representative McAuliffe, is the Gentleman here? He appears not to be, remove his vote."

Dunn: "Robert Olson?"

Speaker Braun: "Representative Barnes has just returned to the chamber. Return her vote."

Dunn; "Representative Robert Olson?"

Speaker Braun: "Representative Olson is in his chair."

Dunn: "Representative Ewing?"

Speaker Braun: "Representative Ewing. The Gentleman in the chamber? He appears not to be, remove his vote."

Dunn: "Countryman?"

Speaker Braun: "Representative Countryman. Is the Gentleman in the chamber? He appears not to be, remove his vote."

Dunn: "That's all, take the record."

Speaker Braun: "Representative McCracken. For what reason do you rise."

McCracken: "I was eating lunch, you took me by surprise. I'd like to verify the negative."

Speaker Braun: "Alright. The Gentleman has requested a verification of the negative. For what reason do you rise, Representative Slater? Representative changes his...Slater changes his vote from 'no' to 'aye'. Mr. Clerk would you verify the negative vote please?"

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Clerk Leone: "Poll of those voting negative: Berrios. Bowman. Braun. Bugielski. Capparelli. Cullerton. Currie. Daley. Davis. DeLeo. Dunn. Farley. Flinn. Flowers. Giglio. Giorgi. Granberg. Hartke. Hicks. Huff. Hultgren."

Speaker Braun: "Excuse me, Mr. Clerk. For what reason does the Gentleman from Warren rise? He changed his vote from 'no' to 'aye', Representative Hultgren. Proceed, Mr. Clerk."

Clerk Leone: "Continuing with the Poll of the negative. Jones. Keane. Krska. Kulas. Lang. Laurino. LeFlore. Leverenz. Levin. Martinez. Matijevich. Mautino. McGann. McPike. Morrow. Mulcahey. Novak. O'Connell. Rice. Richmond. Ronan. Saltsman. Shaw. Steczo. Stern. Sutker. Terzich. Turner. Van Duyne. White. Williams. Wolf. Anthony Young. Wyvetter Younge and Mr. Speaker."

Speaker Braun: "Representative McCracken, any further questions of the negative? Representative McCracken, before you start, Representative McAuliffe has returned to the chamber, return his 'aye' vote. Representative McCracken, do you persist in your challenge of the negative vote?"

McCracken: "No."

Speaker Braun: "You do not. Mr. Clerk take the record. On this question there are 58 voting 'aye', 55 voting 'no', and the Amendment passes. Further Amendments?"

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

Speaker Braun: "The Gentleman from DuPage."

McCracken: "Thank you, Madam Speaker. This...this amendment and I would ask Representative Homer or Cullerton to look at it carefully. It is designed only to clarify what we all thought, I think, was prior law. This relates to the summary suspension hearings. Currently as written, the law states within thirty days after receipt of the written

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request or the first appearance date on the uniform traffic ticket. Believe it or not, courts are construing that, or lawyers are construing that to mean that the thirty day period runs either from the date of the ticket, or from the date of the first appearance. So in counties which ...Well I should say these appearances are required by law to be within thirty-five to forty-five days or something. Some people are contending that the hearing doesn't have to be held until thirty days after the appearance date. Which, of course, is something we never intended. We always wanted to make it very clear that you had to be ready for this hearing on the first date. And that is the purpose of the Amendment. The other changes make it clear that..that the section is triggered by the issuance of a traffic ticket or a complaint. And also, make it clear that the hearing we referred to is a Judicial Hearing, which of course is the law, and certainly was our intention. And that's the purpose of the Amendment. I move its adoption."

Speaker Braun: "The Gentleman has move for the adoption of Amendment #3. On that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Young."

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

Speaker Braun: "He indicates he will."

Young: "Okay. So according to this Amendment, if someone appears in traffic court for the very first time, which may be just a couple of days after the issuance of the ticket, and they appear by themselves, then the court has to make them go through a hearing on whether or not their licenses should be suspended..."

McCracken: "Oh, no..Oh, no..."

Young: "Whether or not they have a lawyer with them or not."

McCracken: "No Sir. Absolutely not. The defendant always controls the date of the hearing. The purpose of the Bill

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had always been to make as an outer limit a very prompt hearing date. That...And as a matter of fact, if that problem did exist, it would exist under current law. This..This Amendment would not create that conclusion."

Young: "To the Amendment, Madam Speaker. Again, what we're doing is, we're putting more and more mandates which a lot of people in this chamber don't think are good ideas on a court system. Now, without going into all of the different circumstances and ramifications that can or cannot come up at any given time. Why are we telling Judges that they have to conduct this hearing the very first time someone appears before him, whether or not the thirty days have transpired, regardless of the circumstances? We've already placed in law a mechanism that forces a hearing, it forces one within thirty days. Now we're telling the Judge, you have absolutely no discretion whatsoever. Its a bad Amendment, I don't know why we have to introduce this Amendment. It seems like each Session we have to come back and try to make a tight and strict law and procedure. Tighter, more strict. Tighter more strict, less leeway for the Judge. Pretty soon, we'll take the Judges all the way out of this Act and just give the opportunity to the Secretary of State. That's where we're headed, and that's what's going to happen if we keep adopting these restrictive Amendments."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Macon, Representative Dunn."

Dunn: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. It appears to me that the current law provides a person receiving a ticket which can result in the loss of license, has an opportunity to go to court for the first time and enter a plea of not guilty, and have some time after that to reflect upon what to..about what to do. To

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decide whether to engage a lawyer or not and to react to the seriousness of the problem. In my county, as in most counties, people get traffic tickets, they wander into the court on the first appearance and most of them pay their fine and go on down the road. Those who don't almost universally clearly understand that they can plead not guilty and then they have some time to think about what to do, to find out what to do. If we pass this Amendment, and the first time they walk into court they have to be confronted with the decision whether to go ahead with the hearing or not. And if they want to go ahead with the hearing, they might want to have a lawyer, they don't know what to do. The previous Speaker is exactly right. We're going down the road, where we're going to ask the Judge to grind to a halt every time someone comes before him or her on the traffic ticket and explain rights, the way you do in a criminal arraignment. The Judges are going to complain, they won't want to do that. The Judges are going to be asked to be taken out of this business. They are going to say, 'Why are we put here in the first place?' We know why the judges are put here in the first place, because of the Secretary of State is failing to use proper discretion in these areas, and the judges are going to say that should have been his job in the first place. You put this burden on us, now you've mandated a bunch of silly rules, about how we have to proceed and we know what to do. Just get this off our back and get rid of it and we will be back where we started from. We talked about judicial driving permits and hearings. The present law is fine, let's leave it alone, let's defeat this bad Amendment and go on to hopefully to some good legislation further down the road."

Speaker Braun "Is there further discussion? There being none, the question is, 'Shall Amendment #3 be adopted?' All in



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favor vote 'aye', opposed 'no'. The voting is open. Have all voted? Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 56 voting 'aye', 50...on this question there are 56 voting 'aye', 55 voting 'no'. The Amendment is adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

Speaker Braun: "Third Reading. House Bill... On page 13 of the Calendar, appears House Bill 3695, Representative Breslin. Mr. Clerk, read the Bill."

Clerk Leone; "House Bill 3695, a Bill for an Act to amend the Illinois Human Rights Act. Second Reading of the Bill."

Speaker Braun "Representative McCracken. Representative McCracken, I have just been advised by the Clerk that a fiscal note request was filed on House Bill 3675 as Amended... 72, I'm sorry... As Amended and so the Bill will be returned to the Order of Second Reading and held, awaiting the fiscal note."

McCracken: "Fair enough."

Speaker Braun: "Thank you."

McCracken: "Dick, shall I pull them off now? Alright. The Sponsor wants me to pull those Amendments off. I'm sorry to have put everybody through this. He wants to save his Bill. Sometimes its not enough to be right. So I didn't realize that was coming, I wouldn't have done it to everybody if I had known that would happen, but I certainly don't want to jeopardize the Bill, so I move to table Amendments #2 and #3."

Speaker Braun "Representative McCracken, we'll have to do this properly. Representative Breslin, if you don't mind we will take your Bill out of the record and go back to 3672. Mr. Clerk, read the Bill."

Clerk Leone: "A Motion to Table House Bill 3672 on the Order of

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Second Reading. I move to table Amendments #2 and 3 to House Bill 3672, filed by Representative McCracken."

Speaker Braun: "The Bill has been returned from the Order of Third Reading to the Order of Second Reading for purposes of consideration of Representative McCracken's Motion. On the Motion, is there any discussion? Representative McCracken."

McCracken: "Again, just to emphasize, I didn't want to engage in an intellectual exercise. I didn't realize it would be controversial and I certainly don't want to jeopardize the Sponsors underlying Bill. So, I move to table the Amendments."

Speaker Braun: "The Gentleman has moved to table Amendments 2 and 3 and on that question, Representative Cullerton."

Cullerton: "Yes, Madam Speaker, I think that procedurally, these Amendments have been adopted, right?"

Speaker Braun "They were adopted, that's correct."

Cullerton: "Don't we have to reconsider, doesn't someone have to move to reconsider having voted on the prevailing side before we can..."

Speaker Braun: "No Sir, they can be tabled."

Cullerton; "Tabled.."

Speaker Braun: "That's correct, by the Sponsor of the Amendment. On ..is any further discussion? Representative Hallock? No discussion? The Gentleman has moved to table Amendments 2 and 3 to House Bill 3672. There being no discussion, the question is 'Shall Amendments 2 and 3 be tabled. All in favor say 'aye', opposed say 'no'. In the opinion of the Chair...on the opinion of the Chair the 'ayes' have it, the Amendments are tabled. A fiscal note has been filed on the Bill as Amended, but in light of the Motion to table having prevailed, the fiscal note is no longer appropriate, there is no fiscal note request on the Bill. The Bill will now

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be moved to the Order of Third Reading. Right, Representative Breslin, thank you for your perseverance. House Bill 3695. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3695, a Bill for an Act to amend the Illinois Human Rights Acts. Second Reading of the Bill. There are no Committee Amendments."

Speaker Braun: "Any Floor Amendments?"

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

Speaker Braun: "The Lady from LaSalle."

Breslin: "Withdraw #1, please."

Speaker Braun: "Amendment #1 is withdrawn. Further Amendments? Further Amendments?"

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

Speaker Braun: "The Lady from LaSalle."

Breslin: "Thank you, Madam Speaker, Ladies and Gentlemen. Amendment #2 is offered at the suggestion of those people who participated in the Committee Debate on this Bill. It would..it is drawn to make the Bill, as to apply to as few people as possible. It would delete any reference to the handicapped, it would delete the reference to any...any and all health care practitioners or health care facilities, so it will not apply to medical doctors. This Amendment would confine the Bill to apply only to dentists. It would require that they make a successful referral and that that successful referral be made in a timely fashion within ten working days and that the receiving dentist has an appropriate facility or training equal to or better than the referring dentist. So as the object of the ..of the Amendment is to confine it as much as possible and I would ask that the Amendment be adopted."

Speaker Braun: "The Lady has moved the adoption of Amendment 2

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and on that is there any discussion? The Chair recognizes the Gentleman from Morgan, Representative Ryder."

Ryder: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the Amendment. The Amendment strongly and strictly confines the intent of the Bill. The referral has to be successful. The referral has to be to some care provider with equal or better facilities than the original, and it has to be done within a timely manner. It's a very important issue. The Sponsor of this Amendment has gone to great lengths in order to restrict the application of the Bill to only that which was in line with its first intent. She's to be congratulated on that, and it is now a good Bill and a good Amendment."

Speaker Braun: "Is there further discussion? The Gentleman from Cook, Representative Levin."

Levin: "Madam Speaker, Ladies and Gentleman of the House. It is more out of sadness than anything else that I rise in connection with this Amendment. I think that the Bill is you know..I don't what it says about where we are in terms of trying to deal with people we disagree with, or fear. But, you know today we single out people with a particular handicap, people who have AIDS and we say we're going to take away their Civil Rights, and tomorrow we do the same thing with people with mumps and the next day we do it for people who have SKY at the end of their name. I feel really sad about this Bill being offered at all. But I guess, just in terms of a substantive comment, what we are doing here is, we're going to... we're asking the Department of Human Rights to make a determination under #2 as to the quality of the medical care of two different dentists. Are they equipped to do this? It sounds to me that they really are not. This..I have real serious problems with this Bill. I think it is a very

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different..very much a departure from the kinds of AIDS legislation that we've been seeing, which I've had problems with, but this is very, very different. And I think it's much more fundamental in terms of what it does to people and you know..the Amendment obviously makes ..a bad Bill a little bit better, but I still have terrible, terrible problems with the whole concept embodied by this legislation. It's just..."

Speaker Braun: "Is there further discussion? The Chair recognizes Gentleman from Cook, Representative Cullerton."

Cullerton: "Will the Sponsor yield?"

Speaker Braun: "She indicates she will."

Cullerton: "Representative, did..we had a discussion concerning how this Bill might affect the..hospitals, county hospitals, that have to provide certain care. Have you researched that?"

Breslin: "Yes, the Amendment specifically eliminates any reference to health care facilities. As a consequence, county hospital, and in particular Cook County Hospital would not be affected by the operation of the Bill."

Cullerton: "But what if... What if they provide dental services though?"

Breslin: "They are a facility, not a doctor. This, the Amendment applies specifically to dentists, not to health care facilities."

Cullerton: "Well, what if there's a dentist at Cook County Hospital who is treating a patient? Would this allow for that person to... First of all, would that allow for that person to refer him or her away from Cook County Hospital? Or more importantly, could a, could all dentists refer all their patients to Cook County Hospital? That's the real concern."

Breslin: "You would...You would probably have to know what the

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facilities are for Cook County Hospital. I don't know what their facilities are for dental care nor do I know if they would be appropriate facilities..."

Cullerton: "Well, let's assume that.."

Breslin: "With training..."

Cullerton: "Let's assume that there are..."

Breslin: "With training equal to or better than the referring dentist."

Cullerton: "I see. Let's assume that the Cook County Hospital has appropriate facilities in training equal to or better than referring dentists. Could it not be with this passage of this Bill, that all the dentists in the entire County of Cook, who want to not treat patients who have infectious diseases. Couldn't they just simply send them all over to the hospital that has to treat them? Cook County Hospital?"

Breslin: "No,"

Cullerton: "And wouldn't that possibly be a very great expense to the county hospital?"

Breslin: "No, I don't believe that can happen because the Amendment specifically says it must be an accepting referral. As I understand it, the dentist must find an accepting dentist for such a referral. Now you may say that Cook County Hospital cannot turn away patients, but they can certainly turn away referrals. So this dentist, if he believes it is appropriate, must find an accepting dentist."

Cullerton: "So the real purpose of the Bill as Amended then is to allow for the dentist to get together and to find one dentist who's willing to take care of patients with infectious diseases, so the other dentists don't have to..have to take care of them."

Breslin: "No, I don't think that's the purpose of the Bill

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whatsoever. And it certainly is not the purpose of the Amendment. The purpose of the Amendment is to confine the scope of the Bill as greatly as possible..."

Cullerton: "No, I appreciate that.."

Breslin: "At the request of the committee. And that's what it does."

Cullerton: "Oh, in that respect, it is..the Amendment does that. I guess I should reserve my questions for Third Reading then."

Breslin: "Yes, I think you should."

Cullerton: "Alright, I would be happy to do that if this Bill get's to Third Reading."

Speaker Braun: "Further discussion. Representative Cullerton, have you concluded? Thank you, Sir. Further discussion, Representative Parke."

Parke: "Thank you, Madam Speaker. Just for clarification... I did not hear in your opening remarks on this Amendment. Are..is the dental society in support of this Amendment?"

Breslin: "Oh, yes."

Parke: "So this is an Amendment that they have worked with you on?"

Breslin: "Yes."

Parke: "Thank you, that's all I needed to know."

Speaker Braun: "The question is, 'Shall Amendment 2 be adopted?' All in favor say 'aye' , all in favor vote 'aye'... No... All in favor say 'aye', opposed say 'no'. In the opinion of the Chair the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Braun: "Third Reading. On page 29 of the calendar... Representative Piel, for what reason do you rise?"

Piel: "There is a discussion, Madam Speaker on 3695, as far as a fiscal note that had been filed. Supposedly they thought

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that the fiscal note had been filed under my name and the note says it's under my name, the computer says it's under Representative Cullerton's name. And all I can say is, if the note is under my name I would withdraw the request for the fiscal note at this time on 3695."

Speaker Braun: "On page 29 of the Calendar... Representative Piel, the Clerk is checking whether or not a fiscal note has been in fact been filed. Fiscal note request has been filed. A fiscal note request has been filed, but not by Representative Piel. A fiscal note request on the Bill as amended has been filed. Until such note has been filed, the Bill will remain on the Order of Second Reading. Representative Breslin."

Breslin: "Who has filed the request for the fiscal note? Please put it on the record. Who filed the request for the fiscal...?"

Speaker Braun: "Representative Cullerton has filed a request for a fiscal note."

Breslin: "Thank you."

Speaker Braun: "The Bill will remain on the Order of Second Reading. On page 33 of the Calendar, on the Order of Conference Committee Reports, appears Senate Bill 1416, Representative Capparelli. Mr. Clerk, read the Bill."

Clerk Leone: "Senate Bill 1416 amends the Illinois Banking Act. Conference Committee report #2."

Speaker Braun: "The Gentleman from Cook."

Capparelli: "This Bill has been completely changed from what I had originally. I'm going to refer it back to Mr. McCracken."

Speaker Braun: "The Gentleman from DuPage, Representative McCracken."

McCracken: "Thanks Ralph. Let's see, what does this do? Amends the Civil Administrative Code, changes the interest ceiling



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provision, which with respect to lease and purchase contracts for which CMS may contract. It allows those leases to be at a higher percentage of interest which more accurately accords with current market rates. Rights under current law do not allow for competitive leases. Because of that, a relatively low ceiling on interest rates. It amends the Illinois Finance Act, provides an alternative method of financing the lease purchaser installment purchase payments, where the State would have the ability to go through Central Management Services to issue Certificates of Participation. These certificates are similar to bonds except that they are not backed by the full faith of the State. They are a form of indebtedness. It removes the requirement that appropriations for purchase contracts for real property list each contract in the amounts appropriated for that purchase contract individually. This is done to broad up to modern practices that which CMS is allowed to do, relative to lease purchase contracts. The current law is..is unacceptably narrow and limited both as to debt ceiling and type of participation or indebtedness. I move its adoption. I don't move its adoption, Representative Capparelli moves its adoption."

Speaker Braun: "Is there further discussion? The Gentleman from Cook, Representative Bowman."

Bowman: "Will the Gentleman yield for a question?"

Speaker Braun: "He indicates he will."

Bowman: "Is there anything in this Conference Committee Report pertaining to Real Estate and leasing of Real Estate?"

McCracken: "Do I have to answer this? I'm not the Sponsor of this Bill. I didn't know this was going to be called."

Bowman: "Well, whoever is the Sponsor, I would like to ask the question?"

Speaker Braun: "Representative Capparelli.."

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Bowman: "Representative Leverenz is over at my desk subbing for the Sponsor."

Speaker Braun: "Representative Capparelli, a question has been put regarding the..."

McCracken: "The answer is yes."

Speaker Braun: "Okay.."

Bowman: "Well, Representative Leverenz just said the answer is no."

McCracken: "Well, he could be right."

Bowman: "Well, wait a minute, this..."

McCracken: "I'm honored that Representative Capparelli would defer to me but I must confess I'm not ready."

Bowman: "Well I'll tell you, Madam Speaker, I... just like to ask for a little help from the Chair here. If...if I were to sit down long enough to read what one of the Sponsors gave me, and still had a further question, would you please be kind enough to recognize me before the debate is over? But the Sponsor gave me something to read. I will read it and if I still have a question would you please recognize me at that time? Thank you."

Speaker Braun: "I think it might help the process if we were to take this Bill out of the record for awhile so that interested parties may have an opportunity to review the legislation. On page 29 of the Calendar... Representative Mautino, for what reason do you rise?"

Mautino: "I was just trying to find out if I could get a copy of the Conference Committee Report?"

Speaker Braun: "I'm sure you can, Sir. I believe the Conference Committee Report has been distributed. On page... I'm sorry, on page 14 of the Calendar appears House Bill 3780. We're back on the Special Order of Business, Health and Safety. House Bill 3780, Representative Homer. Representative Homer. Mr. Clerk read the Bill."

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Clerk Leone: "House Bill 3780, a Bill for an Act in relationship to the Department of Nuclear Safety. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Braun: "Any Motions Filed?"

Clerk Leone: "No Motions filed."

Speaker Braun: "Any Floor Amendments?"

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

Speaker Braun: "The Gentleman from Cook, Representative Giglio, on Amendment #2"

Giglio: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Amendment #2, makes a change in the Travel Protection Act for Travel Promoters. Those that work with travel agencies. When the Attorney General's Office investigated some of these travel agencies that were not refunding some of the monies that people gave for travel, we rewrote the Act last year. And when we did that we inadvertently made it very difficult for the travel promoter, those that help sell these trips, that work with travel agencies. So what..what this Amendment does, it cleans it up so these people are not responsible. They still have to be bonded and if anything happens it would..the ... the problems would..would be with the people that actually own and operate the travel agencies and not the people who work for those people."

Speaker Braun: "The Gentleman has moved the adoption of Amendment 2, and on that is there any discussion? The Chair recognizes the Gentleman from DuPage, Representative McCracken."

McCracken: "Thank you, Madam Speaker. A point of order, I believe the Amendment is out of order because it is not germane. It amends not only different Acts under the law, but also different subject matter. And for that reason,

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the Chair should so rule."

Speaker Braun: "Thank you. McCracken... Representative  
McCracken, were you signaling the Chair?"

McCracken: "Yes, ma'am. While the Chair was doing it's work..."

Speaker Braun: "Representative McCracken."

McCracken: "Okay, I'm sorry. Yes, I will need the ruling."

Speaker Braun: "You won't need the ruling?"

McCracken: "I will need the ruling."

Speaker Braun: "You will need the ruling. So you have made an  
inquiry of the Chair..."

McCracken: "I'm getting cross signals down here."

Speaker Braun: "I..we're trying."

McCracken: "But I need the ruling."

Speaker Braun: "We're working together, working together, we'll  
do it. Alright, the ruling is that the Amendment appears  
to be out of order. Your point is well taken because it  
amends... It is not germane to the subject of the original  
Bill. I'm sorry, Representative Giglio. The Amendment's  
out of order. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Braun: "Has...a fiscal note request has been made on this  
Bill, therefore it will remain on the Order of Second  
Reading until the fiscal note has been filed.  
Representative Giglio."

Giglio: "Madam Speaker, I..I..if it's this Amendment, I withdraw  
the Amendment. I have no intention of..of holding up..you  
know this Bill."

Speaker Braun: "No, Representative Giglio, it has nothing to do  
with the Amendment, the Amendment is nongermane, and cannot  
be considered. The fiscal note requirement has not yet  
been met, and that is why the Bill has to stay on the Order  
of Second Reading."

Giglio: "It's, it's not germane..., you know its hard for a

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layman like me, Madam Speaker, you know, and I'm just a plumber, and to have all these lawyers work on these Bills, and put them in order. It's just hard for me to understand.."

Speaker Braun: "Representative Giglio.."

Giglio: "How someone can, you know put it together, I don't understand..."

Speaker Braun: "I'm sure you could teach a few lawyers a few things okay. Thank you very much. Moving right along. House Bill 3831, Representative Olson. Mr. Clerk read the Bill."

Clerk Leone: "House Bill 3831, a Bill for an Act to Amend the AIDS Registry Act. Second Reading of the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Lee, Representative Olson."

Olson: "Thank you, very much, Madam Speaker, Members of the House. This legislation comes out of a recommendation of the Joint Committee of Administrative Rules. To get on with clarification and codification of the AIDS test of last year, and I'm offering Amendment #1, which amends the Civil Administrative Code to grant the Illinois Department of Public Health statutory authority to prove tests, or testing procedures, used in determining exposure to the human immunodeficiency virus, or any other causative agent of Acquired Immune Deficiency Syndrome, AIDS. As I mentioned earlier, this is an initiative design to put in place by the promulgation of rule the necessary elements to make this Act enforceful. I would move for the adoption of the Amendment, and I might add that this Bill is not in a posture, or would not be used for anything other than what our intentions are here. That is descriptive information."

Speaker Braun: "The Gentleman has moved the amendment...moved the adoption of Amendment #1. And on that is there any

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discussion? There being none, the question is, 'Shall Amendment #1 be adopted? All in favor say 'aye', opposed say 'no'. In the opinion of the Chair the 'ayes' have it, the Amendment is adopted. Further Amendments?"

Clerk Leone: "Floor Amendment #2, offered by Representative Myron Olson and Levin."

Olson: "Thank you again, Madam Speaker, and Members of the House. This is a definition Amendment with regard to the AIDS related complex, and it will be defined by the Senate for Disease Control or the National Institute of Health. I would move for the adoption of this Amendment."

Speaker Braun: "The Gentleman has moved the adoption of Amendment #2. On that is there any discussion? There being none, the question is, 'Shall Amendment #2 be adopted? All in favor say 'aye', opposed say 'no'. In the opinion of the Chair the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Leone: "There are no further Amendments."

Speaker Braun: "Has the fiscal note request been filed? No..There is no fiscal note request filed, the Bill will be moved to the Order of Third Reading. House Bill 3855, Representative Churchill. Mr. Bill..Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3855, a Bill for an Act to amend the Child Care Act, Second Reading of the Bill. Amendment #1 was adopted in Committee."

Speaker Braun: "Any Motions Filed?"

Clerk Leone: "No Motions filed."

Speaker Braun: "Any Floor Amendments?"

Clerk Leone: "No Floor Amendments."

Speaker Braun: "Third Reading. House Bill 3911, Representative White. Representative Churchill, a fiscal note had been requested on House Bill 3855, therefore the Bill has to

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remain on the Order of Second Reading. Yes Sir, Gentleman from Lake."

Churchill: "Madam Speaker, I believe that the request has been withdrawn by the person who requested it. Jessie White is the person who requested it.."

Speaker Braun: "Representative White."

White: "Madam Speaker, Ladies and Gentlemen of the House. I did sign a slip at the well to remove my request for a fiscal note on this piece of legislation."

Speaker Braun: "Thank you. In that case the Bill will be moved to the Order of Third Reading. House Bill 3911, Representative White, are you prepared to proceed? Mr. Clerk, read the Bill."

Clerk Leone: "Page 16 of the Calendar, House Bill 3511 (sic 3911), a Bill for an Act to amend the Illinois Clinical Laborator Act, Second Reading of the Bill. No Committee Amendments."

Speaker Braun: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Braun: "Third Reading. Okay, on page 16 of the Calendar, House Bill 3943, Representative Frederick. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3943, a Bill for an Act to amend the Illinois Health Facilities Planning Act. Second Reading of the Bill. There are no Committee Amendments."

Speaker Braun "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Braun: "Fiscal Note request?"

Clerk Leone: "There is no fiscal note request on file."

Speaker Braun: "Third Reading. House Bill 3949, Representative Levin. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 3949, a Bill for an Act to amend the Nursing Home Care Reform Act. Second Reading of the Bill."

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No Committee Amendments."

Speaker Braun: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Braun: "Fiscal note request?"

Clerk Leone: "There is none."

Speaker Braun: "Third Reading. House Bill 4000, Representative Pullen. Representative Pullen. Mr. Clerk, read the Bill."

Clerk Leone: "House Bill 4000, a Bill for an Act to amend the Code of Criminal Procedure, Second Reading of the Bill. There's no Committee Amendments."

Speaker Braun: "Any Floor Amendments?"

Clerk Leone: "There are none."

Speaker Braun: "Fiscal Note Request?"

Clerk Leone: "There is no Fiscal Note Request on file."

Speaker Braun: "Third Reading. House Bill, 4005, Representative Pullen."

Clerk Leone: "House Bill 4005, a Bill for an Act to Amend the AIDS Confidentiality Act. Second Reading of the Bill. There's no Committee Amendments."

Speaker Braun: "Any Floor Amendments?"

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

Speaker Braun: "The Lady from Cook, Representative Pullen, on Amendment #1."

Pullen: "Madam Speaker, Ladies and Gentlemen of the House. This Bill, in a sense, evens up the odds for health care workers, in that it provides that written informed consent is not necessary, or required rather, to perform a test for AIDS on a patient when a health care worker has been exposed in an accidental manner, to blood or bodily fluids in exposure of a nature likely to transmit the virus if it is present. The Amendment puts the Bill in the shape in which I wanted it to begin with, in terms of the approach,



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and its specific wording has been negotiated with the Department of Public Health, the Illinois State Medical Society and the Illinois Hospital Association, all of whom support this Amendment. And I move and urge its adoption, please."

Speaker Braun: "Can I have... Ladies and Gentlemen, may we have order in the chamber? The Lady is addressing the Amendment. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Cullerton."

Cullerton: "Yes, would the Sponsor yield?"

Speaker Braun: "She indicates she will."

Cullerton: "Representative Pullen, on the Amendment, on page 2, I have a question about the last sentence of the new language. It says a Health Care Provider or Health Care facility conducting a test in accordance with this Section shall be immune from Civil or Crimminal Liability for obtaining a blood sample or conducting the test. Is it your intent that the ..that the immunity is from the being sued for damages for the very act of taking the blood sample or do you want it to also cover and give immunity for a negligently ..a negligent process? In other words, if someone obtains the sample, in some way.. so let's say the person wasn't infected, but they somehow transmitted it or got jaundice or something like that as a result of the method. Do you want to give immunity from that, or do you just want to give immunity from the very fact that you took it against their will?"

Pullen: "I'm glad you asked the question. I was planning on Third Reading to state my own Legislative intent with this, and I'll do it now, and then I'll do it again on Third Reading. And that is that, the reason that we're phrasing it in terms of obtaining is that you are first part of your either, or, is what the intent is, that is, that the

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immunity extends only on the issue of actually obtaining the blood sample to administer the test. It does not extend to negligence involved."

Cullerton: "I see, well I wanted to cover that.."

Pullen: "So it's, its only to clarify, what the Bill is saying anyway."

Cullerton: "Because what the Bill says, basically is that you don't need informed consent, written informed consent is not required. Because what you're really saying with the Bill is, you're allowing for a test to be taken of a person possibly against their will."

Pullen: "In very limited circumstances as defined in the Bill."

Cullerton: "And so...and so you want to make sure that that person is not sued, the person who asked for the test or takes the test is not sued, because they took the test against that persons will."

Pullen: "Because they use the rights that are granted them under this law or Bill."

Cullerton: "Right, Okay. And the reason why I wanted to ask on Second Reading is because maybe the Amendment might not get on, so I wanted to ask.."

Pullen: "That's, that's fine, I said I'm glad you asked the question."

Cullerton: "Okay, thank you."

Speaker Braun: "Representative Cullerton."

Cullerton: "You want me to ask another question?"

Speaker Braun: "No Sir. Is there further discussion? There being none...there being none the question is, 'Shall Amendment #1 be adopted? All in favor say 'aye', opposed say 'no'. In the opinion of the Chair the 'ayes' have it, the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "Floor Amendment #2, offered by Representative Capparelli and Terzich."

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Speaker Braun: "Gentleman from Cook, Representative Capparelli on Amendment #2."

Capparelli: "Thank you, Madam Speaker. Amendment #2, amends House Bill 4005. Last year we passed the Contagious Disease Bill, which would offer the firemen and ambulance attendants protection against all contagious disease, but AIDS was left out. This would include AIDS into the protection of contagious disease where a fireman is handling someone who is in contact with AIDS, the hospital will notify them and let them know that the person they were in contact with had AIDS. I ask for adoption."

Speaker Braun: "The Gentleman has moved the adoption of Amendment 2, and on that, is there any discussion? The Chair recognizes the Lady from Cook, Representative Pullen."

Pullen: "I..thank you, Madam Speaker. I just simply would like to indicate for the record that I do accept the Gentleman's Amendment."

Speaker Braun: "Is there further discussion? There being none, the question is, 'Shall Amendment #2 be adopted? All in favor say 'aye', opposed say 'no'. In the opinion of the Chair the 'ayes' have it. The Amendment is adopted. Further Amendment?"

Clerk O'Brien: "No further Amendments?"

Speaker Braun: "Is the fiscal note request filed?"

Clerk O'Brien: "There is no request for a fiscal note."

Speaker Braun: "Third Reading. On page 22..29 of the Calendar, Senate Bills Third Reading appears Senate Bill 2202, Representative Mautino."

Mautino: "Thank you very much, Madam Speaker. Senate Bill 2202, is..."

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

Clerk O'Brien: "Senate Bill 2202, a Bill for an Act to amend the Illinois Sports Facility Authority Act. Third Reading of

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the Bill."

Speaker Braun: "The Chair recognizes the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you very much, Madam Speaker. Senate Bill 2202, repeals the Illinois Sports Facilities Authority Act, if in fact an agreement has not been reached by July 1, of 1988. The Bill has been Amended by this Body on a technical change to make it on or before that date. This legislation could conceivably be the vehicle that many of us have been reading about in the media as it pertains to the sports facility and the White Sox. I want everyone to know exactly what this Bill does in its current form. It repeals the taxing authority that was established by this sports finance authority and it is going to be voted on in that regard. There is a distinct possibility that the Senate will not agree with that Amendment and this legislation will then go into a Conference Committee. You are now voting on this Bill in its current form as a repealer of the Sports Facility Authority and the taxes that were imposed upon it, and I request a 'aye' vote."

Speaker Braun: "The Gentleman has moved the passage of Senate Bill 2202, and on that is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Bowman."

Bowman: "A question for the Sponsor?"

Speaker Braun: "He indicates he'll yield."

Bowman: "Actually, this is a fascinating concept. In its present form, it abolishes the taxing authority. So if the Senate did happen to approve the Amendment that we put on and it goes to the Governor, that would actually kill the deal that's being discussed right now, would it not?"

Mautino: "I guess you can evaluate it that way. Of course I was never one to support the Illinois Sports Facility Authority in the first place."

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Bowman: "Okay. Well, I may feel differently if this comes back in a Conference Committee, but Representative Mautino, I commend you on a fine Bill."

Mautino: "I don't..I don't think that you could find a better Sponsor than this one on this great piece of legislation."

Bowman: "Absolutely, I think we should all vote for this, regardless of which side of the issue you're on."

Speaker Braun: "Is there further discussion? The Gentleman from Will, Representative Regan."

Regan: "Thank you, Madam Speaker, will the Sponsor yield?"

Speaker Braun: "He indicates he will."

Regan: "If this Bill fails, what happens?"

Mautino: "If this Bill fails in its current form, it will get more than fifty votes and I'd put it on postponed consideration for another shot. But I do believe its going to pass. Oh... By the way, the Hotel/Motel tax would stay on and there's no way you could get to it for use of any other things. So this Bill repeals that tax that was imposed."

Speaker Braun: "Is there further discussion? The Gentleman from Lake, Representative Matijevich."

Matijevich: "Madam Speaker, Ladies and Gentlemen of the House. Like all of you, I read in the paper the good deal that the White Sox are going to get. As usual, many of us here have to read somewhere else what's going to happen. And I think, that at least, I'm going to vote for it. We Legislators, and it's going to turn out that Legislators all over the country are betwixt and between, because we're pitting one area against another area. And really, they're using us and they're using the taxpayers in that purpose because, if we don't give the White Sox a deal, they claim their going to go somewhere else and we lose. If we give them the deal that I saw in the newspaper we're going to

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lose too. I think when they cut the deal, maybe we... for the good deal that we're giving to the White Sox, we ought to mandate in that deal that they have a winning record. We ought, you know, I mean for what...for what they're doing for us we ought to at least say the least you ought to do in return is produce and play ball, because they can get that good deal and still end up in last place. What the hell do we get out of it? Nothing. A bad baseball team. So let's look closely when the deal is finally cut."

Speaker Braun: "Is there further discussion? The Gentleman from Champaign... I'm sorry, the Gentleman from DuPage, Representative Daniels."

Daniels: "Madam Speaker, Members of the House, Ladies and Gentlemen. From the onset of discussions in this Legislative Session concerning the development of a new Sports Stadium in the City of Chicago, I have asked another Legislator to take responsibility on our side of the aisle for these matters. I have previously disclosed this to interested parties in the media and wish today to put it in the record. I have chosen to abstain from participation in this matter as I am a close personal friend and business associate of one of the principal owners of the Chicago White Sox, a potential user of such a new Chicago Stadium. In addition, the law firm of which I am a general partner has represented and continues to represent the White Sox generally. While I do not believe that a prohibited legal conflict exists and no threat to my independence of judgement exists, although one could possibly be construed, I will and have continued to abstain from action on this matter, based upon my personal ethical standards and my respect for public confidence in this Legislative process. Consequently I'll vote present on any matters before the Assembly dealing with the Chicago White Sox."

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Speaker Braun: "Thank you, Representative Daniels. Further discussion? Representative Johnson."

Johnson: "Representative Mautino, I just want to cast the correct vote. If one strongly opposes any kind of a bail out for State money for the White Sox, how should I vote, yes or no?"

Mautino: "On this Bill, at this time you should be voting, yes."

Johnson: "I should vote yes, okay."

Mautino: "On this Bill at this time."

Speaker Braun: "Is there further discussion? The Chair recognizes the Gentleman from Bureau to close, Representative Mautino."

Mautino: "Thank you very much. I believe that everyone in this chamber understands exactly what this Bill is, the current posture of it, and what they're voting on at this time is the repeal of that authority and the taxes that were established under that authority. It has been amended as I stated and it is probably the only vehicle before us at this point in time that the Governor can't present for general knowledge to the membership of what he and the owners and the interested parties are going to present, if they are going to present anything to the General Assembly. And what we're voting on at this time is the repealer, and I ask for your support and having everyone in here know full well of the total consequences for future consideration of this Bill."

Speaker Braun: "The Gentleman has moved the passage of Senate Bill 2202, and all in favor vote 'aye', opposed vote 'no'. The voting is open. Have all voted? The Gentleman from Macon, Representative Dunn. For what reason do you rise?"

Dunn: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. If I understand this correctly, the Amendment on this Bill is a House Amendment. So by passing this Bill

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we'll send it back to the Senate, and you know what they'll do. They won't concur and this Bill will wind up in Conference Committee, so if you don't want the White Sox deal, I don't think you should vote for this Bill. I think a no vote would be the proper vote to just let this thing die right now. Vote no on this Bill."

Speaker Braun: "Have all voted? Have all voted who wish? The Clerk will take the record. On this question there are 72 voting 'ayes', 17 voting 'no'. Senate Bill 2202, having received the Constitution Majority, its hereby declared passed."

Speaker Giglio: "Representative Giglio in the Chair. Page 33 of the Calendar, Conference Committee Reports, appear Senate Bill 1416. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 1416, amends the Illinois Banking Act. Second Conference Committee Report."

Speaker Giglio: "Representative DeLeo."

DeLeo: "Thank you, Mr...thank you, Mr. Speaker, Members of the House. This was taken out of the record a couple of minutes ago. Representative McCracken did a great job presenting this Bill. I think we've cleaned up any problems or questions we had on this Bill. I'd ask for a Roll Call at this time."

Speaker Giglio: "Any discussion? The Gentlemen from Cook, Representative Bowman."

Bowman: "Well actually, not quite. I'd like... I still have a couple of questions. Would Representative DeLeo, yield for a few?"

Speaker Giglio: "He indicates he will."

Bowman: "Thank you very much. Does..is there anything in the legislation that would require CMS to receive prior written approval from, say the Bureau of the Budget before certificates of participation could be issued, in much the



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same way as GO Bonds are now kind of controlled by the Bureau of the Budget?"

DeLeo: "I'm not aware of that."

Bowman: "Okay, how about, would it permit funds to be held outside the treasury? And essentially be off budget and outside the control of the House or Senate Appropriations Committees? Isn't there a revolving fund set up ..."

DeLeo: "No, funds would be appropriated to the individual agencies from the acquisitions. The same manner they are appropriated now. There's no change."

Bowman: "Well..."

DeLeo: "Agencies obligations would be subject to annual appropriation."

Bowman: "Well..."

DeLeo: "They're appropriated funds by the General Assembly, there is no change in that Act."

Bowman: "Okay. Right. Well, how about the ..the Bill.. now this is a Conference Committee Report on a different Bill but I believe there is another Bill floating around the General Assembly. The number escapes me right now, that made some other changes that I'd like to ask if it is in this Conference Committee Report. Specifically, does this report delete paragraph 160.9 of Chapter 127, which defines purchase contract for real estate, and which requires in any appropriations for the contracts be reported separately?"

DeLeo: "Yes, it does."

Bowman: "Okay. Well, to the Bill, Madam Speaker. While it is true that you can argue that doing business in the particular way contemplated by this legislation is cheaper than some other alternatives, it's not necessarily the cheapest alternative. So I think it's important we make the proper comparisons. And in fact, in this particular

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legislation, does take off some restrictions that are currently in the law, that I think are good, valid restrictions, with regard to such things as interest rates, also disclosure and involvement of the Appropriations Committees in the Bureau of the Budget in the process of issuing these things and accounting for the funds. So for all of those reasons, I stand in opposition to this legislation."

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

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

Speaker Giglio: "He indicates he will."

Hultgren: "As I look at this Conference Committee Report on page 2, line 83 through 85. It would appear to me that we're eliminating a requirement then under lease purchase agreements that the State's accumulated equity must be returned to the State in the event of a default. Is that right?"

DeLeo: "That's correct."

Hultgren: "So what we're doing there is..if for some reason the State were unable to make a payment or something for lack of appropriation, then those politically connected people who are building structures for the State of Illinois are going to get a windfall, is that right?"

DeLeo: "No, Representative, this would be based on any other real estate deal. If there's a default, if there's a down payment made and the State was unable to complete the transaction after the required time, the State would forfeit the money. As is you would if you purchased a home. You're unable to secure financing and you put a down payment on a home, and after your expiration date of that contract, 120 days has come, yes... you would forfeit that down payment."

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Hultgren: "But those who entered into a contract with the State of Illinois knew the laws that existed and were removing that, so essentially we're changing the rules after they've entered into a contract with the State, and they will receive a windfall. Is that not the case?"

DeLeo: "What this Bill would do, would put the State of Illinois in a competitive real estate market, where we'd be able to negotiate and save the State millions of dollars. What we're currently..trying to accumulate, in real estate, we've been paying rent on facilities indefinite period of time. This would put us the current market where we would be able to purchase these."

Hultgren: "Mr. Speaker, to the Bill. It would appear to me that we're deleting from current law a protection for the State of Illinois that insures that the State will receive its equity in these contracts, and it would also appear to me that under the Conference Committee Report, we're opening the door as was discussed in the prior question and answer to some unlimited debt in the State of Illinois. In fact, according to the analysis which I have on the Conference Committee Report, economic and physical commission has raised some concerns about this report, because quote, they find it an open ended ...open ended amount of debt for the State of Illinois with the certificates of participation. I..it seems to me the Conference Committee Report is not in the best interest of the State. Thank you."

Speaker Giglio: "Representative Wolf."

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

Speaker Giglio: "The Gentleman moves the previous question. All those in favor signify by saying 'aye', those opposed, 'nay', the 'ayes' have it and the question has been put. Representative DeLeo to close."

DeLeo: "Thank you, Mr. Speaker. Just in closing, this has not

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changed. The appropriate agency still has to come back to the General Assembly. In regards to the contracts where the monies would be forfeit if the State, those would be negotiated by lease..by lease. Its not engraved in stone. I'd ask for a favorable Roll Call."

Speaker Giglio: "Heard the Gentleman's Motion. The question is, 'Shall the House accept Second Conference Committee Report on Senate Bill 1416. All those in favor signify by voting 'aye', those opposed 'nay'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 79..80 voting 'yes', 27 voting 'no', 7 voting present and the House does adopt Second Conference Committee Report on Senate Bill 1416, and this Bill having received the Constitutional Majority is hereby declared passed. On page 32 of the Calendar appears Senate Bill 124. Mr. Clerk, read the Bill."

Clerk O'Brien: "Senate Bill 124, a Bill for an Act to amend the Code of Criminal Procedure. First Conference Committee Report."

Speaker Giglio: "Representative Homer."

Homer: "Thank you, Mr. Speaker. This Bill is a carryover from last Spring, when the Senate adopted the First Conference Committee Report and the First Conference Committee Report was not called in the House. At this time the Motion that I would make would be that we move to reject adoption of the First Conference Committee Report and ask for the appointment of a Second Conference Committee. By way of explanation, let me just state that this Bill will now be used as the vehicle to correct a problem that arose last year when we adopted Senate Bill 1376, which was an omnibus Criminal Code Bill that did several things, and the problem was, after the Governor signed that Bill, it was learned

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that the title of the Act was not properly amended. So all this vehicle would be used to do would be to correct the title of the Act of Senate Bill 1376."

Speaker Giglio: "Gentlemen moves that the House reject the first Conference Committee report and a Second Conference Committee be appointed. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Second Conference Committee Report. What's the next Bill? Alright, we're going to return to... on page 19 of the Calendar appears House Bill 4165. Representative Braun. Tabling Motion. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 4165, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk O'Brien: "A Motion to table Committee Amendment #1, offered by Representative Braun."

Speaker Giglio: "Representative Braun moves to table Amendment #1. Representative Braun."

Braun: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. As many of you know, I was ill recently and in my absence from the House, excused absence, the staff was kind enough to handle a number of Bills for me. Unfortunately, in their zeal to be helpful, an Amendment went on one of my Bills which is controversial and which I do not myself support. I am now tabling that Amendment and I..."

Speaker Giglio: "...heard the Lady motion to table Amendment #1. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Amendment #1 is tabled. McCracken. Representative McCracken."

McCracken: "Thanks, Giglio. I'm all for...I'm sorry, I was being

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cute. I'm all for tabling this Amendment, but when are we going to get to the other Bills on that Order of Business?"

Speaker Giglio: "We're going right back, Representative McCracken."

McCracken: "We never have gone to them."

Speaker Giglio: "Oh, we're going to run right down the line."

McCracken: "No, we're not going right down the line. I have Bills here that haven't been called. The Order of Business has never been called."

Speaker Giglio: "Oh, I guess the former...the former Speaker used a different pen. I got my own pen. I'll go right back. We'll get it straight."

McCracken: "Touche."

Speaker Giglio: "There was a lawyer in the Chair before I got here. Representative Braun. Any further Amendments, Mr. Clerk?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. ...There's was a fiscal note filed on that previous Bill request, so the Bill 4160...Representative McCracken."

McCracken: "I withdraw that."

Speaker Giglio: "Withdraw that request?..."

McCracken: "Yes."

Speaker Giglio: "The Bill will remain on Third Reading. Alright, now I want to make an announcement that all the Bills on the Consent Calendar, Supplemental #1 have been passed and are hereby...have hereby received the Constitutional Majority. And I hereby declare passed. Alright, the Clerk informs that if anyone wants to look at the Roll Call on that previous vote, you're more than welcome to come up to the well...well and look at the Roll Call. Alright, the Chair now will go back, Representative McCracken, to the Order of Business of health and safety and in that order

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appears House Bill 4057 on page 18 of the Calendar. Representative Berrios. Out of the record. On page 18 of the Calendar appears House Bill 4060, Representative Didrickson, the Lady from Cook. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 4060, a Bill for an Act to amend an Act in relation to safety inspections. Second Reading of the Bill. No Committee Amendments."

Speaker Giglio: "Any Floor Amendments?"

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

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

Didrickson: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #1 gives expanded representation to the Department of Labor's Advisory Board. Goes from five to thirteen. I move for its adoption."

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

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

Speaker Giglio: "Representative Didrickson."

Didrickson: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2, my understanding, is an agreed Amendment. It codifies existing practices with regards to interstate motor carriers, exempting them along with other exemptions under the Minimum Wage Law."

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

McPike: "Would the Sponsor yield?"

Speaker Giglio: "She indicates she will."

McPike: "Representative, you've indicated to me that this had been agreed to by the teamsters and my staff tells me

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that's not correct."

Didrickson: "That was our understanding, yes, Representative McPike. Our staff person did talk to the person."

McPike: "Well, I'm not going to object to the Amendment. But, obviously, if you're telling me they agreed, and my staff tells me they don't agree..."

Didrickson: "Representative McPike..."

McPike: "I certainly will oppose the Amendment on Third and if that's the wrong represen..."

Didrickson: "If on Third Reading we'll pull it back and take it off."

McPike: "Pardon me?"

Didrickson: "On Third we'll pull it back to Second and take off the second Amendment if there is not an agreement."

McPike: "Thank you very much."

Didrickson: "Yes."

Speaker Giglio: "You heard the Lady's Motion. All those in favor signify by saying 'aye', those opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. House Bill 4094, Representative McCracken. Mr. Clerk, read the Bill."

Clerk O'Brien: "House Bill 4094, a Bill for an Act creating presumptions concerning nitrogen and hydrogen (sic - nutrition and hydration). Third Reading of the Bill...Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed."

Clerk O'Brien: "No Motions filed."

Speaker Giglio: "Any Floor Amendments?"

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



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Speaker Giglio: "Representative McCracken."

McCracken: "I don't have this in my file. Take it out of the record, please."

Speaker Giglio: "Out of the record, Mr. Clerk."

Clerk O'Brien: "Amendment #2 was incorrectly numbered as 1...imprinted."

McCracken: "Ah-ha. I move to amend on it's face, the Amendment to read Amendment #2."

Speaker Giglio: "The Gentleman have leave? Leave is granted."

McCracken: "Thank you, Mr. Speaker. Ladies and Gentlemen, Amendment #2 specifies what the standard of evidence if you have would be applied to determine whether the patient has freely and voluntarily chosen for the purposes of determining whether he wants to rely exclusively on spiritual treatment through prayer for healing. This Amendment was requested by the Christian Scientists. I am told there is no objection to it. It was done to satisfy their concerns about the Bill. I move its adoption."

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

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

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

McCracken: "This is the same as the previous Amendment and I move to withdraw this."

Speaker Giglio: "Gentleman moves to withdraw the Amendment. Are there further Amendments?"

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. On page 20 of the Calendar appears House Bill 4174, Representative Ryder. Representative Ryder in the chamber? 4174. Mr. Clerk,

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read the Bill."

Clerk O'Brien: "House Bill 4174, a Bill for an Act to amend the Illinois Health Financing Reform Act. Second Reading of the Bill. Amendment #1 was adopted in committee."

Speaker Giglio: "Any Motions filed?"

Clerk O'Brien: "No Motions filed."

Speaker Giglio: "Are there any Floor Amendments?"

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

Speaker Giglio: "The Lady from Lake, Representative Stern."

Stern: "Like to withdraw Amendment #2, please."

Speaker Giglio: "Withdraw Amendment #2. Further Amendments."

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

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

Stern: "Floor Amendment #3, Mr. Speaker and Members of the House, would create an advisory board to the health care cost containment to make a study of the unmet health needs in Illinois of the uninsured and the underinsured. Something that is really part of the mandate of the health care cost containment and which they have endeavored to do, but with lack of ability of personnel...strike ability...lack of personnel, they have been unable to follow through on that. This would permit the appointment by the council of 15 members to this board who are not already members of the council, and the appointments would be made from recommendations made by the Speaker, the Minority Leader of the House and the President and the Minority Leader of the Senate, as well as from recommendations made by statewide health care organizations, hospitals, physicians groups and so on."

Speaker Giglio: "Excuse me, Representative Stern."

Stern: "Certainly."

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Speaker Giglio: "Representative Ryder, what purpose do you seek recognition, Sir?"

Ryder: "I seek inquiry of the Chair... Has this Amendment been distributed? We don't seem to have copies in the back here."

Stern: "It has been distributed over here, Sir."

Ryder: "We don't always get as good as service as you do."

Speaker Giglio: "Amendment's been distributed. Proceed, Representative Stern."

Stern: "This board would report back to the General Assembly on the first of March, 1989 and would be abolished on the first of June, 1989. We think it fills an unmet need and would be a great addition to the Body of information that we have on this subject. I ask your concurrence."

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

Ryder: "Thank you, Mr. Speaker. As Sponsor of this Bill, I regret that I must consider this as a... not a friendly Amendment. I have told the Sponsor of this Bill that it doesn't fit with my intent on the Bill and I had asked her to reconsider filing it. However, she did and therefore we must deal with it. You should be aware that what this calls for is the creation of another advisory board that would deal with the Illinois Health Care Cost Containment Council. I...there's many reasons why I would oppose the Bill, even if it were not on mine, as an Amendment. But I do stand in opposition to it and I would ask others to join me so that the Bill can be maintained in it's original purpose and with it's original intent."

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

Matijevich: "Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Amendment. We are all aware and

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are making a big issue of the rising cost of health care. It is troublesome to all of them...all of us. Seems like everyday somebody is complaining to me about the cost of health care and it is getting to be where nobody can afford to be ill. You know, insurance doesn't cover it, anything that is in the least bit the type of illness that is going to keep you confined for a period of time is going to wipe out the people and wipe out their finances. It is detrimental to families. So I can see nothing but good by bringing together business, health professionals, hospitals, consumers, along with lawmakers to determine ways that can bring about cost containment. I don't know how anybody could argue against that. It's got to reduce cost. You know, we're going overboard over the fact that just because we have something called an Advisory Committee. As if there's a sin against that. If in the end it produces some value to us as lawmakers, some value to the citizens, and surely cost containment is going to benefit the society and the community, I think that's good. I don't know how anybody could vote against that. And I urge an 'aye' vote."

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

Wojcik: "Yes. Mr. Speaker and Members of the House, I would like to point out that House Bill 4235 says...it's stated that it was tabled in Human Services. It was never called in the committee. So, therefore, I see a discrepancy in the suggestion that we should have the Bill gutted and this Amendment should become the Bill."

Speaker Giglio: "The Lady from Lake, Representative Stern, to close."

Stern: "I wasn't specifically asked the question, but if I may respond. This is a significantly different proposition,

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Representative Wojcik. The appointment system is different. The mandate is slightly different. I believe that this is a Bill, an Amendment, which really would meet an unmet need in Illinois. We need to know what the pool of uninsured and underinsured indigents...folks... how large it is. We need to present some kind of strategy which could evolve from this kind of a study. I think it is an excellent plan and I urge your 'aye' vote on behalf of the people of Illinois."

Speaker Giglio: "The question is, 'Shall the House adopt Amendment #3 to House Bill 4174?' All those in favor signify by voting 'aye', those opposed 'nay'. The voting is open. The Lady from Cook, Representative Wojcik."

Wojcik: "Yes, Madam...Mr. Speaker. I would like to explain my vote. Again, I don't know...I don't believe it's necessary just watching the board, but I think this is a bad idea. I don't think that we had given it a fair hearing in committee and I would like to see this concept come back to the committee process and let's discuss it, let's see what the fiscal cost will be and then we can look at something new like this. Thank you."

Speaker Giglio: "Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 41 voting 'yes', 65 voting 'no', and none voting 'present'. And the Amendment fails. Further Amendments."

Clerk O'Brien: "No further Amendments."

Speaker Giglio: "Third Reading. The Chair wants to make the announcement that we are getting ready to adjourn. And on that note, Representative Leverenz, for what purpose are you seeking recognition?"

Leverenz: "Thank you, Mr. Speaker. I would just like to have all of the Members of the House help Kim Larson celebrate her birthday. Her birthday is today. Right back here in the

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center aisle. Takes care of our requests."

Speaker Giglio: "Happy Birthday. Mr. Clerk, Agreed Resolutions. Adjournment Resolution."

Clerk O'Brien: "Senate Joint Resolution 131, resolved by the Senate of the 85th General Assembly, State of Illinois, Senate concurring herein: that when the Senate adjourns on Thursday, May 12, 1988, it stands adjourned until Tuesday, May 17, 1988 at 12:00 noon. And when the House of Representatives adjourn on Friday, May 13, 1988, it stands adjourned until Tuesday, May 17, 1988 at 11:00 am."

Speaker Giglio: "Representative McPike moves the adoption of the Adjournment Resolution. All those in favor say 'aye', opposed 'no'. The Resolution's been adopted. Agreed Resolutions."

Clerk O'Brien: "House Resolution 1400, offered by Representative Granberg. 1403, Rea. 1404, Frederick. 1405, McPike."

Speaker Giglio: "Representative Matijevich will you move that the..."

Matijevich: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. Both sides of the aisle have examined the Resolutions and they are agreed to. Move the adoption of the Agreed Resolutions."

Speaker Giglio: "All those in favor of the Agreed Resolutions signify by saying 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it and the Agreed Resolutions are adopted. The intention of the Chair, also, is that the Special Order of Business will remain intact at this time and continue next week. Senate Bill's First Reading."

Clerk O'Brien: "Senate Bill 1812, White, a Bill for an Act regarding mail order pharmacies. First Reading of the Bill. Senate Bill 1938, Barger, a Bill for an Act in relation to firearms. First Reading of the Bill. Senate Bill 1981, Cowlshaw, a Bill for an Act to amend the School

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Code. First Reading of the Bill. Senate Bill 2063, Sutker, a Bill for an Act to amend the Illinois Health Facilities Planning Act. First Reading of the Bill. Senate Bill 2152, Barger, a Bill for an Act to amend the Personnel Code. First Reading of the Bill. Senate Bill 2228, Piel, a Bill for an Act in relation to banking. First Reading of the Bill. Senate Bill 2238, White, a Bill for an Act to amend the Podiatric Medical Practice Act. First Reading of the Bill. Senate Bill 2243, Morrow, a Bill for an Act to amend the Illinois Act on the Aging. First Reading of the Bill. Senate Bill 2249, Capparelli, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. First Reading of the Bill. Senate Bill 2263, Sutker, a Bill for an Act to change titles within certain Acts to conform with Federal Law. First Reading of the Bill."

Speaker Giglio: "Representative McPike now moves that the House stand adjourned until May 17 at the hour of 11:00 Tuesday. 11:00 Tuesday. All those in favor signify by saying 'aye', those opposed 'nay'. And the House now stands adjourned until May 17 at the hour of 11:00 Tuesday.

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